

FARGO PLANNING COMMISSION AGENDA  
Thursday, January 4, 2018 at 3:00 p.m.

- A: Approve Order of Agenda.
- B: Minutes: Regular Meeting of December 5, 2017
- C: Brown Bag Luncheon – January 17, 2018
- D: Public Hearing Items:
- 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) (me): CONTINUED TO FEBRUARY 6, 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) (me): CONTINUED TO FEBRUARY 6, 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) (me): CONTINUED TO FEBRUARY 6, 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, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO FEBRUARY 6, 2018
  2. Continued hearing on an application requesting a Plat of **Craigs Oak Grove Addition** (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig) (an): CONTINUED TO FEBRUARY 6, 2018
  3. Continued hearing on an application requesting a Plat of **Cityscapes Business Park Addition** (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian to the City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st

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Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online at [www.FargoND.gov/streaming](http://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](http://www.FargoND.gov/PlanningCommission).

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Avenue North) (Bullinger Enterprises/Rick Flacksbarth) (dk) CONTINUED TO FEBRUARY 6, 2018

- 4a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-3, Single-Dwelling Residential and P/I, Public and Institutional within the boundaries of the proposed **Rocking Horse Farm 5th Addition**. (Located at 5801 52nd Avenue South and 4901 Veterans Boulevard South) (Rocking Horse Farms, LLC/Mike Love, Houston Engineering, Inc.) (dk)
- 4b. Hearing on an application requesting a Plat of **Rocking Horse Farm 5th Addition** (Major Subdivision) a replat of a portion of the Southeast Quarter of Section 32, Township 139 North, Range 49 West, of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota and Lot 1, Block 4, Rocking Horse East Second Addition. (Located at 5801 52nd Avenue South and 4901 Veterans Boulevard South) (Rocking Horse Farms, LLC/Mike Love, Houston Engineering, Inc.) (dk)
5. Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential on Lot 1, Block 1, **Valley View Second Addition**. (Located at 3900 56th Street South) (Arbor Courts, LLC/Brian Kounovsky) (kb)
- 6a. Hearing on an application requesting a Conditional Use Permit for an alternative access plan for all of the proposed **Valley View Eighth Addition**. (Located at 3650 Veterans Boulevard South) (K Square Development/Lowry Engineering) (kb)
- 6b. Hearing on an application requesting a Plat of **Valley View Eighth Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Valley View Seventh Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3650 Veterans Boulevard South) (K Square Development/Lowry Engineering) (kb)
- 7a. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential within the boundaries of the proposed **Timber Creek Seventh Addition**. (Located at 3559, 3571, and 3583 47th Avenue South) (PLC Investments, LLC/Nate Vollmuth) (me)
- 7b. Hearing on an application requesting a Plat of **Timber Creek Seventh Addition** (Minor Subdivision) a replat of Lots 11-13, Block 1, Timber Creek Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3559, 3571, and 3583 47th Avenue South) (PLC Investments, LLC/Nate Vollmuth) (me)
- 8a. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 and 2, Block 1, of the proposed **Timber Creek Eighth Addition**. (Located at 5050 Timber Parkway South and 5131 Prosperity Way South) (PLC Investments, LLC/Nate Vollmuth) (me)

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- 8b. Hearing on an application requesting a Plat of **Timber Creek Eighth Addition** (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Timber Creek Fourth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5050 Timber Parkway South and 5131 Prosperity Way South) (PLC Investments, LLC/Nate Vollmuth) (me)
  9. Hearing on an application requesting a Plat of **MVM Addition** (Minor Subdivision) a replat of Lot 1, Block 5, Southwood Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3502 36th Street South) (J&J Investments/Brendan Muldoon) (dk): CONTINUED TO FEBRUARY 6, 2018
  10. Hearing on an application requesting a Plat of **Simonson First Addition** (Minor Subdivision) a replat of Lot 2, Block 1, The District of Fargo Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3825 53rd Avenue South) (Arch Simonson/Lowry Engineering) (bv): CONTINUED TO FEBRUARY 6, 2018
  11. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on a portion of Lots 4, 5, and 8 and all of Lots 6-7, Block 1, **Brunsdale First Addition**. (Located at 2829 South University Drive) (University Medical Center, LLP/Zerr Berg Architects) (bv)
- E: Other Items:

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**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday:**

**December 5, 2017:**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, December 5, 2017.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Mike Magelky, Dawn Morgan, Mary Scherling, Kelly Steffes

Absent: Melissa Sobolik, Shara Fischer, Rocky Schneider, Scott Stofferahn

Vice Chair Gunkelman called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

Vice Chair Gunkelman noted the following Agenda items:

- Items 1, 2, and 3 are continued to the January 4, 2018 Planning Commission meeting.
- Item 6 is continued to the February 6, 2018 Planning Commission meeting.

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

**Item B: Minutes: Regular Meeting of November 7, 2017**

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

**Item C: December 2017 Brown Bag Luncheon – No Meeting scheduled for December**

**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 JANUARY 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 JANUARY 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 JANUARY 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, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO JANUARY 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 this date and time; however, the applicant has requested this item be continued to January 4, 2018

Member Magelky moved this item be continued to the January 4, 2018 Planning Commission meeting. Second by Member Scherling. All Members present voted aye and the motion was declared carried.

**Item 2: Craigs Oak Grove Addition**

**Continued hearing on an application requesting a Plat of Craigs Oak Grove Addition (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig): CONTINUED TO JANUARY 4, 2018**

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

Member Scherling moved this item be continued to the January 4, 2018 Planning Commission meeting. Second by Member Morgan. All Members present voted aye and the motion was declared carried.

**Item 3: Cityscapes Business Park Addition**

**Continued hearing on an application requesting a Plat of Cityscapes Business Park Addition (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, City of Fargo,**

**Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth): CONTINUED TO JANUARY 4, 2018**

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

Member Magelky moved this item be continued to the January 4, 2018 Planning Commission meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

**Item 4: Urban Plains by Brandt Third Addition**

**4a. Continued Hearing on an application requesting a Conditional Use Permit for household living in the LC, Limited Commercial Zoning District, on the proposed Lot 5, Block 1, Urban Plains by Brandt Third Addition. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.): APPROVED WITH CONDITIONS**

A Hearing had been set for November 7, 2017. At the November 7, 2017 meeting, the Hearing was continued to this date and time.

**4b. Hearing on an application requesting a Conditional Use Permit for an alternative access plan in the LC, Limited Commercial Zoning District, on the proposed Lot 5, Block 1, Urban Plains by Brandt Third Addition. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.): APPROVED WITH CONDITIONS**

Planner Aaron Nelson presented the staff report noting item 4a. is a continued application and item 4b. is a new application. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

Member Steffes moved the findings and recommendations of staff be accepted and the Conditional Use Permit for the proposed Alternative Access Plan and the Conditional Use Permit to allow household living in the LC, Limited Commercial, zoning district be approved on the basis that they satisfactorily comply with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0909.D(1-6) and all other applicable requirements of the Land Development Code with the following conditions:

- 1) The maximum residential density shall be that of the MR-3, Multi-Dwelling Residential, zoning district (24 units per acre).
- 2) The minimum open space required for each lot shall be 30% of the lot area.
- 3) Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.

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

**Item 5: LaVerne's Addition**

**5a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial, and P/I Public and Institutional, within the boundaries of the proposed LaVerne's Addition. (Located at 4301 19th Avenue North) (LaVerne A. Montplaisir Family/Houston Engineering): APPROVED**

**5b. Hearing on an application requesting a Plat of LaVerne's Addition (Major Subdivision) a replat a portion of the West Half of Section 27, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 4301 19th Avenue North) (LaVerne A. Montplaisir Family/Houston Engineering): APPROVED**

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

A draft amenities plan was given to the Board members.

Tom Knakmuhs, Division Engineer, spoke on behalf of the Engineering Department.

Member Scherling moved the findings and recommendations for staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional; and 2) LaVerne's Addition subdivision plat as presented; as the proposal complies with the GO2030 Fargo Comprehensive Plan, the amended 2007 Tier 1 Northwest Land Use 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, contingent upon resolution of certain lot revisions as noted in the staff report. Second by Member Steffes. On call of the roll Members Scherling, Morgan, Steffes, Magelky, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Schneider, Stofferahn, and Fischer. The motion was declared carried.

**Item 6: Madelyn's Meadows Addition**

**6a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, within the boundaries of the proposed Madelyn's Meadows Addition. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): CONTINUED TO FEBRUARY 6, 2018**

**6b. Hearing on an application requesting a Plat of Madelyn's Meadows Addition (Major Subdivision) a replat of a portion of the Northeast Quarter of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): CONTINUED TO FEBRUARY 6, 2018**

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

Member Scherling moved this item be continued to the February 6, 2018 Planning Commission meeting. Second by Member Magelky. All Members present voted aye and the motion was declared carried.

**Item 7: BLU Water Creek Addition**

**Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 2-6, Block 1, BLU Water Creek Addition, Lots 1-3, Block 1, BLU Water Creek Second Addition, and Lot 2, Block 1, Bentley Square Addition. (Located at 4504, 4582, 4600, 4648, and 4682 32nd Avenue South, 3233 and 3265 45th Street South, and 4507 and 4609 33rd Avenue South) (Brandt Crossing, LLC/Nate Vollmuth): APPROVED**

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

Applicant Nate Vollmuth, PACES Lodging, spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change to repeal and re-establish a C-O, Conditional Overlay, 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 Scherling. On call of the roll Members Steffes, Magelky, Morgan, Scherling and Gunkelman voted aye. Absent and not voting: Members Sobolik, Schneider, Stofferahn, and Fischer. The motion was declared carried.

**Item 8: BLU Water Creek Third Addition**

**Hearing on an application requesting a Plat of BLU Water Creek Third Addition (Minor Subdivision) a replat of Lots 2-3, Block 1, BLU Water Creek Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4504 and 4582 32nd Avenue South) (Brandt Crossing, LLC/Nate Vollmuth): APPROVED**

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

Member Scherling moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, BLU Water Creek Third 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 Morgan. On call of the roll Members Magelky, Morgan, Scherling, Steffes, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Schneider, Stofferahn, and Fischer. The motion was declared carried.

**Item 9: Osgood Townsite Fifteenth Addition**

**Hearing on an application requesting an amendment to an existing Planned Unit Development Master Land Use Plan and Final Plan for Lot 2, Block 1, of the Osgood Townsite Fifteenth Addition. (Located at 5012 47th Street South) (Artekta Architects/Jeff Morrau): APPROVED**

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

Member Scherling moved the findings and recommendations of staff be accepted and the Planned Unit Development Final Plan be approved as outlined in the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the adopted Area Plan, the Standards of Article 20-0908, and all other applicable requirements of the Land Development Code. Second by Member Magelky. On call of the roll Members Steffes, Magelky, Morgan, Scherling, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Schneider, Stofferahn, and Fischer. The motion was declared carried.

**Item 10: Commerce on 12th Fourth Addition**

**Hearing on an application requesting a Plat of Commerce on 12th Fourth Addition (Minor Subdivision) a replat of all of Block 1, Commerce on 12th Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 1330, 1350, 1370, and 1390 55th Street North) (Fargo Commercial Properties, LLC/Nate Vollmuth): APPROVED**

Mr. Kress 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, Commerce on 12th Fourth 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 Steffes. On call of the roll Members Scherling, Magelky, Morgan, Steffes, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Schneider, Stofferahn, and Fischer. The motion was declared carried.

**Item 11: Harwood's Addition**

**Hearing on an application requesting an amendment to the PUD, Planned Unit Development Master Land Use Plan and Final Plan for Lots 17-18 and portions of Lots 1-2, Block 4, of Harwood's Addition. (Located at 703 and 707 10th Street North) (710 Lofts, LLC/Kevin Bartram): APPROVED**

Mr. Kress presented the staff report noting that a staff facilitated open house was held November, 28, 2017 and one comment was received and is included in the packet. Mr. Kress stated all approval criteria have been met and staff is recommending approval.

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning

Ordinance to include a PUD, Planned Unit Development overlay amendment to the PUD Master Land Use Plan, and approve the 2) PUD Final Plan, contingent on City Commission approval of the PUD Master Plan as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-09083.B (7) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Scherling, Steffes, Morgan, Magelky, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Schneider, Stofferahn, and Fischer. The motion was declared carried.

**Item 12: Ohmers Addition Subdivision of Lots 65 through 68  
Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 29, of Ohmers Addition Subdivision of Lots 65 through 68. (Located at 1314 12th Street North) (Alpha Gamma Rho House Corporation/Lutheran Campus Council):  
APPROVED**

Mr. Kress presented the staff report noting that a staff facilitated open house was held November, 28, 2017 and one comment was received and is included in the packet. Mr. Kress stated all approval criteria have been met and staff is recommending approval.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from MR-3, Mutli-Dwelling Residential, to LC, Limited Commercial for Lot 29, with a C-O, Conditional Overlay, for Ohmer's Addition Subdivision of Lots 65 through 68 as presented as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Roosevelt Neighborhood Future Land Use Plan, Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Magelky, Steffes, Morgan, Scherling, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Schneider, Stofferahn, and Fischer. The motion was declared carried.

**Item 13: Ohmers Addition Subdivision of Lots 65 through 68  
Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 30, of Ohmers Addition Subdivision of Lots 65 through 68. (Located at 1310 12th Street North) (Alpha Gamma Rho House Corporation/Lutheran Campus Council):  
APPROVED**

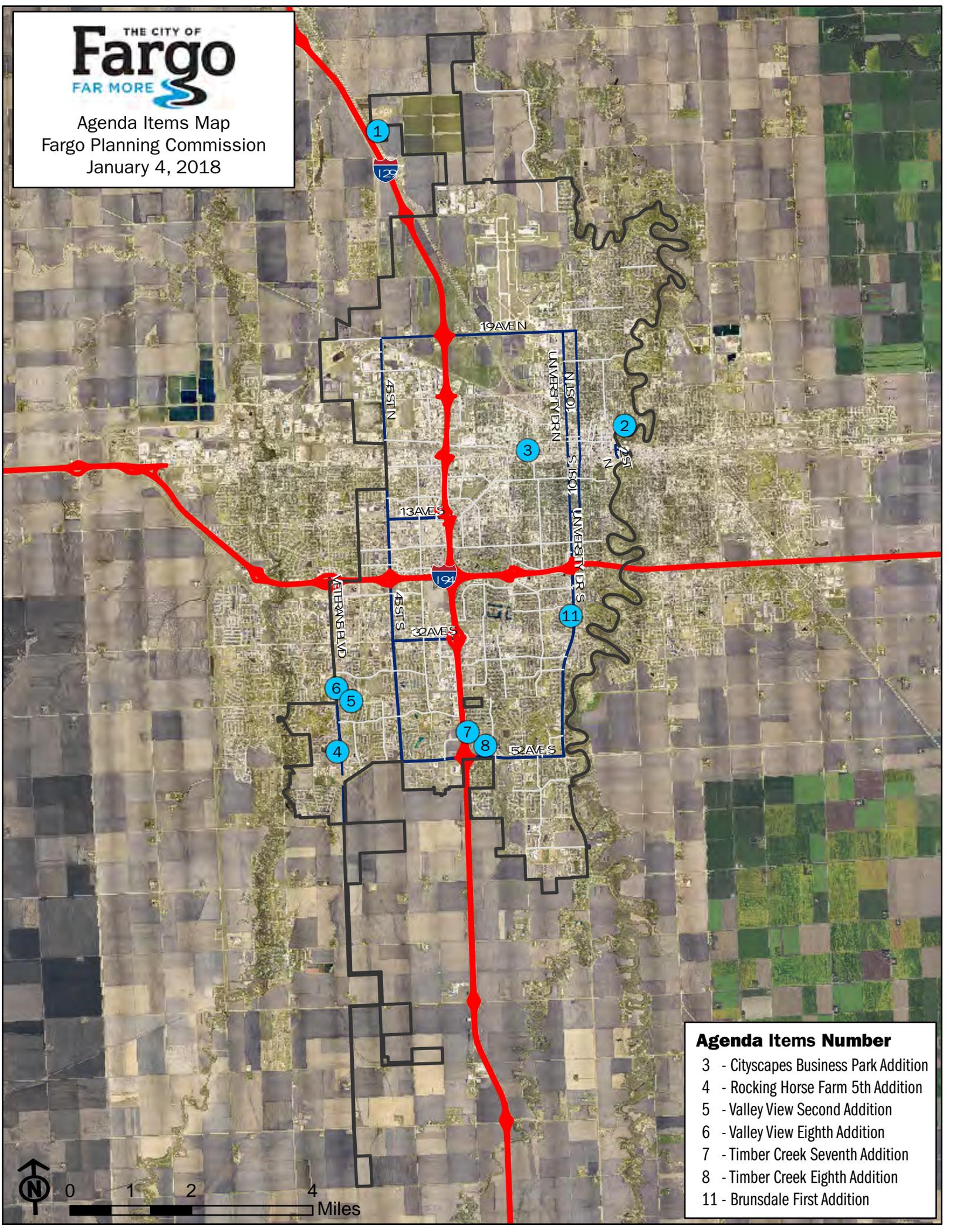
Mr. Kress presented the staff report noting that a staff facilitated open house was held November, 28, 2017 and one comment was received and is included in the packet. Mr. Kress stated all approval criteria have been met and staff is recommending approval.

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from MR-3. Multi-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay for Lot 30, Ohmer's Addition Subdivision of Lots 65 through 68 as presented as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Roosevelt Neighborhood Future Land Use Plan, Section 20-0906.F (1-4) of the Land

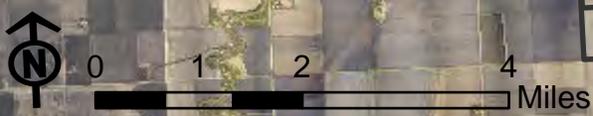
Development Code and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Morgan, Steffes, Magelky, Scherling, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Schneider, Stofferahn, and Fischer. The motion was declared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

**Item E: Other Items:**

The time at adjournment was 4:01 p.m.



- Agenda Items Number**
- 3 - Cityscapes Business Park Addition
  - 4 - Rocking Horse Farm 5th Addition
  - 5 - Valley View Second Addition
  - 6 - Valley View Eighth Addition
  - 7 - Timber Creek Seventh Addition
  - 8 - Timber Creek Eighth Addition
  - 11 - Brunsdale First Addition



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Rocking Horse Farm Fifth Addition	<b>Date:</b>	12/27/2017
<b>Location:</b>	5801 52 <sup>nd</sup> Avenue South and 4901 Veterans Boulevard South	<b>Staff Contact:</b>	Donald Kress, senior planner
<b>Legal Description:</b>	Portion of the SE 1/4 of Sec. 32, T139N, R49W and and Lot 1, Block 4, Rocking Horse East 2 <sup>nd</sup> Addition		
<b>Owner(s)/Applicant:</b>	Rocking Horse Farms, LLC/Houston Engineering (Mike Love)	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Portion of the SE 1/4 of Sec. 32, T139N, R49W, City of Fargo, Cass County, North Dakota and Lot 1, Block 4, Rocking Horse East 2 <sup>nd</sup> Addition ) <b>Zone Change</b> (from AG, Agriculture to SR-3, Single-Dwelling Residential and P/I, Public/Institutional)		
<b>Status:</b>	Planning Commission Public Hearing: January 4, 2018		

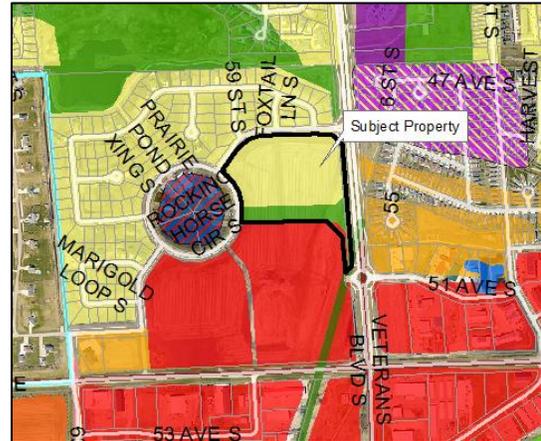
<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Residential
<b>Zoning:</b> AG, Agricultural	<b>Zoning:</b> SR-3, Single-Dwelling Residential and P/I, Public/Institutional
<b>Uses Allowed:</b> AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	<b>Uses Allowed:</b> SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities P/I – Public and Institutional. 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.
<b>Maximum Density Allowed (Residential):</b> AG allows a maximum of 1 dwelling unit per 10 acres.	<b>Maximum Density Allowed:</b> SR-3 Allows 8.7 dwelling units per acre; P/I has no density or minimum lot coverage standard.

<b>Proposal:</b>
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li>1. A major subdivision, entitled <b>Rocking Horse Farm Fifth Addition</b>, a three block, 48 lot subdivision, which is a plat of a portion of the SE 1/4 of Sec. 32, T139N, R49W, City of Fargo, Cass County, North Dakota and and Lot 1, Block 4, Rocking Horse East 2<sup>nd</sup> Addition</li> <li>2. A zoning change from AG, Agricultural to SR-3, Single-Dwelling Residential and P/I, Public/Institutional.</li> </ol> <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><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: Single-dwelling residential with SR-2 zoning; and open space with P/I zoning.</li> <li>• East: (across Veterans Boulevard) Open space with P/I zoning and single-dwelling residential with SR-4 zoning.</li> <li>• South: Undeveloped with AG zoning</li> </ul>

- West: Commercial with GC, General Commercial zoning; single-dwelling residential with SR-2 zoning; and open space with P/I zoning.

**Area Plans:**

The 2003 Southwest Future Land Use Plan, amended in 2014 as part of the Rocking Horse Farms Second Addition, designates the area of this project as “Low/Medium Density Residential”, “Park/Open Space” and “Commercial”. The proposed SR-3 zoning is consistent with this land use designation.



**Context:**

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

**Neighborhood:** The subject property is located in the Osgood Neighborhood.

**Parks:** Veterans Park (4951 53rd Street South) is located approximately less than 650 feet east of the subject property and provides the amenities of a playground and of recreational trails.

**Pedestrian / Bicycle:** There are off-road bike facilities along Veterans Boulevard that are a component of the metro area bikeways system.

**Staff Analysis:**

PLAT AND ZONE CHANGE

The plat will create 48 lots in three blocks, including one lot to be owned by the Fargo Park District and two lots to be owned by the homeowners’ association (HOA). zoned as shown in the chart below:

BLOCK	LOTS	ZONING	LAND USE
1	1	P/I	HOA-owned for private park
1	13	P/I	To be owned by Fargo Park District; includes detention basin
1	25	P/I	HOA-owned for sign
1	2-12 and 14-24	SR-3	Single-dwelling residential development
2	1-12	SR-3	Single-dwelling residential development
3	1-11	SR-3	Single-dwelling residential development

The SR-3 zoned single-dwelling lots range in size from 6,986 square feet to 11,606 square feet, with most lots being in the 6,000 to 8,000 square foot range. All these lots meet the minimum lot area requirement for the SR-3 zone of 5,000 square feet. The P/I zoned lots range in size from 13,062 square feet to 244,907 square feet. There is no minimum required lot area in the P/I zone.

HOMEOWNERS' ASSOCIATION (HOA)-OWNED LOTS: Staff is working with the applicant to create documentation that will clearly define the HOA's obligations to pay taxes on and maintain the HOA-owned lots, and to provide the City a course of action to continue to collect taxes and maintain these lots should the HOA fail to do so.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat. No private streets or driveways will be created by this plat.

AMENITIES PLAN: The applicant has provided a draft amenities plan providing details of the project's street, stormwater, trails, and property owner association responsibility for certain facilities within the project. Staff is reviewing this plan and intends to have a copy for Commission review at the Planning Commission hearing.

STORMWATER: This subdivision is served by two existing stormwater ponds, plus will be served by a new pond created in Lot 26.

### 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 error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of SR-3 and P/I are consistent with the 2003 Southwest Future Land Use Plan, amended in 2014 as part of the Rocking Horse Farms Second Addition designation of the area of this project as "low density residential" and "park/open space." **(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. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

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

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan, amended in 2014 as part of the Rocking Horse Farms Second Addition; this plan designates this property as appropriate for lower to medium density residential development and park/open space, which would include the SR-3 and P/I zones. The project provides a gross density of approximately 2.6 dwelling units per acre, which does not exceed the maximum density of 8.7 dwelling units per acre allowed in the SR-3 zone. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

### 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 zoning for the development on this property is SR-3 and P/I. The SR-3 zone will accommodate the proposed single-family development and is consistent with the "low density residential" designation for this

property in the 2003 Future Land Use Plan. P/I zoning, for publicly owned facilities such as stormwater detention basins, parks, and homeowners association amenity lots that cannot be developed as residential lots, is appropriate in any land use designation. 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 or inquiries about the project.

**(Criteria Satisfied)**

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

The proposed zoning is SR-3. This zoning is consistent with the 2003 Southwest Future Land Use Plan, amended in 2014 as part of the Rocking Horse Farms Second Addition, which designates this property for lower to medium density residential development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to SR-3, Single-Dwelling Residential and P/I, Public/Institutional; and 2) **Rocking Horse Farm Fifth Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan as amended in 2014, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** January 4, 2018

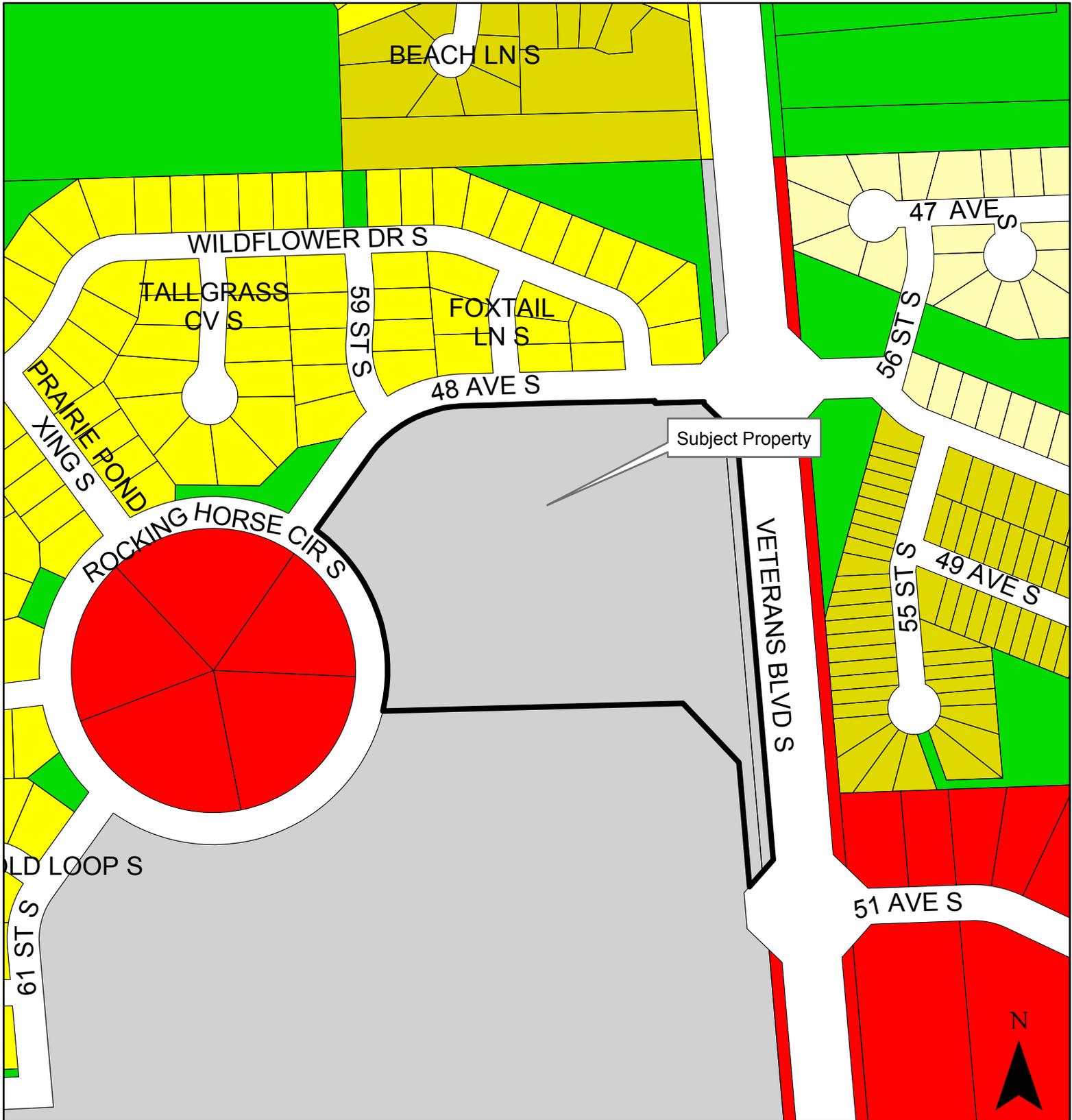
**Attachments:**

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

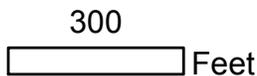
# Plat (Major) and Zone Change (AG to SR-3 & P/I)

## Rocking Horse Farm 5th Addition

5801 52nd Avenue South



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

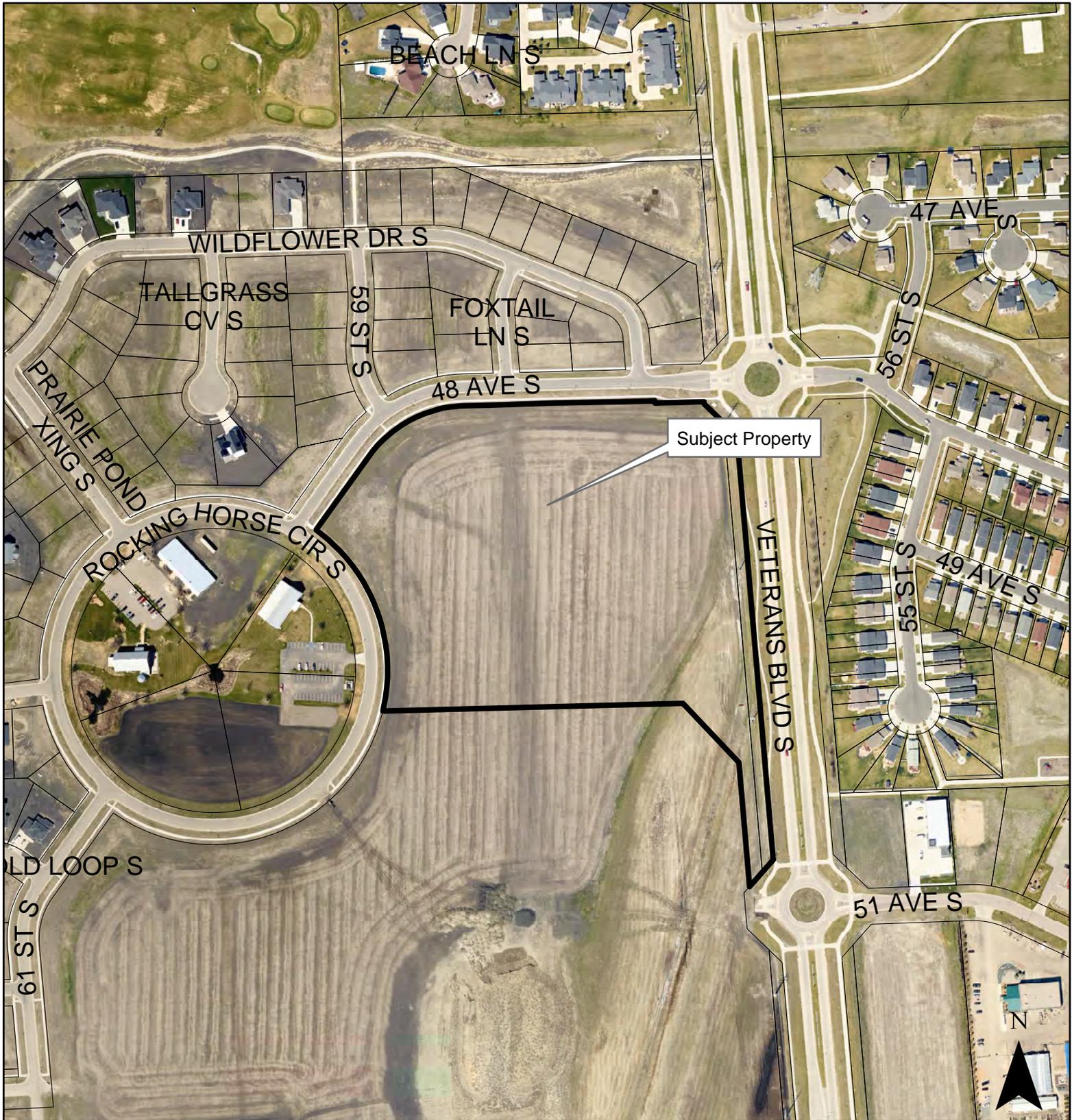


Fargo Planning Commission  
January 4, 2018

# Plat (Major) and Zone Change (AG to SR-3 & P/I)

## Rocking Horse Farm 5th Addition

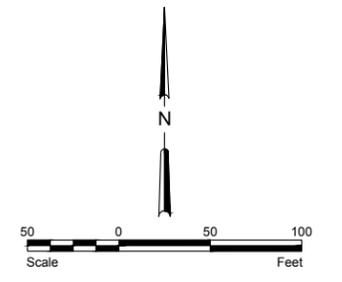
5801 52nd Avenue South



# ROCKING HORSE FARM 5TH ADDITION

A MAJOR PLAT

BEING A REPLAT OF LOT 1, BLOCK 4, ROCKING HORSE EAST SECOND ADDITION, AND A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 32, T. 139 N., R. 49 W., 5th P.M. TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

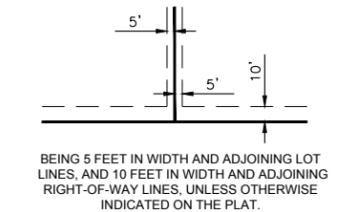


**LEGEND**

- IRON MONUMENT FOUND
- 1/2" I.D. PIPE SET
- NEGATIVE ACCESS
- EASEMENT TO BE VACATED BY THIS DOCUMENT
- 100YR FLOOD PLAIN (ZONE AE - ELEV. 905.7')

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

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



**UTILITY EASEMENTS ARE SHOWN THIS**

**NOTES**

- PROPERTY IS PARTIALLY SITUATED IN ZONE AE AS DEPICTED ON FEMA PANEL 38017C0767G, HAVING AN EFFECTIVE DATE OF JANUARY 16, 2015.
- ZONE AE BASE FLOOD ELEVATION = 905.7' (NAVD 1988)



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# ROCKING HORSE FARM 5TH ADDITION

A MAJOR PLAT  
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 SECOND ADDITION, AND A PLAT OF PART OF THE SOUTHEAST  
 QUARTER OF SECTION 32, T. 139 N., R. 49 W., 5th P.M.  
 TO THE CITY OF FARGO,  
 CASS COUNTY, NORTH DAKOTA

BLUEBELL LOOP

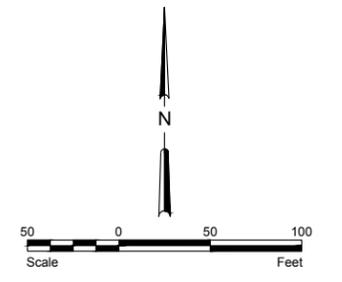
BLOCK 1

VETERANS BOULEVARD

VETERANS BOULEVARD

BLK 7

ROCKING HORSE  
 CIRCLE

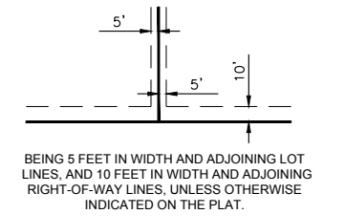


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Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	511.42	435.00	67°21'42"	N20°13'38"W	482.47
C2	281.88	305.00	52°57'07"	N62°03'40"E	271.95
C3	61.76	305.00	11°36'06"	S41°23'10"W	61.65
C4	66.33	305.00	12°27'37"	N53°25'02"E	66.20
C5	97.52	267.00	20°55'38"	N21°09'28"W	96.98
C6	43.02	267.00	9°13'53"	N06°04'43"W	42.97
C7	9.82	166.00	3°23'27"	N03°09'30"W	9.82
C8	47.71	166.00	16°27'59"	N13°05'13"W	47.54
C9	27.31	166.00	9°25'35"	N26°01'59"W	27.28
C10	36.29	78.00	26°39'24"	N44°04'29"W	35.96
C11	41.99	78.00	30°50'43"	N72°49'32"W	41.49
C12	4.38	78.00	3°12'53"	N89°51'20"W	4.38
C13	12.72	12.00	60°43'00"	S61°06'16"E	12.13
C14	33.55	100.00	19°13'20"	S21°08'07"E	33.39
C15	17.56	100.00	10°03'40"	S06°29'37"E	17.54
C16	51.49	333.00	8°51'33"	S05°53'33"E	51.44
C17	64.75	333.00	11°08'30"	S15°53'34"E	64.65
C18	64.76	333.00	11°08'34"	S27°02'06"E	64.66
C19	120.27	305.00	22°35'36"	S70°56'38"W	119.49
C20	33.52	305.00	6°17'48"	S85°23'20"W	33.50
C21	52.04	333.00	8°57'12"	N09°22'22"W	51.98

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C22	29.56	333.00	5°05'12"	N16°23'33"W	29.55
C23	37.55	467.00	4°36'24"	N16°37'57"W	37.54
C24	55.79	467.00	6°50'41"	N10°54'24"W	55.76
C25	49.08	467.00	6°01'18"	N04°28'25"W	49.06
C26	49.06	533.00	5°16'25"	S04°05'59"E	49.04
C27	55.60	533.00	5°58'37"	S09°43'30"E	55.58
C28	56.79	533.00	6°06'16"	S15°45'57"E	56.76
C29	1.10	533.00	0°07'05"	S18°52'37"E	1.10
C30	3.91	267.00	0°50'21"	S18°30'59"E	3.91
C31	61.52	267.00	13°12'03"	S11°29'47"E	61.38
C32	19.57	12.00	93°25'59"	N41°49'14"E	17.47
C33	8.23	78.00	6°02'36"	S01°52'27"E	8.22
C34	42.84	78.00	31°28'09"	S16°52'55"W	42.30
C35	43.66	78.00	32°04'15"	S48°39'07"W	43.09
C36	32.47	78.00	23°50'59"	S76°36'44"W	32.23
C37	5.76	460.00	0°43'03"	S38°55'02"E	5.76
C38	72.70	460.00	9°03'21"	S34°01'50"E	72.63
C39	116.07	460.00	14°27'27"	S22°16'26"E	115.77
C40	194.53	460.00	24°13'51"	S27°09'38"E	193.09
C41	289.01	435.00	38°03'58"	S34°52'30"E	283.72
C42	222.42	435.00	29°17'44"	S01°11'39"E	220.00

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# ROCKING HORSE FARM 5TH ADDITION

## A MAJOR PLAT

### BEING A REPLAT OF LOT 1, BLOCK 4, ROCKING HORSE EAST SECOND ADDITION, AND A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 32, T. 139 N., R. 49 W., 5th P.M. TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNER:  
Rocking Horse Farm, LLC

\_\_\_\_\_  
Kenneth L. Promersberger, President

CONTRACT FOR DEED VENDEE:  
Jetland Properties, LLC

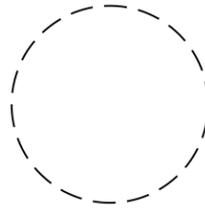
\_\_\_\_\_  
Janice L. Promersberger, President

**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\_\_\_\_.

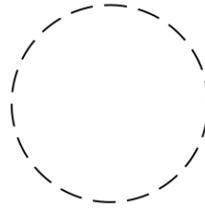
\_\_\_\_\_  
James A. Schlieman, Professional Land Surveyor No. 6086



**CITY ENGINEER'S APPROVAL:**

Approved by the Fargo City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mark H. Bittner, City Engineer



**FARGO PLANNING COMMISSION APPROVAL:**

Approved by the City of Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Shara Fischer, Chair  
Fargo Planning Commission

**FARGO CITY COMMISSION APPROVAL:**

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

Attest: \_\_\_\_\_  
Steven Sprague, City Auditor

State of North Dakota )  
 ) ss  
County of Cass )

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

Notary Public: \_\_\_\_\_

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Kenneth L. Promersberger, President of Rocking Horse Farm, LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said Limited Liability Company.

Notary Public: \_\_\_\_\_

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Janice L. Promersberger, President of Jetland Properties, 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 she executed the same on behalf of the said Limited Liability Company.

Notary Public: \_\_\_\_\_

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: \_\_\_\_\_

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Mark H. Bittner, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_

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: \_\_\_\_\_

**OWNERS' CERTIFICATE:**

KNOW ALL PERSONS BY THESE PRESENTS: That Rocking Horse Farm, LLC, a North Dakota Limited Liability Company, is the owner and proprietor and Jetland Properties, LLC, a North Dakota Limited Liability Company, is the Contract for Deed Vendee, of Lot 1, Block 4, Rocking Horse East Second Addition, together with part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West of the Fifth Principal Meridian, all being situated in the City of Fargo, Cass County, North Dakota, and being described as follows:

Beginning at the northwest corner of Lot 1, Block 4, Rocking Horse East Second Addition to the City of Fargo, said plat being on file at the Cass County Recorder's Office; thence South 46°17'26" East, along the northerly boundary of said Lot 1, for a distance of 45.37 feet to the northeast corner of said Lot 1; thence South 04°54'02" East, along the easterly boundary of said Lot 1, for a distance of 1064.73 feet to the southeast corner of said Lot 1; thence South 41°31'00" West, along the southerly boundary of said Lot 1 and its southwesterly extension, for a distance of 89.74 feet to an angle point along the westerly boundary of said Rocking Horse East Second Addition; thence North 04°53'46" West for a distance of 311.24 feet; thence North 43°21'47" West for a distance of 203.36 feet; thence South 88°32'14" West for a distance of 749.49 feet to a point of intersection with the easterly boundary of Rocking Horse Farm 2nd Addition, said plat being on file at the Cass County Recorder's Office, and said point lying on a non-tangential curve, concave to the southwest, having a radius of 435.00 feet; thence northeasterly, northerly and northwesterly, along said easterly boundary and along said curve, for a distance of 511.42 feet, through a central angle of 67°21'42", having a chord bearing of North 20°13'38" West, to an angle point along said easterly boundary; thence North 35°35'07" East, along said easterly boundary, for a distance of 224.40 feet to a point of tangential curve to the right, having a radius of 305.00 feet; thence northeasterly and easterly, along said easterly boundary and along said curve, for a distance of 281.88, through a central angle of 52°57'07"; thence North 88°32'14" East, along said easterly boundary, for a distance of 475.14 feet to an angle point along said easterly boundary; thence South 04°53'46" East, along said easterly boundary, for a distance of 10.32 feet to an angle point along said easterly boundary; thence North 88°32'14" East, along said easterly boundary, for a distance of 122.13 feet to an angle point along said easterly boundary, and a point of intersection with the westerly boundary of said Rocking Horse East Second Addition; thence South 46°17'26" East, along said westerly boundary, for a distance of 68.06 feet to the point of beginning.

Said tract of land contains 17.189 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **Rocking Horse Farm 5th Addition** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate and convey to the public, for public use, the streets, avenues, and utility easements shown on the plat.

# ROCKING HORSE FARM 5TH ADDITION

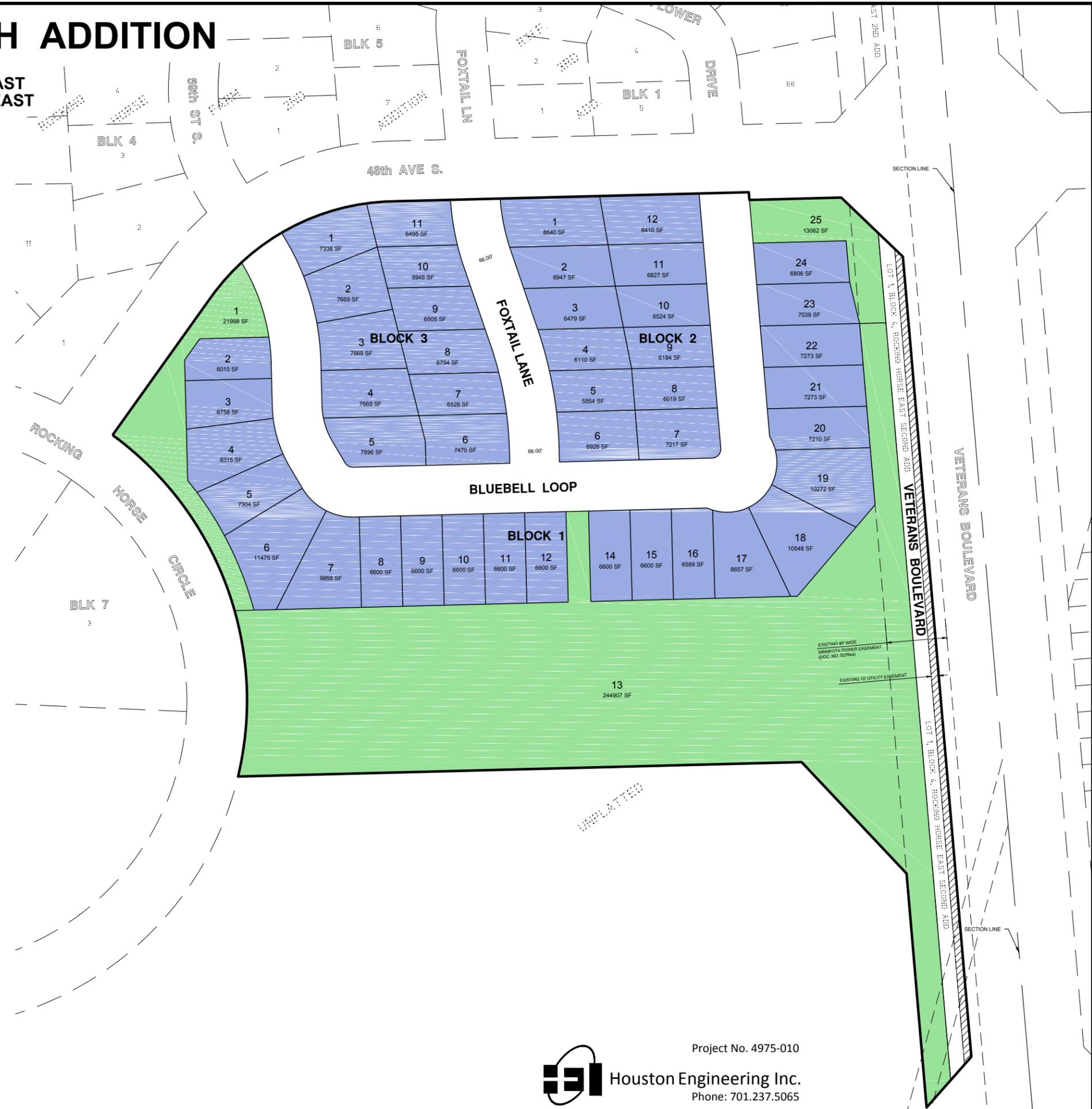
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**ZONING LEGEND**

 P/I ZONING

 SR-3 ZONING



H:\Fargo\JBN\49004975\16\_4975\_010\Plat\FRE PLAT Rocking Horse 5th Add Zoning.dwg-SHT1-12/8/2017 1:50 PM-(kstroud)

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Valley View Second Addition	<b>Date:</b>	12/26/2018
<b>Location:</b>	3900 56th Street South	<b>Staff Contact:</b>	Kylie Bagley
<b>Legal Description:</b>	Lot 1, Block 1, Valley View Second Addition		
<b>Owner(s)/Applicant:</b>	Arbor Courts, LLC/Brian Kounovsky	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zone Change</b> (from MR-1, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential)		
<b>Status:</b>	Planning Commission Public Hearing: January 4, 2018		

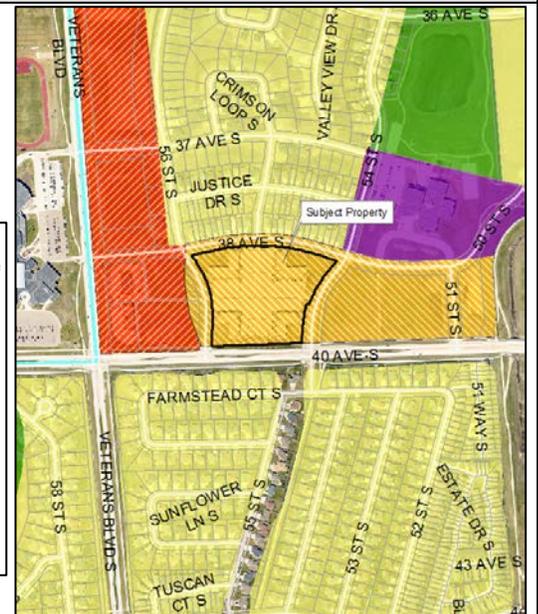
<b>Existing</b>
<b>Land Use:</b> Multi-Dwelling Structure
<b>Zoning:</b> MR-1, Multi-Dwelling Residential
<b>Uses Allowed:</b> Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed:</b> 16 units per acre

<b>Proposed</b>
<b>Land Use:</b> No Change
<b>Zoning:</b> MR-3, Multi-Dwelling Residential
<b>Uses Allowed:</b> Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed:</b> 24 units per acre

<b>Proposal:</b>
<p>The applicant is proposing a zone change from MR-1, Multi-Dwelling Residential, zoning district to MR-3, Multi-Dwelling Residential, zoning district in order to increase the allowable density on site. The property is located at 3900 56<sup>th</sup> Street south and encompasses 9.40 acres. The MR-3 zoning district would allow the applicant to have 24 units per acre as opposed to the 16 units per acre that is currently allowed. The applicant is proposing an additional 10 side by side units along 38 Ave S in addition to the 150 units that are currently on site as depicted in the attached site plan.</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><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: SR-4, Single-Dwelling Residential with detached housing use</li> <li>• East: MR-3, Multi-Dwelling Residential with vacant land use</li> <li>• South: Across 40th Avenue South, SR-2, Single-Dwelling Residential with detached housing use</li> <li>• West: GC, General Commercial and LC, Limited Commercial with vacant land use</li> </ul>

## Area Plans

The 2003 Southwest Future Land Use Plan designates the area of this project as “Low/Medium Density or Medium/High Density”.



## Schools and Parks:

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

**Neighborhood:** The subject property is located in the Brandt Crossing Neighborhood.

**Parks:** The project site is located approximately less than 150 feet west of Brandt Crossing Park, which has basketball courts, dog park, playgrounds, recreational trails, and a shelter.

**Pedestrian / Bicycle:** There are off-road bike facilities located along 38th Avenue South, 40th Avenue South and Brandt Crossing Park. These bike routes are components of the metro area bikeways system.

## Staff Analysis:

### Zone Change:

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

### Section 20-0906.F (1-4)

- 1. The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;**  
Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property.  
**(Criteria Satisfied)**
- 2. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification at the time the property is developed;**  
The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have

reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified.

**(Criteria Satisfied)**

**3. The approval will not adversely affect the condition or value of property in the vicinity;**

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

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

**Staff Recommendation:**

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

**Planning Commission Recommendation: January 4, 2018**

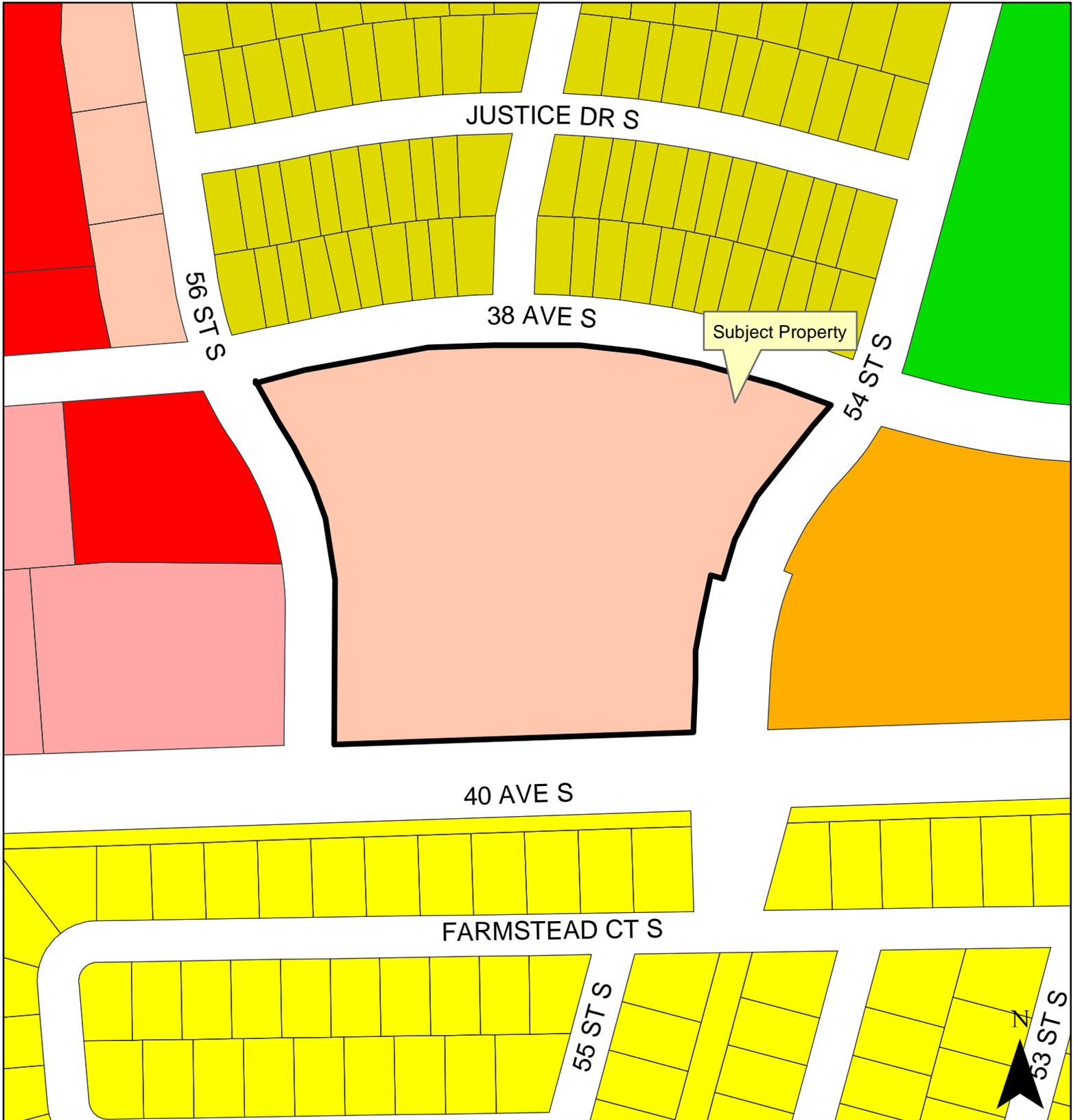
**Attachments:**

1. Zoning Map
2. Location Map
3. Site Plan

# Zone Change (MR-1 to MR-3)

## Valley View 2nd Addition

3900 56th Street South



**Legend**

AG	LC	MHP	SSR-2
DMU	LI	NOC	SSR-3
GC	MR-1	PL	SSR-4
GO	MR-2	UMU	SSR-5
	MR-3		City Limits

300

Feet

**Fargo Planning Commission**

**January 4, 2018**

# Zone Change (MR-1 to MR-3)

## Valley View 2nd Addition

3900 56th Street South



# ARBOR COURTS TOWNHOMES FARGO NORTH DAKOTA

**SITE DATA PROPOSED**  
ARBOR COURTS APARTMENTS, FARGO ND.

ZONING: MR-3  
LOT AREA (VERIFY) APPROX. = 409,539 SF (9.40 ACRES)  
MAX DENSITY 24 UNITS/ACRE = 226.8 UNITS  
60' MAX HEIGHT

35% MINIMUM OPEN SPACE = 143,338 SF  
35% MAX BUILDING COVERAGE = 143,338 SF  
TOTAL UNITS / 9.40 ACRES = 24 UNITS / ACRE  
PROPOSED OPEN SPACE % = 35.00%  
EXISTING PERVIOUS SURFACE % = 69% COVERED  
282,500 SF / 409,539 SF  
WATER RETENTION REQD = 4%

**SITE DATA EXISTING**  
ARBOR COURTS APARTMENTS, FARGO ND.

ZONING: MR-1  
LOT AREA (VERIFY) APPROX. = 409,538 SF (9.40 ACRES)  
MAX DENSITY 16 UNITS/ACRE = 150 UNITS  
60' MAX HEIGHT

35% MINIMUM OPEN SPACE = 143,338 SF  
35% MAX BUILDING COVERAGE = 143,338 SF  
TOTAL UNITS / 9.40 ACRES = 16 UNITS / ACRE  
EXISTING OPEN SPACE % = 38.65%  
EXISTING PERVIOUS SURFACE % = 64.48% COVERED  
264,093 SF / 409,539 SF

**SITE DATA PROPOSED**  
ARBOR COURTS APARTMENTS, FARGO ND.

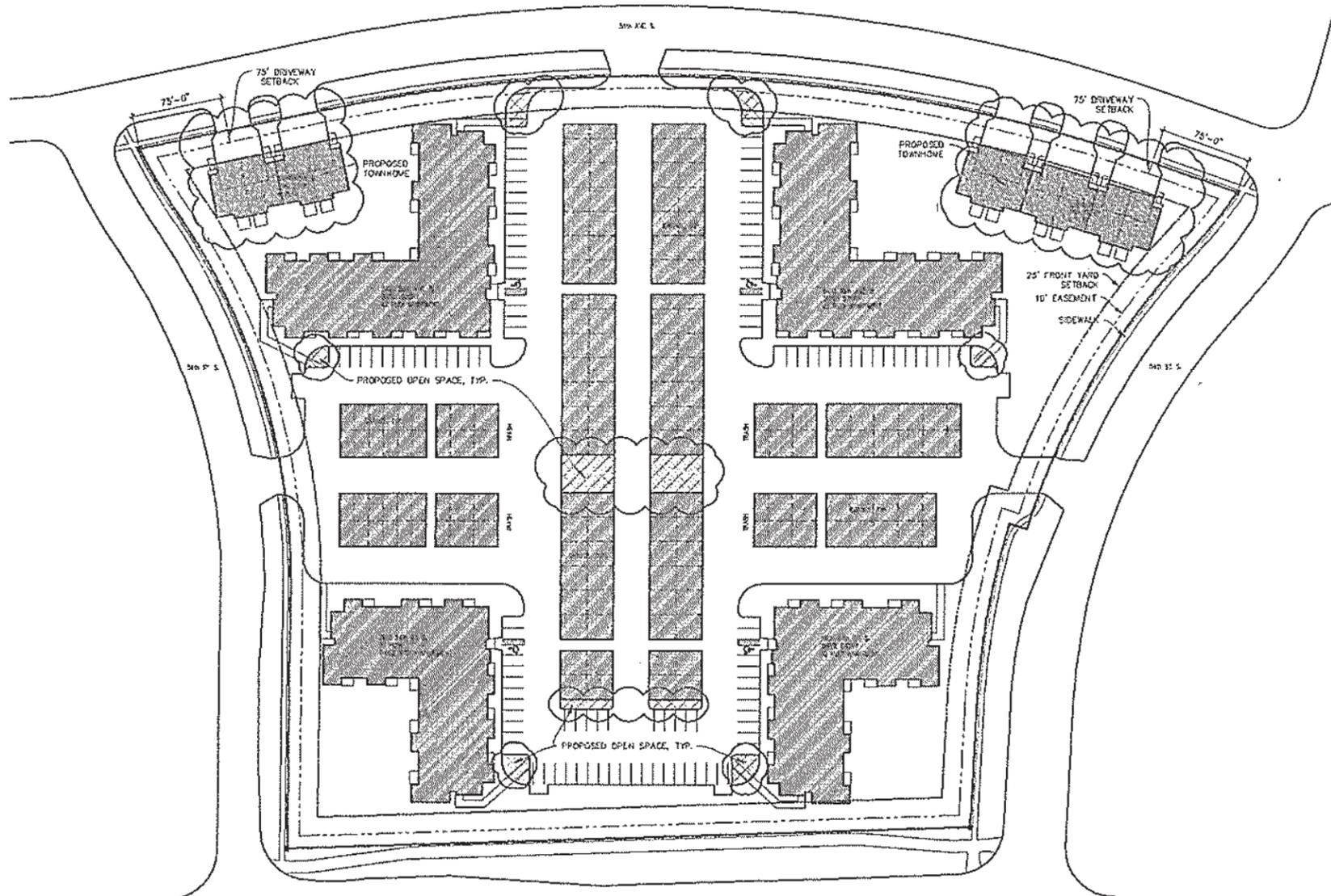
SITE AREA = 409,345 SF  
BUILDING AREA = 76,898 SF  
GARAGE AREA = 54,738 SF  
PARKING/DRIVE AREA = 142,938 SF  
SIDEWALK/PATIO AREA = 14,740 SF  
OPEN AREA = 145,904 SF

**SITE DATA EXISTING**  
ARBOR COURTS APARTMENTS, FARGO ND.

SITE AREA = 409,345 SF  
BUILDING AREA = 64,440 SF  
GARAGE AREA = 54,738 SF  
PARKING/DRIVE AREA = 138,630 SF  
SIDEWALK/PATIO AREA = 12,890 SF  
OPEN AREA = 158,230 SF

**UNITS PROVIDED**

	2 BR	3 BR	4 BR	5 BR	TOTAL
APARTMENT 3300	6	24	0	0	30
APARTMENT 3316	8	24	0	0	32
APARTMENT 3410	6	27	0	0	33
APARTMENT 3415	6	27	0	0	33
TOWNHOME A	-	-	-	8	8
TOWNHOME B	-	-	-	4	4
<b>TOTAL</b>	<b>26</b>	<b>102</b>	<b>0</b>	<b>12</b>	<b>140</b>



1 SITE DEVELOPMENT PLAN  
SCALE: 1" = 50'-0"



RHET ARCHITECTURE, LLC  
ATTN: RHET FISHER, AIA  
MAIL: 901 5th AVE. S. FARGO, ND 58103  
OFFICE: 27 1st ST. S. FARGO, ND 58102  
PHONE: 701.385.2857  
EMAIL: RHET@RHET-ARCH.COM  
WEB: WWW.RHET-ARCH.COM

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Signature: \_\_\_\_\_  
Date: 10/2/17 8:30 AM '17

**NOT FOR CONSTRUCTION**

PROJECT:  
ARBOR COURTS  
5410 38th AVE. S.  
FARGO, ND, 58104

OWNER:  
VALLEY VIEW DEVELOPMENT  
ATTN: BRIAN KUONOVSKY  
3550 54TH ST S  
FARGO, ND, 58104  
PHONE: 701.351.5942  
EMAIL: BKUONOVSKY@GMAIL.COM

REV	CONSTRUCTION COMMENTS	DATE

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THIS DRAWING IS THE PROPERTY OF RHET ARCHITECTURE, LLC. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RHET ARCHITECTURE, LLC.

PROJECT NO: 17-107507  
DRAWN BY: BFA  
CHECKED BY: RF  
DRAWING TITLE:  
SITE PLAN  
DEVELOPMENT PLAN

A001

17-107507-001-017  
 10/2/17 8:30 AM '17  
 17-107507-001-017

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Valley View Eighth Addition	<b>Date:</b>	12/26/2018
<b>Location:</b>	3630 & 3650 Veterans Boulevard South	<b>Staff Contact:</b>	Kylie Bagley
<b>Legal Description:</b>	Lot 2, Block 1, Valley View Seventh Addition		
<b>Owner(s)/Applicant:</b>	K Square Development/Lowry Engineering	<b>Engineer:</b>	Lowry Engineering
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of Lot 2, Block 1, Valley View Seventh Addition, to the City of Fargo, Cass County, North Dakota and <b>Conditional Use Permit</b> for an Alternative Access Plan for Lots 1, 2, 3 & 4 of the proposed Valley View Eighth Addition		
<b>Status:</b>	Planning Commission Public Hearing: January 4, 2018		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Commercial
<b>Zoning:</b> GC, General Commercial	<b>Zoning:</b> No change
<b>Uses Allowed:</b> 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.	<b>Uses Allowed:</b> No change
<b>Maximum Lot Coverage Allowed:</b> 85% of lot area	<b>Plus a CUP to allow for an Alternative Access Plan</b> <b>Maximum Lot Coverage Allowed:</b> No change

<b>Proposal:</b>			
<p>The applicant is seeking approval of a minor subdivision, Valley View Eighth Addition, and a Conditional Use Permit for an alternative access plan for lots 1, 2, 3 &amp; 4 of the proposed Valley View Eighth Addition. The subject property is located at 3630 &amp; 3650 Veterans Blvd and encompasses approximately 8.53 acres. The applicant is proposing a 5 lot, 1 block, minor subdivision entitled Valley View Eighth Addition.</p> <p>The applicant is also seeking an alternative access plan in order to have shared access and shared parking throughout the mixed-use development. The applicant is proposing the following parking reduction and will also be including built in bicycle parking. The applicant also notes that there is a MATbus sheltered stop less than a quarter of a mile from the project site.</p>			
Existing Parking Schedule Lots 1, 2, 3 & 4		Proposed Parking Schedule Lots 1, 2, 3 & 4	
Occupancy	Ratio	Occupancy	Ratio
Retail	1 parking stall per 250 sf	Retail	1 parking stall per 275 sf
Fast Food	1 parking stall per 150 sf	Fast Food	1 parking stall per 160 sf
Restaurant	1 parking stall per 75 sf	Restaurant	1 parking stall per 85 sf
Apartment	2.25 parking stalls per unit	Apartment	1 parking stall per bedroom

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.

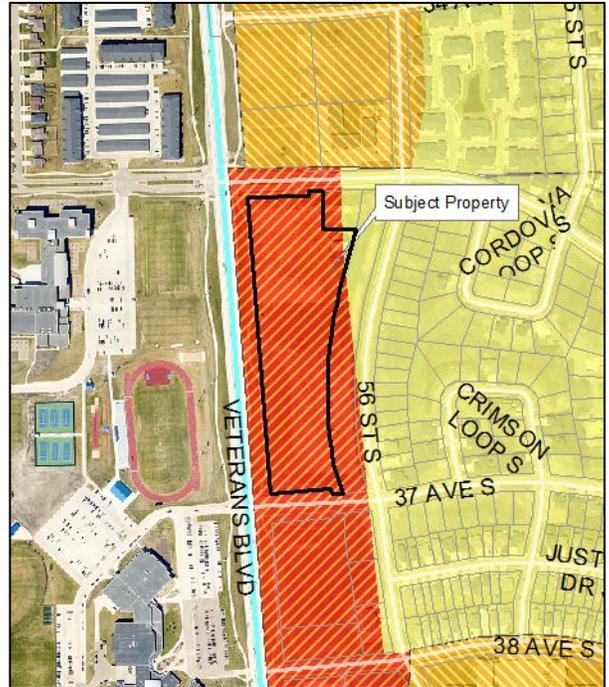
**Surrounding Land Uses and Zoning Districts:**

- North: LC, Limited Commercial with vacant, daycare, office, and retail, sales, and service uses
- East: MR-1, Multi-Dwelling Residential and GC, General Commercial with vacant land use
- South: GC, General Commercial with vacant land use
- West: City of West Fargo zoning; public schools (Liberty Middle and Sheyenne High Schools)

**Area Plans**

The 2003 Southwest Future Land Use Plan designates the area of this project as "Commercial or Medium/High Density".

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 Public School District and is served by Independence Elementary, Liberty Middle, and Sheyenne High Schools.

**Neighborhood:** The subject property is located in the Brandt Crossing Neighborhood.

**Parks:** The project site is located approximately one-half mile west of Brandt Crossing Park, which has basketball courts, dog park, playgrounds, recreational trails, and a shelter; and 0.75 miles north of Osgood School Park, which has basketball courts, multi-purpose field, playground, recreational trails, and a shelter.

**Pedestrian / Bicycle:** There are off-road bike facilities located along Veterans Boulevard, and in Brandt Crossing Park and Osgood School Park. These bike routes are a component of the metro area bikeways system.

**Staff Analysis:**

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**  
 The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Promoting infill development and exploring reductions in minimum parking standards are both key initiatives meant to promote the Plan's guiding principles. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.  
**(Criteria Satisfied)**
  
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**  
 Staff suggests that this proposed conditional use permit for an alternative access plan for reduced parking will contribute to and promote the welfare of the public, as the community has a growing need for care facilities.  
**(Criteria Satisfied)**
  
3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**  
 Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has not received any comments from neighboring property owners.  
**(Criteria Satisfied)**
  
4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**  
 The proposed parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant to limit the intensity of the use.  
**(Criteria Satisfied)**
  
5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**  
 The property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.  
**(Criteria Satisfied)**
  
6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**  
 The Engineering Department has had an opportunity to review the proposal and no comments or concerns were noted to indicate a deficiency with the access roads or entrances or exit drives. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.  
**(Criteria Satisfied)**

Recommended Conditions:

- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site;
- The Conditional Use Permit will cease if the land use changes from commercial, restaurant, fast food or residence;

**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 Lot 2, Block 1, Valley View 7<sup>th</sup> Addition into five lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

**(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 move to recommend approval to the City Commission of the proposed: 1) Subdivision Plat, **Valley View Eight Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code and 2) Conditional Use Permit to allow for an Alternative Access Plan as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site;
- The Conditional Use Permit will cease if the land use changes from commercial, restaurant, fast food or residence.

**Planning Commission Recommendation: January 4, 2018**

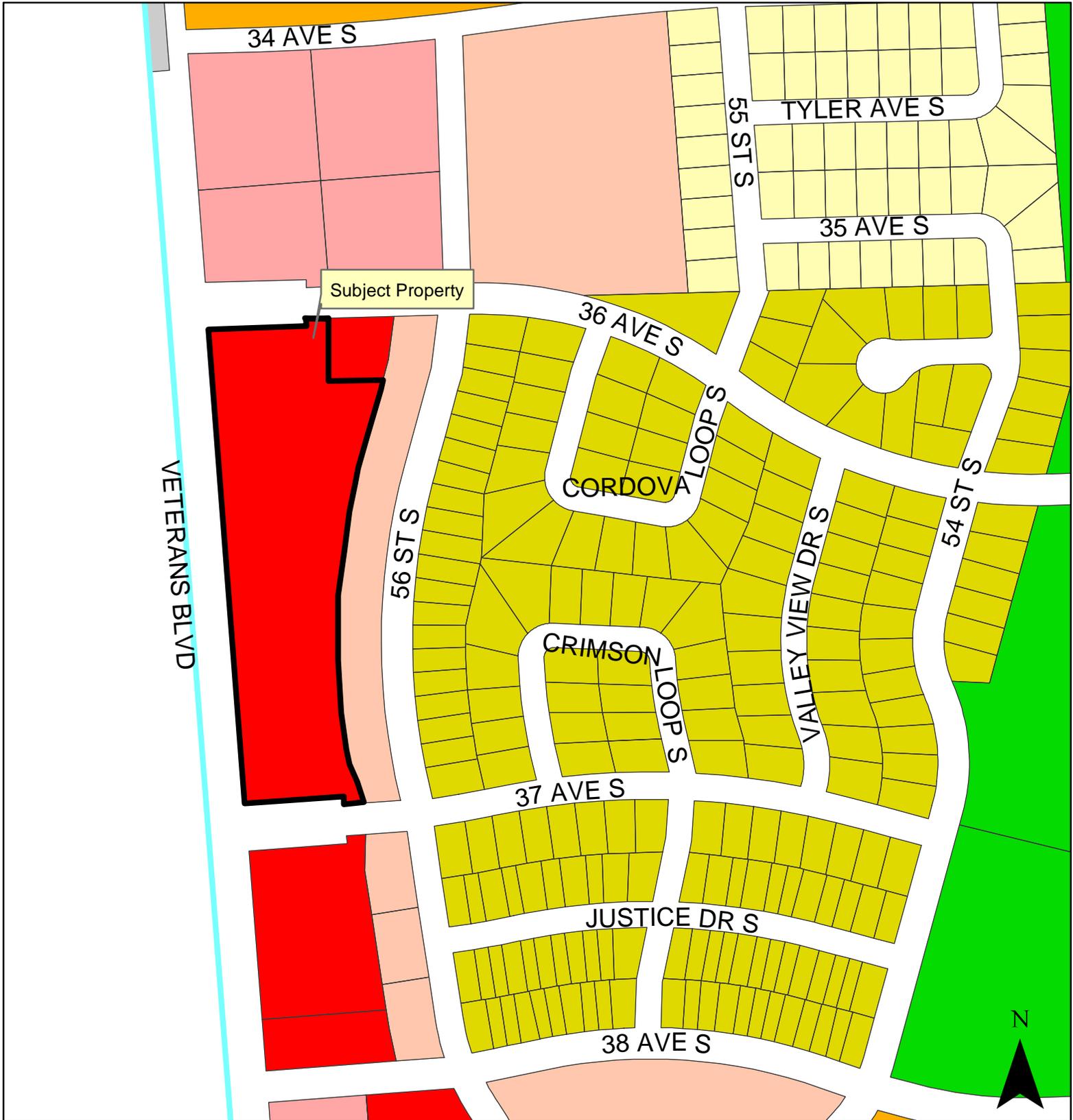
**Attachments:**

- 1. Zoning Map
- 2. Location Map
- 3. Preliminary Plat
- 4. Site Plan

# Plat (Minor) & CUP (Alternative Access Plan)

## Valley View 8th Addition

3650 Veterans Blvd S



### Legend

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

300

Feet

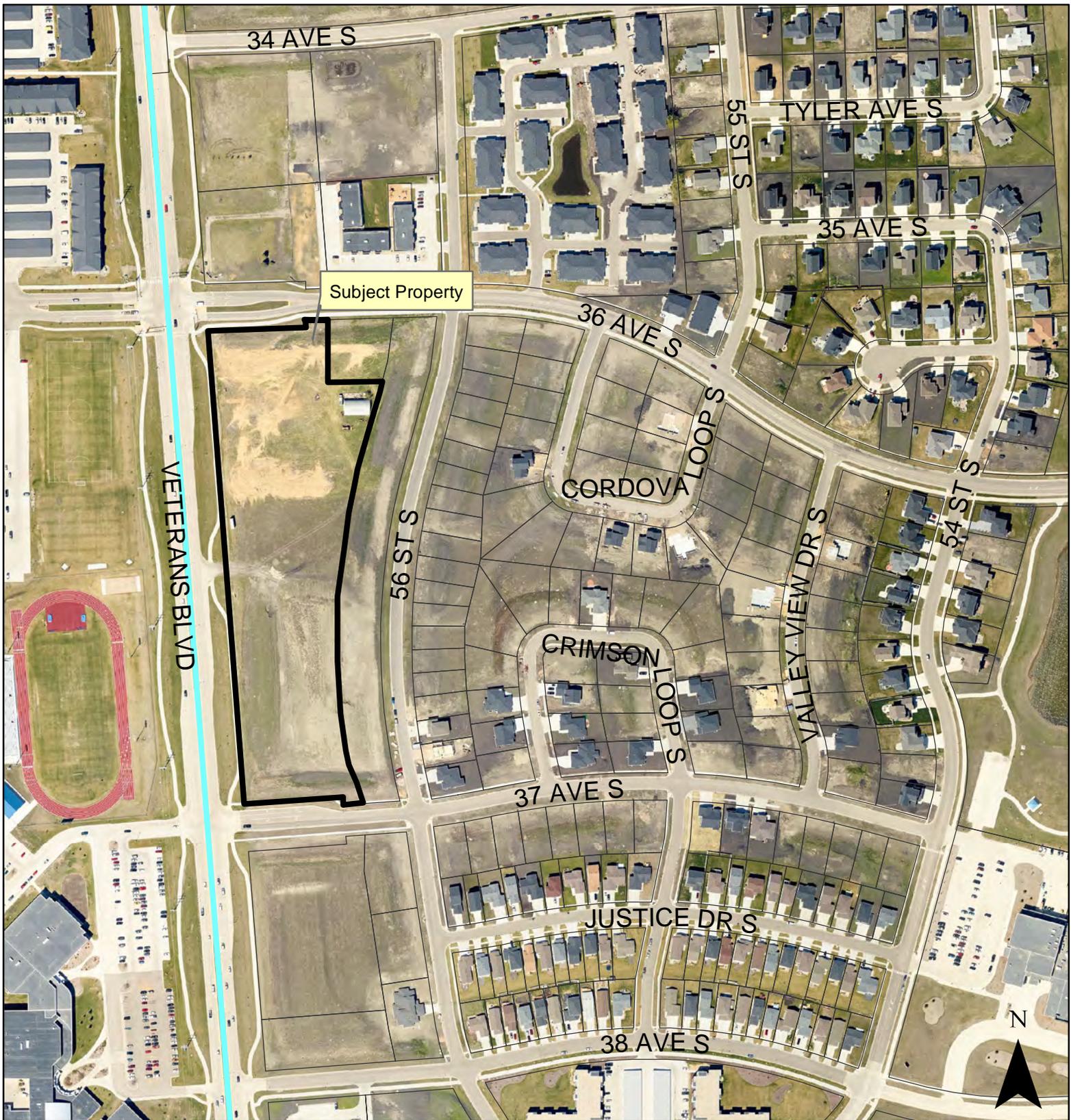
Fargo Planning Commission

January 4, 2018

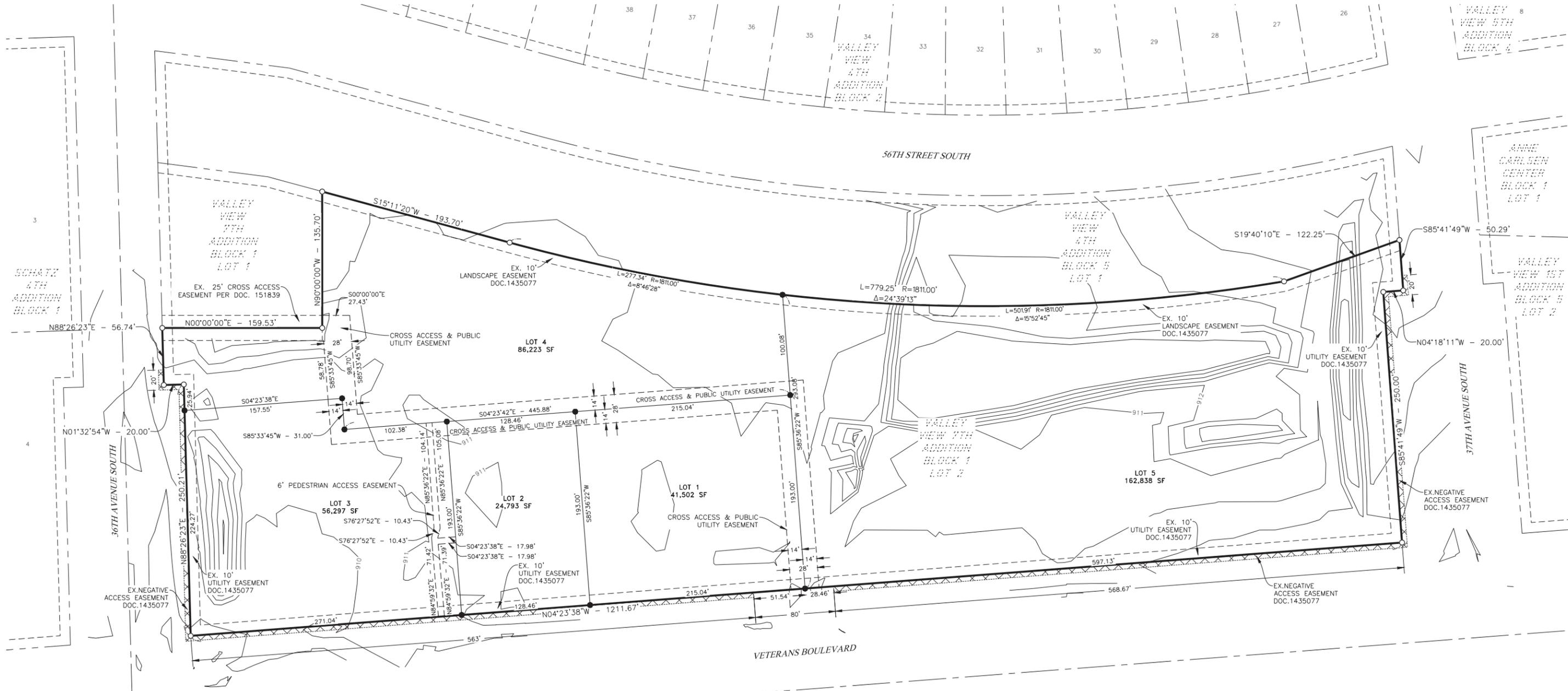
# Plat (Minor) & CUP (Alternative Access Plan)

## Valley View 8th Addition

3650 Veterans Blvd S



A MINOR SUBDIVISION PLAT OF  
**VALLEY VIEW EIGHTH ADDITION**  
 A REPLAT OF LOT 2 BLOCK 1, VALLEY VIEW SEVENTH ADDITION  
 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



12/20/17 03:47:38PM Z:\Lowry Shared Files\Projects\_2017\17033 - Liberty Town Center Fargo, ND\Drawings\XRC\_PlatPlan\_17033.dwg



**LEGEND**

●	MONUMENT SET
○	MONUMENT FOUND
P.O.B.	POINT OF BEGINNING
R/W	RIGHT OF WAY
- - - - -	EX. EASEMENT
- - - - -	EX. PROPERTY LINE
— — — — —	SECTION LINE
— — — — —	PROPERTY BOUNDARY LINE
— — — — —	NEW ROW/PROPERTY LINE
- - - - -	NEW EASEMENT
▨ ▨ ▨ ▨ ▨	NEGATIVE ACCESS EASEMENT

**LOWRY**  
 ENGINEERING  
 1111 WESTRAC DRIVE - SUITE 108  
 FARGO, NORTH DAKOTA 58103

A MINOR SUBDIVISION PLAT OF  
**VALLEY VIEW EIGHTH ADDITION**  
 A REPLAT OF LOT 2 BLOCK 1, VALLEY VIEW SEVENTH ADDITION  
 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT BRIAN KOUNOVSKY OF K SQUARE DEVELOPERS LLC AND LARRY DIETZ OF DIETZ PROPERTIES ARE THE OWNER'S OF THE LAND DESCRIBED IN THE PLAT OF VALLEY VIEW EIGHT ADDITION, A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 139 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 2, BLOCK 1, VALLEY VIEW SEVENTH ADDITION TO THE CITY OF FARGO, CASS COUNTY NORTH DAKOTA;

SAID OWNER'S HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS VALLEY VIEW EIGHT ADDITION TO THE CITY OF FARGO. SAID OWNER'S ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHTS OF WAY AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID PLAT, CONSISTS OF 5 LOTS AND 1 BLOCK, AND CONTAINS 8.53 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHTS OF WAY OF RECORD.

BY: \_\_\_\_\_  
 BRIAN KOUNOVSKY, PRESIDENT  
 K SQUARE DEVELOPERS LLC.

STATE OF \_\_\_\_\_ )  
 )SS  
 COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRIAN KOUNOVSKY, 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: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

BY: \_\_\_\_\_  
 LARRY DIETZ, PRESIDENT  
 DIETZ PROPERTIES LLC

STATE OF \_\_\_\_\_ )  
 )SS  
 COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LARRY DIETZ, 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: \_\_\_\_\_ STATE: \_\_\_\_\_  
 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 VALLEY VIEW EIGHTH 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 \_\_\_\_\_, 2017.

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

STATE OF \_\_\_\_\_ )  
 )SS  
 COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, 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: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

CITY OF FARGO ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
 MARK H. BITTNER  
 CITY ENGINEER

STATE OF \_\_\_\_\_ )  
 )SS  
 COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK H. BITTNER, 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: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
 TIMOTHY J. MAHONEY  
 MAYOR

\_\_\_\_\_  
 STEVE SPRAGUE  
 CITY AUDITOR

STATE OF \_\_\_\_\_ )  
 )SS  
 COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, 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: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

CITY OF FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
 SHARA FISCHER, CHAIR  
 FARGO PLANNING COMMISSION

STATE OF \_\_\_\_\_ )  
 )SS  
 COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, 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: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

12/20/17 03:47:38PM Z:\Lowry Shared Files\Projects\_2017\7033 - Library Town Center Fargo, ND\Drawings\7033 - Project\Survey\XRC\_Plat\Plat.mxd, 17033.dwg



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Timber Creek Seventh Addition	<b>Date:</b>	12/28/17
<b>Location:</b>	3559, 3571, and 3583 47th Avenue South	<b>Staff Contact:</b>	Maegin Elshaug
<b>Legal Description:</b>	Lots 11-13, Block 1, Timber Creek Third Addition		
<b>Owner(s)/Applicant:</b>	PLC Investments, LLC/Nate Vollmuth	<b>Engineer:</b>	Ulteig
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential) and <b>Minor Subdivision</b> ( Replat of Lots 11-13, Block 1, Timber Creek Third Addition, to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: January 4, 2018		

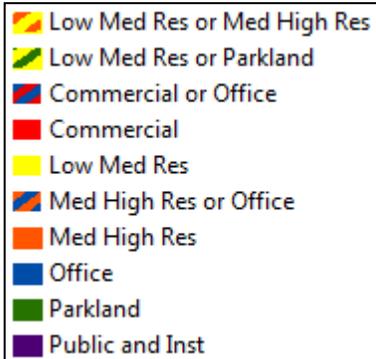
<b>Existing</b>
<b>Land Use:</b> Vacant land
<b>Zoning:</b> SR-2, Single-Dwelling Residential
<b>Uses Allowed:</b> Detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed:</b> 5.4 units per acre

<b>Proposed</b>
<b>Land Use:</b> Residential
<b>Zoning:</b> SR-4, Single-Dwelling Residential
<b>Uses Allowed:</b> Detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed:</b> 12.1 units per acre

<b>Proposal:</b>
<p>The applicant is seeking approval of a minor subdivision, entitled <b>Timber Creek Seventh Addition</b>, and a zoning map amendment to rezone the subject properties from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential. The subject properties are legally described as Lots 11-13, Block 1, Timber Creek Third Addition and are located at 3559, 3571, and 3583 47th Avenue South. The property encompasses approximately 0.71 acres.</p> <p>The application proposes an increase in households. Within 300 feet of the interstate paving, there is an increase of one residential lot. City policy discourages residential use in proximity to the interstate highways. However, residential zoning is already established at this location.</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><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: P/I, Public and Institutional with a park;</li> <li>• East: SR-2, Single-Dwelling Residential with detached housing;</li> <li>• South: Across 47th Avenue South; SR-4, Single-Dwelling Residential with detached housing;</li> <li>• West: Interstate 29.</li> </ul> <p><i>(continued on next page)</i></p>

**Area Plans:**

The subject property is located within the 2007 Tier 2 South Land Use Plan. In March of 2014, a growth plan amendment was approved. Pursuant to the amendment, the subject properties are deemed appropriate for low to medium density residential.



**Schools and Parks:**

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

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

**Parks:** Fox Run Park Trail (4101 32nd Street S) is abuts the northern property line of the subject properties and offers the amenity of recreational trails. Timber Creek Park (3300 47th Avenue S) is located approximately less than a quarter of a mile east of the subject property and offers playground, recreational trails, and shelter amenities.

**Pedestrian / Bicycle:** Off-road bike facilities run along the Fox Run Trail and 36<sup>th</sup> St S/Timber Parkway South. Both facilities are components of the metro area trail system.

**Staff Analysis:**

**Zoning**

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

- 1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**  
Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property. **(Criteria Satisfied)**
- 2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**  
The development is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(Criteria Satisfied)**

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

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

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

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

**Minor Subdivision**

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

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

The subdivision is intended to replat Lots 11-13, Block 1, Timber Creek Third Addition into six lots and one block. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one call with concerns regarding the increase in density. 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: 1) Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential and 2) Subdivision Plat, **Timber Creek Seventh 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 4, 2018**

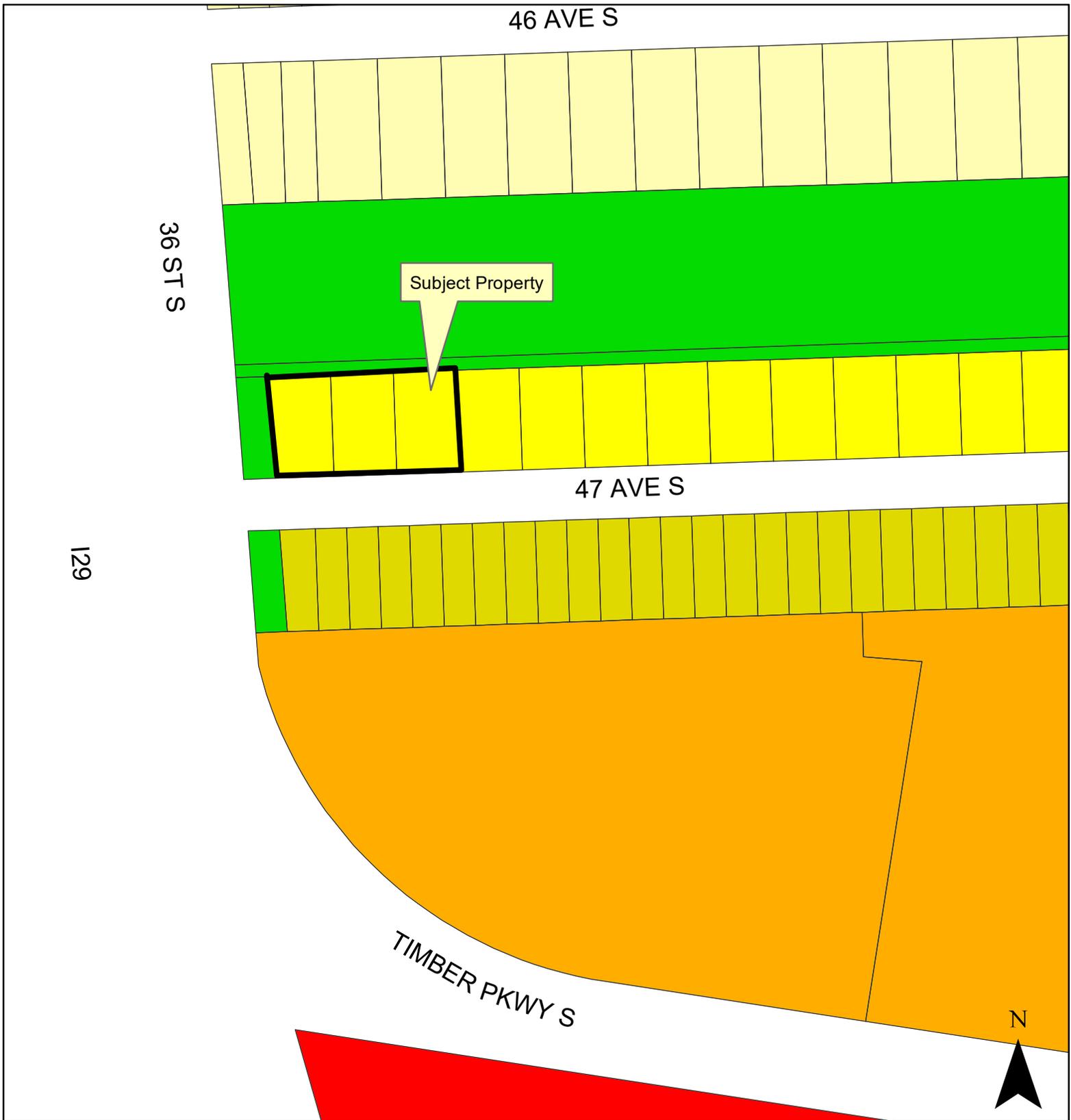
**Attachments:**

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

# Plat (Minor) and Zone Change (SR-2 to SR-4)

## Timber Creek Seventh Addition

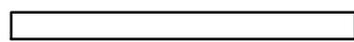
3583, 3571, 3559 47th Ave S



### Legend

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

300



Feet

# Plat (Minor) and Zone Change (SR-2 to SR-4)

## Timber Creek Seventh Addition

3583, 3571, 3559 47th Ave S



**OWNERS DESCRIPTION AND DEDICATION**

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

Lots 11 through 13, Block 1 of TIMBER CREEK THIRD ADDITION, according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota being in the City of Fargo, Cass County, North Dakota.

The above described parcel contains 0.71 acres or 30,920.4 square feet more or less.

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

OWNER  
PLC INVESTMENT LLC

By: \_\_\_\_\_  
Kevin Christianson

State of North Dakota }  
County of Cass } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2018, before me, a notary public with and for said County, personally appeared Kevin Christianson, PLC INVESTMENT LLC known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

\_\_\_\_\_  
Notary Public

MORTGAGEE:  
First International Bank & Trust

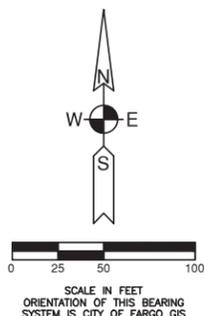
By: \_\_\_\_\_  
\_\_\_\_\_ Title

State of North Dakota }  
County of Cass } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2018, before me, a notary public with and for said County, personally appeared \_\_\_\_\_

\_\_\_\_\_, First International Bank & Trust known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

\_\_\_\_\_  
Notary Public



- LEGEND**
- MONUMENT FOUND
  - MONUMENT SET, 5/8" REBAR, CAPPED "LS-10497"
  - SUBJECT PROPERTY LINE
  - - - SECTION/QUARTER LINE
  - - - EXISTING PROPERTY LINE
  - - - EASEMENT LINE

PREPARED BY

**Ulteig**

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

# TIMBER CREEK SEVENTH ADDITION

A REPLAT OF LOTS 11, 12, & 13, BLOCK 1 OF TIMBER CREEK THIRD ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT**

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

Christopher Blake Sexton, Professional Land Surveyor  
North Dakota License No. LS-10497

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 Christopher Blake Sexton, 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**

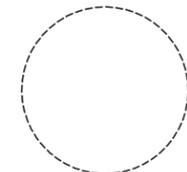
Approved by City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Mark H. Bittner, 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 Mark H. Bittner, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

\_\_\_\_\_  
Notary Public



**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.

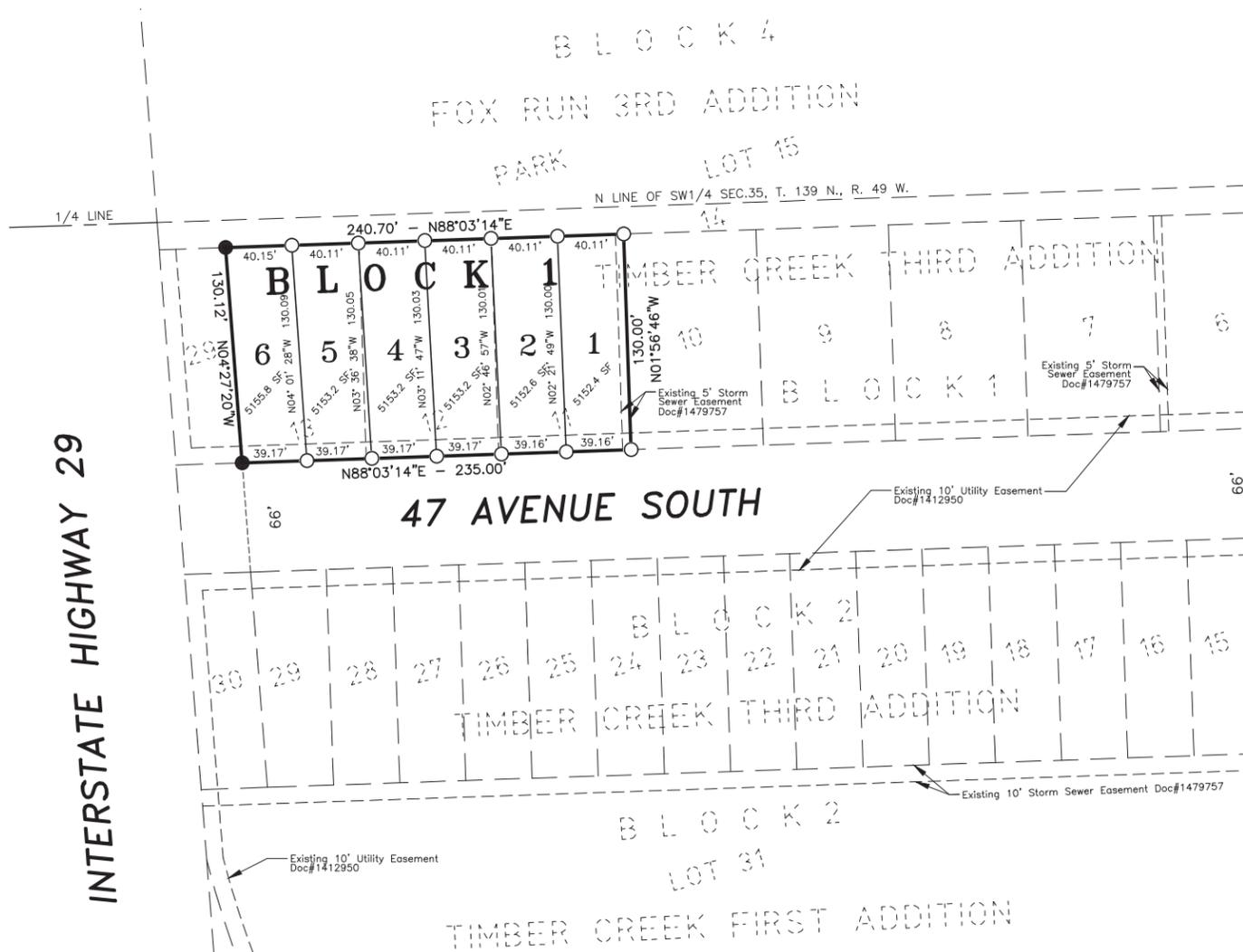
Timothy J. Mahoney, Mayor

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



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

<b>Existing</b>
<b>Land Use:</b> Retail Sales and Service
<b>Zoning:</b> GC, General Commercial with a C-O, Conditional Overlay
<b>Uses Allowed:</b> 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, <del>vehicle repair</del> , limited vehicle service, <del>aviation, surface transportation</del> , and major entertainment events. With a C-O, Conditional Overlay.
<b>Maximum Lot Coverage Allowed:</b> 85% Maximum

<b>Proposed</b>
<b>Land Use:</b> No Change
<b>Zoning:</b> GC, General Commercial with a C-O, Conditional Overlay
<b>Uses Allowed:</b> 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, <del>vehicle repair</del> , limited vehicle service, <del>aviation, surface transportation</del> , and major entertainment events. With a C-O, Conditional Overlay.
<b>Maximum Lot Coverage Allowed:</b> No change

<b>Proposal:</b>
<p>The applicant is seeking approval of a minor subdivision, entitled <b>Timber Creek Eighth Addition</b>, and a zoning map amendment zoning map amendment in order to repeal the existing C-O, Conditional Overlay and reestablish a new C-O, Conditional Overlay on the subject property. The subject properties are legally described as of Lots 1 and 2, Block 1, Timber Creek Fourth Addition and are located at 5050 Timber Creek Parkway South and 5131 Prosperity Way South. The property encompasses approximately 3.92 acres.</p> <p>The applicant is proposing several changes to the Conditional Overlay to design standards and screening requirements. Below are the proposed changes:</p> <p><u>Building Massing:</u> Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than <del>50%</del> <b>60%</b> of its horizontal length. Any multi-dwelling structures shall be exempt from this provision.</p>

Screening / Mechanical, Ground Level and Rooftop Equipment:

Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view.

~~Parapets shall not exceed an average height of 15% of the height of the supporting wall nor shall p~~ Parapets at any point shall not exceed 1/3 of the height of the supporting wall and shall not be at a constant height for a distance greater than 100 feet.

Parking Lots / Screening, Landscaping:

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

Operational Requirements / Lighting:

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

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

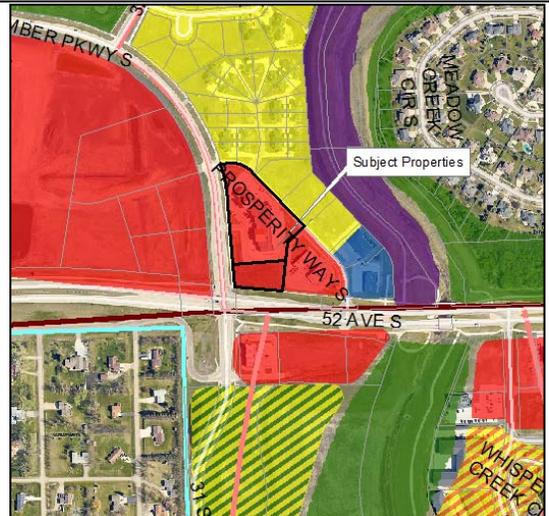
**Surrounding Land Uses and Zoning Districts:**

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

**Area Plans:**

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

- Commercial
- Future School
- Industrial
- Low Med Res
- Med High Res
- Proposed Park
- Rural Res



**Schools and Parks:**

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

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

**Parks:** Timber Creek Park (3300 47th Avenue S) is located approximately 900 feet northwest of the subject property and offers playground, recreational trails, and shelter amenities.

**Pedestrian / Bicycle:** Off-road bike facilities run along both Timber Parkway South and 52nd Avenue South. Both facilities are components of the metro area trail system.

**Staff Analysis:**

**Zoning**

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

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

Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property. **(Criteria Satisfied)**

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

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

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

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

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

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

**Minor Subdivision**

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

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

The lot configuration of the subdivision will not change, however there is a 24-foot access easement that exists over the shared lot line. The replat will vacate that access easement and provide a 27-foot access easement on the south side of Lot 1. In accordance with Section 20-0901.F of the LDC, notices of the

proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code  
**(Criteria Satisfied)**

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

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 and 2, Block 1, of the proposed Timber Creek Eighth Addition and 2) Subdivision Plat, **Timber Creek Eighth Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation:** January 4, 2018

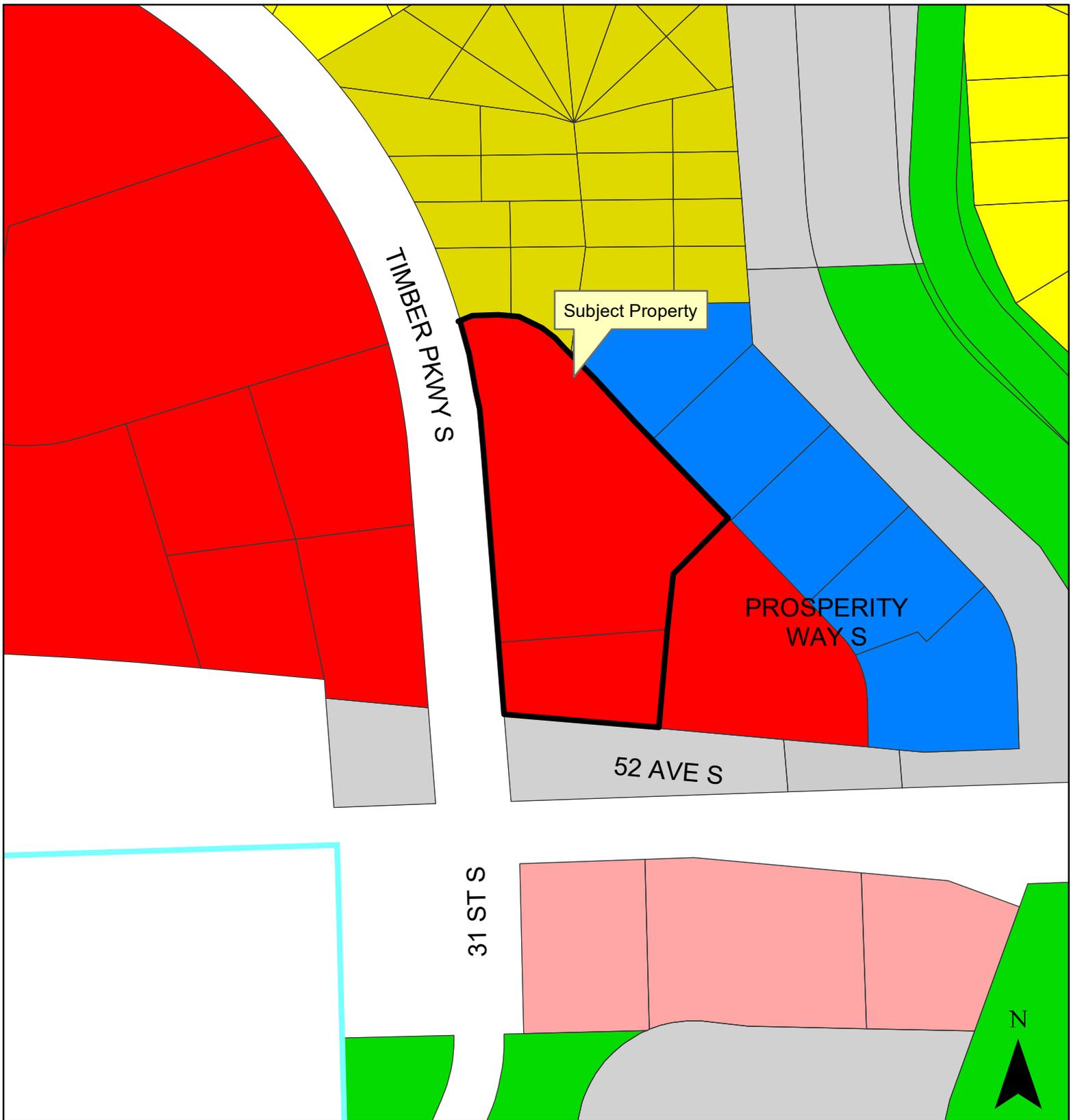
**Attachments:**

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Conditional Overlay Draft

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

## Timber Creek 8th Addition

5050 Timber Pkwy S &  
5131 Prosperity Way S



**Legend**

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

300

Feet

**Fargo Planning Commission**

**January 4, 2018**

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

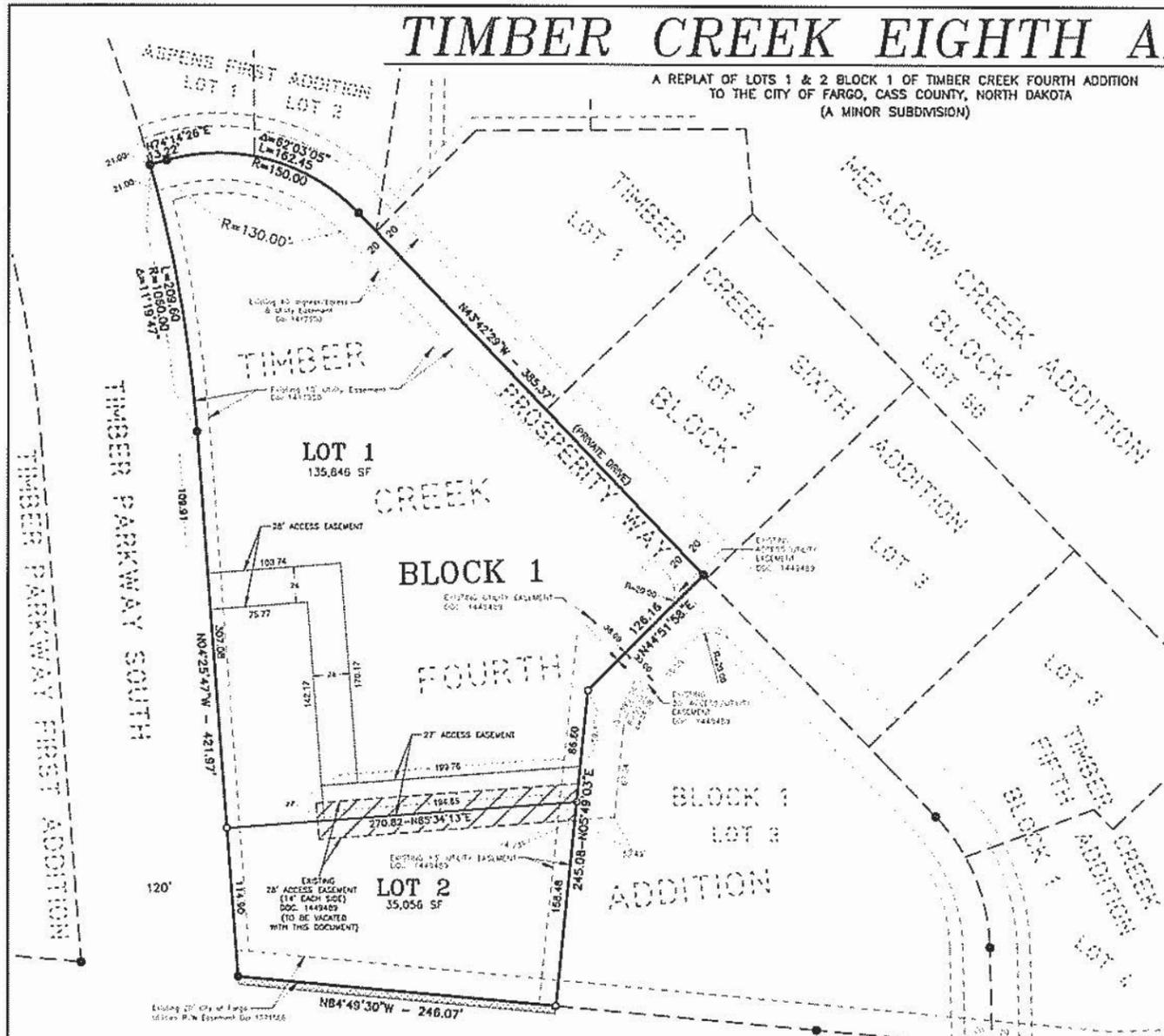
## Timber Creek 8th Addition

5050 Timber Pkwy S &  
5131 Prosperity Way S



# TIMBER CREEK EIGHTH ADDITION

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



### OWNERS DESCRIPTION AND DEDICATION

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

Lot 1, Block 1 of TIMBER CREEK FOURTH ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

AND that PLC INVESTMENTS, LLC whose address is Fargo, North Dakota as owner of a parcel of land located in the Southeast Quarter of Section 35, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 2, Block 1 of TIMBER CREEK FOURTH ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Containing 170,902 square feet or 3.92 acres, more or less.

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

OWNER: LOT 1  
TIMBER CREEK RETAIL CENTER, LLC

By: \_\_\_\_\_  
Kevin Christenson, President

State of North Dakota } SS  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2017, before me, a notary public with and for said County, personally appeared Kevin Christenson, President, TIMBER CREEK RETAIL CENTER, LLC known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

OWNER: LOT 2  
PLC INVESTMENTS LLC

By: \_\_\_\_\_  
Kevin Christenson, President

State of North Dakota } SS  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2017, before me, a notary public with and for said County, personally appeared Kevin Christenson, President, PLC INVESTMENTS LLC known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

MORTGAGE HOLDER: LOTS 1 and 2  
First International Bank & Trust

By: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_

State of North Dakota } SS  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2017, before me, a notary public with and for said County, personally appeared First International Bank & Trust known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

### CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Mark H. Britner, City Engineer

State of North Dakota } SS  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a notary public with and for said County, personally appeared Mark H. Britner, 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 \_\_\_\_\_, 2017.

Shara Fischer, Planning Commission Chair

State of North Dakota } SS  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, 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 \_\_\_\_\_, 2017.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota } SS  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

### SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

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

Christopher Blake Sexton, Professional Land Surveyor  
North Dakota License No. LS-10487

State of North Dakota } SS  
County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a notary public with and for said County, personally appeared Christopher Blake Sexton, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

PREPARED BY



FARGO: BRANICK - OLSEN/ELMETS - ST. PAUL: MOEN/FALEN - BISMARCK: COTTER/ROFFES - WHEELER

52 AVENUE SOUTH



GRAPHIC SCALE = 1"=50'  
ORIGINATOR OF THIS SURVEY SYSTEM IS CITY OF FARGO GIS

### LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-10487"
- SUBJECT PROPERTY LINE
- - - - - EXISTING PROPERTY LINE
- - - - - EXISTING EASEMENT LINE
- - - - - EASEMENT LINE
- XXXXXXXXXXXXXXXXXXXX EXISTING NEGATIVE ACCESS EASEMENT  
Negative Access Easement, as noted on this plat, is an easement designated that 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 specific width, but is a strip contiguous with the boundary of the adjacent lot or lots.
- XXXXXXXXXXXXXXXXXXXX EXISTING ACCESS EASEMENT TO BE VACATED WITH THIS DOCUMENT

# PRELIMINARY

## DRAFT CONDITIONAL OVERLAY

1. Uses:
  - a. Within the Use Category for Retail Sales/Service and Office, sales and leasing of consumer vehicles including passenger vehicles, light/medium trucks and other recreational vehicles that includes outdoor storage/display/sales are prohibited.
  - b. Detention Facilities
  - c. Adult Entertainment Center
  - d. Self-Service Storage
  - e. Vehicle Repair (excluding tire sales)
  - f. Industrial Service
  - g. Manufacturing and Production
  - h. Warehouse and Freight Movement - (excluding furniture/appliance stores)
  - i. Wholesale Sales
  - j. Aviation/Surface Transportation
  
2. Design Standards: The following design standards are intended to provide an improved aesthetic quality to commercial development.
  - a. Height: Shall be restricted to a maximum height of 35 feet.
  - b. Building Massing:
    - i. All buildings shall have architectural interest and variety to avoid the effect of a single, long or massive wall; buildings shall include variation in size and shape.
    - ii. All building façades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections, recesses or articulations having a depth of at least 3% of the length of the façade, and extending a minimum of 20% of the length of the façade. Any articulation shall emphasize elements on the face of a wall which may include materials, roof pitch or structure height.
    - iii. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than ~~60%~~ **50%** of its horizontal length. Any multi-dwelling structures shall be exempt from this provision.
    - iv. Four-sided Design – All building façades shall be designed with a similar level of design detail, respective to building massing and building materials.
      - a. If storage/display/sales areas at the rear or back of building (i.e. lumber yard) associated with a permitted use are visible from public right-of-way (at-grade), said areas and corresponding structures (if any) shall be buffered with additional trees. At minimum, 1 tree per 50 lineal feet shall be planted with a 2-inch minimum caliper.
  - c. Building Materials:
    - i. All walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, exterior insulation finishing system, fiber cement, curtain walls, glass, high quality pre-stressed concrete systems, architectural metal

panels or any similar high quality material as may be approved by the Zoning Administrator. All materials shall be durable and have a multi-generational life span.

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

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

- i. Dumpsters and storage areas shall be screened (minimum opacity of 50%) and shall be completely screened from any property within an SR or MR zoning district. Screening shall occur by use of buildings, fences, walls, berms or landscape buffers. Dumpster and trash enclosures shall contain permanent walls on three (3) sides and the service opening shall not face any public right-of-way or residentially-zoned property. All permanent walls shall be clad with the same materials as used for the principle building or clad with another high quality building material consistent with subparagraph (c) above. Metal gates shall be used to visually screen the collection area.
- ii. Loading or service areas/facilities shall be located at the side or rear of buildings and screened from public view by structures and/or landscaping, with a minimum opacity of 50%. All structures or walls shall be clad with the same materials as used for the principle building or clad with another high quality material consistent with subparagraph (c) above
- iii. Adjacent properties shall combine collection areas, as feasible.
- iv. Setbacks for dumpsters and storage areas shall be 20 feet.

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

- i. Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view. ~~Parapets shall not exceed an average height of 15% of the height of the supporting wall nor shall p~~ Parapets at any point shall not exceed 1/3 of the height of the supporting wall and shall not be at a constant height for a distance greater than 100 feet.
- ii. All ground level HVAC units and utility boxes shall be screened from view by a structure and/or landscaping.

f. Parking Lots / Screening, Landscaping:

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

- ii. A minimum of ten percent (10%) of the internal surface area of surface parking lots shall be landscaped.
- iii. Parking lot perimeter landscaping buffers are required for any off-street parking area on any side that is adjacent to an SR zoning district. The minimum buffer shall be 10 feet and may include a combination of trees, shrubs, decorative fence, landscaped berms or other materials or techniques to be approved by the Zoning Administrator. Vegetative buffers shall, at

minimum, provide a similar level of buffering as compared with either a Type A or Type B buffer as contemplated under §20-0704 of the Land Development Code. Trees shall be a minimum of 2-inch caliper.

g. Landscape Buffer, Other:

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

h. Landscaping and Street Tree Installation / Maintenance:

- i. All landscaping, buffers and street trees shall be in place and healthy within 12 months following issuance of any building permit.

i. Operational Requirements / Lighting:

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

j. Signage:

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

k. Residential Protection Standards:

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

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Brunsdale First Addition	<b>Date:</b>	12/27/2017
<b>Location:</b>	2829 South University Drive	<b>Staff Contact:</b>	Barrett Voigt
<b>Legal Description:</b>	Lots 6-7, Block 1, Brunsdale First Addition		
<b>Owner(s)/Applicant:</b>	University Medical Center, LLP/Zerr Berg Architects	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> for an Alternative Access Plan		
<b>Status:</b>	Planning Commission Public Hearing: January 4, 2018		

<b>Existing</b>
<b>Land Use:</b> Medical Office
<b>Zoning:</b> LC, Limited Commercial
<b>Uses Allowed:</b> 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
<b>Maximum Density Allowed:</b> 55% building coverage

<b>Proposed</b>
<b>Land Use:</b> Medical Office and Health Care Facility
<b>Zoning:</b> No Change
<b>Uses Allowed:</b> 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  <b>Plus a CUP to allow for an Alternative Access Plan</b>
<b>Maximum Density Allowed:</b> No Change

<b>Proposal:</b>
<p>The applicant is requesting a Conditional Use Permit (CUP) to allow for an Alternative Access Plan for a parking reduction on Lots 6-7, Block 1, Brunsdale First Addition. The site currently has an existing medical office building and the applicant would like to construct building additions to the existing building to accommodate future health care facilities.</p> <p>According to Land Development Code (LDC) parking requirements, Medical Office use requires 1 space per every 200 square feet. Health Care Facility use requires 1.5 parking spaces per bed and an additional parking space for every 300 square feet of administrative office and 200 square feet of outpatient clinic space. The applicant has provided plans of anticipated building additions to the existing building (For more information, please refer to the site plan provided by the applicant attached with this staff report document). The site currently has 219 stalls and the proposed plan for the building additions would provide 20 additional stalls for a total of 239 parking stalls. If the applicant were to submit a</p>

building permit application to construct the proposed additions, 361 parking spaces at minimum would be required and the proposed project would not meet LDC parking requirement standards. Therefore, the applicant is requesting an Alternative Access Plan to revise the parking ratio requirement for this site to a fixed ratio of 1 space per every 350 square feet of the existing building and the proposed building addition areas. If the proposed ratio were applied to the development proposal provided, 207 parking spaces would be required. This would result in a net difference of 154 parking spaces or a 43% reduction of the parking spaces required by the LDC. For more information, please refer to the table below.

Use	LDC Requirements			Proposed Ratio			Net Difference in Spaces Required
	sf	ratio	spaces required	sf	ratio	spaces required	
Medical Office	46,185	1/200 SF	231	46,185	1/350 SF	132	99
Health Care Facility	0 Bed + 26,080	1.5/Bed + 1/200 SF	130	26,080	1/350 SF	75	55
<b>Total</b>	<b>72,265</b>		<b>361</b>	<b>72,265</b>		<b>207</b>	<b>154 (43%)</b>

The applicant requests the Alternative Access Plan entitlement of a fixed ratio for parking on the basis of a parking study that was performed for the site by the applicant. The applicant provided findings with the entitlement application to support the claim that the parking lot is not used to full capacity and that the demand to utilize the full number of spaces required for the site does not exist. As a result, the applicant makes the argument that the LDC requirements to provide parking for this site would result in further under-utilized and excessive provision of parking spaces when compared to the demand identified. For more information, please refer to the parking study data provided by the applicant attached with this staff report document.

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: LC, Limited Commercial with medical office use
- East: Across University Avenue South; LC, Limited Commercial with use
- South: LC, Limited Commercial with medical office use
- West: MR-2, Multi-Dwelling Residential with multi-dwelling structure use

**Area Plans:**

No area plans apply.

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo Public School District and is served by Lincoln Elementary, Carl Ben Middle, and South High schools.

**Neighborhood:** The subject property is located in the Brunsdale Neighborhood.

**Parks:** Brunsdale Park (1702 27th Avenue S) is located less than a quarter (.25) mile east of the subject property with the amenities of baseball/softball fields, batting cage, multipurpose field, picnic table, pickleball, playground, recreational trails, restrooms, shelter, and soccer fields.

**Pedestrian / Bicycle:** Off-road bike facilities are provided along University Drive South that are a component of the metro area bikeways system.

**Staff Analysis:**

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?** The applicant has submitted an application to request an Alternative Access Plan to facilitate a reduction in the required off-street parking for this property. All other applicable provisions of the LDC have been met or will need to be met through the site plan permitting process, if the Alternative Access Plan is approved.  
**(Criteria Satisfied)**
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?** The CUP for the Alternative Access Plan, if approved, would allow additional investment and productivity of a property without the undue burden of incurring the costs of providing additional parking spaces that have no demand.  
**(Criteria Satisfied)**
3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?** Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call inquiry about the project.  
**(Criteria Satisfied)**
4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.** The proposed parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant to mitigate, to the extent practical, the potential negative impacts.  
**(Criteria Satisfied)**
5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?** Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.  
**(Criteria Satisfied)**
6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?** The subject property has vehicular access to the University Drive South Frontage Road that runs along the

front of the property. In addition, the subject property has close proximity to other modes of transportation facilities that reduce the demands of auto dependent facilities. The subject property is located approximately 500 feet north of a MatBus transit stop along University Drive South. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

**(Criteria Satisfied)**

**Recommended Conditions:**

1. A fixed parking ratio of 1 space per each 350 square feet shall apply for all medical office and medical and health care facility uses on site
2. All proposals for development shall have storm water plans approved by the Engineering Department before a building permit is issued
3. The Conditional Use Permit shall cease if the land use changes and is no longer a medical office, medical facility, or health care facility use

**Staff Recommendation:**

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

1. A fixed parking ratio of 1 space per each 350 square feet shall apply for all medical office and health care facility uses on site
2. All proposals for development shall have storm water plans approved by the Engineering Department before a building permit is issued
3. The Conditional Use Permit shall cease if the land use changes and is no longer a medical office or health care facility use

**Planning Commission Recommendation:** January 4, 2018

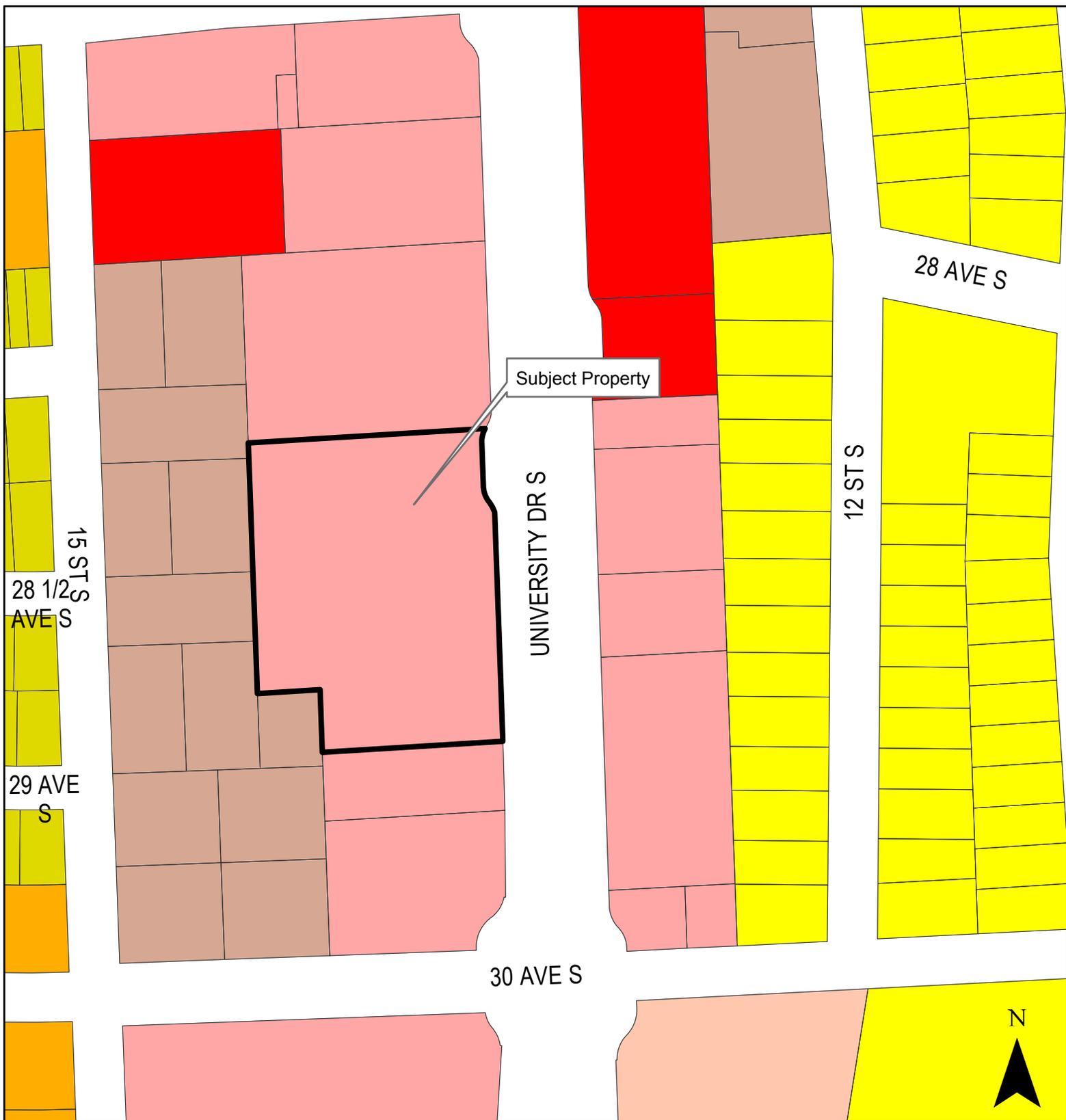
**Attachments:**

1. Zoning Map
2. Location Map
3. Site Plan
4. Parking Study Document

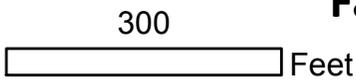
# CUP (Alternative Access Plan)

## Brunsdale First Addition

2829 University Dr S



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



Fargo Planning Commission  
January 4, 2018

# CUP (Alternative Access Plan)

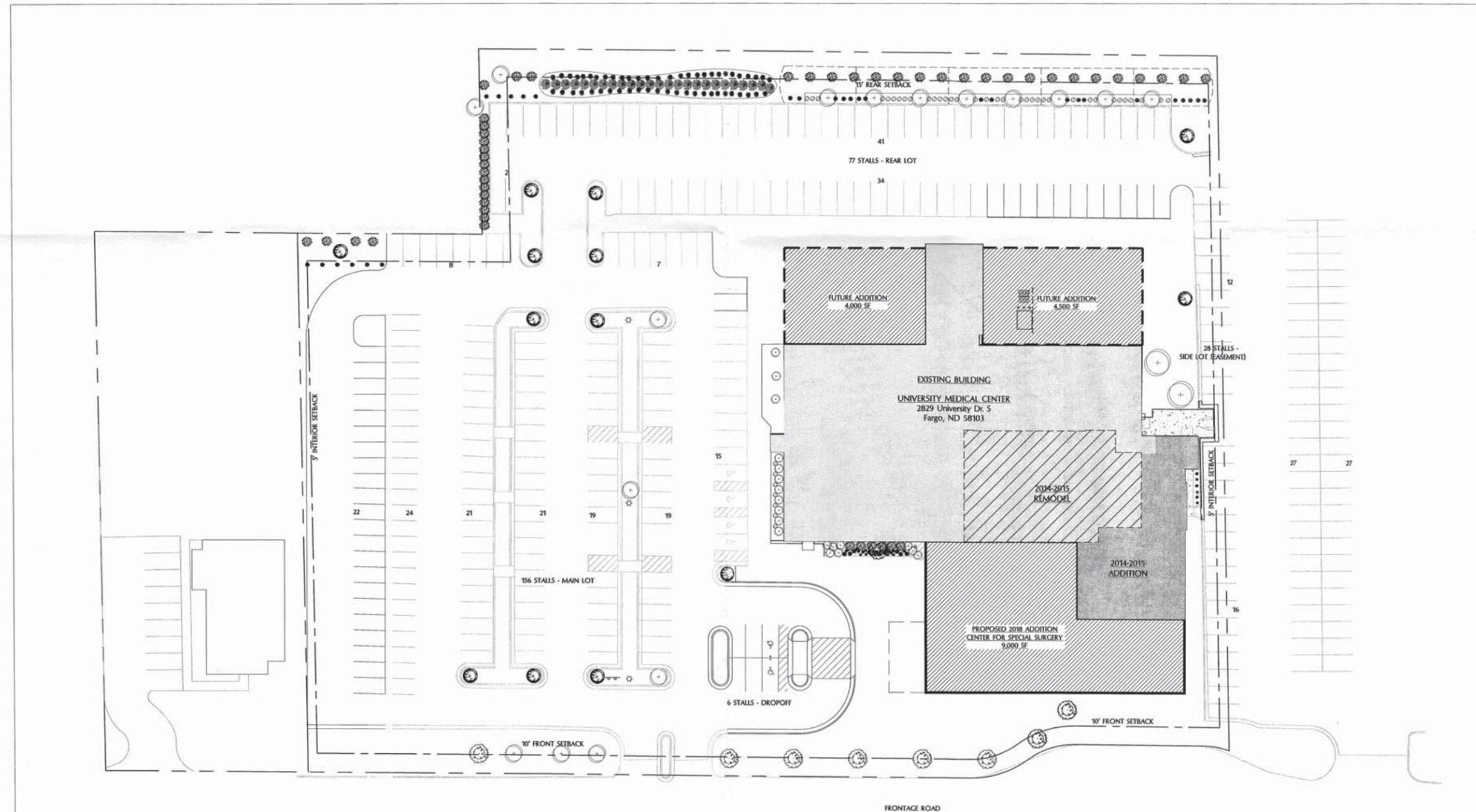
## Brunsdale First Addition

2829 University Dr S



### Site Information:

ZONING DESIGNATION:	LC
LAND AREA:	182,080 SF (4.18 ACRES)
<b>FOOTPRINT INFORMATION:</b>	
TOTAL EX. BLDG. FOOTPRINT:	30,972 SF
TOTAL EX. BLDG. AREA:	46,185 SF
<b>PROPOSED ADDITION AREA:</b>	
9,000 SF CENTER FOR SPECIAL SURGERY EXPANSION	
8,000 SF FUTURE EXPANSION	
9,060 SF FUTURE EXPANSION	
<b>TOTAL BUILDING AREA</b>	<b>72,265 SF</b>
W/ PROPOSED:	
<b>PARKING REQUIREMENTS per LAND DEVELOPMENT CODE:</b>	
RATIO - HEALTHCARE FACILITY:	1 : 200 SF
TOTAL SPACES REQUIRED:	= 361
<b>PROPOSED ALT. RATIO - OUTPATIENT CLINIC:</b>	
TOTAL SPACES REQUIRED:	= 207
<b>MAXIMUM STALLS per AVAILABLE SITE AREA</b>	<b>= 239 AS SHOWN</b>



1 SITE PLAN  
 SCALE: 1" = 30'

## UNIVERSITY MEDICAL CENTER EXPANSION & RENOVATION

FARGO, NORTH DAKOTA

PRELIMINARY SITE PLAN

Project No: 13-052  
 Date: 11/20/2017

A1.0



November 20, 2017

City of Fargo – Planning and Development  
200 3<sup>rd</sup> Street North  
Fargo, ND 58102

RE: Conditional User Permit – Alternative Access Plan, Parking Reduction  
University Medical Center  
Fargo, ND  
Parcel No. 01-0265-00043-000

ZBA Project No. 17-039

University Medical Center, LLP intends to construct an addition of approximately 9,000 square feet to the existing Center for Special Surgery at the University Medical Center. In future, the Owner intends to construct two separate two-story additions of approximately 17,080 square feet to the west of the facility, which will provide additional space to expand current services. The existing facility is 46,185 SF; the total building area including all proposed additions is 72,265 SF.

University Medical Center houses a mix of medical offices, radiological imaging suites, outpatient surgical suites, and outpatient exam areas. At least two tenants with clinical or office spaces on the second floor perform procedures on site in the Center for Special Surgery. On scheduled procedural days, clinical practices close and do not operate simultaneously with the surgical center.

During early site assessment and pre-design, we assessed the parking ordinances for the existing facility and future additions. Parking requirements appear to be excessive for the current and projected building use. The Owner conducted a parking observation from September 25, 2017 to October 16, 2017. The results of the observation are attached. On average, 50 on site stalls or **25%** of all provided stalls are used during typical hours of operation.

In 2015, the Center for Special Surgery addition/renovation project classified the project as a Healthcare Facility with a 1:200 SF parking ratio. As outlined in the enclosed site plan A1.0, 361 stalls are required per the same parking ratio to accommodate proposed additions. If existing tenants expand current services and no new uses are introduced to the facility, the same parking usage scaled for increased building area is an assumed average of 80 stalls. The site has a maximum parking capacity of 239 stalls as shown on A1.0.

Given the total site area, existing hardscape area and oversized existing parking lot, we propose an alternate ratio of 1:350 SF for a healthcare facility with mixed uses. Per the proposed ratio, 207 stalls are required. We have reviewed parking ordinances from regional municipalities and find ratios ranging from 1:250 to 1:350 to be common for a facility of this type. As an alternative, municipalities may assess peak patient and staffing loads to determine acceptable parking ratios on a case-by-case basis.

The Owner intends to provide additional documentation outlining peak staffing and patient numbers for the entire existing building by the end of November.

Please contact our office with any comments, questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah Fagerland", is written over a faint, light-colored signature line.

Leah Fagerland

Enclosure



**Parking Observation Assessment**  
 University Medical Center  
 ZBA Proj. 17-039

Note: 202 stalls located entirely within property.

Date Observed	MID MORNING		MID AFTERNOON	
	AVAILABLE	IN USE	AVAILABLE	IN USE
Monday, September 25, 2017	163	39	158	44
Tuesday, September 26, 2017	125	77	151	51
Wednesday, September 27, 2017	156	46	152	50
Thursday, September 28, 2017	155	47	-	-
Monday, October 2, 2017	167	35	140	62
Tuesday, October 3, 2017	151	51	-	-
Wednesday, October 4, 2017	153	49	160	42
Thursday, October 5, 2017	155	47	168	34
Friday, October 6, 2017	160	42	186	16
Monday, October 9, 2017	154	48	162	40
Tuesday, October 10, 2017	130	72	154	48
Wednesday, October 11, 2017	157	45	169	33
Thursday, October 12, 2017	130	72	143	59
Friday, October 13, 2017	163	39	175	27
Monday, October 16, 2017	160	42	-	-

	AVERAGES			
	152	50	160	42
Utilized Parking		25%		21%

\*\*Owner-observed calculations do not include accessible stalls.