

FARGO PLANNING COMMISSION AGENDA
Tuesday, January 7, 2020 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of December 3, 2019
- C: Brown Bag Luncheon - Wednesday, January 15, 2020
- D: Public Hearing Items:
 - 1. Continued hearing on an application requesting a Plat of **Rail Crossing First Addition** (Minor Subdivision) a replat of Lots 6-20, Block 11; Lots 14-21, Block 12; portion of the vacated alley in Block 11; and a portion of vacated 22nd Street; all in Tyler's Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2161 and 2215 3rd Avenue North; 321 23rd Street North) (Rail Crossing LLC/Fabricators Unlimited) (lm): CONTINUED TO FEBRUARY 4, 2020
 - 2a. Continued hearing on an application requesting a Growth Plan Amendment of the proposed **Valley View Estates Addition**. (Located at 4952, 5052, and 5080 36th Avenue South) (K Square Development LLC/ Eagle Ridge Development LLC) (dk): CONTINUED TO FEBRUARY 4, 2020
 - 2b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, MR-2, Multi-Dwelling Residential, and P/I, Public and Institutional within the proposed **Valley View Estates Addition**. (Located at 4952, 5052, and 5080 36th Avenue South) (K Square Development LLC/ Eagle Ridge Development LLC) (dk): CONTINUED TO FEBRUARY 4, 2020
 - 2c. Continued hearing on an application requesting a Plat of **Valley View Estates Addition** (Major Subdivision) a plat of an unplatted portion of the Southwest Quarter and the Southeast Quarter of Section 28, Township 139 North, Range 48 West of the 5th Principal Meridian to the City of Fargo, Cass County, North Dakota. (Located at 4952, 5052, and 5080 36th Avenue South) (K Square Development LLC/ Eagle Ridge Development LLC) (dk): CONTINUED TO FEBRUARY 4, 2020
 - 3a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay on Lot 6, Block 1, **Bentley Place First Addition**. (Located at 5601 33rd Avenue South) (Bentley Place Properties, LLC/Eagle Ridge Development LLC) (me)

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

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

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

- 3b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan within the boundaries of Lot 6, Block 1, **Bentley Place First Addition**. (Located at 5601 33rd Avenue South) (Bentley Place Properties, LLC/Eagle Ridge Development LLC) (me)
4. Hearing on an application requesting a Conditional Use Permit to allow Manufacturing and Production the in GC, General Commercial zoning district on portions of Lots 9 and 10, Block 1, **Commerce on 52nd First Addition**. (Located at 5192 51st Avenue South) (KJBA 52 Ave Commercial Properties, LLC and K&L Properties, LLC/Eagle Ridge Development LLC) (dk)
5. Hearing on an application requesting a Plat of **Commerce on 12th Sixth Addition** (Minor Subdivision) a replat of Lots 5-9, Block 3, Commerce on 12th Addition to the City of Fargo, Cass County, North Dakota. (Located at 1201, 1251, 1279, 1301, and 1343 55th Street North) (Fargo Commercial Properties, LLC/PACES Lodging) (kb)
- 6a. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district within the proposed **Simonson Companies Second Addition**. (Located at 5237 38th Street South, and 3825 and 3863 53rd Avenue South) (Simonson Companies, LLC/Lowry Engineering) (ms)
- 6b. Hearing on an application requesting a Plat of **Simonson Companies Second Addition** (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Simonson Companies First Addition and Lot 1, Block 1, The District of Fargo Addition to the City of Fargo, Cass County, North Dakota. (Located at 5237 38th Street South, and 3825 and 3863 53rd Avenue South) (Simonson Companies, LLC/Lowry Engineering) (ms)
7. Hearing on an application requesting a Plat of **BRB Addition** (Minor Subdivision) a replat of Lots 2 and 3, Block 1, Fitzsimonds Addition to the City of Fargo, Cass County, North Dakota. (Located at 5168 38th Street South and 3780 51st Avenue South) (BRB, LLC/Nate Vollmuth) (lm)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, December 3, 2019

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, December 3, 2019.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Mike Magelky, Mary Scherling, Melissa Sobolik, Scott Stofferahn, Maranda Tasa, Brad Bachmeier, Jennifer Holtz, Art Rosenberg

Absent: Rocky Schneider, Dawn Morgan

Chair Gunkelman called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Gunkelman noted the following Agenda items:

- Item 1 has been continued to February 4, 2020.
- Items 2 and 4 have been continued to January 7, 2020.
- Item 3 has been withdrawn by the applicant.

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

Item B: Minutes: Regular Meeting of November 5, 2019

Member Stofferahn moved the minutes of the November 5, 2019 Planning Commission meeting be approved. Second by Member Rosenberg. All Members present voted aye and the motion was declared carried.

Item C: December 2019 Brown Bag Luncheon – No Meeting scheduled for December

Item D: Public Hearing Items:

Item 1: Commerce on 12th Fifth Addition

Continued hearing on an application requesting a Plat of Commerce on 12th Fifth Addition (Minor Subdivision) a replat of Lots 4-5, Block 1, Commerce on 12th Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5570 and 5590 13th Avenue North) (Fargo Commercial Properties/ PRG): CONTINUED TO FEBRUARY 4, 2019

A Hearing had been set for October 1, 2019. At the October 1, 2019 meeting, the Hearing was continued to November 5, 2019. At the November 5, 2019 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to February 4, 2020.

Item 2: Rail Crossing First Addition

Continued hearing on an application requesting a Plat of Rail Crossing First Addition (Minor Subdivision) a replat of Lots 6-20, Block 11; Lots 14-21, Block 12; portion of the vacated alley in Block 11; and a portion of vacated 22nd Street; all in Tyler's Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2161 and 2215 3rd Avenue North; 321 23rd Street North) (Rail Crossing LLC/Fabricators Unlimited): CONTINUED TO JANUARY 7, 2020

A Hearing had been set for October 1, 2019. At the October 1, 2019 meeting, the Hearing was continued to November 5, 2019. At the November 5, 2019 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to January 7, 2020.

Item 3: Eddy & Fullers Auditors Outlots

Continued hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to MR-1, Multi-Dwelling Residential on Lot E and the South 40 feet adjacent to Lot E, Block 37, Eddy & Fullers Auditors Outlots. (Located at 1437 6th Avenue South) (James and Carol Baum Living Trust): WITHDRAWN

A Hearing had been set for November 5, 2019. At the November 5, 2019 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

Item 4: Valley View Estates Addition

4a. Hearing on an application requesting a Growth Plan Amendment of the proposed Valley View Estates Addition. (Located at 4952, 5052, and 5080 36th Avenue South) (K Square Development LLC/ Eagle Ridge Development LLC): CONTINUED TO JANUARY 7, 2020

4b. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, MR-2, Multi-Dwelling Residential, and P/I, Public and Institutional within the proposed Valley View Estates Addition. (Located at 4952, 5052, and 5080 36th Avenue South) (K Square Development LLC/ Eagle Ridge Development LLC): CONTINUED TO JANUARY 7, 2020

4c. Hearing on an application requesting a Plat of Valley View Estates Addition (Major Subdivision) a plat of an unplatted portion of the Southwest Quarter and the Southeast Quarter of Section 28, Township 139 North, Range 48 West of the 5th Principal Meridian to the City of Fargo, Cass County, North Dakota. (Located at 4952, 5052, and 5080 36th Avenue South) (K Square Development LLC/ Eagle Ridge Development LLC): CONTINUED TO JANUARY 7, 2020

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to January 7, 2020.

Item 5: Prairie Grove Fifth Addition

5a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential on the proposed Prairie Grove Fifth Addition. (Located at 5354 26th Street South) (Prairie Grove Inc./Great States Construction): APPROVED

5b. Hearing on an application requesting a Plat of Prairie Grove Fifth Addition (Minor Subdivision) a replat of Lot 1, Block 4, Prairie Grove First Addition to the City of Fargo, Cass County, North Dakota. (Located at 5354 26th Street South) (Prairie Grove Inc./Great States Construction): APPROVED

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

Member Stofferahn moved the findings and recommendation of staff be accepted and approval be recommended to the City Commission of the 1) Zoning Change from LC, Limited Commercial, with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential and repeal of the existing C-O, Conditional Overlay and 2) Subdivision Plat, Prairie Grove Fifth Addition as outline within the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06, and Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Bachmeier, Scherling, Magelky, Rosenberg, Sobolik, Holtz, Stofferahn, Tasa, and Gunkelman voted aye. Absent and not voting: Members Morgan and Schneider. The motion was declared carried.

Item 6: Progressive Retail Center Addition

Hearing on an application requesting a Plat of Progressive Retail Center Addition (Minor Subdivision) a replat of portions of Lots 1-2, Block 2 of Replat of Interstate Services Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 1015 38th Street North) (RM Realty Fargo LLC/MBN Engineering): APPROVED

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Progressive Retail Center Addition as outlined within the staff report as the proposal complies with the Standards of Article 20-06 and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Rosenberg, Sobolik, Magelky, Holtz, Scherling, Stofferahn, Tasa, Bachmeier, and Gunkelman voted aye. Absent and not voting: Members Schneider and Morgan. The motion was declared carried.

Item 7: Liberty Square Fifth Addition

Hearing on an application requesting a Plat of Liberty Square Fifth Addition (Minor Subdivision) a replat of Lots 1-2, Block 1, Liberty Square Fourth Addition to the City of Fargo, Cass County, North Dakota. (Located at 4351 and 4445 23rd Avenue South) (Michael J. Bullinger/Cityscapes Development): APPROVED

Ms. Squyer 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 Subdivision Plat Liberty Square Fifth 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 Rosenberg. On call of the roll Members Tasa, Sobolik, Holtz, Bachmeier, Rosenberg, Magelky, Stofferahn, Scherling, and Gunkelman voted aye. Absent and not voting: Members Morgan and Schneider. The motion was declared carried.

Item 8: Lane's Subdivision of Block 69 of Ohmer's Subdivision

8a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on a portion of Lots 7 and 8 and a portion of the adjacent vacated alley of Lane's Subdivision of Block 69 of Ohmer's Subdivision. (Located at 1206 13th Avenue North) (Sigma Psi Housing LLC/MBN Engineering, Inc.): APPROVED

8b. Hearing on an application requesting a Conditional Use Permit to allow Group Living in the LC, Limited Commercial zoning district on a portion of Lots 1 and 2, a portion of the adjacent vacated alley, and a portion of Lots 7 and 8 of Lane's Subdivision of Block 69 of Ohmer's Subdivision. (Located at 1261 University Drive North and 1206 13th Avenue North) (Sigma Psi Housing LLC/MBN Engineering, Inc.): APPROVED

8c. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan on a portion of Lots 1 and 2, a portion of the adjacent vacated alley, and a portion of Lots 7 and 8 of Lane's Subdivision of Block 69 of Ohmer's Subdivision. (Located at 1261 University Drive North and 1206 13th Avenue North) (Sigma Psi Housing LLC/MBN Engineering, Inc.): APPROVED

Planning Intern Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Harold Thompson, Roosevelt Neighborhood Association representative, spoke in favor of the application. He stated that the neighborhood supports this project and is pleased with the scale, design, and addition of onsite parking to the property.

Applicant Representative, Tony Eukel, MBN Engineering, spoke on behalf of the application.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial; and the Conditional Use Permits be approved to allow 2) Group Living in the LC, Limited Commercial Zoning District, and 3) an Alternative Access Plan as outlined within the staff report as the proposal complies with Section 20-0909.D (1-6), Section 20-0906.F, Section 20-0402.E, and all other applicable requirements of the Land Development Code with the following condition for the Conditional Use Permit for an Alternative Access Plan:

- 1) The Conditional Use Permit will cease of the land use changes from Group Living.
- 2) Eight Parking Stall are required on site.
- 3) Bicycle parking facilities, such as bike racks, or bike lockers, shall be provided on-site.
- 4) Continue to provide additional parking spaces off-site from North Dakota State University (NDSU) in order to meet the parking requirements of the Land Development Code.

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

Item E: Other Items:

Item 1: Approval of 2020 Planning Commission Calendar

Chair Gunkelman presented the 2020 Planning Commission meeting dates.

Member Magelky moved to approve the calendar as presented. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

The time at adjournment was 3:19 p.m.



Agenda Items Map
Fargo Planning Commission
January 7, 2020

Agenda Items Number

- 3a & 3b - Bentley Place First Addition
- 4 - Commerce on 52nd First Addition
- 5 - Commerce on 12th Sixth Addition
- 6a & 6b - Simonson Companies Second Addition
- 7 - BRB Addition
- Items 1, 2a, 2b & 2c continued

City of Fargo Staff Report			
Title:	Bentley Place First Addition	Date:	12/27/2019
Location:	5601 33 rd Avenue South	Staff Contact:	Maegin Elshaug
Legal Description:	Lot 6, Block 1, Bentley Place First Addition		
Owner(s)/Applicant:	Bentley Place Properties LLC / Jon Youness	Engineer:	N/A
Entitlements Requested:	Zoning Change (from LC, Limited Commercial with a C-O, Conditional Overlay, to LC, Limited Commercial with a PUD, Planned Unit Development, Overlay and a request to repeal the C-O, Conditional Overlay) and a PUD Master Land Use Plan		
Status:	Planning Commission Public Hearing: January 7, 2020		

Existing	Proposed
Land Use: vacant	Land Use: mixed-use development
Zoning: LC, Limited Commercial with a C-O, Conditional Overlay	Zoning: LC, Limited Commercial with a PUD, Planned Unit Development, Overlay
Uses Allowed: LC: 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, portable signs	Uses Allowed: LC: 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, portable signs plus residential use
Maximum Lot Coverage Allowed: maximum 55% building coverage	Maximum Lot Coverage Allowed: maximum 55% building coverage

Proposal:
<p>The applicant is seeking approval of 1) a zoning change from LC, Limited Commercial with a C-O, Conditional Overlay, to LC, Limited Commercial with a PUD, Planned Unit Development overlay and a request to repeal the C-O, Conditional Overlay and 2) a PUD Master Land Use Plan. The subject property is located at 5601 33rd Avenue South.</p> <p><u>Project Summary</u></p> <p>The applicant has applied for a zoning change and a PUD Overlay in order to tailor development standards to the specifics of the proposed project. According to the applicant, the Eagle Ridge Mixed-Use project is intended to blend the commercial and multi-family residential design standards to create an urban and vibrant live, work, play setting. The project includes five (5) mixed-use buildings and two (2) residential buildings. Each mixed-use building will include combination of approximately 8,000 square feet of commercial space, approximately 92 residential units, structured public parking, and building amenity spaces. Each residential building is intended to include 64 residential units, structured public parking, and building amenity spaces. The applicant has submitted a project narrative and PUD Master Land Use Plan which further describes the proposed development. These documents are attached.</p>

PUD Master Land Use Plan

The image to the right is a preliminary Master Land Use Plan submitted by the applicant. The two proposed residential buildings are located on the northeast and southwest, with the remaining five buildings are proposed to be mixed use. The master plan indicates three phases, which begin on the west side of the property and move east for each subsequent phase. The applicant is contemplating the timeline of the phases. Note that if the zoning change and the Master Land Use Plan is approved, the Planning Commission will review the Final Plans for the PUD at some point in the future.

PUD Overlay

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The proposed PUD overlay is intended to modify the following specific LC zoning standards:

- Allow residential use;
- Establish residential density of 60 dwelling units per acre;
- Increase the maximum building height from 35 feet to up to 80 feet;
- Reduction in the location of plant units in front or street side setback areas;
- Modify the minimum off-street parking requirements for a mixed-use development.

In addition to these modifications, the PUD overlay would also establish additional design standards for the development, which the applicant and staff will continue to coordinate on. Currently, the applicant has proposed to maintain the intent of the design standards within the existing C-O on the property. As for parking requirements, the applicant has prepared a parking demand analysis that is currently being reviewed by City staff.

Additional Information

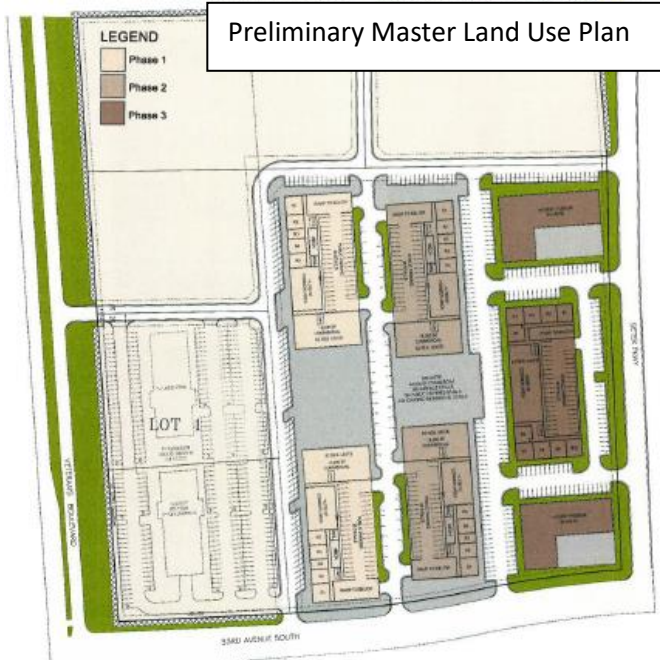
It is important to note that pursuant to Section 20-0302.F, unless otherwise expressly approved, access to a PUD must be from a collector and higher classification of street. Seter Parkway South is identified as a collector street in the GIS map, however, the Traffic Engineer has noted that this section of Seter Parkway South functions as a local street.

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 Zoning Districts and Land Uses:

- North: LC, Limited Commercial with a C-O, Conditional Overlay with vacant land;
- East: Across Seter Parkway South is MR-3, Multi-Dwelling Residential;
- South: Across 33 Avenue South is MR-3, Multi-Dwelling Residential;
- West: LC, Limited Commercial with a C-O, Conditional Overlay with commercial use and vacant land.

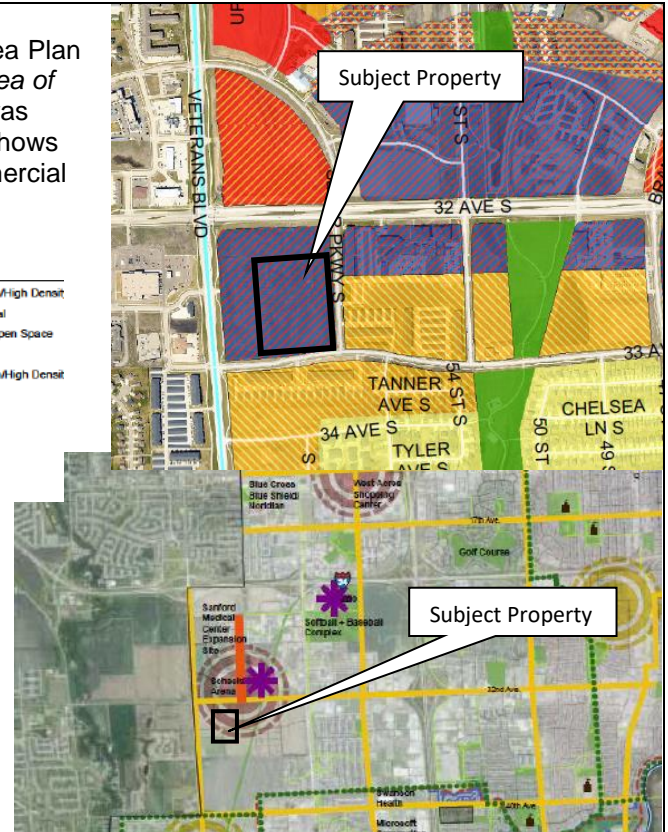
Area Plans:



The subject property was originally part of the Southwest Area Plan as designated within the *Urban Fringe and Extraterritorial Area of the City of Fargo* land use plan adopted in 2001. This area was most recently updated in 2010 (see exhibit to right), which shows the subject property as being appropriate for Office or Commercial uses.

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

As illustrated to the right, the Go2030 Comprehensive Plan identifies this area as a *sustainable retail mixed-use center* (one of three types of *walkable mixed-use centers*), stating that, “These areas have the potential to become denser and incorporate more retail space. These areas can incorporate more dense residential uses, walkability improvements, and public art to become true mixed use centers and a destination for shopping and entertainment.”



Context:

Neighborhood: Brandt Crossing

Schools: The subject property is located within the bounds of the West Fargo School District, specifically the Eastwood Elementary, Liberty Junior High and Sheyenne High Schools.

Parks: The subject property is located approximately a quarter-mile from Urban Plains Park (3020 51 Street South) and Brandt Crossing Park (5009 33 Avenue South), providing amenities of bike rentals, playgrounds, trails, shelters and shelter rental, basketball courts, and a dog park.

Pedestrian / Bicycle: A shared use trail is located along the south side of 33rd Avenue South, which connects to shared use trails along Veterans Boulevard and 32nd Avenue South, which connect to the metro area trail system.

Staff Analysis:

Current Status:

As of the writing of this staff report, staff continues to work with the applicant to confirm and solidify the details of the PUD. In order to provide additional time to coordinate on this PUD project, staff is recommending continuation of the application. It is staff's intent to present this application at the January 7 Planning Commission meeting in order to introduce the project and to hear public comments, but to recommend continuation of the application to February 4 in order to give additional time to coordinate and finalize the details of the application. In summary, staff intends for this application to be heard by the Planning Commission twice; once on January 7 for information, discussion, and public hearing purposes, and again on February 4 for a second public hearing and recommendation from the Planning Commission. Staff has not included any findings as there is no recommendation.

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
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?**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

Master Land Use Plan

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan:

1. **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**
2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**
3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**

Staff Recommendation:

At this point, staff is bringing this item to Planning Commission for a public hearing in order to hear public comments and to allow preliminary discussion by the Planning Commission. At this time staff is recommending that this item be continued to the February Planning Commission meeting. It is staff's intent to bring this item to the February Planning Commission meeting for a second public hearing and a recommendation from Planning Commission."

Suggested Motion: "To continue this item to the February 4th Planning Commission meeting."

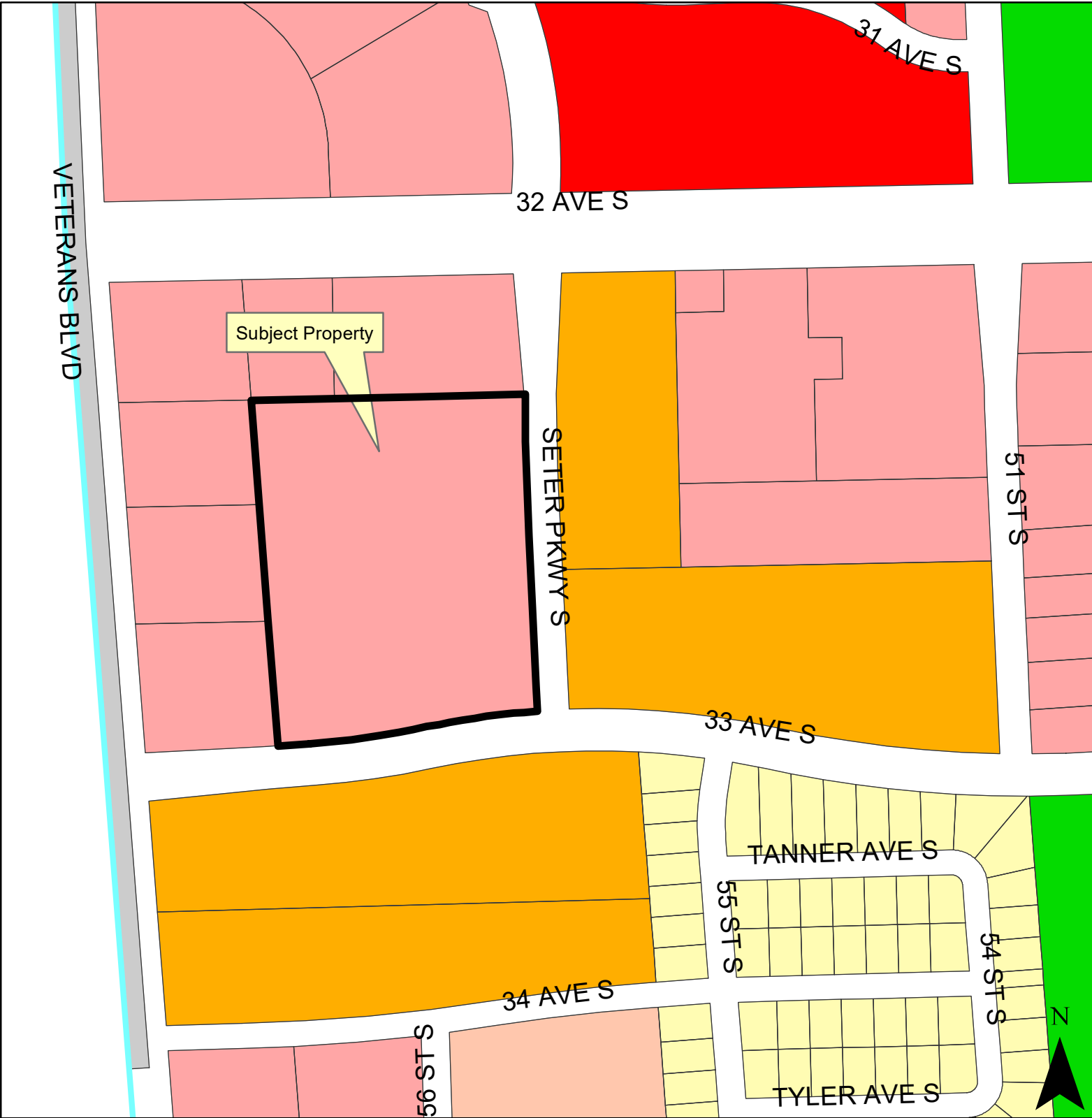
Planning Commission Recommendation: January 7, 2020**Attachments:**

1. Zoning Map
2. Location Map
3. Materials from Applicant

Zone Change (LC with Conditional Overlay to LC with PUD Overlay)
& Planned Unit Development Master Plan

Bentley Place First Addition

5601 33rd Ave S



Legend

AG	LC	MHP	RR-2
DMU	MLC	NO	RR-3
GC	MR-1	UML	RR-4
GO	MR-2		RR-5
	MR-3		

City Limits

300 Feet

Fargo Planning Commission
January 7, 2020

Zone Change (LC with Conditional Overlay to LC with PUD Overlay) & Planned Unit Development Master Plan

Bentley Place First Addition

5601 33rd Ave S



EagleRidge Plaza Mixed Use



Planned Unit Development
5601 33rd Avenue South
Fargo, ND

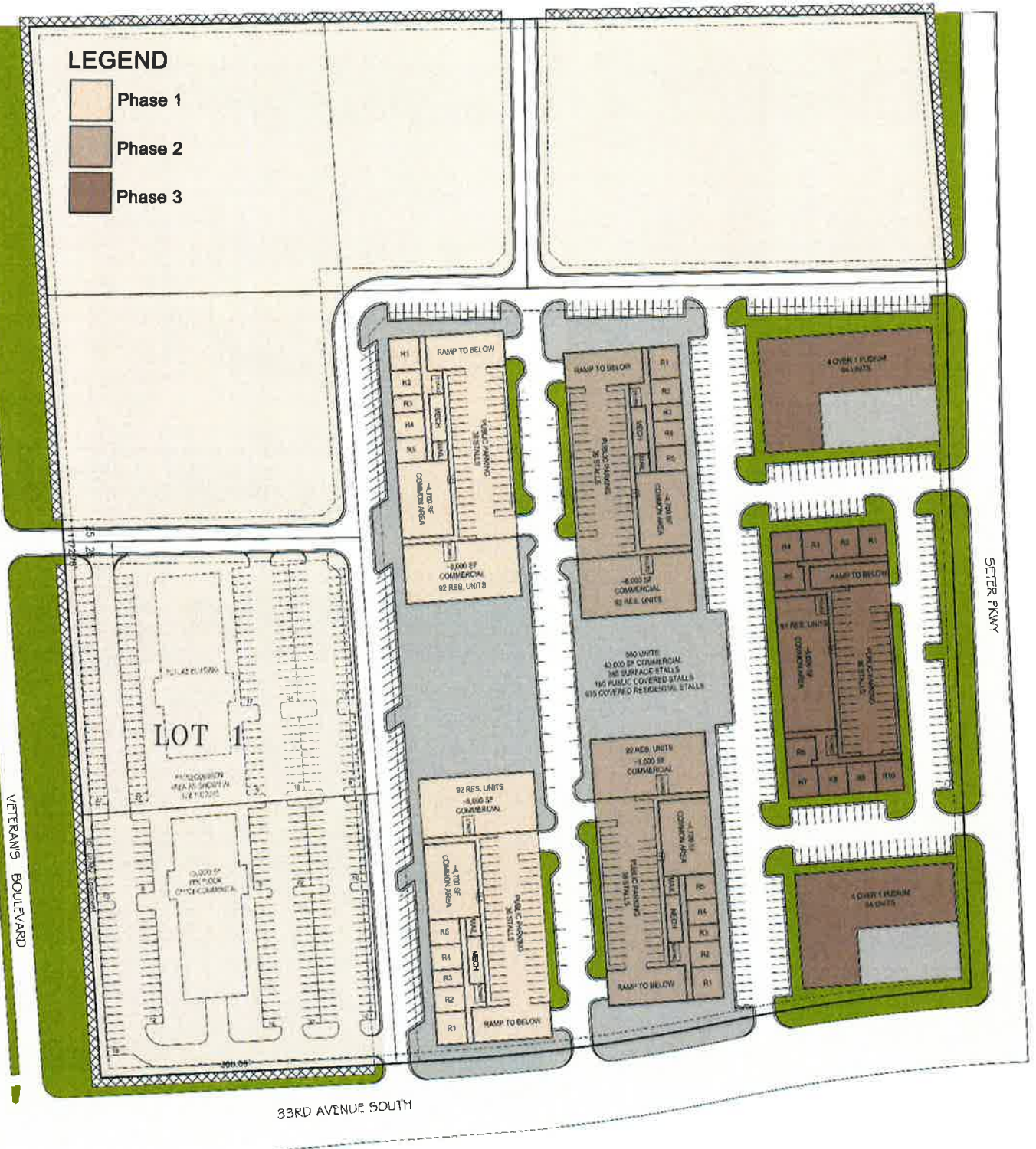


EagleRidge Development
701-540-7159
eagleridgedevelopment.com

Preliminary Site Plan

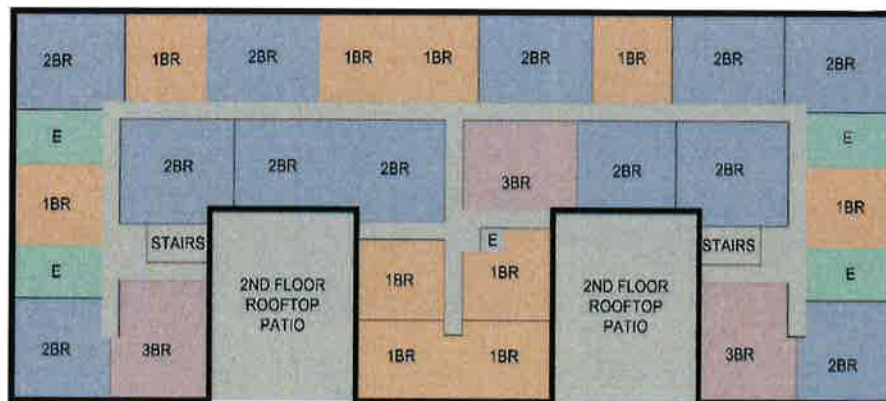
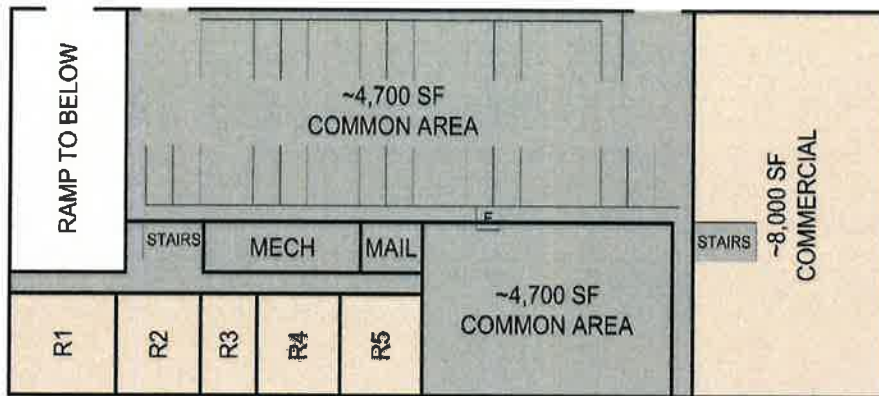
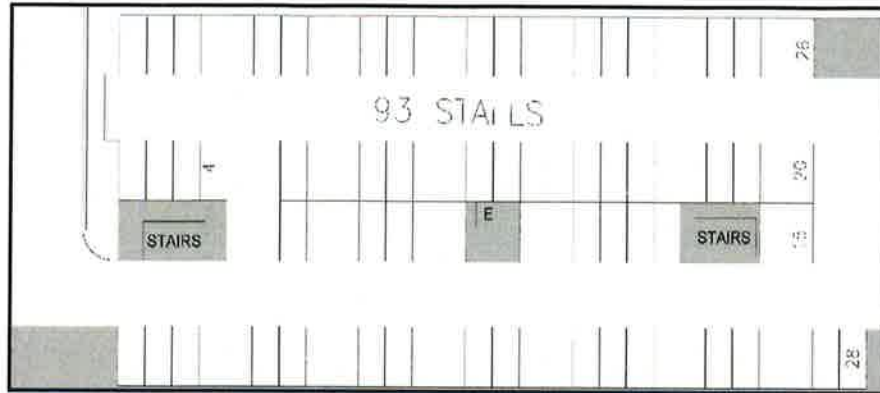
LEGEND

- Phase 1
- Phase 2
- Phase 3



Preliminary Floorplate – Building 1

3 Over 2 With Underground



UNIT MIX PER FLOOR:

- EFF - 4
- 1BR - 10
- 2BR - 12
- 3BR - 3
- TOTAL = 29/FLOOR

OVERALL UNIT MIX:

- EFF - 13
- 1BR - 33
- 2BR - 37
- 3BR - 9
- TOTAL = 92 UNITS
- 8,000 SF COMMERCIAL



Concept



Project Narrative

EagleRidge Development submits this proposed planned unit development (PUD) request to create an upscale mixed-use project in south Fargo. This project will consist of approximately 560 residential units and 40,000 square feet of commercial space. There will be a combination of studio, 1-bedroom, 2-bedroom, and 3-bedroom apartment options. The project will also provide 385 surface parking stalls, 180 public covered parking stalls, and 625 covered residential parking stalls for a total of 1,190 parking spaces.

The purpose of the proposed PUD is to create a vibrant urban lifestyle setting that provides individuals with places to live and work that are within walking distance of restaurants, shopping, entertainment, and gathering spaces. The location, parking options, amenities, and commercial spaces will provide the convenience that today's renters are looking for. EagleRidge Plaza Mixed-Use will not only be a great option for renters, but commercial tenants will benefit by having 560 on site residential units within walking distance of their storefronts. As buyer habits change, it is important for communities to provide these desired housing options.

Community Amenities & Features

- Public Plaza
- Covered & surface level parking
- Fully outfitted fitness center
- Game room
- Lobby areas
- Underground parking
- Bike storage
- Elevator
- Pet washing station
- Wi-Fi

Unit Amenities & Features

- Granite or Quartz Countertops
- Stainless Steel Energy Efficient Appliances
- Dedicated Climate-Controlled Parking
- Private Patios/Balconies
- Central Air Conditioning
- Large Walk-In Closets
- Upgraded Finishes
- 9-Foot Ceilings
- Walk-In Closets
- Washer & Dryer

Statement of Intent

The provisions of the PUD are intended to blend the commercial and multi-family residential design standards. The project will include five (5) mixed-use buildings and two (2) residential buildings on Lot 6, Block 1, Bentley Place 1st Addition. Each mixed-use building will include a combination of ~8,000 square feet of commercial space, approximately 92 residential units, structured public parking, and building amenity spaces. Each residential building will include approximately 64 residential units, structured public parking, and building amenity spaces.

The proposed PUD will generate 4.2X more taxes than a traditional commercial project and 5.4X more taxes than a traditional apartment project. The project will provide better use of existing municipal infrastructure.



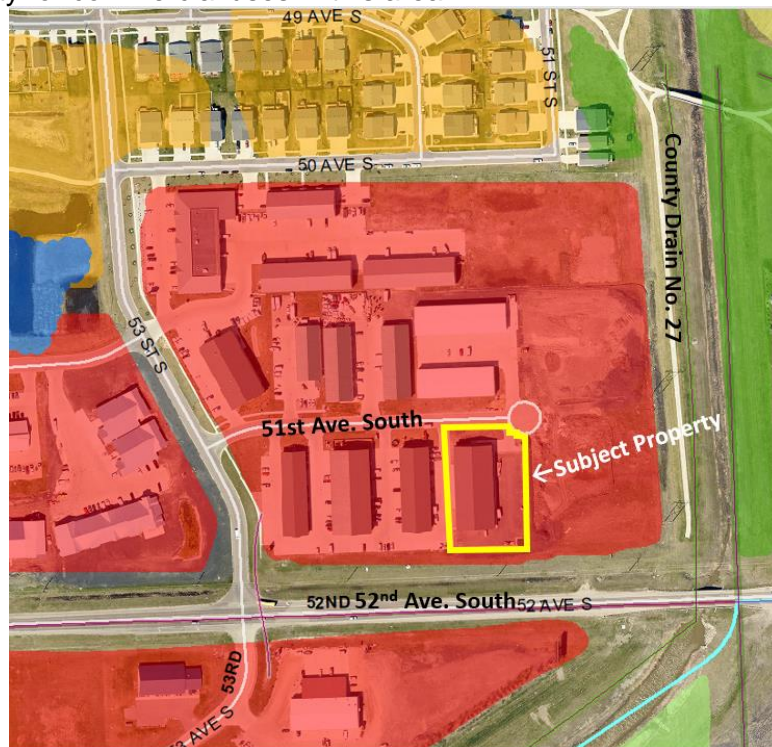
City of Fargo Staff Report			
Title:	Commerce on 52 nd First Addition	Date:	12/27/2019
Location:	5192 51 st Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description	Portions of Lots 9 and 10, Block 1, Commerce on 52nd First Addition.		
Owner(s)/Applicant:	KJBA 52 nd Avenue Commercial Properties, LLC, and K&L Properties, LLC / Ian Bullis, EagleRidge Development	Engineer:	None
Entitlements Requested:	Conditional Use Permit (to allow manufacturing and production uses in the GC, General Commercial zone)		
Status:	Planning Commission Public Hearing: January 7, 2020		

Existing	Proposed
Land Use: Commercial	Land Use: Manufacturing and production
Zoning: GC, General Commercial	Zoning: GC, General Commercial
Uses Allowed: GC allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	Uses Allowed: No change in permitted uses. The Conditional Use Permit would allow manufacturing and production uses in the GC, General Commercial zone.
Maximum Lot Coverage: 85%	Maximum Lot Coverage: 85%

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A conditional use permit (CUP) to allow manufacturing and production uses in the GC, General Commercial zone <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, with CUP to allow Industrial Service use • East: GC, with CUP to allow Industrial Service; Manufacturing and Production; and Warehouse uses • South: GC, with commercial uses • West: GC, with commercial uses <p>(continued on next page)</p>

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan designates the subject property for commercial uses in this area.



Context:

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 within the Osgood neighborhood.

Parks: There are no parks in the immediate vicinity of this property.

Pedestrian / Bicycle: There are no pedestrian or bike facilities in adjacent or nearby public rights of way. Offroad facilities are planned to be installed for this area in 2020 as part of the reconstruction of 52nd Avenue

Staff Analysis:

EXISTING CONDITIONS

The existing building is a condominium divided approximately in half with two units, Unit B (north side) having tenants of EagleRidge Development and a vacant suite, and Unit A (south side) having tenants of Fusion Electric and Nodak Insurance. Paved parking and a vehicle circulation lane surround the building.

PROPOSED USE

The applicant's intended tenant, Canto Arms, plans to operate a small firearms assembly business and will be leasing approximately 200 square feet of space within Unit B. This business is considered a manufacturing and production use, so a CUP is required to allow this use in the General Commercial zone.

Staff notes that the CUP relates to allowing certain uses. The CUP is not a building permit. The tenant will have to go through the change of use permit process, with a building permit for tenant improvement, with the Inspections Department prior to opening his business. These

permits are administrative, and so do not come before the Planning Commission. Planning staff has discussed this point with the tenant.

In addition to permits from the City, this business must also be licensed by the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The tenant is going through this licensing process. The Planning Department communicates with the local ATF office as part of this licensing process.

RELATIONSHIP TO SURROUNDING USES

As noted in "Surrounding Land Uses and Zoning" above, the properties to the east and north of the subject property, which are also zoned GC, have CUP's for industrial-type uses.

RESIDENTIAL PROTECTION STANDARDS and USE STANDARDS FOR INDUSTRIAL USES IN GENERAL COMMERCIAL ZONING

Fargo's Land Development Code (LDC) Section 20-07004, Residential Protection Standards, states that Residential Protection Standards apply to all non-residential development when such development occurs on a site within 150 feet of any SR (single dwelling), MR (multi-dwelling), or MHP (mobile home park) zoning. The subject property is greater than 150 from any SR, MR, or MHP zoned property, so this section by itself does not apply.

LDC Sec. 20-0402 (R), Use Standards for Industrial Uses in General Commercial Zoning, applies the residential protection standards for landscape buffers to any side of the development within 600 feet of residential zoning districts (SR, MR, and MHP) and within 600 feet of vacant land illustrated as "residential" on a Growth Plan. As this proposed use does not have any exterior storage or operations or a truck loading dock, nor does it create external impacts of noise, smoke, vibration, or traffic, staff finds that no additional landscaping buffer is required for this use at this time. However, future expansion or development of new industrial uses on this site may require residential protection buffer described in 20-0402(R), as noted in the recommended conditions below.

LDC Section 20-0402 (R) also requires that a facility having industrial uses must be located greater than 300 feet from the property line of any residentially zoned property. This facility meets that requirement.

EXPANSION OF THE PROPOSED USE AND FUTURE USES ON THE PROPERTY

Though the applicant is requesting the CUP to allow a specific tenant on this property, the CUP applies to the entire property, not just to the individual tenant space. However, any expansion or modification of this manufacturing and production use, or any additional manufacturing and production use on this property, shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission. This is noted in the recommended conditions for the CUP below.

RECOMMENDED CONDITIONS

Planning staff has developed standard conditions for industrial uses in the GC zone. Staff recommends these condition, stated below, as part of this CUP. Additionally, all applicable sections of the LDC apply to industrial uses in the GC anyway, and so do not need to be specified in the recommended conditions. Staff has added condition no. 8, specific to this proposed use.

Recommended Conditions:

1. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclear or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors,

- including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
2. No outdoor storage of equipment or supplies.
 3. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have and maintain an all-weather surface, as defined by the LDC.
 4. The manufacturing, production, or processing of food and/or animal products shall not be permitted.
 5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
 6. Any expansion of the manufacturing and production use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
 7. The Conditional Use Permit shall terminate if the manufacturing and production use cease for a period of more than 12 consecutive months.
 8. Firearms assembly businesses must maintain required federal firearms licensure.

APPROVAL AND APPEAL

The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant to LDC Section 20-0903(B), appeals of final decisions must be filed within 10 days of the date of the decision.

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow a small manufacturing and production business to develop on this property, similar to development on adjacent properties along 51st Street South. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.
(Criteria Satisfied)
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. Staff is proposing conditions which would address potential negative impacts of the proposed use but that also allow the public to utilize the convenience of this business.
(Criteria Satisfied)
3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received no protest regarding the proposed use.
(Criteria Satisfied)
4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with**

respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.

The proposed conditional use permit to allow manufacturing and production should not dominate the immediate neighborhood or prevent any other sites from being used due to the fact that 1) other buildings in this area are eligible for similar development and 2) CUP's for manufacturing the production in the GC zone have been approved adjacent properties along this block of 51st Avenue. The manufacturing and production—that is, the assembly of the firearms—is done primarily by hand with few employees. There are no external impacts of noise, smoke, vibration, or traffic. Based on this information, staff finds that the proposed conditional use permit meets this criterion.

(Criteria Satisfied)

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

The subject properties are located within an area of the City that is largely developed with public infrastructure. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

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

The subject property has vehicular access to 51st Avenue South and is developed with two entrances connected by a vehicular circulation lane around the building. The existing ROW for 51st Avenue was developed based on LDC geometric standards for streets in commercial and industrial zone (LDC Sec. 20-0611(G)(1)). The proposed business does not have high traffic or frequent large deliveries. It is similar to other businesses in this area. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(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 conditional use permit to allow manufacturing the production uses in the GC, General Commercial zone, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC, with the following conditions for the CUP:

1. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
2. No outdoor storage of equipment or supplies.

3. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have and maintain an all-weather surface, as defined by the LDC.
4. The manufacturing, production, or processing of food and/or animal products shall not be permitted.
5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
6. Any expansion of the manufacturing and production use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
7. The Conditional Use Permit shall terminate if the manufacturing and production use cease for a period of more than 12 consecutive months.
8. Firearms assembly businesses must maintain required federal firearms licensure.

Planning Commission Recommendation: January 7, 2020

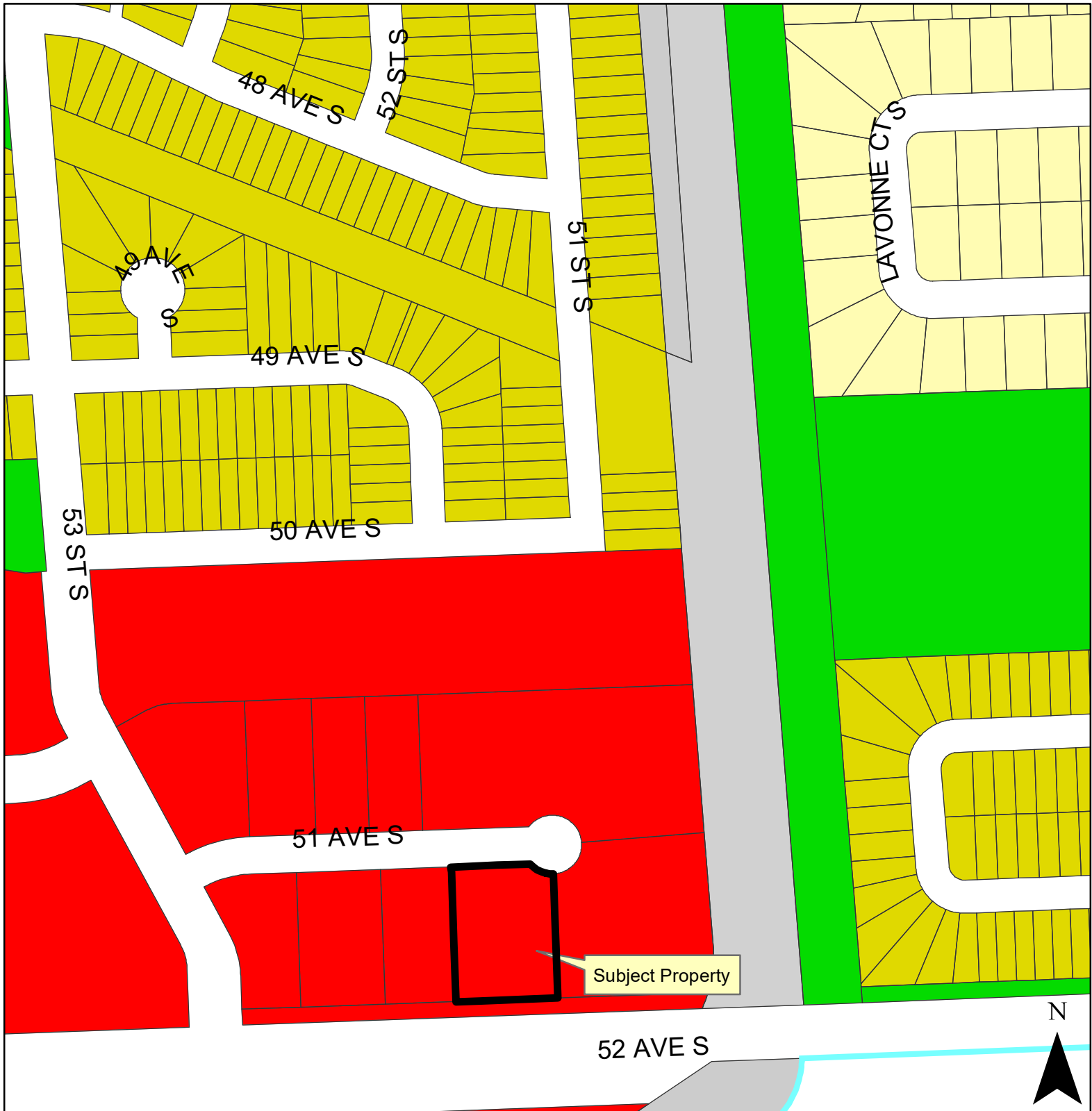
Attachments:

1. Zoning Map
2. Location Map

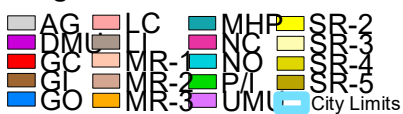
Conditional Use Permit

Commerce on 52nd First Addition

5192 51st Ave S



Legend



200

Feet

Conditional Use Permit

Commerce on 52nd First Addition

5192 51st Ave S



**City of Fargo
Staff Report**

Title:	Commerce on 12 th Sixth Addition	Date:	12-23-2019
Location:	1201, 1251, 1279, 1301, and 1343 55th Street North	Staff Contact:	Kylie Bagley
Legal Description:	Lots 5-9, Block 3, Commerce on 12th Addition		
Owner(s)/Applicant:	Fargo Commercial Properties, LLC/Paces Lodging	Engineer:	Bolton & Menk
Entitlements Requested:	Minor Subdivision (Replat of Lots 5-9, Block 3, Commerce on 12th Addition)		
Status:	Planning Commission Public Hearing: January 7, 2020		

Existing	Proposed
Land Use: Undeveloped	Land Use: Warehouse
Zoning: LI, Limited Industrial	Zoning: No Change
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.	Uses Allowed: No Change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant is seeking City approval of a minor subdivision entitled Commerce on 12th Sixth Addition. The proposed subdivision would replat five lots into four lots to accommodate future industrial development. The lots will take access from 55th Street North.

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: LI, Limited Industrial, vacant
- East: GI, General Industrial, warehouse and manufacturing use
- South: Property is within the City of West Fargo, vacant
- West: LI, Limited Industrial, vacant

Area Plans:

The subject property is located within the 2007 Tier 1 Northwest Land Use Plan. This plan designates the subject property as "Industrial." The current zoning is LI, Limited Industrial, which matches this land use category. No zone change or land use plan amendment is proposed with this project.

Future Land Use

 Commercial Area	 Commercial or Medium/High Density
 Future School	 Commercial or Medium/High or Park/Open Space
 Proposed Park	 Commercial or Park/Open Space
 Residential Area - lower to medium density	 Either Industrial or Commercial
 Residential Area - medium to high density	 Either Office or Commercial
 Residential Area - rural	 Either Office or Medium/High Density Residential
	 Industrial



Schools and Parks:

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

Parks: There are no public parks within one mile of the subject properties.

Pedestrian / Bicycle: There are no on or off road bike facilities within or along the adjacent streets

Neighborhood: The subject properties are not included in a named neighborhood.

Staff Analysis:

Minor Subdivision

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

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

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. The zoning district allows for the proposed development and complies with the adopted area plan. 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)

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

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are

subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.
(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Commerce on 12th Sixth Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: January 7, 2020

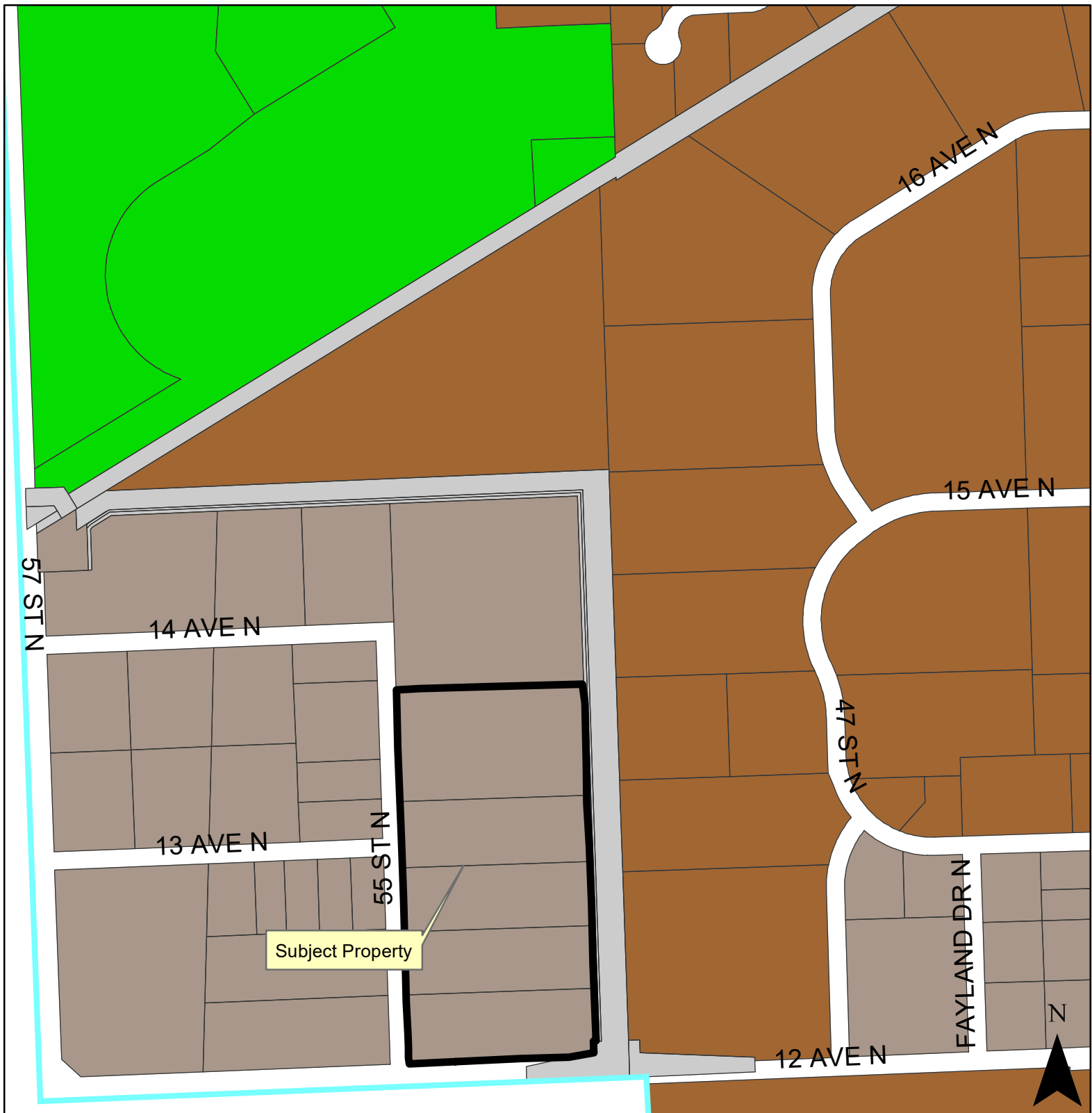
Attachments:

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

Plat (Minor)

Commerce on 12th Sixth Addition

1201, 1251, 1279, 1301 & 1343 55th St N



Legend

AG	LC	MHP	SR-2
DMC	LI	NCO	SR-3
GC	MR-1	PT	SR-4
GO	MR-2	UMU	SR-5
	MR-3		
			City Limits

500

Feet

Fargo Planning Commission

January 7, 2020

Plat (Minor)

Commerce on 12th Sixth Addition

1201, 1251, 1279, 1301 & 1343 55th St N



City of Fargo Staff Report			
Title:	Simonson Companies Second Addition	Date:	12/31/2019
Location:	5237 38 th Street South 3825 & 3863 53 rd Avenue South	Staff Contact:	Maggie Squyer
Legal Description:	Lots 1 & 2, Block 1, Simonson Companies First Addition and Lot 1, Block 1, The District of Fargo Addition		
Owner(s)/Applicant:	Simonson Companies, LLC/Lowry Engineering	Engineer:	Lowry Engineering
Entitlements Requested:	Zoning Change (to repeal and re-establish a C-O, Conditional Overlay District in the LC, Limited Commercial, zoning district) and Minor Subdivision (Replat of Lots 1 & 2, Block 1, Simonson Companies First Addition and Lot 1, Block 1, The District of Fargo Addition)		
Status:	Planning Commission Public Hearing: January 7, 2020		

Existing
Land Use: Vacant
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay
Uses Allowed: colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, basic utilities, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair and limited vehicle service
With a C-O, Conditional Overlay, District
Maximum Lot Coverage Allowed: 55% building coverage

Proposed
Land Use: Commercial
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay
Uses Allowed: colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, basic utilities, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair and limited vehicle service
With a C-O, Conditional Overlay, District
Maximum Lot Coverage Allowed: 55% building coverage

Proposal:
<p>The applicant is seeking City approval of 1) a Zoning Map Amendment, and 2) a Minor Subdivision entitled Simonson Companies Second Addition. The proposed subdivision would create four lots. A negative access easement exists along 52nd Avenue South and the majority of 38th Street South.</p> <p>Though all four lots of the proposed subdivision touch public right of way, Lot 4, Block 1, is not able to take access from the adjacent public right of way (52nd Avenue South). The plat provides ingress/egress easements that serve all four lots. The applicant has provided a draft of covenants for this subdivision that define the nature of these easements. Specifically, these covenants need to</p> <ul style="list-style-type: none"> • provide an easement for government personnel needed to carry out their duties; and • define the responsibility for maintaining the access easement such that it remains safely accessible to emergency vehicles. <p>Staff and the city attorney will review the covenants, which will be recorded at the time of plat recordation.</p> <p>The requested zoning map amendment will not change the existing LC, Limited Commercial, zoning district. Two Conditional Overlay Districts (C-O) currently exist on the subject properties. The existing westerly lot located at</p>

3863 53rd Avenue South is part of The District of Fargo Addition plat and falls under The District of Fargo Addition Conditional Overlay, which was established in October of 2007. The proposed zoning map amendment would repeal The District of Fargo Addition Conditional Overlay and re-establish the Simonson Companies First Addition Conditional Overlay as the only C-O in the proposed Simonson Companies Second Addition. No changes are being proposed to the existing Simonson Companies First Addition Conditional Overlay, which was approved in June of 2018. The existing C-O includes information for several site-specific requirements, including, but not limited to, the following:

- Architectural Design
- Landscape Design
- Signage
- Parking Requirements
- Specific Convenience Store and Gas Station Standards

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

Surrounding Land Uses and Zoning Districts:

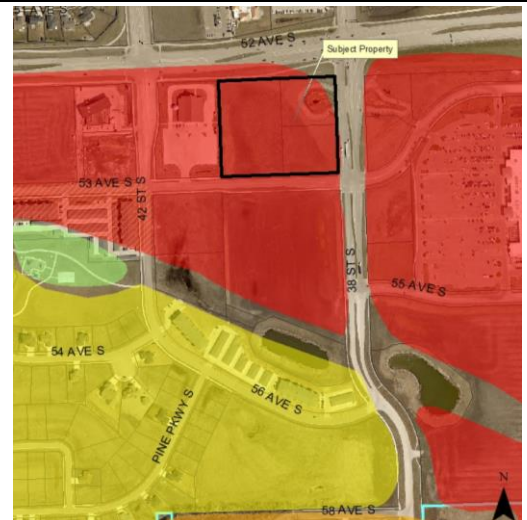
- North: GC, General Commercial, with retail sales and service uses
- East: LC, Limited Commercial, with retail sales and service uses
- South: LC, Limited Commercial, currently vacant
- West: LC, Limited Commercial, with retail sales and service uses

Area Plans:

The subject property is located within the 2007 Growth Plan for the southwest area of the City of Fargo. Within this growth plan, the subject property is identified as being suitable for commercial uses.

Legend

- Commercial Area
- Future School
- Medium High Density or Commercial
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density



Schools and Parks:

Neighborhood: The subject properties are located in The District Neighborhood.

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

Parks: The subject properties are located within half a mile of The Pines Park (5371 42nd Street South), Woodhaven South Park (4802 Woodhaven Drive South) and Cottagewood Park (4896 38th Street South), which offer amenities such as playgrounds, picnic shelters, a basketball court, recreational trails, and fishing pond.

Pedestrian / Bicycle: Shared Use Paths exist along 52nd Avenue South, 38th Street South and on the south side of 53rd Avenue South.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions, as the developer has a clearer picture of the type of development. The zone change is requested to simplify the zoning of the subject properties by removing one of the two existing Conditional Overlay Districts. The proposed zoning map amendment would make Simonson Companies First Addition C-O the only Conditional Overlay on the subject properties and retain the base LC, Limited Commercial, zoning district.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

Staff has no evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any phone calls or comments in response to these notices. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Minor Subdivision

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

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

This subdivision is intended to replat three existing lots into four new lots. The proposed use is consistent with the existing zoning and the growth plan for the area. 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 inquiries about the 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: 1) Zoning Map Amendment to repeal and re-establish a C-O, Conditional Overlay District, in the LC, Limited Commercial, zoning district and 2) Subdivision Plat, **Simonson Companies Second Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: January 7, 2020

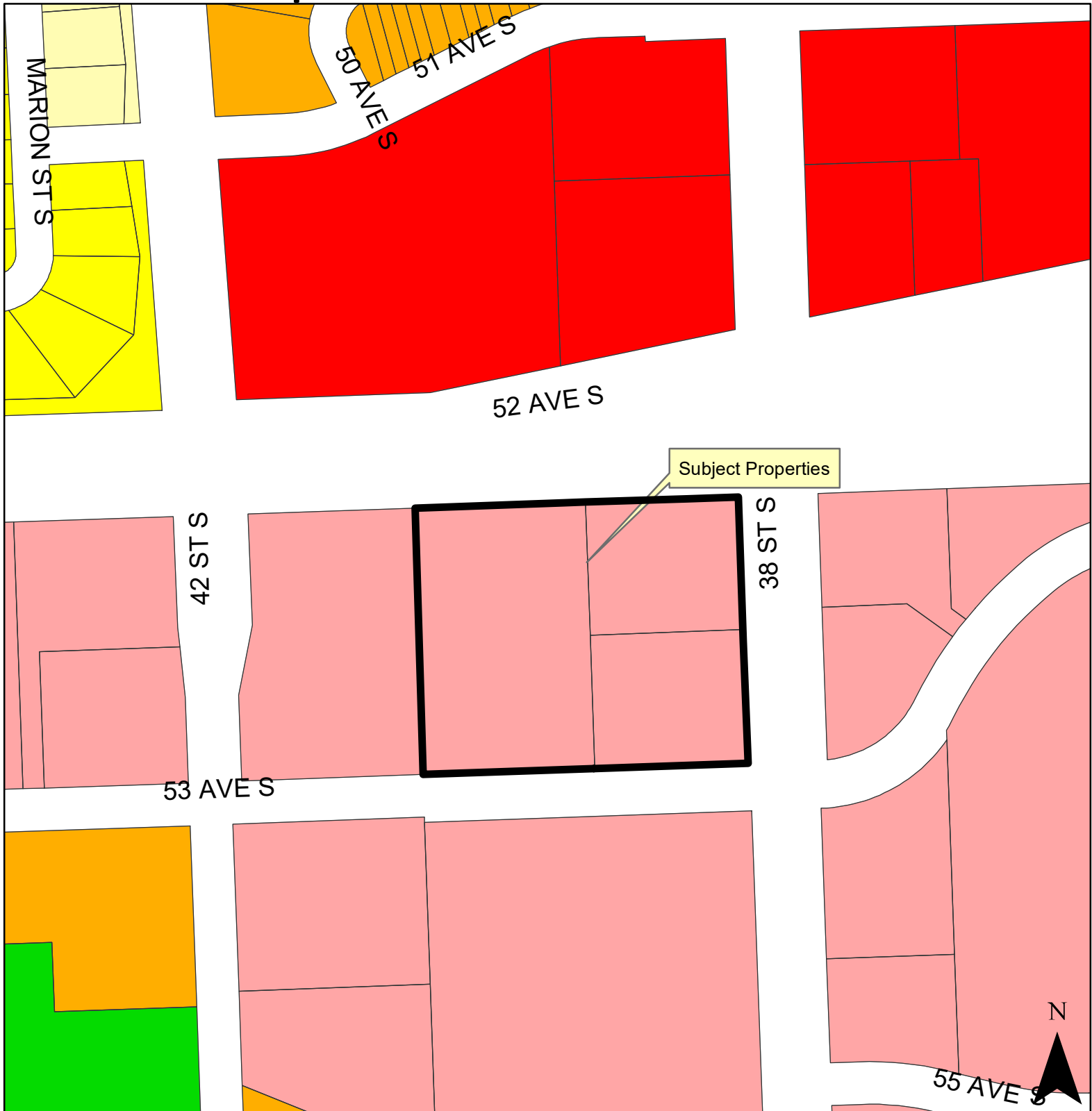
Attachments:

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

Zone Change (to repeal and re-establish a Conditional Overlay in the LC) & Plat (Minor)

Simonson Companies Second Addition

5237 38th St S
3825 & 3863 53rd Ave S



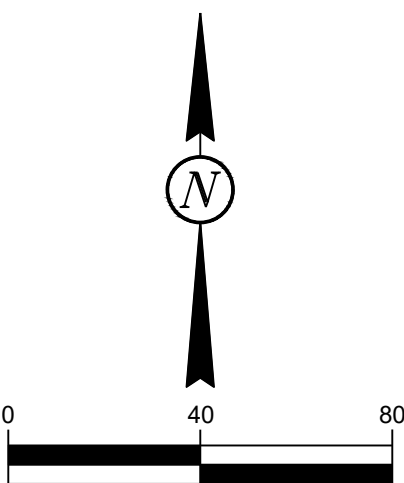
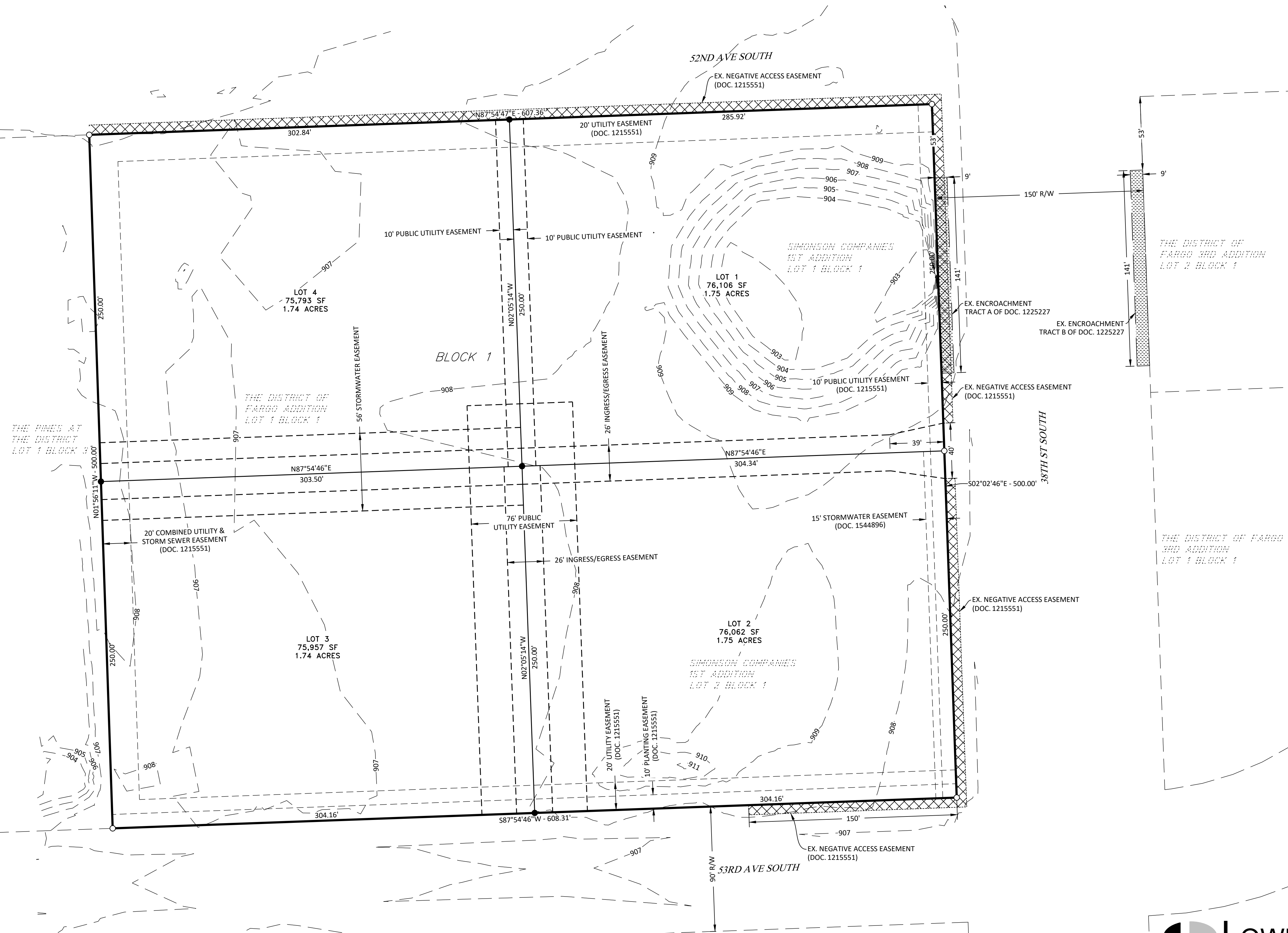
Zone Change (to repeal and re-establish a Conditional Overlay in the LC) & Plat (Minor)

Simonson Companies Second Addition

5237 38th St S
3825 & 3863 53rd Ave S



A MINOR SUBDIVISION PLAT OF
SIMONSON COMPANIES SECOND ADDITION
A REPLAT OF LOT 1 & 2, BLOCK 1, SIMONSON COMPANIES FIRST ADDITION AND LOT 1, BLOCK 1, THE
DISTRICT OF FARGO ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- - - EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- - - NEW EASEMENT LINE
- XXXXXX EX. NEGATIVE ACCESS EASEMENT
- XXXXXX EX. ENCROACHMENT

SURVEY INFORMATION

DATE OF SURVEY: NOVEMBER 13, 2019
BASIS OF BEARING: DISTRICT OF FARGO ADDITION
BENCHMARK USED: TOP NUT OF HYDRANT ON SOUTH SIDE OF LOT 2, ELEVATION = 910.51

NOTES

1. A NEGATIVE ACCESS EASEMENT IS AN EASEMENT WHICH DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
2. LOT 2 BLOCK 1 SIMONSON COMPANIES 2ND ADDITION IS COVERED BY A 100-FOOT WIDE NO-BUILD EASEMENT ALONG THE EAST PROPERTY LINE RECORDED AS A SEPARATE DOCUMENT.

A MINOR SUBDIVISION PLAT OF
SIMONSON COMPANIES SECOND ADDITION
A REPLAT OF LOT 1 & 2, BLOCK 1, SIMONSON COMPANIES FIRST ADDITION AND LOT 1, BLOCK 1, THE
DISTRICT OF FARGO ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT ARCH SIMONSON OF SIMONSON COMPANIES, LLC, IS THE OWNER OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A REPLAT OF LOT 1 & 2, BLOCK 1, SIMONSON COMPANIES FIRST ADDITION AND LOT 1, BLOCK 1, THE DISTRICT OF FARGO ADDITION.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS SIMONSON COMPANIES SECOND ADDITION TO THE CITY OF FARGO, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 4 LOTS AND 1 BLOCKS, AND CONTAINS 6.98 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: _____
ARCH SIMONSON, PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ARCH R. SIMONSON, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS SIMONSON COMPANIES SECOND ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2020.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND REG. NO. 7513

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2020.

BRENDA E. DERRIG
CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2020.

TIMOTHY J. MAHONEY
MAYOR

STEVE SPRAGUE
CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2020.

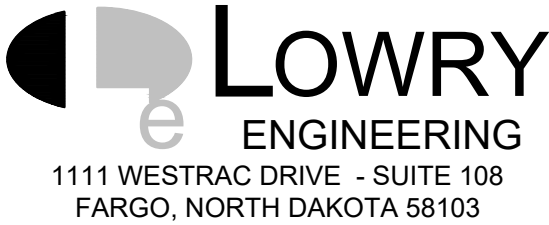
JOHN GUNKELMAN
CHAIRMAN PLANNING COMMISSION

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN GUNKELMAN, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

SHEET 2 OF 2



**City of Fargo
Staff Report**

Title:	BRB Addition	Date:	12/31/2019
Location:	5168 38 th Street South and 3780 51 st Avenue South	Staff Contact:	Luke Morman
Legal Description:	Lots 2 and 3, Block 1, Fitzsimonds Addition		
Owner(s)/Applicant:	BRB, LLC/Nate Vollmuth	Engineer:	Ulteig
Entitlements Requested:	Minor Subdivision (Replat of Lots 2 and 3, Block 1, Fitzsimonds Addition)		
Status:	Planning Commission Public Hearing: January 7, 2020		

Existing	Proposed
Land Use: Vacant Land	Land Use: No change
Zoning: GC, General Commercial	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.	Uses Allowed: No change
Maximum Building Coverage Allowed: 85% of lot	Maximum Building Coverage Allowed: No change

Proposal:

The applicant is requesting a minor subdivision, entitled **BRB Addition**, which is a replat of Lots 2 and 3, Block 1, Fitzsimonds Addition. These properties are zoned GC, General Commercial, and no zone changes are proposed. The subject property is located 5168 38th Street South and 3780 51st Avenue South, and is comprised of approximately 1.93 acres. The proposed subdivision will create one lot and one block. The subject properties are both owned by BRB LLC.

The applicant is updating the plat per staff comments, and will have the revised plat prior to the Planning Commission meeting.





















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

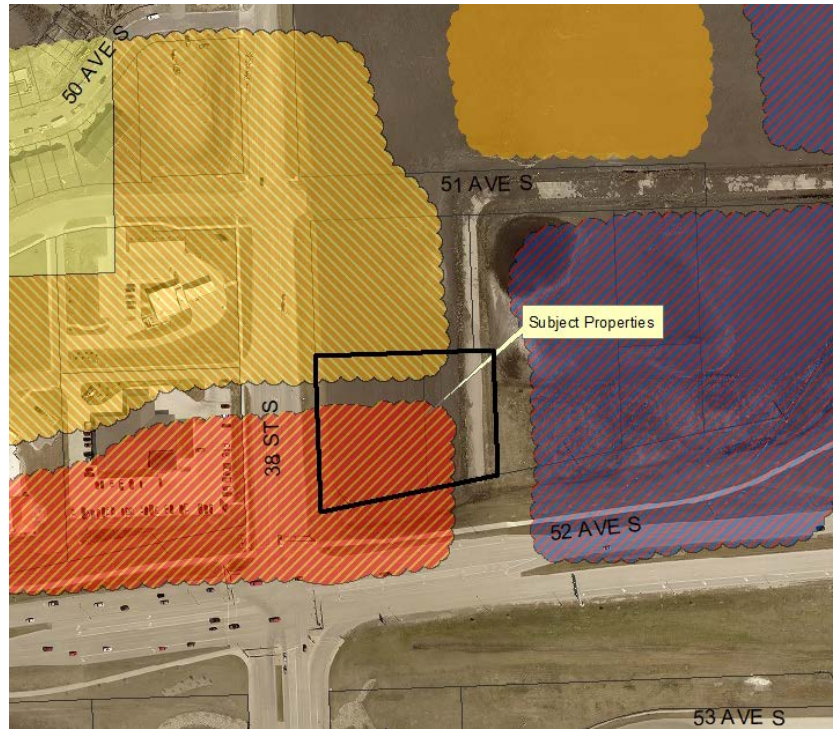
Surrounding Land Uses and Zoning Districts:

- North: GC; General Commercial, with vacant land;
- East: GC, General Commercial, with vacant land;
- South: Across 52nd Avenue South, LC, Limited Commercial, with restaurant – fast food uses;
- West: Across 38th Street South, GC, General Commercial, with bank/savings and loan uses.

Area Plans:

The subject properties are located within the *2003 Southwest Future Land Use Plan*. Within this growth plan, the subject properties are identified as being suitable for Commercial or Medium/High Density Residential and Low/Medium Density or Medium/High Density Residential uses.

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



Schools and Parks:

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

Neighborhood: N/A

Parks: The subject property is less than a half mile north of The Pines Park with the amenities of a playground and recreational trails. The subject property is also less than half a mile south of Cottagewood Park with amenities of a playground, recreational trails, and a picnic shelter.

Pedestrian / Bicycle: Off-road bike facilities are located along 52nd Ave S, 38th St S, 42nd St S, 53rd Ave S, and through The Pines Park, which are all components of the metro area bikeway system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to replat the subject properties into one lot to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been

sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed minor subdivision plat **BRB Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: January 7, 2020

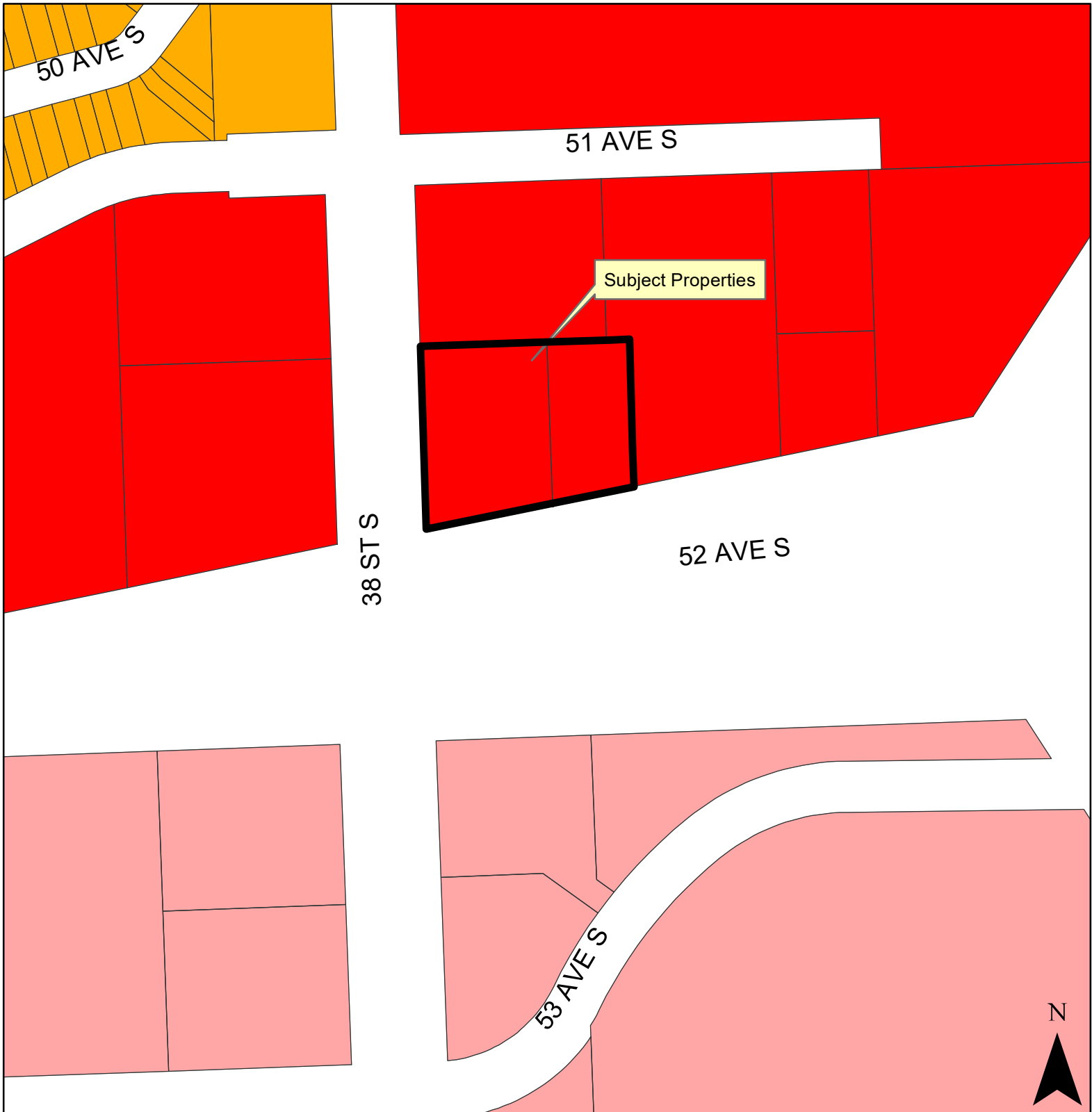
Attachments:

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

Plat (Minor)

BRB Addition

5168 38th St S
3780 51st Ave S



Legend

AG	LC	MHP	SP-2
DMU	LC	NCH	SP-3
GC	MR-1	NO	SP-4
GO	MR-2	PT	SP-5
	MR-3	UML	City Limits

200

Feet

Plat (Minor)

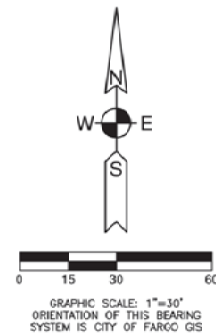
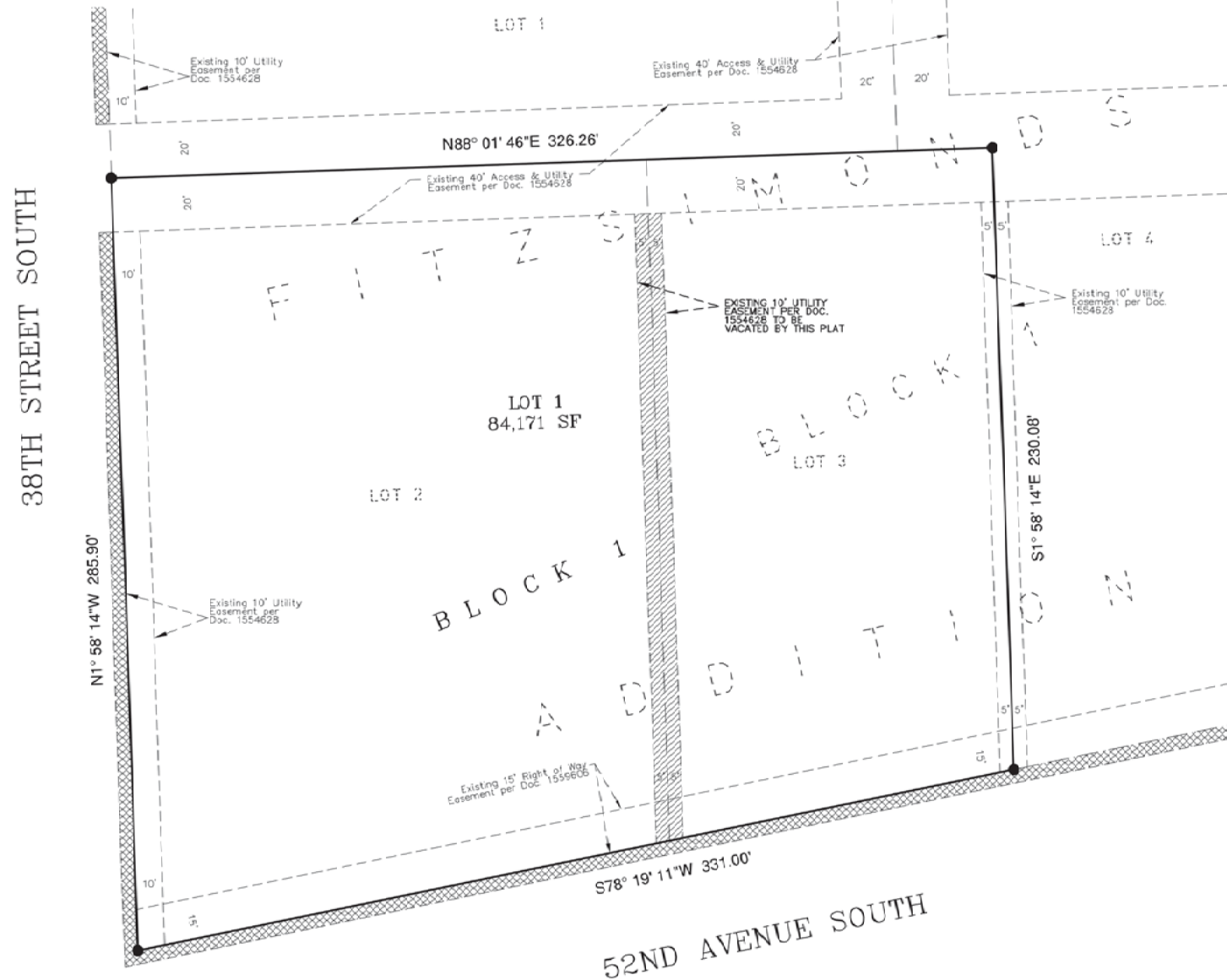
BRB Addition

5168 38th St S
3780 51st Ave S



BRB ADDITION

A REPLAT OF LOTS 2 AND 3, BLOCK 1, OF FITZSIMONDS ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,
(A MINOR SUBDIVISION)



LEGEND	
	MONUMENT FOUND, 5/8\"/>
	SUBJECT PROPERTY LINE
	EXISTING PROPERTY LINE
	EASEMENT LINE
	NEGATIVE ACCESS EASEMENT PER DOC. 1554628 *Negative Access Easement, as noted on this plat, is an 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 terminus with the boundary of the adjacent lot or lots.*
	FEMA 1% ANNUAL CHANCE FLOODPLAIN Floodplain Areas, as noted on this plat, are from the City of Fargo Engineering Department based on the City of Fargo Flood Hazard Area drawing dated 9/18/2018.

PROJECT BENCHMARK:
N6S T 31 MONUMENT
5.00M (3.1 MI) SOUTHERLY ALONG U.S. HIGHWAY 8; BUSINESS
(UNIVERSITY DRIVE) FROM THE JUNCTION OF INTERSTATE HIGHWAY 94
(EXIT 87) N FARGO, THENCE 0.3 KM (0.2 MI) WESTERLY ALONG 52ND
AVENUE SOUTH THENCE 0.2 KM (0.1MI) SOUTHERLY ALONG 18 STREET
SOUTH, 45.0 M (147.6 FT) EAST OF THE CENTER OF THE STREET, 35.3
M (115.8 FT) NORTHEAST OF THE NORTHEAST CORNER OF A HOUSE AT
5334 18TH STREET SOUTH, 31.3 M (102.7 FT) EAST-NORTHEAST OF A
STEEL UTILITY LIGHT POLE, 18.3 M (60.0 FT) WEST OF UTILITY
PEDESTAL NUMBER 5316 18 ST S, 0.6 M (2.0 FT) ABOVE THE LEVEL
OF THE STREET, 0.3 M (1.0 FT) NORTH OF A WITNESS POST, AND THE
MONUMENT IS 0.1 M (0.3 FT) BELOW THE GROUND SURFACE.
ELEVATION = 905.04 FEET NAVD 88

SITE BENCHMARK:
FOUND IRON PIPE AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1,
WILLIAM THOMAS ADDITION
ELEVATION = 907.28 FEET NAVD 88

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That BRB, LLC, a Minnesota limited liability company whose address is Moorhead, Minnesota, 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:

Lots 2 and 3, Block 1 of FITZSIMONDS ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Containing 84,171 square feet or 1.93 acres, more or less.

Said owners have caused the above described parcel of land to be surveyed and platted as "BRB ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:
BRB, LLC

By: _____
Ray Kvalvog, President

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2020, before me personally appeared Ray Kvalvog, President, BRB, LLC, known to be the person who is 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 } SS
County of Cass }

On this _____ day of _____, 2020, 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 _____, 2020.

Brenda E. Derrig, City Engineer

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2020, 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 _____, 2020.

John Gunkelman, Planning Commission Chair
Fargo Planning Commission

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2020, before me, a notary public with and for said County, personally appeared John Gunkelman, 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 _____, 2020.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2020, 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

PREPARED BY

Ulteig

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

PRELIMINARY