

FARGO PLANNING COMMISSION AGENDA
Tuesday, May 2, 2017 at 3:00 P.M.

A: Approve Order of Agenda.

B: Minutes: Regular Meeting of April 4, 2017.

C: Brown Bag Luncheon - Wednesday, May 17, 2017.

D: Public Hearing Items:

1. Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, **Tyler's Addition**. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited) (an): CONTINUED TO JUNE 6, 2017
2. Hearing on an application requesting a Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district on Lot 2, Block 1, **Southwest Fargo Mission Addition**. (Located at 4451 40th Avenue South) (Verizon Wireless/Rob Viera) (bv):
3. Hearing on an application requesting a Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district on Lot 3, Block 1, **West Acres Business Park Fourth Addition**. (Located at 4243 19th Avenue South) (Verizon Wireless/Rob Viera) (bv):
4. Hearing on an application requesting a Plat of **Valley View Seventh Addition** (Minor Plat), a replat of Lot 2, Block 5, Valley View Fourth Addition to the City of Fargo, Cass County, North Dakota. (Located at 36th Avenue South and Veterans Boulevard) (Brian Kounovsky) (dk):
5. Hearing on an application requesting a Plat of **Osgood Townsite Fifteenth Addition** (Minor Plat), a replat of Lots 1 and 3, Block 1, Osgood Townsite Fourteenth Addition to the City of Fargo, Cass County, North Dakota. (Located at 4550 49th Ave S and 5050 17th St S) (Nate Vollmuth/Ulteig) (km):
6. Hearing on an application requesting a Plat of **BNG Addition** (Minor Plat), a replat of Lot 2, Block 1, Brandt Crossing Eighth Addition to the City of Fargo, Cass County, North Dakota. (Located at 4801 33 Ave S) (Nate Vollmuth/Ulteig) (km):
- 7a. Hearing on an application requesting a Conditional Use Permit to allow for an Alternate Access Plan in an MR-3, Multi-Dwelling Residential zoning district on Lot 1, Block 1, **Edition Second Addition**. (Located at 5035 38th Street South) (Enclave/Houston) (km):

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People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 241-1474 or TDD at 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.cityoffargo.com/planningcommission.

- 7b. Hearing on an application requesting a Plat of **Edition Second Addition** (Minor Subdivision), a replat of Lot 1, Block 1, Edition Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5035 38th Street South) (Enclave/Houston) (km):
8. Hearing on an application requesting a Plat of **Lime Addition** (Minor Subdivision), a replat of Lot 3 through 6, Block 29, Roberts Second Addition and Lots A, B, and C, Block 29, Douglas Subdivision, to the City of Fargo, Cass County, North Dakota. (Located at 303 11th Street North and 1014 4th Avenue North) (Enclave/Houston) (bv):

E: Other Items:

None

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

April 4, 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, April 4, 2017.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mary Scherling, Melissa Sobolik, Kelly Steffes, Scott Stofferahn, Jan Ulferts Stewart

Absent: Mike Magelky, Rocky Schneider

Chair Ulferts Stewart called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of March 7, 2017

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

Item C: Wednesday, April 19, 2017 Brown Bag Luncheon

Topic: Discussion on the Roosevelt Neighborhood Study, and an update on the Downtown Master Plan.

Item D: Public Hearing Items:

Item 1: Beardsleys Addition

1a. Continued Hearing on an application requesting a Zoning Change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Development Overlay on Lots 7-8, and the East 10 feet of Lot 9, Block 34, Beardsleys Addition. (Located at 2105 7th Avenue North) (Accel Mechanical, LLC): WITHDRAWN

1b. Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan on Lots 7-8, and the East 10 feet of Lot 9, Block 34, Beardsleys Addition. (Located at 2105 7th Avenue North) (Accel Mechanical, LLC): WITHDRAWN

A hearing had been set for August 2, 2016. At the August 2, 2016 meeting, the Hearing was continued to October 4, 2016. At the October 4, 2016 meeting, the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting, the Hearing was continued to January 4, 2017. At the January 4, 2017 meeting, the hearing was continued to February 7, 2017. At the February 7, 2017 meeting, the hearing was continued to this date and time; however, the applicant has requested this item to be withdrawn.

Item 2: Tyler's Addition

Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, Tyler's Addition. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited): CONTINUED TO MAY 2, 2017

A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to September 6, 2016. At the September 6, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to January 4, 2017. At the January 4, 2017 meeting the Hearing was continued to February 7, 2017. At the February 7, 2017 meeting the Hearing was continued to March 7, 2017. At the March 7, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to May 2, 2017.

Chair Ulferts Stewart asked for the Board's approval to continue this item to the May 2, 2017 Planning Commission meeting. All Members present voted aye and the motion was declared carried.

Item 3: Interstate Business Park Addition

3a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial within the boundaries of the proposed Interstate Business Park Addition. (Located at 3801 26th Avenue South; 3901, 4001, and 4155 23rd Avenue South; and 2880 and 2852 Thunder Road South) (Kjos Investments, LLC): APPROVED

3b. Continued Hearing on an application requesting a Plat of Interstate Business Park Addition (Major Subdivision) a replat of Lot 1, Block 1, Adams 7th Addition, and part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3801 26th Avenue South; 3901, 4001, and 4155 23rd Avenue South; and 2880 and 2852 Thunder Road South) (Kjos Investments, LLC): APPROVED

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

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

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to GC, General Commercial and 2) Interstate Business Park Addition plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) and Section 20-0907 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Stofferahn, Scherling, Sobolik, Steffes, Gunkelman, Fischer, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Members Magelky and Schneider. The motion was declared carried.

**Item 4: Section 12, Township 139 North, Range 49 West
Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan on an unplatted portion of the Northeast Quarter of Section 12, Township 139 North, Range 49 West. (Located at 1345 Main Avenue) (Fowzia Adde): APPROVED WITH CONDITIONS**

Assistant Planner Barrett Voigt presented the staff report stating all approval criteria have been met and staff is recommending approval with conditions.

Board discussion clarified this request is to utilize space in the existing warehouse portion and should not affect the existing market and retail services located on the west side of this site.

Sky Purdin, Program Director for the Immigrant Development Center, spoke on behalf of the application.

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

1. 37 parking spaces are required on site.
2. Any expansion of the square footage of the restaurant, retail, offices, and health club uses or bays of the vehicle repair use will require an amendment to the Conditional Use Permit, with review and approval by the Planning Commission.
3. The Conditional Use Permit will cease if the land use changes from restaurant, retail, offices, and health club or vehicle repair.

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

Item 5: Harwood Addition

Hearing on an application requesting a Zoning Change from GC, General Commercial and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay, on Lot 1, Block 7, Harwood Addition. (Located at 701 University Drive North and 702 12th Street North) (701 Collective, LLC): APPROVED

Planner Derrick LaPoint presented the staff report and briefly reviewed the background of the property. Mr. LaPoint stated all approval criteria have been met and staff is recommending approval.

Division Engineer Brenda Derrig shared staff's concerns regarding the expansion of the DMU zoning within the City, and the existing storm water policy that is exempt in the DMU zoning districts. She stated staff is reevaluating this policy to address any future expansion of the DMU zoning and the impact to the City's storm water requirements.

The Board also discussed concerns on the types of developments allowed on the site, access points from 7th Avenue North, how this fits into the City's Downtown Master Plan, and the clarification in the final copy of the Conditional Overlay that the buffer is to be placed on the north edge of the property line.

Lee Schwartz, representing Jade Companies, spoke on behalf of the application.

Martha Berryhill, 1354 12th Street North, and member of the Roosevelt Neighborhood Association, spoke in favor of the application.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from GC, General Commercial and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with 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 Sobolik. On call of the roll Members Stofferahn, Scherling, Sobolik, Fischer, Brust, Gunkelman, Steffes, and Ulferts Stewart voted aye. Absent and not voting: Members Magelky and Schneider. The motion was declared carried.

Item 6: Reeves Addition

Hearing on an application requesting a Zoning Change from LI, Limited Industrial to DMU, Downtown Mixed-Use on the east 90 feet of Lots 1-3, 7-9, and 26-28, Block 20; and Lots 6-11 and 15-16, Block 21, Reeves Addition. (Located at 2 and 18 13½ Street North, and 20 and 30 University Drive North) (701 Collective, LLC): APPROVED

Derrick LaPoint presented this item noting staff held an open house on March 21, 2017. Mr. LaPoint stated all approval criteria have been met and staff is recommending approval.

Brenda Derrig stated again as in item 5, staff's concerns regarding the expansion of the DMU zoning within the City, and the existing storm water policy that is exempt in the DMU zoning districts. She stated staff is reevaluating this policy to address any future expansion of the DMU zoning and the impact to the City's storm water requirements.

Property owner Jeff Conant shared his concerns on area parking issues, and suggested an EPA testing of the area for any contamination from a previous dry cleaning business on this site.

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 LC, Limited Commercial to DMU, Downtown Mixed-Use 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 Stofferahn. On call of the roll Members Steffes, Sobolik, Gunkelman, Scherling, Fischer, Brust, Stofferahn, and Ulferts Stewart voted aye. Absent and not voting: Members Magelky and Schneider. The motion was declared carried.

Item 7: Reeves Addition

Hearing on an application requesting a Zoning Change from LC, Limited Commercial to DMU, Downtown Mixed-Use on part of Lots 1-6, 10-16, 19-25, and 29-34, Block 20; and Lots 1-5 and 12-14, Block 21, Reeves Addition. (Located at 10, 12, and 26 University Drive North; 1307 and 1313 NP Avenue North; 1320, 1330, and 1340 1st Avenue North; and 10 and 12 13½ Street North) (City of Fargo): APPROVED

Derrick LaPoint presented this staff initiated item and noted this was also part of the open house staff held on March 21, 2017. Mr. LaPoint stated all approval criteria have been met and staff is recommending approval.

Member Fischer moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from LC, Limited Commercial to DMU, Downtown Mixed-Use 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 Gunkelman, Sobolik, Fischer, Steffes, Brust, Stofferahn, Scherling, and Ulferts Stewart voted aye. Absent and not voting: Members Magelky and Schneider. The motion was declared carried.

Item 8: Cottagewood Third Addition

8a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential with a Planned Unit Development (PUD) to MR-3, Multi Dwelling Residential within the boundaries of the proposed Cottagewood Third Addition (Located at 51st Avenue South between 38th Street and 42nd Street South) (Houston Engineering, Inc.): APPROVED

8b. Hearing on an application requesting a Plat of Cottagewood Third Addition (Major Subdivision) a vacation and replat of Block 1, Amity South at Cottagewood Addition, to the City of Fargo, Cass County, North Dakota. (51st Avenue South between 38th Street and 42nd Street South) (Houston Engineering, Inc.): APPROVED

Donald Kress presented the staff report noting additional documents he has submitted to the Board. Mr. Kress stated all approval criteria have been met and staff is recommending approval.

Applicant Brian Pattengale from Houston Engineering, Inc. spoke on behalf of the application.

Craig Helenske, representing Cottagewood Development, spoke in support of the proposed project. He proposed the addition of easements to the four large lots on the plat, in order to mitigate the concern that these lots could be developed with multi-story, multi-family buildings with detached garages, instead of the proposed townhomes.

Heather Morris, representing developers J & O Leasing, shared her concerns of possible construction delays if it were necessary to add the easements suggested by Mr. Helenske to the plat.

Fire Chief Steve Dirksen addressed the Commission's concerns regarding emergency access to the site, and stated the setbacks and access are appropriate.

Member Fischer 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 with a PUD, Planned Unit Development, to MR-3, Multi-Dwelling Residential and 2) Cottagewood Third Addition subdivision plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) and Section 20-0907 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Brust, Steffes, Fischer, Gunkelman, Stofferahn, Scherling, and Ulferts Stewart voted aye. Member Sobolik voted nay. Absent and not voting: Members Magelky and Schneider. The motion was declared carried.

At 4:15 p.m., the Board took a 10-minute recess.

After recess: All Members present except Members Magelky and Schneider. Chair Ulferts Stewart presiding.

Item 9: Beardsley's Addition

Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to UMU, University Mixed-Use on Lots 17 and 22, Block 3, Beardsley's Addition. (Located at 1121 and 1141 18th Street North) (Roers Development, Inc.): APPROVED

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

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from SR-3, Single-Dwelling Residential to UMU, University Mixed-Use on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Roosevelt Neighborhood Land Use Plan, Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Fischer, Steffes, Gunkelman, Sobolik, Brust, Scherling, Stofferahn, and Ulferts Stewart voted aye. Absent and not voting: Members Magelky and Schneider. The motion was declared carried.

Item 10: Agassiz Crossing 7th Addition

Hearing on an application requesting a Plat of Agassiz Crossing 7th Addition (Minor Subdivision) a replat of Lot 1, Block 2, Agassiz Crossing 4th Addition and Lot 1, Block 1, Agassiz Crossing 2nd Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4825 and 4757 Agassiz Xing South) (Lightowler Johnson Associates): APPROVED

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

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat Agassiz Crossing 7th 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 Fischer. On call of the roll Members Sobolik, Scherling, Brust, Fischer, Stofferahn, Gunkelman, and Ulferts Stewart voted aye. Member Steffes abstained from voting. Absent and not voting: Members Magelky and Schneider. The motion was declared carried.

Item 11: Robert's Addition

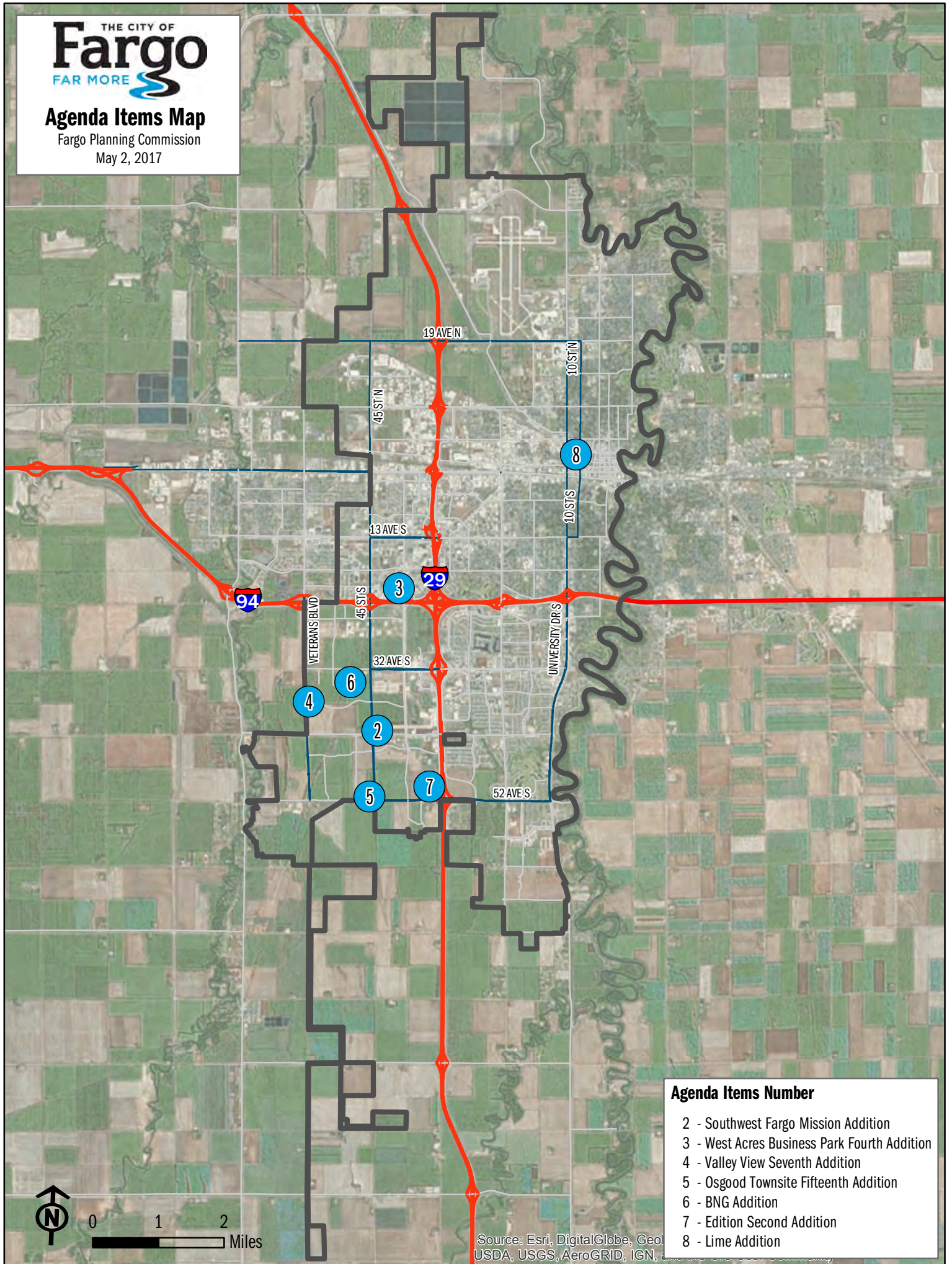
Hearing on an application requesting a Vacation Plat, a portion of Roberts Street north of Northern Pacific Avenue and between Blocks 1 and 6 of Robert's Addition to the City of Fargo, Cass County, North Dakota. (Located at NP Avenue and Roberts Street North) (City of Fargo): APPROVED

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

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

The time at adjournment was 4:35 p.m.

Agenda Items Map
Fargo Planning Commission
May 2, 2017



Agenda Items Number

- 2 - Southwest Fargo Mission Addition
- 3 - West Acres Business Park Fourth Addition
- 4 - Valley View Seventh Addition
- 5 - Osgood Townsite Fifteenth Addition
- 6 - BNG Addition
- 7 - Edition Second Addition
- 8 - Lime Addition

City of Fargo Staff Report			
Title:	Southwest Fargo Mission Addition	Date:	4/18/17
Location:	4451 40 Avenue South	Staff Contact:	Barrett Voigt
Legal Description:	Lot 2, Block 1, Southwest Fargo Mission Addition		
Owner(s)/Applicant:	Living Waters Lutheran Church/Buell Consulting Inc. (representing Verizon Wireless)	Engineer:	Design 1
Entitlements Requested:	Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district.		
Status:	Planning Commission Public Hearing: May 2, 2017		

Existing	Proposed
Land Use: Religious Institution	Land Use: Religious Institution and TSS
Zoning: P/I, Public and Institutional	Zoning: No Change
Uses Allowed: 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.	Uses Allowed: 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. Plus a CUP to allow a TSS within in a P/I, Public and Institutional zoning district.
Maximum Lot Coverage Allowed: No maximum	Maximum Lot Coverage Allowed: No change

Proposal:
<p>The applicant is seeking approval of a Conditional Use Permit (CUP) to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district. The subject property is located at 4451 40 Avenue South (legally described as Lot 2, Block 1, Southwest Fargo Mission Addition) and encompasses approximately 10.07 acres.</p> <p>The applicant requested the need to install a TSS at this location to address existing as well as anticipated future service demands. The TSS would consist of a 65-foot tall monopole (including lightning rod) and an equipment shelter. The monopole would have a stealth bell tower configuration (as illustrated in the graphic below) to be located behind the church within a 20 by 20-foot (20' X 20') lease area and an equipment shelter within another 15 by 15-foot (15' X 15') lease area approximately less than 30 feet east of the tower.. The applicant states that the tower would allow for the accommodation to collocate two (2) other users. The lease agreement was entered into between Living Waters Church and Verizon Wireless.</p>

Background:

In all cases, proposed TSS must comply with the use specific standards of Section 20-0402.N (hereafter referred to as "Section N"). Within the use specific standards, specific TSS requirements vary depending upon the zoning and TSS height. In addition to the standard zoning setback requirements, the use specific standards of Section N require that TSS be either clustered within 300 feet of each other or spaced at least $\frac{1}{4}$ - $\frac{1}{2}$ mile from each other.



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 Cass County drain, MR-1, Multi-Dwelling Residential with assisted living land use
- East: SR-4, Single-Dwelling Residential with twin home, apartment, and townhouse uses
- South: Across 40th Avenue South, SR-4, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and P/I, Public and Institutional with twin home, single family, vacant land, and park uses
- West: Across 42nd Street South; LC, Limited Commercial with medical clinic, bank, and office uses

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan.

Schools and Parks:

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

Parks: Woodhaven North Park & Fishing Pond (4406 44th Avenue S) is located approximately a half mile north of the subject property. Woodhaven North Park & Fishing Pond provides ADA fishing ramp, fishing, picnic table, playground, recreational trails, and soccer amenities.

Pedestrian / Bicycle: There are off-road bike facilities located along 40th Avenue South and 42nd Street South. Both 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?**

Staff finds this proposal is consistent with the applicable provisions of the LDC. In the P/I, Public and Institutional zoning district, a TSS of 125 feet in height or less is a conditional use and must comply with the telecommunications facilities standards of Section 20-0402.N.3.e of the LDC.

(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 to allow for a Telecommunication Support Structure (TSS) will contribute to and promote the welfare of the public by increasing cellular communication capacity and/or coverage in the area, providing for increased communications convenience.

(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?**

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 comment in opposition over safety concerns of the potential effects of radiation emitted by the tower. This comment is attached with the report.

Ultimately, staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood.

(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.**

Staff suggests that the proposed conditional use should have no effect on the neighborhood and should not dominate the immediate neighborhood or prevent any other sites from being used due to the facts that, 1) this use will consist of stationary equipment structures and will not generate traffic, 2) Section N of the LDC provides conditions of the CUP that are specifically meant to limit the intensity of the requested use and accommodate potential future uses, and 3) the tower location will be on a 20-foot by 20-foot lease space with a stealth design similar to the appearance of the nearby church building.

(Criteria Satisfied)

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

The subject property is developed and currently has access to all necessary utilities and services, including: water, sewer, police and fire protection. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the petitioner to utilize the property as proposed. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

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

The subject property is developed and currently has access from 40th Avenue South. The TSS does not generate traffic, except for service vehicles. Staff is not aware of any deficiencies regarding access to the property, traffic hazards, or traffic congestion issues. To that end, staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow a TSS within in a P/I, Public and Institutional zoning district as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC.

Planning Commission Recommendation: May 2, 2017

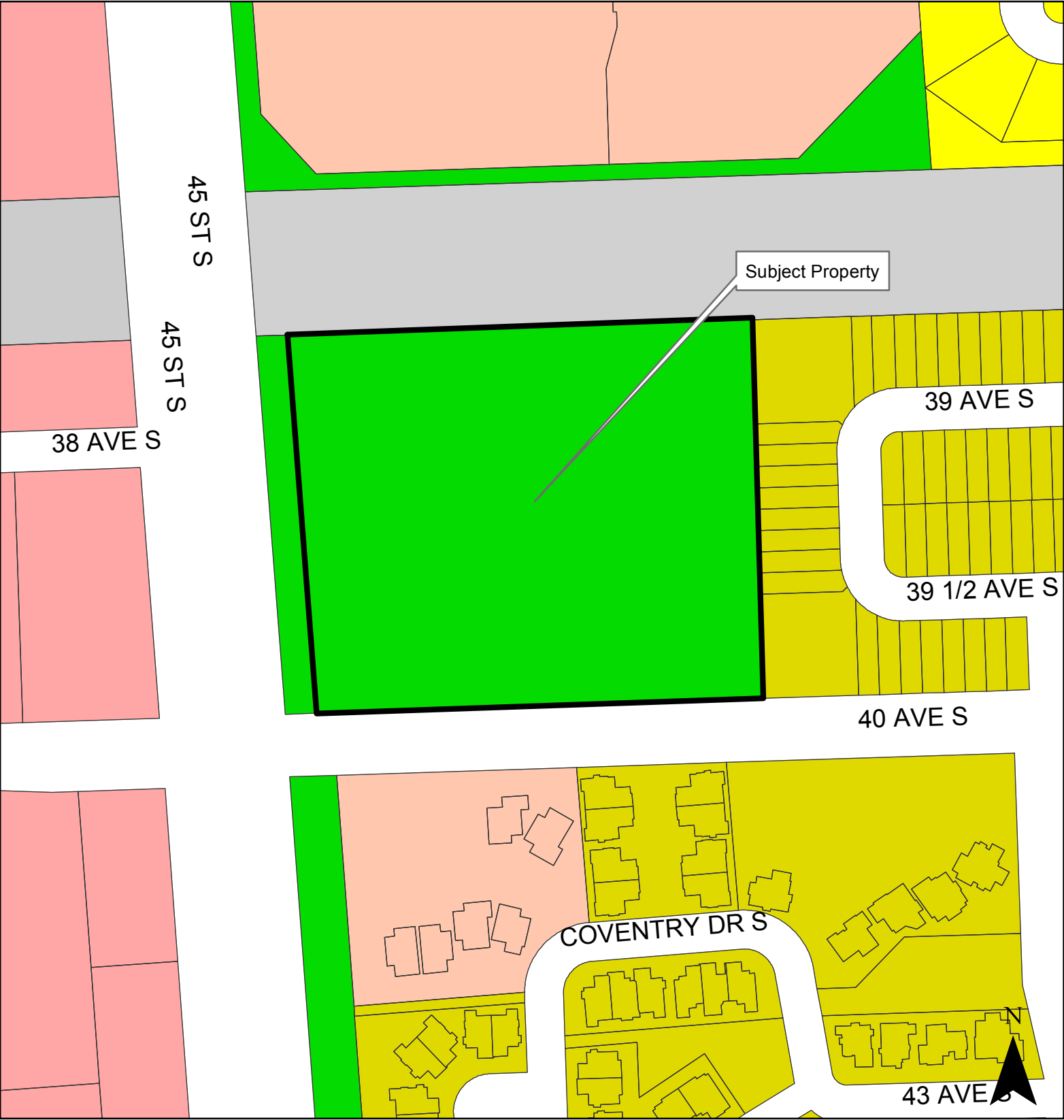
Attachments:

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

CUP (TSS Structure)

Southwest Fargo Mission Addition

4451 40th Avenue South



Legend

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

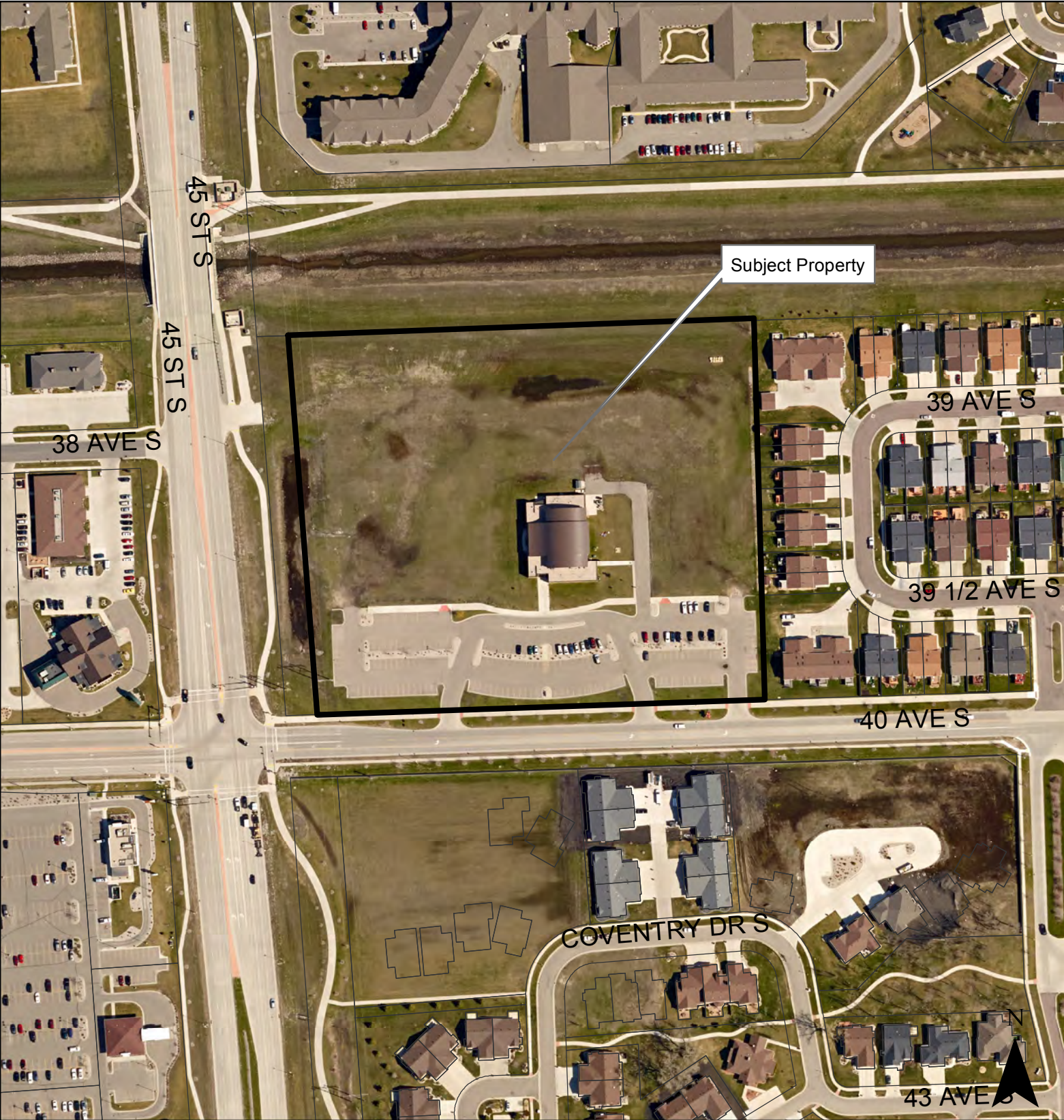
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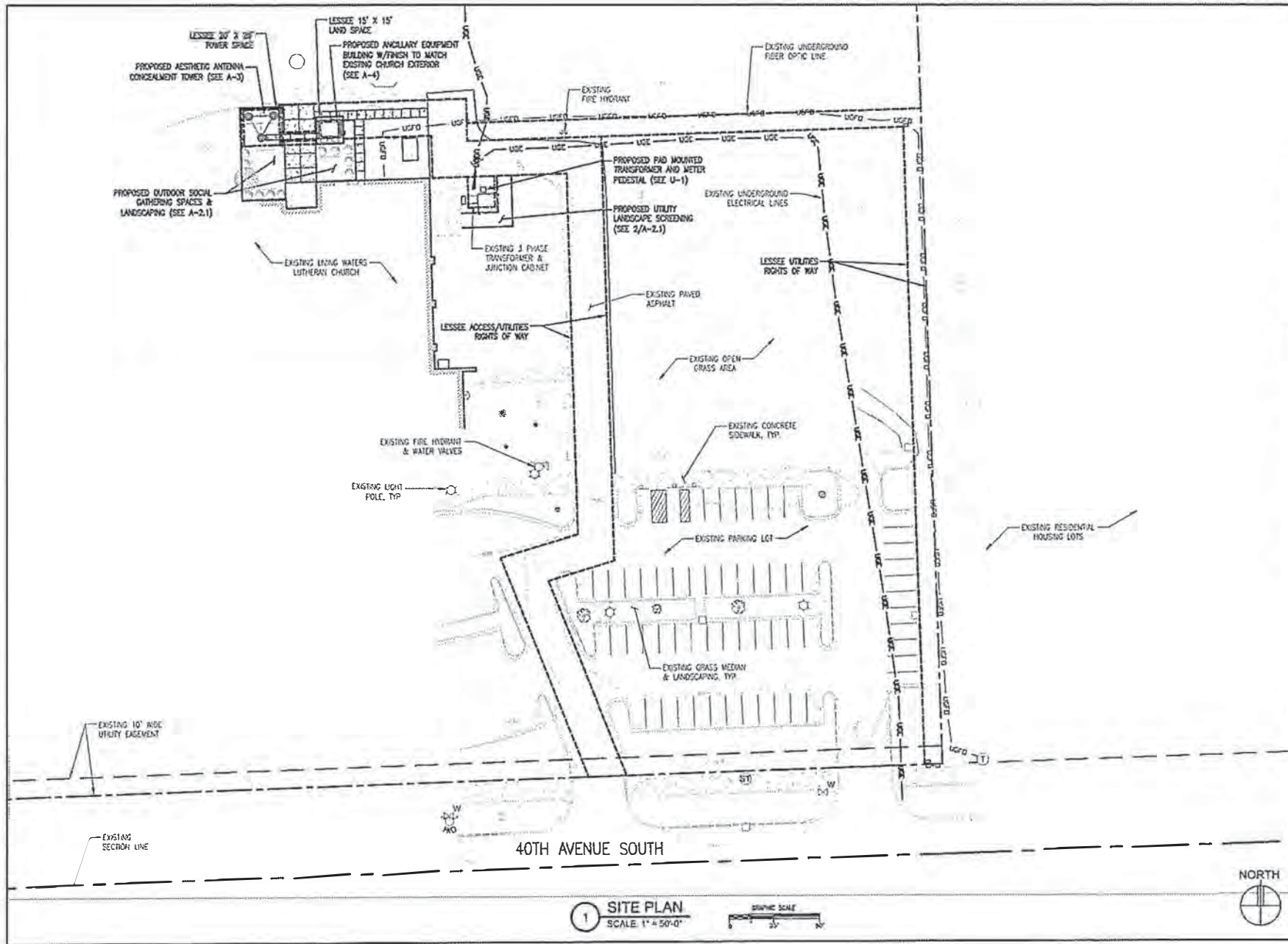
Feet

CUP (TSS Structure)

Southwest Fargo Mission Addition

4451 40th Avenue South





ROBERT J. DAVIS
REGISTERED ARCHITECT
1228
NORTH DAKOTA
EXPIRES 06-30-17

I hereby certify that the portion of this technical submit on or over/bed below was prepared by me or under my direct supervision and responsible charge. I am a duly registered Architect under the laws of the State of NORTH DAKOTA.
ROBERT J. DAVIS, Reg. No. 1228
Signature
02-22-17
Date

DESIGN
9913 VALLEY VIEW RD
LOREN PRAIRIE, MN 55344
(763) 853-8279
WWW.DESIGN16P.COM

verizon
10901 BUSH LAKE ROAD
BLOOMINGTON, MN 55413
(612) 720-0052

PROJECT
20161349396
LOC CODE# 408894

FAR VETS

40TH AVENUE S
FARGO, ND 58104

SHEET CONTENTS:
SITE PLAN

DRAWN BY	A. STANLEY
DATE	05-05-16
CHECKED BY	T. SHANLEY
REV. A	07-12-16
REV. B	01-13-17
REV. C	02-02-17

A-1.1

From: Nancy Schlomann
To: [Barrett Voigt; rschloma@hotmail.com](mailto:Barrett.Voigt@rschloma@hotmail.com)
Subject: Re: Fwd: Requested copy of Planning Commission Report for 4451 40 AVE S (Southwest Fargo Mission Addition)
Date: Tuesday, April 25, 2017 9:21:08 PM

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear Mr. Voigt,

I live near the location of the telecommunication support structure, for which a conditional use permit has been requested from the city of Fargo. I am a cancer survivor and am concerned about radiation and detrimental effects of the energy received by or transmitted from equipmentthe tower.

The staff report filed by city staff in response to the conditional permit request does not address safety concerns that might arise from the cellular signals that will be received and sent by the tower. Therefore I have the following questions:

- What are the risks to neighborhood residents from energy released by the tower?
- Will the amount of energy released by the tower increase over time, as additional signals are transmitted?
- What action will be required of the permit requestor to monitor the energy that is released by the tower?
- How will information about the safety concerns be communicated to neighborhood residents?

Thank you in advance for responding to my questions.

Sincerely,

Nancy Schlomann

4385 39th Avenue South
Fargo, ND 58104

701-866-5956

nancyschlomann@yahoo.com

On Tuesday, April 25, 2017 5:57 PM, Nancy Schlomann <nancyschlomann@yahoo.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: Barrett Voigt <bvoigt@cityoffargo.com>
Date: April 25, 2017 at 2:00:33 PM CDT
To: "nancyschlomann@yahoo.com" <nancyschlomann@yahoo.com>
Subject: Requested copy of Planning Commission Report for 4451 40 AVE S (Southwest Fargo Mission Addition)

Nancy,

It was a pleasure speaking with you on the phone today. As discussed during our phone conversation, please find a pdf file attachment of the Planning Commission Report (4451 40 AVE S, Southwest Fargo Mission Addition) that I will be presenting to the Planning Commission next week.

If you have comments or have further inquiries, I can be contacted at 701-476-4153 or bvoigt@cityoffargo.com.

Thanks,

Barrett Voigt

Assistant Planner | City of Fargo | Department of Planning & Development
Ph: 701.476.4153 | E: bvoigt@cityoffargo.com

City of Fargo Staff Report			
Title:	West Acres Business Park Fourth Addition	Date:	4/26/17
Location:	4243 19th Avenue South	Staff Contact:	Barrett Voigt
Legal Description:	Lot 3, Block 1, West Acres Business Park Fourth Addition		
Owner(s)/Applicant:	Fargo Moorhead YMCA Inc/Buell Consulting Inc. (representing Verizon Wireless)	Engineer:	Design 1
Entitlements Requested:	Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district.		
Status:	Planning Commission Public Hearing: May 2, 2017		

Existing	Proposed
Land Use: Community Service	Land Use: Community Service and TSS
Zoning: P/I, Public and Institutional	Zoning: No Change
Uses Allowed: 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.	Uses Allowed: 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. Plus a CUP to allow a TSS within in a P/I, Public and Institutional zoning district.
Maximum Lot Coverage Allowed: No maximum	Maximum Lot Coverage Allowed: No change

Proposal:
<p>The applicant is seeking approval of a Conditional Use Permit (CUP) to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district. The subject property is located at 4243 19th Avenue South (legally described as Lot 3, Block 1, West Acres Business Park Fourth Addition) and encompasses approximately 4.67 acres.</p> <p>The applicant requested the need to install a TSS at this location to address existing as well as anticipated future service demands. As shown in the illustration below, the TSS would consist of a 56-foot tall monopole (including lightning rod) within an 18 by 18-foot (18' X 18') lease area located on the rear side (north side) of the building near the mechanical equipment. In addition, the TSS will include a platform with an equipment cabinet. The portion of the monopole that is not hidden by building mechanical equipment will be painted sky blue for visual enhancement purposes. The applicant states that the tower would allow for the accommodation to collocate two (2) other users. The lease agreement was entered into between Fargo Moorhead YMCA Inc and Verizon Wireless.</p>

Background:

In all cases, proposed TSS must comply with the use specific standards of Section 20-0402.N (hereafter referred to as "Section N"). Within the use specific standards, specific TSS requirements vary depending upon the zoning and TSS height. In addition to the standard zoning setback requirements, the use specific standards of Section N require that TSS be either clustered within 300 feet of each other or spaced at least $\frac{1}{4}$ - $\frac{1}{2}$ mile from each other.



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: P/I, Public and Institutional with park use
- East: Across 42nd Street South, MR-3, Multi-Dwelling Residential with apartment use
- South: Across 19th Avenue South, GC, General Commercial with office use
- West: Across 43nd Street South; GC, General Commercial with office use

Area Plans:
No area plans apply.
Schools and Parks:
<p>Schools: The subject property is located within the West Fargo School District and is served by Westside Elementary, Cheney Middle, and West Fargo High schools.</p> <p>Parks: Rabanus Park (4315 18th Avenue S) is abuts the subject property on the north. Rabanus Park provides basketball, grill, playground, recreational trails, rentals, restrooms, sand volleyball, and tennis amenities.</p> <p>Pedestrian / Bicycle: There are off-road bike facilities along every edge of the property. All bike facilities are a component of the metro area bikeways system.</p>
Staff Analysis:
<p>Conditional Use Permit Approval Criteria (Section 20-0909.D)</p> <p>The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:</p> <ol style="list-style-type: none"> <p>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?</p> <p>Staff finds this proposal is consistent with the applicable provisions of the LDC. In the P/I, Public and Institutional zoning district, a TSS of 125 feet in height or less is a conditional use and must comply with the telecommunications facilities standards of Section 20-0402.N.3.e of the LDC.</p> <p>(Criteria Satisfied)</p> <p>Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?</p> <p>Staff suggests that this proposed conditional use permit to allow for a Telecommunication Support Structure (TSS) will contribute to and promote the welfare of the public by increasing cellular communication capacity and/or coverage in the area, providing for increased communications convenience.</p> <p>(Criteria Satisfied)</p> <p>Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?</p> <p>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 from the surrounding owners.</p> <p>(Criteria Satisfied)</p> <p>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.</p> <p>Staff suggests that the proposed conditional use should have no effect on the neighborhood and should not dominate the immediate neighborhood or prevent any other sites from being used due to the facts that, 1) this use will consist of stationary equipment structures and will not generate traffic, 2) Section N of the LDC provides conditions of the CUP that are specifically meant to limit the intensity of the requested use and</p>

accommodate potential future uses, and 3) the tower location will be on a 18-foot by 18-foot lease space that will place the tower in an area where it will have partially blocked view from the mechanical equipment in the back of the YMCA building.

(Criteria Satisfied)

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

The subject property is developed and currently has access to all necessary utilities and services, including: water, sewer, police and fire protection. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the petitioner to utilize the property as proposed. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

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

The subject property is developed and currently has access from 19th Avenue South. Staff is not aware of any deficiencies regarding access to the property, traffic hazards, or traffic congestion issues. To that end, staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow a TSS within in a P/I, Public and Institutional zoning district as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC.

Planning Commission Recommendation: May 2, 2017

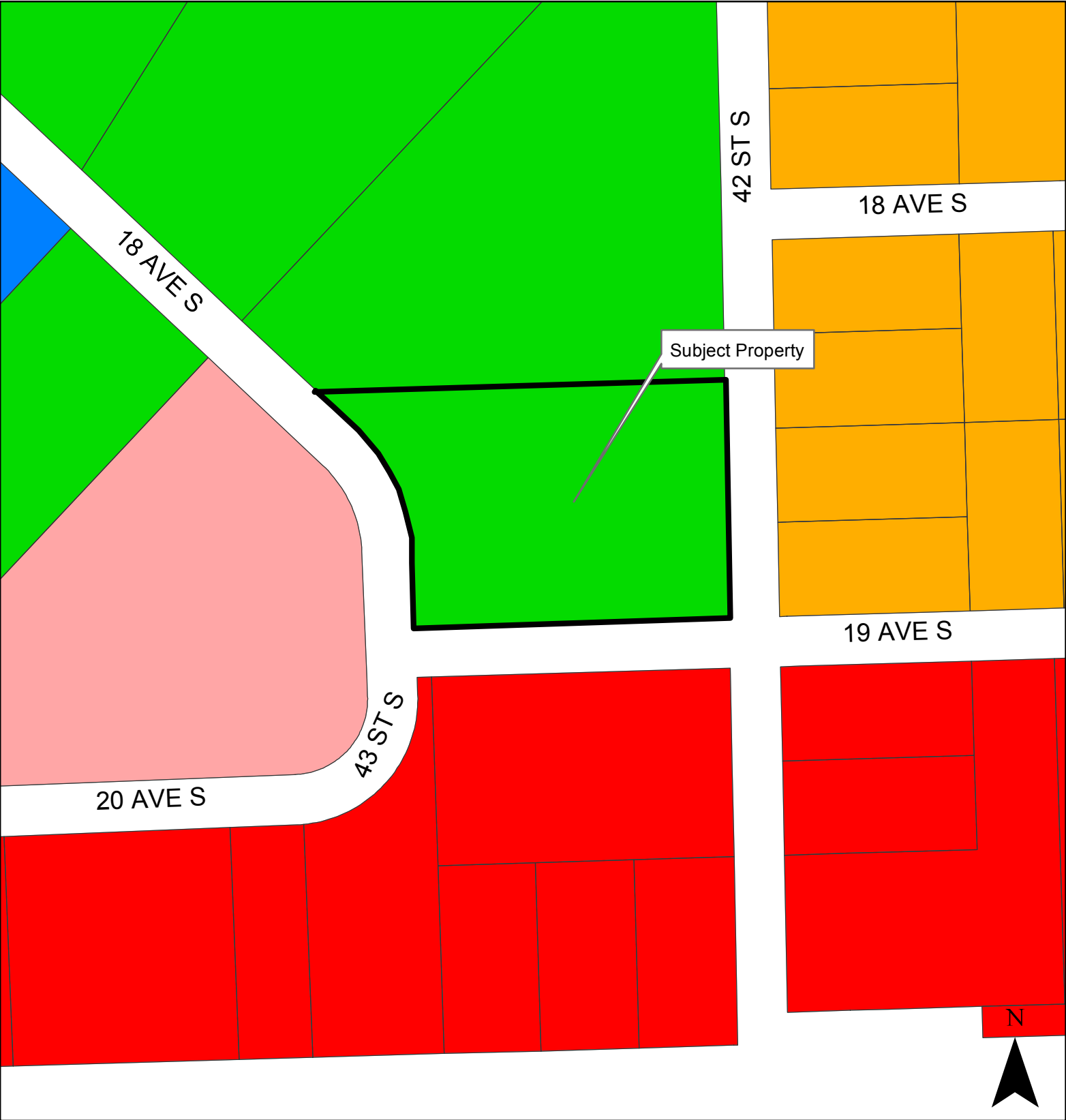
Attachments:

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

CUP (TSS Structure)

West Acres Business Park 4th Addition

4243 19 Ave S



Legend

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

300

Feet

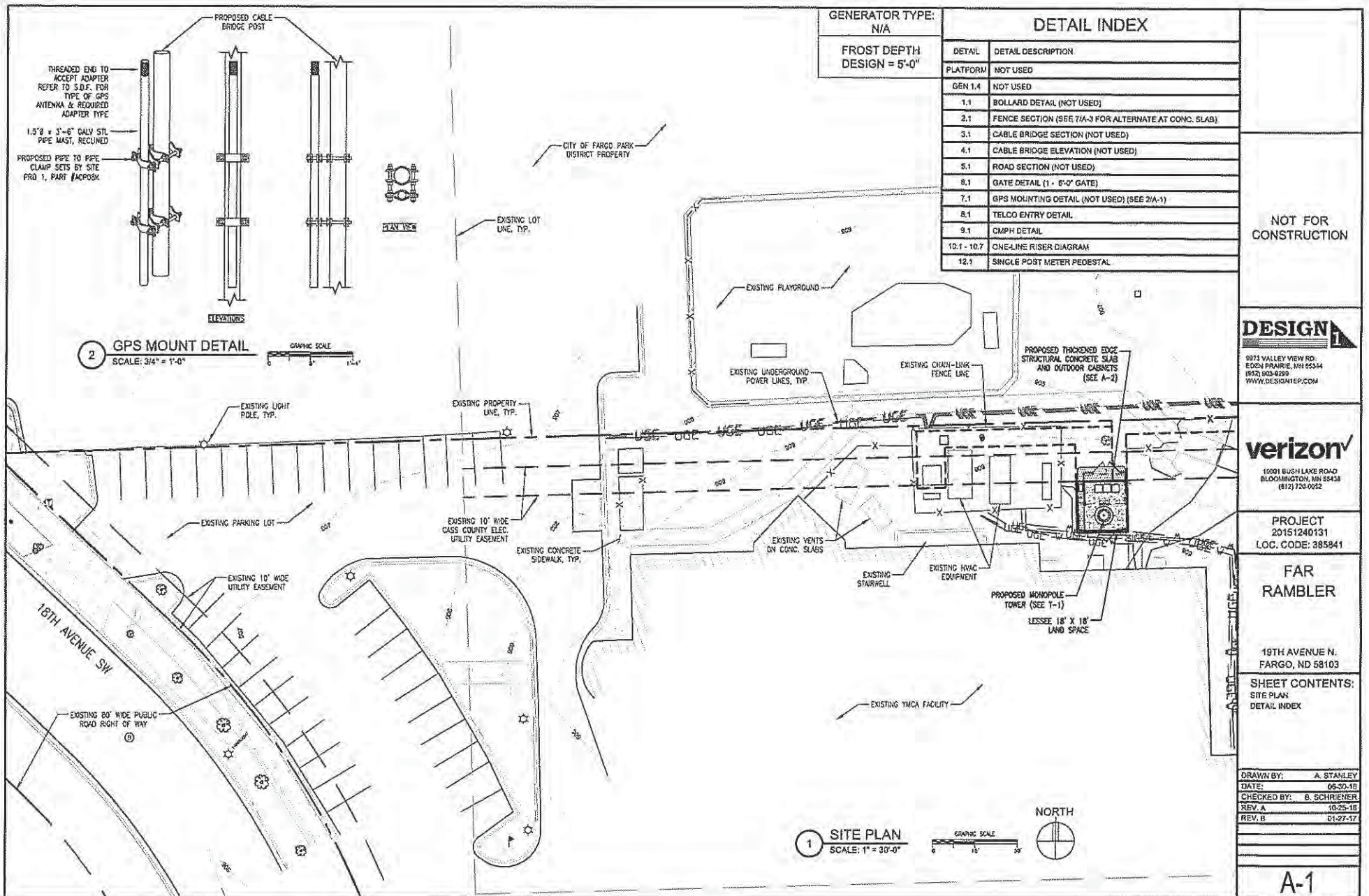
Fargo Planning Commission
May 2, 2017

CUP (TSS Structure)

West Acres Business Park 4th Addition

4243 19 Ave S





**City of Fargo
Staff Report**

Title:	Valley View 7th Addition	Date:	4/26/2017
Location:	3650 Veterans Boulevard	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lot 2, Block 5, Valley View Fourth Addition		
Owner(s)/Applicant:	K-Square Development/ Brian Kounovsky	Engineer:	Moore Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lot 2, Block 5, Valley View Fourth Addition)		
Status:	Planning Commission Public Hearing: May 2, 2017		

Existing	Proposed
Land Use: Platted but not developed	Land Use: Commercial
Zoning: GC, General Commercial	Zoning: No change
Uses Allowed: General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	Uses Allowed: No change
Maximum Lot Coverage Allowed: 85% of lot area	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant requests a minor subdivision, entitled **Valley View Seventh Addition**, which is a replat of Lot 2, Block 5, Valley View Fourth Addition, to create two lots for commercial development. Proposed lots and areas are shown in the chart below.

Block	Lot	Area (acres)
1	1	0.56
1	2	8.59

The property is zoned GC, General Commercial. No zone change is proposed.

The project site has as an existing access from Veterans Boulevard. Lot 1 of this plat will take access from 36th Avenue South by way of an access 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: LC, Limited Commercial; commercial development
- East: LC, Limited Commercial; not developed
- South: GC, not developed
- West: City of West Fargo zoning; public schools (Liberty Middle and Sheyenne High Schools)

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.

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:

Subdivision

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

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

The property is zoned GC, General Commercial. This zoning will accommodate the proposed commercial 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)

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

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

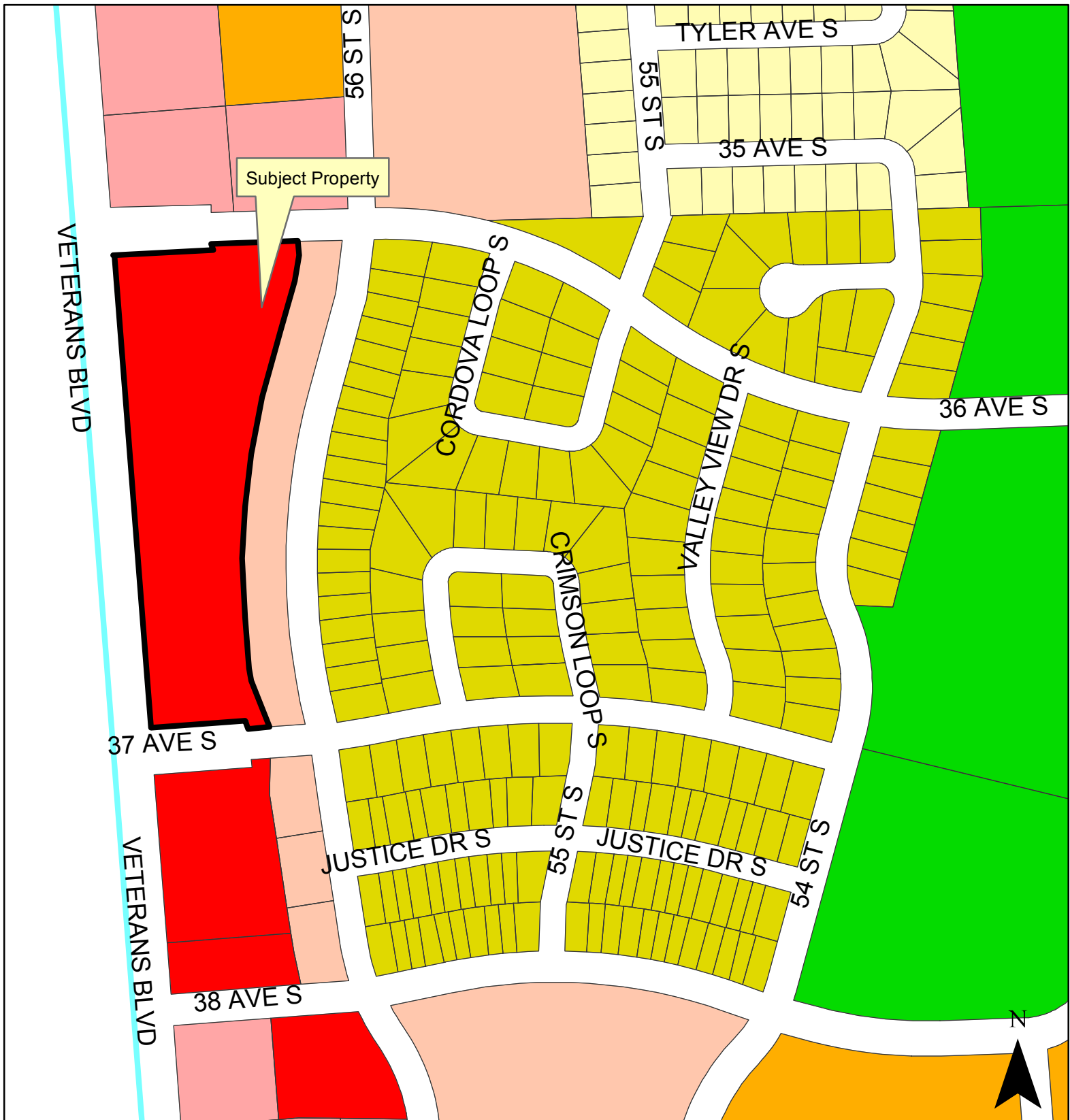
(Criteria Satisfied)

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed Valley View Seventh Addition subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, and Section 20-0907 of the LDC, and all other applicable requirements of the LDC."
Planning Commission Recommendation: May 2, 2017
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Preliminary Plat

Plat (Minor Subdivision)

Valley View 7th Addition

3650 Veterans Blvd



Legend

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

300
Feet

Fargo Planning Commission

May 2, 2017

Plat (Minor Subdivision)

Valley View 7th Addition

3650 Veterans Blvd



A MINOR SUBDIVISION PLAT OF
VALLEY VIEW SEVENTH ADDITION
TO THE CITY OF FARGO, A REPLAT OF LOT 2, BLOCK 5,
VALLEY VIEW FOURTH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "VALLEY VIEW SEVENTH ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 1, BLOCK 5, VALLEY VIEW FOURTH 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 2, BLOCK 5, VALLEY VIEW FOURTH 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 9.10 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTION OF RECORD.

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

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

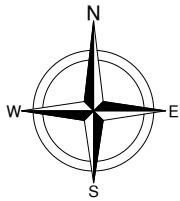
WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "VALLEY VIEW SEVENTH ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 2, BLOCK 5, VALLEY VIEW FOURTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY AND LANDSCAPE EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER:

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF _____.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



0 100
Scale in Feet

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
 - (31,963) LOT AREAS IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE
 - PLAT BOUNDARY LINE
 - LOT LINE
 - EASEMENT LINE
 - - - SECTION LINE
 - EXISTING PLAT LINE

BASIS OF BEARINGS: VALLEY VIEW FOURTH
ADDITION TO THE CITY OF FARGO AS RECORDED.

FARGO PLANNING COMMISSION APPROVAL

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

JAN ULFERTS STEWART, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAN ULFERTS STEWART, 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 _____, 2017.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, 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 _____, 2017.

APRIL E. WALKER, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED APRIL E. WALKER, 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

**City of Fargo
Staff Report**

Title:	Osgood Townsite Fifteenth Addition	Date:	4/21/2017
Location:	4550 49th Ave S and 5050 47th St S	Staff Contact:	Kylie Murphy
Legal Description:	Lots 1 and 3, Block 1, Osgood Townsite Fourteenth Addition		
Owner(s)/Applicant:	Nate Vollmuth/Ulteig	Engineer:	Ulteig
Entitlements Requested:	Minor Subdivision (Replat of Lots 1 and 3, Block 1, Osgood Townsite Fourteenth Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: May 2, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: No Change
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential	Zoning: No Change
<p>Uses Allowed: 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.</p> <p>MR-3, Multi-Dwelling allows 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.</p>	Uses Allowed: No Change
Maximum Lot Coverage Allowed: LC has a maximum of 55% building coverage and MR-3 has a maximum of 24 units per acre	Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Osgood Townsite Fifteenth Addition**, which is a replat of Lots 1 and 3, Block 1, Osgood Townsite Fourteenth Addition. The subject properties are located at 4550 49th Ave S and 5050 47th St S and encompass approximately 13.21 acres. The applicant is proposing four (4) lots, one (1) block minor subdivision.

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:

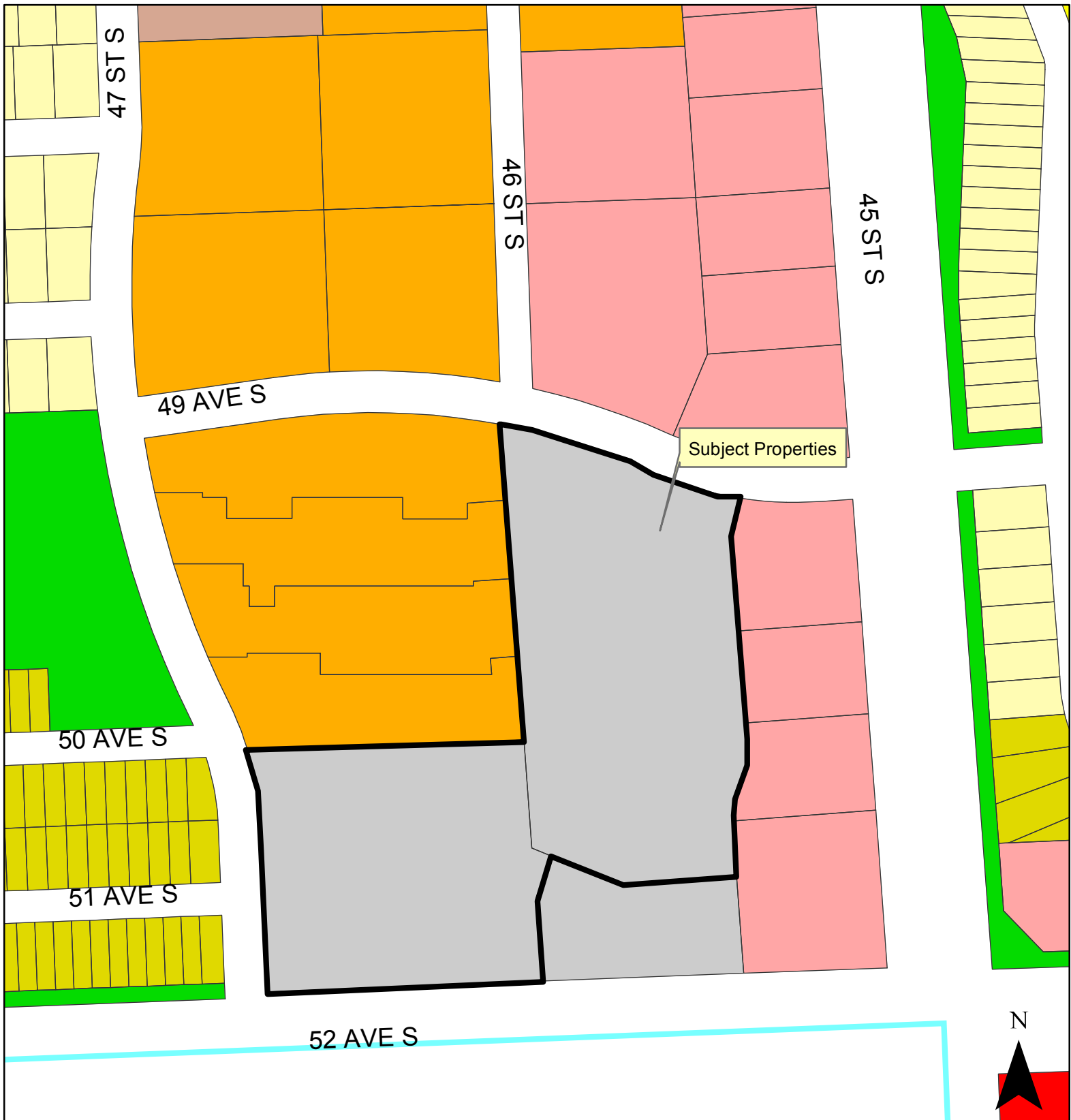
- North: Across 49th Avenue South, LC, Limited Commercial with vacant land use
- East: LC, Limited Commercial with vacant land and bank uses
- South: Across 52nd Avenue South, GC, General Commercial with agricultural use
- West: MR-3, Multi-Dwelling with apartment use and across 47th Street South, P/I Public and

Institutional and SR-4, Single-Dwelling Residential with park, twin home, and single-family use
Schools and Parks:
<p>Schools: The subject property is located within the West Fargo School District and is served by Independence, Elementary, Liberty Middle and Sheyenne High schools.</p> <p>Parks: Osgood Park (4951 47th Street S) is located approximately ½ mile west of the subject property and offers basketball, grill, multipurpose field, picnic table, playground, and recreational trail amenities.</p> <p>Pedestrian / Bicycle: There are off-road bike facilities located along 45th Street South and 52 Avenue South that are components of the metro area bikeways system.</p>
Staff Analysis:
<p>Minor Subdivision</p> <p>The LDC stipulates that the following criteria is met before a minor plat can be approved:</p> <ol style="list-style-type: none"> 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 1 and 3, Block 1, Osgood Townsite Fourteenth Addition into four 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 hereby recommend approval to the City Commission of the proposed subdivision plat, Osgood Townsite Fifteenth 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: May 2, 2017
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Preliminary Plat

Plat (Minor Subdivision)

Osgood Townsite 15th Addition

4550 49th Ave and
5050 47th St S



Legend

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

300

Feet

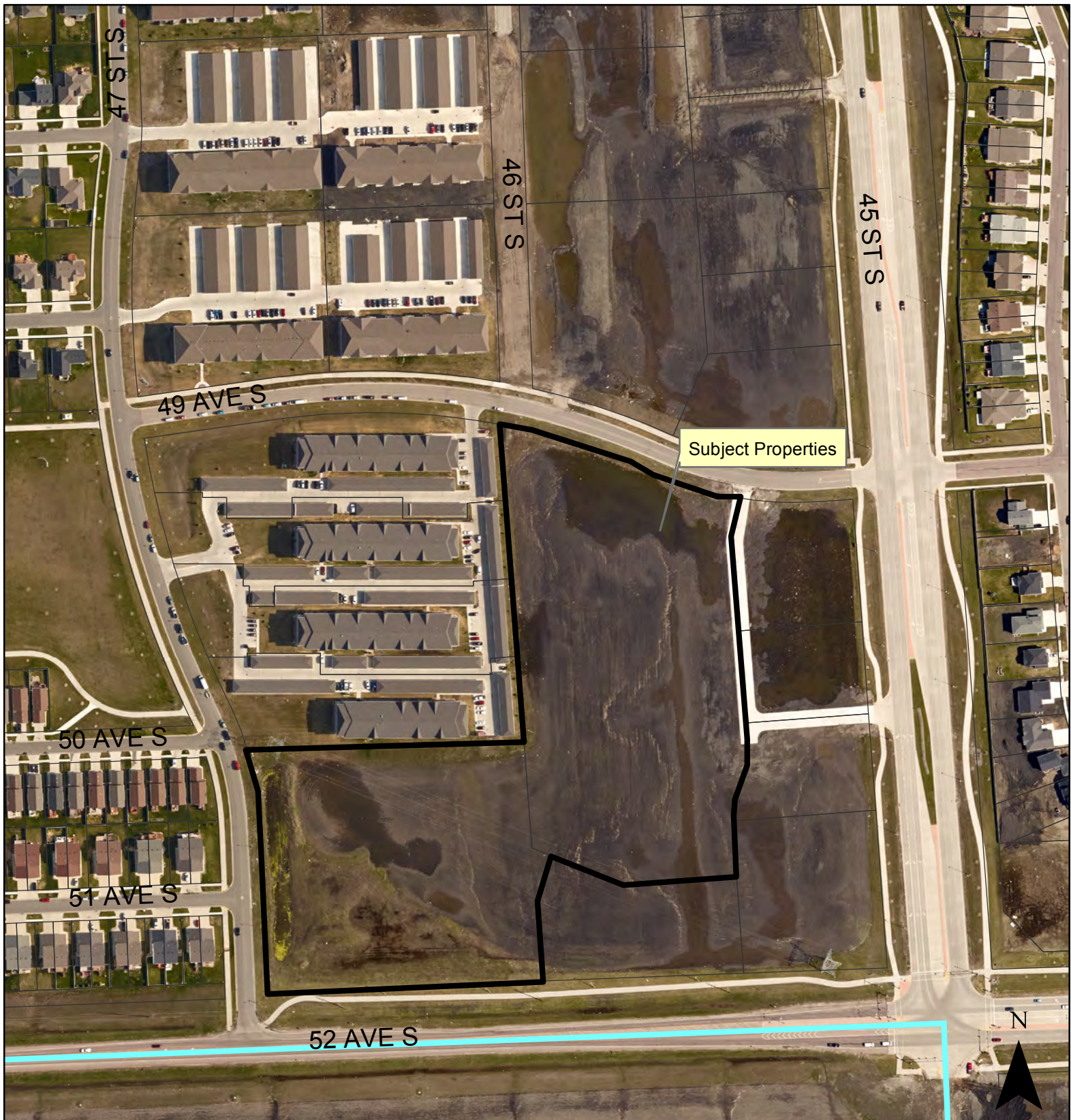
Fargo Planning Commission

May 2, 2017

Plat (Minor Subdivision)

Osgood Townsite 15th Addition

4550 49th Ave and
5050 47th St S



Approved by City Engineer this _____ day of _____, 2017.

State of North Dakota }
County of Cass } SS

Notary Public

Notary Public

Notary Public



Notary Public

Notary Public

FARGO - BISMARCK - DETROIT LAKES - MINNEAPOLIS - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON

UNPLATTED

A CHISELED "X" ON THE NORTHWEST WING WALL OF
BRIDGE OVER DRAIN #27 ON 52ND AVENUE SOUTH
ELEVATION 908.61 NAVD88

**City of Fargo
Staff Report**

Title:	BNG Addition	Date:	4/21/2017
Location:	4801 33 Ave S	Staff Contact:	Kylie Murphy
Legal Description:	Lot 2, Block 1, Brandt Crossing Eighth Addition		
Owner(s)/Applicant:	Nate Vollmuth/Ulteig	Engineer:	Ulteig
Entitlements Requested:	Minor Subdivision (Replat of Lot 2, Block 1, Brandt Crossing Eighth Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: May 2, 2017		

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

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **BNG Addition**, which is a replat of Lot 2, Block 1, Brandt Crossing Eighth Addition. The subject property is located at 4801 33 Ave S and encompasses approximately 6.07 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision.

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 office use
- East: Across 47th Street South, LC, Limited Commercial with agricultural use
- South: Across 33rd Avenue South, SR-4, Single-Dwelling Residential with single family use
- West: LC, Limited Commercial with commercial use

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.

Parks: Brandt Crossing Park (5009 33rd Avenue S) is located approximately 500 feet west of the subject property and offers basketball, dog park, playground, shelter, and recreational trail amenities.

Pedestrian / Bicycle: There are off-road bike facilities located along 33rd Avenue South and Brandt Crossing Park that are a components of the metro area bikeways system.

Staff Analysis:**Minor Subdivision**

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

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, Brandt Crossing Eighth Addition into two 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 hereby recommend approval to the City Commission of the proposed subdivision plat, **BNG 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: May 2, 2017

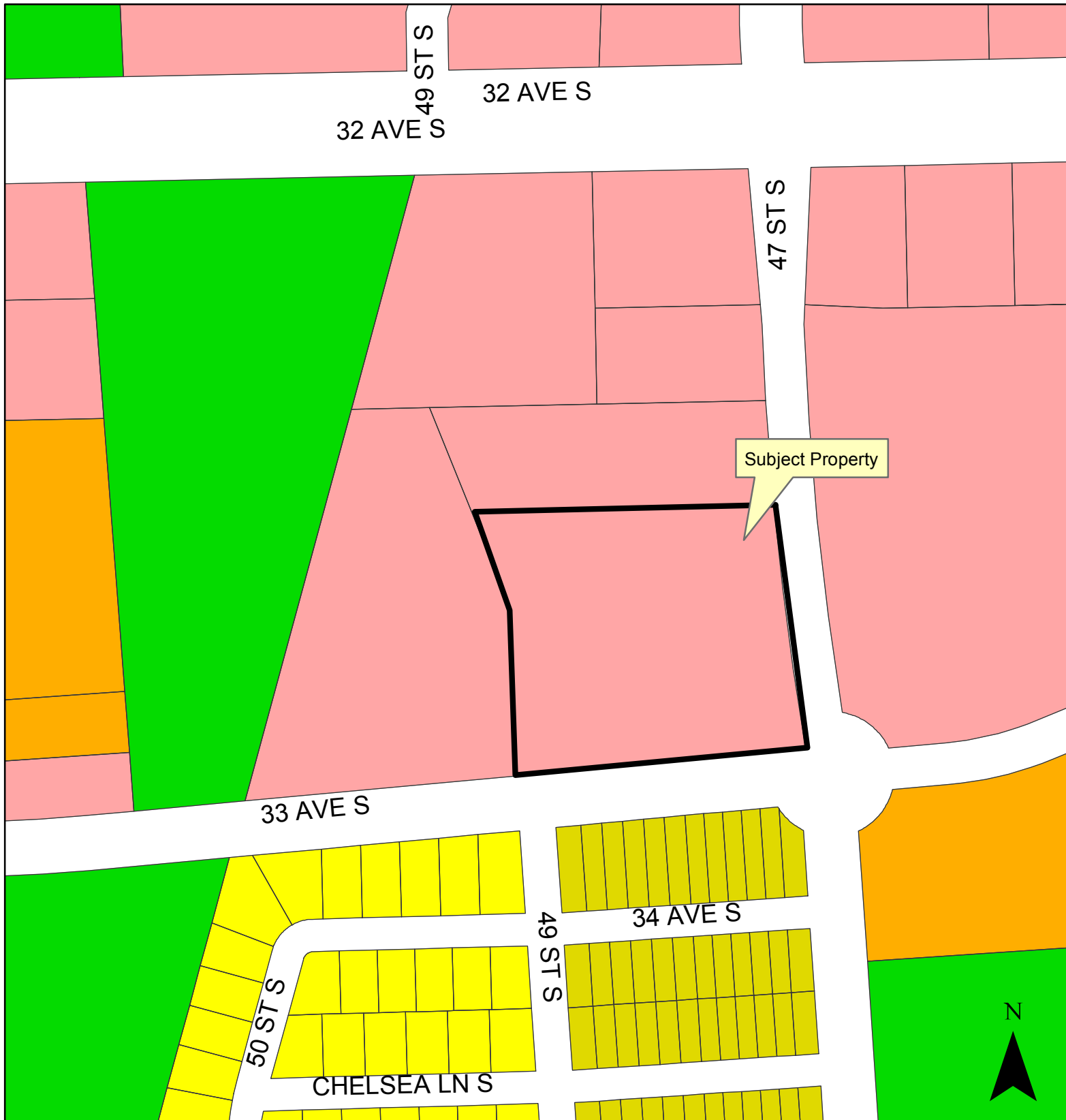
Attachments:

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

Plat (Minor Subdivision)

BNG Addition

4801 33rd Avenue South



Legend

AG	LC	MHP	SSR-2
DM	MRR-1	NCO	SSR-3
GC	MRR-2	P/T	SSR-4
GO	MRR-3	UML	SSR-5
			City Limits

300 Feet

Fargo Planning Commission

May 2, 2017

Plat (Minor Subdivision)

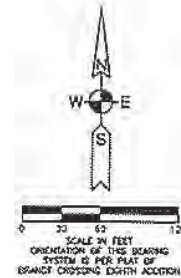
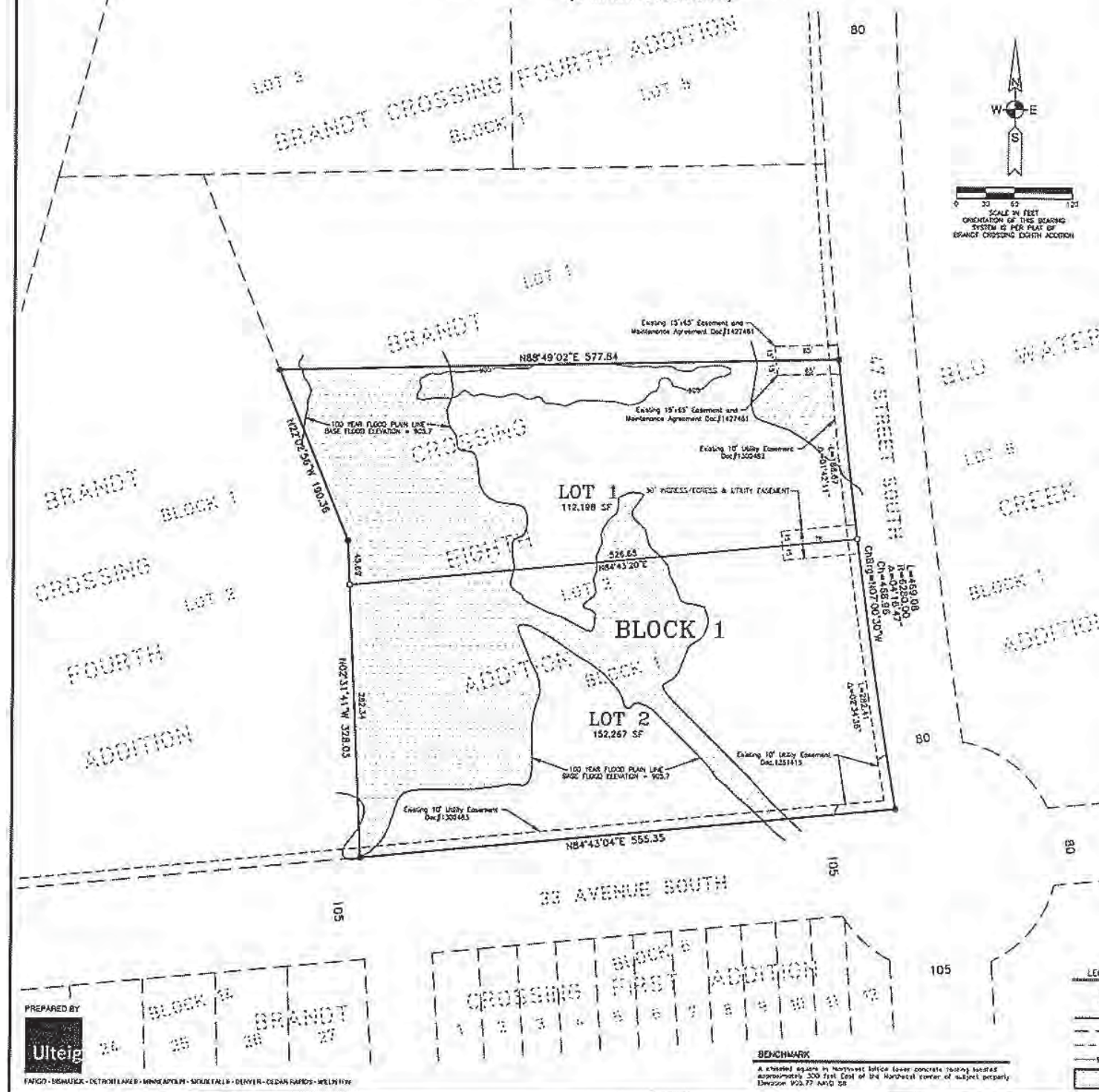
BNG Addition

4801 33rd Avenue South



BNG ADDITION

A REPLAT OF LOT 2, BLOCK 1 OF BRANDT CROSSING EIGHTH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



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 Northwest Quarter of Section 28, Township 13N, Range 48W of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 2, Block 1 of BRANDT CROSSING EIGHTH 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 284,465 square feet or 6.571 acres more or less.

Said owner has caused the above described tract of land to be surveyed and plotted as "BNG ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to Lots 1 and 2, the ingress/egress and utility easement as shown on this plat for the purposes so stated.

OWNER:
Brandt Crossing, LLC

By: Kevin Christenson, President

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 Kevin Christenson, 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 } SS
County of Cass

On this _____ day of _____, 2017, 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

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Daniel W. Salmer, 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 purposes of future surveys have been located or placed in the ground or shown and that the outside boundary lines are correctly designated on the plat.

Daniel W. Salmer, Professional Land Surveyor
North Dakota License No. LS-6208

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 Daniel W. Salmer, 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 _____, 2017.

April E. Waker, 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 April E. Waker, 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.

Jon Ulseth Stewart, 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 Jon Ulseth Stewart, 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

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 3/8" REBAR, CAPPED "3-6208"
- SUBJECT PROPERTY LINE
- - - DISTING. PROPERTY LINE
- - - DISTING. LINE
- - - DISTING. CONTOUR LINE
- AREA NOT WITHIN 100 YEAR FLOODPLAIN

PRELIMINARY

**City of Fargo
Staff Report**

Title:	Edition Second Addition	Date:	4/21/2017
Location:	5035 38 th St S	Staff Contact:	Kylie Murphy
Legal Description:	Lot 1, Block 1, Edition Addition		
Owner(s)/Applicant:	Enclave Development	Engineer:	Houston Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 1, Edition Addition) and Conditional Use Permit (for an Alternative Access Plan for a parking reduction)		
Status:	Planning Commission Public Hearing: May 2, 2017		

Existing	Proposed
Land Use: Multi-Dwelling Residential	Land Use: Multi-Dwelling Residential and Group Living
Zoning: MR-3	Zoning: MR-3
Uses Allowed: detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. Plus a Conditional Use Permit for a parking reduction
Maximum Density Allowed: Maximum of 24 units per acre	Maximum Density Allowed: Maximum of 24 units per acre

Proposal:

The applicant is seeking approval of a minor subdivision entitled, **Edition Second Addition**, which is a replat of Lot 1, Block 1, Edition Addition, and approval of a conditional use permit for an alternative access plan for a parking reduction. The proposed plat contains 19.98 acres. The applicant is proposing a two (2) lot, one (1) block, minor subdivision.

The applicant is requesting an alternative access plan for the proposed group living facility. The residents of the facility are individuals with memory impairments. Group living requires 1 stall per 100 sq. ft. of sleeping area for a total of 76 stalls; the applicant is proposing 1 stall per 160 sq. ft. of sleeping area for a total of 50 stalls. The typical number of staff on a single shift is 8, which leaves 42 stalls for residents and visitors.

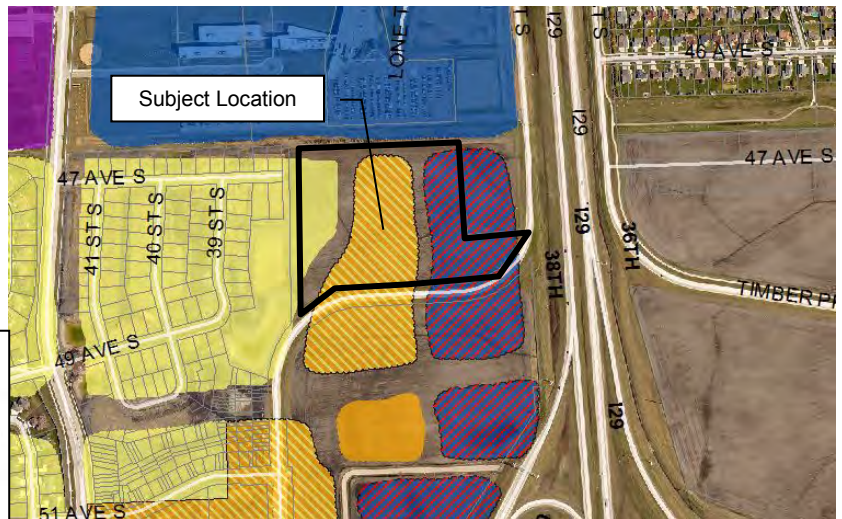
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: GO, General Office, with Microsoft offices;
- East: GC, General Commercial, with Cobalt Medical Facility;
- South: Across 38th St S is unplatted vacant land zoned GC, General Commercial;
- West: P/I, Public and Institutional, with park land. Adjacent to the park land is SR-2, Single-Dwelling Residential.

Area Plans:

The subject property is referenced within the 2003 Southwest Future Land Use Plan as being suitable for low density residential on the western edge of the parcel, low and medium density in the middle portion of the parcel, and office or commercial on the eastern section of the parcel.



Schools and Parks:

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

Parks: The subject property is located west of Woodhaven South Park and Fishing Pond (4802 Woodhaven Drive South). The park offers ADA fishing ramp, fishing, picnic table, playground, recreational trails, and soccer amenities.

Pedestrian / Bicycle: A multi-use trail facilities are located about over a quarter of a mile south along 52 Avenue South and over a quarter mile to the west along 42 Street South.

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 Lot 1, Block 1, Edition Addition into two 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)

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. According to the parking requirements of the LDC, 76 parking spaces would be required. The applicant has submitted a narrative that details the current and anticipated residents with cars, as well as the number of the largest staff shift, and notes that 50 total spaces are sufficient for the facility. 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:

1. 50 off-street parking spaces are required on-site;
2. The Conditional Use Permit will cease if the land use changes from an assisted living/senior living residence;
3. And any expansion of the square footage of the group living use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Subdivision plat **Edition Second Addition** and 2) Conditional Use Permit to allow an Alternative Access Plan for a Parking Reduction as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, Section 20-0909.D (1-6) and all other applicable requirements of the Land Development Code, with the following conditions:

1. 50 off-street parking spaces are required on-site;
2. The Conditional Use Permit will cease if the land use changes from an assisted living/senior living residence;
3. And any expansion of the square footage of the group living use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission

Planning Commission Recommendation: May 2, 2017

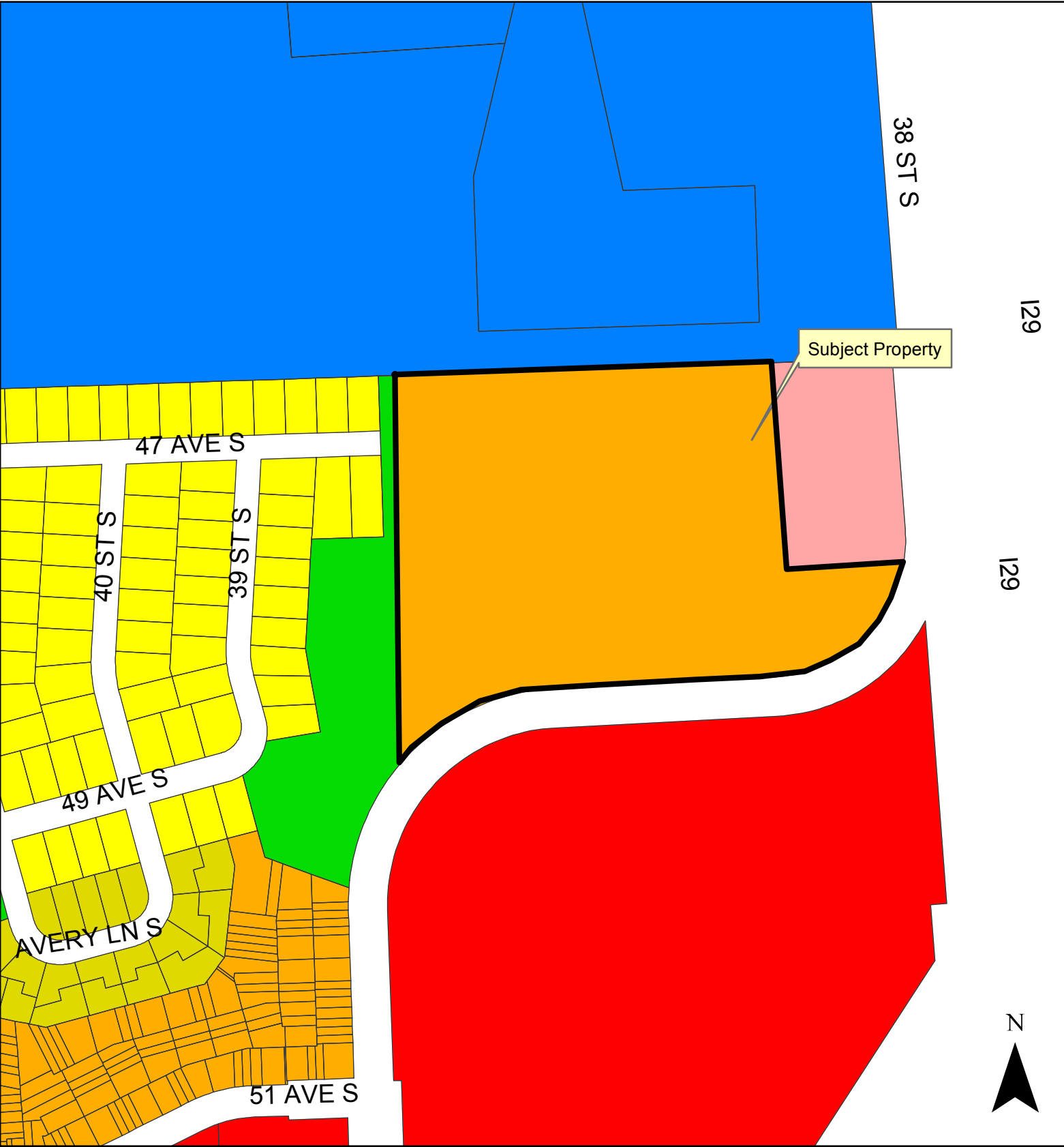
Attachments:

1. Zoning Map
2. Location Map

Plat (Minor Subdivision) and CUP (Alternative Access Plan)

Edition Second Addition

4835 38th Street South



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SSRR-3
GC	MR-1	NO	SSRR-4
GO	MR-2	PT	SSRR-5
	MR-3	UML	City Limits

300 Feet

Fargo Planning Commission
May 2, 2017

Plat (Minor Subdivision) and CUP (Alternative Access Plan)

Edition Second Addition

4835 38th Street South





Fargo Office

701.237.5065

701.237.5101

1401 21st Avenue North Fargo, ND 58102

April 17, 2017

City of Fargo Planning & Development
200 3rd Street North
Fargo, ND 58102

**Subject: Alternative Access Plan
5035 38th Street South
HEI Project No. 7489_024**

The owner is requesting an alternate access plan for the proposed group living facility. The facility is a group living use type. The residents of the facility are individuals with memory impairments such as Alzheimer's Disease and dementia.

Group living parking requirements are 1 stall per 100 sq. ft. of sleeping area. The facility has 36 rooms with a total of 7,609 sq. ft. of sleeping area which results in a standard parking requirement of 76 parking stalls. The owner is proposing an alternate access plan for a requirement of 1 stall per 160 sq. ft. of sleeping area. Based on the reduced parking requirement the 50 stalls proposed would provide adequate parking for the site. The typical number of staff on a single shift is 8 leaving 42 stalls for residents and visitors. The proposed parking is providing 1 stall per unit plus parking for visitors and employees.

Sincerely,

HOUSTON ENGINEERING, INC.

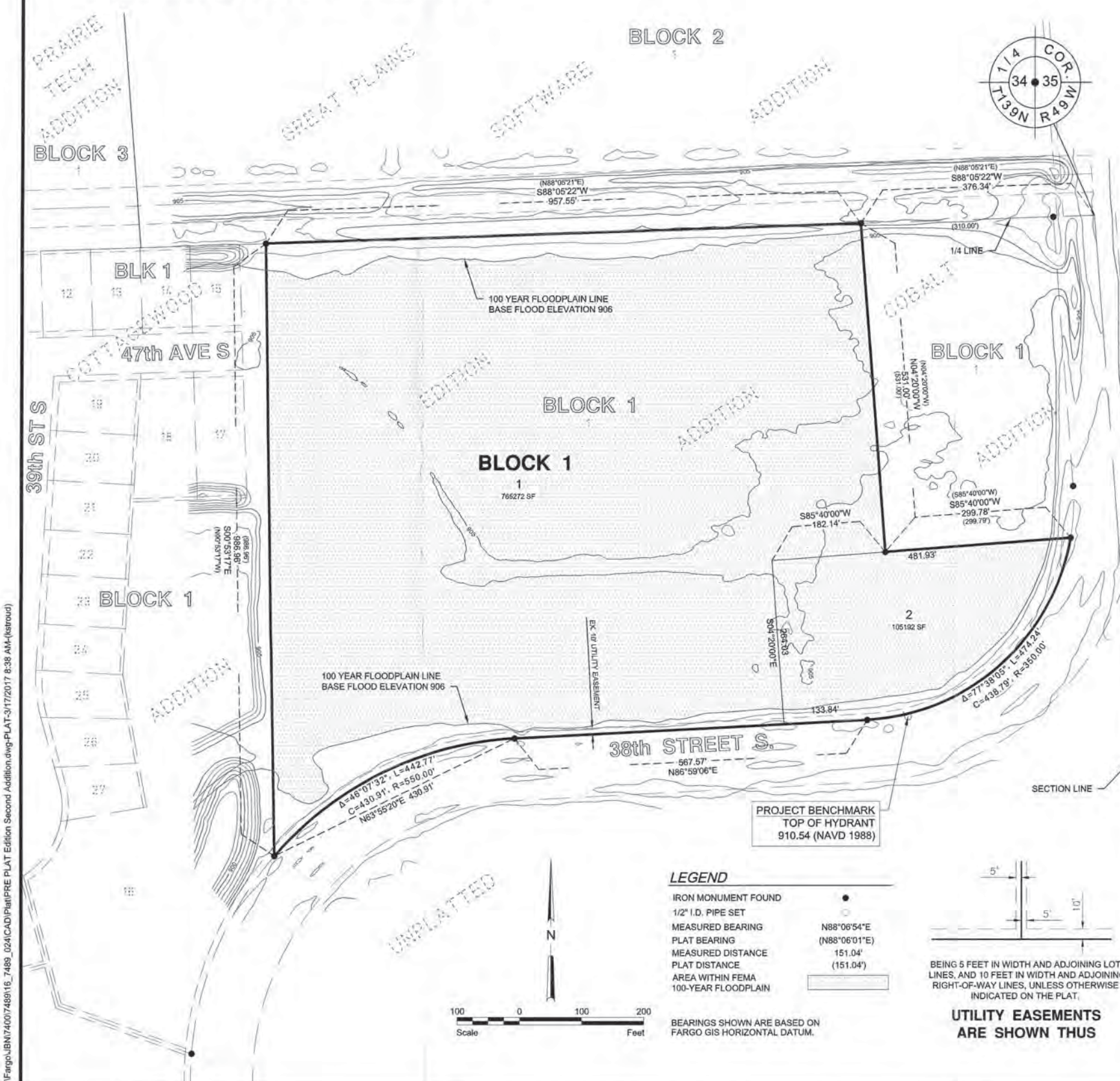
A handwritten signature in blue ink that reads 'Brian T. Pattengale'.

Brian T. Pattengale

C:

H:\Fargo\JBN\7400\7489\16_7489_024\Deliverables\Alternative Access Plan Letter 04-17-17.docx

EDITION SECOND ADDITION
A MINOR SUBDIVISION
BEING A REPLAT OF EDITION ADDITION
SOUTHEAST 1/4 OF SECTION 34, T. 139 N., R. 49 W., 5th P.M.
CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



OWNER'S CERTIFICATE:
KNOW ALL PERSONS BY THESE PRESENTS: That Edition Partners, LLP, is the owner and proprietor of Lot 1, Block 1, Edition Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 19.983 acres, more or less.

And that said party has caused the same to be surveyed and platted as EDITION SECOND ADDITION to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public, for public use, the utility easement shown on the plat.

OWNER:
Edition Partners, LLP

Austin Morris, Managing Member

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:
I, Shawn M. Thomasson, 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____.

Shawn M. Thomasson, Professional Land Surveyor No. 5900

CITY ENGINEER'S APPROVAL:
Approved by the Fargo City Engineer this _____ day of _____, 20____.

April E. Walker, City Engineer

FARGO PLANNING COMMISSION APPROVAL:
Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

Jan Ulferts Stewart, 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)
County of Cass) ss

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 _____)
County of _____) ss

On this _____ day of _____, 20____ before me personally appeared Austin Morris, Managing Member of Edition Partners, LLP., 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)
County of Cass) ss

On this _____ day of _____, 20____ before me personally appeared Shawn M. Thomasson, 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)
County of Cass) ss

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

Notary Public: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____, before me personally appeared Jan Ulferts Stewart, 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: _____

Project No. 7489-024

Houston Engineering Inc.
Phone: 701.237.5065

**City of Fargo
Staff Report**

Title:	Lime Addition	Date:	4/26/2017
Location:	303 11th Street North and 1014 4th Avenue North	Staff Contact:	Barrett Voigt
Legal Description:	Lot 3 through 6, Block 29, Roberts Second Addition and Lots A, B, and C, Block 29, Douglas Subdivision		
Owner(s)/Applicant:	300 Lime LLP & Enclave Companies LLC/ Austin Morris	Engineer:	Houston Engineering Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lot 3 through 6, Block 29, Roberts Second Addition and Lots A, B, and C, Block 29, Douglas Subdivision, to the City of Fargo, Cass County, North Dakota.)		
Status:	Planning Commission Public Hearing: May 2, 2017		

Existing	Proposed
Land Use: Multi-Dwelling Residence (Under Construction)	Land Use: No Change
Zoning: DMU, Downtown Mixed-Use	Zoning: No Change
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.	Uses Allowed: No Change
Maximum Lot Coverage Allowed: 100%	Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Lime Addition**, which is a replat of Lot 3 through 6, Block 29, Roberts Second Addition and Lots A, B, and C, Block 29, Douglas Subdivision. The subject properties are located at 303 11th Street North and 1014 4th Avenue North and encompass approximately .967 acres. The applicant is proposing a one (1) lot, one (1) block minor subdivision to accommodate for the construction of a 94-unit multi-dwelling building.

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 4th Avenue North, DMU, Downtown Mixed-Use with office and warehouse use
- East: DMU, Downtown Mixed-Use with parking lot, bank, single family residential, restaurant, office, and apartment uses
- South: Across 11th Street North, DMU, Downtown Mixed-Use with vacant land and single family residential uses
- West: Across 3rd Avenue North, DMU, Downtown Mixed-Use with single family residential and apartment uses

Area Plans:
The subject property is located in the 2002 Downtown Framework Plan.
Schools and Parks:
<p>Schools: The subject property is located within the Fargo School District and is served by Roosevelt Elementary, Ben Franklin Middle and North High schools.</p> <p>Parks: Unicorn Park (1603 3rd Avenue N) is located approximately ½ mile west of the subject property and offers basketball, grill, multipurpose field, picnic table, playground, and recreational trail amenities.</p> <p>Pedestrian / Bicycle: There are on-road bike facilities located along 4th Avenue North that are a component of the metro area bikeways system.</p>
Staff Analysis:
<p>Minor Subdivision</p> <p>The LDC stipulates that the following criteria is met before a minor plat can be approved:</p> <ol style="list-style-type: none"> <p>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.</p> <p>The subdivision is intended to replat Lot 3 through 6, Block 29, Roberts Second Addition and Lots A, B, and C, Block 29, Douglas Subdivision into one lot 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.</p> <p>(Criteria Satisfied)</p> <p>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.</p> <p>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.</p> <p>(Criteria Satisfied)</p>
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, Lime 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: May 2, 2017

Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Preliminary Plat

Plat (Minor Subdivision)

Lime Addition

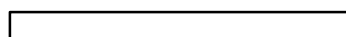
303 11th Street North &
1014 4th Avenue North



Legend

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

300



Feet

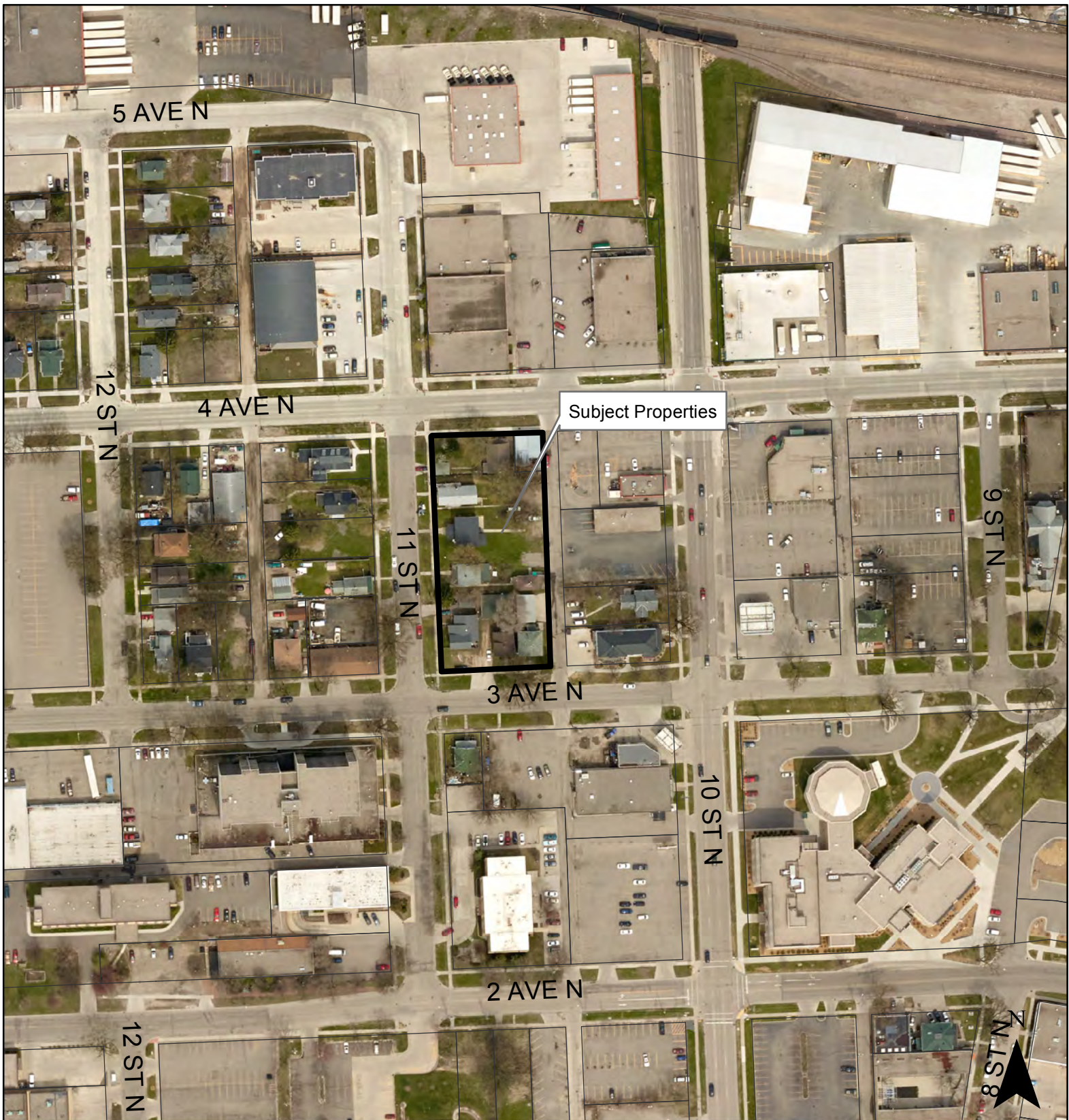
Fargo Planning Commission

May 2, 2017

Plat (Minor Subdivision)

Lime Addition

303 11th Street North &
1014 4th Avenue North



LIME ADDITION
A MINOR SUBDIVISION PLAT
BEING A REPLAT LOTS 3 THRU 6, BLOCK 29,
ROBERTS SECOND ADDITION AND A REPLAT OF
LOTS A, B, AND C, BLOCK 29, DOUGLAS SUBDIVISION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

LEGEND

IRON MONUMENT FOUND
1/2" I.D. PIPE SET
MEASURED BEARING
PLAT BEARING
MEASURED DISTANCE
PLAT DISTANCE
BEARINGS SHOWN ARE BASED ON
CITY OF FARGO GROUND CONTROL.

N88°06'54"E
(N88°06'01"E)
151.04'
(151.04')



OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That 300 Lime, LLP, is the owner and proprietor of Lots 3 thru 6, Block 29, Roberts Second Addition, together with Lots A, B and C, Block 29, Douglas Subdivision of Blocks 27, 28 and 29 of Roberts Second Addition, all situated in the Southwest Quarter of Section 6, Township 139 North, Range 48 West of the Fifth Principal Meridian, Cass County, North Dakota.

Said tract contains 0.967 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **LIME ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:
300 Lime, LLP

Austin Morris, Managing Member

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Shawn M. Thomasson, 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____.

Shawn M. Thomasson, Professional Land Surveyor No. 5900

CITY ENGINEER'S APPROVAL:

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

April E. Walker, City Engineer

FARGO PLANNING COMMISSION APPROVAL:

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

Jan Ulferts Stewart, 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)
County of Cass) ss

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 _____)
County of _____) ss

On this _____ day of _____, 20____ before me personally appeared Austin Morris, Managing Member of 300 Lime LLP., 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)
County of Cass) ss

On this _____ day of _____, 20____ before me personally appeared Shawn M. Thomasson, 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)
County of Cass) ss

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

Notary Public: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____, before me personally appeared Jan Ulferts Stewart, 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: _____