

FARGO PLANNING COMMISSION AGENDA
Tuesday, October 3, 2017 at 3:00 p.m.

- A: Approve Order of Agenda.
- B: Minutes: Regular Meeting of September 5, 2017.
- C: Brown Bag Luncheon – October 18, 2017
- D: Public Hearing Items:
 - 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional, within the boundaries of the proposed **Grayland First Addition**. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk)
 - 1b. Continued hearing on an application requesting a Plat of **Grayland First Addition** (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk)
 - 2a. Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO DECEMBER 5, 2017
 - 2b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO DECEMBER 5, 2017
 - 2c. Continued hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO DECEMBER 5, 2017
 - 2d. Continued hearing on an application requesting a Plat of **NSC Addition** (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO DECEMBER 5, 2017
 - 3a. Continued hearing on an application requesting a zoning change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay

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

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

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within the boundaries of the proposed **Diamond Willow Addition**. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)

- 3b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Diamond Willow Addition**. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)
- 3c. Continued hearing on an application requesting a Plat of **Diamond Willow Addition** (Minor Subdivision) a replat of Lots 15 and 16, Block 15, Douglas Addition, to the City of Fargo, Cass County, North Dakota. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)
- 4a. Hearing on an application requesting a Plat of **Urban Plains by Brandt Third Addition** (Major Subdivision) a replat of Lot 1, Block 4, Urban Plains by Brandt First Addition, and Lot 1, Block 3, Urban Plains by Brandt Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.) (an)
- 4b. Hearing on an application requesting a Conditional Use Permit for household living in the LC, Limited Commercial Zone, on the proposed Lot 5, Block 1, **Urban Plains by Brandt Third Addition**. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.) (an):
CONTINUED TO NOVEMBER 7, 2017
- 5. Hearing on an application requesting a Sidewalk Waiver on Lots 1-5, Block 7, **Rocking Horse Farm 2nd Addition**. (Located at 4824, 4838, 4852, 4876, 4894 Rocking Horse Circle South) (Mike Love/Houston Engineering, Inc.) (me)
- 6a. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, within the boundaries of the **Timber Parkway Second Addition**. (Located at 4801 and 4951 Timber Parkway South) (Nate Vollmuth/Paces Lodging) (me)
- 6b. Hearing on an application requesting a Plat of **Timber Parkway Second Addition** (Minor Subdivision) a replat of Lots 1 and 7, Block 1, Timber Parkway First Addition to the City of Fargo, Cass County, North Dakota. (Located at 4801 and 4951 Timber Parkway South) (Nate Vollmuth/Paces Lodging) (me)
- 7. Hearing on an application requesting a Plat of **Brandt Crossing Thirteenth Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Brandt Crossing Twelfth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3252 51st Street South) (Nate Vollmuth/Paces Lodging) (km)
- 8. Hearing on an application requesting a Plat of **The District of Fargo Third Addition** (Minor Subdivision) a replat of Lot 1, Block 6, The District of Fargo Addition, to the City of Fargo, Cass County, North Dakota, to include a Sidewalk Waiver on Lots 1-3, Block 1 of the proposed plat. (Located at 3751 53rd Avenue South) (Jeremy Easum/Roers Development) (dk)

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9. Hearing on an application requesting a Plat of **Maple Valley Third Addition** (Minor Subdivision) a replat of Lots 19-27 and 29-31, Block 1, Maple Valley Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3325-3349 Maple Leaf Loop South) (John Holland/Wildstone Development) (dk)

E: Other Items:

1. Presentation on the Downtown Master Plan

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

September 5, 2017:

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

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Rocky Schneider, Melissa Sobolik, Kelly Steffes, Scott Stofferahn

Absent: Mary Scherling

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of August 1, 2017

Member Brust moved the minutes of the August 1, 2017 Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, September 20, 2017 Brown Bag Luncheon

Topic: Case Status Updates

Item D: Public Hearing Items:

Item 1: Grayland First Addition

1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional of the proposed Grayland First Addition. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District): CONTINUED TO OCTOBER 3, 2017

1b. Continued hearing on an application requesting a Plat of Grayland First Addition (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South)

(Ben Saucke/West Fargo Public School District): CONTINUED TO OCTOBER 3, 2017

A Hearing had been set for July 6, 2017. At the July 6, 2017 meeting the Hearing was continued to August 1, 2017. At the August 1, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to October 3, 2017.

Member Magelky moved this item be continued to the October 3, 2017 Planning Commission Meeting. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item 2: NSC Addition

2a. Hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO OCTOBER 3, 2017

2b. Hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO OCTOBER 3, 2017

2c. Hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO OCTOBER 3, 2017

2d. Hearing on an application requesting a Plat of NSC Addition (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO OCTOBER 3, 2017

A Hearing had been set for August 1, 2017. At the August 1, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to October 3, 2017.

Member Sobolik present.

Member Brust moved this item be continued to the October 3, 2017 Planning Commission Meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

Item 3: Diamond Willow Addition

3a. Hearing on an application requesting a zoning change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay within the boundaries of the proposed Diamond Willow Addition. (Located at 622 and 624 10th Avenue North) (Nate Anderson): CONTINUED TO OCTOBER 3, 2017

3b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed Diamond Willow Addition. (Located at 622 and 624 10th Avenue North) (Nate Anderson): CONTINUED TO OCTOBER 3, 2017

3c. Hearing on an application requesting a Plat of Diamond Willow Addition (Minor Subdivision) a replat of Lots 15 and 16, Block 15, Douglas Addition, to the City of Fargo, Cass County, North Dakota. (Located at 622 and 624 10th Avenue North) (Nate Anderson): CONTINUED TO OCTOBER 3, 2017

Planning Administrator Nicole Crutchfield presented a brief background on the project, stating it includes a private drive. She recommended continuing this item to the October 3, 2017 Planning Commission meeting to allow for further discussion on the project.

Senior Planner Donald Kress presented the staff report and stated that the Roosevelt Neighborhood Association and the Neighborhood Coalition have met with the applicant regarding this project.

Discussion was held on the concerns of residents, brought forth from the Neighborhood Coalition and Roosevelt Neighborhood Association meetings.

Applicant Nathan Anderson spoke on behalf of the project.

Member Stofferahn present.

The following area property owners spoke in opposition of the proposal sharing the following concerns: lack of green space; project density; availability of off-street parking; reduced setback to surrounding properties; concern about property values and tax assessments; building height; and the ownership model of rental vs. ownership:

Nick Geray, 621 9th Avenue North

Jim Laschkewitsch, 1016 College Street, on behalf of the Roosevelt Neighborhood Association

Member Brust moved this item be continued to the October 3, 2017 Planning Commission Meeting. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item 4: Tunheim Additon

4a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial within the boundaries of the proposed Tunheim Addition. (Located at 2778 40th Avenue North) (Nate Anderson/LJA): APPROVED

4b. Hearing on an application requesting a Plat of Tunheim Addition (Major Subdivision) of an unplatted portion of the Southeast Quarter of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 2778 40th Avenue North) (Nate Anderson/LJA): APPROVED

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

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

Item 5: Hinks Addition

Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on Lot 1, Block 1, Hinks Addition. (Located at 4484 15th Avenue South) (Jim Bruget): APPROVED WITH CONDITIONS

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

Member Steffes 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) 10 Parking spaces, unobstructed by the required drive thru stacking spaces, are required on site.
- 2) Any expansion of the square footage of the restaurant and/or retail 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 and/or retail.

- 4) A recorded access easement document is required for the properties of Lots 1-4, Block 1, Hinks Addition (4484 15th Avenue South, 1555 44th Street South, and 1600 45th Street South).
- 5) Pedestrian striping is required at pedestrian and vehicular mode conflicts across the driving lane between the properties of 4484 15th Avenue South and 4400 15th Avenue South.

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

Item 6: Reeves Addition

Hearing on an application requesting a Zoning Change from GC, General Commercial to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay on portions of Lots 1-6, 7-9, and 19-24, Block 6, Reeves Addition. (Located at 502 North University Drive and 1321 5th Avenue North) (DFI AU LLC/Mike Zimney): APPROVED WITH CONDITIONS

Planner Derrick LaPoint presented the staff report adding that a conditional overlay has been added to the application in addition to what was advertised. He also noted a meeting of the Neighborhood Coalition was held on Tuesday, August 22, 2017 and that no concerns were brought forth. Mr. LaPoint stated all approval criteria have been met and staff is recommending approval.

Discussion was held on the proximity of the project to the railroad tracks and on the stormwater retention requirements.

Applicant Mike Zimney, Kilbourne Group, spoke on behalf of the application.

Ryan Erickson, Fire Department, stated that a project review was completed and recommendations had been made on the setbacks.

Division Engineer, Brenda Derrig shared information 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.

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 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 with the following conditions:

- 1) Minimum setback on the east side of the property of 20 feet
 - a. The setback may be greater or less than 20 feet if a structural assessment is approved by the North Dakota Department of Transportation and City of Fargo.
 - b. The setback is intended to preserve the integrity of the existing retaining wall along the west side of University Drive.
- 2) With the existing storm water infrastructure and the transition from pervious to impervious, a building permit shall not be issued until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require meeting the storm water requirements for GC, General Commercial.

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

Item 7: Roberts Addition

Hearing on an application requesting a Conditional Use Permit for an iconic sign on Lots 3-5, Block 2, Roberts Addition. (Located at 114 Broadway North) (DFI Black Building LLC/Mike Zimney): APPROVED

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

Mr. LaPoint presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Mike Zimney, Kilbourne Group, spoke on behalf of the project.

Member Sobolik moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow for an iconic sign be approved, as the proposal complies with the Fargo Sign Code, Section 20-0909.D (1-6) and all other requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Gunkelman, Sobolik, Morgan, Steffes, Brust, Stofferahn, Schneider, and Fischer voted aye. Member Magelky abstained from voting. Absent and not voting: Member Scherling. The motion was declared carried.

Item 8: BNG Addition

Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to GO, General Office, with a C-O, Conditional Overlay, on Lot 2, Block 1, BNG Addition. (Located at 3285 47th Street South) (Nate Vollmuth): APPROVED

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

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

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the zoning change from LC, Limited Commercial, with a C-O, Conditional Overlay to GO, General Office, 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 Stofferahn. On call of the roll Members Brust, Morgan, Gunkelman, Magelky, Schneider, Sobolik, Steffes, Stofferahn, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 9: Tyler's Addition

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): APPROVED

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 April 4, 2017. At the April 4, 2017 meeting the Hearing was continued to May 2, 2017. At the May 2, 2017 meeting the Hearing was continued June 6, 2017. At the June 6, 2017 meeting the Hearing was continued to August 1, 2017. At the August 1, 2017 meeting the Hearing was continued to November 7, 2017; however, the applicant has requested this item be heard at this date and time.

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

Applicant Tom Thompson, spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the 22nd Street North street vacation plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan and the Standards of Chapter 40-39 of the North Dakota Century Code. Second by Member Magelky. On call of the roll Members Morgan, Magelky, Steffes, Gunkelman, Sobolik, Brust, Schneider, Stofferahn, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 10: Text Amendment

Hearing on an application requesting an LDC Text Amendment to amend Section 20-04 of the Fargo Municipal Code (Land Development Code) relating to the regulation of self-service storage in the DMU, Downtown Mixed-Use, zoning district. (City of Fargo): APPROVED

Mr. LaPoint 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 text amendment to Table 20-0401 and Section 20-0402(J.2) of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of Subsection 20-0904.E(1-3) of the Land Development Code. Second by Member Morgan. On call of the roll Members Sobolik, Brust, Morgan, Stofferahn, Steffes, Schneider, Gunkelman, Magelky, Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

**Item 11: Section 31, Township 140 North, Range 48 West
Hearing on an application requesting an Institutional Master Plan Amendment on part of Section 31, Township 140 North, Range 48 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1701 University Drive North) (North Dakota State University): APPROVED**

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

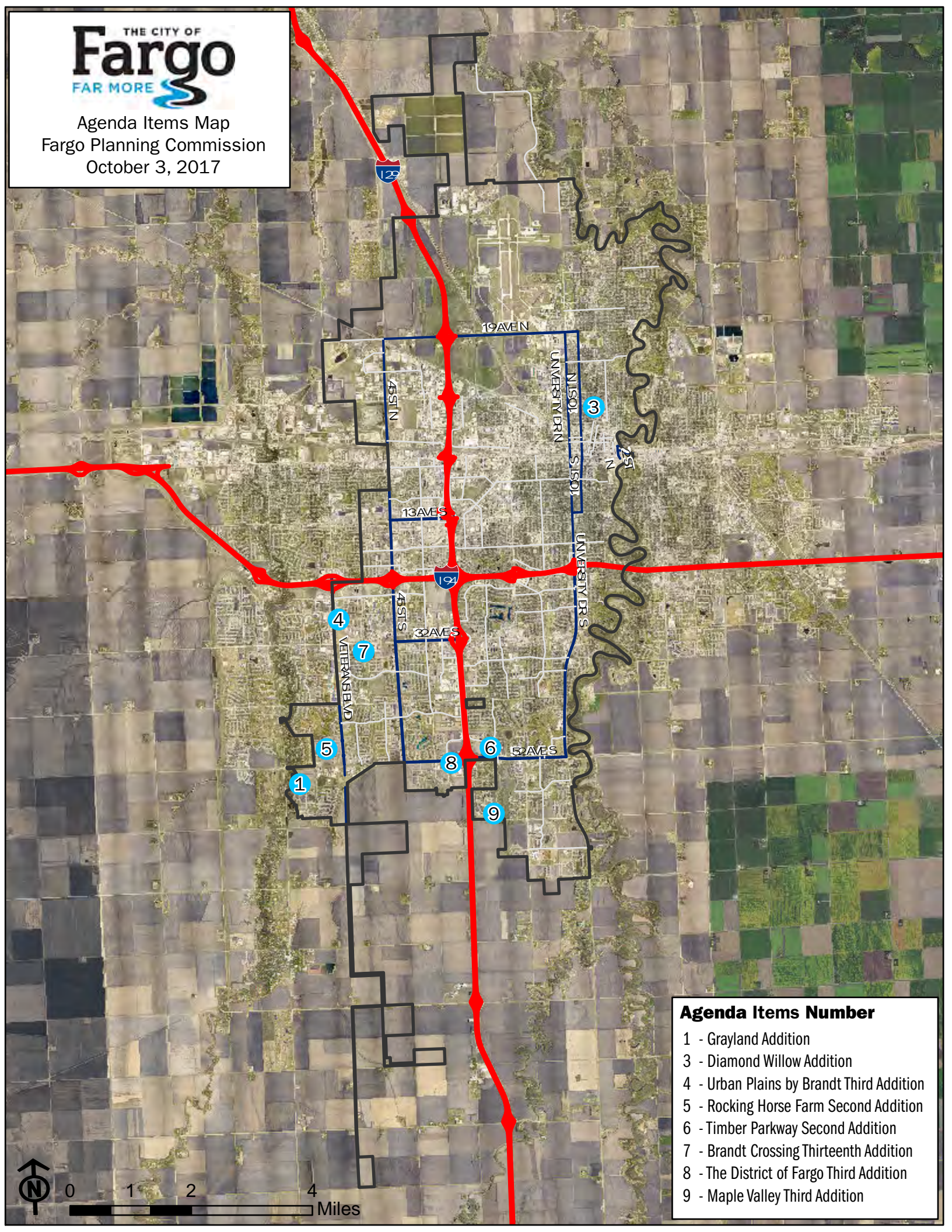
Planner Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval.

Ms. Elshaug noted that there is a correction in the staff report that should reflect a 25 foot setback on the east lot line not 12.5 feet.

Member Brust moved the findings and recommendations of staff be accepted and the Institutional Master Plan for North Dakota State University (NDSU) and University Village be approved as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0911.E(1-3) 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 Brust, Schneider, Steffes, Stofferahn, Morgan, Sobolik, Gunkelman, and Fischer voted aye. Member Magelky abstained from voting. Absent and not voting: Member Scherling. The motion was declared carried.

Item E: Other Items:

The time at adjournment was 4:06 p.m.



Agenda Items Number

- 1 - Grayland Addition
- 3 - Diamond Willow Addition
- 4 - Urban Plains by Brandt Third Addition
- 5 - Rocking Horse Farm Second Addition
- 6 - Timber Parkway Second Addition
- 7 - Brandt Crossing Thirteenth Addition
- 8 - The District of Fargo Third Addition
- 9 - Maple Valley Third Addition

City of Fargo Staff Report			
Title:	Grayland First Addition	Date: Updated:	6/28/2017 7/26/2017 8/30/2017 9/27/2017
Location:	5565 63rd Street South and 5414 68th Street South	Staff Contact:	Donald Kress, senior planner
Legal Description:	annexed part of Section 5, Township 138 North, Range 49 West,		
Owner(s)/Applicant:	Ben Saucke; West Fargo Public Schools / Lowry Engineering	Engineer:	Lowry Engineering
Entitlements Requested:	Major Subdivision (plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. Zone Change (from AG, Agriculture to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional)		
Status:	Planning Commission Public Hearing: October 3, 2017		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential and public elementary school
Zoning: AG, Agricultural	Zoning: SR-2, Single Dwelling Residential; SR-3, Single-Dwelling Residential and P/I, Public and Institutional
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	<p>Uses Allowed:</p> <p>SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities</p> <p>SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities</p> <p>P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.</p>
Maximum Density Allowed (Residential):	Maximum Density Allowed (Residential): SR-2: 5.4 dwelling units per acre; SR-3: 8.7 dwelling units per acre

AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Lot Coverage Allowed: P/I has no maximum
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Proposal:

Project History Note: This project was continued since July 6, 2017 Planning Commission agenda at the request of the applicant. The ditch adjacent to the project site is part of the Red River Valley Water Supply Project. Engineering studies on this project have been conducted since this summer; the applicant has not been able to finalize his plat design until the results of these engineering studies have been evaluated by the Garrison Conservancy District and City of Fargo. This evaluation has now been completed.

The applicant requests two entitlements:

1. A major subdivision, entitled **Grayland First Addition**, which is a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota.
2. A zoning change from AG, Agriculture to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional.

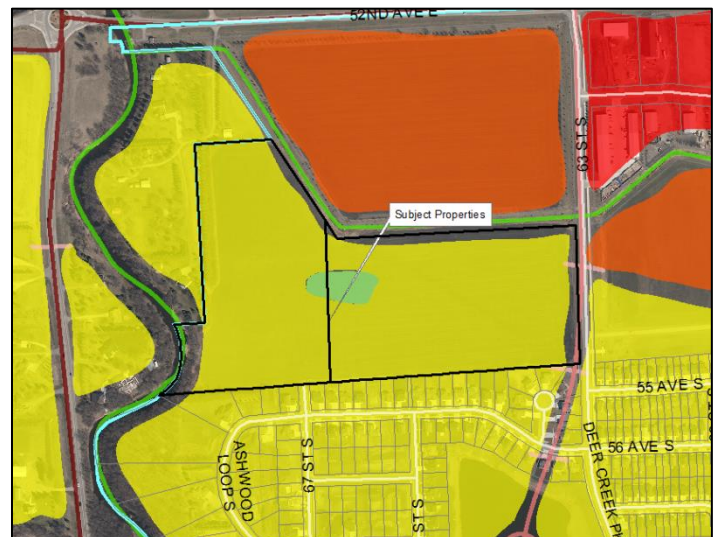
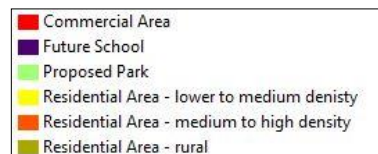
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; undeveloped
- East: P/I, Public/Institutional; city-owned water storage
- South: SR-2, Single-Dwelling Residential; residential use
- West: AG, Agricultural; residential use; Sheyenne River (area to the west is in the extra-territorial jurisdiction)

Area Plans:

The 2007 Tier 1 Southwest Land Use Growth Plan designates most the area of this project as "lower to medium density residential" and "proposed park" land uses.



Context:

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

Neighborhood: The subject property is located within Deer Creek neighborhood.

Parks: Deer Creek Park is located approximately 0.23 miles south of the project site and provides playgrounds for ages 2-5 and 5-12 and a shelter.

Pedestrian / Bicycle: There are off-road bike facilities along 52nd Avenue South that are located approximately 0.20 miles north of the project site and along 63rd Street South that are located adjacent to the east side of the project site. Both bike facilities are a component of the metro area bikeways system.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create 66 lots, with 62 single-dwelling lots, one lot for future West Fargo elementary school, one detention basin, and two lots that will become dedicated to the City, zoned as shown in the chart below:

BLOCK	LOTS	ZONING	LAND USE
1	1-18; 20-26*	SR-2	Single dwelling residential
1	19	P/I	Detention basin
2	1-11	SR-2	Single dwelling residential
3	2-18*	SR-3	Single dwelling residential
4	1-9	SR-2	Single dwelling residential
4	10	P/I	West Fargo elementary school

**The applicant will revise the plat to depict Lot 27, Block 1 and Lot 1, Block 3 as areas to be dedicated to the City of Fargo.*

The SR-2 zoned single-dwelling lots range in size from 11,700 square feet to 84,400 square feet, with most lots being in the 11,000 to 15,000 square foot range. All meet the minimum required lot area (8,000 square feet) of the SR-2 zone. The SR-3 zoned single-dwelling lots range in size from approximately 8,900 square feet to 9,900 square feet. All meet the minimum required lot area (5,000 square feet) of the SR-3 zone.

DENSITY: The project provides a gross density of 1.5 dwelling units per acre, which does not exceed the maximum density of 5.4 dwelling units per acre allowed in the SR-2 zone or 8.7 dwelling units per acre allowed in the SR-3 zone.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat. 66th Street South is configured to provide a drain crossing in the future.

AMENITIES PLAN: The applicant has provided a draft amenities plan providing details of the project's street, stormwater, trails, and property owner association responsibility for certain facilities within the project. Staff is reviewing this plan and will forward comments to the applicant.

PARKS AND TRAILS: No park dedication is required. Trail connection to the existing trail in Deer Creek to the south will be provided by an easement on the west side of the school property. A 10-foot wide shared use path will be installed within the public right of way on the south side of 54th Avenue South, on the east side of 66th Street South north of 54th Street South (to provide for connection to the future drain crossing). The developer shall dedicate five feet of additional right of way along 63rd Street South to allow for the construction of a 10-foot wide shared use path along the west side of 63rd. This path will eventually be continued on adjacent properties to the north and south.

SCHOOL: Lot 10, Block 4 is intended for a future West Fargo Public Schools elementary school. At this time, the West Fargo School District does not have a confirmed date to begin construction of this school.

STORMWATER: The detention basin that will be created on Lot 19, Block 1, will be a regional facility, serving this property and adjacent property to the north when that property is developed.

AMENITIES PLAN: A draft amenities plan is attached. Planning staff has forwarded comments on this plan to the applicant.

GROWTH PLAN DESIGNATION

The 2007 Tier 1 Southwest Land Use Growth Plan designates most the area of this project as “lower to medium density residential.” That plan states that the proposed SR-2, SR-3, and P/I zones are included within the land use designation. Elementary schools are specifically noted in the plan as being a facility appropriate to be included in this land use designation. The remaining area of the project site is designated as “proposed park.”

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of SR-2, SR-3 and P/I is consistent with the 2007 Growth Plan designation of “lower to medium density residential” and “proposed park.”

(Criteria Satisfied)

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

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

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” The Growth Plan that applies to this property is the 2007 Growth Plan; this plan designates this property as appropriate for lower to medium density residential development, which would include the SR-2, SR-3, and P/I zones. The project provides a gross density of 1.5 dwelling units per acre, which does not exceed the maximum density of 5.4 dwelling units per acre allowed in the SR-2 zone or 8.7 dwelling units per acre allowed in the SR-3 zone. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

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

The zoning for the residential development on this property is SR-2 and SR-3 (both Single Dwelling Residential) and P/I, Public/Institutional. The SR-2 and SR-3 zoning will accommodate the proposed single-family development. The P/I zoning will accommodate the elementary school and detention basin. The SR-2, SR-3, and P/I zoning designations are consistent with the lower to medium density designation for this property in the 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry about the project.

(Criteria Satisfied)

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

The proposed zoning is SR-2, SR-3, and P/I. This zoning is consistent with the 2007 Growth Plan which designates this property for lower to medium density residential development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to SR-2, Single Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional on the annexed part of Section 5, Township 138 North, Range 49 West; and 2) **Grayland First Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 3, 2017

Attachments:

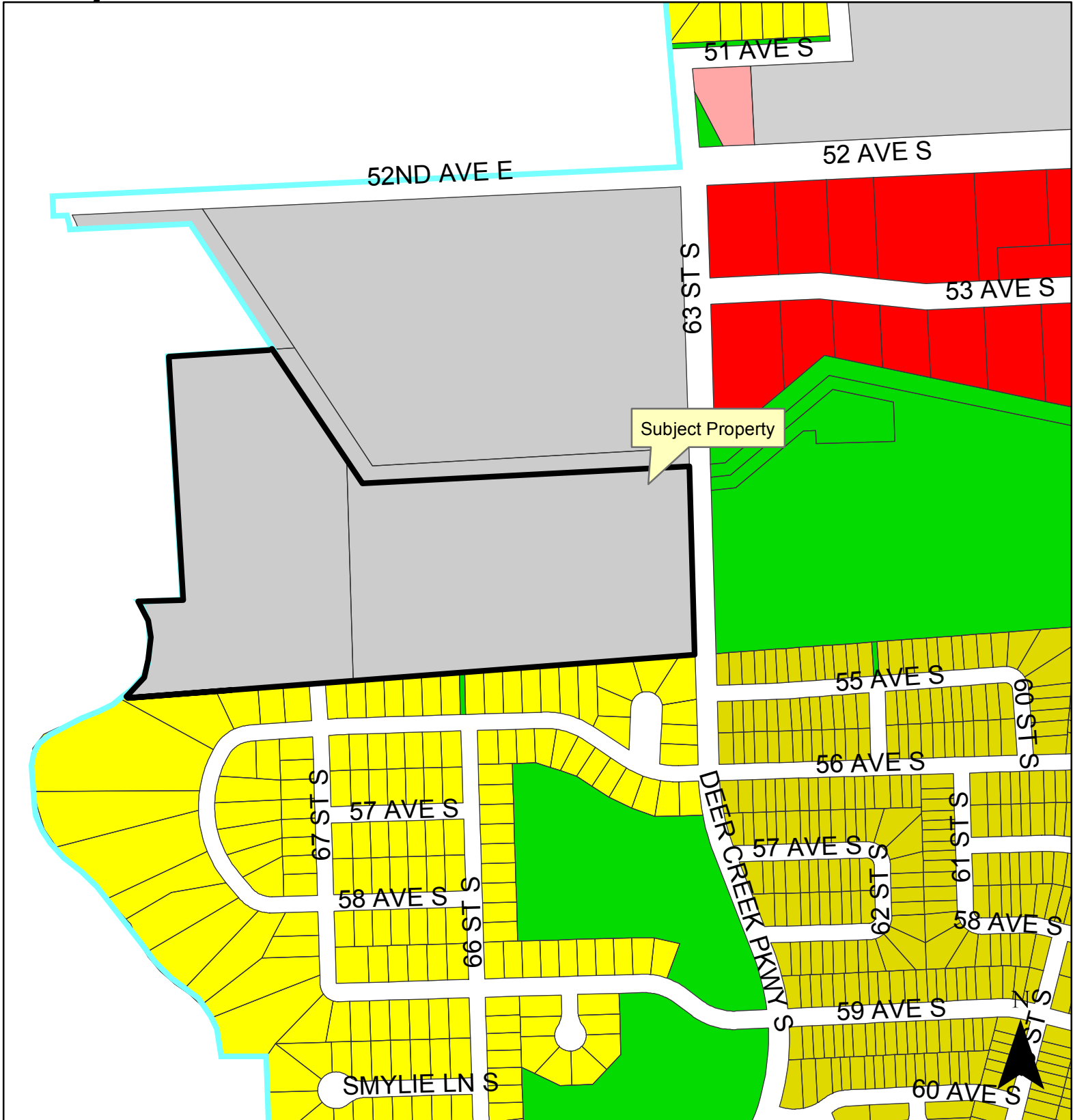
1. Zoning Map

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

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

Grayland First Addition

5565 63rd Street South



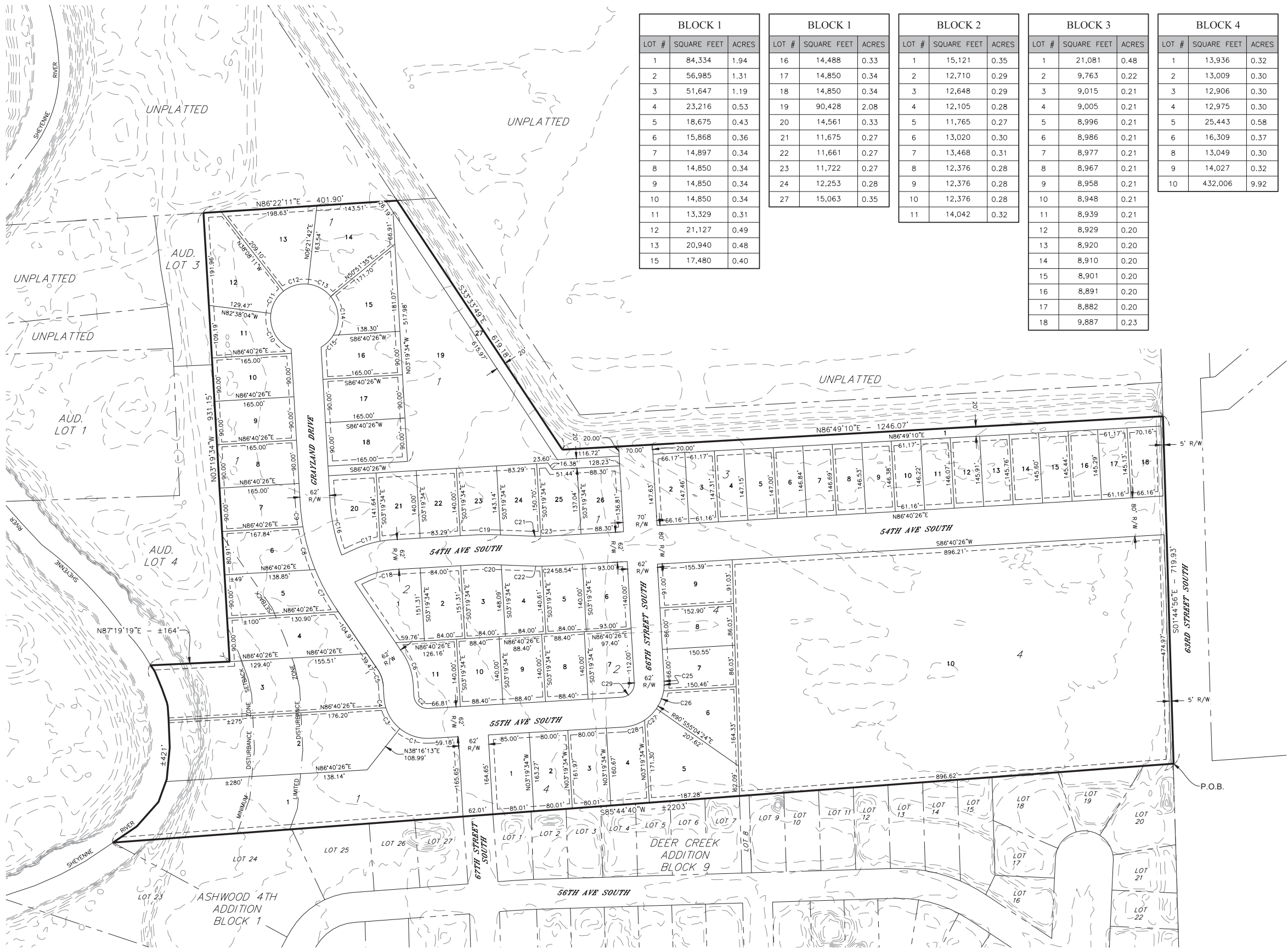
Plat (Major Subdivision) and Zone Change (AG to SR-3 and P/I)

Grayland First Addition

5565 63rd Street South



PRELIMINARY PLAT
GRAYLAND FIRST ADDITION
PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



BLOCK 1		
LOT #	SQUARE FEET	ACRES
1	84,334	1.94
2	56,985	1.31
3	51,647	1.19
4	23,216	0.53
5	18,675	0.43
6	15,868	0.36
7	14,897	0.34
8	14,850	0.34
9	14,850	0.34
10	14,850	0.34
11	13,329	0.31
12	21,127	0.49
13	20,940	0.48
15	17,480	0.40

BLOCK 1		
LOT #	SQUARE FEET	ACRES
16	14,488	0.33
17	14,850	0.34
18	14,850	0.34
19	90,428	2.08
20	14,561	0.33
21	11,675	0.27
22	11,661	0.27
23	11,722	0.27
24	12,253	0.28
27	15,063	0.35

BLOCK 2		
LOT #	SQUARE FEET	ACRES
1	15,121	0.35
2	12,710	0.29
3	12,648	0.29
4	12,105	0.28
5	11,765	0.27
6	13,020	0.30
7	13,468	0.31
8	12,376	0.28
9	12,376	0.28
10	12,376	0.28
11	14,042	0.32

BLOCK 3		
LOT #	SQUARE FEET	ACRES
1	21,081	0.48
2	9,763	0.22
3	9,015	0.21
4	9,005	0.21
5	8,996	0.21
6	8,986	0.21
7	8,977	0.21
8	8,967	0.21
9	8,958	0.21
10	8,948	0.21
11	8,939	0.21
12	8,929	0.20
13	8,920	0.20
14	8,910	0.20
15	8,901	0.20
16	8,891	0.20
17	8,882	0.20
18	9,887	0.23

BLOCK 4		
LOT #	SQUARE FEET	ACRES
1	13,936	0.32
2	13,009	0.30
3	12,906	0.30
4	12,975	0.30
5	25,443	0.58
6	16,309	0.37
8	13,049	0.30
9	14,027	0.32
10	432,006	9.92

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	67.14'	90.00'	42°44'24"
C2	43.97'	28.00'	89°58'51"
C3	52.58'	90.00'	33°28'20"
C4	21.63'	90.00'	13°46'08"
C5	37.25'	69.04'	30°55'01"
C6	70.69'	131.00'	30°55'01"
C7	90.66'	431.00'	12°03'06"
C8	92.44'	431.00'	12°17'21"
C9	49.51'	431.00'	6°34'52"
C10	90.90'	70.00'	74°24'19"
C11	54.36'	70.00'	44°29'53"
C12	54.36'	70.00'	44°29'53"
C13	54.36'	70.00'	44°29'53"
C14	85.89'	70.00'	70°18'06"
C15	35.71'	70.00'	29°13'35"

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C16	114.43'	369.00'	17°46'06"
C17	55.11'	222.00'	14°13'28"
C18	59.16'	160.00'	21°11'10"
C19	51.03'	531.00'	5°30'24"
C20	45.08'	469.00'	5°30'24"
C21	21.02'	469.00'	2°34'04"
C22	25.56'	531.00'	2°45'30"
C23	24.06'	469.00'	2°56'20"
C24	25.47'	531.00'	2°44'54"
C25	20.17'	90.00'	12°50'23"
C26	39.92'	90.00'	25°24'47"
C27	34.43'	90.00'	21°55'15"
C28	46.85'	90.00'	29°49'34"
C29	43.98'	28.00'	90°00'00"

0 100 200

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- P.O.B.
- EX. EASEMENT
- EX. PROPERTY LINE
- SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT
- SETBACK LINE

- NOTES
1. UTILITY & DRAINAGE EASEMENTS ARE 10' IN WIDTH (5' EACH SIDE OF SHARED LOT LINES) UNLESS OTHERWISE NOTED.



PRELIMINARY PLAT

GRAYLAND FIRST ADDITION

PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST

CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT GRAYLAND HOLDING COMPANY, LLC AND WEST FARGO PUBLIC SCHOOL DISTRICT #6, ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF GRAYLAND FIRST ADDITION, A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN CASS COUNTY, NORTH DAKOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 20, BLOCK 9 OF DEER CREEK ADDITION; THENCE S85°44'40"W ALONG THE NORTH LINE OF DEER CREEK ADDITION AND ASHWOOD 4TH ADDITION FOR A DISTANCE OF ±2.203 FEET TO THE CENTERLINE OF THE SHEYENNE RIVER; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID SHEYENNE RIVER FOR A DISTANCE ±421 FEET TO THE SOUTHWEST CORNER OF AUDITOR'S LOT 4 AS RECORDED IN THE CASS COUNTY RECORDER'S OFFICE; THENCE N87°19'19"E FOR A DISTANCE OF ±164 FEET TO THE SOUTHEAST CORNER OF SAID AUDITOR'S LOT 4; THENCE N03°19'34"W FOR A DISTANCE OF 931.15 FEET TO THE NORTHEAST CORNER OF AUDITOR'S LOT 3 AS RECORDED IN THE CASS COUNTY RECORDER'S OFFICE; THENCE N86°22'11"E FOR A DISTANCE OF 401.90 FEET; THENCE S33°33'49"E FOR A DISTANCE OF 619.18 FEET; THENCE N86°49'10"E FOR A DISTANCE OF 1246.07 FEET TO THE WESTERLY RIGHT OF WAY OF 63RD STREET SOUTH; THENCE S01°44'56"E ALONG SAID 63RD STREET SOUTH RIGHT OF WAY FOR A DISTANCE OF 719.93 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 41.13 ACRES, MORE OR LESS, TOGETHER WITH EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED AND PLATTED AS GRAYLAND FIRST ADDITION TO THE CITY OF FARGO, NORTH DAKOTA, AND DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, ALL EASEMENTS AND RIGHTS OF WAY SHOWN ON THIS PLAT.

GRAYLAND HOLDING COMPANY, LLC

GRAYLAND HOLDING COMPANY, LLC
BY: BEN SAUCKE
ITS: PRESIDENT

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BEN SAUCKE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

WEST FARGO PUBLIC SCHOOL DISTRICT #6

WEST FARGO PUBLIC SCHOOL DISTRICT #6
BY: PATTI STEDMAN
ITS: PRESIDENT

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED PATTI STEDMAN, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS GRAYLAND FIRST ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2017.

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

STATE OF _____)
)ss
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

CITY OF FARGO ENGINEER'S APPROVAL

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

MARK H. BITTNER
CITY ENGINEER

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: MARK H. BITTNER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

SHARA FISCHER
PLANNING COMMISSION CHAIR

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: SHARA FISCHER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

FARGO CITY COMMISSION APPROVAL

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

TIMOTHY J. MAHONEY
MAYOR

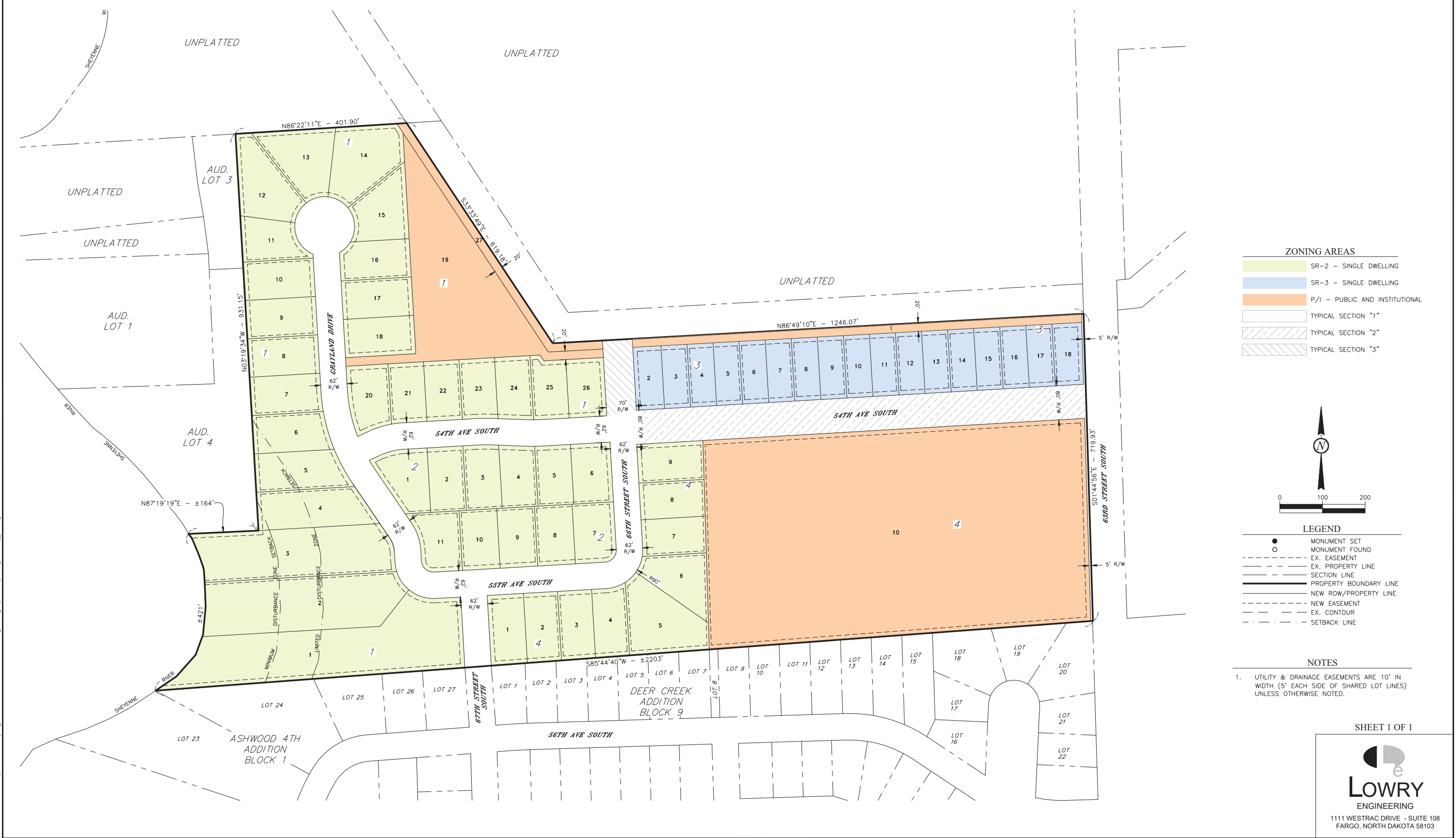
STEVE SPRAGUE
CITY AUDITOR

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSON'S DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

ZONING MAP
GRAYLAND FIRST ADDITION
PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



Site Amenities and Project Plan

Grayland First Addition

09/15/2017

Location: The project covers two separate parcels owned by Grayland Holding Company, LLC and West Fargo Public School District #6. The properties are located between the Sheyenne River and 63rd Street South, on the south side of 52nd Ave S. The properties are legally referenced as the annexed part of Section 5, Township 138 North, Range 49 West at 5414 68th St S (Grayland Holding Company, LLC) and 5565 63rd St S (West Fargo Public School District #6), City of Fargo, Cass County, North Dakota totaling approximately 41.13 acres.

Details: The project includes sixty-seven (66) lots on four (4) blocks. Lots 1-27 Block 1, Lots 1-11 Block 2, Lots 1-18 Block 3, and Lots 1-10 Block 4. All of the land is currently in the AG zoning district. Lots 1-18, and Lots 20-26 Block 1, Lots 1-11 Block 2, and Lots 1-9 Block 4 will be rezoned to SR-2. Lot 19 & 27 Block 1, Lot 1 Block 3, and Lot 10 Block 4 will be rezoned to P/I. Lots 2-18 Block 3 will be rezoned to SR-3. See attached zoning map.

Right of Way (ROW): The project accommodates right of way dedications for public roadways and utilities, with specific details outlined below:

- This segment of 66th Street South, 54th Ave South, 55th Ave South, and Grayland Drive have been designated as local roadways, pursuant to Section 20.0702 of the Land Development Code;
- For the following items please refer to the attached zoning map and typical sections:
 - ROW dedication for Grayland Drive, 55th Ave South, 66th St South from 54th Ave South to 55th Ave South, and 54th Ave South from 67th Street South to 66th Street South shall be 62 feet;
 - ROW dedication for 66th St South from 54th Ave South to the north property line shall be 70 feet;
 - ROW dedication for 54th Ave South from 66th Street South to 63rd Street South shall be 80 feet;
 - ROW dedication for the cul-de-sac shall be 140 feet in diameter;
 - Street widths shall be 28 feet with parking allowed on one side of the street for Grayland Drive, 55th Ave South, 66th St South, and 54th Ave South from 67th Street South to 66th Street South;
 - Street width shall be 40 feet with a center turn lane and parking allowed on one side of the street for 54th Ave South from 66th Street South to 63rd Street South;
 - An additional 5 feet of ROW shall be dedicated on the west side of 63rd St South.
- Street lighting shall be determined by the City Engineering Department and installed per City standards;

- 4.5 foot sidewalks shall be placed on both sides of each road except for 54th Ave South from 66th Street South to 63rd Street South and 66th Street South from 54th Ave South to the north. An 8-foot sidewalk shall be placed on the south side of this section of 54th Ave South and on the east side of this section of 66th Street South;
- Snow removal of sidewalks and all boulevard turf maintenance shall be the responsibility of the adjacent property owner.

Drain Setback: The proposed project is buffered on the east and northeast sides by a City of Fargo parcel containing a drainage ditch required for water supply from the Sheyenne River. The City initially required a building setback of 175' from the centerline of this ditch. A Geotechnical Engineering Report on Slope Stability prepared by Terracon Consultants, Inc for both Grayland Holding Company, LLC and West Fargo Public School District #6's properties advise that a setback of 50' from the centerline of the drain be used for placement of future residential housing units. This correlates to a 15' building setback into the rear yard of Lot 14 of Block 1, and Lots 2 through 18 of Block 3. No additional setback will be required on the plat.

Public Work Land Acquisition: Public works is requiring additional land for proposed improvements to the adjacent City owned parcel. Lot 27 of Block 1 and Lot 1 of Block 3 are created with a 20' width to sell to the City for the proposed improvements.

Parks and Trails: The project will include park space on Lot 19 Block 1 as well as a 20' wide space for an access path to the detention pond/pedestrian trail connecting Grayland Drive to 66th Street South. It is the owner's intention that the trail on Lot 19 Block 1 will be maintained by City of Fargo Public Works.

Additionally, a Joint Use Agreement shall be executed between the property owner and the Fargo Park District for a meandering sidewalk that shall be placed within 50' of the property line on the west and south sides of Lot 11 Block 4. This sidewalk shall be installed at the same time as the improvements for 54th Ave South from 66th St South to 63rd St South.

Grayland Holding Company, LLC is willing to work with the City on any additional park space that may be required.

Storm Water Management: The project will accommodate all storm water quantity and quality in a regional detention pond located on Lot 19 of Block 1 of the attached preliminary plat for all of Grayland First Addition.

To appropriately size the lot, preliminary stormwater calculations were completed. Using the City of Fargo Retention Requirements for Sites 25-100 Acres Calculator, with 65% impervious area, a total estimated 100-year pond volume of 201,055 CF will be required. Preliminary sizing was completed showing sufficient capacity in the land provided that anticipates the pond bottom elevation of 897' with the top of pond elevation of 904'. One foot of freeboard will also be required for the pond up to the 905' contour.

Based on conversations with City Engineering, it is anticipated that Lot 19 of Block 1 will be donated for use as a regional pond in combination with land donated from the property owner to the north.

The final design, installation, and any maintenance related to the pond or stormwater facilities will be the responsibility of the City. These facilities shall be designed in accordance with City of Fargo requirements.

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

Internal Flooding – rainfall of spring event included:

1. Storm Sewer systems designed and installed to City standards;
2. Storm water detention facilities within the project

FEMA Floodplain Expansion: All building construction shall meet the following flood proofing requirements:

- The point of risk on the lowest opening shall be 1.2 feet above the 41-foot Water Surface Elevation Inundation Area (WSEIA) for single family structures outside the 41-foot WSEIA. With these criteria, the minimum finished floor elevation for this site is 908.5 (NAVD 88). ($907.3' + 1.2' = 908.5'$)
- Fill around the building shall be 0.7' above the 41' foot WSEIA. ($907.3' + 0.7' = 908.0'$ (NAVD 88))
- The property is protected by the Sheyenne Diversion.
- The foundations shall have no special requirements.

City Utilities: The City of Fargo shall design, own, and operate the water main, storm sewer, and sanitary sewer.

Engineering and Construction Improvements: The owner shall rely upon and collaborate with City Engineering for construction of all public improvements and any private improvements, inclusive of stormwater detention facilities as applicable.

Funding of Improvements: Public improvements shall be assessed to the benefitting property, pursuant to city policy. The developer is responsible for providing a sidewalk. If one is not provided the City may order one in and assess the installation back to the property per the infrastructure funding policy. If the City determines that additional width of sidewalk is desired it will be installed and assessed to the benefitting area per the infrastructure policy, which may include the subject property.

Future Access to Lot 10 Block 4: It is anticipated that Lot 10 Block 4 will be used for an elementary school in the future and will require a one-way access onto 63rd St S. See attached site plan.

Phasing: In order to maintain fire access, the build out of these lots will be in two phases. The first phase will include the construction of 67th St South, Grayland Drive, and Lots 1-18 Block 1. The second phase will include the remaining streets and Lots.

The amenity plan is hereby approved:

Ben Saucke, Grayland Holding Company, LLC

Date

Patti Stedman, West Fargo Public School
District #6

Date

Mark Bittner, City Engineer

Date

DRAFT for City review 15 Sept 17

City of Fargo Staff Report			
Title:	Diamond Willow Addition	Date:	9/27/2017
Location:	622 and 624 10 th Avenue North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lots 15 and 16, Block 15, Douglas Addition		
Owner(s)/Applicant:	Vanderson Properties / Nathan Anderson	Engineer:	LJA
Entitlements Requested:	Minor Plat (replat of Lots 15 and 16, Block 15, Douglas Addition) Zoning Change (From MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan		
Status:	Planning Commission Public Hearing: October 3, 2017		

Existing	Proposed
Land Use: Single Dwelling Residential	Land Use: Multi-dwelling residential
Zoning: MR-3, Multi-Dwelling Residential	Zoning: MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay
Uses Allowed: 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.	Uses Allowed: 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.
Maximum Density Allowed: 24 dwelling units per acre	Maximum Density Allowed: No change

Proposal:
<p><i>Project History Note: This project was heard at the September 5, 2017 Planning Commission meeting but was continued to the October 3, 2017 Planning Commission meeting to allow the applicant time to redesign the project based on recommendations of staff and comments from the public. This staff report relates to the revised site plan and plat recently submitted by the applicant. These documents are attached.</i></p> <p>The subject property is located at 622 and 624 10th Avenue North. The applicant, Nathan Anderson, proposes to build an attached home development with a total of six units—one group of three attached units facing 10th Avenue North and one group of three attached units facing 7th Street North.</p> <p>The applicant requests approval of three entitlements:</p> <ol style="list-style-type: none"> 1. A zoning change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; 2. PUD Master Land Use Plan within the boundaries of the proposed Diamond Willow Addition; 3. A plat of the Diamond Willow Addition, a replat of Lots 15 and 16, Douglas Addition, to create six residential lots for attached multi-dwelling residential development as shown in the table below.

BLOCK	LOT	AREA (square feet)	ZONING
1	1	1682	MR-3 with PUD
1	2	1290	MR-3 with PUD
1	3	1633	MR-3 with PUD
1	4	2538	MR-3 with PUD
1	5	2068	MR-3 with PUD
1	6	1350	MR-3 with PUD

Zoning Change and PUD Overlay

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. Proposed modifications of the development standards of the MR-3 zone are shown in the chart below. In addition, this project applies Alternative Residential Development Options—Attached Housing (LDC Section 20-0506 B) that exempts attached housing from lot width, lot area, and building coverage requirements. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right, but the application is confirmed for compliance with the subdivision process.

	Current LDC Development Standards for the MR-3 Zone	PUD Modifications to MR-3 Development Standards
Lot Area	5,000 square feet	<i>Exempt per Alternative Development Options</i>
Setbacks	Front—25' Rear—20' Street side—12.5' Interior side—10'	Front— <i>decrease to 8'</i> Rear— <i>decrease to 8'</i> Street side— <i>decrease to 8'</i> Interior side- <i>Exempt per Alternative Development Options</i>
Building Coverage	35%	<i>Exempt per Alternative Development Options</i>

NOTE: The setbacks noted in the chart apply to the overall project site, not the individual lots within the site.

PUD Master Land Use Plan

The applicant has submitted a project narrative and PUD Master Land Use which further describe the proposed development. The applicant has also submitted an elevation drawing of the proposed residential units. These documents are attached.

Additional Information:

It is important to note that pursuant to Section 20-0302.F, unless otherwise expressly approved, access to a PUD must be from a collector and higher classification of street. The roadway that is adjacent to the property, 10th Avenue North, is a local street.

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

Surrounding Land Uses and Zoning Districts:

- North: Across 10th Avenue North, MR-3 with multi-dwelling use
- East: MR-3 with multi-dwelling use
- South: MR-3 with multi-dwelling use
- West: MR-3 with multi-dwelling use

Area Plans:

No area plans apply.

Context:

Schools: The subject property is located within the Fargo School District and is served by Roosevelt Elementary, Ben Franklin Middle, and North High schools.

Neighborhood: This property is located within the Roosevelt neighborhood.

Parks: Mickelson Park & Softball Fields (901 Oak Street N) is located approximately a 0.50 miles east of the subject property and provides baseball/softball, concessions, playground, recreational trails, restroom, and sledding hill amenities.

Pedestrian / Bicycle: There is an on-road bike facility located along 7th Street North. This bike facility is a component of the metro area bikeways system.

Staff Analysis

The revised project design differs from the one heard at the September 5, 2017 Planning Commission in several ways:

- The need for a separate driveway access lot has been eliminated. All lots now directly access a public street.
- Residential lots are larger than in the earlier design.
- The total number of lots has been reduced from seven to six.
- Modifications of the open space requirement and the residential density maximum through the PUD are no longer required.
- Residential units on the south side of the project are not facing the backyard of the adjacent property.

However, staff's review of the revised project design has resulted in the following comments:

- The throat depth of the driveway—the distance between the sidewalk crossing plate and the closed garage door—needs to be 18 feet, in order to accommodate a vehicle parked in the driveway. The throat depth of the driveways along 10th Avenue is only eight feet.
- The driveway cannot be wider than 50 percent of the lot width at the sidewalk crossing plate. The driveways depicted on the Master Land Use Plan appear to be considerably wider.
- Overall, due to the dimensional requirements noted above, it seems this project would work best if there were five lots oriented to facing 7th Street North, with the driveway in the rear (east side) accessing off 10th Avenue that serves all the units. That is, they all would have garages in the rear. This configuration resolves the front driveway setback and driveway width situation.

Staff recommends the Planning Commission continue the hearing on this project until the November 7, 2017 Planning Commission meeting to allow the applicant time to revise the project design based on staff's comments above

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to **continue** the public hearing on : 1) Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; 2) PUD Master Land Use Plan; and 3) a plat of the **Diamond Willow Addition**, to the November 7, 2017 Planning Commission meeting.

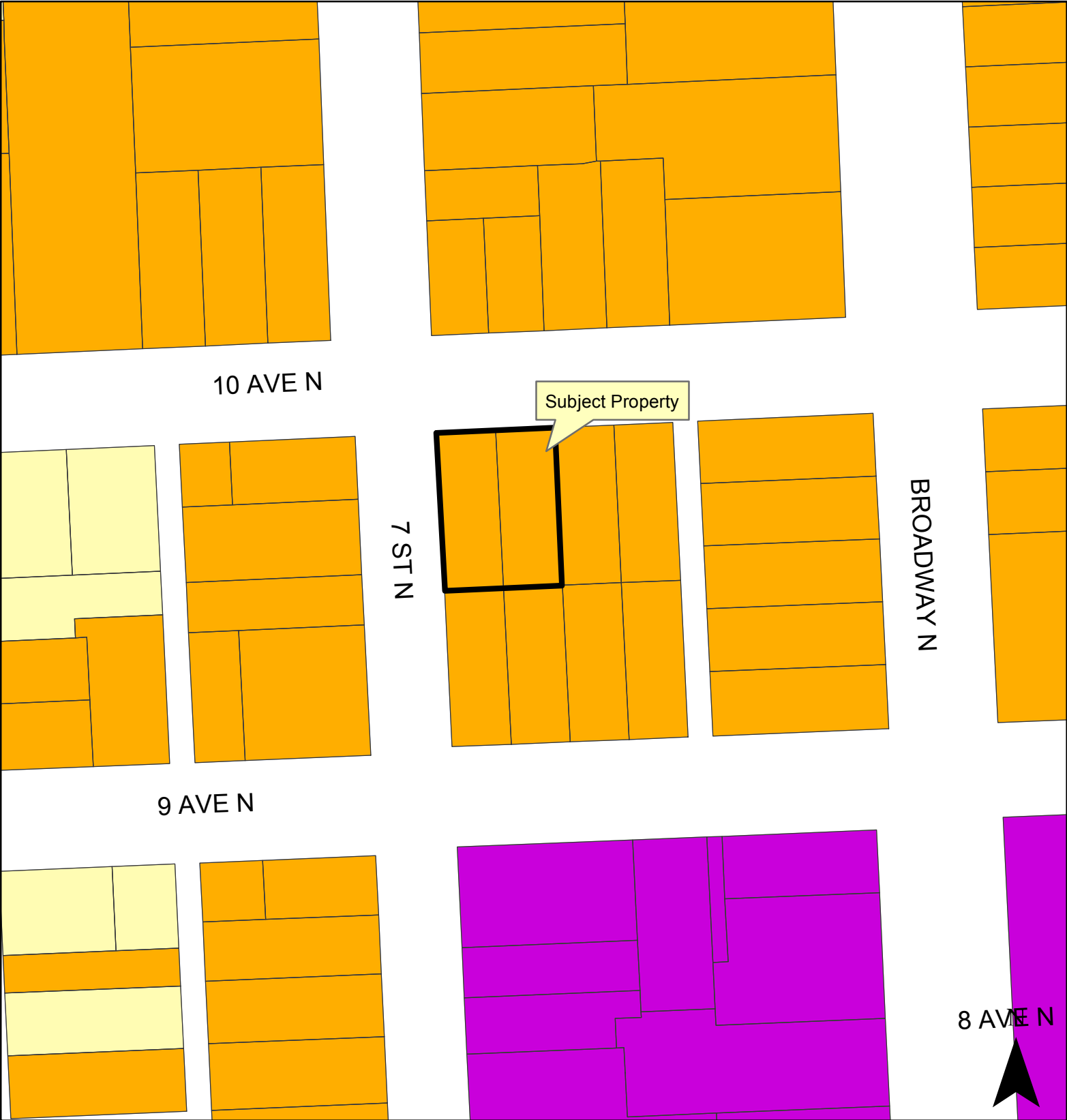
Planning Commission Recommendation: September 5, 2017

Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Preliminary plat4. PUD Narrative and Chart5. PUD Master Land Use Plan6. Building elevation drawing

Plat (Minor), Zone Change and PUD Master Land Use Plan

Diamond Willow Addition

624 & 622 10 Ave N



Legend

AG	DMU	GC	GL	GO	LC	MR-1	MR-2	MR-3	MHP	N	NC	NO	P	P/	UML	SSP-2	SSP-3	SSP-4	SSP-5	City Limits
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Fargo Planning Commission
September 5, 2017

300

Feet

Plat (Minor), Zone Change and PUD Master Land Use Plan

Diamond Willow Addition

624 & 622 10 Ave N



DIAMOND WILLOW ADDITION
A REPLAT OF LOTS 15 AND 16, BLOCK 15, DOUGLAS ADDITION
TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA
(A MINOR SUBDIVISION)

CITY OF FARGO PLANNING COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Shara Fischer, Chairperson
Fargo Planning Commission

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Shara Fischer, Chairperson, Fargo Planning Commission, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

FARGO CITY ENGINEERS APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Mark Bittner, City Engineer

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Mark Bittner, City Engineer, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

FARGO CITY COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

OWNERS' CERTIFICATE

Lots 15 and 16, Block 15, DOUGLAS ADDITION, City of Fargo, County of Cass, State of North Dakota, containing 11,750 square feet, more or less, subject to rights of way and easements of sight and record.

Said owner has caused the above described tract of land to be surveyed and platted as DIAMOND WILLOW ADDITION to the City of Fargo, North Dakota, containing 1 Block and 8 Lots and do hereby dedicate to the public, for public use, all utility easements as shown on this plat.

Keith Van Hoorn, Vice President
VANDERSON PROPERTIES, LLC

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Keith Van Hoorn, Vice President of VANDERSON PROPERTIES, LLC, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

SURVEYORS CERTIFICATE AND ACKNOWLEDGMENT

I, Nathan G. Anderson, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that I have surveyed and platted the property described on this plat as DIAMOND WILLOW ADDITION to the City of Fargo, Cass County, North Dakota; that this plat is a correct representation of said survey; that all distances are shown correctly on said plat in feet and hundredths of a foot; that all monuments are or will be installed correctly in the ground as shown; and that the exterior boundary lines are correctly designated.

Dated this _____ day of _____, 20____.

Nathan G. Anderson
Professional Land Surveyor
ND Reg. No. LS-8064

STATE OF NORTH DAKOTA
COUNTY OF CASS

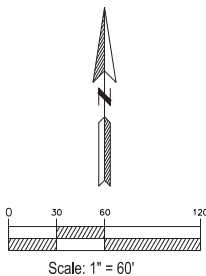
On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Nathan G. Anderson, Professional Land Surveyor, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

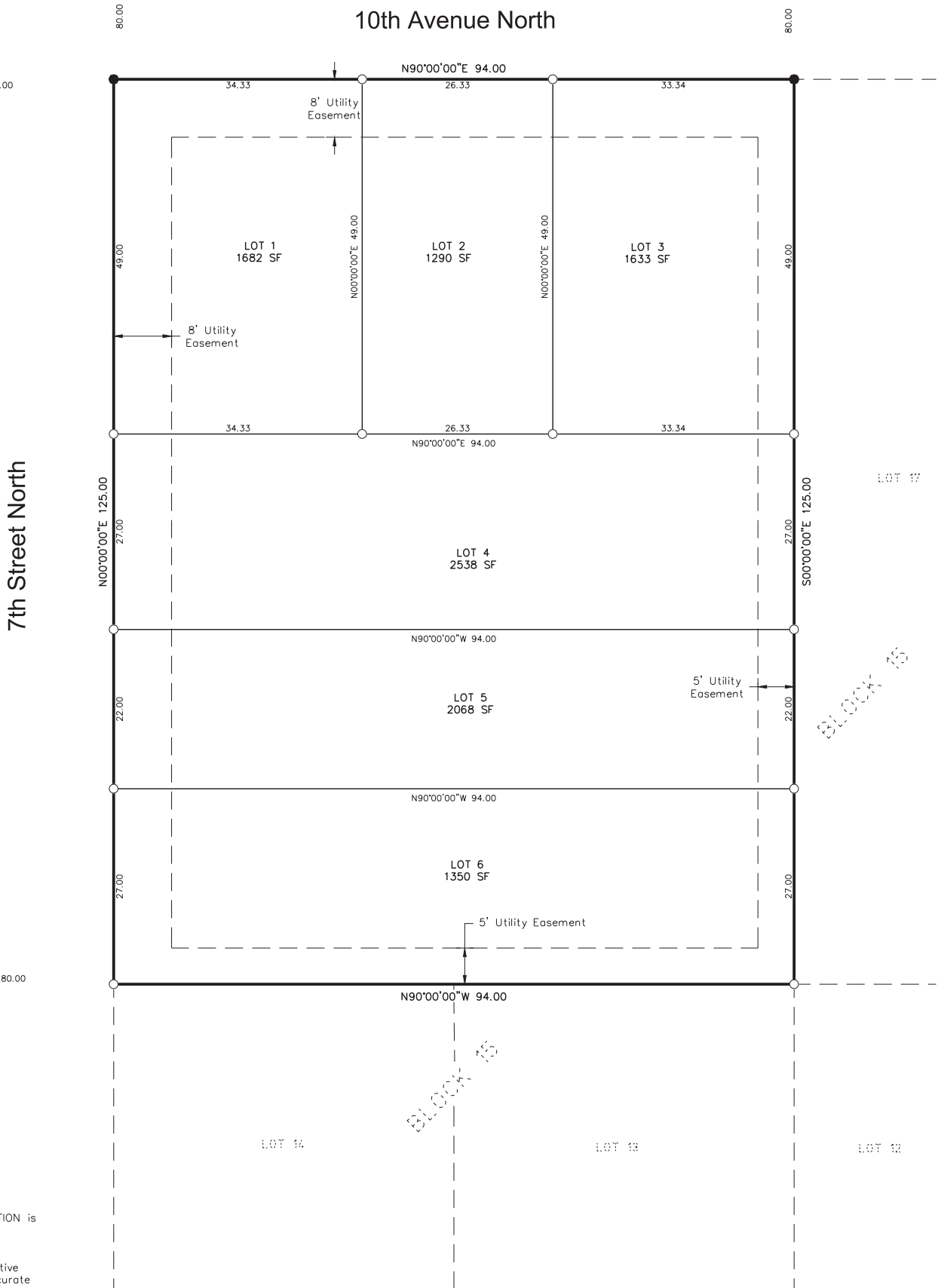
LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES 5/8" REBAR SET AND MARKED LS-8064
- DENOTES BOUNDARY LINE
- DENOTES LOT LINE
- - - - - DENOTES ADJACENT LOT LINE
- - - - - DENOTES UTILITY EASEMENT



SURVEYORS' NOTES:

1. Basis of Bearing: The northerly line of Block 15, DOUGLAS ADDITION is assumed to bear N90°00'00"E
2. Lightowler, Johnson & Associates has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.



DIAMOND WILLOW PUD NARRATIVE

DEVELOPER'S STATEMENT OF INTENT: Our goals with this development are to fortify the historic integrity of the Downtown residential neighborhoods by providing exterior architectural features that closely match structures adjacent to our project. In addition, we would like to be able to provide an affordable housing option in the Downtown area that may attract younger families to fill the schools, parks, and playgrounds.

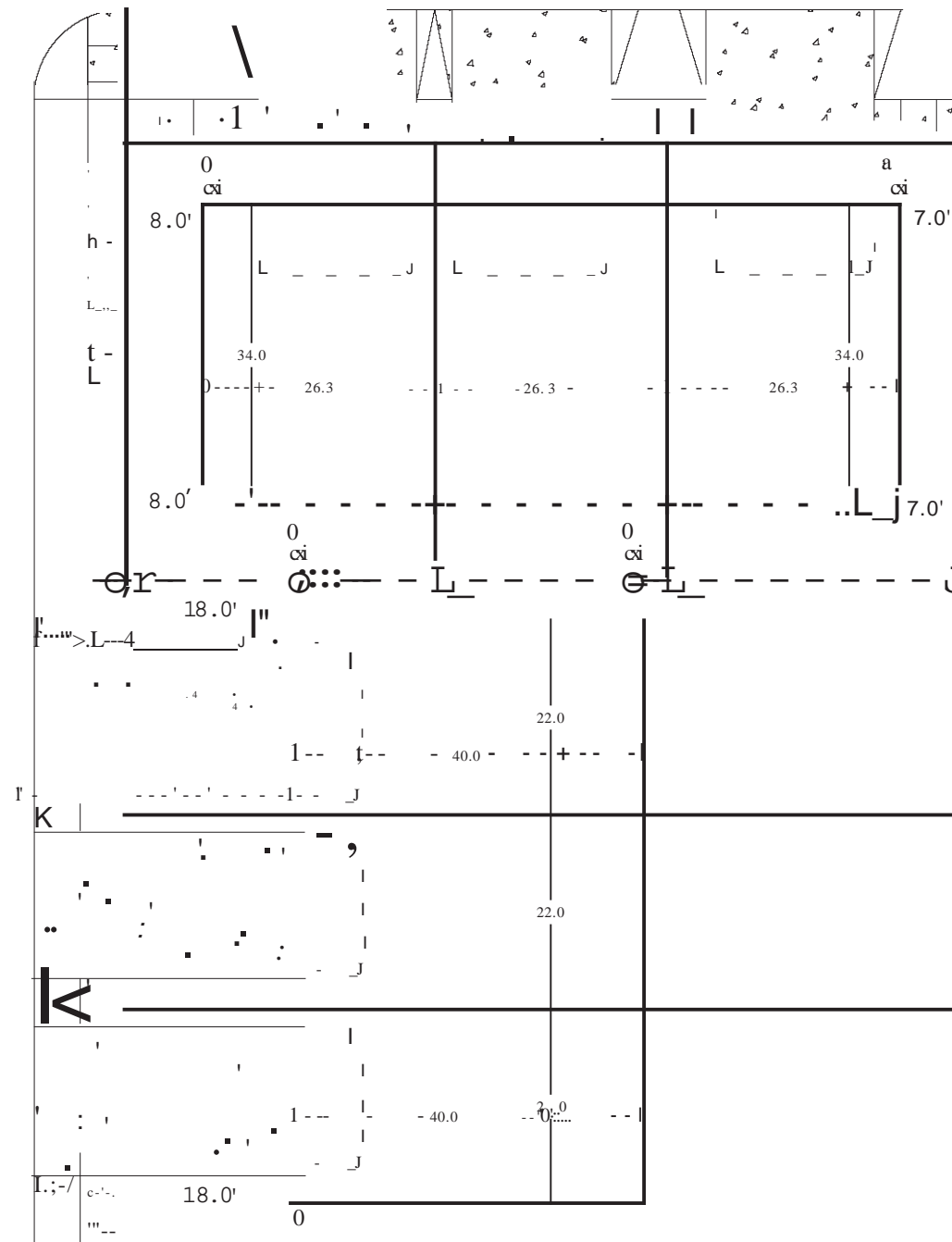
The PUD will, generally, apply the MR-3, Multi-Dwelling Residential development standards, except as otherwise provided below:

	Current LDC Development Standards for the MR-3 Zone	PUD Modifications to MR-3 Development Standards
Lot Area	5,000 square feet	<i>Exempt per Alternative Development Options</i>
Setbacks	Front—25' Rear—20' Street side—12.5' Interior side—10'	Front— <i>decrease to 8'</i> Rear— <i>decrease to 8'</i> Street side— <i>decrease to 8'</i> Interior side- <i>Exempt per Alternative Development Options</i>
Building Coverage	35%	<i>Exempt per Alternative Development Options</i>

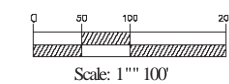
NOTE: This project applies Alternative Residential Development Options—Attached Housing (LDC Section 20-0506 B) that exempts attached housing from lot width, lot area, and building coverage requirements. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right. The setbacks noted above apply to the overall project site, not the individual lots within the site.

10th Avenue North

7th Street North



Area Of Property = 11,750 SF Building
Coverage = 5,292 SF(45.0%)
Open Space = 4,824 SF(41.1%)



DIAMOND WILLOW PUD MASTER LAND USE PLAN
submitted September 25, 2017



3 Unit Building - Exterior Elevation

**City of Fargo
Staff Report**

Title:	Urban Plains by Brandt Third Addition	Date:	9/25/17
Location:	2633 and 2867 55th Street South	Staff Contact:	Aaron Nelson
Legal Description:	Lot 1, Block 4, Urban Plains by Brandt First Addition, and Lot 1, Block 3, Urban Plains by Brandt Second Addition		
Owner(s)/Applicant:	Urban Plains Land Company, LLC/Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Major Subdivision (Replat of Lot 1, Block 4, Urban Plains by Brandt First Addition, and Lot 1, Block 3, Urban Plains by Brandt Second Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: October 3, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: Mixed-Use (commercial and residential)
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 City approval of a major subdivision plat entitled *Urban Plains by Brandt 3rd Addition*, which would replat two existing lots into six lots and two blocks, and which would include dedication of public right-of-way for 28th Avenue South. Block 1 of the proposed plat includes five lots and a private drive named Uptown Way S, while Block 2 consist of only one lot. Right-of-way dedication would result in the extension of 28th Ave S between 55th St S and Veterans Blvd S. The subject property encompasses approximately 18.6 acres.

According to the applicant, the intent of this application is to allow for the first phase of development of a 'lifestyle center' that the applicant has planned for this area. A lifestyle center can generally be described as an outdoor commercial or mixed-use shopping district that is oriented towards pedestrian amenities and thoroughfares. A conceptual master plan of their planned lifestyle center has been provided by the applicant and is attached for reference. The applicant's intent is to construct Uptown Way as a central feature of the development. Buildings would front this private drive with parking located around the periphery of the development. The development of the proposed Block 1 would be the first phase of development, with future phases being developed to the south. It is anticipated that the proposed Block 2 would be replatted to establish lot lines and to extend Uptown Way prior to any construction taking place on Block 2.

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:

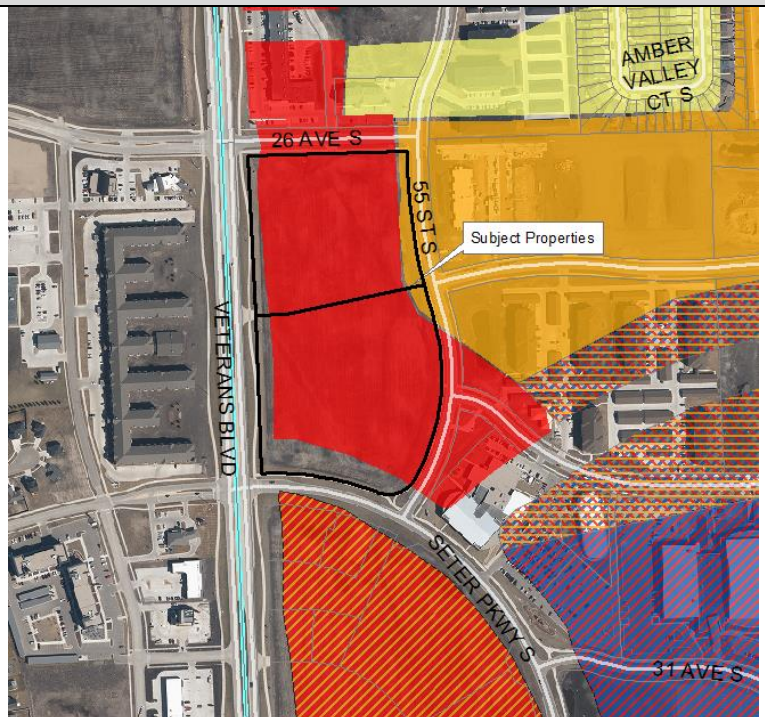
- North: Across 26th Avenue South, LC, Limited Commercial with retail sales & service land uses.
- East: Across 55th Street South, MR-3, Multi-Dwelling Residential, and GC, General Commercial, with household living (multi-dwelling residential) and retail sales & service land uses.
- South: Across Seter Parkway South, LC, Limited Commercial with vacant land use.
- West: Across Veterans Boulevard, City of West Fargo with household living (multi-dwelling residential) and retail sales & service land uses.

Area Plans:

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

This plan identifies “Commercial” use and “Medium/High Density Residential” use on a portion of the eastern edge of both properties as preferred land uses for this area.

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



Schools and Parks:

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

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

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

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

Staff Analysis:

Subdivision

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

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

The subject property is located within the LC, Limited Commercial, zoning district. The LC zoning district will accommodate the proposed development. While retail sales & service uses are permitted by right, the

applicant plans to apply for a Conditional Use Permit to allow residential use within the planned mixed-use buildings. The existing zoning and proposed uses are supported by the existing growth plan for this area. **(Criteria Satisfied)**

2. **Section 20-0907.C.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The proposed development is consistent and compatible with the Go2030 Comprehensive Plan and the exiting growth plan for this area. As submitted, the subdivision request meets the requirements of the Land Development Code (LDC). Additionally, in accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no comments regarding the project. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed *Urban Plains by Brandt Third Addition* subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 3, 2017

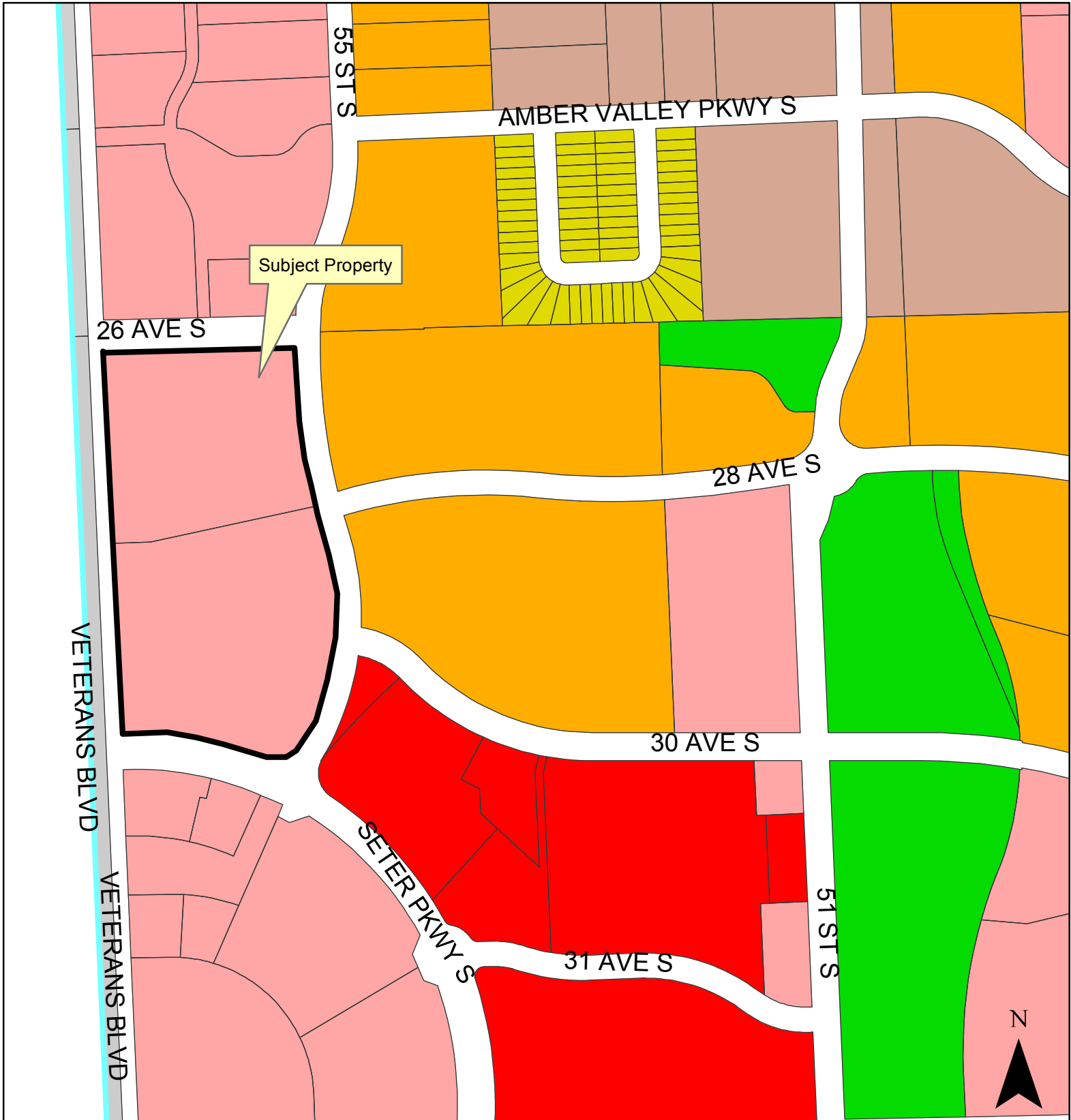
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Subdivision Plat
4. Draft Amenities Plan
5. Applicant's Conceptual Master Plan

Plat (Major)

Urban Plains by Brandt 3 Addition

2633 & 2867 55th Street South



Legend

AG	LC	MHP	SP-2
DMU	LI	NC	SP-3
GC	MRR-1	NO	SP-4
GI	MRR-2	P/I	SP-5
GO	MR-3	UMI	City Limits

300

Feet

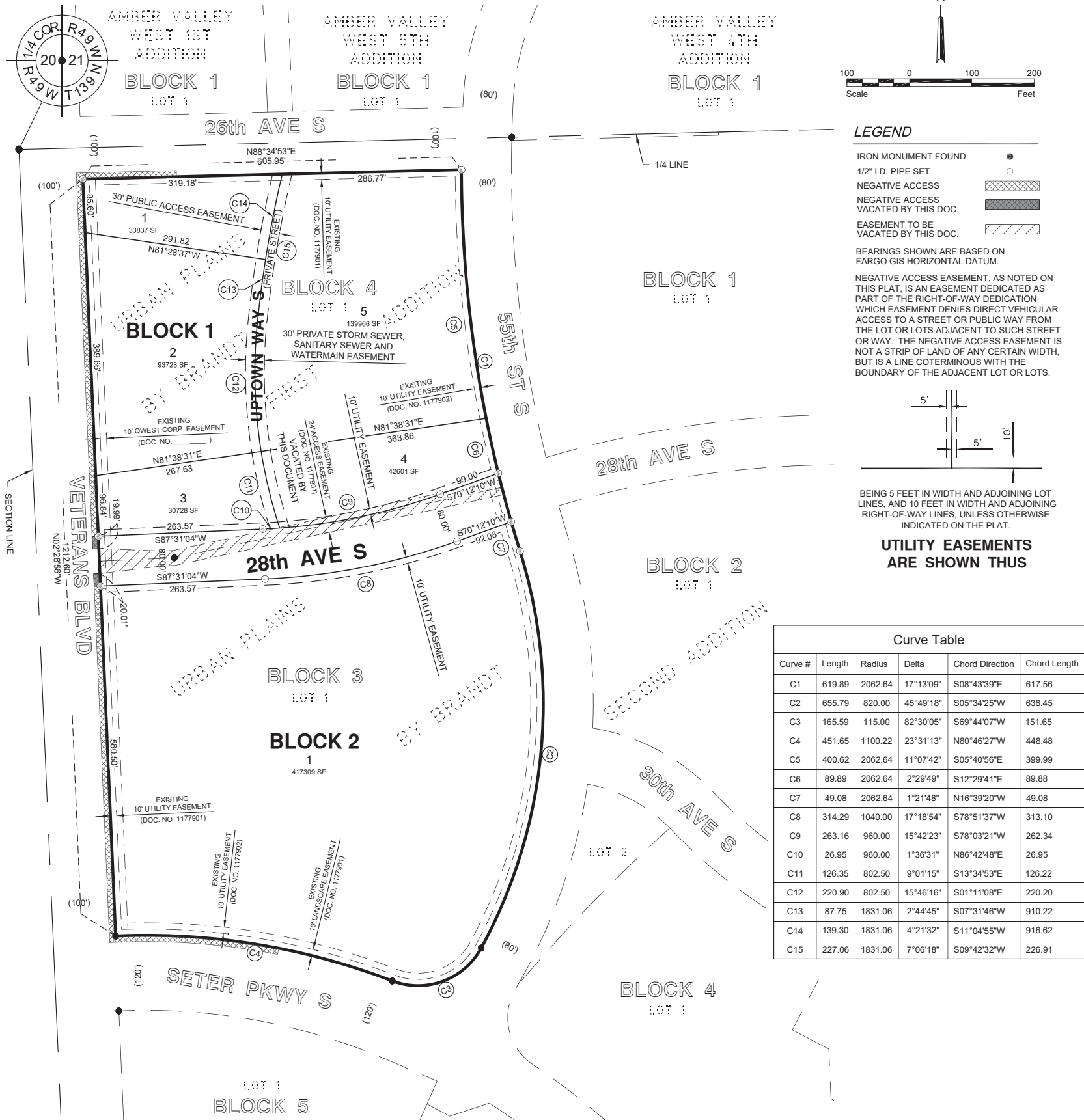
Plat (Major)

Urban Plains by Brandt 3 Addition

2633 & 2867 55th Street South



URBAN PLAINS BY BRANDT THIRD ADDITION
A MAJOR SUBDIVISION
BEING A REPLAT OF LOT 1, BLOCK 4, URBAN PLAINS BY BRANDT FIRST ADDITION,
AND LOT 1, BLOCK 3, URBAN PLAINS BY BRANDT SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

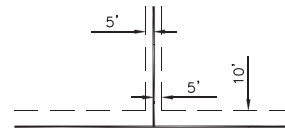


LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. PIPE SET
- NEGATIVE ACCESS
- NEGATIVE ACCESS VACATED BY THIS DOC.
- EASEMENT TO BE VACATED BY THIS DOC.

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

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



UTILITY EASEMENTS ARE SHOWN THUS

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	619.89	2062.64	17°13'09"	S08°43'39"E	617.56
C2	655.79	820.00	45°49'18"	S05°34'25"W	638.45
C3	165.59	115.00	82°30'05"	S69°44'07"W	151.65
C4	451.65	1100.22	23°31'13"	N80°46'27"W	448.48
C5	400.62	2062.64	11°07'42"	S05°40'56"E	399.99
C6	89.89	2062.64	2°29'49"	S12°29'41"E	89.88
C7	49.08	2062.64	1°21'48"	N16°39'20"W	49.08
C8	314.29	1040.00	17°18'54"	S78°51'37"W	313.10
C9	263.16	960.00	15°42'23"	S78°03'21"W	262.34
C10	26.95	960.00	1°38'31"	N86°42'48"E	26.95
C11	126.35	802.50	9°01'15"	S13°34'53"E	126.22
C12	220.90	802.50	15°46'16"	S01°11'08"E	220.20
C13	87.75	1831.06	2°44'45"	S07°31'46"W	910.22
C14	139.30	1831.06	4°21'32"	S11°04'55"W	916.62
C15	227.06	1831.06	7°06'18"	S09°42'32"W	226.91

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Urban Plains Land Company LLC, a North Dakota limited liability company, is the owner and proprietor of Lot 1, Block 4, Urban Plains By Brandt First Addition, together with Lot 1, Block 3, Urban Plains By Brandt Second Addition, all situated in the City of Fargo, Cass County, North Dakota.

Said tract contains 18.619 acres, more or less.

And that said party has caused the same to be surveyed and platted as URBAN PLAINS BY BRANDT THIRD ADDITION to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the utility easements and 30' wide access easement shown on the plat. Said party also hereby dedicates, to the owners of Lots 1-5, Block 1, a private 30' wide easement for storm sewer, sanitary sewer and watermain purposes, as shown on the plat.

OWNER:
Urban Plains Land Company, LLC

Ace A. Brandt, President

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

FARGO PLANNING COMMISSION APPROVAL:

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

Shara Fischer, Chair
Fargo Planning Commission

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota)
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 Ace A. Brandt, President of Urban Plains Land Company, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

State of North Dakota)
County of Cass) ss

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

Notary Public: _____

State of North Dakota)
County of Cass) ss

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

Notary Public: _____

State of North Dakota)
County of Cass) ss

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

Notary Public: _____

Project No. 7489-028



Site Amenities and Project Plan
Urban Plains By Brandt Third Addition
October 2017

Location: The property is bounded by Veteran's Boulevard on the west, 26th Avenue South on the north, 55th Street South on the west and Seter Parkway on the south. The parcels are currently platted as Lot 1 Block 4, Urban Plains by Brant First Addition and Lot 1 Block 3 of Urban Plains by Brant Second Addition. The property encloses an area of 18.619 acres. The property is currently zoned LC (Limited Commercial) and proposed zoning after the plat will remain LC.

Utilities: Existing sanitary sewer, storm sewer, and potable water mains are located in the existing right of way abutting the proposed plat. Sanitary sewer, storm sewer, and potable water mains will be installed in the 28th Avenue South right of way. Utilities for the proposed street are proposed to be constructed under a City of Fargo project and be assessed per the City of Fargo Infrastructure Funding policy. Any utilities located in the individual lots will be installed by the developer. The private utility easement along Uptown Way S will provide a utility corridor for shared private utilities, including storm sewer, sanitary sewer, and watermain. Adjacent lots will share in the maintenance and repair costs of the utilities through shared utility agreements.

Uptown Way Private Street: Uptown Way is intended to serve as access and internal traffic circulation to the adjoining lots. The street is planned as a 30' face of curb to face of curb roadway with parking directly off the roadway located on the adjacent lots. The private street would be delineated from the adjacent public right of way on the north and south ends by means of either raised pedestrian crosswalk and signing, straight driveway approach, or other design features that identify the roadway as separate from the public streets. Future maintenance and repair/replacement of the private street will be by a shared maintenance agreement between the adjacent properties.

Right of Way: The proposed plat accommodates public right-of-way dedication as outlined below:

28th Avenue South

This segment of 28th Avenue South is designated as a *local* street pursuant to Section 20-0611 of the Fargo Land Development Code:

- Right-of-way dedication shall be 80 feet;
- Street widths shall be 40 feet with parking on both sides of the street, unless otherwise restricted;
- Street lighting shall be determined by the City Engineering Department and installed per city standards;
- A 10-foot shared use path shall be installed along the north side of the street, to continue the existing shared use path along 28th Avenue South to the east.
- A minimum 4.5-foot sidewalk shall be installed along the south side of the street.

It is anticipated that as development continues south of 28th Avenue S, there may be a need to accommodate pedestrian crossing of 28th Avenue at the intersection of Uptown Way. While not anticipated to be constructed with the original paving of 28th Avenue S, future pedestrian crossing facilities may be needed at this location if and when they are warranted.

Stormwater Management: A regional stormwater management facility that covers the entire plat to meet the City of Fargo Stormwater Management Regulations will not be provided. Stormwater

Management for the lots on Block 1 will be provided by a joint stormwater management facility with the connection point to the City of Fargo Storm Sewer located in 55th Street S. The joint system for Block 1 will comply with and meet the requirements of the City of Fargo Stormwater Management Regulations. Lot 1, Block 2 stormwater Management will be the responsibility of the individual lot. The individual lot will be required to provide Stormwater management facilities as need to comply with and meet the requirements of the City of Fargo Stormwater Management Regulations.

Flood Protection: The proposed platted area is not located in either the Special Flood Hazard Area as defined by FEMA or the 41-foot Water Surface Elevation Inundation Area. Floodproof Construction will not be required for structures located in the plat.

Funding of Improvements: The plat area has access to existing water, storm sewer, and sanitary sewer on the adjacent public right of way. These existing utilities will be extended through the proposed public right of way to serve the proposed lots. The proposed street and public utilities will be designed to City of Fargo standards and assessed to the benefiting properties per the City of Fargo Infrastructure Funding Policy. Utilities installed on the individual lots will be the responsibility of the developer.

Dedication of Park Land: The area of the proposed plat has been previously platted. Existing park area are located west of the plat. As part of the development sidewalks will be installed along the proposed street and these sidewalks will connect to the existing 10' multi use path on 28th Avenue South. This connection provides access to the existing park areas west of 51st Street South. No additional land will be dedicated to the park as part of the plat.

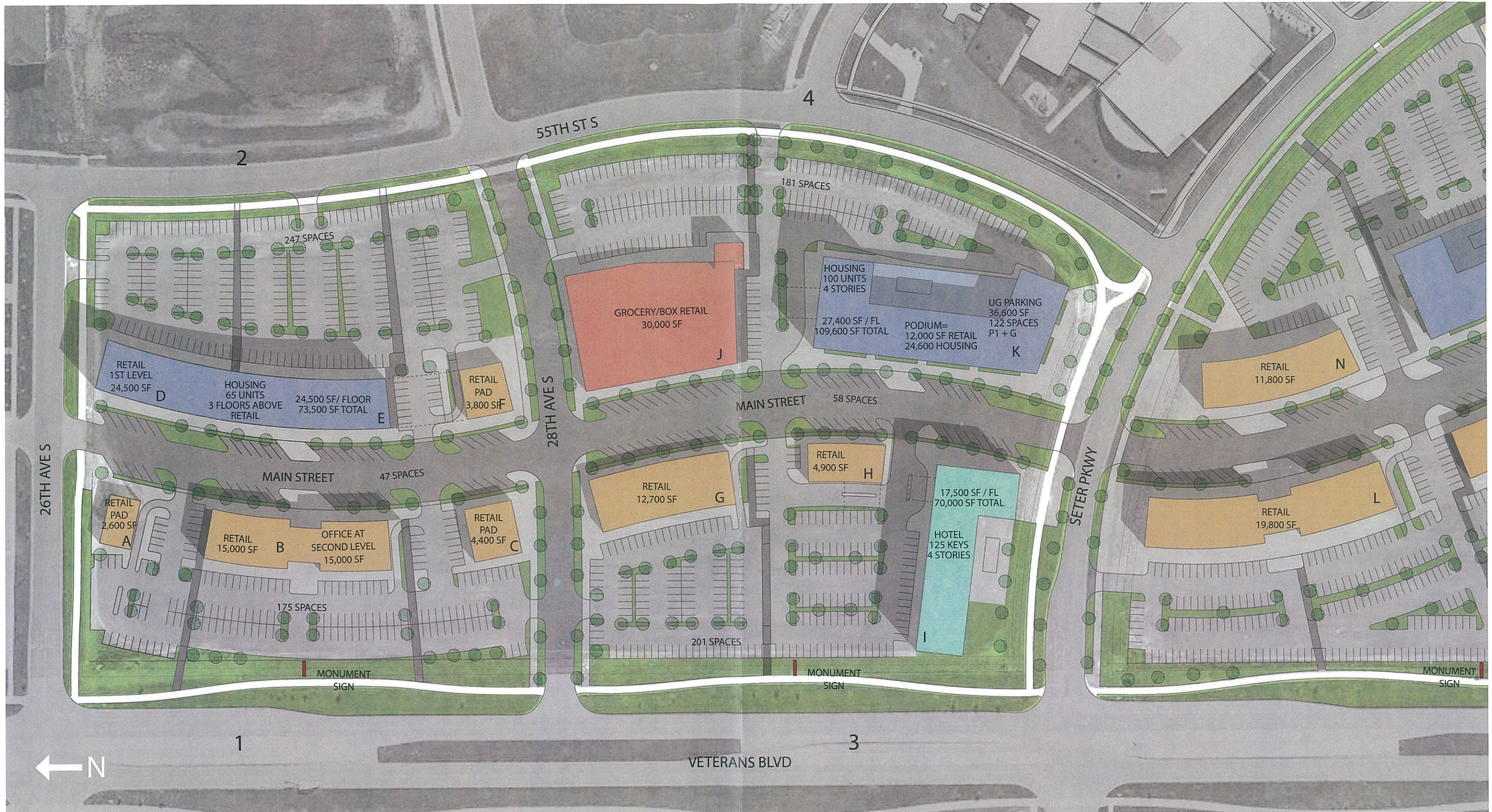
The amenity plan is hereby approved:

Ace Brandt, Urban Plains Land Company, LLC.

Date

Mark Bittner, City Engineer

Date



1"=120'-0"

VETERANS BLVD MIXED-USE MASTER PLAN

FARGO, NORTH DAKOTA

06.20.17



City of Fargo Staff Report			
Title:	Rocking Horse Farm Second Addition	Date:	9/27/2017
Location:	4824, 4838, 4852, 4876, 4894 Rocking Horse Circle South	Staff Contact:	Maegin Elshaug
Owner(s)/Applicant:	Rocking Horse Farm LLC / Houston Engineering, Inc	Engineer:	N/A
Reason for Request:	Sidewalk Waiver		
Status:	Planning Commission Public Hearing: October 3, 2017		

Existing
Land Use: Commercial and vacant
Zoning: GC, General Commercial
Uses Allowed: 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.
Maximum Building Coverage: 85%

Proposed
Land Use: unchanged
Zoning: unchanged
Uses Allowed: unchanged
Maximum Building Coverage: unchanged

Details:

The city has received a sidewalk waiver request along the inner circle of Rocking Horse Circle South, located within the Rocking Horse development. The applicant is requesting to waive the sidewalk and has proposed an alternative sidewalk plan.

Section 18.0201.1 of the city Municipal Code states that property owners shall maintain sidewalks in good repair and that the construction of sidewalks and/or repairs may be ordered in by the city. City policy dictates that the property owner has the ability to construct the sidewalk at his own expense or the work can be completed by the city and the cost would be assessed against the property for a period not to exceed 10 years.

Additional information:

This sidewalk was contemplated at the time of the Rocking Horse Farm Second Addition plat in 2014. At the time of the plat, the owner requested a sidewalk waiver, but ultimately withdrew the waiver application and it was the City's impression the applicant intended to construct the 4.5' sidewalk inside the circle. This stretch of sidewalk was intended to be constructed with the roadway infrastructure project of the Rocking Horse development in 2015. However, at the time of installation, the owner requested the sidewalk not be installed and intended to pursue a waiver, which is this application.

Context:

Schools: This property is located within the West Fargo School District.

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

Parks: The subject property is located within a half-mile of Osgood Golf Course and Rocking Horse Farm Park (6101 Wildflower Dr S), which provides amenities of trails and a playground.

Pedestrian / Bicycle: An shared use trail is located along a portion of the outside of Rocking Horse Circle South, which is intended to connect to Veterans Boulevard South and the metro area trail system.

Analysis / Criteria:

Land Development Code: As cited in Section 18 of the Municipal Code and as further set forth in Section 20.0609 of the Land Development Code the Planning Commission is tasked with reviewing the waiver request based on the guidelines outlined below and the facts surrounding the waiver request.

1. Sidewalks are a shared amenity and asset of the community. As such, the public interest in sidewalks transcend specific individuals, lots, subdivisions, or periods of time.
2. Sidewalks represent an important element of the transportation system, and as such, they provide an element of safety for both the automobile user and the pedestrian, including children on bikes.
3. Sidewalks are an important element in the inventory of recreational assets of the community.
4. To meet their potential as elements of the transportation and recreational components of the community, accessibility and convenience are factors of real importance.
5. Sidewalks, both as a transportation facility and as a recreational asset, must also consider and assume that vulnerable populations should be and will be found in most areas of the city. Availability and functionality are particularly important to children under 14, person with disabilities and senior citizens.
6. Sidewalks that are not built can create an uneven or unfair burden of cost, maintenance, and use.
7. Sidewalk plans that offer creative solutions but that are substantially equal substitutes to the traditional sidewalk should be encouraged.

Comprehensive Plan: The City's adopted GO2030 Comprehensive Plan includes a number of initiatives that relate to this requested waiver, as follows:

Transportation; Initiative 02: Implement complete streets: to enhance Fargo's roadway network as a continuous and connected network.

Neighborhoods; Vision: Fargo will promote attractive and welcoming neighborhoods by promoting a diverse and affordable housing stock. Fargo will create neighborhoods where residents can age in place, children can walk to school and essential services are only a short walk away.

Neighborhoods; Initiative 02: Evaluate, review and improve regulations to create more walkable neighborhoods and commercial districts.

Education, Initiative 01: Safe Routes to School – Fargo will work with local school officials, neighborhood leaders, parents and children to develop policies and programs that advocate for the safe walking and bicycling to and from schools, and in daily life, to promote a healthy lifestyle of children and their families.

The exhibit to the right indicates the nearly ½-mile location of sidewalk waiver. In lieu of providing the sidewalk, the applicant has proposed several connections from the outside of the circle, crossing Rocking Horse Circle South, and connecting into some structures and some parking lots (see proposed alternative sidewalk plan, attached to this packet).

The Engineering Department is not supportive of the application, as City sidewalks are part of necessary pedestrian infrastructure.

The Public Works Department may support the application; however, public easements, construction and maintenance must be established. The owner would be responsible for construction and maintenance of sidewalks.



Based on the input of the other departments, and review of the ordinances and policeis, Planning staff does not support this request. Planning staff has requested consideration on how public pedestrian activity occurs among buildings within the commercial development circle and has also asked for amendments that seek pedestrian access that are absent of needing to walk through a parking lot. Since this street is classified as a local collector the need for sidewalks allows for equal access to parks, schools and trails and the surrounding arterial roadway system.

Staff Recommendation

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend denial to the City Commission of the sidewalk waiver on the basis the the proposal does not meet the intent of the Comprehensive Plan or the intent of the guidelines as set forth within Section 20-0609.A (1-7) of the Land Development Code."

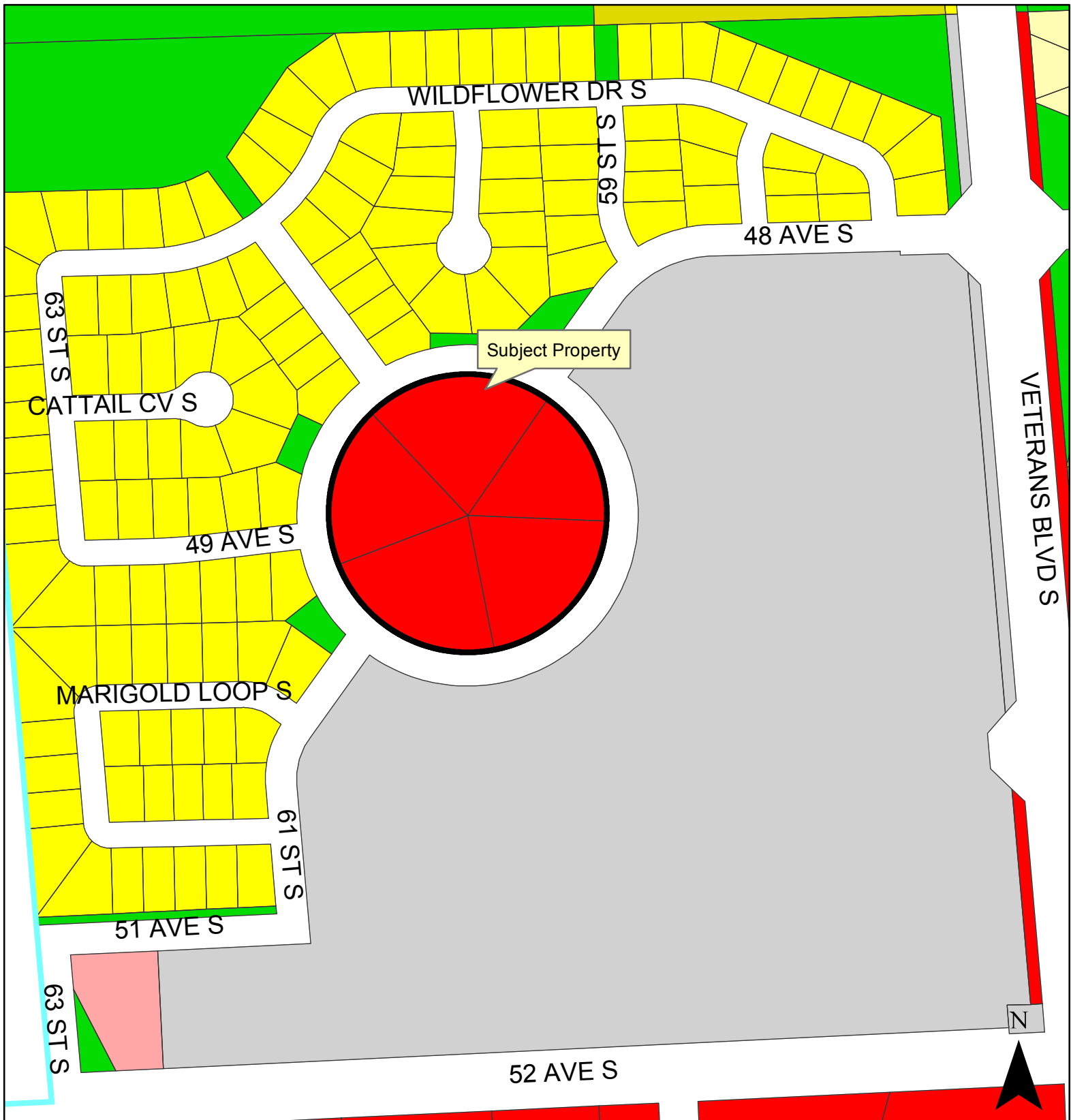
Attachments:

1. Zoning Map
2. Location Map
3. Proposed Alternative Sidewalk Plan Submitted by Applicant

Sidewalk Waiver

Rocking Horse Farm 2nd Addition

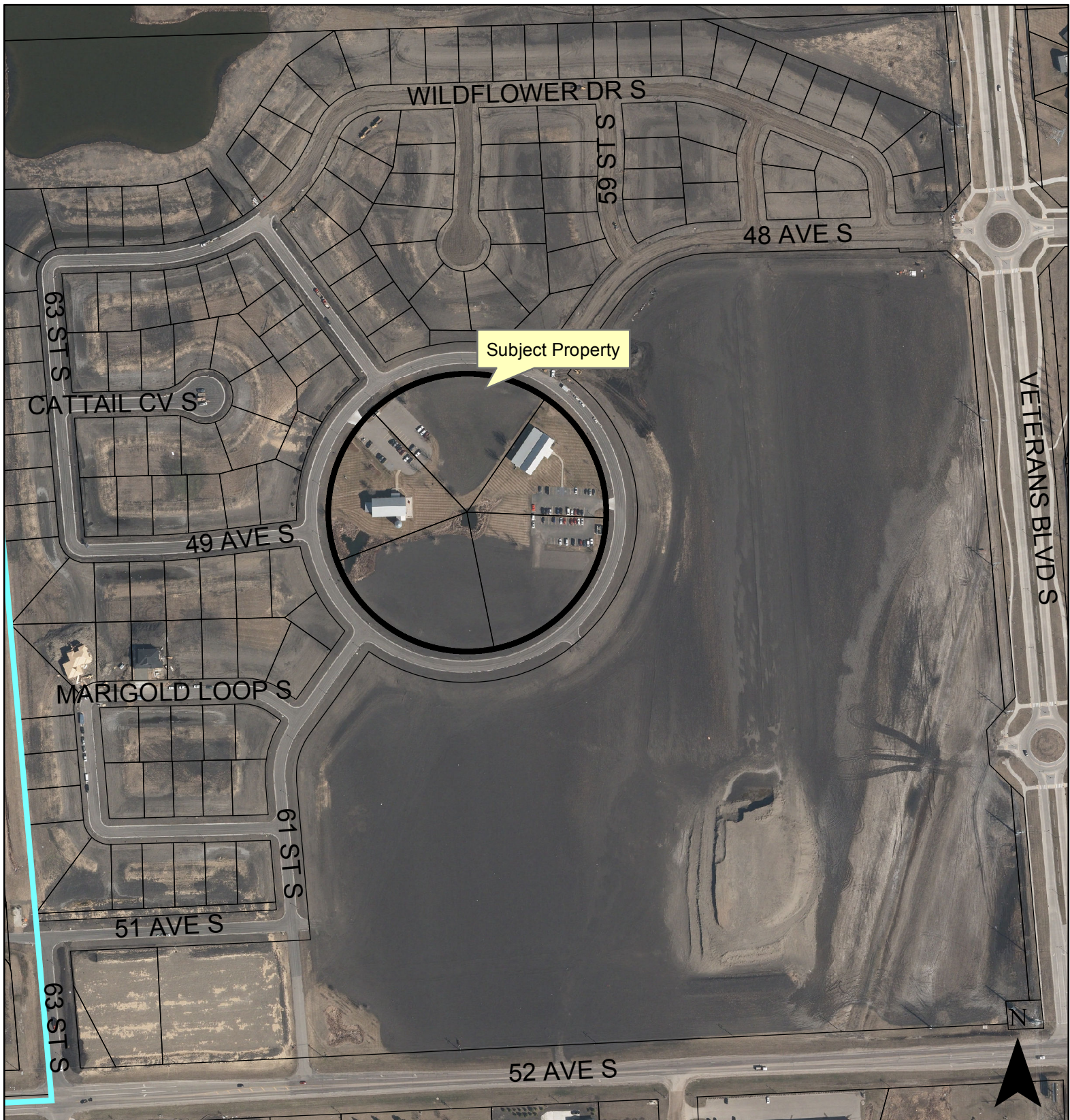
4824 - 4894 Rocking Horse Circle S



Sidewalk Waiver

Rocking Horse Farm 2nd Addition

4824 - 4894 Rocking Horse Circle S





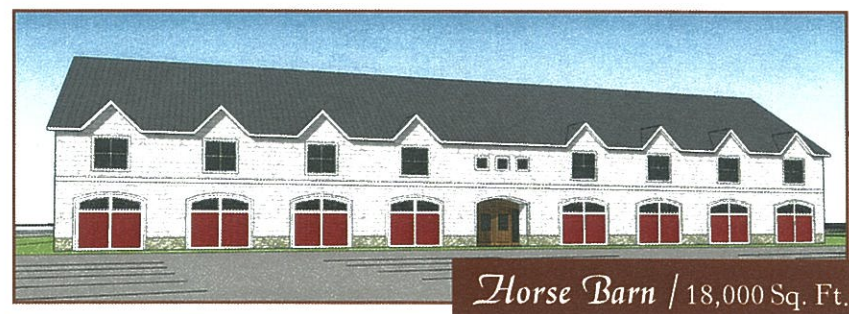
Farmstead Office Park at Rocking Horse Farm Alternative Sidewalk Plan

(Block 7, Rocking Horse Farm 2ND and 3RD Addition,
Fargo, ND 58104)

When complete, the Farmstead Office Park will feature eight farm-style office buildings on approximately 10 acres. In total, it will have approximately 80,000 square feet of office space with ample surface parking.

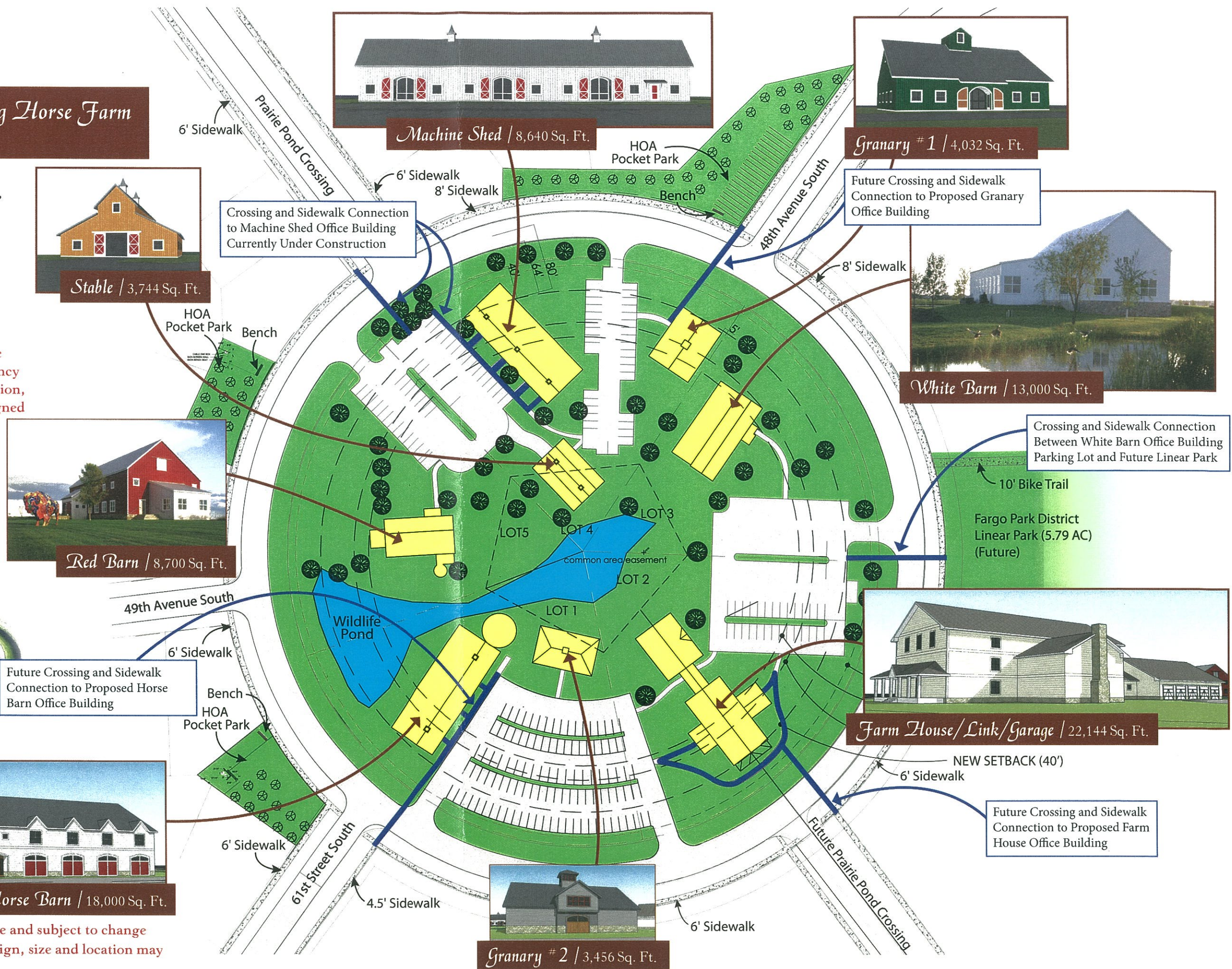
At this moment in time the 8,640 sq. ft. Machine Shed is under construction with a tenant occupancy date estimated to be December 1, 2017. In addition, two more office park buildings are basically designed i.e. the Granary and Stable. It's expected one of these two buildings will be started in fall 2017.

As to the balance of the office park buildings i.e. the Farmhouse with Carriage House, the Horse Barn and second Granary they have yet to be designed with much detail. However, we've included initial illustrations to provide an idea how the buildings might look.



Horse Barn / 18,000 Sq. Ft.

Please note the Farmstead Office Park is tentative and subject to change without notice. Future building/parking lot design, size and location may vary depending on prospective tenant needs.



**City of Fargo
Staff Report**

Title:	Timber Parkway Second Addition	Date:	9/27/17
Location:	4801 and 4951 Timber Parkway South	Staff Contact:	Maegin Elshaug
Legal Description:	Lots 1 and 7, Block 1, Timber Parkway First Addition		
Owner(s)/Applicant:	Nate Vollmuth/PACES Lodging	Engineer:	Ulteig
Entitlements Requested:	Zoning Change (repeal and reestablish a C-O, Conditional Overlay) and Minor Subdivision (Replat of Lots 1 and 7, Block 1, Timber Parkway First Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: October 3, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: Retail Sales and Service; Outlet Mall
Zoning: GC, General Commercial, with a C-O, Conditional Overlay	Zoning: GC, General Commercial, with a C-O, Conditional Overlay
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: 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.
Maximum Building Coverage Allowed: 85%	Maximum Building Coverage Allowed: No change

Proposal:

The applicant is proposing a minor subdivision and zoning map amendment in order to repeal the existing C-O, Conditional Overlay and reestablish a new C-O, Conditional Overlay on the subject property. The subject properties are located at 4801 and 4951 Timber Parkway South, and are legally described as Lots 1 and 7, Block 1, Timber Parkway First Addition.

The original C-O on the subject property was intended for commercial development, however, the applicant has a more detailed development plan for the area with the construction of an outlet mall and other retail businesses. Currently, there are two different, but similar, conditional overlays associated with the properties, Ordinances 4908 and 5084. Staff and the applicant coordinated on the conditional overlay, and the proposed C-O maintains much of the original C-O requirements, while seeking to simplify and reduce ambiguity, and increase pedestrian circulation within the development. A draft of the proposed C-O language is attached to this staff report. The subdivision is intended to replat Lots 1 and 7, Block 1, Timber Parkway First Addition into three lots and one block to accommodate future development. Attached is a preliminary master plan provided by the applicant.

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.

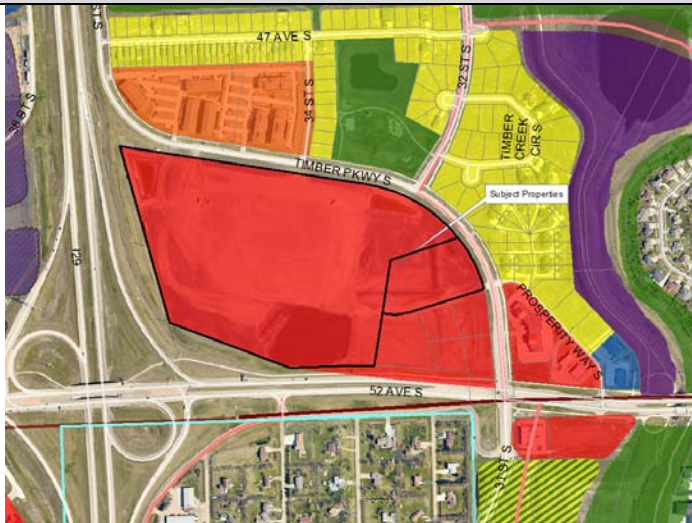
Surrounding Land Uses and Zoning Districts:

- North: Across Timber Parkway South is SR-2, Single-Dwelling Residential, SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a park, and MR-3, Multi-Dwelling Residential with apartments;
- East: Directly east is GC, General Commercial with a C-O, Conditional Overlay with vacant land; Across Timber Parkway South is SR-4, Single-Dwelling Residential with attached;
- West: Interstate 29;
- South: Across 52nd Avenue South is Single-Dwelling Residential within the City of Frontier.

Area Plans:

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

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



Context:

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

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

Parks: Located across Timber Parkway South is Timber Creek Park, with trails and a playground.

The Timber Creek development as a whole includes park land dedication (approximately 9.86 acres). Currently, there are no other parks with programmed space or amenities proximal to this development; however, the shared use path and trail network is very strong in this area. The *Prairie Farms Addition* on the south-side of 52nd Avenue South, will include significant open space, programmed park acreage and bike/pedestrian connectivity from 52nd Avenue to 64th Avenue South.

Pedestrian / Bicycle: Off road bike facilities are located along Timber Parkway South and 52nd Avenue South. These facilities are a component of the metro area trail system.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change

is justified by a change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property. **(Criteria Satisfied)**

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

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

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

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

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

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

Minor Subdivision

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

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

The subdivision is intended to replat Lots 1 and 7, Block 1, Timber Parkway First Addition into three 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 recommend approval to the City Commission of the proposed 1) repeal and reestablish a C-O, Conditional Overlay, and 2) subdivision plat, **Timber Parkway Second Addition**, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 3, 2017

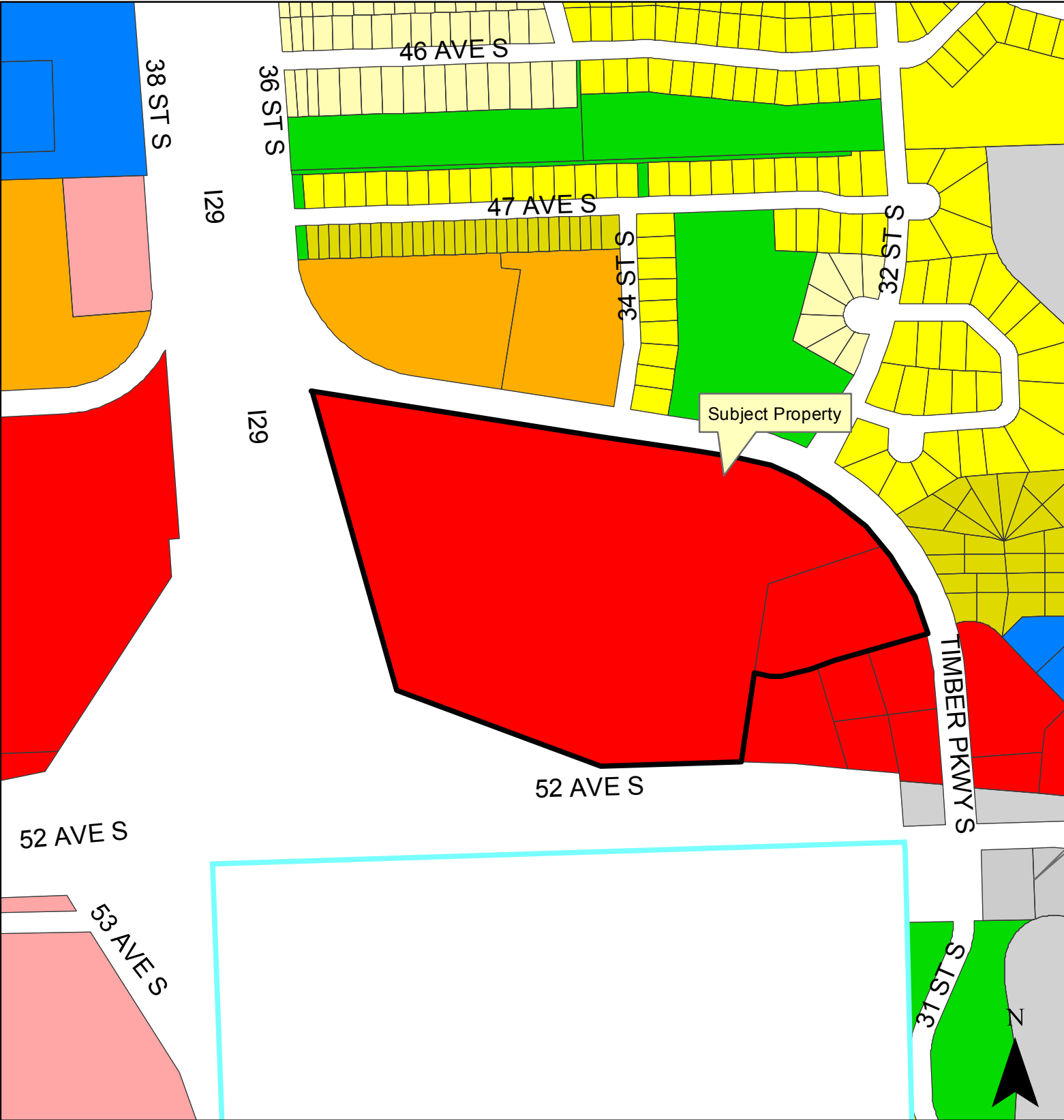
Attachments:

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

Plat (Minor) and Zone Change (Repeal and Re-establish C-O)

Timber Parkway 2nd Addition

4801 & 4951 Timber Pkwy S



Plat (Minor) and Zone Change (Repeal and Re-establish C-O)

Timber Parkway 2nd Addition

4801 & 4951 Timber Pkwy S



A. Description

- a. This C-O, Conditional Overlay, district is primarily intended to encourage high-quality, durable, and long-lasting investments.

B. Design Standards

a. Building Massing

- i. All buildings shall have architectural interest and variety to avoid the effect of a single, long or massive wall; buildings shall include variation in size and shape.
- ii. All building elevations or facades facing or viewable from right-of-ways or parking lots that are greater than 200 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal lengths. Attached or adjacent permanent wall projections that screen maintenance/loading/delivery/dumpster areas that exceed 9 feet in height shall count as projections and recesses.
- iii. Ground floor facades that are within 250' of public streets, measured from the exterior wall, shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping or other such features along no less than 60% of its horizontal length.
- iv. All building elevations or facades facing or viewable from right-of-ways or parking lots shall be designed with a similar level of design detail, respective to building massing and building materials.

b. Building Materials

- i. All walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, EIFS, fiber cement, curtain walls, glass, high quality pre-stressed concrete systems, architectural metal panels, colored precast concrete panels, or similar high quality material as may be approved by the Zoning Administrator. All materials shall be durable and have a multi-generational life span.
- ii. Prohibited materials shall be steel siding exceeding 25% of building elevation, untreated CMU's, ceramic tile walls, highly reflective wall treatments, exposed neon or color tubing that is not used in an accent capacity, un-textured concrete, untreated concrete masonry unit, or un-

colored precast concrete panels; unless otherwise approved by the Zoning Administrator.

c. Screening of Dumpsters/Refuse Containers and Loading Areas

i. Dumpsters

1. Lot 3: Dumpster and loading areas that are attached or adjacent to the primary structure shall be screened on three sides by permanent walls. The fourth side shall be screened a minimum of 40% from perpendicular view by permanent walls. Permanent walls shall be a minimum of 9 feet in height.
2. Lots 1 and 2: Dumpster and loading areas that are attached or adjacent to the primary structure shall be screened on three sides by permanent walls. Permanent walls shall be a minimum of 9 feet in height.

- ii. Stand-alone outdoor dumpster areas shall be screened on three sides by permanent walls. The fourth side shall be screened by a metal gate. Permanent walls shall be a minimum of 8 feet in height.

d. Screening of Rooftop and Ground Level Mechanical Equipment

- i. Rooftop mechanical equipment shall be 50% concealed from public view, when viewing angle is from the Finish Floor elevation, measured at 150' from the exterior wall.
- ii. All ground level HVAC units and utility boxes shall be screened from view by a structure, wall, fence or landscaping.

e. Parking Lot Landscaping

- i. A minimum of 10% of the internal surface area of the parking lot shall be landscaped with plantings, but shall be allowed to be reduced to 5% with approved landscape buffer as outlined in subparagraph B.(f)(i).

f. Landscape Buffer

- i. A 50-foot landscape easement was dedicated in March 2014 by Document Number 1412948 on file with the Cass County Recorder's Office along the north side of the development. The developer shall be required to submit a landscape plan for this easement area which shall include a combination of trees and landscaped berms. And the overall landscape plan shall be approved by the Zoning Administrator. The developer intends this buffer to provide a high quality transition between residential and commercial properties while also providing an added aesthetic element to the development. If, in the opinion of the Zoning Administrator, the proposed landscape plan meets the intended objective and is reflective of high quality design and materials; the requirement for landscaping internal to parking lots as contemplated under subparagraph 2.(f)(ii) of Ordinance Number 4908 shall be reduced from 10 percent to 5

percent. The landscaping plan shall be implemented within the easement area within 12 month following issuance of any building permit as described in Ordinance Number 4908. Trees shall be of minimum 2-inch caliper.

C. Prohibited Uses

- a. Within the Use Category for Retail Sales/Service and Office, sales and leasing of consumer vehicles including passenger vehicles, light/medium trucks and other recreational vehicles that includes outdoor storage/display/sales are prohibited
- b. Detention Facilities
- c. Adult Entertainment Center
- d. Self-Service Storage
- e. Vehicle Repair (excluding tire sales)
- f. Industrial Service
- g. Manufacturing and Production
- h. Warehouse and Freight Movement, excluding furniture/appliance stores from the prohibition
- i. Wholesale Sales
- j. Aviation/Surface Transportation

D. Site Design

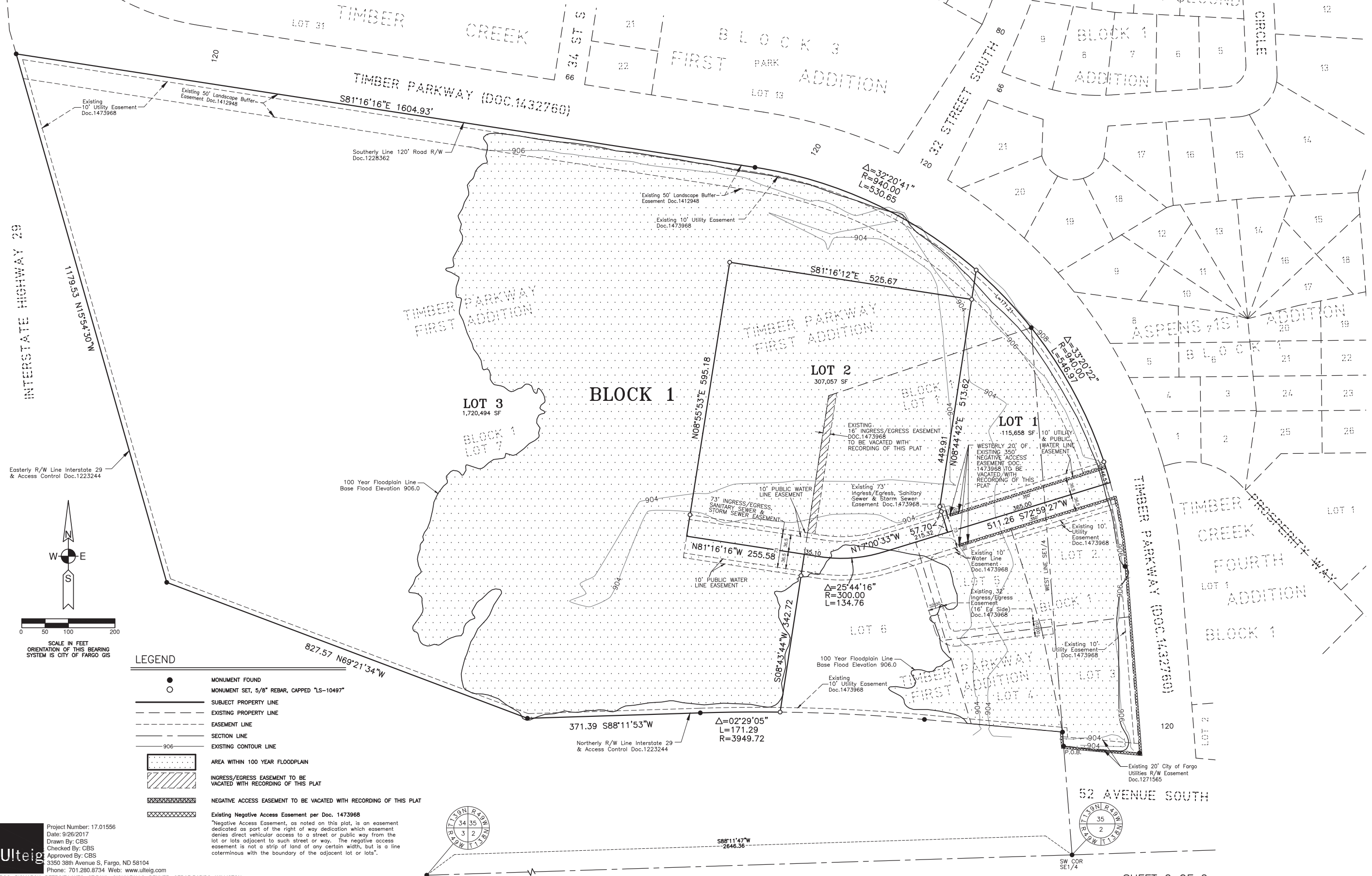
- a. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
 - i. Any public sidewalk system along the perimeter streets adjacent to the development, or along the perimeter of the lot
 - ii. Primary entrances of other buildings on the site
 - iii. Adjacent pedestrian origins and destinations – including but not limited to transit stops, residential development, office buildings, and retail buildings – where deemed practical and appropriate by the Zoning Administrator.

E. Signage

- a. Off-premise Signs and digital billboards shall be prohibited.
- b. Advertising of businesses within said development is not considered off-premise advertising.
- c. Unless otherwise specified above, all other provisions within the Sign Code shall remain in full force and effect.

TIMBER PARKWAY SECOND ADDITION

A REPLAT OF LOTS 1 AND 7, BLOCK 1, TIMBER PARKWAY FIRST ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



TIMBER PARKWAY SECOND ADDITION

A REPLAT OF LOTS 1 AND 7, BLOCK 1, TIMBER PARKWAY FIRST ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

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

Lots 1 and 7, Block 1 of TIMBER PARKWAY FIRST 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.

The above described parcels contain 2,143,208.00 square feet or 49.20 acres, more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "TIMBER PARKWAY SECOND ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, all Utility Easements as shown on this plat except those Easements as shown hereon as "Existing", and do hereby dedicate to Lots 1 and 3 the Ingress/Egress, Sanitary Sewer, Storm Sewer & Water Line Easements as shown hereon for the purposes so stated and do hereby dedicate to Lot 2 the Water Line Easement as shown hereon for the purposes so stated.

OWNER:
PLC INVESTMENT LLC

By: _____
Kevin Christianson, President

State of North Dakota }
County of Cass } SS

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

Notary Public

MORTGAGE HOLDER:
First International Bank & Trust, Mortgagee

By: _____
Brian Hagen, _____

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Brian Hagen, _____, 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 in the name of First International Bank & Trust

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2017.

Shara Fischer, Planning Commission Chair

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Shara Fischer, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

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

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

State of North Dakota }
County of Cass } SS

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

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Mark H. Bittner, City Engineer

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Mark H. Bittner, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2017.

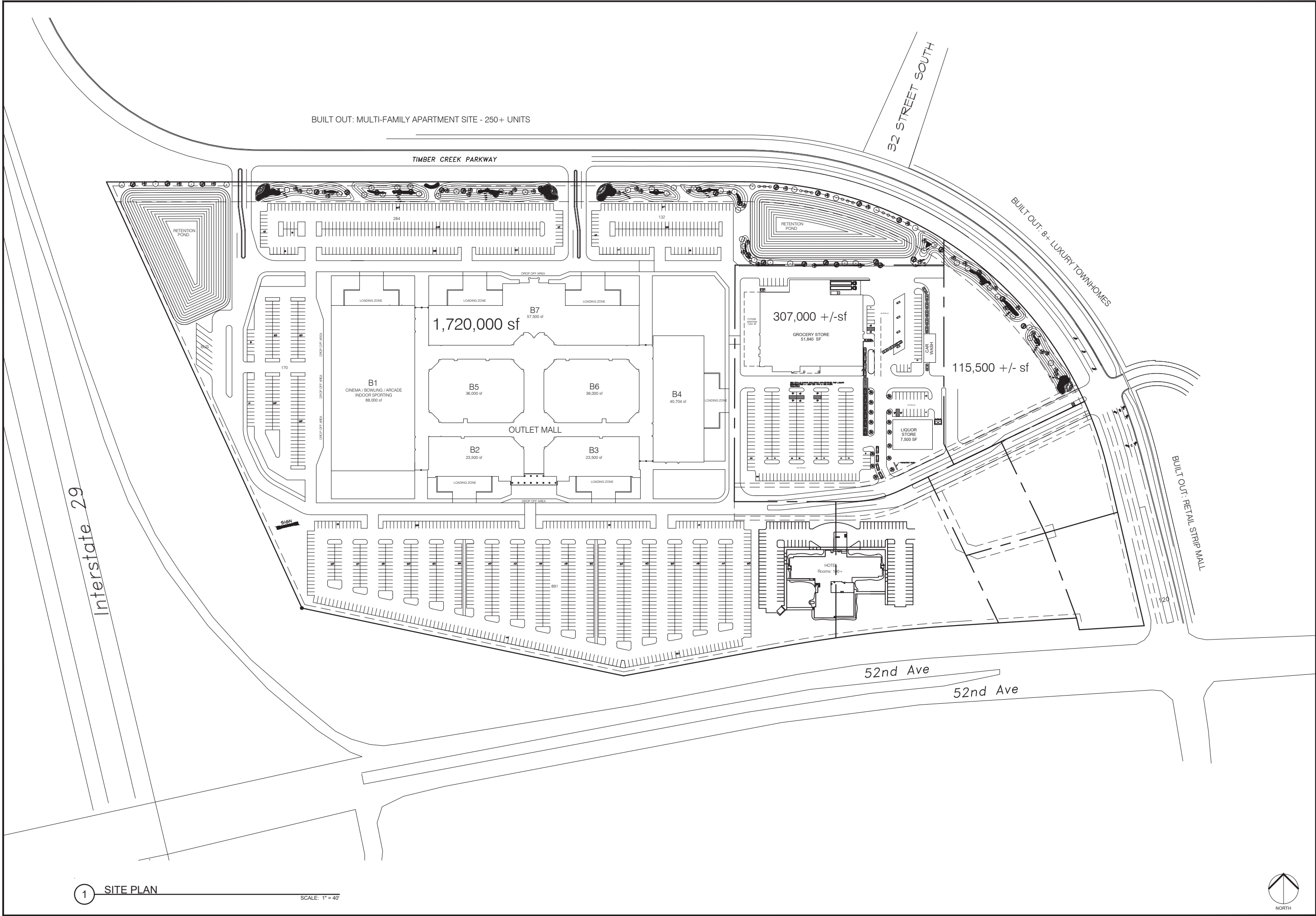
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

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



1 SITE PLAN

SCALE: 1" = 40'



DATE:	8/14/17
PROJECT #:	17-XXX
DRAWN BY:	NGV
CHECKED BY:	
REVISIONS:	
	1
	2
	3
	4
	5
	6
	7
	8
COPYRIGHT © MEDNATIONAL	

**GROCERY STORE
AT TIMBER CREEK**
4801 TIMBER PARKWAY SOUTH
FARGO, NORTH DAKOTA



PH. (701) 281-9500
FAX (701) 281-9501

4265 45TH ST. SOUTH
SUITE 200
FARGO, ND 58104



PH. (701) 499-0212
FAX (701) 281-9501

SHEET DESCRIPTION:

PLAN
PLAN
PLAN
SITE PLAN

Sheet

S1.1

**City of Fargo
Staff Report**

Title:	Brandt Crossing Thirteenth Addition	Date:	9/22/2017
Location:	3252 51st Street South	Staff Contact:	Kylie Murphy
Legal Description:	Lot 1, Block 1, Brandt Crossing Twelfth Addition		
Owner(s)/Applicant:	Nate Vollmuth/Paces Lodging	Engineer:	Ulteig
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 1, Brandt Crossing Twelfth Addition)		
Status:	Planning Commission Public Hearing: October 3, 2017		

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

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Brandt Crossing Thirteenth Addition**, which is a replat of Lot 1, Block 1, Brandt Crossing 12th Addition. The subject property is located at 3252 51st Street South and encompasses approximately 3.19 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision to accommodate for future development

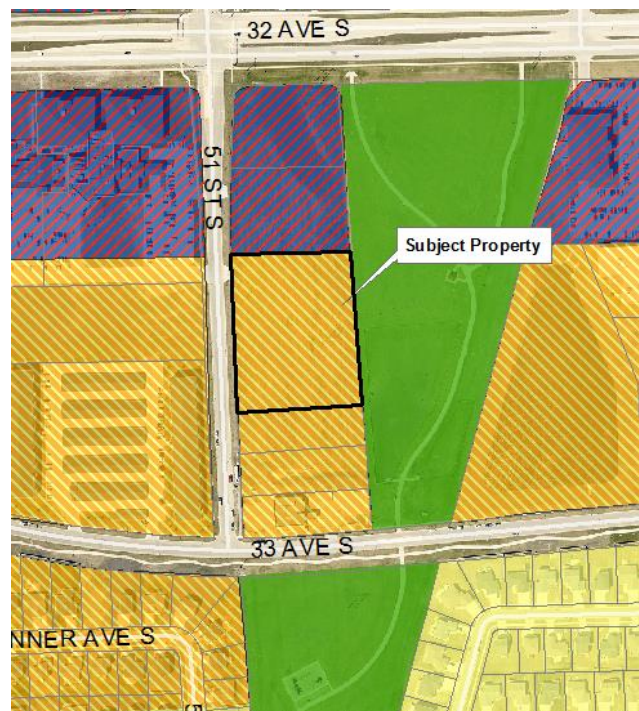
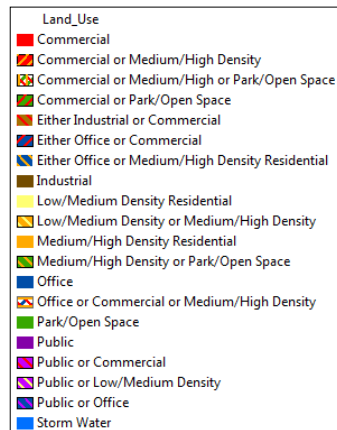
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial and a CO, Conditional Overlay, with vacant land use
- East: P/I, Public Institutional with park use
- South: LC, Limited Commercial and a CO, Conditional Overlay, with construction of future commercial use
- West: Across 51st Street South, MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a CO, Conditional Overlay, with apartment and nursing home uses

Area Plans:

The subject property is located in the 2003 Southwest Future Land Use Plan. According to the plan, this property is most suitable for “Low/Medium Density or Medium/High Density” land use. The property was zoned for LC, Limited Commercial with a CO, Conditional Overlay in 2016 as is consistent with the land use plan.



Schools and Parks:

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

Neighborhood: The subject property is located within the Brandt Crossing neighborhood.

Parks: Brandt Crossing Park (5009 33rd Avenue S) abuts the subject property on the east and offers basketball, dog park, playground, recreational trail, and shelter amenities.

Pedestrian / Bicycle: There are off-road bike facilities located in Brandt Park and along 32nd Avenue South that are components of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

The LDC stipulates that the following criteria are 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, Brandt Crossing 12th 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, **Brandt Crossing Thirteenth Addition** as outlined within the staff report, as the proposal complies with with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 3, 2017

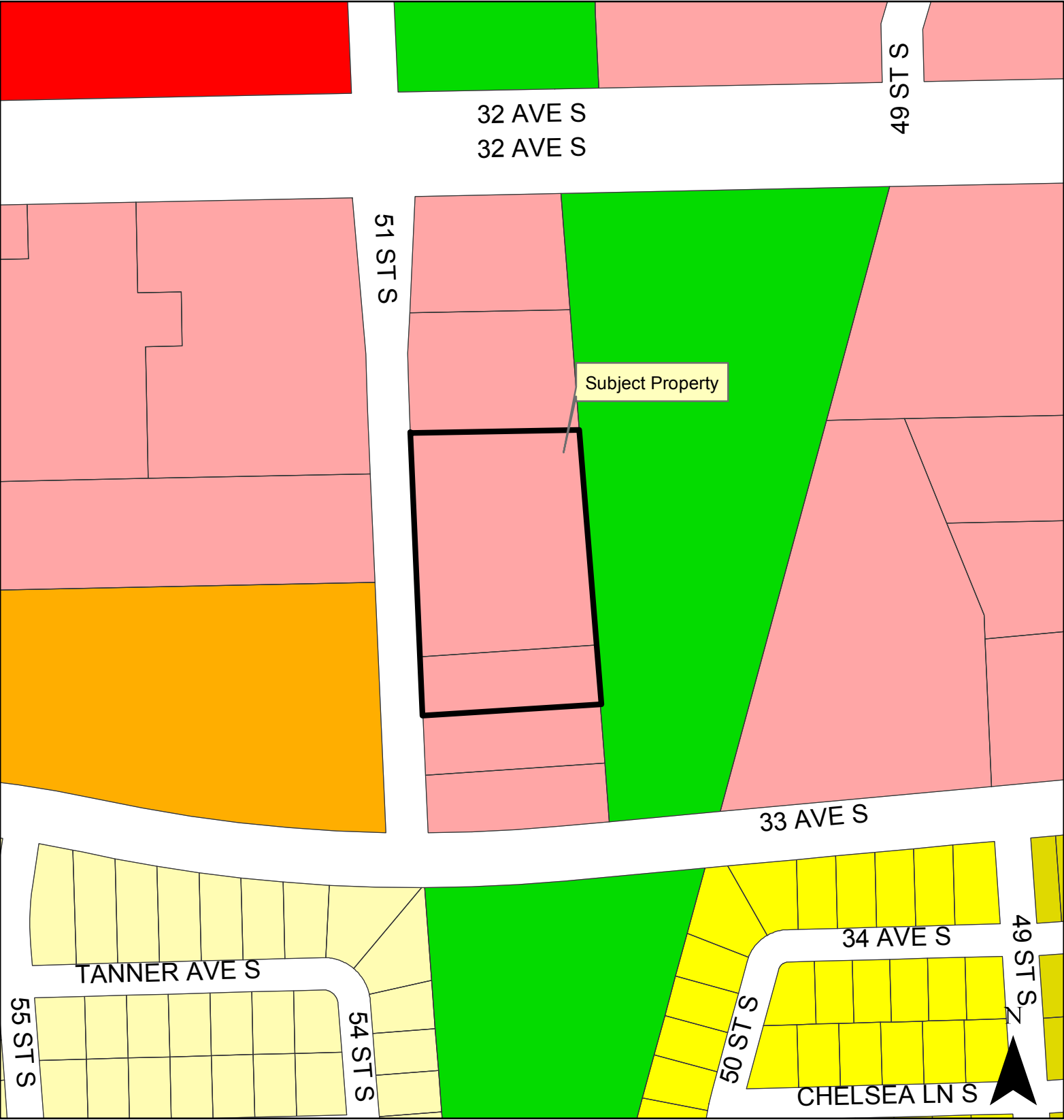
Attachments:

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

Plat (Minor)

Brandt Crossing 13th Addition

3252 & 3274 51st Street South



Legend

AG	LC	MHP	SSR-2
DMU	LC	MHP	SSR-3
GGC	MR-1	DNZ	SSR-4
GGC	MR-2	DNZ	SSR-5
GO	MR-3	UML	City Limits

300 Feet

Fargo Planning Commission
October 3, 2017

Plat (Minor)

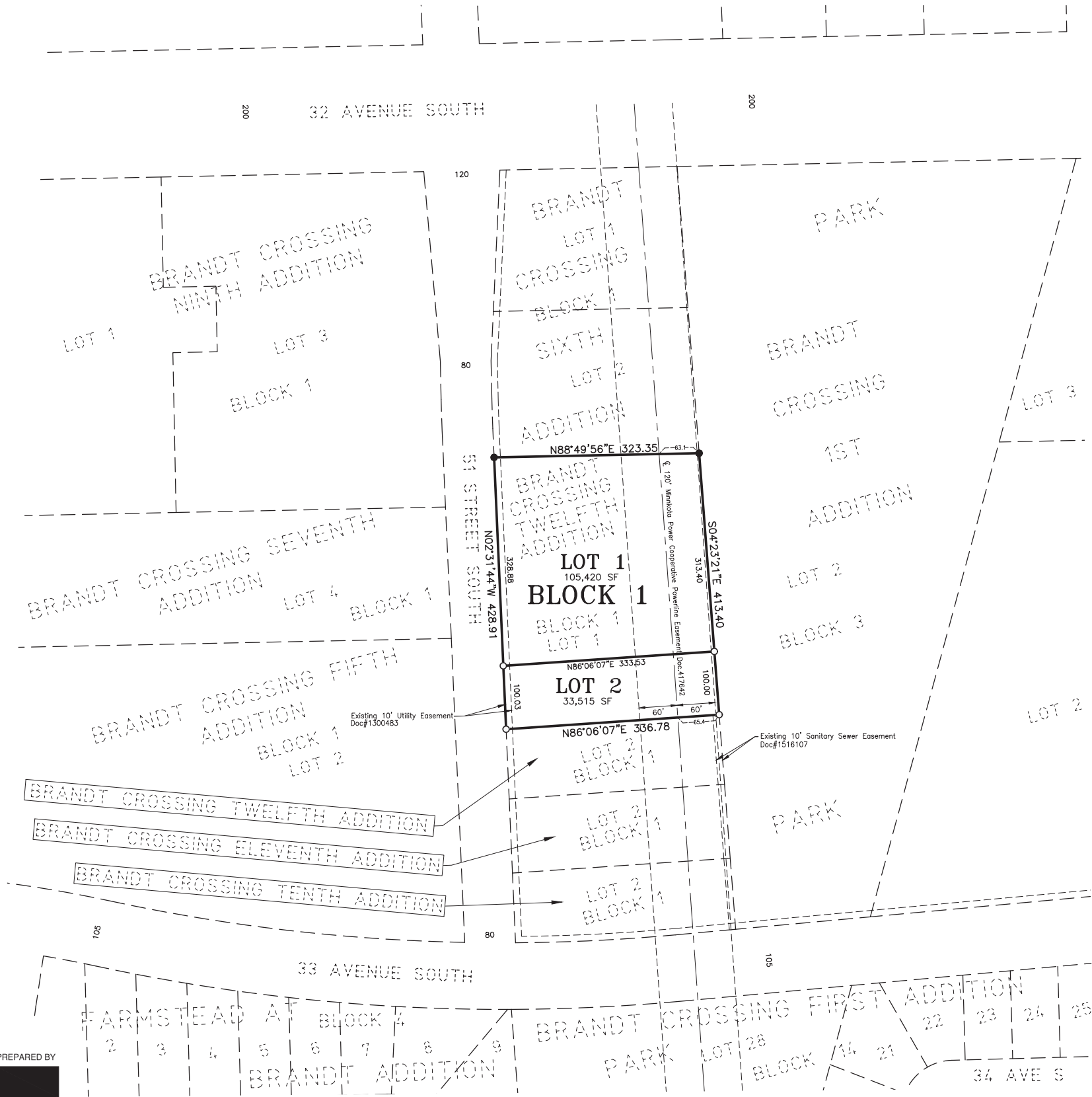
Brandt Crossing 13th Addition

3252 51st Street South



BRANDT CROSSING THIRTEENTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF BRANDT CROSSING TWELFTH 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 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 1, Block 1 of BRANDT CROSSING TWELFTH 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 138,935 square feet or 3.19 acres more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "BRANDT CROSSING THIRTEENTH ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:
Brandt Crossing, LLC

By: _____
Tyler Brandt, 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 Tyler Brandt, Vice 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 _____, in the year 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, Christopher Blake Sexton, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

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

State of North Dakota } SS
County of Cass }

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

Notary Public

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-10497"
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Mark H. Bittner, City Engineer

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Mark H. Bittner, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2017.

Shara Fischer, Planning Commission Chair

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Shara Fischer, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2017.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota } SS
County of Cass }

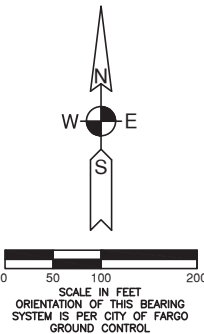
On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

PREPARED BY

Ulteig

3350 38th Avenue S, Fargo, ND 58104
Phone: 701.280.8734 Web: www.ultei.com
FARGO - BISMARCK - DETROIT LAKES - ST PAUL - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON



Project Number: 17.01508
Date: 20 September 2017
Sheets: 1 of 1
Drawn By: CBS
Checked By: CBS
Approved By: CBS

**City of Fargo
Staff Report**

Title:	The District of Fargo 3 rd Addition	Date:	9/27/2017
Location:	3751 53 rd Avenue South	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lot 1, Block 6, The District of Fargo Addition		
Owner(s)/Applicant:	Batis Development/Jeremy Easum (Roers)	Engineer:	Roers
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 6, The District of Fargo Addition and Sidewalk Waiver on Lots 1-3, Block 1 of the proposed plat)		
Status:	Planning Commission Public Hearing: October 3, 2017		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: LC, Limited Commercial with C-O, Conditional Overlay no. 4634	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: 85%	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant requests a minor subdivision, entitled **The District of Fargo Third Addition**, which is a replat of Lot 1, Block 6, The District of Fargo Addition into a three lot, one block subdivision. Lot sizes will range between 0.90 and 3.70 acres in area. The applicant also requests a Sidewalk Waiver to waive the requirements that the public sidewalk be extended along the full length of the property frontage of Lot 3 of the proposed plat.

The property is zoned LC, Limited Commercial. No zone change is proposed. The existing conditional overlay applies design standards to development in The District of Fargo Addition.

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.

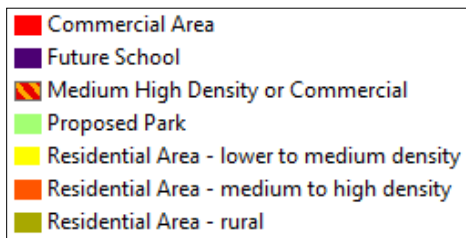
Surrounding Land Uses and Zoning Districts:

- North: Across 52nd Avenue South, GC, General Commercial, with agricultural and vacant land uses
- East: North Dakota Department of Transportation right of way. No zoning designation. Interstate 29 highway use
- South: Across 53rd Avenue South, LC, Limited Commercial, with retail and vacant land uses.

- West: Across 38th Street South, LC, Limited Commercial, with vacant land use

Area Plans:

The subject property is located within the 2007 Tier 1 Southwest Land Use Growth Plan. This plan designates the subject property as the most suitable for “Commercial Area” use.



Schools and Parks:

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

Neighborhood: The subject property is located within The District neighborhood.

Parks: The Pines Park (5371 42nd Street S) is located approximately 0.24 miles southwest of the subject property and offers the amenities of baseball, softball, playgrounds, recreational trails, and shelters.

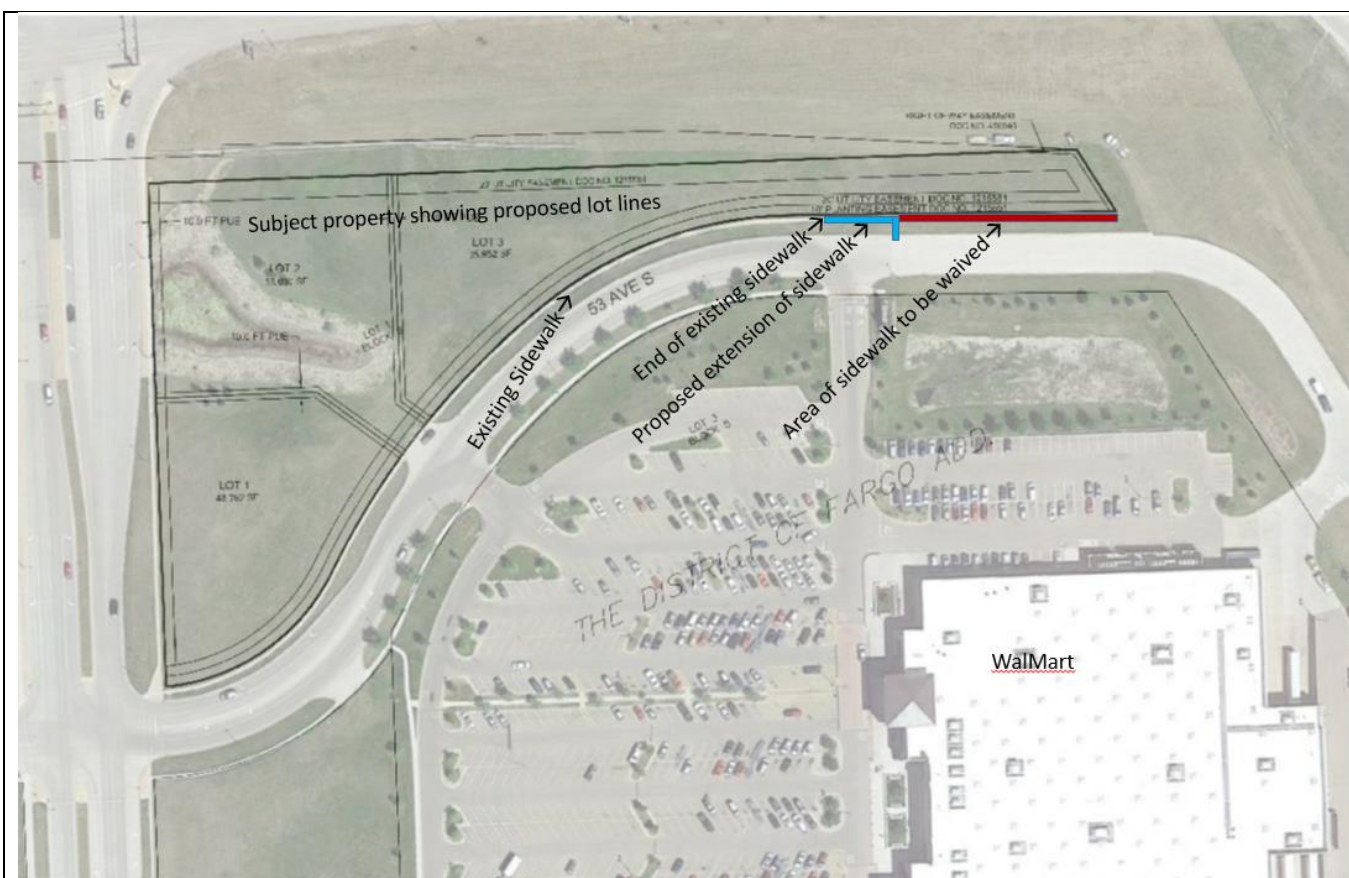
Pedestrian / Bicycle: An off-road bike facility is located along 38th Street South and is a component of the metro area trail system.

Staff Analysis:

ACCESS: The lots will take access from 53rd Avenue South, an existing dedicated public street.

PUBLIC WATER AND SEWER: Public water and sewer area available in 53rd Avenue South.

SIDEWALK WAIVER: The applicant requests a subdivision waiver for the sidewalk requirements (“sidewalk waiver”) that are stated in Section 20-0609 of the LDC. Specifically, the applicant requests that the requirement to extend the existing sidewalk along 53rd Avenue South further eastward along the full length of the property frontage of proposed Lot 3 be waived. As an alternative, the applicant proposes that the existing sidewalk be extended approximately 70 feet to the east and a crosswalk be provided for to align with a short sidewalk on the east side of the driveway entrance to WalMart, as depicted in the graphic below



City staff has determined that extending the existing sidewalk the full width of the property frontage along 53rd Avenue South would serve no purpose of connectivity or accessibility, as the sidewalk is blocked from extension to the east beyond the property by the right of way for Interstate 29. Additionally, as 53rd Avenue South continues past the driveway entrance to Walmart, it terminates as an entrance to the WalMart loading dock, an area not intended for pedestrians. Findings for the sidewalk waiver are below.

The LDC stipulates that the following criteria are 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 subject property is located within the 2007 Growth Plan. This plan designates the subject property as the most suitable for "Commercial" land use. The zoning for the project site is LC, Limited Commercial, which falls within the "Commercial" land use designation. This zoning will accommodate the proposed commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no comment or inquiries from the public. 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.

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)**

The LDC stipulates that the following criteria are met before a sidewalk waiver can be approved:

1. **Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**

Extending the existing sidewalk the full width of the property frontage of proposed Lot 3 along 53rd Avenue South would serve no purpose of connectivity or accessibility, as the sidewalk is blocked from extension beyond the property by the right of way for Interstate 29. Additionally, as 53rd Avenue South continues past the driveway entrance to Walmart, it terminates as an entrance to the WalMart loading dock, an area not intended for pedestrians. Approval of the sidewalk waiver does not cut off access to adjacent properties.

2. **Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

Approval of the sidewalk waiver would waive the requirement to construct approximately 220 feet of sidewalk which would have no further connection to the east of the subject property.

3. **Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**

Only the sidewalk requirement of Section 20-0609 of the LDC would be affected by approval of this waiver.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) **The District of Fargo Third Addition** subdivision plat; and 2) Sidewalk Waiver, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 3, 2017

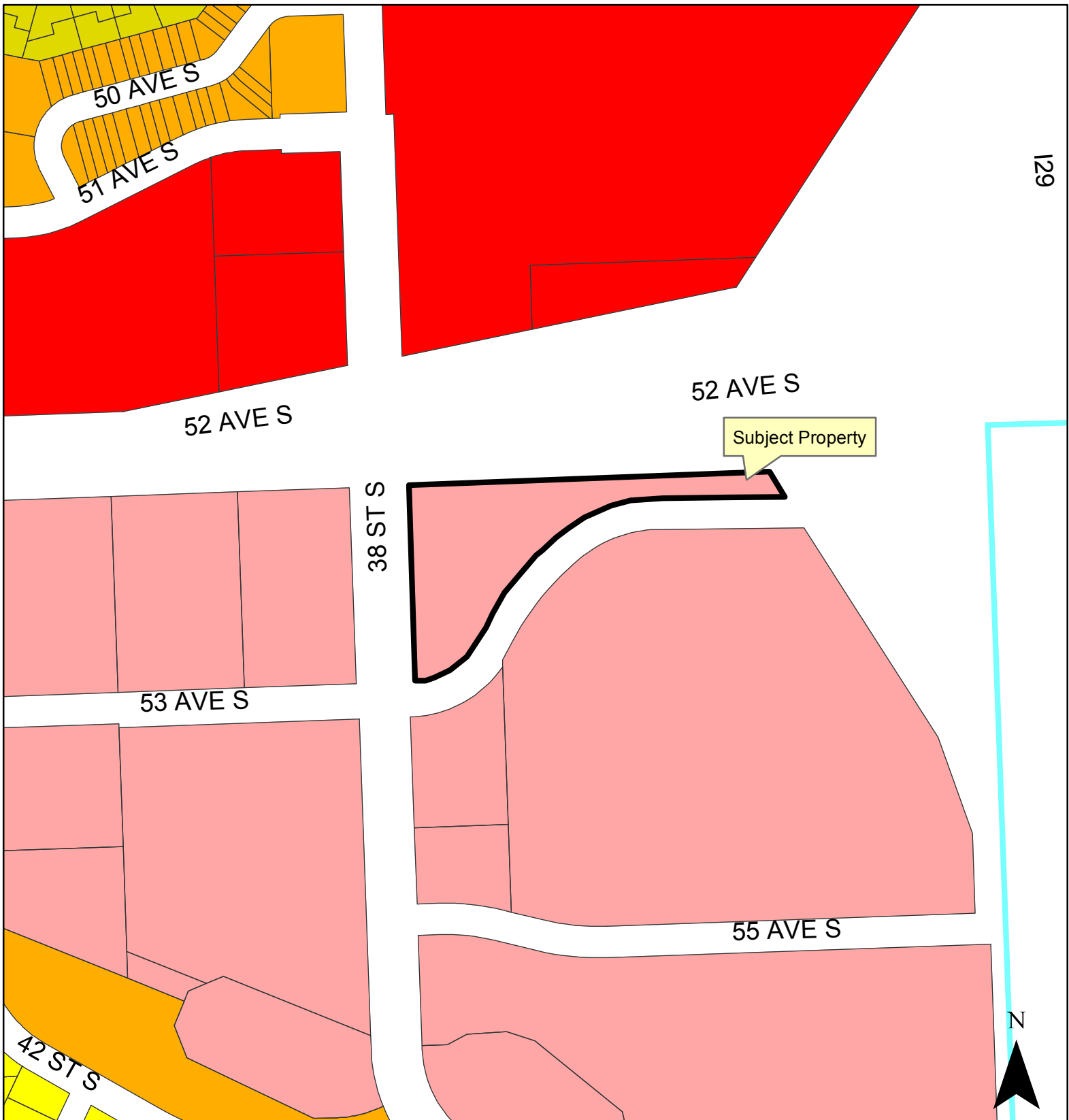
Attachments:

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

Plat (Minor) & Sidewalk Waiver

The District of Fargo 3rd Addition

3751 53rd Avenue South



Legend



Plat (Minor) & Sidewalk Waiver

The District of Fargo 3rd Addition

3751 53rd Avenue South



BEING A REPLAT OF LOT 1 BLOCK 6 OF THE DISTRICT OF FARGO ADDITION
WITHIN THE NE $\frac{1}{4}$ SECTION 3, TOWNSHIP 138 NORTH, RANGE 49 WEST
CITY OF FARGO, CASS COUNTY, ND
(A MINOR SUBDIVISION)



THE DISTRICT OF FARGO 3RD ADDITION

BEING A REPLAT OF LOT 1 BLOCK 6 OF THE DISTRICT OF FARGO ADDITION
WITHIN THE NE ¼ SECTION 3, TOWNSHIP 138 NORTH, RANGE 49 WEST
CITY OF FARGO, CASS COUNTY, ND
(A MINOR SUBDIVISION)

OWNER'S DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT BATIS DEVELOPMENT COMPANY A NORTH DAKOTA CORPORATION WHOSE ADDRESS IS TOPEKA, KANSAS AS OWNER OF A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1 BLOCK 6 OF THE DISTRICT OF FARGO ADDITION TO THE CITY OF FARGO, CASS COUNTY NORTH DAKOTA. SAID TRACT OF LAND CONTAINS 3.896 ACRES, MORE OR LESS AND IS SUBJECT TO EASEMENTS AS MAY BE OF RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED AND PLATTED AS “THE DISTRICT OF FARGO 3RD ADDITION” TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, AND DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, ALL UTILITY EASEMENTS AS SHOWN ON THIS PLAT.

BATIS DEVELOPMENT COMPANY

BY: _____
MATHEW D. WERNER, VICE PRESIDENT

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, IN THE YEAR OF 2017, BEFORE ME PERSONALLY APPEARED MATHEW D WERNER, VICE PRESIDENT, BATIS DEVELOPMENT COMPANY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY OF FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION ON THIS _____ DAY OF _____, 2017.

SHARA FISCHER, CHAIR
FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED SHARA FISCHER, PLANNING COMMISSION CHAIR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

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

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, DOUGLAS W. KUMMER, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED “THE DISTRICT OF FARGO 3RD ADDITION” TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN.

DATED THIS _____ DAY OF _____, 2017.

DOUGLAS W. KUMMER, PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA LICENSE NO. 1225

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED DOUGLAS W. KUMMER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS _____ DAY OF _____, 2017.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017 BEFORE ME, A NOTARY PUBLIC WITHIN 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 THAT THEY EXECUTED THE SAME IN THE NAME OF THE FARGO CITY COMMISSION

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

APPROVED BY CITY ENGINEER THIS _____ DAY OF _____, 2017.

MARK H. BITTNER, CITY ENGINEER

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED MARK H. BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

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

PROPERTY OWNER:
Batis Development Company
2933 Woodside Drive SW
Suite 200
Topeka, KS 66614
Phone: 785–272–4400

LAND SURVEYOR:
Roers Development, Inc.
200 45th Street S, Fargo,
North Dakota 58103
Phone: 701–356–5050

**City of Fargo
Staff Report**

Title:	Maple Valley 3rd Addition	Date:	9/27/2017
Location:	3325-3349 Maple Leaf Loop	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lots 19-27 and 29-31, Maple Valley 2 nd Addition		
Owner(s)/Applicant:	Wildstone Development, LLC /John Holland	Engineer:	Houston Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lots 19-27 and 29-31, Maple Valley 2 nd Addition Addition)		
Status:	Planning Commission Public Hearing: October 3, 2017		

Existing	Proposed
Land Use: Residential	Land Use: No change
Zoning: SR-4	Zoning: No change
Uses Allowed: Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: No change
Maximum Density: Maximum 12.1 units per acre	Maximum Density: No Change

Proposal:

The applicant requests a minor subdivision, entitled **Maple Valley Third Addition**, which is a replat of Lots 19-27 and 29-31, Maple Valley 2nd Addition Addition) into a 10 lot, one block subdivision. Lot sizes range from 7,525 square feet to 19,924 square feet in area. The property is zoned SR-4, Single-Dwelling Residential. No zone change is proposed.

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

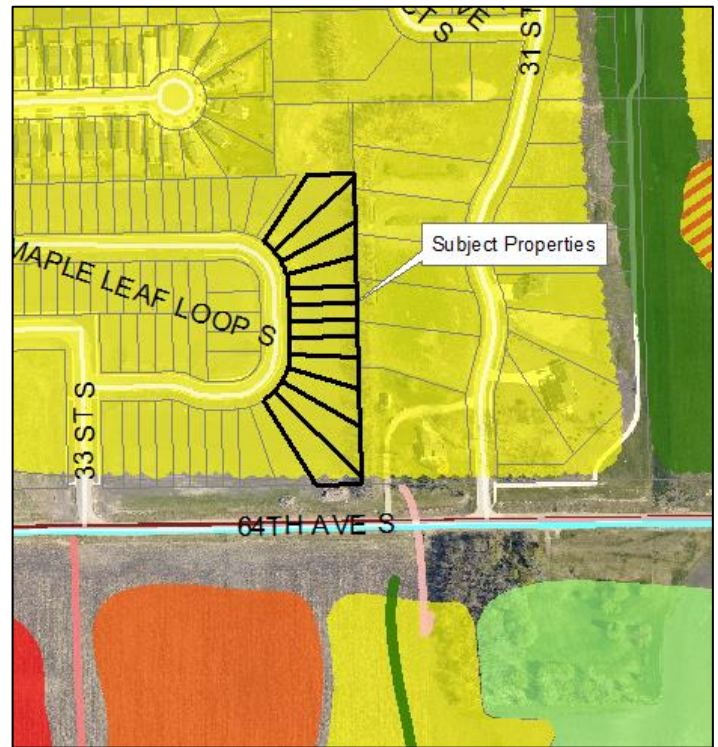
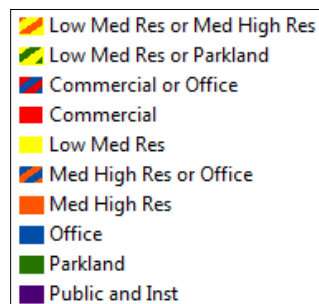
Surrounding Land Uses and Zoning Districts:

- North: SR-4, Single-Dwelling Residential with drainage pond use
- East: SR-2, Single-Dwelling Residential and AG, Agricultural zoning with single-family residence and vacant land uses
- South: Across 64th Avenue South, Cass County with AG zoning and agricultural use.
- West: SR-4, Single-Dwelling Residential with single-family residence and vacant land uses

(continued on next page)

Area Plans:

The subject property is located within the 2001 Growth Plan. This plan designates the subject property as the most suitable for “Low / Medium Density Residential” land use.



Schools and Parks:

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

Neighborhoods: The subject property is located in the Maple Valley neighborhood.

Parks: Prairie Farms Park (currently without address) is located approximately 650 feet northwest of the properties and will offer amenities in the future.

Pedestrian / Bicycle: An off-road bike facility is located approximately 300 feet east of the properties within Prairie Farms Park and is a component of the metro area trail system.

Staff Analysis:

ACCESS: The lots will take access from Maple Leaf Loop South, an existing dedicated public street.

PUBLIC WATER AND SEWER: Public water and sewer are available in Maple Leaf Loop South.

PROPOSED HOUSING PRODUCT: At this time, the applicant proposes to develop the lots with twinhomes. Twinhomes have one residential unit on each side of the lot line that divides the building. Twinhomes are allowed in the SR-4 zoning district.

The LDC stipulates that the following criteria are 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 subject property is located within the 2001 Growth Plan. This plan designates the subject property as the most suitable for "Low / Medium Residential" land use. The zoning for the project site is SR-4, Single-Dwelling Residential, which falls within the "Low / Medium Density Residential" land use designation. This zoning will accommodate the proposed residential development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received two inquiries from the public. 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.

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 **Maple Valley Third Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 3, 2017

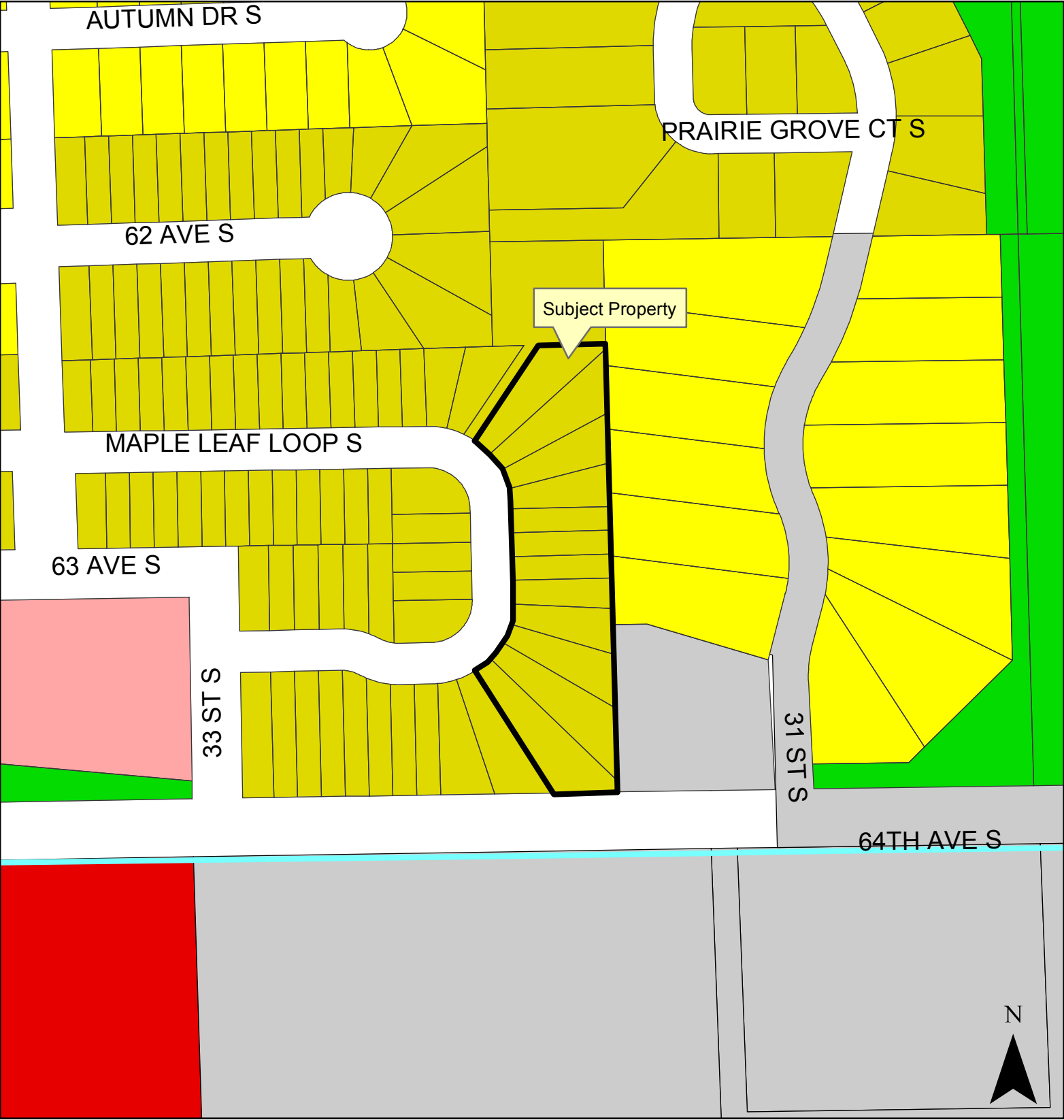
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Graphic of proposed housing product

Plat (Minor)

Maple Valley 3rd Addition

3325 - 3349 Maple Leaf Loop S



Legend

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

300

Feet

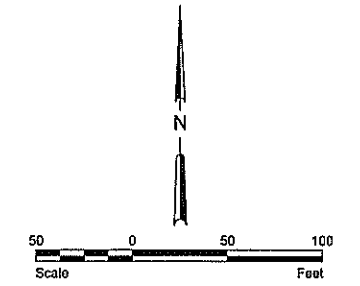
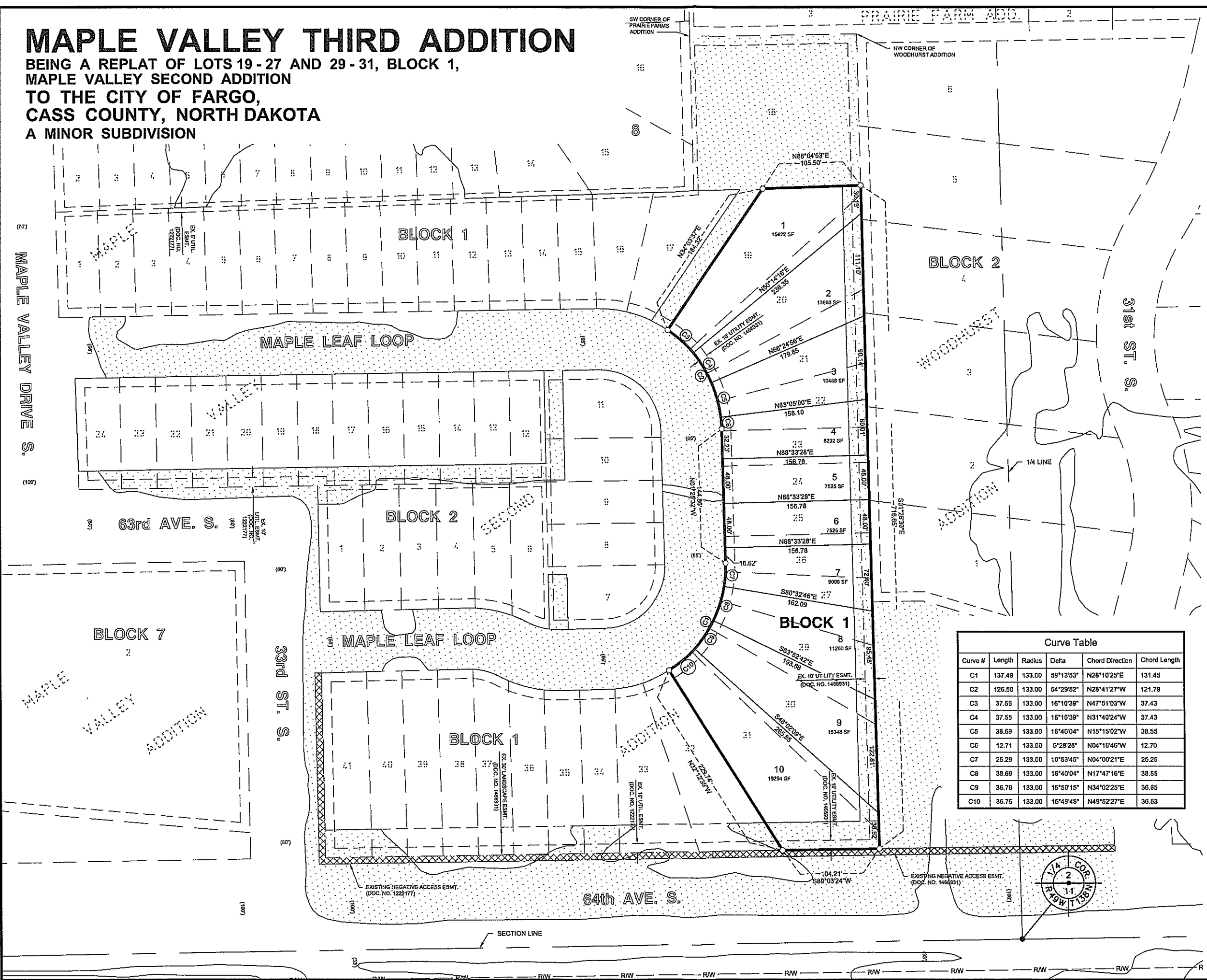
Plat (Minor)

Maple Valley 3rd Addition

3325 - 3349 Maple Leaf Loop S



MAPLE VALLEY THIRD ADDITION
BEING A REPLAT OF LOTS 19 - 27 AND 29 - 31, BLOCK 1,
MAPLE VALLEY SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION



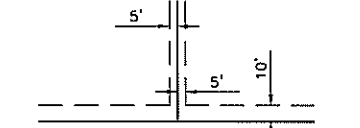
- LEGEND**
- IRON MONUMENT FOUND
 - 1/2" I.D. PIPE SET
 - NEGATIVE ACCESS ESMT.
 - ZONE AE

NOTES:
PORTIONS OF THIS PROPERTY HAVE BEEN REMOVED FROM THE SPECIAL FLOOD HAZARD AREA BY LOMR-F CASE NO. 17-08-0199A DATED JANUARY 6, 2017. PORTIONS OF THIS PROPERTY REMAIN LOCATED IN ZONE AE (100-YEAR FLOODPLAIN) ON FEMA FIRM PANEL 58017C0787G, DATED JANUARY 16, 2016, AND ARE SHOWN ON THE PLAT.

BASE FLOOD ELEVATION = 906.7' (NAVD 1988)

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

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



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THE PLAT.

UTILITY EASEMENTS ARE SHOWN THUS

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	137.49	133.00	59°13'53"	N28°10'25"E	131.45
C2	126.50	133.00	54°29'52"	N28°41'27"W	121.79
C3	37.55	133.00	16°10'39"	N47°51'03"W	37.43
C4	37.55	133.00	16°10'39"	N31°40'24"W	37.43
C5	38.69	133.00	16°40'04"	N15°15'02"W	38.55
C6	12.71	133.00	5°28'28"	N04°10'46"W	12.70
C7	25.29	133.00	10°53'45"	N04°00'21"E	25.25
C8	38.69	133.00	16°40'04"	N17°47'16"E	38.55
C9	36.76	133.00	15°50'15"	N34°02'25"E	36.65
C10	36.75	133.00	15°49'48"	N49°52'27"E	36.63

H:\Fargo\BNA56005675\17_5675_007\CADD\Plat\Plat Rev3.dwg-Layout1-8/1/2017 3:46 PM-(Kstoud)

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Wildstone Development, LLC, a North Dakota Limited Liability Company, is the owner and proprietor of Lots 19 - 27 and 29 - 31, Block 1, Maple Valley Second Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 2.702 acres, more or less.

And that said party has caused the same to be surveyed and replatted as MAPLE VALLEY THIRD ADDITION to the City of Fargo, Cass County, North Dakota, and does hereby dedicate and convey to the public, for public use the utility easements shown on the plat.

OWNERS:

Wildstone Development, LLC

John T. Holland, President

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Curtis A. Skarphol, 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____.

Curtis A. Skarphol, Professional Land Surveyor No. 4723

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

FARGO PLANNING COMMISSION APPROVAL:

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

Shara Fischer, Chair
Fargo Planning Commission

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared John T. Holland, President of Wildstone Development, LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Corporation.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

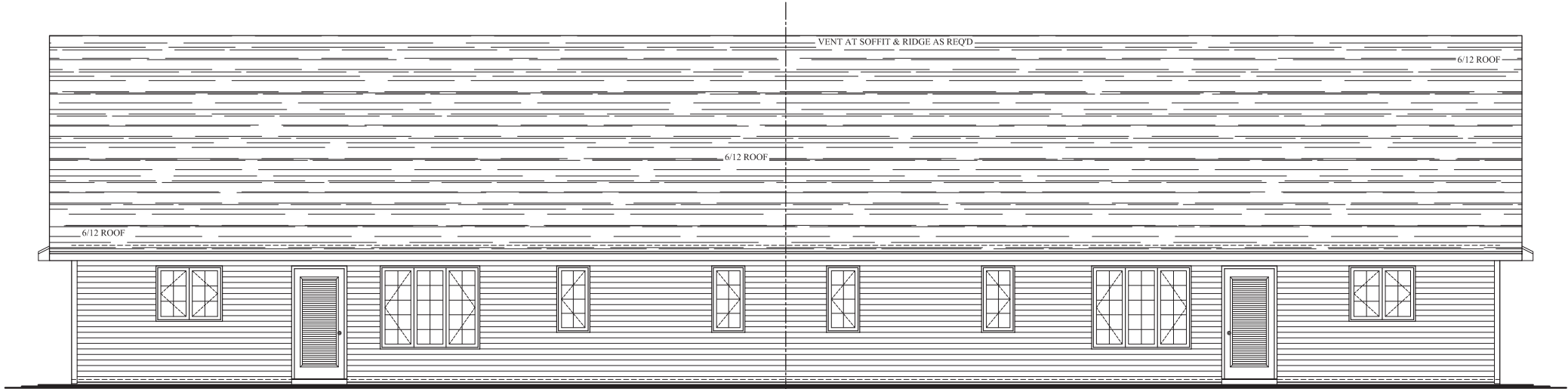
MAPLE VALLEY THIRD ADDITION

BEING A REPLAT OF LOTS 19 THROUGH 31, BLOCK 1,
MAPLE VALLEY SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION



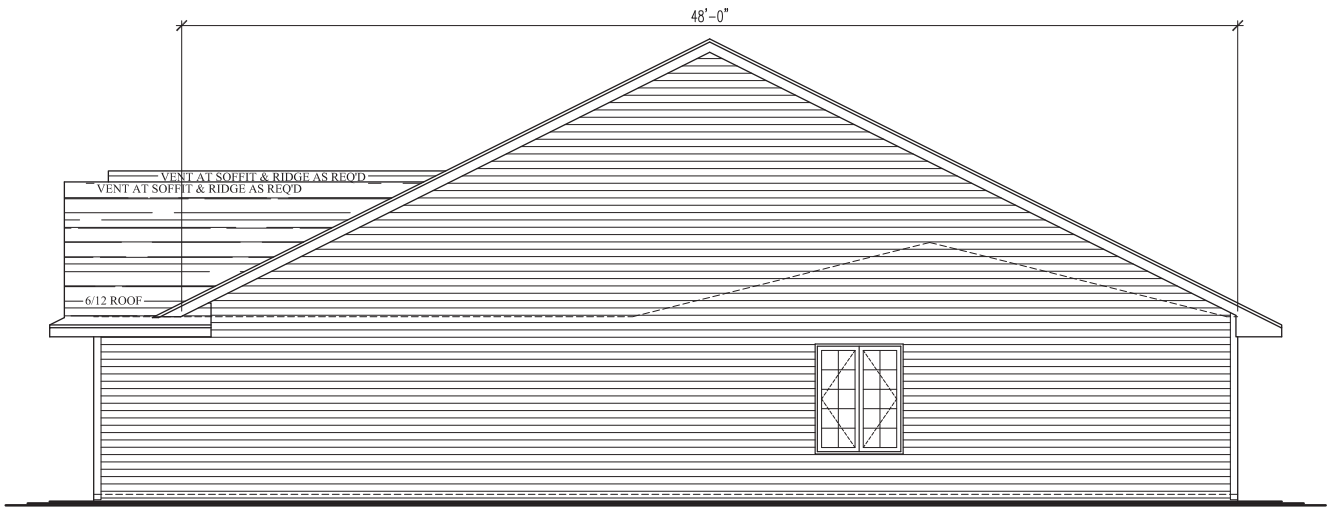
Houston Engineering Inc.
Phone: 701.237.5065

Sheet 2 of 2
Project No. 5675-007



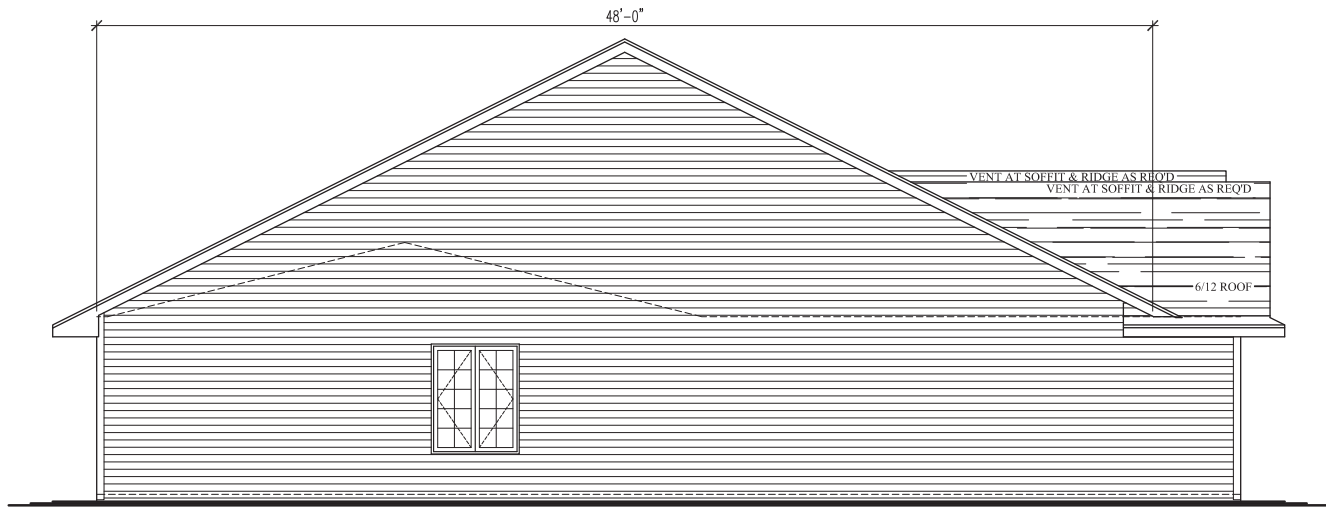
BACK ELEVATION

SCALE: 1/4" = 1'-0"



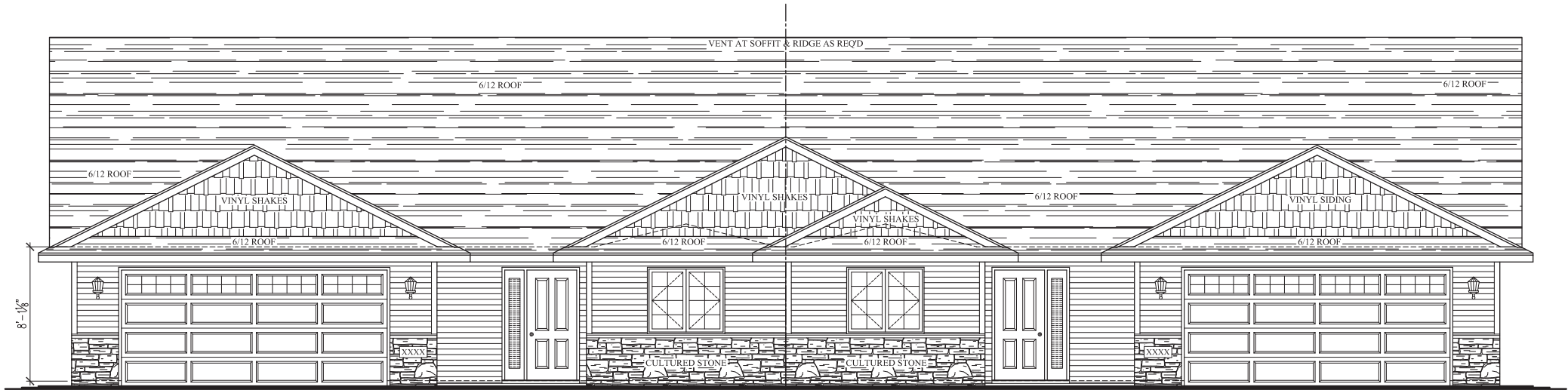
RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

REVISIONS

00/00/00

CROOKSTON BUILDING CENTER
P.O. BOX 515 - 537 MARIN AVE.
CROOKSTON, MN 56716

CRARY DEVELOPMENT
HIGHLAND TOWNHOMES 2015

DRAWN BY: B.M.L.

DATE: 09/03/15

APPROVED BY:

PAGE

1 OF 3