

FARGO PLANNING COMMISSION AGENDA  
Thursday, January 3, 2019 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of December 4, 2018
- C: Brown Bag Luncheon - Wednesday, January 16, 2019
- D: Public Hearing Items:
- 1a. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on the proposed **BLU Water Creek 4th Addition**. (Located at 4609 33rd Avenue South) (Nate Vollmuth/Brandt Crossing LLC) (kb)
  - 1b. Hearing on an application requesting a Plat of **BLU Water Creek 4th Addition** (Minor Subdivision) a replat of Lot 6, Block 1, BLU Water Creek Addition, City of Fargo, Cass County, North Dakota. (Located at 4609 33rd Avenue South) (Nate Vollmuth/Brandt Crossing LLC) (kb)
  - 2a. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on the proposed **Timber Creek Ninth Addition**. (Located at 4726, 4736, 4746, 4756, 4766, 4776, and 4786 34th Street South) (Nate Vollmuth/PLC Investments) (dk): CONTINUED TO FEBRUARY 5, 2018
  - 2b. Hearing on an application requesting a Plat of **Timber Creek Ninth Addition** (Minor Subdivision) a replat of Lots 16-22, Block 3, Timber Creek First Addition, City of Fargo, Cass County, North Dakota. (Located at 4726, 4736, 4746, 4756, 4766, 4776, and 4786 34th Street South) (Nate Vollmuth/PLC Investments) (dk): CONTINUED TO FEBRUARY 5, 2018
  3. Hearing on an application requesting a Plat of **Timber Creek Tenth Addition** (Minor Subdivision) a replat of Lots 1-7, Block 1, Timber Creek Third Addition, City of Fargo, Cass County, North Dakota. (Located at 3431, 3445, 3457, 3469, 3483, 3495, 3509 47th Avenue South) (Nate Vollmuth/PLC Investments) (dk): CONTINUED TO FEBRUARY 5, 2018
  4. Hearing on an application requesting a Plat of **Rocking Horse East Fourth Addition** (Minor Subdivision) a replat of Lot 4, Block 2, Rocking Horse East Second Addition, City of Fargo, Cass County, North Dakota. (Located at 5518 51st Avenue South) (Tyler Brandt/Vets 52 LLC) (me)
  5. Hearing on an application requesting a Plat of **King Third Addition** (Major Subdivision) a replat of Lot 6, Block 1, King Second Addition, City of Fargo, Cass County, North Dakota. (Located at 3173 43rd Street South) (Matt Ness) (an)

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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).

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

Minutes are available on the City of Fargo Web site at [www.FargoND.gov/planningcommission](http://www.FargoND.gov/planningcommission).

**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday, December 4, 2018**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 p.m., Tuesday, December 4, 2018.

The Planning Commissioners present or absent were as follows:

Present:        Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Mary Scherling, Rocky Schneider, Scott Stofferahn, Maranda Tasa, Brad Bachmeier, Jennifer Holtz

Absent:         Melissa Sobolik

Chair Fischer called the meeting to order.

**Business Items:**

**Item A:        Approve Order of Agenda**

Chair Fischer noted the following Agenda items:

- Item 1 has been continued to February 5, 2019
- Items 3 and 6 have been withdrawn by the applicants

Member Tasa moved to hear Items 4 and 5 before Item 2 and that the Order of Agenda be approved. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

**Item B:        Minutes: Regular Meeting of November 6, 2018**

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

**Item C:        Thursday, December 13, 2018 Brown Bag Luncheon**

Topic: Historical overview of the Mid-America Steel site

City Commissioner Tony Grindberg provided a brief background regarding the guest speaker, Mark Piehl, from the Clay County Historical Society and the history of the Mid-American Steel site.

**Item D:        Public Hearing Items:**

**Item 1:        NSC Addition**

**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 FEBRUARY 5, 2019**

A Hearing had been set for August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued to September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to February 6, 2018. At the February 6, 2018 meeting, the Hearing was continued to May 1, 2018. At the May 1, 2018 meeting, the Hearing was continued to July 3, 2018. At the July 3, 2018 meeting, the Hearing was continued to September 4, 2018. At the September 4, 2018 meeting, the Hearing was continued to November 6, 2018. At the November 6, 2018 meeting, the Hearing was continued this date and time; however, the applicant has requested this item be continued to February 5, 2019.

**Item 2: St. Paul's Newman Center Addition**

**2a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential, LC, Limited Commercial, and SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed St. Paul's Newman Center Addition. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development): APPROVED**

**2b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within in the boundaries of the proposed St. Paul's Newman Center Addition. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development): APPROVED**

**2c. Continued hearing on an application requesting a Plat of St. Paul's Newman Center Addition (Minor Subdivision) a replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Block 9, Bolley's Addition, City of Fargo, Cass County, North Dakota. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development): APPROVED**

A hearing had been set for September 4, 2018. At the September 4, 2018 meeting, the Hearing was continued to October 2, 2018. At the October 2, 2018 meeting the Hearing was continued to November 6, 2018. At the November 6, 2018 meeting, the Hearing was continued to this date and time.

Member Magelky declared a conflict of interest on this item and was excused from voting.

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

Discussion was held highlighting the changes to the project, noting a change from 2 lots to 3 lots.

Applicant Larry Nygard, Roers Development, spoke on behalf of the application. He shared additional updates to the project since the September 4, 2018 Planning Commission presentation. He noted a reduction in apartment units, the addition of townhomes, and removing a story of housing from the south and west sides of the market-rate housing.

Discussion was held regarding access between the buildings, shared facilities, and the proposed outdoor terrace.

Ken Enockson, 1202 8th Street North, Jim Laschkewitsch, 1016 College Street North, and Harold Thompsen, 1309 9th Street North, Roosevelt Neighborhood Association representatives, each spoke of the neighborhood concerns. Concerns included building height and density, the need for more detailed conversations between City departments and core neighborhoods, parking issues, Land Development Code integrity, and protecting single family living in the neighborhood.

Discussion was held regarding the next steps of the process following a Planning Commission decision.

At 4:06 p.m., the Board took a five-minute recess.

After recess: All Members present except Member Sobolik. Chair Fischer presiding.

Ken Lepper, 1021 8th Avenue North, gave a presentation to the Board sharing the following concerns in opposition to the application: high-density development outside of the UMU, University Mixed-Use zoning district; reduction of the quality of life in the neighborhood; and not bringing value to the neighborhood.

The following property owners spoke in opposition to the proposal stating the following concerns: maintaining Fargo's "small city vs. big city" feel, water retention issues on the property, affordable housing for the neighborhood, setting a precedent for future high-density developments, and neighborhood safety.

Nick Geray, 621 9th Avenue North  
Jean Bultman, 1137 11th Street North

Discussion continued regarding the number of townhomes, and concerns for preserving older neighborhood properties into the future.

Planning Director Nicole Crutchfield shared that great comments and concerns have been presented and that staff will continue their work on dialogs with the neighborhoods. She noted that many conversations have been happening regarding future visions, and aligning processes and goals of the City.

Further discussion was held regarding growth plans, land use plans, and the process of working towards compromises.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential; LC, Limited Commercial; and SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay, 2) PUD Master Land Use Plan, and 3) Subdivision Plat, St. Paul's Newman Center Addition as outlined within the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Roosevelt/NDSU Neighborhood Plan, the Standards of Article 20-06, Section 20-0908.B (7), and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Schneider, Scherling, Holtz, Gunkelman, and Fischer voted aye. Members Stofferahn, Morgan, Bachmeier, and Tasa voted nay. Member Magelky abstained from voting. Absent and not voting: Member Sobolik. The motion was declared carried.

**Item 3: Landis Farms Addition**

**Continued hearing on an application requesting a Plat of Landis Farms Addition (Minor Subdivision) a replat of Lots 3 and 4, Block 1, Northern Sheyenne Land Addition, City of Fargo, Cass County, North Dakota. (Located at 5002 19th Avenue North) (Tina Jacobson/Ben Hippe, LJA): WITHDRAWN**

A hearing had been set for October 2, 2018. At the October 2, 2018 meeting the Hearing was continued to November 6, 2018. At the November 6, 2018 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

**Item 4: Gehrig Addition**

**Hearing on an application requesting a Plat of Gehrig Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 3, West Acres 4th Addition, City of Fargo, Cass County, North Dakota. (Located at 1702 40th Street South and 3926 17th Avenue South): APPROVED**

Assistant Planner Kylie Bagley 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, Gehrig 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 Gunkelman. On call of the roll Members Scherling, Gunkelman, Stofferahn, Holtz, Magelky, Tasa, Morgan,

Bachmeier, Schneider, and Fischer voted aye. Absent and not voting: Member Sobolik. The motion was declared carried.

**Item 5: Egbert, O'Neil, and Haggart's Subdivision**  
**Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential and GC, General Commercial to GC, General Commercial on all of Lots 5A, 5B, 6A, 6B, 8A, 8B, part of 7B, and half vacated alley adjacent to Block 16 and Block 21, Egbert, O'Neil, and Haggart's Subdivision. (Located at 404 25th Street South): APPROVED**

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

Member Scherling moved the findings and recommendations for staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from GC, General Commercial and SR-4, Single-Dwelling Residential to GC, General Commercial as outlined within the staff report on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Magelky. On call of the roll Members Bachmeier, Gunkelman, Magelky, Morgan, Scherling, Schneider, Holtz, Stofferahn, Tasa, and Fischer voted aye. Absent and not voting: Member Sobolik. The motion was declared carried.

**Item 6: Reeves Addition**  
**Hearing on an application requesting a Conditional Use Permit to allow Residential Living in a GC, General Commercial zoning district on Lots 10, 11, and 12, Block 6 and portions of adjacent vacated streets and alleys, Reeves Addition. (Located at 509 and 513 14th Street North): WITHDRAWN**

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

**Item E: Other Items:**

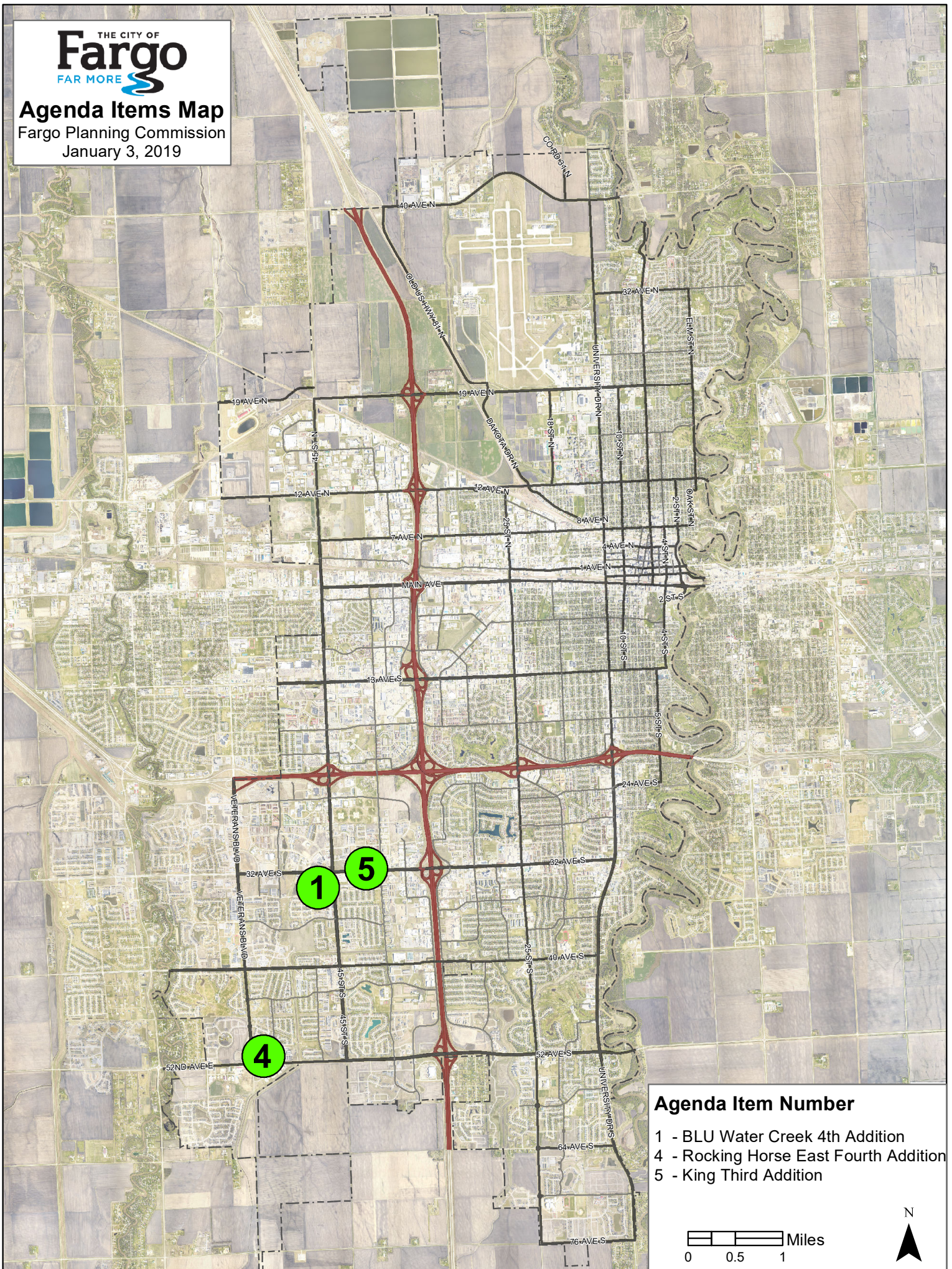
**Item 1: Notice of Amendments to Community Development Block Grant 5-Year Consolidated Plan & Annual Action Plans**

Ms. Crutchfield presented a background of the proposal and provided updates on the details of the amendments. She noted federal guidelines and criteria have to be met and these amendments are part of the process.

Discussion was held on the future plan for more collaboration between the Planning Commission and Community Development Committee.

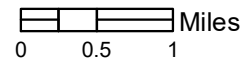
Member Morgan moved to approve the amendment proposal. Second by Member Stofferahn. On call of the roll Members Gunkelman, Holtz, Bachmeier, Tasa, Magelky, Morgan, Stofferahn, Schneider, Scherling, and Fischer voted aye. Absent and not voting: Member Sobolik. The motion was declared carried.

The time at adjournment was 5:14 p.m.



**Agenda Item Number**

- 1 - BLU Water Creek 4th Addition
- 4 - Rocking Horse East Fourth Addition
- 5 - King Third Addition



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	BLU Water Creek 4 <sup>th</sup> Addition	<b>Date:</b>	12/14/18
<b>Location:</b>	4609 33 <sup>rd</sup> Avenue South	<b>Staff Contact:</b>	Kylie Bagley
<b>Legal Description:</b>	Lot 6, Block 1, BLU Water Creek Addition		
<b>Owner(s)/Applicant:</b>	PACES Lodging LLC	<b>Engineer:</b>	Ulteig
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> ( Replat of Lot 6, Block 1, BLU Water Creek Addition) and <b>Zoning Change</b> (from LC, Limited Commercial, with a C-O, Conditional Overlay, to LC, Limited Commercial, with a C-O, Conditional Overlay)		
<b>Status:</b>	Planning Commission Public Hearing: January 3, 2019		

<b>Existing</b>
<b>Land Use:</b> Vacant
<b>Zoning:</b> LC, Limited Commercial, with a C-O, Conditional Overlay
<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, <del>vehicle repair</del> , limited vehicle service
<b>Maximum Lot Coverage Allowed:</b> 55% building coverage

<b>Proposed</b>
<b>Land Use:</b> Vacant
<b>Zoning:</b> LC, Limited Commercial, with a C-O, Conditional Overlay
<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 Lot Coverage Allowed:</b> No change

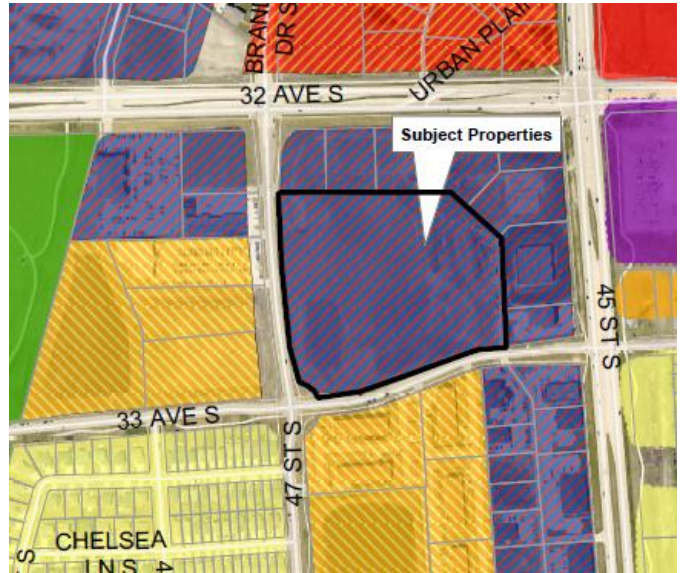
<b>Proposal:</b>
<p>The applicant is seeking approval of a minor subdivision, entitled <b>BLU Water Creek 4<sup>th</sup> Addition</b>, a replat of Lot 6, Block 1, BLU Water Creek Addition, and a zoning change from LC, Limited Commercial, with a C-O, Conditional Overlay, to LC, Limited Commercial, with a C-O, Conditional Overlay. The subject property is located at 4609 33<sup>rd</sup> Avenue South and encompasses approximately 15.19 acres.</p> <p>The current conditional overlay prohibits vehicle repair and requires flat roofs and rooftop equipment to be concealed from public view by parapets and/or screens, among other conditions. The amended conditional overlay would allow for vehicle repair and reduce the amount of rooftop screening requirements to a minimum of 50% of the height of rooftop equipment.</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: LC, Limited Commercial, with retail sales and services</li> <li>• East: LC, Limited Commercial, with retail sales and services</li> <li>• South: Across 33<sup>rd</sup> Ave S, MR-3, Multi-Dwelling Residential, with multi-dwelling structures</li> <li>• West: Across 47<sup>th</sup> St S, LC, Limited Commercial, and GO, General Office, with offices</li> </ul>



**Area Plans:**

The subject properties are identified in the 2003 Southwest Future Land Use Plan as suitable for “Either Office or Commercial land uses.”

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



**Schools and Parks:**

**Schools:** The subject property is located within the West Fargo 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:** Brandt Crossing Park (351 21st Street North) is located approximately 750 feet west of the subject property and provides basketball, dog park, playground, recreational trails, and shelter amenities.

**Pedestrian / Bicycle:** There are off-road bike facilities located on both 32<sup>nd</sup> Avenue South and 45<sup>th</sup> Street South. Both bike facilities are a component of the metro area bikeways 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 regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions, as the developer has a clearer picture of the type of development. The proposed C-O zoning is requested in order to keep the development compatible with the existing and emerging development in the area. **(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. No deficiencies have been noted in the ability to provide all of the necessary services to the site. The subject property abuts public right-of-way. **(Criteria Satisfied)**
- 3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC 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 the existing one lot into two lots to accommodate future development. The proposed use is consistent with the existing zoning. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries regarding the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change from LC, Limited Commercial, with a C-O, Conditional Overlay to LC, Limited Commercial, with a C-O, Conditional Overlay and 2) Subdivision Plat, **BLU Water Creek 4<sup>th</sup> 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 3, 2019

**Attachments:**

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft C-O

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

## Blu Water Creek 4th Addition

4609 33rd Avenue South



### Legend

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

300

Feet

Fargo Planning Commission

January 3, 2019

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

## Blu Water Creek 4th Addition

4609 33rd Avenue South



# BLU WATER CREEK 4TH ADDITION

A REPLAT OF LOT 6, BLOCK 1 OF BLU WATER CREEK ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, City Engineer

State of North Dakota }  
County of Cass } SS

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

Notary Public

## OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Brandt Crossing, LLC whose address is Fargo, North Dakota as owner of a parcel of land located in the Northeast Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 6, Block 1 of BLU WATER CREEK 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 661,681 square feet or 15.19 acres more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "BLU WATER CREEK 4TH ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to Lot 1 and Lot 2, the ingress/egress and utility easements as shown on this plat for the purposes so stated.

OWNER:  
Brandt Crossing, LLC

By: \_\_\_\_\_  
Kevin Christianson, President

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, President, Brandt Crossing, 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:  
Cornerstone Bank

By: \_\_\_\_\_  
Jim Hambrick, Vice President

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 Jim Hambrick, Vice President, Cornerstone Bank 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 PLANNING COMMISSION APPROVAL

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

Shara Fischer, Planning Commission Chair

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

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

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

### PRELIMINARY

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

State of North Dakota }  
County of Cass } SS

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

Notary Public

## LEGEND

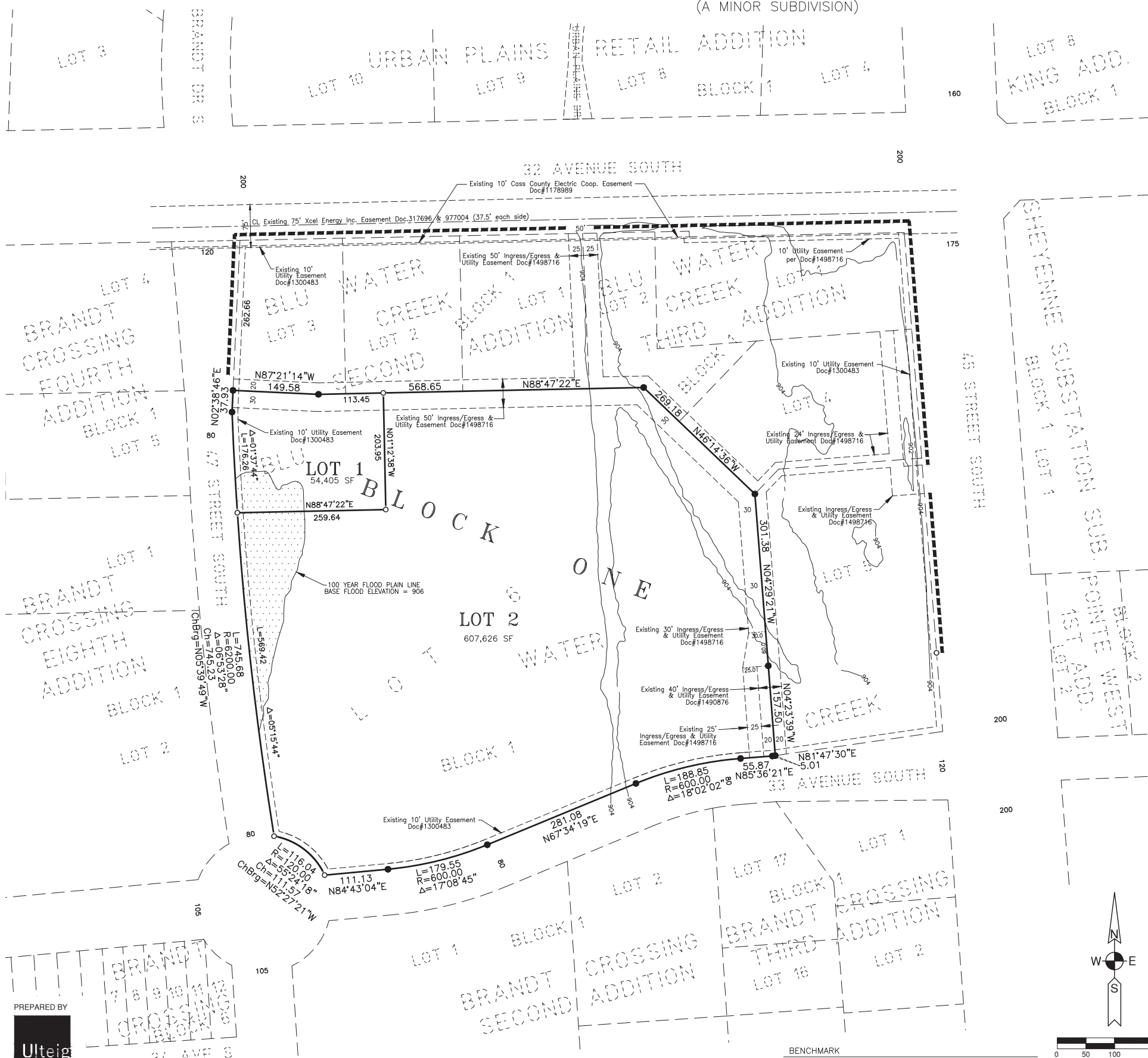
- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-4597"
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE
- - - 904 EXISTING CONTOUR LINE
- ▨ AREA NOT WITHIN 100 YEAR FLOODPLAIN
- ▨ EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1490876



SCALE IN FEET  
0 50 100 200  
ORIENTATION OF THIS BEARING SYSTEM IS PER PLAT OF BENTLEY SQUARE ADDITION

## BENCHMARK

A chiseled square in Northwest lattice tower concrete footing located approximately 300 feet East of the Northeast corner of subject property. Elevation 905.77 NAVD 88



PREPARED BY  
**Ulteig**

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding future commercial and residential development within the described property.

2. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond' and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Horizontal metal lap siding and vertical metal batten shall be allowed on residential and commercial structures but shall not exceed 75% of the building elevation for residential structures and 50% for commercial.

3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.

4. All building façades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade, and extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.

5. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.

6. Flat roofs and rooftop equipment, such as HVAC units, ~~shall be concealed from public view shall be screened to a minimum of half the height of the unit~~ by parapets and/or screens, including but not limited to the back of the structure. ~~The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.~~

7. Loading and/or services areas/facilities shall be located at the side or rear of buildings and screened from public streets by structures and/or landscaping, with a minimum opacity of 50%.

8. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.

9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

a) the primary entrance or entrances to each commercial building, including pad site buildings.

b) any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.

c) parking areas or structures that serve such primary buildings.

d) connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.

e) any public sidewalk system along the perimeter streets adjacent to the commercial development.

f) where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.

10. A minimum of 5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.

11. The following uses are prohibited.

a) Detention Facilities

b) Adult Entertainment Center

c) Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)

d) Portable Signs

~~e) Vehicle Repair~~

f) Industrial Service

g) Manufacturing and Production

h) Warehouse and Freight Movement

i) Aviation/Surface Transportation

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	<b>Rocking Horse East Fourth Addition</b>	<b>Date:</b>	12/20/2018
<b>Location:</b>	5518 51 <sup>st</sup> Avenue South	<b>Staff Contact:</b>	Maegin Elshaug
<b>Legal Description:</b>	Lot 4, Block 2, Rocking Horse East Fourth Addition		
<b>Owner(s)/Applicant:</b>	Tyler Brandt/Vets 52 LLC	<b>Engineer:</b>	Bolton & Menk
<b>Entitlements Requested:</b>	Minor Subdivision (Replat of Lot 4, Block 2, Rocking Horse East Fourth Addition)		
<b>Status:</b>	Planning Commission Public Hearing: January 3, 2019		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Office, Warehouse and Industrial Service	<b>Land Use:</b> No change
<b>Zoning:</b> GC, General Commercial	<b>Zoning:</b> No change
<b>Uses Allowed:</b> GC Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	<b>Uses Allowed:</b> No change
<b>Maximum Lot Coverage Allowed:</b> 85% of lot	<b>Maximum Lot Coverage Allowed:</b> No change

**Proposal:**

The applicant is requesting a minor subdivision, entitled **Rocking Horse East Fourth Addition**, which is a replat of Lot 4, Block 2, Rocking Horse East Fourth Addition. The subject property is located at 5518 51<sup>st</sup> Avenue South and is comprised of approximately 4.07 acres. The proposed subdivision will create two lots and one block. Lot two will take access from 51<sup>st</sup> Avenue South through an ingress/egress easement.

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

**Surrounding Land Uses and Zoning Districts:**

- North: Across 51<sup>st</sup> Avenue South is GC, General Commercial, with warehouses, offices, and vacant land;
- East: GC, General Commercial, with vacant land;
- South: Across 52<sup>nd</sup> Avenue South is GC, General Commercial, with office and warehouse.
- West: GC, General Commercial, with vacant land.

*Continued on page 2.*



**Area Plans:**

No area plans apply.

**Schools and Parks:**

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

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

**Parks:** Veterans Park (4951 53<sup>rd</sup> Street South) is located approximately 350 feet north of the subject property and provides the amenities of a playground and of recreational trails. Rocking Horse Park (4848 Rocking Horse Circle South) is located approximately 550 feet northwest of the subject property and provides amenities of an exercise trail, wildlife pond, playground equipment, and open space.

**Pedestrian / Bicycle:** Off-road bike facilities are located along Veterans Boulevard, which are a component of the metro area bikeway system.

**Staff Analysis:**

**Minor Subdivision**

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

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

The subdivision is intended to replat the subject property into two lots 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 hereby recommend approval to the City Commission of the proposed subdivision plat **Rocking Horse East Fourth Addition** as outlined within the staff report, as the proposal complies with the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation:** January 3, 2019

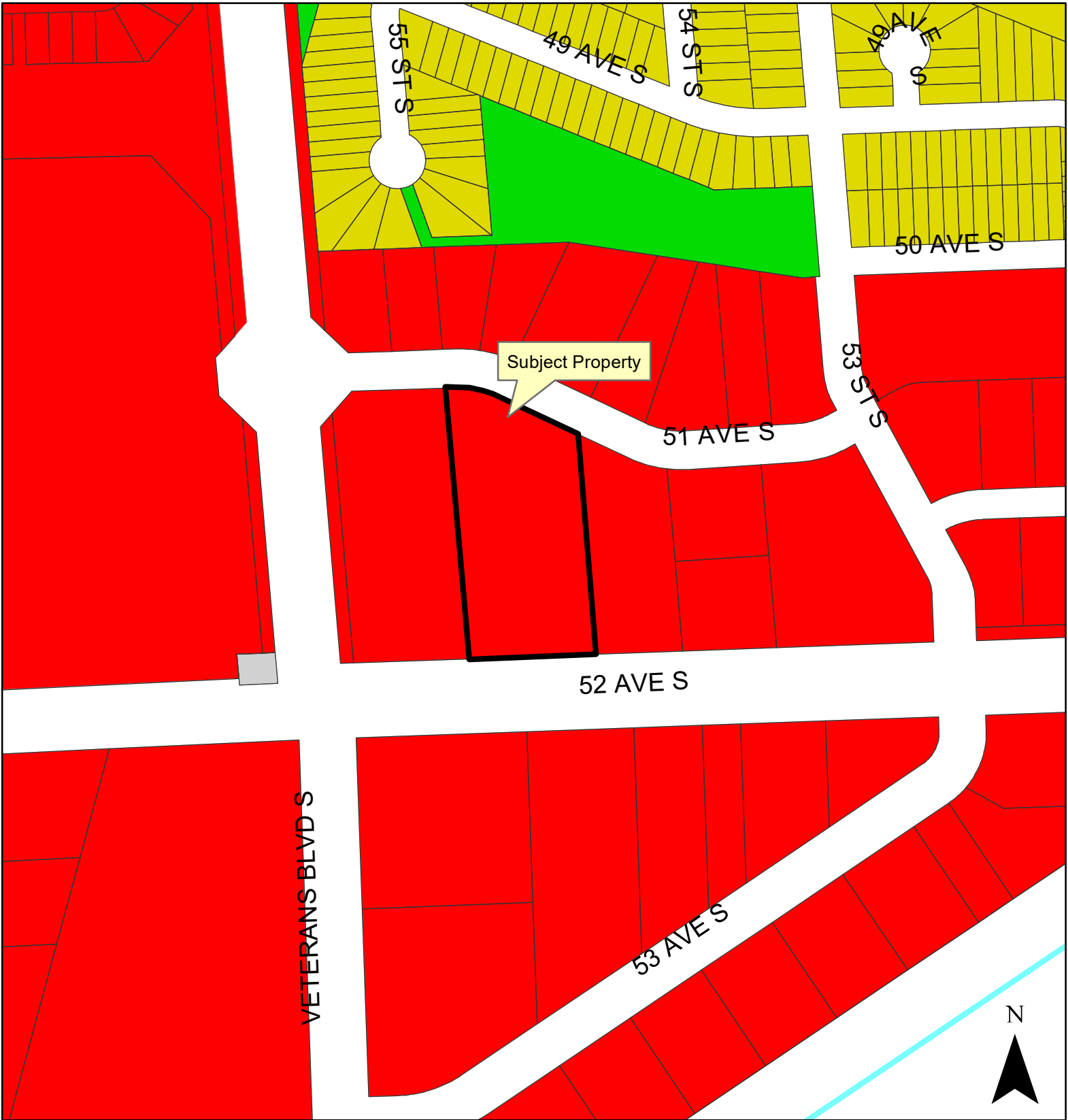
**Attachments:**

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

# Plat (Minor)

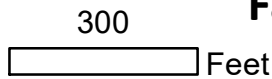
## Rocking Horse East 4th Addition

5518 51st Avenue South



### Legend

AG	DM	LC	MHP	SR-2
GC	GC	MR-1	NOC	SR-4
GO	MR-2	MR-3	P/I	SR-5
			UMU	City Limits



# Plat (Minor)

## Rocking Horse East 4th Addition

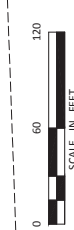
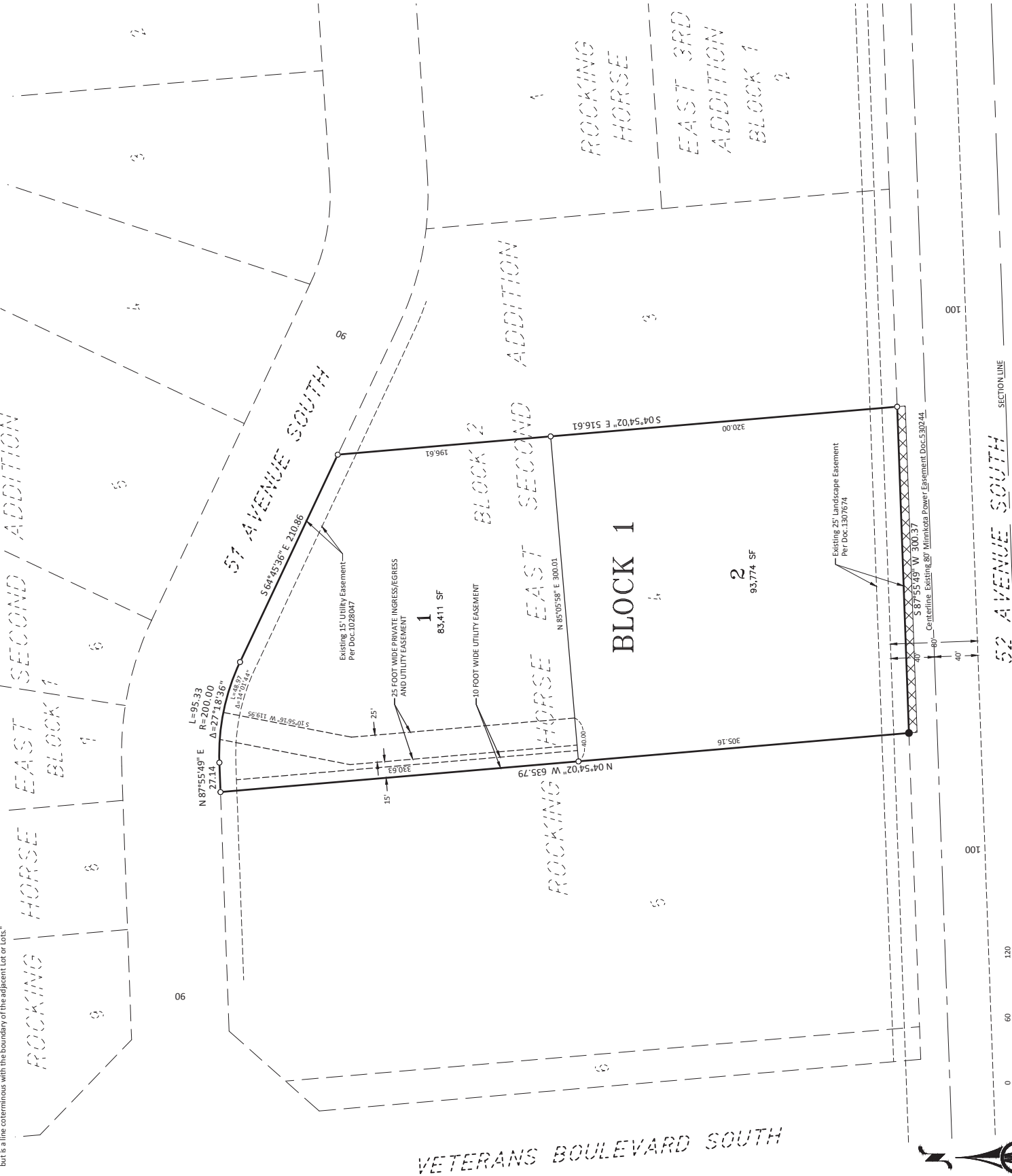
5518 51st Avenue South



- 5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC NO. LS-6703
- MONUMENT FOUND
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- SECTION LINE

**NEGATIVE ACCESS EASEMENT**  
 "Negative Access Easement, as noted on this plat, is an easement dedicated to the public for ingress and egress to and from a parcel of land. It is not a strip of land or a right of way. The negative access easement is not a strip of land of any certain width, but is a line coterminal with the boundary of the adjacent lot or lots."

# A REPLAT OF LOT 4, BLOCK 2 OF ROCKING HORSE EAST SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CITY OF FARGO GROUND CONTROL SYSTEM. THE SOUTH LINE OF BLOCK 2, ROCKING HORSE EAST SECOND ADDITION IS ASSUMED TO BEAR SOUTH 87°55'49" WEST



PREPARED BY:  
**BOLTON & MENK**  
 DECEMBER 20, 2018

### OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Vets 52, LLC a North Dakota Limited Liability Company as owner of a parcel of land located in the Southwest Quarter of Section 33, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 4, Block 2, of ROCKING HORSE EAST SECOND ADDITION to the City of Fargo, Cass County, North Dakota, containing 177,185 square feet or 4.068 acres more or less.

Said owner has caused the above described parcel of land to be surveyed and platted as "ROCKING HORSE EAST SECOND ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate to the public for use the 10 foot wide utility easement in Lot 1 as shown on this plat and do hereby dedicate to Lot 2, the private ingress/egress and utility easement in Lot 4, as shown on this plat for the purposes so stated.

OWNER: Vets 52, LLC

By: Tyler Brandt, President  
 State of \_\_\_\_\_  
 County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2019 before me personally appeared Tyler Brandt, President of Vets 52, LLC, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Vets 52, LLC

Notary Public

Mortgagee: First International Bank & Trust

By: Sean Elsner, Vice President  
 State of \_\_\_\_\_  
 County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2019 before me personally appeared Sean Elsner, Vice President, 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 on behalf of First International Bank & Trust

Notary Public

### FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Timothy J. Mahoney, Mayor

Attest:  
 Steven Sprague, City Auditor  
 County of Cass  
 State of North Dakota

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2019 before me personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor 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

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL  
 Approved by City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Brenda E. Derrig, City Engineer  
 State of North Dakota  
 County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2019 before me personally appeared Brenda E. Derrig, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same.

Notary Public

### CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Shara Fischer, Planning Commission Chair  
 State of North Dakota  
 County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2019 before me personally appeared Shara Fischer, Planning Commission Chair, 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

### SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Gregg Stroeing, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

Gregg Stroeing, Professional Land Surveyor  
 North Dakota License Number LS-6703  
 State of North Dakota  
 County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2019 before me personally appeared Gregg Stroeing, 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

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	King Third Addition	<b>Date:</b>	12/27/2018
<b>Location:</b>	3173 43 <sup>rd</sup> Street South	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Lot 6, Block 1, King Second Addition		
<b>Owner(s)/Applicant:</b>	MRN Holdings LLC/Matt & Rachel Ness	<b>Engineer:</b>	Moore Engineering
<b>Entitlements Requested:</b>	Major Subdivision		
<b>Status:</b>	Planning Commission Public Hearing: January 3, 2019		

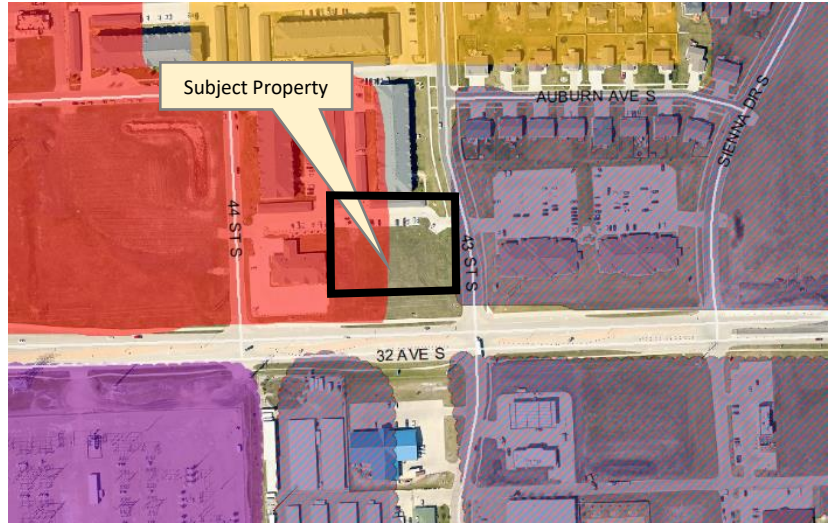
<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant	<b>Land Use:</b> Office/Commercial
<b>Zoning:</b> LC, Limited Commercial	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.	<b>Uses Allowed:</b> Unchanged
<b>Maximum Density Allowed:</b> Maximum 55% building coverage	<b>Maximum Density Allowed:</b> Unchanged

<b>Proposal:</b>
<p>The applicant is seeking approval of a major subdivision. The proposed subdivision would replat one existing lot into two new lots and would dedicate an additional 20 feet of public right-of-way for 32<sup>nd</sup> Avenue South. A negative access easement along 32<sup>nd</sup> Avenue South would prevent vehicular access to/from this arterial street. An access and utility easement accommodates access and utilities from 43<sup>rd</sup> Street South.</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: Multi-dwelling residential within the MR-3, Multi-Dwelling Residential zoning district.</li> <li>• East: Office/commercial within the GC, General Commercial zoning district</li> <li>• South: Self-service storage and retail sales &amp; services within the GC, General Commercial zoning district</li> <li>• West: Office/commercial within the LC, Limited Commercial zoning district</li> </ul>

**Area Plans:**

The subject property is located within the 2001 City of Fargo Growth Plan, as referenced within the 2007 Growth Plan. The plan identifies this area as future commercial.

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



**Context:**

**Schools:** The subject property is located within the West Fargo School District. It is within the school boundaries of Freedom Elementary, Liberty Middle, and Sheyenne High schools.

**Parks:** The subject property is located a half-mile south of Anderson Park and 1/3-mile northwest of Pointe West Park.

**Pedestrian / Bicycle:** There is an existing shared use path located along the north side of 32<sup>nd</sup> Avenue S.

**Staff Analysis:**

**Major Subdivision**

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

1. **Section 20-0907(C))(1)(Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**  
This subdivision is intended to plat two legal lots for office/commercial development. The proposed use is consistent with the existing zoning and the growth plan for the area. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the application. **(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.**  
This subdivision is intended to plat two legal lots for office/commercial development. The proposed use is consistent with the existing zoning and the growth plan for the area. 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)**

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

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 recommend approval to the City Commission of the proposed subdivision plat, *King Third Addition*, on the basis that it satisfactorily complies with the 2007 Growth Plan, standards of Article 20-06, and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** January 3, 2019

**Attachments:**

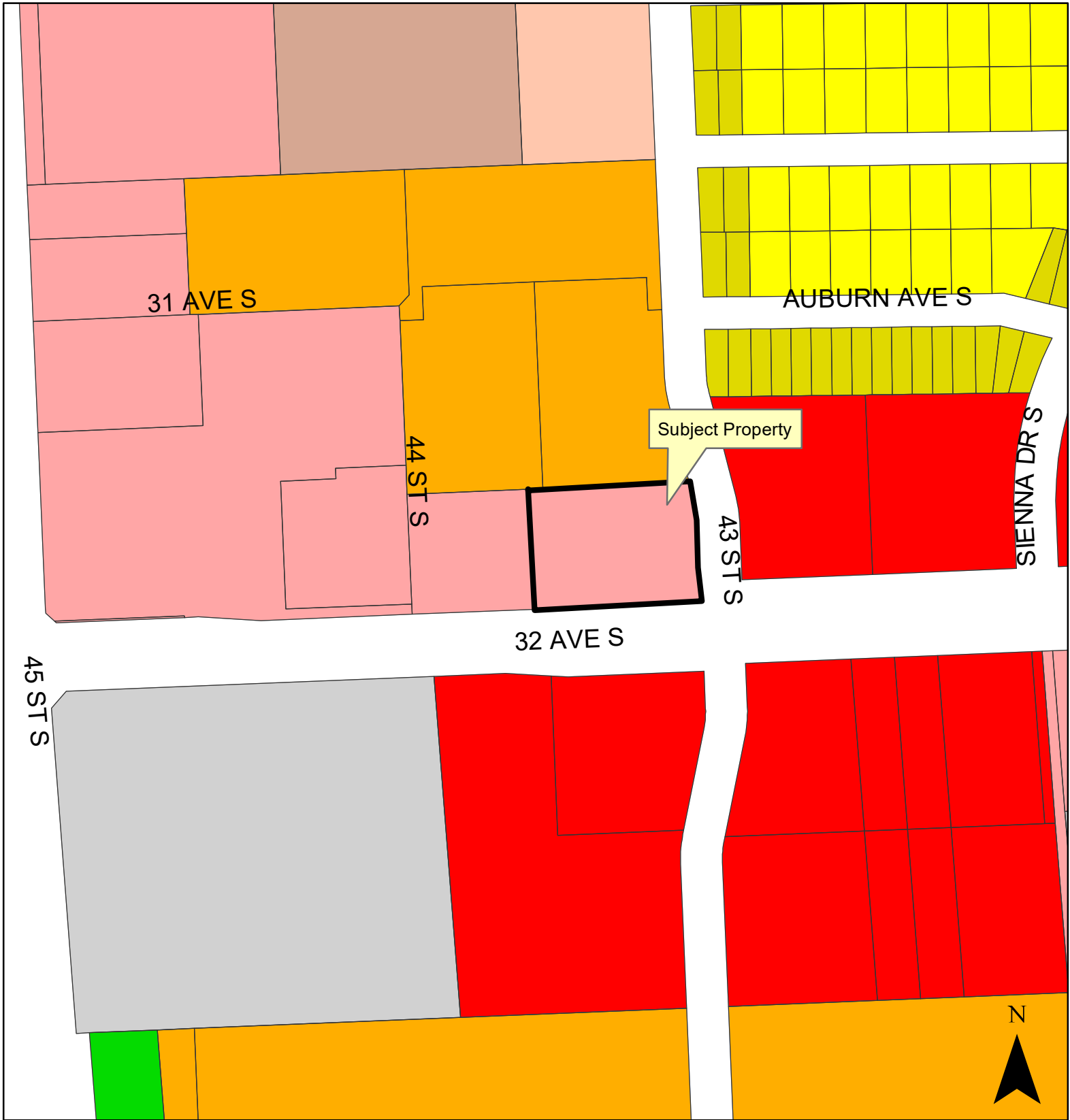
1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft Amenities Plan



# Plat (Minor)

## King 3rd Addition

3173 43rd Street South



**Legend**

- |    |     |    |    |    |    |      |      |      |     |    |    |     |     |      |      |      |      |      |             |
|----|-----|----|----|----|----|------|------|------|-----|----|----|-----|-----|------|------|------|------|------|-------------|
| AG | DMU | GC | GO | LC | LI | MR-1 | MR-2 | MR-3 | MHP | NC | NO | P/I | UMU | SS-1 | SS-2 | SS-3 | SS-4 | SS-5 | City Limits |
|----|-----|----|----|----|----|------|------|------|-----|----|----|-----|-----|------|------|------|------|------|-------------|



300 Feet

**Fargo Planning Commission**  
**January 3, 2019**

# Plat (Major)

## King 3rd Addition

3173 43rd Street South



**Site Amenities and Project Plan  
King Third Addition  
2019**

1. **Location:** The subject property is located at the northwest quarter of the intersection of 32<sup>nd</sup> Avenue South and 43<sup>rd</sup> Street South, currently addressed as 3173 43<sup>rd</sup> Street South.
2. **Project Details:** The purpose of this subdivision is to support the development of two separate structures owned by separate entities. The anticipated occupancy of both structures is office.
3. **Access Control:** Vehicular access will be restricted to 43<sup>rd</sup> Street South. The subdivision includes a negative access easement along 32<sup>nd</sup> Avenue and a portion of 43<sup>rd</sup> Street South. Development will utilize the existing driveway located at the northeast corner of the subdivision. If a new driveway is necessary, it shall be spaced from the existing driveway.
4. **Storm Water Management:** The lots contained in this plat are served by a regional storm water facility southwest of the intersection of 31<sup>st</sup> Avenue and 44<sup>th</sup> Street. This pond was recently expanded to provide up to 75% imperviousness for these lots and the remainder of the King Additions. The pond also addresses storm water quality, as the water is treated in the pond before being gradually discharged into the City's system.
5. **Utility Services:** Private utilities will be brought into the newly created lots via a sanitary sewer line extended from the City main on 43<sup>rd</sup> Street, and a water main loop serviced from both 43<sup>rd</sup> Street and 32<sup>nd</sup> Avenue South as approved by City of Fargo public works. The water loop will tie into the existing 6" hydrant lead on 32<sup>nd</sup> Avenue by relocating the hydrant and providing a gate valve to control the main. The City of Fargo shall be provided access to operate any water shut-off valves located within the Access and Utility easement included on the plat.
6. **Flood Protection:** King 3<sup>rd</sup> Addition will be protected from flooding with the following measures:  
Internal Flooding – rainfall or spring event induced:
  - Storm sewer systems designed and installed to city standards;
  - Storm water detention facilities located in the southwest corner of 31<sup>st</sup> Avenue and 44<sup>th</sup> Street South.

FEMA Floodplain Expansion: King Third Addition is located within the existing FEMA Floodplain. It is acknowledged by the developer that property within the floodplain will be required to be LOMR'd. It is also acknowledged by the developer that construction of structures shall comply with City of Fargo Flood Proofing Requirement when applicable.
7. **Right-of-Way:** Twenty (20) feet of right-of-way is being dedicated for 32<sup>nd</sup> Avenue South. Additionally, an existing 20-foot-wide Street & Utility Easement is being vacated at the location of the street dedication, as shown on the plat. This easement is no longer necessary since this area will become dedicated public right-of-way.

Amenities Plan is hereby approved:

\_\_\_\_\_  
Rachel C. Ness, MD  
President  
MRN Holdings, LLC

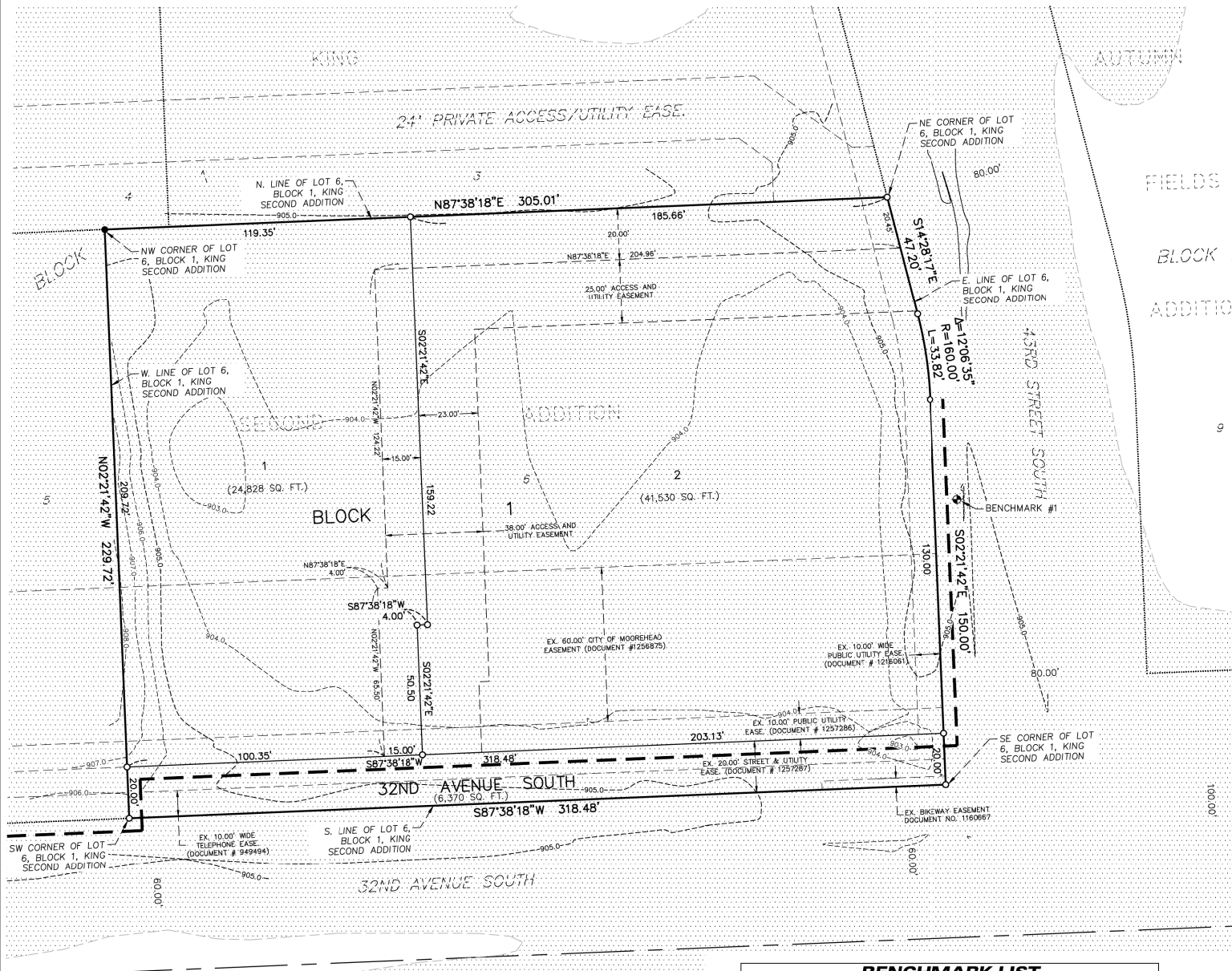
\_\_\_\_\_  
Date

\_\_\_\_\_  
Brenda E. Derrig, City Engineer  
City of Fargo

\_\_\_\_\_  
Date

# A MAJOR SUBDIVISION PLAT OF KING THIRD ADDITION

TO THE CITY OF FARGO, A REPLAT OF LOT 6, BLOCK 1, KING SECOND ADDITION TO  
THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

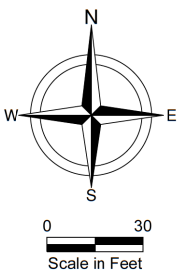


**BENCHMARK LIST**  
ALL ELEVATIONS SHOWN ARE NAVD 88

NO.	DESCRIPTION	LOCATION	ELEV.
1	TOP NUT ON HYDRANT	175'± NORTH OF INTERSECTION OF 32ND AVE. S. AND 43RD ST. S. ON WEST SIDE OF 43RD ST. S.	907.96

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #5900
- SECTION LINE
- PLAT BOUNDARY LINE
- LOT LINE
- - - EASEMENT LINE
- EXISTING LOT LINE
- - - -905.00'--- CONTOUR LINE WITH ELEVATION 905.00' (NAVD 88)
- - - - "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."
- ZONE AE, FIRM MAP NO. 38017C0778G



BASIS OF BEARINGS: KING SECOND ADDITION TO THE CITY OF FARGO ACCORDING TO THE RECORDED PLAT THEREOF.

**CERTIFICATE**

SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "KING THIRD ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 6, BLOCK 1, KING SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOT 6, BLOCK 1, KING SECOND ADDITION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 1.67 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



SHAWN M. THOMASSON  
REGISTERED LAND SURVEYOR  
NO. LS-5900  
STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**DEDICATION**

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "KING THIRD ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 6, BLOCK 1, KING SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE 32ND AVENUE SOUTH TO THE USE OF THE PUBLIC AND THE ACCESS AND UTILITY EASEMENTS TO THE USE OF THE OWNERS, SUCCESSORS AND ASSIGNS OF LOTS 1 AND 2 AS SHOWN ON SAID PLAT.

OWNER: MRN HOLDINGS, LLC

RACHEL C. NESS, MD  
PRESIDENT

STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RACHEL C. NESS, PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF MRN HOLDINGS LLC.

**FARGO PLANNING COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SHARA FISCHER, CHAIR

STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**FARGO CITY COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**CITY ENGINEER'S APPROVAL**

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BRENDA E. DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

