

FARGO PLANNING COMMISSION AGENDA
Tuesday, July 3, 2018, at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of June 5, 2018
- C: Brown Bag Luncheon - None
- D: Public Hearing Items:
 - 1a. Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO SEPTEMBER 4, 2018
 - 1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO SEPTEMBER 4, 2018
 - 1c. Continued hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO SEPTEMBER 4, 2018
 - 1d. Continued hearing on an application requesting a Plat of **NSC Addition** (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO SEPTEMBER 4, 2018
 - 2a. Continued hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay to SR-4, Single-Dwelling Residential, and SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay to P/I, Public and Institutional with a C-O, Conditional Overlay, on a portion of the proposed **Providence at Prairie Farms Addition**. (Located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st Street South) (Prairie Farms LLC/Michael Domitrovich) (kb)

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

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

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

- 2b. Continued hearing on an application requesting a Plat of **Providence at Prairie Farms Addition** (Minor Subdivision) a replat of Lots 20-29, Block 1, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota. (Located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st Street South) (Prairie Farms LLC/Michael Domitrovich) (kb)
3. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on Lot 3, Block 1, **The District of Fargo Third Addition**. (Located at 3751 53rd Avenue South) (Panda Express, Inc./Henry Klover) (kb)
4. Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential on a portion of Lots 13 and 14, Block 3, **Legacy I 2nd Addition**. (Located at 2173 and 2175 58th Avenue South) (Ryan Lizotte/Gerald Ripplinger) (kb)
5. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on Lots 2-18, Block 3, **Grayland First Addition**. (Located at 6313, 6333, 6347, 6363, 6379, 6393, 6405, 6421, 6439, 6457, 6473, 6491, 6507, 6523, 6541, 6561, and 6583 54th Avenue South) (Grayland Holdings Company/Ben Saucke) (dk)
- 6a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a C-O, Conditional Overlay within the boundaries of the proposed **Golden Valley Second Addition**. (Located at 6737 25th Street South) (Ryland Development Corp/Jon Youness) (dk)
- 6b. Hearing on an application requesting a Plat of **Golden Valley Second Addition** (Major Subdivision) on a portion of the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 6737 25th Street South) (Ryland Development Corp/Jon Youness) (dk)
7. Hearing on an application requesting a Plat of **Parkview South Eighth Addition** (Minor Subdivision) on Lot 32, Block 2, Parkview South Second Addition to the City of Fargo, Cass County, North Dakota, to include a Subdivision Waiver for lot size on Lots 1, and 3-16, Block 1, of the proposed Parkview South Eighth Addition. (Located at 3210 26th Avenue South) (City of Fargo) (me)
8. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on Block 26 and Lots 1, 12, 13 and part of Lots 2-11, Block 27, **Reeves Addition**, and adjacent vacated right-of-way, Auditor's Lot No.1, and an unplatted portion of the South Half of Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1620, 1624, 1630, and 1632 1st Avenue North) (MBA Investments, LLC) (me)

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

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

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

- 9a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential within the boundaries of the proposed **Gardenia Addition**. (Located at 2705 64th Avenue South) (Robert D. Kost) (an)
- 9b. Hearing on an application requesting a Plat of **Gardenia Addition** (Major Subdivision) on Auditor's Lot 10 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2705 64th Avenue South) (Robert D. Kost) (an)
10. Hearing on an application requesting a Plat of **Urban Plains by Brandt Fourth Addition** (Minor Plat) on Lots 2 and 3, Block 1, Urban Plains by Brandt Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5616 26th Avenue South) (Urban Plains Land Co., LLC/Houston Engineering) (an): CONTINUED TO AUGUST 7, 2018
11. Hearing on an application requesting a Plat of **Maier Second Addition** (Major Subdivision) on a portion of Lot 4, Block 2, Maier First Subdivision and unplatted tax Lots 23 and 24 in the Southeast Quarter of Section 36, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota including a Subdivision Waiver to reduce the size of a cul-de-sac. (Located at 1135, 1141, and 1201 49th Avenue South) (City of Fargo) (bv)
12. Hearing on an application requesting a Plat of **Simonson Companies First Addition** (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Simonson First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3825 53rd Avenue South) (Arch Simonson/Lowry Engineering) (bv)

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

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

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

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, June 5, 2018

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, June 5, 2018.

The Planning Commissioners present or absent were as follows:

Present: Shara Fischer, John Gunkelman, Mike Magelky, Mary Scherling, Rocky Schneider, Melissa Sobolik, Kelly Steffes, Maranda Tasa, Brad Bachmeier

Absent: Scott Stofferahn, Dawn Morgan

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following Agenda items:

- Items 1a, 1b, 1c, 12a, and 12b have been withdrawn by the applicant.
- Items 10a and 10b have been continued to the July 3, 2018 Planning Commission meeting.
- Items 4 and 5 will be presented together.

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

Item B: Minutes: Regular Meeting of May 1, 2018

Member Magelky moved the minutes of the May 1, 2018 Planning Commission meeting be approved. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

Item C: June 20, 2018 Brown Bag Luncheon

Topic: To Be Determined

Item D: Public Hearing Items:

Item 1: Kirkham's Second Addition

1a. Continued hearing on an application requesting a Growth Plan Amendment on Lots 4-9, Block 14, Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): WITHDRAWN

1b. Continued hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential, to LC, Limited Commercial with a PUD, Planned Unit Development Overlay on Lots 4-9, Block 14, Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): WITHDRAWN

1c. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan for Lots 4-9, Block 14, Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): WITHDRAWN

A hearing had been set for March 6, 2018. At the March 6, 2018 meeting, the Hearing was continued to April 3, 2018. At the April 3, 2018 the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

Item 2: Urban Plains by Brandt 1st Addition

Continued hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, on Lot 1, Block 4, Lots 2-4, Block 5, and Lots 3-4, Block 8, Urban Plains by Brandt 1st Addition; Lots 2-3, Block 1, Lot 2, Block 2, Lot 1, Block 3, Lots 2-3, Block 5, and part of Lot 1, Block 5, Urban Plains by Brandt 2nd Addition; Lots 5-6, Block 1, Urban Plains Medical Park Addition; Lots 7-9 and part of Lot 10, Block 1, Urban Plains Retail Addition; Lots 1-3, Block 3 and Lot 1, Block 4, Urban Plains Center Addition; Parts of Lots 3 and 5, and all of Lot 4, Block 1, Urban Plains Northeast Retail Addition; and Lots 2-3, Block 1, Urban Plains Northeast Retail 2nd Addition. (Located at 4680, 5100, and 5101 28th Avenue South; 4651 and 4845 30th Avenue South; 5298 31st Avenue South; 4543 and 4737 32nd Avenue South; 2911 45th Street South; 2640, 2660, 2720, 2740, 2760, and 2780 47th Street South; 3180 49th Street South; 3023, 3057, 3079, and 2701 51st Street South; 2633 and 2867 55th Street South; 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South; 3050 and 3155 Brandt Drive South; and 4574 Urban Plains Drive South) (Urban Plains Land Company LLC/Houston Engineering, Inc.): APPROVED

A hearing had been set for May 1, 2018. At the May 1, 2018 meeting, the Hearing was continued to this date and time.

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

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

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change to repeal and reestablish a C-O, Conditional Overlay as outlined in the staff report on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land

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

Item 3: Brandt Crossing Fourteenth Addition

Continued hearing on an application requesting a Plat of Brandt Crossing Fourteenth Addition (Minor Subdivision) a replat of Lot 2, Block 1, Brandt Crossing Tenth Addition; Lot 2, Block 1, Brandt Crossing Eleventh Addition; Lot 2, Block 1 Brandt Crossing Twelfth Addition; and Brandt Crossing Thirteenth Addition to the City of Fargo, Cass County, North Dakota. (Located at 5049 33rd Avenue South and 3252, 3266, 3274, and 3284 51st Street South) (Brandt Crossing, LLC/Nate Vollmuth): APPROVED

A hearing had been set for May 1, 2018. At the May 1, 2018 meeting, the Hearing was continued to this date and time.

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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Brandt Crossing Fourteenth Addition as outlined within the staff report, as the proposal 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 Steffes. On call of the roll Members Schneider, Sobolik, Bachmeier, Scherling, Steffes, Magelky, Gunkelman, and Fischer voted aye. Absent and not voting: Members Stofferahn, Morgan, and Tasa. The motion was declared carried.

Member Tasa Present.

Items 4 and 5 were presented together.

Item 4: 19th Avenue Northeast Pond Addition

4a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional with a C-O, Conditional Overlay within the boundaries of the proposed 19th Avenue Northeast Pond Addition. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP): APPROVED

4b. Continued hearing on an application requesting a Plat of 19th Avenue Northeast Pond Addition (Major Subdivision) a plat of part of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP): APPROVED

A hearing had been set for May 1, 2018. At the May 1, 2018 meeting, the Hearing was continued to this date and time.

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

Division Engineer Brenda Derrig spoke on behalf of the Engineering Department.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open spaces, and 2) Subdivision Plat, 19th Avenue Northeast Pond Addition as outlined in the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth 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 Scherling. On call of the roll Members Scherling, Gunkelman, Sobolik, Steffes, Magelky, Tasa, Bachmeier, Schneider, and Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item 5: 19th Avenue Southwest Pond Addition

5a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial, GI, General Industrial and P/I, Public and Institutional with a C-O, Conditional Overlay within the boundaries of the proposed 19th Avenue Southwest Pond Addition. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP): APPROVED

5b. Continued hearing on an application requesting a Plat of 19th Avenue Southwest Pond Addition (Major Subdivision) a plat of part of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP): APPROVED

A hearing had been set for May 1, 2018. At the May 1, 2018 meeting, the Hearing was continued to this date and time.

Member Steffes 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, GI, General Industrial, and P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open spaces; and 2) Subdivision Plat, 19th Avenue Southwest Pond Addition as outlined in the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth 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 Sobolik. On call of the roll Members Bachmeier, Gunkelman, Magelky, Scherling, Schneider, Sobolik,

Steffes, Tasa, and Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item 6: Reeves Addition

Hearing on an application requesting a Conditional Use Permit to allow Residential and Industrial Uses in a GC, General Commercial Zoning district on Block 26 and Lots 1, 12, 13 and part of Lots 2-11, Block 27, Reeves Addition, adjacent vacated right-of-way, Auditor's Lot No. 1, and an unplatted portion of the South Half of Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1620, 1624, 1630, and 1632 1st Avenue North) (MBA Investments, LLC/Kevin Bartram): APPROVED

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

Member Sobolik moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow residential and industrial uses (manufacturing and production, industrial services, warehouse and freight movement, and wholesale sales) in a GC, General Commercial Zoning District be approved as the proposal complies with Section 20-0909.D (1-6), the GO2030 Fargo Comprehensive Plan, and all other requirements of the Land Development Code, with the following conditions:

- 1) There shall be no more than one residential dwelling unit.
- 2) The minimum open space required for the subject property shall be 15% of the lot area.
- 3) Bicycle parking facilities, such as bike rack or bike lockers, shall be provided on-site.
- 4) Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. the primary entrance or entrances to each commercial building
 - b. parking areas that serve such commercial buildings
 - c. the public sidewalk or walkway within the 1st Avenue North right-of-way

in locations where pedestrian walkways intersect or cross vehicular circulation areas, pavement striping or contrasting paving type shall be used along with signage and/or other design methods to demarcate the pedestrian circulation system.

- 5) Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as defined by the Land Development Code.

- 6) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.
- 7) The manufacturing, production, or processing of food and/or animal products shall not be permitted, except for brewing of beer.
- 8) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 9) Any expansion of manufacturing and production, industrial services, warehouse and freight movement, and wholesale sales shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 10) No loading or unloading operations may be conducted between the hours of 10:00 p.m. and 6:00 a.m.

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

Item 7: Craigs Oak Grove Addition

Hearing on an application requesting a Plat of Craigs Oak Grove Addition (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota, including a Subdivision Waiver to reduce the size of a cul-de-sac and a right-of-way name change. (Located at 43, 44, and 48 5th Avenue North; 10, 14, and 22 6th Avenue North; and 505, 509, 515, and 519 Oak Street North) (Craig Holdings LLC/Jesse Craig): APPROVED

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

Applicant Jesse Craig spoke on behalf of the application.

The following property owners spoke in opposition to the proposal:

Paul Seminary, 59 6th Avenue North
Craig Roath, 730 Elm Street North, Unit B5

City Attorney Eric Johnson provided information on the ownership of vacated right-of-way property.

Ms. Derrig spoke on behalf of the Engineering Department regarding alleyways and infrastructure.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Subdivision Plat, Craigs Oak Grove Addition, 2) vacation plat, and 3) Subdivision Waiver of Sections 20-0611 and 20-0609 of the Land Development Code as outlined in the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Chapter 40-39 of the North Dakota Century Code, the Standards of Article 20-06, and Section 20-0907 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Bachmeier. On call of the roll Members Gunkelman, Sobolik, Steffes, Bachmeier, Tasa, Magelky, Schneider, Scherling, and Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item 8: Black Mountain Addition

8a. Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial and AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay within the boundaries of the proposed Black Mountain Addition. (Located at 3149, 3151, and 3185 Main Avenue) (Black Mountain/Mike Arnold): APPROVED

8b. Hearing on an application requesting a Plat of Black Mountain Addition (Minor Subdivision) a replat of Lot 1 and part of Lot 2, Goodman's Subdivision; Lot 1, Teigen's Subdivision; and part of the South Half of Section 2, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, to the City of Fargo, Cass County, North Dakota to include a Subdivision Waiver on Lot 2, Block 1. (Located at 3149, 3151, and 3185 Main Avenue) (Black Mountain/Mike Arnold): APPROVED

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

Applicant Mike Arnold spoke on behalf of the application.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from GC, General Commercial to LI, Limited Industrial and P/I, Public and Institutional with a C-O, Conditional Overlay and AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay for portions of the lots within the proposed subdivision, and 2) Subdivision Plat, Black Mountain Addition, including a Subdivision Waiver for a drain setback as outlined in the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0906.F (1-4), and Section 20-0907(D)(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 Tasa, Steffes, Sobolik, Schneider, Scherling, Magelky, Gunkelman, Bachmeier, Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item 9: Champions Gate at Prairie Farms Addition

9a. Hearing on an application requesting a Zoning Change from SR-1, Single-Dwelling Residential to SR-3, Single-Dwelling Residential, within the boundaries of the proposed Champions Gate at Prairie Farms Addition. (Located at 5501, 5535, 5565, 5601, 5643, 5684, and 5757 31st Street South) (Prairie Farms LLC/Michael Domitrovich): APPROVED

9b. Hearing on an application requesting a Plat of Champions Gate at Prairie Farms Addition (Minor Subdivision) a replat of Lots 9-15, Block 6, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota. (Located at 5501, 5535, 5565, 5601, 5643, 5684, and 5757 31st Street South) (Prairie Farms LLC/Michael Domitrovich): APPROVED

Mr. Kress presented the staff report stating that all approval criteria have been met and staff is recommending approval. He noted that additional documents were submitted to the Board.

Applicant Michael Domitrovich spoke on behalf of the application. He noted that he held a neighborhood meeting with the City of Frontier.

Ms. Derrig spoke on behalf of the Engineering Department.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from SR-1, Single-Dwelling Residential to SR-3, Single-Dwelling Residential and 2) Subdivision Plat, Champions Gate at Prairie Farms Addition as outlined in the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2001 Growth 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 Magelky. On call of the roll Members Magelky, Steffes, Scherling, Gunkelman, Sobolik, Tasa, Bachmeier, Schneider, and Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

At 4:07 p.m., the Board took a five-minute break.

After recess: All Members present except Members Stofferahn and Morgan. Chair Fischer presiding.

Item 10: Providence at Prairie Farms Addition

10a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional

Overlay, on a portion of the proposed Providence at Prairie Farms Addition. (Located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st Street South) (Prairie Farms LLC/Michael Domitrovich): CONTINUED TO JULY 3, 2018

10b. Hearing on an application requesting a Plat of Providence at Prairie Farms Addition (Minor Subdivision) a replat of Lots 20-29, Block 1, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota. (Located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st Street South) (Prairie Farms LLC/Michael Domitrovich): CONTINUED TO JULY 3, 2018

A hearing had been set for this date and time; however the applicant has requested this item be continued to the July 3, 2018 Planning Commission meeting.

Item 11: Crescent Addition

Hearing on an application requesting a Plat of Crescent Addition (Minor Subdivision) a replat of Lots 2-5, Block 1, Engkjer Addition to the City of Fargo, Cass County, North Dakota. (Located at 3402 and 3502 4th Avenue South and 425 34th Street South) (Crescent Properties, LLC/Jim Schlieman): APPROVED

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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat, Crescent Addition as outlined within the staff report, as the proposal complies with the the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Magelky, Schneider, Scherling, Steffes, Tasa, Bachmeier, Gunkelman, Sobolik, and Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item 12: Spiry Third Addition

12a. Hearing on an application requesting a Conditional Use Permit to allow for a Telecommunication Support Structure (TSS) over 50 feet in height and not more than 125 feet in the LC, Limited Commercial Zoning district on Lot 4, Block 1 of Spiry Third Addition. (Located at 4200 32nd Avenue South) (32ND/42ND Properties LLC/Mark Borchert): WITHDRAWN

12b. Hearing on an application requesting a Conditional Use Permit to allow for a spacing distance reduction between a proposed Telecommunications Support Structure (TSS) on Lot 4, Block 1 of Spiry Third Addition and an existing Telecommunications Support Structure (TSS) over 125 feet in height, located less than a half mile from the subject property. (Located at 4200 32nd Avenue South) (32ND/42ND Properties LLC/Mark Borchert): WITHDRAWN

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

Item 13: Woodruffs Addition

Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential on Lots 10-17, Block 3, Lots 1-5, the West 7 feet of Lot 6, the East 135 feet of Lots 7 and 8, and Lot 9, Block 5, and Lot 7, Block 8, Woodruffs Addition; Lots 1-3, and the West Half of Lots 4-7, Block W, Chas A Roberts Addition; West 86 feet of Lots 9-12, Block X, Erskines Addition; and the South 71 feet less the West 59 feet of the North 115 feet of Lot 4, and the North 10 feet and the East 50 feet of Lot 5, Block 4, Island Park Addition. (Located at 703, 705, 711, 913, 927, 1001, 1003, 1009, and 1101 4th Street South; 920, 924, and 1010 5th Street South; 912, 918, 924, and 926 6th Street South; 403 8th Avenue South; and 415, 418, 419, 421, 422, 424, 426, 428, 501, 503, 505, 507, and 514 10th Avenue South) (City of Fargo): APPROVED

Planner Tyrone Grandstrand presented the staff report stating that all approval criteria have been met and staff is recommending approval.

Mr. Grandstrand shared that affected property owners were given the opportunity to opt out of the Zoning Change and that he has also visited with the Hawthorne Neighborhood Association.

Ms. Derrig spoke on behalf of the Engineering Department.

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from MR-2, Multi-Dwelling Residential to SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential as outlined within the staff report, on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Hawthorne Neighborhood Plan, and the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Scherling, Gunkelman, Tasa, Steffes, Bachmeier, Magelky, Schneider, Sobolik, and Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item E: Other Items:

Planning Director Nicole Crutchfield presented background on the proposed amendments. Ms. Crutchfield explained that the proposed amendments serve the purpose of aligning Community Development projects, goals, plans, and reports. She noted the following two amendments have been approved by the Community Development Committee.

Item 1: 2017 Community Development Action Plan Amendment – Fraser Ltd. Project

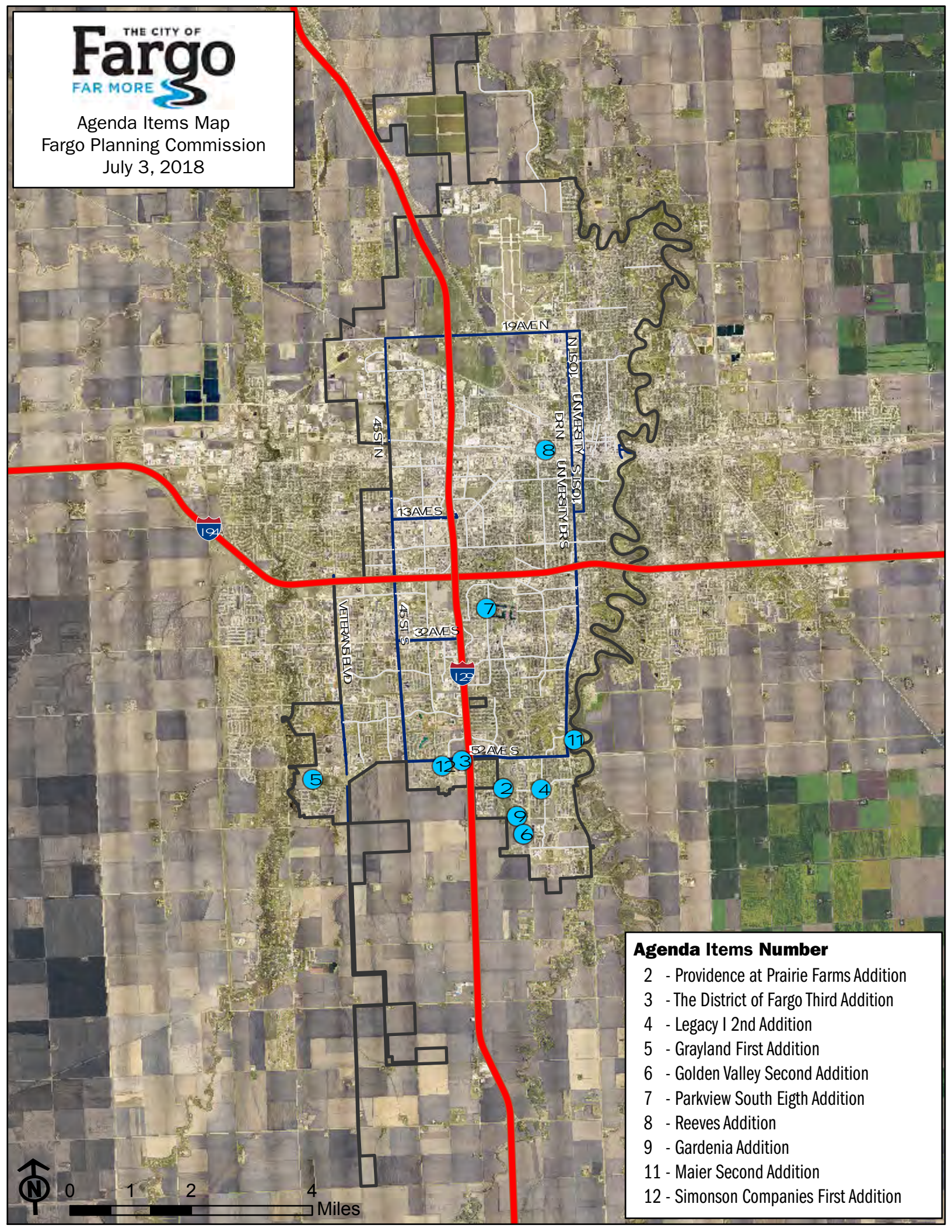
Member Magelky moved to approve the amendments to the 2017 Community Development Action Plan to accommodate a facility upgrade of the Fraser, Ltd. Intermediate Care Facility located at 2726 18th Street South. Second by Member Sobolik. On call of the roll Members Gunkelman, Sobolik, Steffes, Tasa, Magelky,

Schneider, Bachmeier, Scherling, and Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item 2: 2017 and 2018 Community Development Action Plan Amendment – HomeField Phase 2 Project

Member Schneider moved to approve the amendments to the 2017 and 2018 Action Plans regarding the HomeField Phase 2 project. Second by Member Scherling. On call of the roll Members Bachmeier, Steffes, Gunkelman, Magelky, Tasa, Schneider, Sobolik, Scherling, and Fischer voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

The time at adjournment was 4:25 p.m.



- Agenda Items Number**
- 2 - Providence at Prairie Farms Addition
 - 3 - The District of Fargo Third Addition
 - 4 - Legacy I 2nd Addition
 - 5 - Grayland First Addition
 - 6 - Golden Valley Second Addition
 - 7 - Parkview South Eighth Addition
 - 8 - Reeves Addition
 - 9 - Gardenia Addition
 - 11 - Maier Second Addition
 - 12 - Simonson Companies First Addition



City of Fargo Staff Report			
Title:	Providence at Prairie Farms Addition	Date:	5-25-18
		Update:	6-22-18
Location:	5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31 st St S	Staff Contact:	Kylie Bagley
Legal Description:	Lots 20-29, Block 1, Prairie Farms Addition		
Owner(s)/Applicant:	Prairie Grove, Inc. / Michael Domitrovich	Engineer:	Houston Engineering Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 20-29, Block 1, Prairie Farms Addition) and Zoning Change (from SR-4, Single-Dwelling Residential with a C-O, to SR-4 , Single-Dwelling Residential and from SR-4, Single-Dwelling Residential with a C-O, to P/I, Public and Institutional, with a C-O, Conditional Overlay on Lot 16, Block 1, Providence at Prairie Farms Addition)		
Status:	Planning Commission Public Hearing: July 3, 2018		

Existing
Land Use: Vacant
Zoning: SR-4, Single-Dwelling Residential with a C-O
Uses Allowed: detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
With a Conditional Overlay (C-O) to prohibit the following uses within the Use Category of Household Living: <ul style="list-style-type: none"> • House, Attached – prohibited • Duplex - prohibited
Maximum Density Allowed: Maximum 12.1 units per acre

Proposed
Land Use: Household Living and Park
Zoning: SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a C-O
Uses Allowed (SR-4): 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 (P/I): 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.
With a Conditional Overlay (C-O) to restrict land uses to parks and open space and outdoor recreation and entertainment
Maximum Density Allowed: Maximum 12.1 units per acre P/I Zoning District takes on the dimensional standards of the adjacent zoning district

Proposal:
The applicant is proposing a minor subdivision and zone change on the subject property. The subject properties are located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31 st St S, Lots 20-29, Block 1, Prairie Farms Addition, which encompasses approximately 4.5 acres. The applicant intends to replat in order to accommodate attached housing units.

The applicant is also proposing a zone change from SR-4, Single-Dwelling Residential with a Conditional Overlay to SR-4 Single-Dwelling Residential. In 2014 a conditional overlay was placed on SR-4 lots within Prairie Farms Addition in order to remove attached housing and duplexes from the list of permissible uses which will limit larger lots within Block 4 and Block 6 to detached housing which otherwise could accommodate a number of attached units based on density provisions within the SR-4 district. The current owner has a clear vision for the site and intends to have attached housing units.

The applicant is also proposing a zone change on Lot 16, Block 1, Providence at Prairie Farms Addition, from SR-4, Single-Dwelling Residential, to P/I, Public and Institutional in order to accommodate a public trail. This lot will eventually be owned by the Fargo Park District.

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.

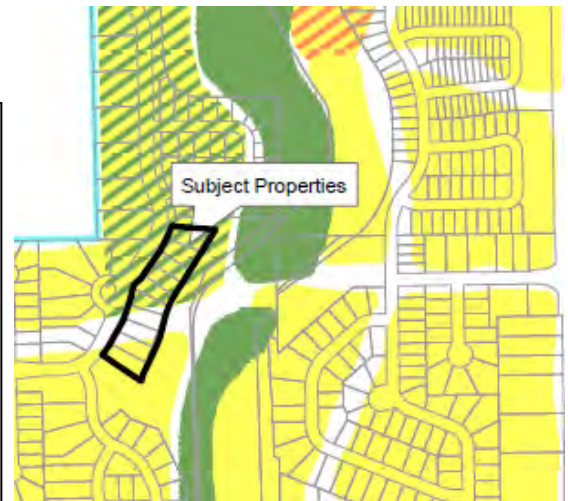
Surrounding Land Uses and Zoning Districts:

- North: Directly north is P/I, Public and Institutional, and SR-4, Single-Dwelling Residential, with vacant land and detached homes
- East: Directly east is P/I, Public and Institutional, with vacant land
- South: P/I and SR-4, Public and Institutional, and SR-4, Single-Dwelling Residential, with vacant land
- West: SR-4, Single-Dwelling Residential, with vacant land

Area Plans:

The subject property is located within the 2001 Growth Plan with the designation of Medium/High Density or Park/Open Space. The SR-4 zoning district complies with the Medium/High Density designation.

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



Schools and Parks:

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

Neighborhood: The subject property is located in the Maple Valley Neighborhood.

Parks: Prairie Farms Park (5970 31 Street South) is located directly east of the subject property.

Pedestrian / Bicycle: Off-road bike facilities run along 36th Street South and is a component of the metro area trail system.

Staff Analysis:

ACCESS AND SITE DESIGN: The project will take access from 31st Street South, an existing dedicated public street. The applicant intends to have a private driveway serving the individual lots, so there are not individual driveways directly onto 31st Street South. The private drive will have two accesses onto

31st Street South (see attached site plan).

SITE DESIGN: The applicant has provided a conceptual site plan, which is attached. It depicts the residences set back approximately 112 feet from the 31st Street South frontage, with the residences taking access from a private driveway that has two connections with 31st Street South. The area between 31st Street South and the private driveway is intended to be a landscaped area maintained by a homeowners association (HOA), though this area will be part of the individual homeowners' lots and not separate lots owned by the HOA.

ATTACHED HOUSING: 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.

Zoning

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

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

Staff is unaware of any zoning map error in regard to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. **(Criteria Satisfied)**

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

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

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

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

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

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

Minor Subdivision

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

1. Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-

0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The subdivision is intended to replat Lots 20-29, Block 1, Prairie Farms Addition into 16 lots and 1 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: 1) Zoning Change from SR-4, Single-Dwelling Residential with a C-O, to SR-4 , Single-Dwelling Residential on Lots 1-15, Block 1, Providence at Prairie Farms Addition; and from SR-4, Single-Dwelling Residential with a C-O, to P/I, Public and Institutional, with a C-O, Conditional Overlay on Lot 16, Block 1, Providence at Prairie Farms Addition and 2) Subdivision Plat, **Providence at Prairie Farms Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: July 3, 2018

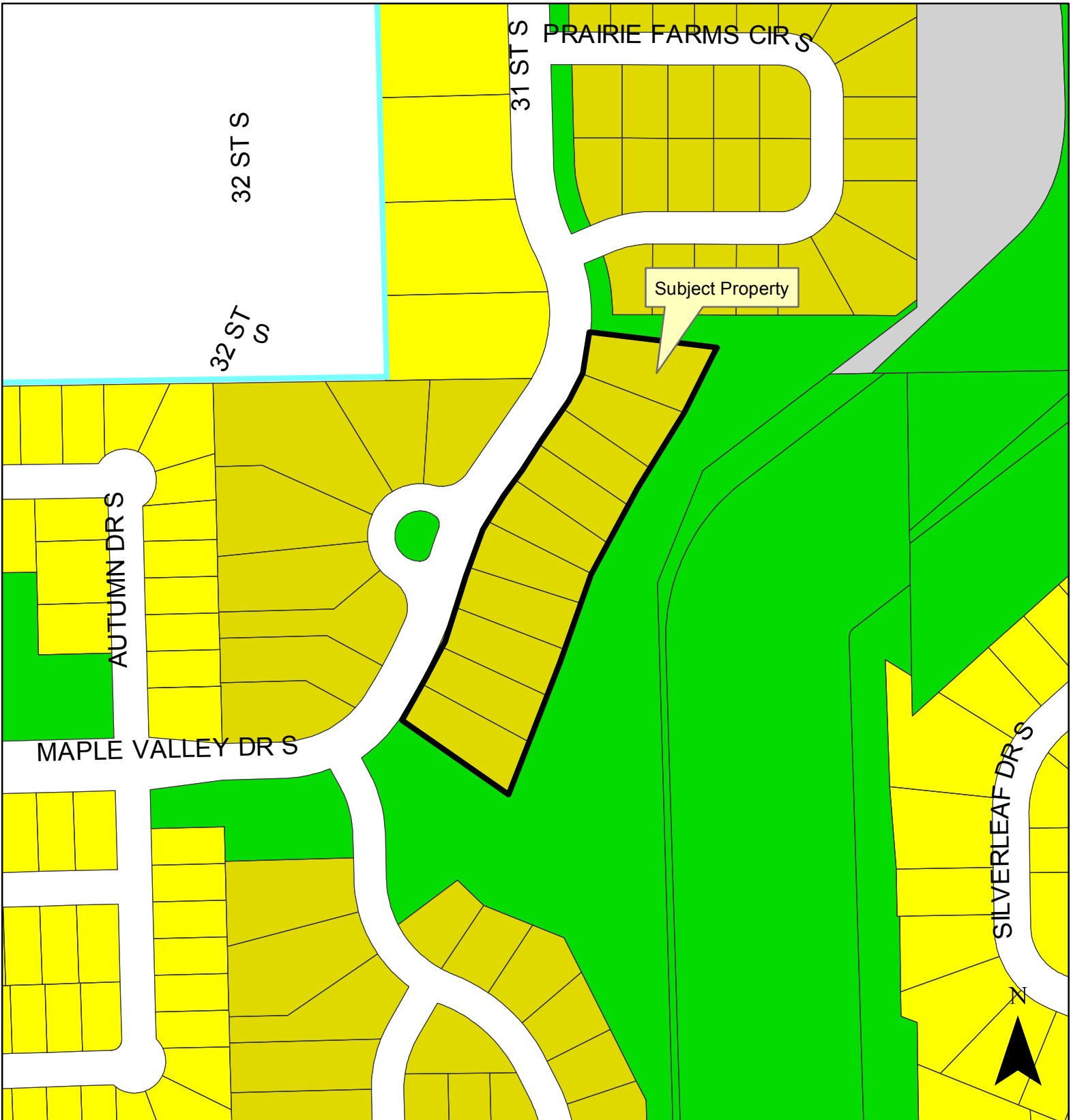
Attachments:

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

Plat (Minor) and Zone Change (SR-4 w/ C-O to SR-4 and P/I w/ C-O)

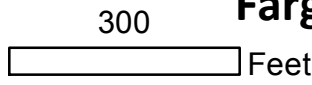
Providence at Prairie Farms Addition

5764 - 5920 31st Street South



Legend

AG	LC	MHP	SR-2
DM	MR-1	NC	SR-3
GC	MR-2	P/I	SR-4
GI	MR-3	UML	SR-5
GO			City Limits



Fargo Planning Commission

July 3, 2018

Plat (Minor) and Zone Change (SR-4 w/ C-O to SR-4 and P/I w/ C-O)

Providence at Prairie Farms Addition

5764 - 5920 31st Street South

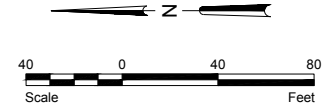


PROVIDENCE AT PRAIRIE FARMS ADDITION

BEING A REPLAT OF LOTS 20 THROUGH 29, BLOCK 1,
PRAIRIE FARMS ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION

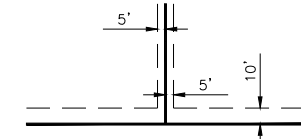
NOTES:

1. 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.
2. A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0787G, DATED JAN. 16, 2015.
3. BASE FLOOD ELEVATION = 906.7' (NAVD 1988)



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	-----
UTILITY EASEMENT	-----
EXISTING LOT LINE	-----
EXISTING UTILITY EASEMENT	-----
NEGATIVE ACCESS EASEMENT	XXXXXXXXXX
AREA WITHIN ZONE AE - FEMA 100-YEAR FLOODPLAIN	[Hatched Pattern]
VACATE EXISTING NO-BUILD ZONE / DRAINAGE EASEMENT WITH THIS DOCUMENT	[Cross-hatched Pattern]
BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM	

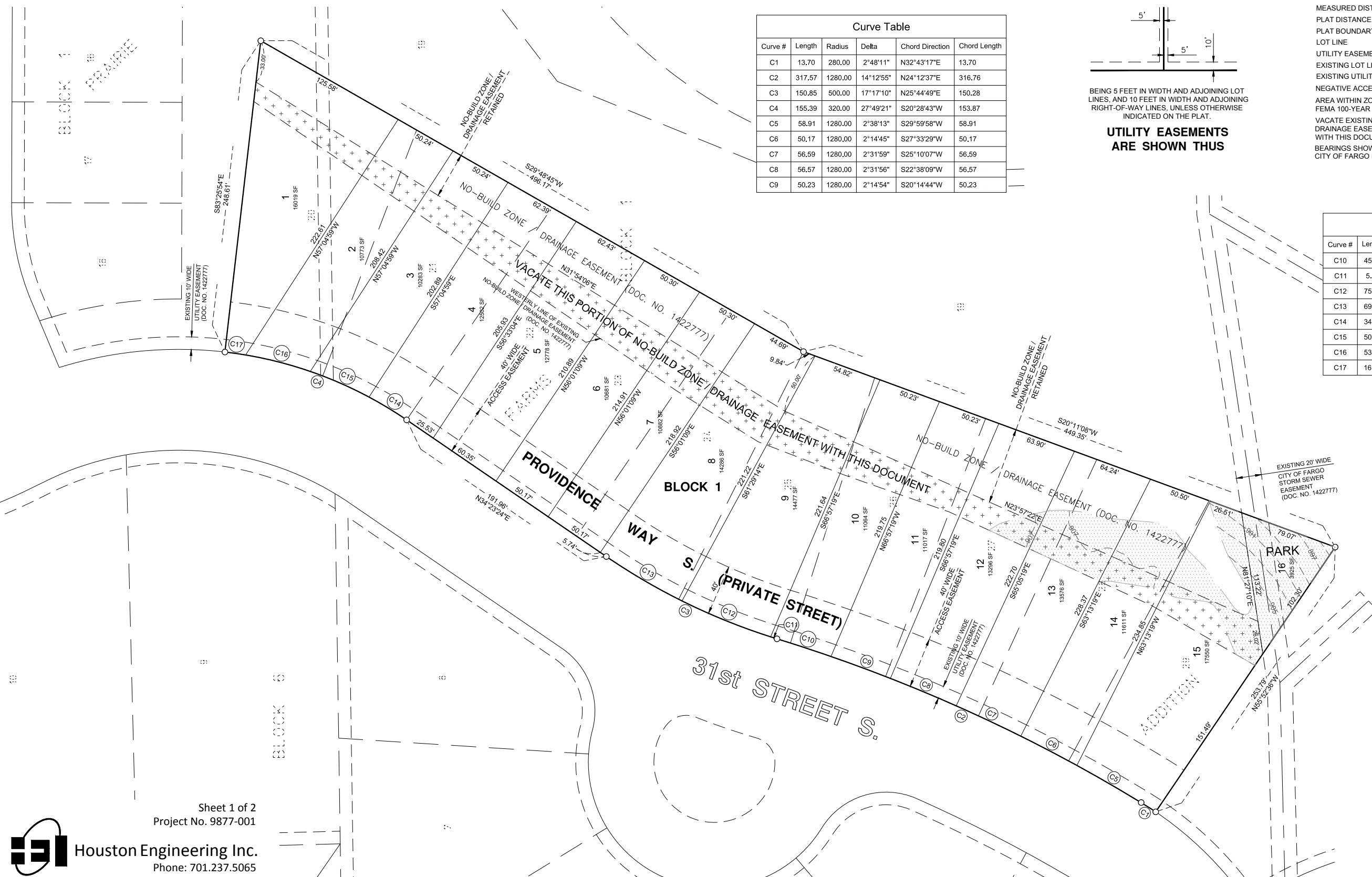


BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THE PLAT.

UTILITY EASEMENTS ARE SHOWN THIS

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	13.70	280.00	2°48'11"	N32°43'17"E	13.70
C2	317.57	1280.00	14°12'55"	N24°12'37"E	316.76
C3	150.85	500.00	17°17'10"	N25°44'49"E	150.28
C4	155.39	320.00	27°49'21"	S20°28'43"W	153.87
C5	58.91	1280.00	2°38'13"	S29°59'58"W	58.91
C6	50.17	1280.00	2°14'45"	S27°33'29"W	50.17
C7	56.59	1280.00	2°31'59"	S25°10'07"W	56.59
C8	56.57	1280.00	2°31'56"	S22°38'09"W	56.57
C9	50.23	1280.00	2°14'54"	S20°14'44"W	50.23

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C10	45.10	1280.00	2°01'07"	S18°06'43"W	45.09
C11	5.27	500.00	0°36'13"	S17°24'20"W	5.27
C12	75.92	500.00	8°41'59"	S22°03'26"W	75.85
C13	69.66	500.00	7°58'58"	S30°23'55"W	69.61
C14	34.90	320.00	6°14'54"	S31°15'57"W	34.88
C15	50.89	320.00	9°06'45"	S23°35'08"W	50.84
C16	53.00	320.00	9°29'24"	S14°17'03"W	52.94
C17	16.60	320.00	2°58'18"	S08°03'12"W	16.59



H:\Fargo\JUN980098779877_0001\CAD\PLAT\PRE PLAT Providence_rev4-30-18.dwg

PROVIDENCE AT PRAIRIE FARMS ADDITION

BEING A REPLAT OF LOTS 20 THROUGH 29, BLOCK 1,
PRAIRIE FARMS ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

A MINOR SUBDIVISION

OWNERS' CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Prairie Grove, Inc., a North Dakota Corporation, is the owner and proprietor of Lots 20 - 29 inclusive, Block 1, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 4.470 acres, more or less.

And that said party has caused the same to be surveyed and re-platted as **PROVIDENCE AT PRAIRIE FARMS ADDITION** to the City of Fargo, Cass County, North Dakota; does hereby vacate the No-Build Zone / Drainage Easement as designated for vacation on this plat; and does hereby dedicate Providence Way South (Private Street), also shown as "40' Wide Access Easement" on the plat, to the current and future owners of Lots 1 - 15, Block 1.

OWNER:
Prairie Grove, Inc.

State of North Dakota)
) ss
County of Cass)

Name, Title

On this _____ day of _____, 20____, before me personally appeared Name, Title of Prairie Grove, Inc., a North Dakota Corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said Corporation.

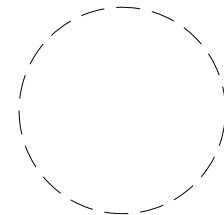
Notary Public: _____

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



State of North Dakota)
) ss
County of Cass)

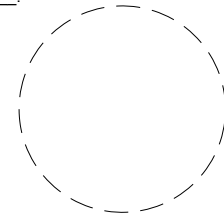
On this _____ day of _____, 20____ before me personally appeared Curtis A. Skarphol, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer



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: _____

FARGO PLANNING COMMISSION APPROVAL:

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

Shara Fischer, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

PROVIDENCE AT PRAIRIE FARMS ADDITION

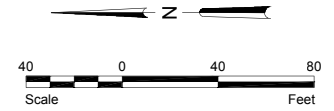
BEING A REPLAT OF LOTS 20 THROUGH 29, BLOCK 1,
PRAIRIE FARMS ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

A MINOR SUBDIVISION

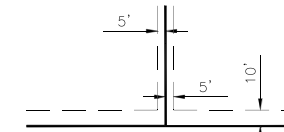
NOTES:

1. 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.
2. A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0787G, DATED JAN. 16, 2015.
3. BASE FLOOD ELEVATION = 906.7' (NAVD 1988)



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	—————
EXISTING LOT LINE	—————
EXISTING UTILITY EASEMENT	—————
ELEVATION CONTOUR (NAVD 1988)	907
NEGATIVE ACCESS EASEMENT	—————
AREA WITHIN ZONE AE - FEMA 100-YEAR FLOODPLAIN	▨
VACATE EXISTING NO-BUILD ZONE / DRAINAGE EASEMENT WITH THIS DOCUMENT	+
BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM	

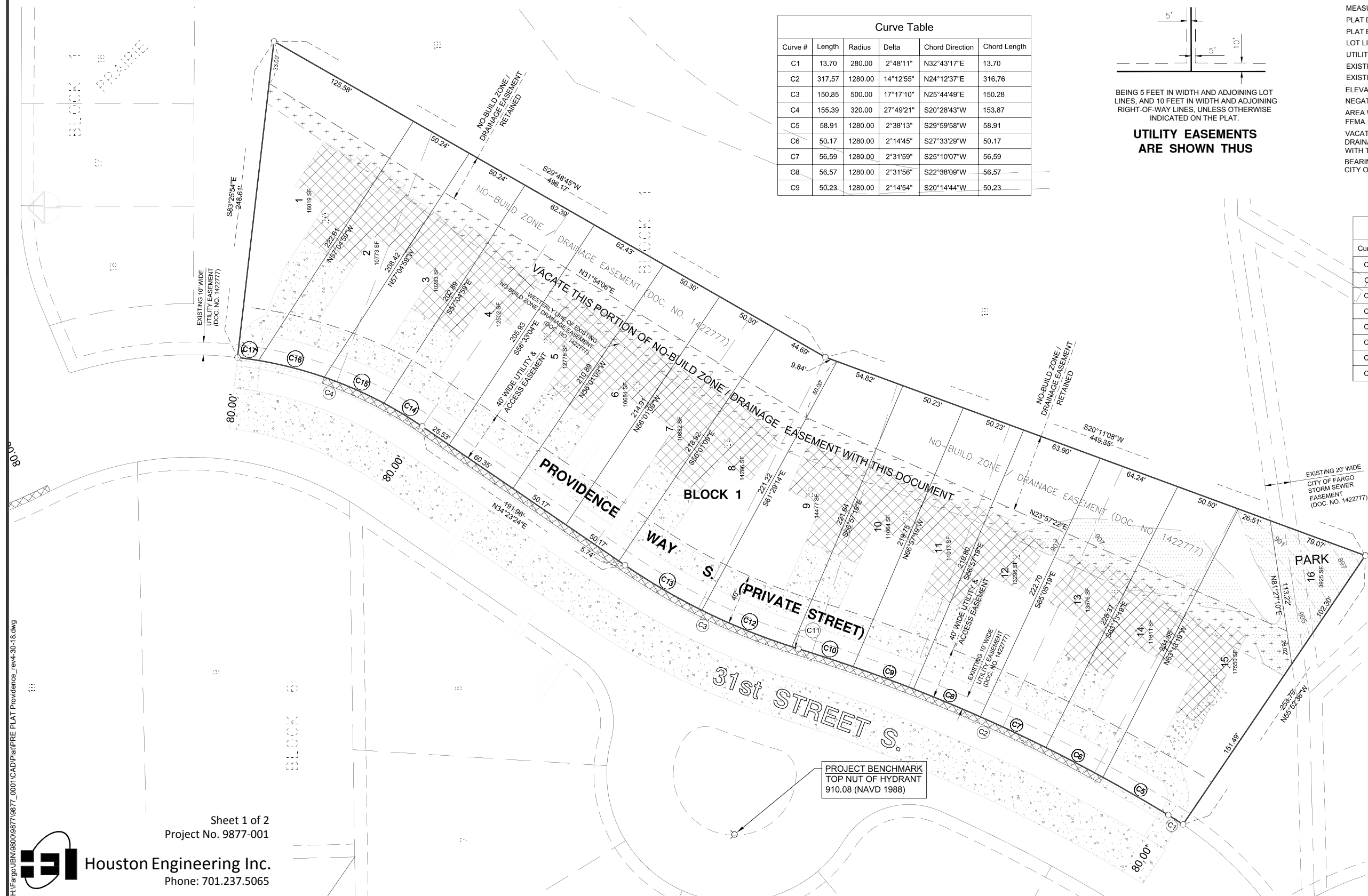


BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THE PLAT.

UTILITY EASEMENTS ARE SHOWN THIS

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	13.70	280.00	2°48'11"	N32°43'17"E	13.70
C2	317.57	1280.00	14°12'55"	N24°12'37"E	316.76
C3	150.85	500.00	17°17'10"	N25°44'49"E	150.28
C4	155.39	320.00	27°49'21"	S20°28'43"W	153.87
C5	58.91	1280.00	2°38'13"	S29°59'58"W	58.91
C6	50.17	1280.00	2°14'45"	S27°33'29"W	50.17
C7	56.59	1280.00	2°31'59"	S25°10'07"W	56.59
C8	56.57	1280.00	2°31'56"	S22°38'09"W	56.57
C9	50.23	1280.00	2°14'54"	S20°14'44"W	50.23

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C10	45.10	1280.00	2°01'07"	S18°06'43"W	45.09
C11	5.27	500.00	0°36'13"	S17°24'20"W	5.27
C12	75.92	500.00	8°41'59"	S22°03'26"W	75.85
C13	69.66	500.00	7°58'58"	S30°23'55"W	69.61
C14	34.90	320.00	6°14'54"	S31°15'57"W	34.88
C15	50.89	320.00	9°06'45"	S23°35'08"W	50.84
C16	53.00	320.00	9°29'24"	S14°17'03"W	52.94
C17	16.60	320.00	2°58'18"	S08°03'12"W	16.59



PROJECT BENCHMARK
TOP NUT OF HYDRANT
910.08 (NAVD 1988)

H:\Fargo\JBN\80009877\8877_0001\CAD\Plat\PRE PLAT Providence_rev4-30-18.dwg

Sheet 1 of 2
Project No. 9877-001

City of Fargo Staff Report			
Title:	The District of Fargo 3 rd Addition	Date:	6-22-2018
Location:	3751 53 rd Avenue South	Staff Contact:	Kylie Bagley
Legal Description:	Lot 3, Block 1, The District of Fargo 3 rd Addition		
Owner(s)/Applicant:	Panda Express Inc./Henry Klover Architects	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for an Alternative Access Plan		
Status:	Planning Commission Public Hearing: July 3, 2018		

Existing	Proposed
Land Use: Vacant	Land Use: Retail Sales and Service
Zoning: LC, Limited Commercial with a Conditional Overlay	Zoning: LC, Limited Commercial with a Conditional Overlay
Uses Allowed: 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: 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.
Maximum Lot Coverage Allowed: Maximum 55% building coverage	Maximum Lot Coverage Allowed: Maximum 55% building coverage

Proposal:

The applicant is requesting a Conditional Use Permit (CUP) for an Alternative Access Plan for the property located at 3751 53rd Avenue South. The conditional overlay on the subject property states that all developments shall be allowed to have a maximum of 20% more spaces than the required minimum. Any additional spaces above the required 20% shall be allowed only through a CUP. The conditional overlay also states that the applicant and the city shall agree to a specified amount of additional plant units to be provided for the increased amount of parking.

The applicant is proposing a fast food restaurant that would require a minimum of parking stalls and allows a 20% increase to maximize parking to 22 stalls. The applicant feels that in order to serve their customers adequately they need 34 parking stalls on site, which would be increasing parking by 64%. The applicant has also proposed to increase the number of plantings on site by 64%, matching the increase in parking percentage.

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.

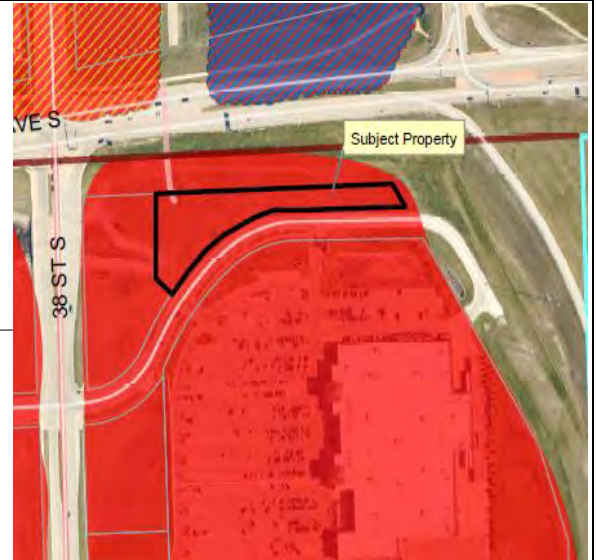
Surrounding Land Uses and Zoning Districts:

- 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.

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



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 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:

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.

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Promoting infill development is a key initiative meant to promote the Plan's guiding principles. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.
(Criteria Satisfied)

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff suggests that this proposed conditional use permit for an alternative access plan for adding parking will contribute to and promote the convenience of the public.
(Criteria Satisfied)

3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?

Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has not received any comments from neighboring property owners.

(Criteria Satisfied)

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

The proposed parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant to limit the intensity of the use.

(Criteria Satisfied)

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

The property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

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

The Engineering Department has had an opportunity to review the proposal and no comments or concerns were noted to indicate a deficiency with the access roads or entrances or exit drives. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(Criteria Satisfied)

Recommended Conditions:

- The applicant must provide no more than 34 parking stalls on site;
- The applicant must increase plant units by the same percentage that parking stalls are being increased by on site;
- The Conditional Use Permit will cease if the land use changes from restaurant or fast food.

Staff Recommendation:

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

- The applicant must provide no more than 34 parking stalls on site;
- The applicant must increase plant units by the same percentage that parking stalls are being increased by on site;
- The Conditional Use Permit will cease if the land use changes from restaurant or fast food.

Planning Commission Recommendation: July 3, 2016

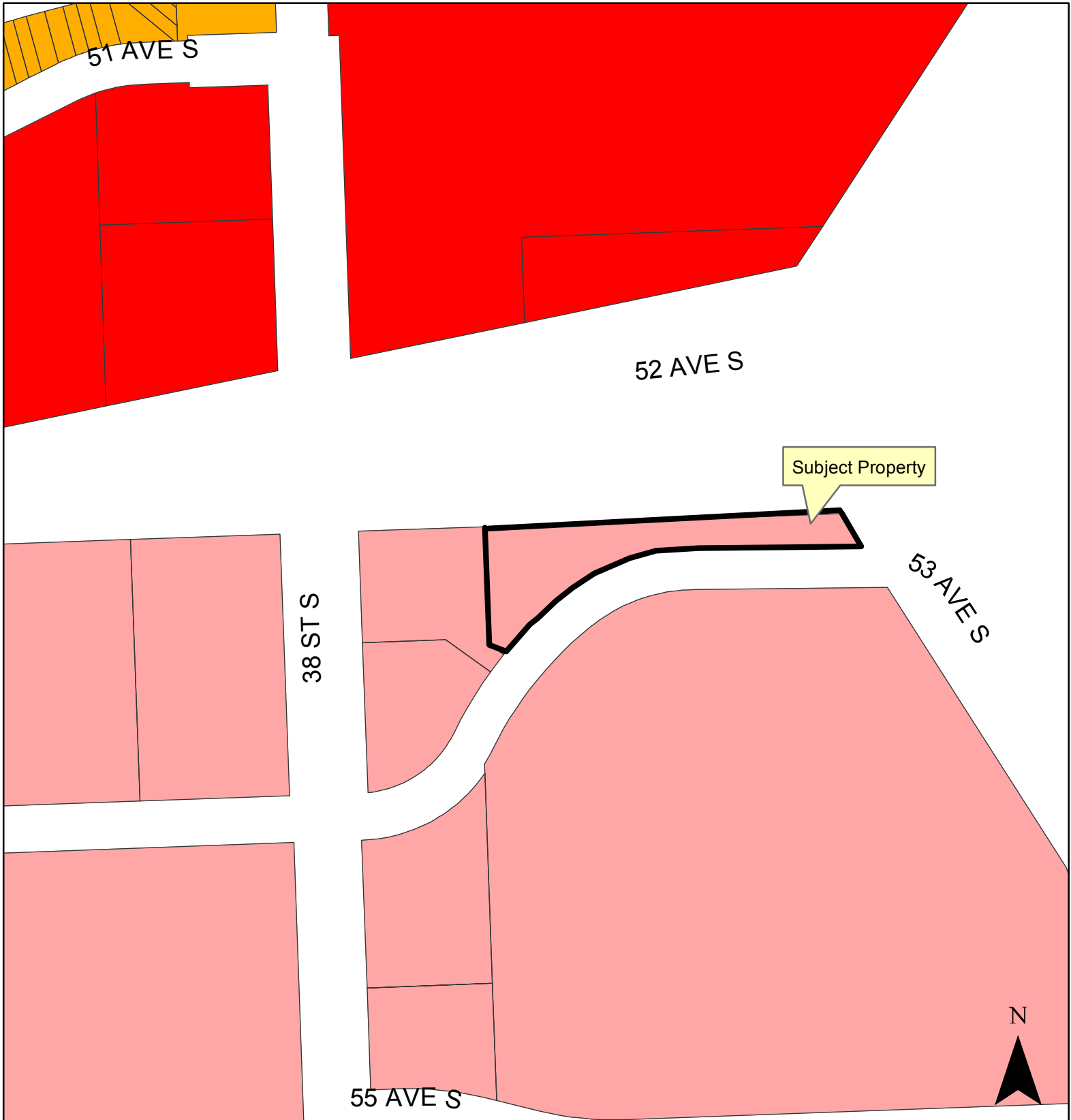
Attachments:

1. Zoning Map
2. Location Map
3. Parking Narrative
4. Site Plan

CUP (Alternative Access Plan)

The District of Fargo 3rd Addition

3751 53rd Avenue South



Legend

AG	LC	MHP	SSP-2
DMU	LJ	NC	SSP-3
GC	MR-1	PJ	SSP-4
GI	MR-2	UM	SSP-5
GO	MR-3	City Limits	

300

Feet

CUP (Alternative Access Plan)

The District of Fargo 3rd Addition

3751 53rd Avenue South



May 21, 2018

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

**RE: Fargo Municipal Code 20-0909
Conditional Use Approval Criteria
Panda Express – Parking Maximum Increase & Planting Units**

This request is submitted for consideration for our Panda Express casual Chinese restaurant project currently being reviewed by Planning Department. Our condition this is intending to address is the discrepancy between the number of permitted seats and the number of allowable parking stalls. Our building will have 68 dining room seats and our kitchen will require a minimum of 3 employees per shift. Based on our dining room size, the code requires a minimum of 18 parking stalls, and allows a 20% increase to maximize parking at 22 stalls. We feel that, at 2 patrons per car, we would need 34 parking stalls, and our restaurant cannot be adequately or conveniently served by 22 stalls.

Please accept this letter as formal request for conditional use accepting a 64% increase in maximum parking to total 36 parking stalls. This will be met, per requirement, with a matching 64% increase in Planting Unit measures. Please also review prescribed approval criteria below:

- 1. The proposed conditional use complies with all applicable provisions of this Land Development Code and will conform to the general intent and purpose of this Land Development Code;**

This proposed conditional use for additional parking for Panda Express at 3751 53rd Avenue complies with all other applicable provisions and to the general intent of this Land Development Code.

- 2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public;**

This proposed conditional use of additional parking will contribute to and promote the welfare or convenience of the public. Our restaurant, as approved by building department, will be occupied by more people than can be served by the maximum 22 stalls. An increase in allowable parking will

facilitate convenient and safe navigation from car to building, eliminating the occurrence of patrons' reliance on the parking spaces of adjacent properties, and the resulting less-safe crossing of right-of-way and parking lots.

3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;

The increase of allowable parking is not a prohibited use or one that can decrease the value of neighboring properties. In our case additional parking within our property will help to PREVENT cause of substantial injury to the value adjacent properties in that it will keep our patrons from parking in their lots and eliminate the risk of associated wear and tear of their facilities.

4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will dominate the immediate neighborhood, consideration shall be given to:

- a. **The location, nature and height of buildings, structures, walls, and fences on the site;**
and
- b. **The nature and extent of proposed landscaping and buffering on the site.**

The location, nature and height of buildings, structures, walls, and fences on the site are not affected or otherwise dominated by additional parking. To the contrary, we will be significantly increasing the number of planting units to match percentage increase to maximum parking, and are already providing requisite street screening.

5. Adequate utility, drainage, and other such necessary facilities and services have been or will be provided at the time of development; and

These considerations and facilities have already been provided for in current plan submittal.

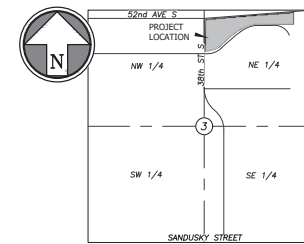
6. Adequate access roads or entrance and exit drives will be provided and be so designed to prevent traffic hazards and to minimize traffic congestion in public streets.

Adequate access entrance and exit drives have already been provided for in current plan submittal. It will also prevent the opportunity for pedestrians navigating from one lot to another across roads and exit drives.

Sincerely,

A handwritten signature in blue ink, appearing to read 'HK', with a long horizontal stroke extending to the right.

Henry Klover,
Proprietor
H.C. Klover Architect
10955 Lowell Avenue, Suite 700
Overland Park, KS 66210
P: (913) 649-8181
F: (913) 649-1275



PANDA EXPRESS, INC.
1683 Walnut Grove Ave.
Rosemead, California
91770
Telephone: 626.799.9898
Facsimile: 626.372.8288

All ideas, designs, arrangement and plans indicated or represented by this drawing are the property of Panda Express Inc. and were created for use on this specific project. None of these ideas, designs, arrangements or plans may be used by or disclosed to any person, firm, or corporation without the written permission of Panda Express Inc.

REVISIONS:

1	CITY COMMENTS	04-24-18
---	---------------	----------

ISSUE DATE:

1ST PERMIT SET	2-19-18
----------------	---------

DRAWN BY: MGG

PANDA PROJECT #: S8-18-D5689

ARCH PROJECT #: 17044.030



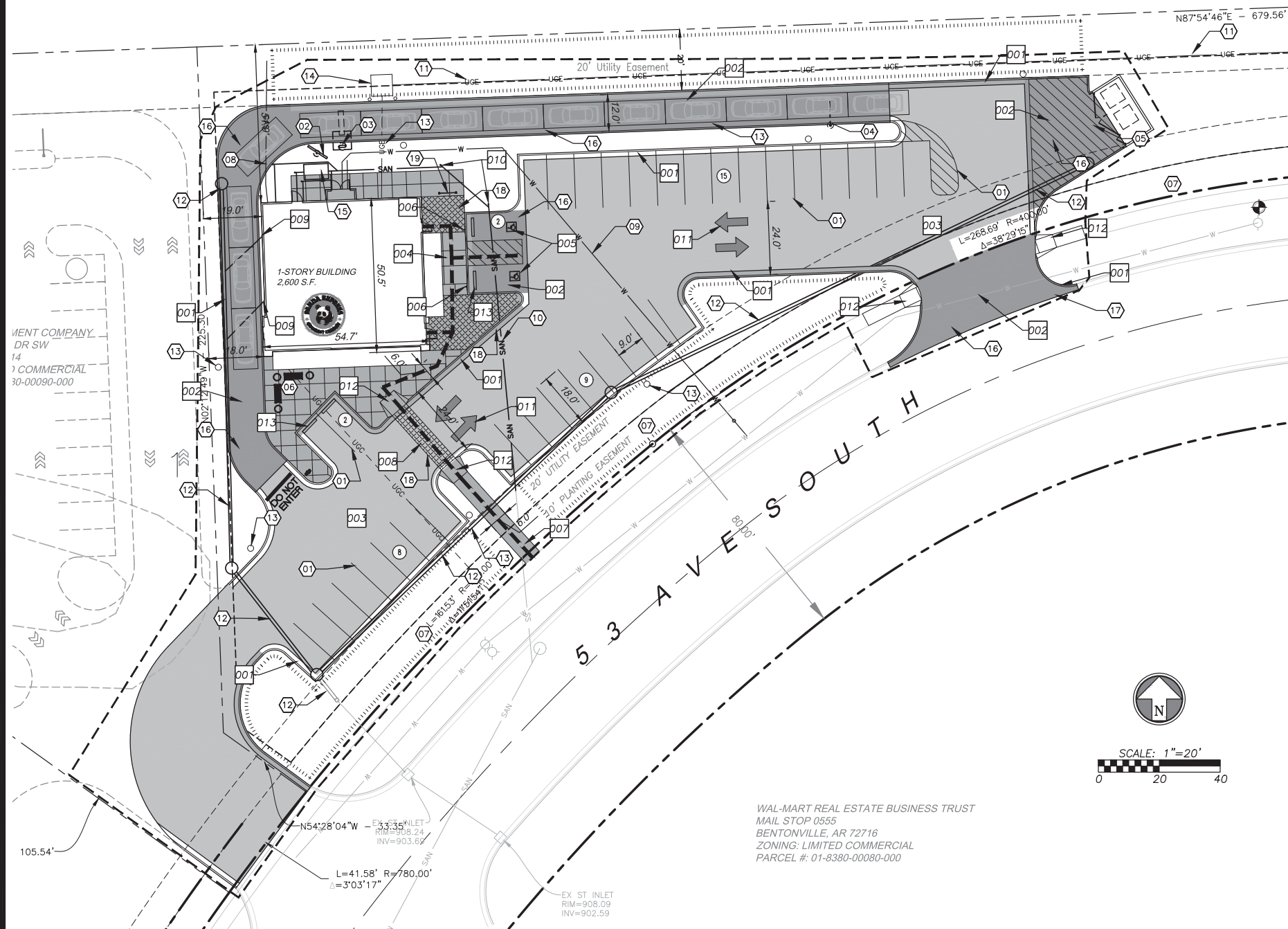
PANDA EXPRESS

TRUE WARM & WELCOME
37551 53rd Avenue South
Fargo, ND 58104

SITE AND PAVING PLAN

C1.0

TRUE WARM & WELCOME 2200



WAL-MART REAL ESTATE BUSINESS TRUST
MAIL STOP 0555
BENTONVILLE, AR 72716
ZONING: LIMITED COMMERCIAL
PARCEL #: 01-8380-00080-000

- CONSTRUCTION NOTES**
- LEAD FREE, WATER-BORNE EMULSION BASED YELLOW TRAFFIC PAINT FOR PARKING LOT STRIPING.
 - MENU BOARD. SEE ARCHITECTURAL PLANS FOR EXACT LOCATION.
 - DRIVE THRU SPEAKER-BOX. SEE ARCHITECTURAL PLANS FOR EXACT LOCATION
 - DRIVE THRU CLEARANCE BAR. SEE ARCHITECTURAL PLANS
 - DUMPSTER SCREENING. SEE ARCHITECTURAL PLANS FOR DETAILS
 - CONCRETE PLAZA AND SEATING AREA. SEE ARCHITECTURAL PLANS FOR DETAILS
 - SEE LANDSCAPE PLAN L1.0 FOR LOCATION AND MATERIAL OF PROPOSED PLANT MATERIALS AND EXISTING PLANTS TO REMAIN
 - GAS SERVICE LINE. SEE SHEET C4.0 FOR MORE INFORMATION.
 - WATER SERVICE LINE. SEE SHEET C4.0 FOR MORE INFORMATION.
 - SANITARY SERVICE LINE AND APPURTENANCES. SEE SHEET C4.0 FOR MORE INFORMATION.
 - UNDERGROUND ELECTRIC SERVICE LINE. SEE SHEET C4.0 FOR MORE INFORMATION
 - STORM SEWER. SEE SHEET C6.1 AND C6.2 FOR MORE INFORMATION.
 - LIGHT POLES. SEE ELECTRICAL PLANS AND ARCHITECTURAL PLANS FOR MORE INFORMATION.
 - APPROXIMATE TRANSFORMER LOCATION, SEE ELECTRICAL PLANS FOR MORE INFORMATION.
 - GREASE INTERCEPTOR. SEE PLUMBING PLANS FOR MORE INFORMATION.
 - CURB ADJACENT TO CONCRETE PAVEMENT TO BE POURED INTEGRAL WITH CONCRETE PAVEMENT
 - SEE DETAIL ON SHEET C8.3 FOR TRAFFIC CONTROL DETAIL AND PLAN.
 - SCORED CONCRETE SECTION FOR PEDESTRIAN PATH AND ENTRANCE.
 - BIKE RACK

- DETAILS**
- XXX SEE CONSTRUCTION DETAILS - SHEETS C8.1 - C8.3
 - 001 CONCRETE CURB AND GUTTER
 - 002 CONCRETE PAVEMENT SECTION
 - 003 ASPHALT PAVEMENT SECTION
 - 004 TYPE "A" SIDEWALK RAMP (ADA COMPLIANT)
 - 005 ADA ACCESSIBLE PARKING STRIPING
 - 006 ADA ACCESSIBLE PARKING SIGNAGE
 - 007 CONCRETE SIDEWALK SECTION
 - 008 SCORED PEDESTRIAN CROSSING
 - 009 ROOF DRAIN CONNECTIONS
 - 010 SANITARY SEWER CLEANOUT
 - 011 DIRECTIONAL ARROW PAVEMENT MARKINGS
 - 012 SIDEWALK AND CURB RAMP DETAIL
 - 013 WHEEL STOPS

PROJECT ZONING
THIS PROPERTY LIES WITHIN ZONE "X" AND DOES NOT LOCATE WITHIN ANY PRESENTLY ESTABLISHED 100- YEAR FLOOD PLAIN, AS SHOWN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP FOR FARGO, CASS COUNTY, ND COMMUNITY PANELS NUMBER 38017C0786G AND 38017C0787G EFFECTIVE 1/16/2015

PROJECT ADDRESS
3751 53rd AVENUE SOUTH
FARGO, NORTH DAKOTA

DEVELOPER INFORMATION
PANDA RESTAURANT GROUP INC
1683 WALNUT GROVE AVE
ROSEMEAD CA 91770

OWNER INFORMATION
BATIS DEVELOPMENT
2933 WOODSIDE DRIVE
TOPEKA, KS 66614

VERTICAL BENCHMARK
BENCHMARK DATUM IS NAVD 88:
SOUTHEAST FLANGE BOLT ON THE FIRE
HYDRANT AT THE NORTHEAST CORNER OF SITE.
ELEVATION = 910.22

PROJECT ZONING
LIMITED COMMERCIAL
PARCEL ID #: 01-8380-00090-000

BUILDING SETBACKS
FRONT: 10'
SIDE: 5'
REAR: 15'
STREET SIDE: 20'

#	PARKING STALL COUNT	SNOW STORAGE AREA
[Pattern]	CONCRETE PAVEMENT, MED DUTY	=====	DRY CONCRETE CURB & GUTTER
[Pattern]	CONCRETE SIDEWALK	=====	WET CONCRETE CURB & GUTTER
[Pattern]	ASPHALT PAVEMENT, MED DUTY	-----	PROPERTY LINE
Ω	EXISTING FIRE HYDRANT	-----	ADJACENT PROPERTY LINE
⊙	EXISTING LIGHT POLE	-----	BUILDING SETBACK LINES
W	EXISTING WATER MAIN	-----	ADA ACCESSIBLE ROUTE
UGE	EXISTING UNDERGROUND ELECTRIC	-----	DISTURBED AREA (APPROX 1.07 ACRES)
SS	EXISTING EASEMENT	-----	STREET CENTERLINE
SS	EXISTING SANITARY SEWER MAIN	-----	PROPOSED DOMESTIC WATER LINE
GAS	EXISTING STORM SEWER MAIN	-----	PROPOSED SANITARY SEWER SERVICE LINE
GAS	EXISTING GAS MAIN	-----	PROPOSED GAS SERVICE LINE
[Pattern]	PROPOSED STORM SEWER	-----	PROPOSED UNDERGROUND ELECTRIC
		⊙	PROJECT BENCHMARK

SITE DATA

PROPOSED:
TOTAL SITE AREA: 65,945 SQ FT (±1.51 ACRES)
IMPERVIOUS AREA: 25,513 SQ FT (38%)
PERVIOUS AREA: 40,432 SQ FT (62%)

EXISTING:
TOTAL SITE AREA: 65,945 SQ FT (±1.51 ACRES)
IMPERVIOUS AREA: 0 SQ FT (0%)
PERVIOUS AREA: 65,945 SQ FT (100%)

PARKING DATA
MINIMUM PARKING REQUIRED: 30
(ONE (1) SPACE PER 75 SF OF CUSTOMER SERVICE AREA)
MAXIMUM PARKING REQUIREMENT: 36
(20% MORE THAN MINIMUM REQUIRED)
STANDARD STALLS PROVIDED: 34
HANDICAP STALLS PROVIDED: 2 (1 VAN)
TOTAL PARKING STALLS: 36

UTILITY INFORMATION
CITY OF FARGO
200 3RD STREET NORTH
FARGO, ND 58102

CONTACTS:
ZONING
MS. MAEGIN ELSHAUG
701-476-4120

ENGINEERING
MR. RON SOLBERG
701-241-8582

PERMIT SET 2.19.18



PANDA EXPRESS, INC.
1683 Walnut Grove Ave.
Rosemead, California
91770
Telephone: 626.799.9898
Facsimile: 626.372.8288

All ideas, designs, arrangement and plans indicated or represented by this drawing are the property of Panda Express Inc. and were created for use on this specific project. None of these ideas, designs, arrangements or plans may be used by or disclosed to any person, firm, or corporation without the written permission of Panda Express Inc.

REVISIONS:	DATE
▲ CITY COMMENTS	04-21-18

ISSUE DATE:	DATE
1ST PERMIT SET	2-19-18

DRAWN BY: MGG

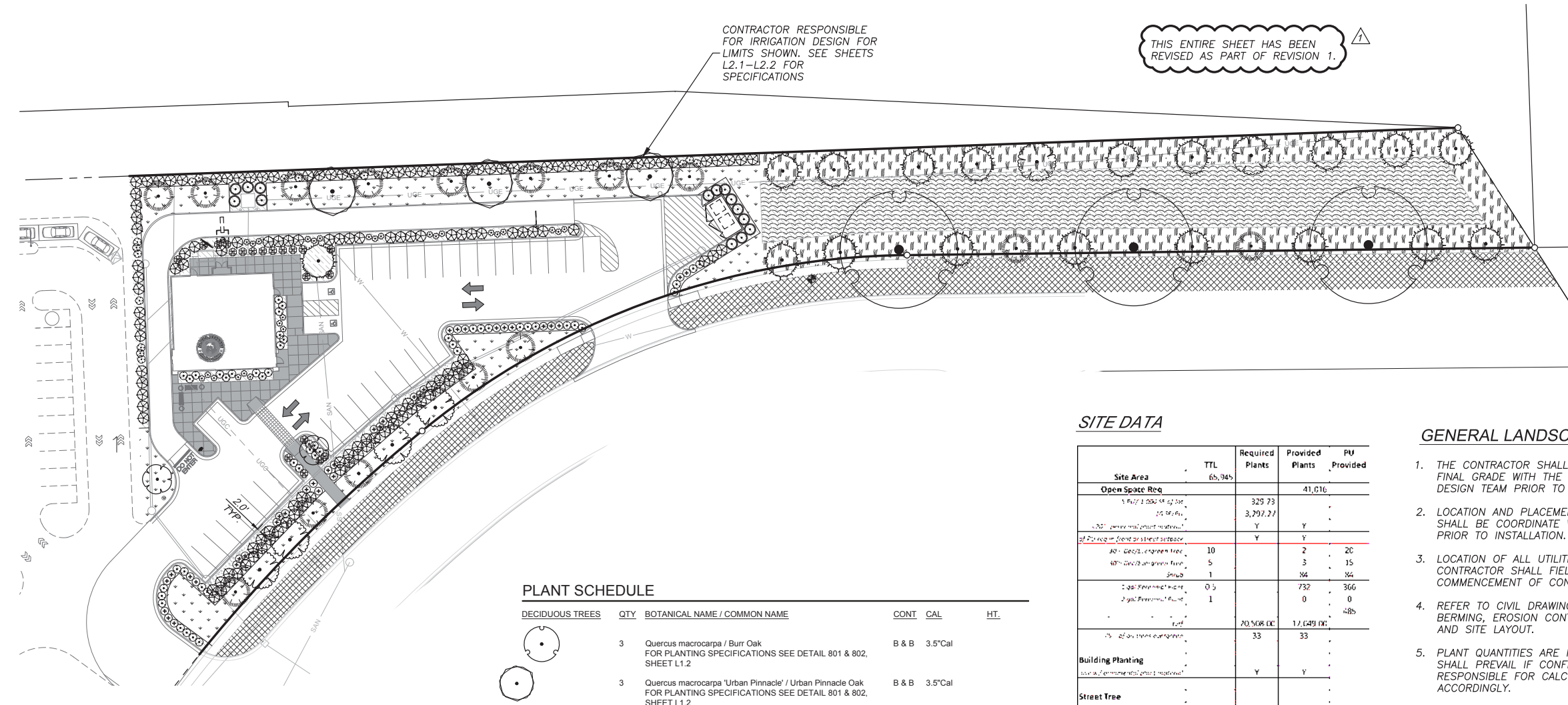
PANDA PROJECT #: S8-18-D5689
ARCH PROJECT #: 17044.030



PANDA EXPRESS
TRUE WARM & WELCOME
37551 53rd Avenue South
Fargo, ND 58104

LANDSCAPE PLAN

L1.0



CONTRACTOR RESPONSIBLE FOR IRRIGATION DESIGN FOR LIMITS SHOWN. SEE SHEETS L2.1-L2.2 FOR SPECIFICATIONS

THIS ENTIRE SHEET HAS BEEN REVISED AS PART OF REVISION 1.



SCALE: 1"=30'
0 30 60

LANDSCAPE PLAN

SITE DATA

Site Area	TTL (65,945)	Required Plants	Provided Plants	PU Provided
Open Space Req			41,016	
1. Plant & space for tree		329 73		
2. Plant & space for shrub		3,797 77		
3. Plant & space for flower bed		Y	Y	
4. Plant & space for flower bed		Y	Y	
50' Diameter tree	10	2	2	2C
60" Diameter tree	5	3	3	15
Shrub	1	36	36	36
2 gal. Perennial flower	0.5	732	360	0
2 gal. Perennial flower	1	0	0	48b
	70,508 (K)		17,649 (K)	
		33	33	
Building Planting				
Plant & space for building		Y	Y	
Street Tree				
52nd Ave South				
1. Plant & space for tree	688 81	19 68	70	
53rd Ave South				
1. Plant & space for tree	751 14	21 46	22	
2. Plant & space for shrub		Y	Y	
Parking Lot Landscaping				
Plant & space for shrub	26			
Plant & space for shrub	4			
Plant & space for shrub		Y	Y	
Parking Island/Interior				
Plant & space for shrub		Y	Y	
Plant & space for shrub		Y	Y	

GENERAL LANDSCAPE NOTES

1. THE CONTRACTOR SHALL VERIFY AND COORDINATE ALL FINAL GRADE WITH THE LANDSCAPE ARCHITECT AND OR DESIGN TEAM PRIOR TO COMPLETION.
2. LOCATION AND PLACEMENT OF ALL PLANT MATERIAL SHALL BE COORDINATE WITH THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
3. LOCATION OF ALL UTILITIES ARE APPROXIMATE, THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION OPERATIONS.
4. REFER TO CIVIL DRAWINGS FOR ALL GRADING AND BERMING, EROSION CONTROL, STORM DRAINAGE, UTILITIES AND SITE LAYOUT.
5. PLANT QUANTITIES ARE FOR INFORMATION ONLY DRAWING SHALL PREVAIL IF CONFLICT OCCURS. CONTRACTOR IS RESPONSIBLE FOR CALCULATING OWN QUANTITIES AND BID ACCORDINGLY.
6. TREE LOCATIONS IN AREAS ADJACENT TO DRIVES, WALKS, WALLS AND LIGHT FIXTURES MAY BE FIELD ADJUSTED AS APPROVED BY LANDSCAPE ARCHITECT.
7. THE CONTRACTOR SHALL REPORT SUBSURFACE SOIL OR DRAINAGE PROBLEMS TO THE LANDSCAPE ARCHITECT.
8. THE PLAN IS SUBJECT TO CHANGES BASED ON PLANT SIZE AND MATERIAL AVAILABILITY. ALL CHANGES OR SUBSTITUTIONS MUST BE APPROVED BY THE CITY OF FARGO, NORTH DAKOTA AND THE LANDSCAPE ARCHITECT.
9. ALUMINUM LANDSCAPE EDGING TO BE USED ON ALL LANDSCAPE BEDS ABUTTING TURF AREAS AS NOTED ON LANDSCAPE PLANS.
10. LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR WATERING ALL PLANT MATERIAL UNTIL THE TIME THAT A PERMANENT WATER SOURCE IS READY.
11. THE CONTRACTOR SHALL SHOW PROOF OF PROCUREMENT, SOURCES, QUANTITIES AND VARIETIES FOR ALL SHRUBS, PERENNIALS ORNAMENTAL GRASSES AND ANNUALS WITHIN 21 DAYS FOLLOWING THE AWARD OF THE CONTRACT.
12. CONTRACTOR SHALL PROVIDE FULL MAINTENANCE FOR NEWLY LANDSCAPED AREAS FOR A PERIOD OF 30 DAYS AFTER THE DATE OF FINAL ACCEPTANCE. AT THE END OF THE MAINTENANCE PERIOD, A HEALTHY, WELL-ROOTED, EVEN-COLORED, VIABLE TURF AND LANDSCAPED AREA MUST BE ESTABLISHED. THE LANDSCAPED AREAS SHALL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS AND SURFACE IRREGULARITIES.
13. LANDSCAPE CONTRACTOR SHALL PROVIDE ROCK MULCH SAMPLE TO OWNER FOR APPROVAL.
14. WOOD MULCH TO BE PLACED WITHIN A 3 FOOT RADIUS OF THE TRUNK BASE OF ALL STREET TREE PLANTINGS.
15. CONTRACTOR TO COORDINATE ALL STREET TREES WITH THE CITY OF FARGO FORESTRY DEPARTMENT

PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	HT.
	3	Quercus macrocarpa / Burr Oak FOR PLANTING SPECIFICATIONS SEE DETAIL 801 & 802, SHEET L1.2	B & B	3.5" Cal	
	3	Quercus macrocarpa 'Urban Pinnacle' / Urban Pinnacle Oak FOR PLANTING SPECIFICATIONS SEE DETAIL 801 & 802, SHEET L1.2	B & B	3.5" Cal	
	6	Sorbus aucuparia 'Cardinal Royal' / Cardinal Royal Mountain Ash FOR PLANTING SPECIFICATIONS SEE DETAIL 801 & 802, SHEET L1.2	B & B	3.5" Cal	
EVERGREEN TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	HT.
	18	Picea pungens / Colorado Spruce FOR PLANTING SPECIFICATIONS SEE DETAIL 801 & 802, SHEET L1.2	B & B		12' Height
	15	Pinus flexilis 'Vanderwolf's Pyramid' / Vanderwolf's Pyramid Pine FOR PLANTING SPECIFICATIONS SEE DETAIL 801 & 802, SHEET L1.2	B & B		12' Height
FLOWERING TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	HT.
	2	Malus x Red Jewel / Red Jewel Crabapple FOR PLANTING SPECIFICATIONS SEE DETAIL 801 & 802, SHEET L1.2	B & B	3" Cal	
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	CONT	PLANT HT.	
	27	Clethra alnifolia 'Compacta' / Compact Summersweet FOR PLANTING SPECIFICATIONS SEE DETAIL 803 & 804, SHEET L1.2	5 gal	3' height	
	36	Daphne x burkwoodii 'Carol Mackie' / Carol Mackie Daphne FOR PLANTING SPECIFICATIONS SEE DETAIL 803 & 804, SHEET L1.2	5 gal	3' height	
	28	Hypericum frondosum 'Sunburst' / Sunburst Hypericum FOR PLANTING SPECIFICATIONS SEE DETAIL 803 & 804, SHEET L1.2	5 gal	3' height	
EVERGREEN SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	CONT	PLANT HT.	
	14	Juniperus chinensis 'Hetzli' / Hetzli Juniper FOR PLANTING SPECIFICATIONS SEE DETAIL 803 & 804, SHEET L1.2	B & B	10'-12' Height	
	134	Juniperus chinensis 'Mint Julep' / Mint Julep Juniper FOR PLANTING SPECIFICATIONS SEE DETAIL 803 & 804, SHEET L1.2	5 gal	3' height	
	20	Juniperus sabina 'Broadmoor' / Broadmoor Juniper FOR PLANTING SPECIFICATIONS SEE DETAIL 803 & 804, SHEET L1.2	5 gal		
	49	Thuja occidentalis 'Hetz Midget' / Hetz Midget Arborvitae FOR PLANTING SPECIFICATIONS SEE DETAIL 803 & 804, SHEET L1.2	5 gal	3' height	

PLANT SCHEDULE

SHRUB AREAS	QTY	BOTANICAL NAME / COMMON NAME	CONT	SPACING
	732	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	1 gal	48" o.c.
GROUND COVERS	QTY	BOTANICAL NAME / COMMON NAME	CONT	SPACING
	11,467 sf	Poa pratensis / Kentucky Bluegrass Seeding Rate: 4 - 6 lbs/1,000 sf.	seed	
	8,971 sf	Poa pratensis / Kentucky Bluegrass PLACE LANDSCAPE EDGING WHERE GRASS ADJOINS PLANTING BEDS, SEE DETAIL 805 SHEET L1.2	sod	
	10,677 sf	Poa pratensis / Kentucky Bluegrass PLANTINGS IN PUBLIC R.O.W.	sod	
MULCH	QTY	BOTANICAL NAME / COMMON NAME	SIZE	DEPTH
	5 cy	Medium River Rock PLACE LANDSCAPE EDGING WHERE GRASS ADJOINS PLANTING BEDS, SEE DETAIL 805 SHEET L1.2	3" - 6" size	4" deep
	185 cy	Double Ground Hardwood Mulch PLACE LANDSCAPE EDGING WHERE GRASS ADJOINS PLANTING BEDS, SEE DETAIL 805 SHEET L1.2		3" deep

GENERAL IRRIGATION NOTES

IRRIGATION PLAN TO BE PROVIDED DURING PERMITTING PHASE OF DEVELOPMENT

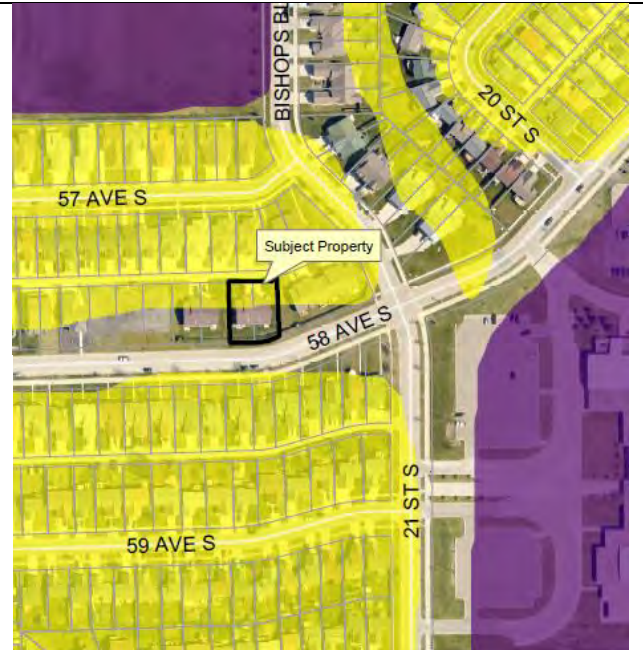
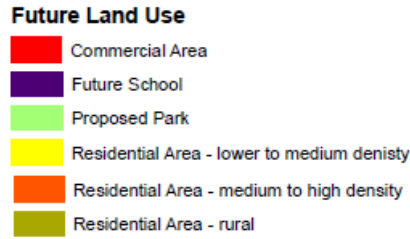
1. IRRIGATION CONTRACTOR TO DESIGN LAYOUT PER SPECIFICATIONS INCLUDED IN SHEETS L2.0-L2.1.
2. IRRIGATION PLAN TO NOT INTERFERE WITH ANY PROPOSED IMPROVEMENTS SHOW WITHIN PLANS
3. CONTRACTOR TO SUBMIT IRRIGATION LAYOUT FOR ENGINEER'S APPROVAL BEFORE IRRIGATION CONSTRUCTION SHALL BEGIN.

City of Fargo Staff Report			
Title:	Legacy I 2 nd Addition	Date:	6-22-18
Location:	2173 and 2175 58 th Ave S	Staff Contact:	Kylie Bagley
Legal Description:	Part of Lots 13 and 14, Legacy I 2 nd Addition		
Owner(s)/Applicant:	Roger Lizotte and Gerald Ripplinger	Engineer:	N/A
Entitlements Requested:	Zoning Change (from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: July 3, 2018		

Existing	Proposed
Land Use: Attached Housing	Land Use: Attached Housing
Zoning: MR-1, Multi-Dwelling Residential	Zoning: SR-5, Single-Dwelling Residential
Uses Allowed: Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: Detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
Maximum Density Allowed (Residential): Maximum 16 units per acre	Maximum Density Allowed (Residential): maximum of 14.5 units per acre

Proposal:
<p>The applicants are proposing a zone change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, for the properties located at 2173 and 2175 58th Avenue South. The zone change is being requested due to the applicants concern regarding the specials on the property. The property meets all dimensional standards of the SR-5, Single-Dwelling Residential zoning district.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-4, Single-Dwelling Residential, with detached and attached houses. • East: MR-1, Multi-Dwelling Residential, with attached houses. • South: Across 58th Ave S properties are zoned SR-4, Single-Dwelling Residential, with detached and attached houses. • West: MR-1, Multi-Dwelling Residential, with attached houses.
Area Plans:

The subject property is located within the 2007 Growth Plan with the designation of Residential Area – lower to medium density.



Schools and Parks:

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

Parks: Greenfields Park, a neighborhood park, is located north of the subject property.

Pedestrian / Bicycle: Off-road bike facilities run along 58th Avenue South and is 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 regard to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. **(Criteria Satisfied)**

2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
 The development is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(Criteria Satisfied)**

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

adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 3, 2018

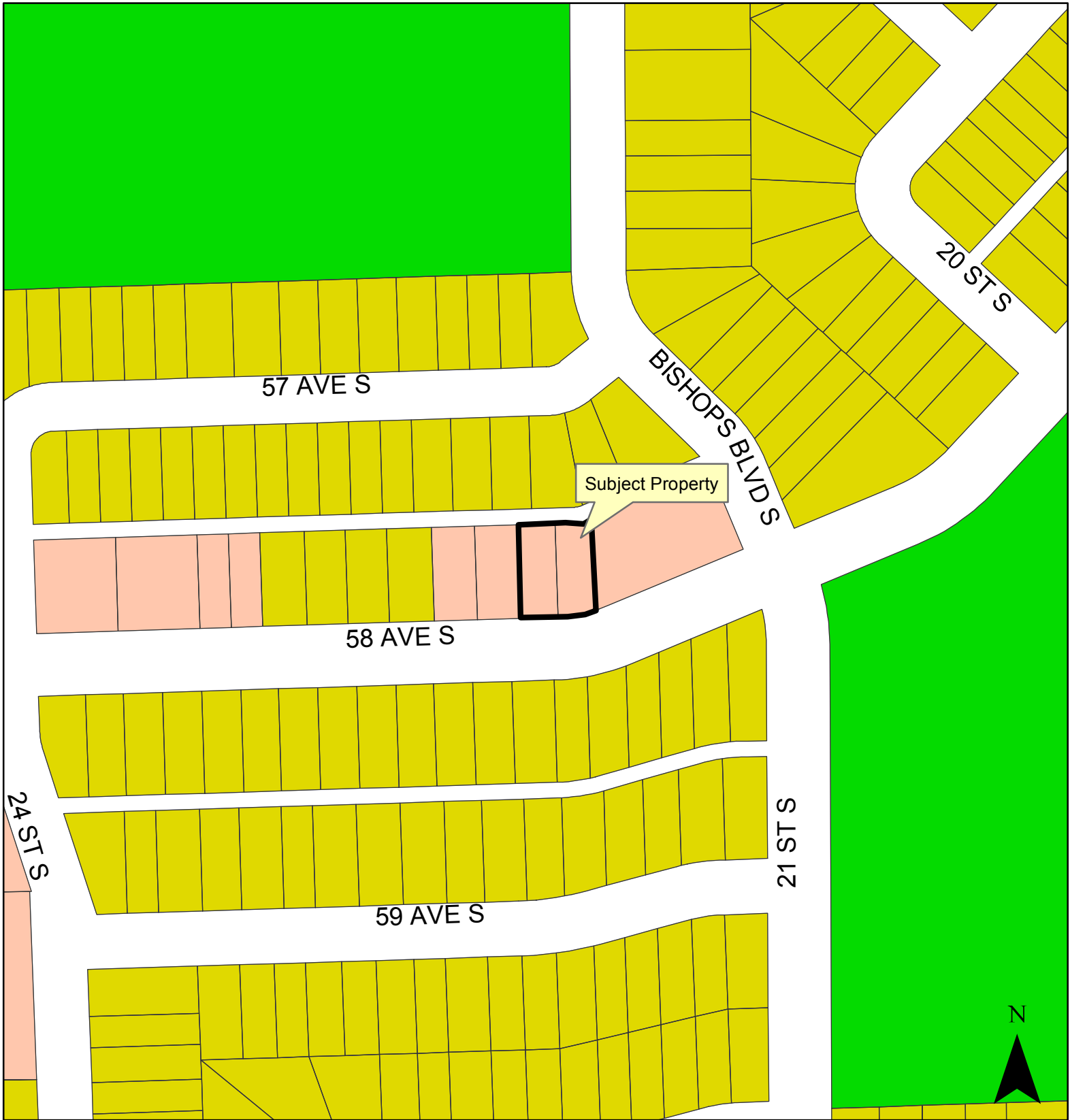
Attachments:

1. Zoning Map
2. Location Map

Zone Change (MR-1 to SR-5)

Legacy I 2nd Addition

2175 & 2173 58th Avenue South



Legend

- | | | | |
|------|------|-----|-------------|
| AG | LC | MHP | SR-2 |
| DDMU | LI | NC | SR-3 |
| GC | MR-1 | NO | SR-4 |
| GG | MR-2 | P/I | SR-5 |
| GO | MR-3 | UML | City Limits |

300

Feet

Fargo Planning Commission

July 3, 2018

Zone Change (MR-1 to SR-5)

Legacy I 2nd Addition

2175 & 2173 58th Avenue South

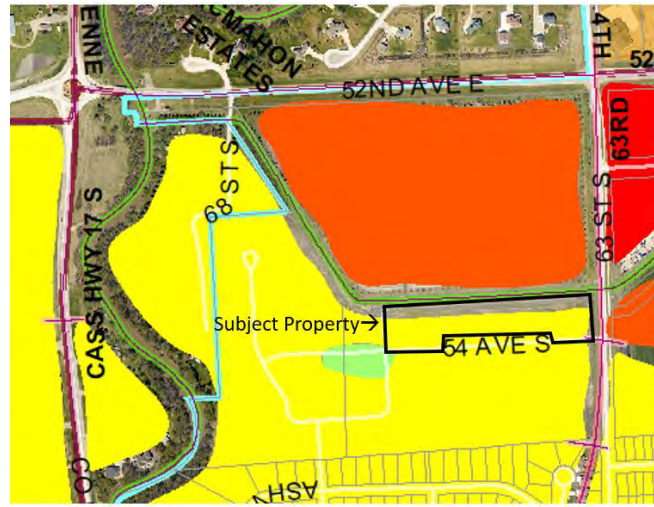


City of Fargo Staff Report			
Title:	Grayland First Addition	Date: Updated:	6/27/2018
Location:	6313, 6333, 6347, 6363, 6379, 6393, 6405, 6421, 6439, 6457, 6473, 6491, 6507, 6523, 6541, 6561, 6583 54th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description	Lots 2-18, Block 3, Grayland First Addition		
Owner(s)/Applicant:	Ben Saucke	Engineer:	None
Entitlements Requested:	Zone Change (from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: July 3, 2018		

Existing	Proposed
Land Use: Platted but not yet developed	Land Use: Single family residential
Zoning: SR-3, Single Dwelling Residential	Zoning: SR-4, Single Dwelling Residential
Uses Allowed: 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	Uses Allowed: SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed (Residential): 8.7 dwelling units per acre	Maximum Density Allowed (Residential): 12.1 dwelling units per acre

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A zoning change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential. <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: 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:
<p>The 2007 Tier 1 Southwest Land Use Growth Plan designates the area of this project as “lower to medium density residential.” That plan states that the proposed SR-4 zone is included within the land use designation.</p>

- Commercial Area
- Future School
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density
- Residential Area - rural



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:

The zone change will rezone 17 lots (Lots 2-18, Block 3) in Grayland First Addition from SR-3 to SR-4. The size of the lots and the density of the project will not change. The applicant proposes the SR-4 zone to be able to reduce the required setback for these lots to accommodate the single-family housing product that he intends to build here.

ACCESS: The lots will be accessed by way of existing dedicated public streets. Public utilities are available in those streets.

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 SR-3. The proposed zoning of SR-4 is consistent with the 2007 Growth Plan designation of “lower to medium density residential.” The size of the lots and the density of the project will not change. The applicant proposes the SR-4 zone to be able to reduce the required setback for these lots to accommodate the single-family housing product that he intends to build here. **(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. The existing lots front on dedicated public streets. 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-4 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)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed zone change from SR-3, Single Dwelling Residential to SR-4, Single-Dwelling Residential for Lots 2-18, Block 3, Grayland First Addition, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 3, 2018

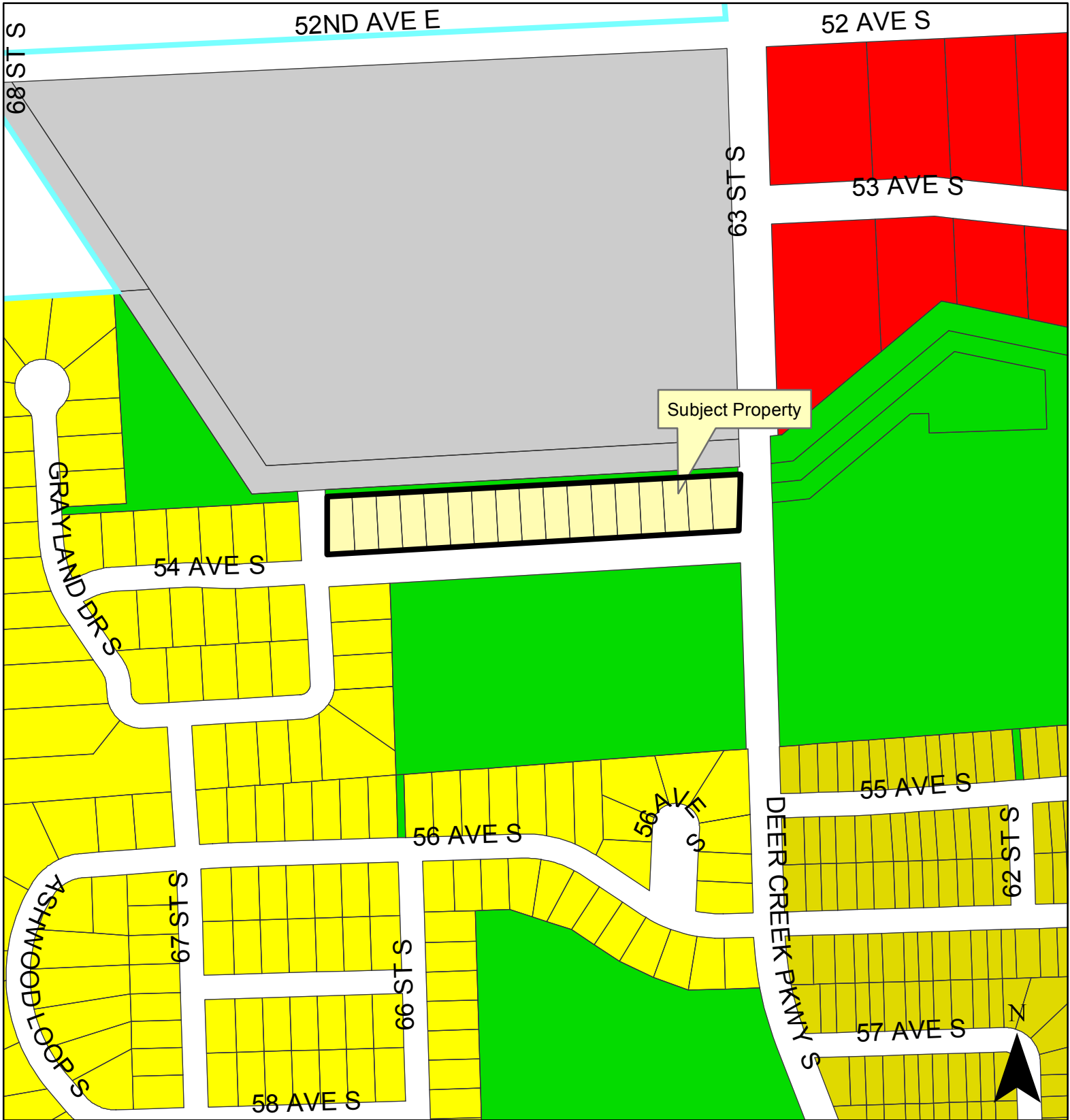
Attachments:

- 1. Zoning Map
- 2. Location Map

Zone Change (SR-3 to SR-4)

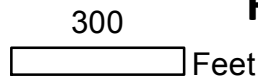
Grayland First Addition

6313 - 6583 54th Avenue South



Legend

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



Fargo Planning Commission
July 3, 2018

Zone Change (SR-3 to SR-4)

Grayland First Addition

6313 - 6583 54th Avenue South



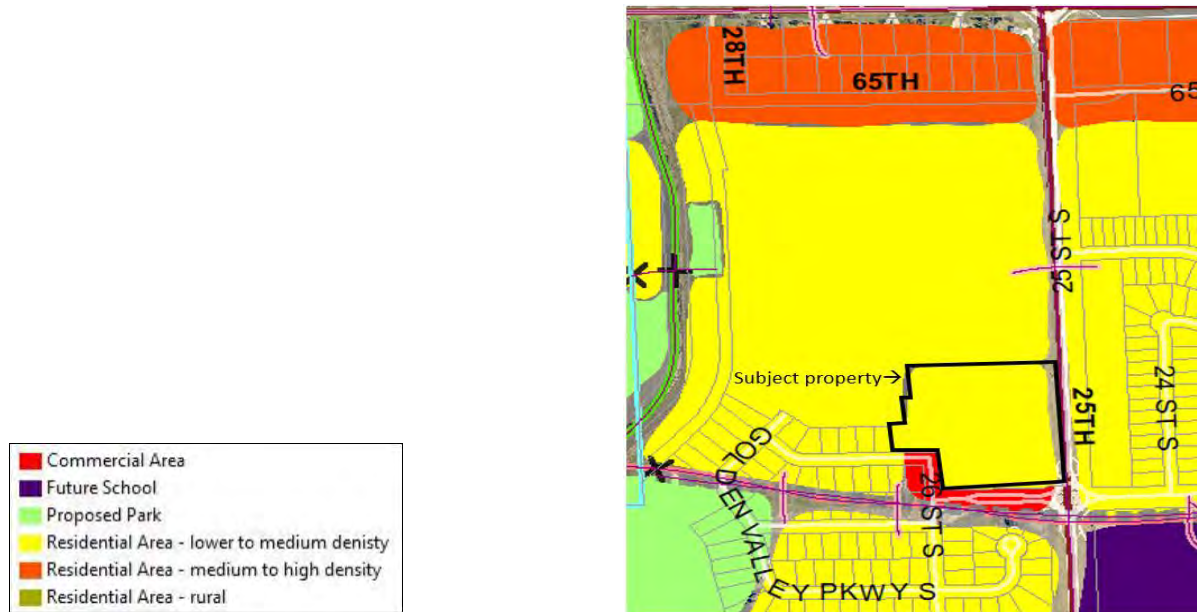
City of Fargo Staff Report			
Title:	Golden Valley Second Addition	Date:	6/28/2018
Location:	6737 25th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the northeast quarter of Section 11, Township 138 North, Range 49 West		
Owner(s)/Applicant:	Ryland Development Corporation / Jon Youness	Engineer:	Wenck Associates
Entitlements Requested:	Major Subdivision (Plat of Golden Valley Second Addition part of the northeast quarter of Section 11, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota) and Zoning Change (from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional, with a C-O, Conditional Overlay to restrict land uses as noted below)		
Status:	Planning Commission Public Hearing: July 3, 2018		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential
Zoning: AG, Agricultural	Zoning: SR-4, Single-Dwelling Residential; P/I, Public and Institutional
Uses Allowed: AG – Agricultural allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities; P/I 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; with a C-O, conditional overlay to restrict uses as shown
Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres	Maximum Density Allowed: SR-4 allows a maximum 12.1 units per acre; P/I zone has no density or lot coverage standards

Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Golden Valley Second Addition, which is a plat of a portion of the northeast quarter of Section 11, Township 138 North, Range 49 West 2. A zoning change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a C-O, conditional overlay to restrict uses to “park and open space” and “detention facilities.” <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-1: Single-Dwelling Residential; single family residences and undeveloped lots • East: SR-4: Single-Dwelling Residential; MR-3: Multi-Dwelling Residential; P/I: Parks/Institutional • South: SR-1: Single-Dwelling Residential; single family residences and undeveloped lots • West: P/I: Parks/Institutional; AG: Agricultural; undeveloped

Area Plans:

The subject property is located within the 2007 Future Land Use Plan. This plan, amended in 2016 on this property, designates the subject property as “Residential Area—Lower to Medium Density.” This land use designation includes the SR-4 zoning. The P/I zoning for HOA-owned lots is appropriate in this land use designation.



Schools and Parks:

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

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.28 miles east of the subject property and offers baseball/softball amenities. Davies Recreational Pool (7150 25th Street S) is located on the opposite corner of the southeast corner of the subject property and offers concessions, restrooms, and swimming pool amenities. Legacy Park (7150 25th Street S) is located approximately 0.13 miles north of the subject property and offers concessions, restrooms, and swimming pool amenities.

Pedestrian / Bicycle: On the south and east of the property, there are off road bike facilities that run along 70th Avenue South and 25th Street South respectively.

Staff Analysis:

The subject property is located at 6737 25th Street South, and is bounded by 25th Street South (east), 70th Avenue South/Golden Lane (south) and a city levee and County Drain Number 53 (west).

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.

PLAT AND ZONING CHANGE

The plat will create 33 single family lots and homeowners association (HOA)-owned park lot, zoned as follow

BLOCK	LOTS	ZONING	LAND USE
1	1-8	SR-4	Detached single family
2	1-10	SR-4	Detached single family
3	1-11	SR-4	Detached single family
4	1-4	SR-4	Detached single family
4	5	P/I	HOA-owned park

The single-family lots range in size from approximately 5,220 square feet to 18,010 square feet, with most lots in the 5,200 to 8,500 square foot range. All meet the minimum required lot area of the SR-4 zone.

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

so. The HOA will also maintain the landscape easements depicted on the plat along 25th Street South, Golden Lane, 26th Street South, and 70th Avenue South.

ACCESS: The project site takes access from 25th Street South to the east; Golden Lane, Golden Valley Parkway, and 70th Avenue South to the south; and the future 65th Avenue South to the north. Block 2 is designed to have a private alley, as depicted on the plat, providing access to the residential garages.

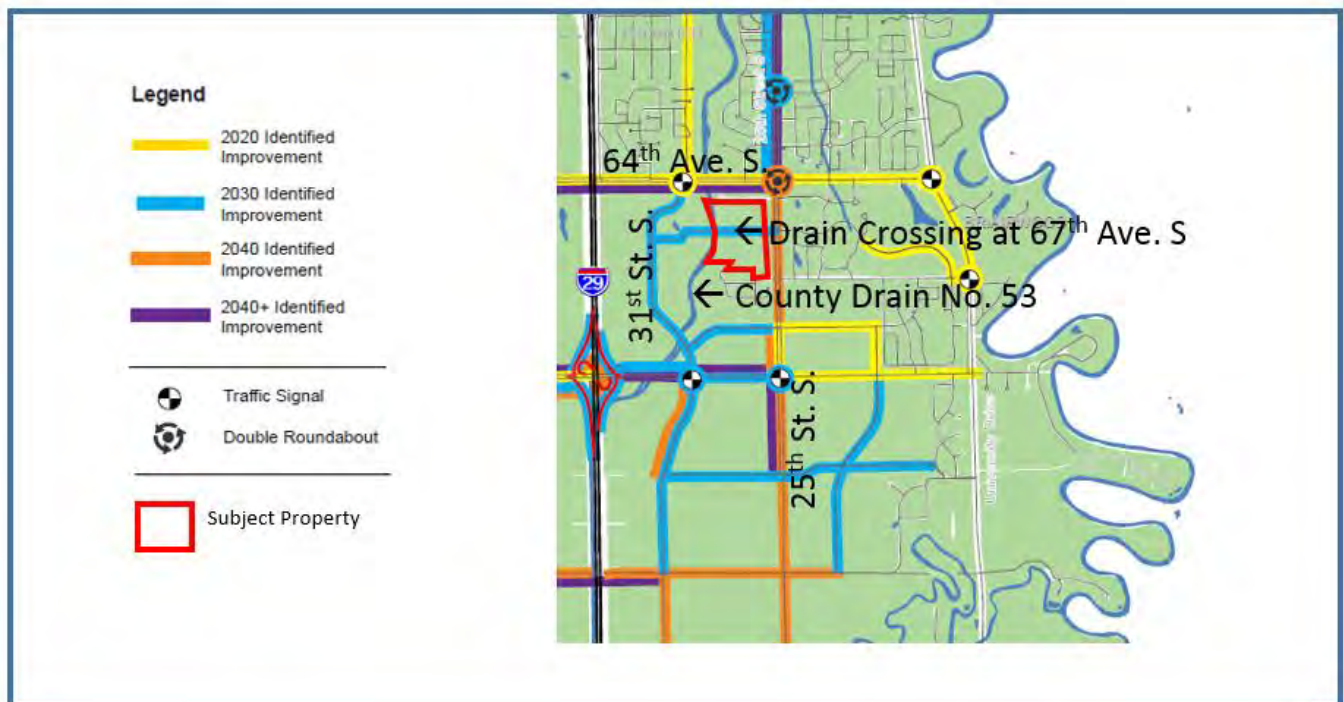
PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

STORMWATER: This subdivision will be served by an existing regional detention basin to the south for up to 65 percent impervious surface on the project site. If the site has greater than 65 percent, impervious surface, additional detention and water quality measures may be required.

MASTER PLAN: The applicant has provided a master plan (attached) showing how he intends to lay out the remaining area of the larger property. Staff is working with the applicant on certain revisions to this plan regarding proposed development and street layout on the west side of this area along Drain 53.

FUTURE ROAD CONNECTIVITY

Road connectivity in this area is designated in the Southwest Metro Transportation Plan, adopted by the Metropolitan Council of Governments (MetroCOG). An excerpt from this plan, shown below, depicts a street crossing of County Drain No. 53 at 67th Avenue South. The area of the applicant's master plan for this area is outlined in red.



The street crossing of County Drain No. 53 was earlier depicted on the 2007 Growth Plan at 70th Avenue South. This crossing was not provided on the plat of the Golden Valley 1st Addition, which includes 70th Avenue South. At the time of the Golden Valley 1st Addition approval, the city requested as part of the Golden Valley master plan that a crossing instead be accommodated between 64th Avenue and 70th Avenue. An amendment to the 2007 Growth Plan that was approved by the City Commission on June 24, 2013, allowed a street crossing of County Drain No. 53 at 70th Avenue South to be moved to a location in the southern 1/3 of Section 11, as the platting of Golden Valley 1st Addition had effectively eliminated the feasibility of a drain crossing at 70th Avenue South. As noted above, the Southwest Metro plan designated this crossing further north at 67th Avenue South.

This location was selected for the crossing as 67th Avenue South connects to the east to University Drive and is intended to connect to the west to 31st Street South, a north-south collector that will serve this portion of the city. Connectivity in this area would be enhanced by the 67th Avenue crossing of County Drain 53, as 67th would connect this area from University Drive to at least the future 31st Street. Despite the intensity of residential development in the area south of Interstate 94 and east of Interstate 29, there are only five east-west avenues connecting University Drive and I-29 (or its frontage road) in the five miles south of I-94 to 76th Avenue South: 32nd Avenue, 36th Avenue, 40th Avenue, 52nd Avenue, 64th Avenue. This crossing, providing additional east-west routes, also

takes some of the traffic load off of the arterial streets, making those streets less congested as well as prolonging the intervals between major resurfacing and repair of these streets. From a Fire Department perspective, the drain crossing at 67th Avenue South is important for providing access through this and future neighborhoods in the area. Future plans indicate a fire station will be located on or near 64th Avenue South near this neighborhood. Connectivity through the neighborhood translates into reduced response time and larger coverage areas for fire stations.

The developer is not required to build the actual drain crossing, but only to dedicate right of way for this crossing. The drain crossing would not be constructed until the area west of County Drain 53 develops. The infrastructure funding policy at the time of construction will be used to determine the appropriate assessment of a drain crossing. The Developer is concerned with the cost of a Drain crossing and the small benefitting area. The City recognizes this and will work with the Developer.

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 was zoned AG: Agricultural at the time it was annexed. At that time, no development was proposed. Now that development is proposed, the applicant requests a zoning change to SR-4: Single Dwelling Residential and P/I, Public and Institutional. **(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. The subject property fronts on existing, developed public rights-of-way which 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 and met with the neighboring property owner to the south. 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 property is designated "lower to medium density residential" on the 2007 Growth Plan. The 2007 Growth Plan states that the "low to medium density" residential designation includes the SR-0 to SR-5 zones. Thus, the SR-4 zone is consistent with the "lower to medium density residential" designation from the 2007 Growth Plan. The P/I zone is the appropriate designation for HOA-owned lots that are not intended for residential development. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City, contingent on Commission approval of the proposed Growth Plan Amendment. **(Criteria satisfied)**

Major Subdivision

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

1. **Section 20-0907. 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 requested zoning for the residential development on this property is SR-4: Single-Dwelling Residential. The SR-4 zoning will accommodate the proposed single-family development. The SR-4 zoning designations is consistent with the “lower to medium density” designation for this property in the 2007 Growth Plan as noted in the zoning change findings above. The P/I zone is the appropriate designation for HOA-owned lot that is not intended for 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 one call of inquiry with no comment on the application.

(Criteria Satisfied)

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

The property is proposed to be zoned SR-4: Single-Dwelling Residential and P/I, Public and Institutional. As noted in the zone change findings above, these zones are consistent with the 2007 Growth Plan designation of “lower to medium density residential.” The P/I zone is the appropriate designation for HOA-owned lots that is not intended for residential development. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments.

(Criteria Satisfied)

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

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) Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses as noted in this report, and 2) a plat of the **Golden Valley Second Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth 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: July 3, 2018

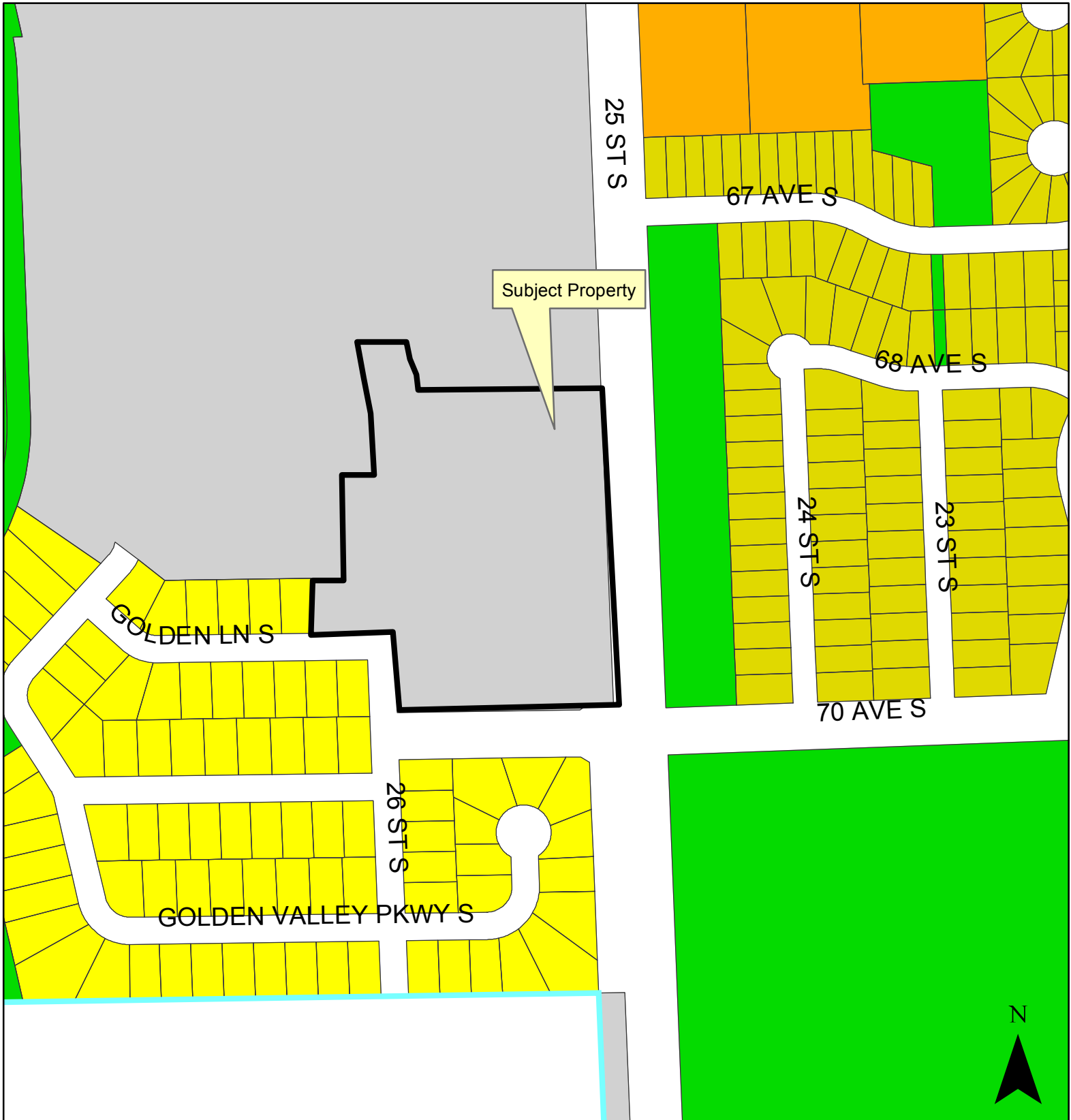
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat
4. Conceptual master plan

Plat (Major) and Zone Change (AG to SR-4 and P/I w/ C-O)

Golden Valley 2nd Addition

6737 25th Street South



Legend

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

300

Feet

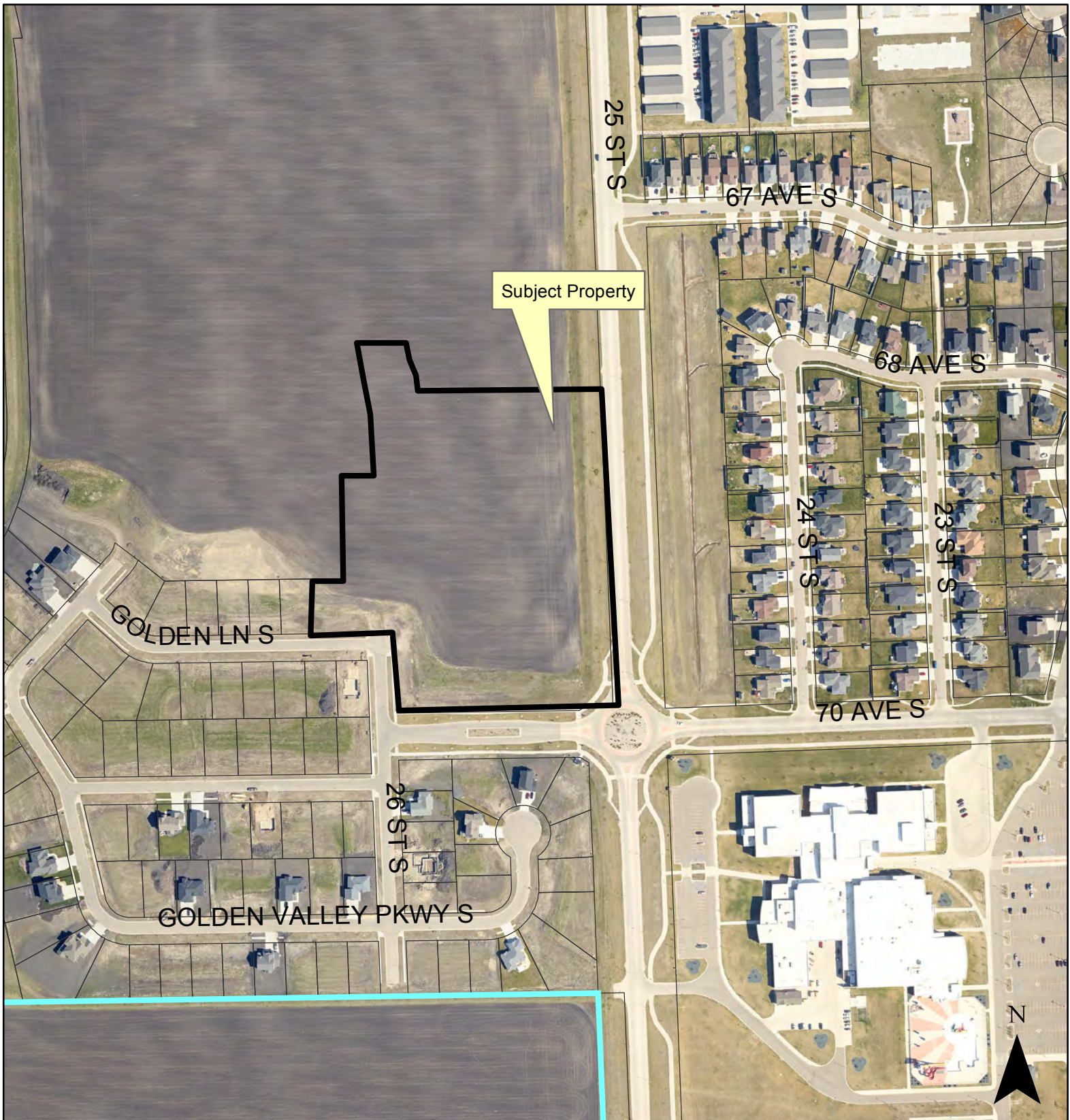
Fargo Planning Commission

July 3, 2018

Plat (Major) and Zone Change (AG to SR-4 and P/I w/ C-O)

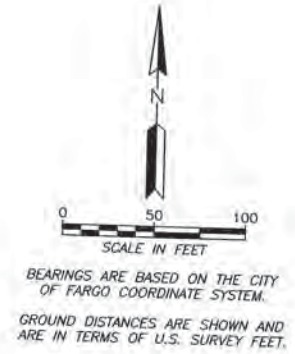
Golden Valley 2nd Addition

6737 25th Street South



GOLDEN VALLEY SECOND ADDITION

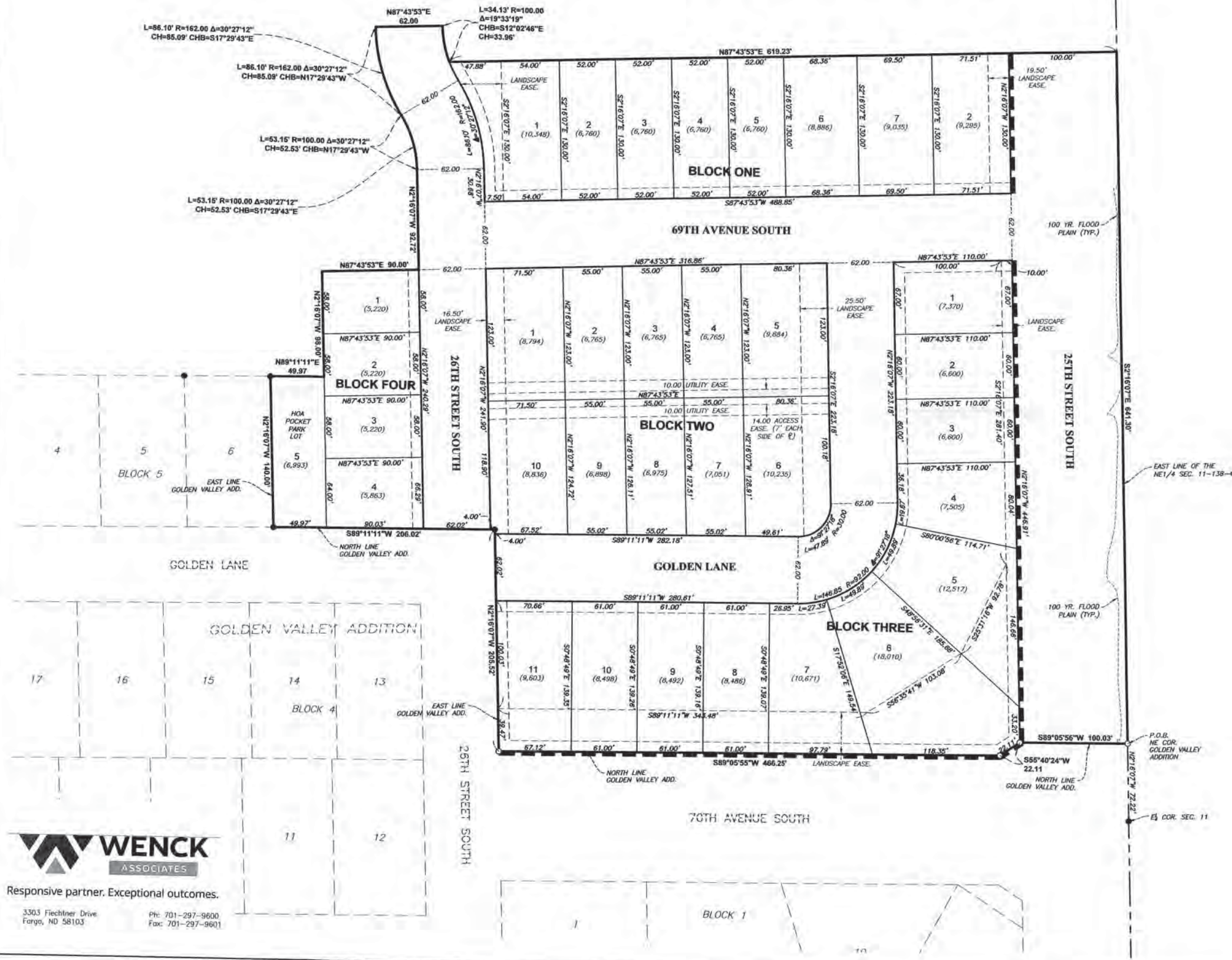
TO THE CITY OF FARGO
A PART OF THE N.E. 1/4 OF SEC. 11 T.138N R.49W
CASS COUNTY, NORTH DAKOTA



LEGEND

- SET 5/8" x 18" REBAR W/ YELLOW PLASTIC CAP #LS-27292
- FOUND IRON MONUMENT
- PLAT BOUNDARY
- PLAT BLOCK LINES
- LOT LINE
- (5,000) LOT AREAS IN SQ. FT.
- - - NEW EASEMENT
- - - EXISTING LOT LINE
- - - EXISTING EASEMENT
- - - FLOODPLAIN BOUNDARY
- - - NEGATIVE ACCESS EASEMENT (SEE NOTE BELOW)

- NOTES:**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF MADELYN MEADOWS FIRST ADDITION, 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 OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
 - FLOODPLAIN BOUNDARIES ARE AS SHOWN ON N.F.I.P. MAP #38017C0787G, WITH AN EFFECTIVE DATE OF JANUARY 16, 2015, DRAWN HEREON USING DIGITIZED FLOOD ZONE BOUNDARIES FROM THE CITY OF FARGO.



WENCK ASSOCIATES
Responsive partner. Exceptional outcomes.
3303 Fiechtner Drive, Fargo, ND 58103
Ph: 701-297-9600
Fax: 701-297-9601

GOLDEN VALLEY SECOND ADDITION

TO THE CITY OF FARGO A PART OF THE N.E. 1/4 OF SEC. 11 T.138N R.49W CASS COUNTY, NORTH DAKOTA

PLAT BOUNDARY DESCRIPTION

Joshua J. Nelson, being duly sworn, deposes and says that he is the Registered Land Surveyor who prepared and made the attached plat of "GOLDEN VALLEY SECOND ADDITION" to the City of Fargo, a part of the Northeast Quarter in Section 11, Township 138 North, Range 49 West, Cass County, North Dakota; that said plat is a true and correct representation of the boundary survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

A plot of part of the Northeast Quarter in Section 11, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A plot of part of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, of the Fifth Principle Meridian, Cass County, North Dakota, described as follows:

Beginning at the point on the east line of the Northeast Quarter of said Section 11, at the northeast corner of GOLDEN VALLEY ADDITION, according to the recorded plat thereof, said County; thence on an assumed bearing of South 55 degrees 40 minutes 24 seconds West along the north line of said GOLDEN VALLEY ADDITION, a distance of 100.03 feet; thence South 55 degrees 40 minutes 24 seconds West along the north line of said last described plot, a distance of 22.11 feet; thence South 89 degrees 05 minutes 56 seconds West along the north line of said last described plot, a distance of 466.25 feet; thence North 02 degrees 16 minutes 07 seconds West along the east line of said last described plot, a distance of 205.52 feet; thence South 89 degrees 11 minutes 11 seconds West along the north line of said last described plot, a distance of 206.02 feet; thence North 02 degrees 16 minutes 07 seconds West along the east line of said last described plot, a distance of 140.00 feet to the northeast corner of Lot 6, Block 5 of said GOLDEN VALLEY ADDITION; thence North 89 degrees 11 minutes 11 seconds East 49.97 feet; thence North 02 degrees 16 minutes 07 seconds West 90.00 feet; thence North 02 degrees 16 minutes 07 seconds West 92.72 feet; thence northerly along a tangential curve, concave to the west, having a radius of 100.00 feet and a central angle of 30 degrees 27 minutes 12 seconds, 53.15 feet to a point of reverse curve; thence northerly along a 162.00 foot radius curve concave to the east, central angle of 30 degrees 27 minutes 12 seconds, 86.10 feet; thence North 87 degrees 43 minutes 53 seconds East 62.00 feet; thence southerly 34.13 feet along a curve concave to the east, not tangent with the last described line, said curve has a radius of 100.00 feet, a central angle of 19 degrees 33 minutes 19 seconds, the chord of said curve bears South 12 degrees 02 minutes 46 seconds East; thence North 87 degrees 43 minutes 53 seconds East 619.23 feet to the east line of said section; thence South 02 degrees 16 minutes 07 seconds East along the east line of said section a distance of 641.30 to the point of beginning.

Said tract contains 10.04 acres, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 2018, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public, Cass County, North Dakota
My commission expires: _____

DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "GOLDEN VALLEY SECOND ADDITION" to the City of Fargo, a part of the Northeast Quarter in Section 11, Township 138 North, Range 49 West, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certification of Joshua J. Nelson, Registered Land Surveyor, and that the description as shown in the certificate of the Registered Land Surveyor is correct. We hereby dedicate all Streets, Lanes, Drives, Utility Easements shown on said plat to the use of the Public.

Owner: 76th Street Holdings, LLC, Contract Vendor

James R. Bullis, President
State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 2018, appeared before me, James R. Bullis, President, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same on behalf of 76th Street Holdings, LLC.

Notary Public, Cass County, North Dakota
My commission expires: _____

Notary Public, Cass County, North Dakota
My commission expires: _____

CONTRACT VENDEE:
Eagle Ridge Development, LLC, Contract Vendee
By: Jon Youness, Secretary

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 2018, appeared before me, Jon Youness, Secretary, Eagle Ridge Development, LLC, a North Dakota limited liability company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota
My commission expires: _____

MORTGAGE HOLDER:
First International Bank and Trust, Mortgagee
By: Matt Mueller, Vice President

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 2018, appeared before me, Matt Mueller, Vice President, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed in the name of First International Bank and Trust.

Notary Public, Cass County, North Dakota
My commission expires: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Shara Fischer
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 2018, before me, a notary public in 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: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this _____ day of _____, 2018.

Timothy J. Mahoney
Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 2018, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota
My commission expires: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this _____ day of _____, 2018.

Mark H. Bittner, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 2018, before me, a notary public in 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: _____



WENCK ASSOCIATES
Responsive partner. Exceptional outcomes.
3303 Fiechtner Drive Fargo, ND 58103 Ph: 701-297-9600 Fax: 701-297-9601

64th Ave S

64th Ave S

65th Ave S

67th Ave S

67th Ave

25th St S

26th St S

70th Ave S

70th

GOLDEN VALLEY PARKWAY S

GOLDEN LAKE S

70th Ave S

GOLDEN VALLEY PARKWAY S

GOLDEN VALLEY PKWY S



Master Plan



City of Fargo Staff Report			
Title:	Parkview South Eighth Addition	Date:	6/27/2018
Location:	3210 26 th Avenue South	Staff Contact:	Maegin Elshaug
Legal Description:	Lot 32, Block 2, Parkview South Second Addition		
Owner(s)/Applicant:	City of Fargo	Engineer:	KLJ
Entitlements Requested:	Minor Subdivision (Replat of Lot 32, Block 2, Parkview South Second Addition and Subdivision Waiver for lot size on Lots 1, and 3-16, Block 1, of the proposed plat)		
Status:	Planning Commission Public Hearing: July 3, 2018		

Existing	Proposed
Land Use: Vacant	Land Use: Household Living
Zoning: SR-2, Single-Dwelling Residential	Zoning: No change
Uses Allowed: SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: No change
Maximum Density Allowed (Residential): 5.4 units per acre	Maximum Density Allowed (Residential): No change
Maximum Lot Coverage Allowed: 35% of lot	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant, the City of Fargo, is requesting a minor subdivision, entitled **Parkview South Eighth Addition**, which is a replat of Lot 32, Block 2, Parkview South Second Addition, and a Subdivision Waiver for lot size on Lots 1, and 3-16, Block 1, of the proposed plat. Lots 1, and 3-16 do not meet the minimum lot size for the SR-2, Single-Dwelling zoning district. The subject property is located at 3210 26th Avenue South and is comprised of approximately 2.06 acres.

The Parkview Development was developed to use this and other similar lots as amenities. However, the city acquired the property from Cass County from non-payment of taxes. The City of Fargo is preparing the properties to allow adjacent property owners in the original Parkview Development or other adjacent development to have the opportunity to acquire the property in the future. This process is yet to be determined and may serve as a template for other lots similar to this in the Parkview 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: Across 26th Avenue South, SR-2, Single-Dwelling Residential, with detached homes.
 - East: SR-2, Single-Dwelling Residential, with detached homes.
 - South: SR-4, Single-Dwelling Residential, with attached homes.
 - West: SR-2, Single-Dwelling Residential, with detached homes.

Area Plans:

No area plans apply.

Schools and Parks:

Schools: The subject property is located within the Fargo School District and is served by Ed Clapp Elementary, Carl Ben Middle, and South High Schools.

Neighborhood: The subject property is located in the Bluemont Lakes neighborhood.

Parks: There is Woodbury Park (3501 23rd Avenue South) and Bluemont Park (2751 32rd Avenue South) located within .5 mile from the subject property. Together they offer playground amenities, a basketball court, gazebos, and open space.

Pedestrian / Bicycle: There are off-road bike facilities located along 23rd Avenue South, 25th Street South, and 32rd Avenue South. All facilities are components of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to subdivide Lot 32, Block 2, Parkview South Second Addition into eighteen lots and one block. Lots 1, and 3-16 are included in the subdivision waiver and are below the minimum lot size of 8,000 square feet in the SR-2 zoning district, as required by Section 20-0501 Residential District Standards. It is intended these lots will be acquired by adjacent property owners and the properties combined; however, that will be determined at a later date. It should be noted that Lots 2, 17 and 18 meet minimum lot sizes and would be considered buildable. 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 approximately 10 inquiries on the property, with questions regarding the future of the lots; however, there was no noted concern for the subdivision application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Subdivision Waiver

The LDC stipulates that the following criteria are met before a subdivision 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.**

The subdivision waiver is to allow Lots 1, and 3-16 to be smaller than the minimum lot size of 8,000 square feet in the SR-2 zoning district. Lots range in size from 2,949 square feet to 4,866 square feet. It is intended

these lots will be acquired by adjacent property owners and the properties combined; however, that will be determined at a later date. It should be noted that Lots 2, 17 and 18 meet minimum lot sizes and would be considered buildable. All adjacent properties are zoned SR-2 and meet minimum lot size standards. Staff finds that the application will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the area. **(Criteria Satisfied)**

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.

Lots 1, and 3-16, Block 1, of the subdivision do not meet minimum requirements for lot size in the SR-2, single-dwelling, zoning district. This application requests for only a waiver for the minimum lot size in fifteen of the eighteen lots. There are no other deviations from standards of Article 20-06. The property may be acquired by an adjacent property owner in the future, which currently are zoned SR-2 and meet minimum lot sizes. **(Criteria Satisfied)**

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.

This application requests for only a waiver for the minimum lot size in fifteen of the eighteen lots. There are no other deviations from standards of Article 20-06. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed 1) **Parkview South Eighth Addition** subdivision plat and 2) subdivision waiver for lot size on Lots 1, and 3-16 of the proposed plat, as outlined within the staff report, as the proposal complies with the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: July 3, 2018

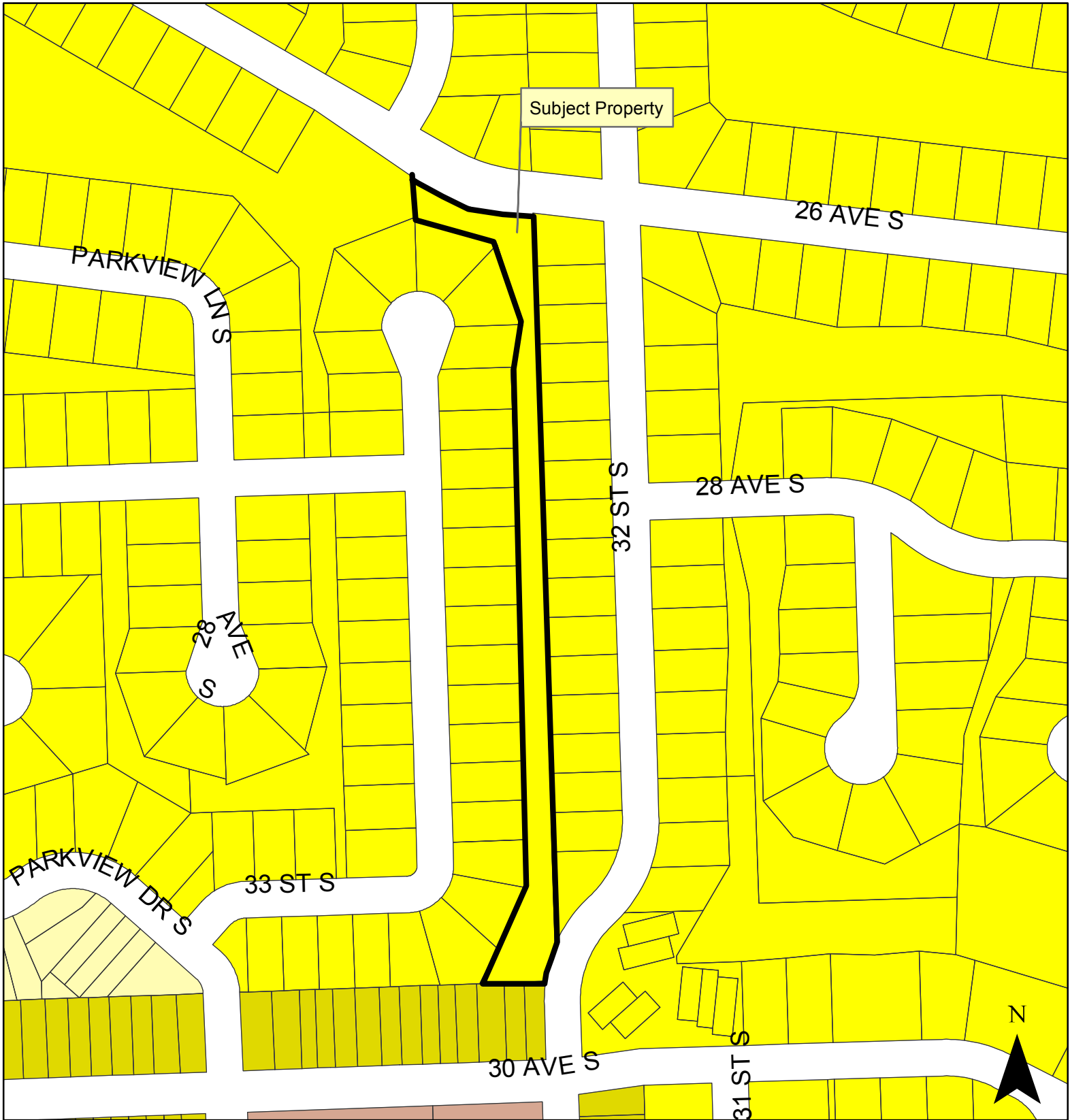
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Public Comments

Plat (Minor) and Subdivision Waiver

Parkview South 8th Addition

3210 26th Avenue South



Legend

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

300

Feet

Fargo Planning Commission

July 3, 2018

Plat (Minor) and Subdivision Waiver

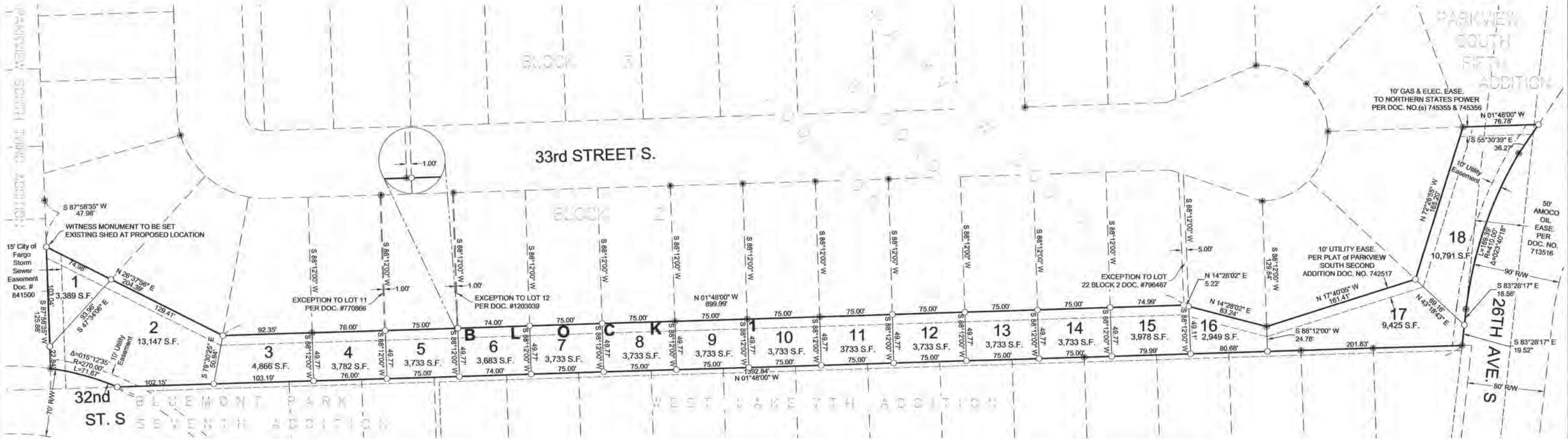
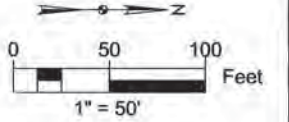
Parkview South 8th Addition

3210 26th Avenue South



PARKVIEW SOUTH EIGHTH ADDITION

Minor Subdivision
 Replat of Lot 32, Block 2 PARKVIEW SOUTH SECOND ADDITION
 to the CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



OWNERS DESCRIPTION AND DEDICATION:

We, The undersigned, do hereby certify that we are the owners of the following Land to be described:

Lot 32 of Block 2, PARKVIEW SOUTH SECOND ADDITION to the City of Fargo, North Dakota.

We hereby dedicate the utility easements shown on said plat to the use of the public or to specific grantee, if noted.

Said plat contains 2.06 Acres, more or less, and is subject to all easements and rights of way of record.

OWNER:

City of Fargo

By: Timothy J. Mahoney, Mayor

State of North Dakota }
 County of Cass }

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

Steven Sprague, City Auditor
 Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Shara Fischer, Chair
 Fargo Planning Commission

State of North Dakota }
 County of Cass }

On this _____ day of _____, 2018, before me, a notary public with and for said County, personally appeared Shara Fischer, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2018.

Brenda Derrig, City Engineer

State of North Dakota }
 County of Cass }

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

Notary Public

CITY OF FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2018.

Timothy J. Mahoney, Mayor

ATTEST:
 Steven Sprague, City Auditor

State of North Dakota }
 County of Cass }

On this _____ day of _____, 2018, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, City of Fargo and Steven Sprague, Auditor, City of Fargo, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Chris Ingersoll, Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that the attached plat is a true and accurate representation of the survey of said subdivision and all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been correctly placed in the ground as shown.

Chris Ingersoll
 Chris Ingersoll, Professional Land Surveyor
 North Dakota License #LS-8887

State of North Dakota }
 County of Cass }
WADE G. WHITWORTH
 Notary Public
 State of North Dakota
 My Commission Expires Sept 02, 2021

On this 21 day of June, 2018, before me, a notary public with and for said County, personally appeared Chris Ingersoll, to me known to be the person described in and who executed the same as a free act and deed.

Wade G. Whitworth
 Notary Public

- LEGEND**
- 5/8" REBAR W/CAP LS 8887
 - MONUMENT FOUND
 - - - ADJACENT PROPERTY LINES.
 - EXISTING EASEMENT
 - PLAT BOUNDARY
 - LOT BOUNDARY
 - - - PROPOSED UTILITY EASEMENT

NOTE:
 Survey is based on Fargo 2007 Coordinate System, Fargo GIS Horizontal Datum, US Survey Feet. Distances shown are Ground distances.
 Said tract of land is subject to any easement restrictions or reservations, either existing or record.
 Bearings and distances may vary from previous plats due to different methods of measurement.



Maegin Elshaug

From: Todd Kadry <tkadry@gmail.com>
Sent: Sunday, June 17, 2018 8:42 PM
To: Maegin Elshaug
Subject: Parkview South Eighth Addition Subdivision Waiver

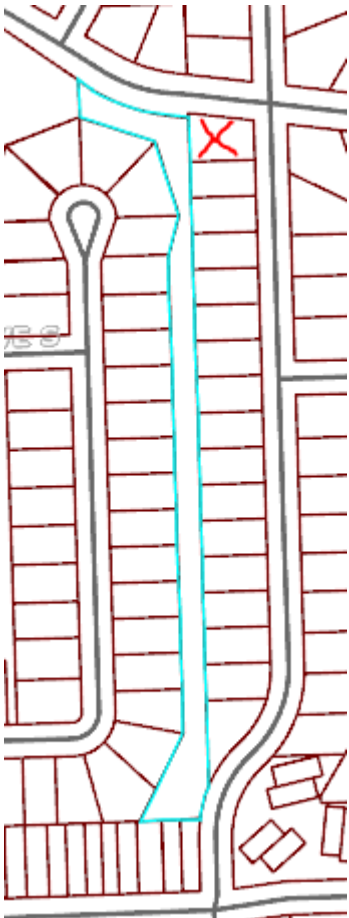
Follow Up Flag: Follow up
Flag Status: Flagged

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

Maegin:

My name is Todd Kadry and my family and I live at 2601 32nd Street S in Fargo. I am in receipt of a letter written on June 15, 2018 and addressed to "Property Owner." I am seeking clarification on what is being proposed before the public hearing on July 3rd. Our property is adjacent to the tract of land in question.

Thank you,
Todd Kadry
(701) 955-821



Maegin Elshaug

From: Patti Struchynski <pstruchy@hotmail.com>
Sent: Monday, June 18, 2018 1:03 PM
To: Maegin Elshaug
Subject: Parkview South Eighth Addition

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hello Maegin,

I got the letter in the mail about the Parkview South Eight Addition. The letter is a little vague so I am inquiring for additional information. I am interpreting that the large parkway lot, a portion of which I have been maintaining for approximately 20 years, is being subdivided into 18 smaller lots (smaller than the current Subdivision requirements). Is the subdivision of he lots being requested in a manner that it aligns with the adjacent property to the west of the parkway? Is the intent of doing this to allow the adjacent homeowners a chance to purchase the property? If so, at what anticipated cost? And if purchased, would there be any limitations in regards to what can be done with the property by the new owners? I understand there is a utility easement, would that prevent fencing and permanent structure building? What about other covenants of the lot that are documented in our title/abstract? It seems that there currently is no enforcement of these covenants. Are these null and void?

Thank you for any additional information you can provide me!

Patti Struchynski
2806 33rd Street South, Fargo

Maegin Elshaug

From: Troy DeWitz <TroyDewitz@butlermachinery.com>
Sent: Monday, June 18, 2018 2:11 PM
To: Maegin Elshaug
Subject: Parkview South Eighth Edition

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi, Maegin, I live at 2809 33rd St S, just west (on the other side of the street) of the area discussed in your June 15 letter to property owners. From the looks of it, that is the “parkway” between the two rows of houses to the east and west of the detail. Is that correct? Will this land finally be deeded over to the homeowners?

We have a similar situation in our back yard so I’m just curious to see if that is what this is about.

Thank you. Troy & Shirley DeWitz

Troy DeWitz | Butler Machinery Company | Credit Manager

3401 33rd St SW | Fargo, ND, 58104 | P 701-298-1749 | C 701-799-3418 | F 701-298-1717

Butler Values | Our Team • Customer Driven • Accountability • Integrity • Excellence • Safety

Click [HERE](#) to sign up for Butler emails



You may view recent invoices and statements by visiting <https://www.eipp06.com/Butler>

This email is intended only for the use of the individual(s) or entity (entities) to which it is addressed and may contain information that is PRIVILEGED and/or CONFIDENTIAL. If you are not the intended recipient, please delete it and any attachments immediately, without opening them. Protecting the security and privacy of your data is important to us. Please see our website for our complete Data and Privacy Policy.

Maegin Elshaug

From: Rod Schauer <rod@completeinvestmentadvisory.com>
Sent: Monday, June 25, 2018 3:29 PM
To: Maegin Elshaug
Subject: Parkview South eight addition

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

Maegin,

I am contacting you concerning a letter that is addressed to property owners in the Bluemont lakes area of town. The reason for my inquiry is we are purchasing a home at 2935 32nd St S and are curious about the grassy area to the west and south of the house. My question is are these lots going to be abandoned by the city? Will they homeowners be able to purchase the lots or is there some other outcome that the city is pursuing?

Clarification would be greatly appreciated.

Please Reply,

Rod Schauer ChFC®

COMPLETE INVESTMENT ADVISORY LLC
3211 Fiechtner Dr. S.
Suite 6
Fargo, ND 58103

701-277-9392 phone
877-351-7640 fax

rod@completeinvestmentadvisory.com

www.completeinvestmentadvisory.com

CONFIDENTIALITY NOTICE: The information contained in this message and any attachment(s) is the sender, Complete Investment Advisory LLC and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distribution of the transmission is **STRICTLY PROHIBITED**. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender and destroy the message and attachment.

City of Fargo Staff Report			
Title:	Reeves Addition	Date:	6/27/18
Location:	1620, 1624, 1630, and 1632 1st Avenue North	Staff Contact:	Maegin Elshaug
Legal Description:	Block 26 and Lots 1, 12, 13, and part of Lots 2-11, Block 27, Reeves Addition, and adjacent vacated right-of-way, Auditor's Lot No. 1, and an unplatted portion of the South Half of Section 1, Township 139 North, Range 49 West		
Owner(s)/Applicant:	MBA Investments LLC	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for an alternative access plan for a parking reduction		
Status:	Planning Commission Public Hearing: July 3, 2018		

Existing	Proposed
Land Use: Commercial, Residential, and Industrial	Land Use: Commercial, Residential, and Industrial
Zoning: GC, General Commercial	Zoning: Unchanged
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. Plus a CUP allowing Residential and Industrial uses.	Uses Allowed: Unchanged Existing CUP allowing Residential and Industrial uses and plus a CUP for an alternative access plan for parking reduction.
Maximum Coverage Allowed: Maximum 85% building coverage	Maximum Coverage Allowed: Unchanged

(continued on page 2)

Proposal:

The applicant is seeking approval of a Conditional Use Permit (CUP) for an alternative access plan for a parking reduction. The subject property is located within the GC, General Commercial zoning district, is located at 1620, 1624, 1630, and 1632 1st Avenue North and encompasses approximately 5.06 acres.

In June 2018, the Planning Commission approved a CUP for Residential and Industrial uses on this property, which allowed for the adaptive reuse and redevelopment of the property. The applicant is in the process of upgrading and remodeling existing buildings on site for a variety of industrial and commercial uses, as well as a single-dwelling residence. This CUP will remain.

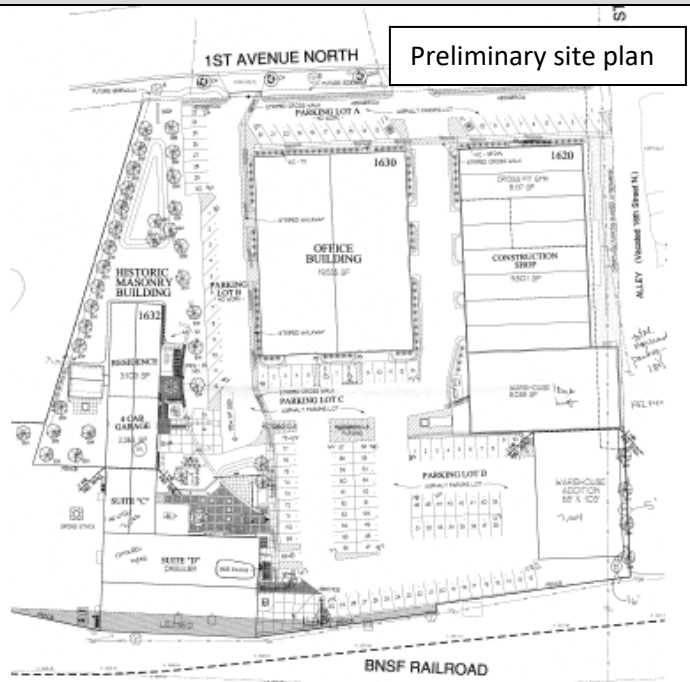
According to the applicant, the hours of operation of the different businesses vary throughout the day, and the reduction allows for flexibility of parking needs on the property.

Based on existing uses of residential, health club, and various industrial uses, and anticipated uses of retail sales and services, industrial and office, 185 parking space would be required. The applicant initially requested a 23% reduction to allow 142 spaces on site. However, in order to allow for greater flexibility, staff and the applicant have coordinated to determine a ratio for parking requirements based on total square footage. There is approximately 67,000 square feet of existing and anticipated uses, excluding the residential use. The 67,000 square feet and 142 space request equate to approximately 1 space per 500 square feet of use. Any expansion on the property would need to meet the parking ratio of 1 space per 500 square feet, as well as any conditions of the existing CUP and requirements of the Land Development Code.

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

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial with warehouse and office uses
- East: LI, Light Industrial with warehouse and office uses
- South: GC, General Commercial with BNSF Railroad uses
- West: LI, Light Industrial with warehouse and office uses



(continued on page 3)

Area Plans:

The subject property is located within the boundaries established by the Unicorn Park Neighborhood Plan that was adopted in 2011. The plan does not address parking requirements.



Context

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

Neighborhood: The subject property is located within the Madison neighborhood.

Parks: Unicorn Park (1603 3 Avenue North) is located approximately 800 feet north of the subject property. Unicorn Park provides basketball, grill, multipurpose field, playground, and picnic table amenities.

Pedestrian / Bicycle: There is an on-road bike facility located north of the property on 1 Avenue North. This bike route is a component of the metro area bikeways system.

Staff Analysis:

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

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

- 1. Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**

The general intent and purpose of the LDC is to implement Fargo’s Comprehensive Plan and related policies in a manner that will protect the health, safety, and general welfare of the citizens of Fargo. Exploring reductions in minimum parking standards is a key initiative meant to promote the Plan’s guiding principles. Specifically, Transportation Initiative 07 from the Go2030 Comprehensive Plan states to, “Pursue creative parking strategies to fund and activate parking structures, explore reducing minimum parking standards, and share parking between daytime and nighttime uses.” The applicant is requesting to establish a parking ratio as part of the CUP to allow for flexibility in facility size. The parking ratio proposed is one space per 500 square feet. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

- 2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff finds that this proposed conditional use permit for an alternative access plan for reduced parking will contribute to and promote the welfare of the public by allowing flexibility within the immediate area, and prevent the need for excess parking. The proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, the potential negative impacts. **(Criteria Satisfied)**

- 3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**

Staff has no data to suggest that the proposed use would cause substantial injury to the value of other

property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received one inquiry with no noted concern. **(Criteria Satisfied)**

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

The proposed parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant to limit the intensity of the requested reduction and accommodate potential future uses and parking. **(Criteria Satisfied)**

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

Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

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

The property has access from 1st Avenue North. In addition, the Engineering Department has had an opportunity to review the proposal and no comments or concerns were noted to indicate a deficiency with the access roads or entrances or exit drives. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and approve the Conditional Use Permit to allow for an Alternative Access Plan for parking reduction as the proposal complies with Section 20-0909.D (1-6), the Go2030 Fargo Comprehensive Plan, and all other requirements of the LDC, with the following conditions:

- 1) Two parking spaces shall be provided per residential unit
- 2) One off-street parking space to be provided per 500 square feet for all other uses on site
- 3) The Conditional Use Permit shall cease upon sale of the property"

Planning Commission Recommendation: June 5, 2018

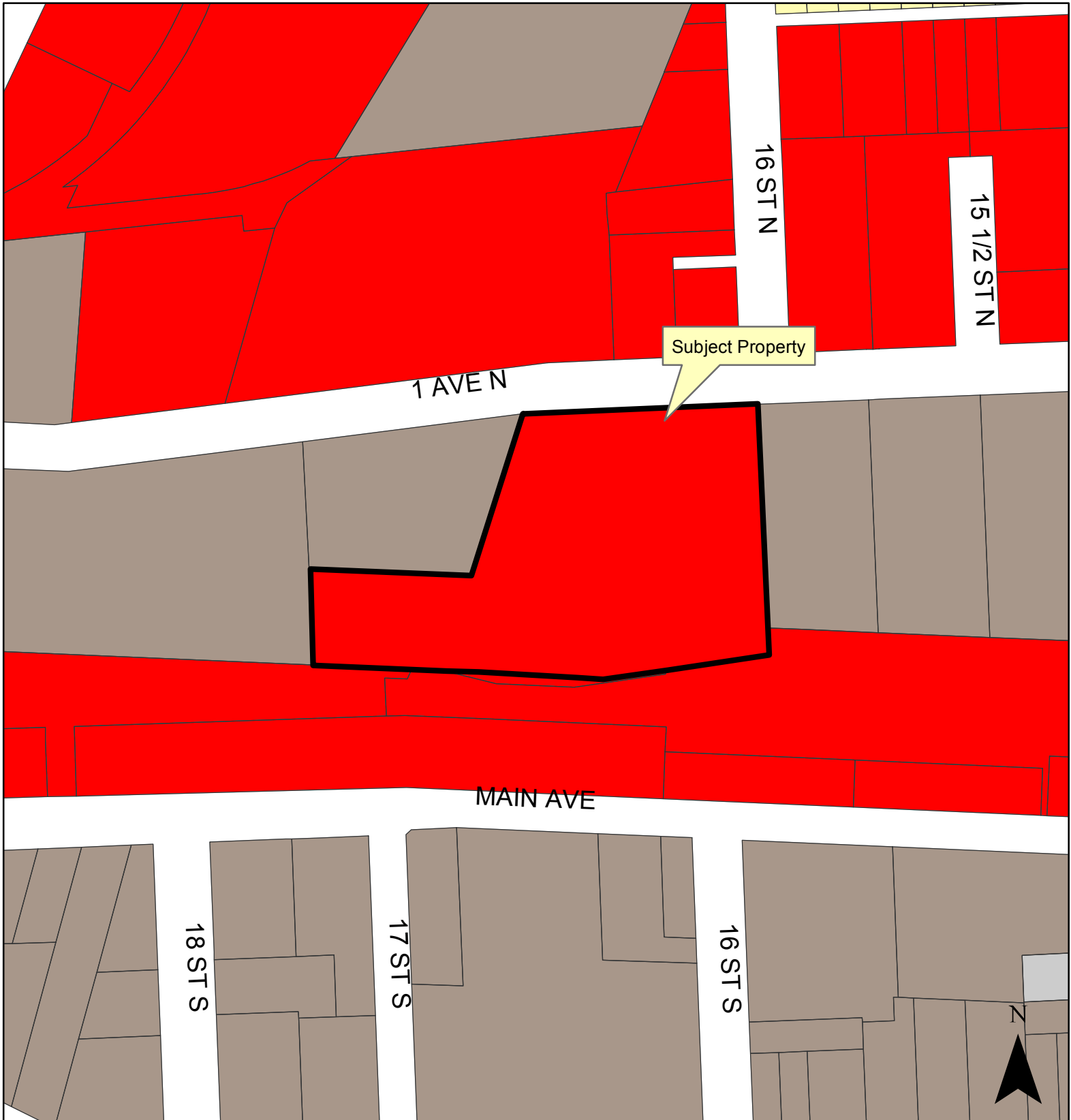
Attachments:

1. Zoning Map
2. Location Map

CUP (Alternative Access Plan)

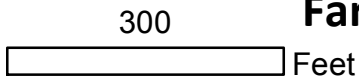
Reeves Addition

1620, 1624, 1630 and
1632 1st Avenue North



Legend

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



CUP (Alternative Access Plan)

Reeves Addition

1620, 1624, 1630 and
1632 1st Avenue North



City of Fargo Staff Report			
Title:	Gardenia Addition	Date:	6/26/2018
Location:	6357 & 6395 27 th St S (formerly addressed as 2705 64 th Ave S)	Staff Contact:	Aaron Nelson
Legal Description:	Auditor's Lot 10, SE ¼ Sec 2, T138N, R49W		
Owner(s)/Applicant:	Robert Kost	Engineer:	LJA
Entitlements Requested:	Major Subdivision (Auditor's Lot 10 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5 th Principal Meridian City of Fargo, Cass County, North Dakota) and Zone Change (from AG, Agriculture to SR-2, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: July 3, 2018		





Existing	Proposed
Land Use: Residential	Land Use: Unchanged
Zoning: AG, Agricultural	Zoning: SR-2, Single-Dwelling Residential
Uses Allowed: AG Allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Density Allowed: SR-2 allows a maximum of 5.4 units per acre.

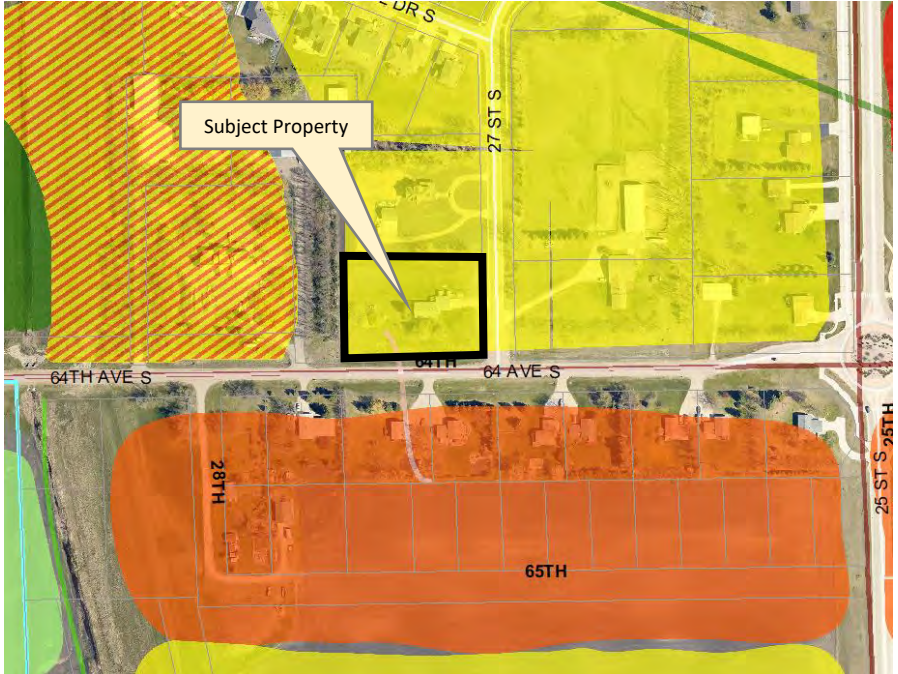
Proposal:
<p>The subject property was annexed into the City in 2009, and remains unplatted and within the AG, Agricultural, zoning district. There is currently one detached house on the subject property, which was constructed prior to annexation, in 1977.</p> <p>The applicant is seeking approval of a 1) major subdivision and 2) zoning map amendment. The intent of these two applications is to establish two legal lots for residential use.</p> <p>The proposed subdivision would dedicate 100 feet of 64th Avenue S right-of-way, and would establish two legal lots for residential use. Lot 1 would be vacant and Lot 2 would contain the existing house. A negative access easement along 64th Avenue S would prevent vehicular access to/form this minor arterial street. Access to both lots is provided via 27th Street S.</p> <p>The proposed zoning change to SR-2, Single-Dwelling Residential, would allow the proposed residential use of the property. The existing lot is currently non-conforming with the density requirement of the AG zoning district, which requires at least 10 acres of land for each dwelling unit.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-2, single-dwelling residential • East: AG, single-dwelling residential • South: SR-2, single-dwelling residential • West: AG & SR-2, single-dwelling residential

Area Plans:

The subject property is located within the 2001 City of Fargo Growth Plan, as referenced within the 2007 Growth Plan. The plan identifies this area as low/medium density residential.

Legend

-  Low/Medium and Medium/High Density Residential
-  Commercial and Medium/High Density Residential
-  Low/Medium Density Residential
-  Medium/High Density Residential
-  Proposed_Parkland
-  School



Context:

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

Parks: There are no parks within a half mile of the subject property.

Pedestrian / Bicycle: East of the property on 25th Street South there is an on road bike facility running north and south that connects to 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?**
As noted in the Land Development Code (LDC), the AG zoning district is intended as an “interim” zoning classification pending determination of an appropriate zoning district. The zoning change is justified as the applicant is ready to establish the long-term urban zoning classification for the property, which is consistent and compatible with 2007 Growth Plan and compatible with the surrounding land uses. **(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. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the property. The applicant’s utility plan indicates that each residence can be individually served with public water and sewer. **(Criteria satisfied)**
- 3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
Staff has no evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the

subject property. To date, staff has not received any comments. 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?

Staff suggests that the SR-2 zoning district is intended to accommodate residential land use as outlined in Section 20-0203 of the LDC. The proposed amendment is consistent with all applicable portions of the Land Development Code and adopted City Policies. **(Criteria Satisfied)**

Minor Subdivision

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

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

This subdivision is intended to plat two legal lots for single-dwelling houses. The proposed use is consistent with the proposed zoning and the growth plan for the area. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

- 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 subdivision plat, *Gardenia Addition* and zoning map amendment from AG, Agricultural, to SR-2, Single-Dwelling Residential, on the basis that it satisfactorily complies with the 2007 Growth Plan, standards of Article 20-06, standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 3, 2018

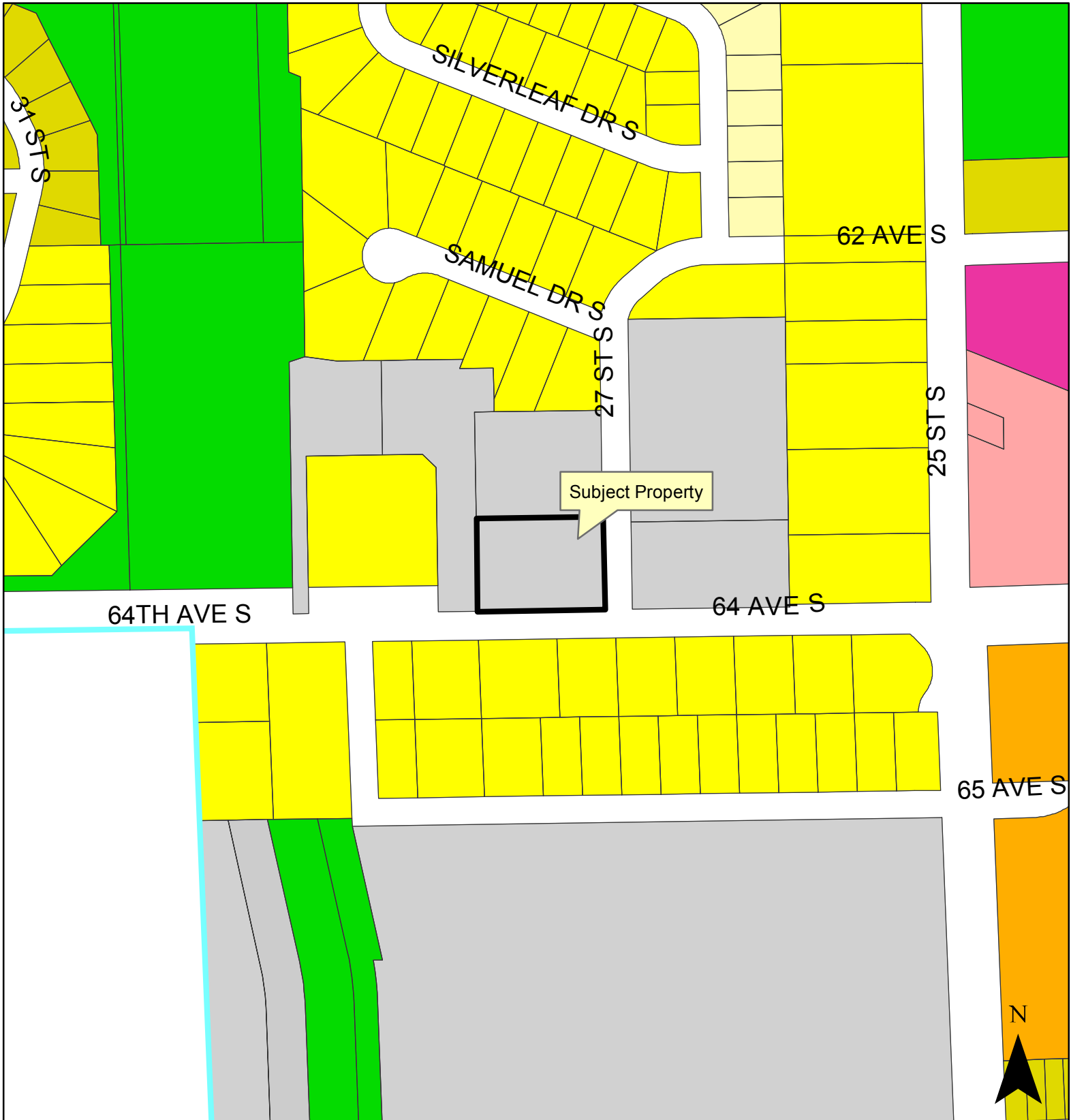
Attachments:

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

Plat (Major) and Zone Change (AG to SR-2)

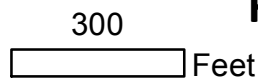
Gardenia Addition

2705 64th Avenue South



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GL	MR-1	NO	SR-4
GO	MR-2	P/I	SR-5
	MR-3	UMI	SR-6
			City Limits



Fargo Planning Commission
July 3, 2018



Plat (Major) and Zone Change (AG to SR-2)

Gardenia Addition

2705 64th Avenue South



PRELIMINARY

GARDENIA ADDITION

AUDITOR'S LOT 10, IN THE SOUTHEAST QUARTER
SECTION 2, TOWNSHIP 138 NORTH, RANGE 49 WEST
CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNERS' CERTIFICATE

Auditor's Lot Ten of the Southeast Quarter of Section Two, in Township One Hundred Thirty-eight North of Range Forty-nine West of the Fifth Principal Meridian, situate in the City of Fargo, the County of Cass and the State of North Dakota.

Tract contains 2.00 acres, more or less.

Said owner has caused the above described tract of land to be surveyed and platted as GARDENIA ADDITION to the City of Fargo, North Dakota, containing 1 Block and 2 Lots and do hereby dedicate to the public, for public use, all utility easements and dedicated right of way as shown on this plat.

Robert D. Kost, Owner

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 Robert D. Kost, Owner, 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, 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 GARDENIA 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 _____

FARGO CITY ENGINEERS APPROVAL

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

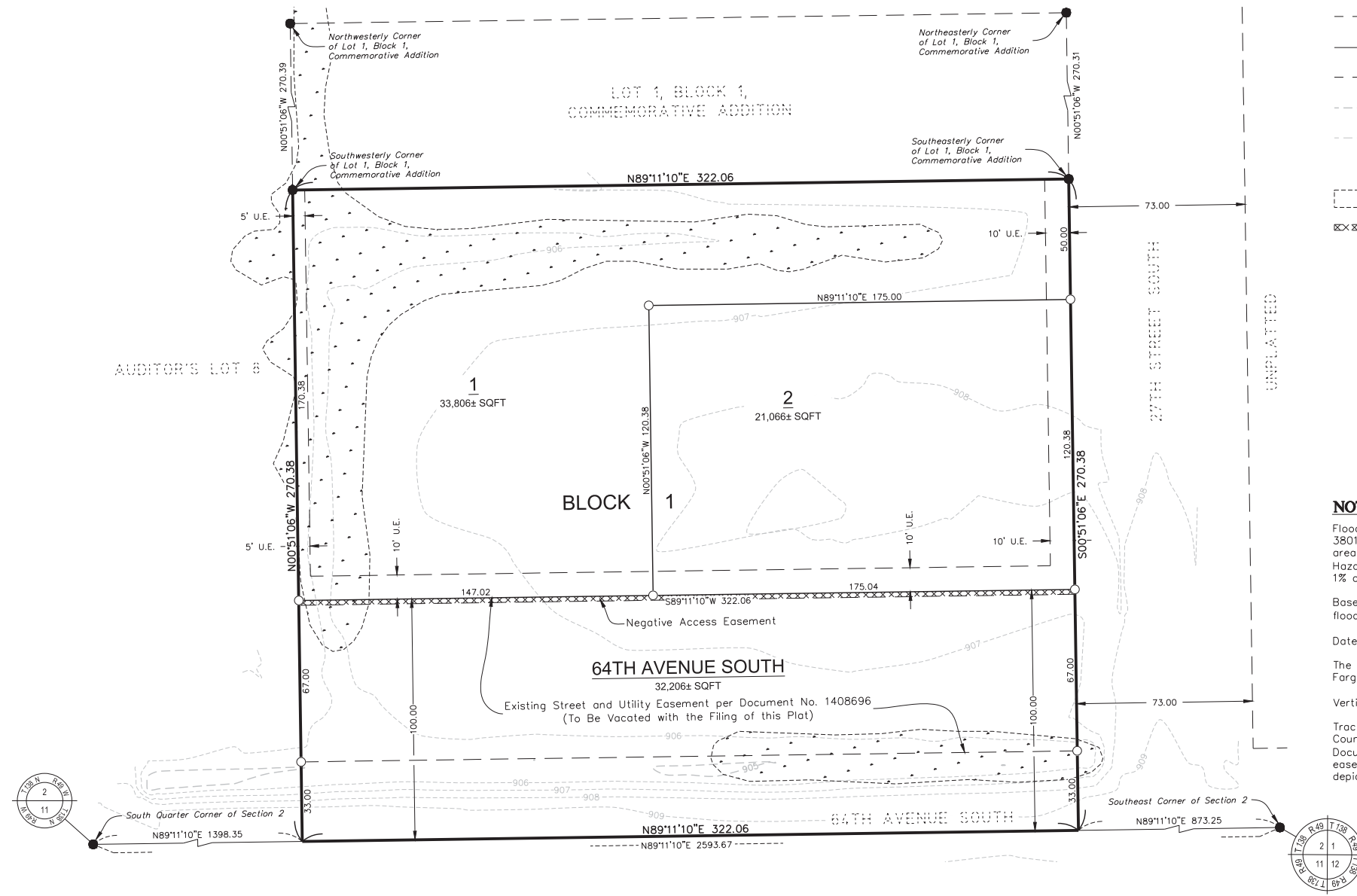
Brenda E. Derrig, City Engineer

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Brenda E. Derrig, 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.

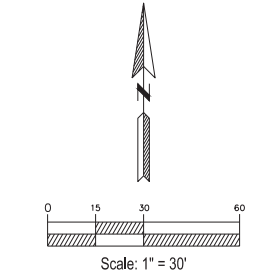
Notary Public, Cass County, ND

My Commission Expires _____



LEGEND

- FOUND SURVEY MONUMENT
- 5/8" REBAR SET AND MARKED LS-8064
- DENOTES BOUNDARY LINE
- NEW LOT LINE
- - - EXISTING LOT LINE
- - - SECTION LINE
- - - EASEMENT LINE
- - - MAJOR CONTOUR
- - - MINOR CONTOUR
- U.E. UTILITY EASEMENT
- 100 YEAR FLOOD PLAIN
- XXXXXX NEGATIVE ACCESS EASEMENT



NOTES:

- Flood Insurance Rate Map community panel number 38017C0787G dated January 16, 2015 indicates that areas of this plat are included in Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% annual chance flood, zone AE.
- Base Flood Elevation for zone AE 1% annual chance flood is 906.7 (NAVD88)
- Date of Topographical Survey: 4/19/2018
- The Basis of Bearing is derived from the City of Fargo GIS Coordinate System.
- Vertical Datum: (NAVD88)
- Tract is subject to an easement in favor of Cass County Electric Cooperative, Inc. according to Document No. 467213 (Book Z-5, Page 410). Said easement is blanket in nature and therefor not depicted on this plat.

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 _____

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 _____



LJA Project No. 18053

City of Fargo Staff Report			
Title:	Maier Second Addition	Date:	6/23/2018
Location:	1135, 1141, and 1201 49th Avenue South	Staff Contact:	Barrett Voigt
Legal Description:	A portion of Lot 4, Block 2 Maier First Subdivision and unplatted tax Lots 23 and 24 in the Southeast Quarter of Section 36, Township 139 North, Range 49 West		
Owner(s)/Applicant:	City of Fargo	Engineer:	City of Fargo
Entitlements Requested:	Major Subdivision (Replat a portion of Lot 4, Block 2 Maier First Subdivision and unplatted tax Lots 23 and 24 in the Southeast Quarter of Section 36, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota including a Subdivision Waiver to reduce the size of a cul-de-sac)		
Status:	Planning Commission Public Hearing: July 3, 2018		

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

Proposed
Land Use: Future Residential Development
Zoning: No Change
Uses Allowed: No Change
Maximum Density Allowed: No Change

Proposal:
<p>The applicant is seeking approval of a major subdivision, entitled Maier Second Addition, which is a replat of Lot 4, Block 2 Maier First Subdivision and unplatted tax Lots 23 and 24 in the Southeast Quarter of Section 36, Township 139 North, Range 49 West. The subject properties are located at 1135, 1141, and 1201 49th Avenue South and encompass approximately 21,233 square feet. The applicant is proposing a one (1) Lot, one (1) Block major subdivision with a Subdivision Waiver to retain the existing cul-de-sac for the purpose of reconfiguring flood buy-out lots into a lot that will meet future development market demand. The Land Development Code requires that the turn around diameter of a cul-de-sac provide 140 feet of right-of-way and 100 feet of pavement. The applicant proposes a subdivision waiver to retain the existing cul-de-sac with diameter measurements of 110 feet of right-of-way and 66 feet of pavement.</p>

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

Surrounding Land Uses and Zoning Districts:

- North: SR-2, SR-2, Single-Dwelling Residential with Household Living, House Detached use
- East: SR-2, SR-2, Single-Dwelling Residential with vacant land use
- South: SR-2, SR-2, Single-Dwelling Residential with vacant land use
- West: SR-2, SR-2, Single-Dwelling Residential with Household Living, House Detached use

Area Plans:

No area plans apply.

Schools and Parks:

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

Neighborhood: The subject property is located in the Rose Creek Neighborhood.

Parks: Iwen Park Boat Access, Disc Golf Course, and BMX track are located less than 1,200 feet south of the subject properties. Amenities provided are boat ramp, cross country ski trails, disc golf, BMX track and fishing.

Pedestrian / Bicycle: Off-road bike facilities are provided along University Drive South less than a 600 feet west of the subject properties and are a component of the metro area bikeways system.

Staff Analysis:

Major Subdivision

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

1. **Section 20-0907. 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 an existing residential subdivision development in the SR-2, Single-Dwelling Residential, zoning district and no area plans exist for the property location. The SR-2 zoning district will have the potential to accommodate future development.

(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.**

With the exception of the proposed cul-de-sac, the proposed development is consistent and compatible with the Go2030 Comprehensive Plan and the subdivision request meets the requirements of the Land Development Code (LDC). Additionally, in accordance with §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 telephone inquiry regarding the project

(Criteria Satisfied)

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

Due to the existing infrastructure on the subdivision, no amenities plan will be required. Any improvements associated with the project (both existing and proposed) are subject to special assessments. City of Fargo special assessment policy would allocate the costs of public infrastructure improvements by the proportion of linear property frontage and storm sewer costs by a square footage basis.

(Criteria Satisfied)

Subdivision Waiver

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

- 1. 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.**

As discussed earlier within this report, staff is supportive of the requested subdivision waiver. Staff has no reason to believe that the requested subdivision waiver would be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the area.

(Criteria Satisfied)

- 2. The 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.**

The applicant proposes to retain the existing cul-de-sac at the subject property. The subdivision waiver would mitigate the practical difficulty of diminished opportunities to develop the site if the cul-de-sac were to be enlarged to meet LDC §20-0611.G.3. The current right-of-way and paved diameters of the existing cul-de-sac are 110 feet and 66 feet respectively. As a result, the existing diameters are 30 feet and 33 feet less than what is required. If each diameter of the cul-de-sac were to be increased to meet LDC requirements, it would require land from the proposed lot to be utilized in order to provide enough space so that it could be constructed. The subdivision waiver would allow the cul-de-sac to remain without having to sacrifice additional land from the proposed lot. Both the Public Works and Fire Department have not identified any issues with this proposal.

(Criteria Satisfied)

- 3. The 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.**

As outlined within this report, the requested subdivision waiver is intended to reduce the dimensions of the cul-de-sac as required by Subdivision Design and Improvement standards of §20-0611 of the Land Development Code.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed 1) **Maier Second Addition** subdivision 2) subdivision waiver of Section 20-0611 of the LDC as presented; as outlined within the staff report as the proposal complies with the standards of Article 20-06, Section 20-0907, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: July 3, 2018

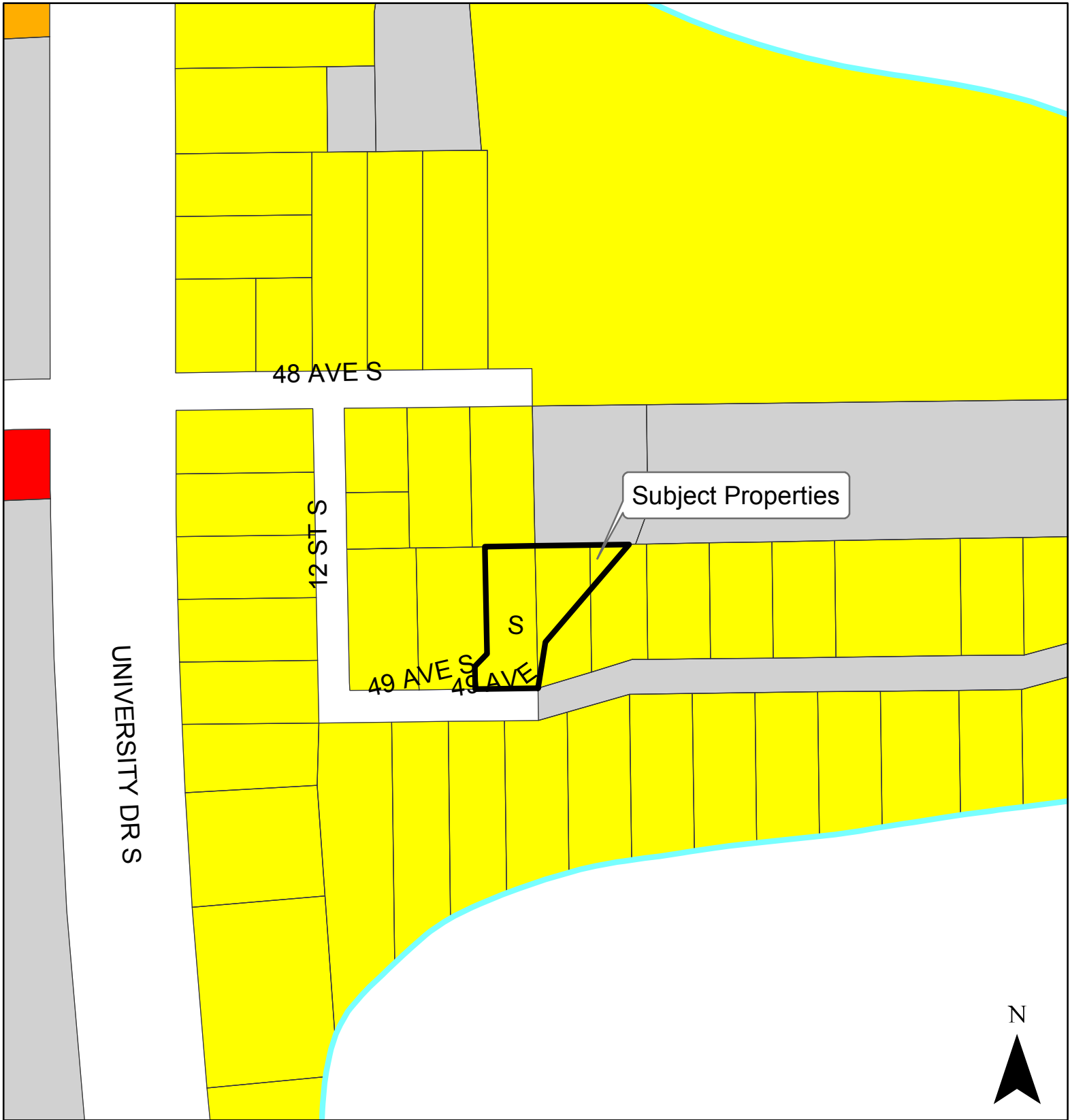
Attachments:

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

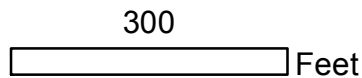
Plat (Major)

Maier Second Addition

1135, 1141 and
1201 49th Avenue South



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



Fargo Planning Commission
July 3, 2018



Plat (Major)

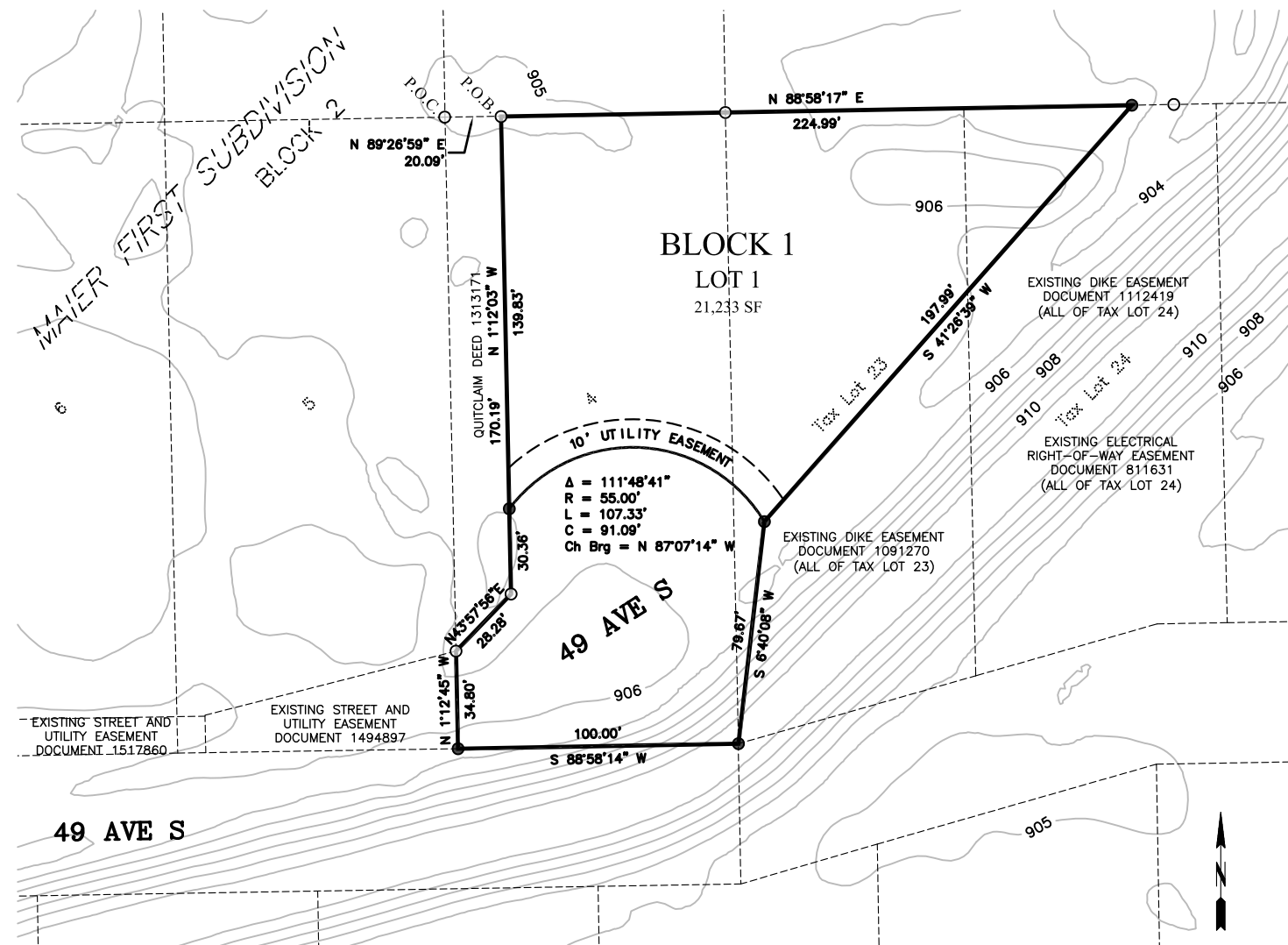
Maier Second Addition

1135, 1141 and
1201 49th Avenue South



MAIER SECOND ADDITION

A PART OF LOT 4, BLOCK 2 OF MAIER FIRST SUBDIVISION AND UNPLATTED TAX LOTS 23 AND 24 OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 139 NORTH, RANGE 49 WEST, CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MAJOR SUBDIVISION



LEGEND

- - MONUMENT FOUND
- - MONUMENT TO BE SET WITHIN ONE YEAR OF PLAT RECORDATION, 5/8" REBAR, LS-5068

NOTES:

FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 38017C0791G DATED JANUARY 16, 2015 INDICATES THAT AREAS OF THIS PLAT ARE INCLUDED IN SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AE.

BASE FLOOD ELEVATION FOR ZONE AE 1% ANNUAL CHANCE FLOOD IS 906.5 IN NAVD 88

CONTOUR DATA BASED ON 2011 CITY OF FARGO LIDAR

BENCHMARK:
NGS SURVEY MONUMENT PID RP1143, DESIGNATION E 506, ELEVATION 905.25 IN NAVD 88 DATUM.

PROPERTY DESCRIPTION:

A part of Lot 4, Block 2 of Maier First Subdivision and unplatted Tax Lots 23 and 24 of the Southeast Quarter of Section 36, Township 139 North, Range 49 West of the Fifth Principal Meridian, City of Fargo, Cass County, North Dakota, more particularly described as:

Commencing at the northwest corner of said Lot 4; thence North 89°26'59" East, a distance of 20.09 feet, along the north line of said Lot 4, to a found iron monument designating the northeast corner of a parcel of land described by QUITCLAIM DEED document 1313171 on record at the Cass County Recorder's Office, the point of beginning; thence North 88°58'17" East, along the north lines of said Lot 4 and said Tax Lots 23 and 24, a distance of 224.99 feet; thence South 41°26'39" West, a distance of 197.99 feet; thence South 6°40'08" West, a distance of 79.67 feet to a point on the existing north right-of-way of 49th Avenue South, said point being the southeast corner of said Lot 4; thence South 88°58'14" West, along said north right-of-way, a distance of 100.00 feet to the southwest corner of said Lot 4; thence North 1°12'45" West, along the west line of said Lot 4, a distance of 34.80 feet to the southwest corner of said parcel of land described by QUITCLAIM DEED document 1313171; thence along the south and east lines of said parcel of land described by QUITCLAIM DEED document 1313171 on the following courses:
;thence North 43°57'56" East, a distance of 28.28 feet
;thence North 1°12'03" West, a distance of 170.19 feet to the point of beginning.

Said tract contains 30,704 square feet, more or less.

Basis of bearings is the City of Fargo ground control system.

OWNERS ACKNOWLEDGEMENT AND DEDICATION:

The City of Fargo does hereby certify that it is the owner of the property shown on the plat and described herein and have caused the same to be surveyed and platted as Maier Second Addition and hereby dedicate and convey to the public, for public use, all streets, avenues and utility easements as shown on the plat.

Timothy J. Mahoney, Mayor

Steve Sprague, City Auditor

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, before me, a notary public with and for said county, personally appeared:

Timothy J. Mahoney, Mayor; City of Fargo
Steve Sprague, City Auditor; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County

My commission expires _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Brent W. Wacha, Professional Land Surveyor, under the laws of the State of North Dakota, hereby certify that this plat is a true and correct representation of the survey of said subdivision; 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.

Brent W. Wacha, PLS
North Dakota Registration No. LS-5068

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, before me, a notary public with and for said county, personally appeared:

Brent W. Wacha, Professional Land Surveyor

Known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County

My commission expires _____

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer, P.E.
North Dakota Registration No. PE-1958

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, before me, a notary public with and for said county, personally appeared:

Mark H. Bittner, City Engineer; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County

My commission expires _____

FARGO PLANNING COMMISSION APPROVAL:

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

Shara Fischer, Chair
Fargo Planning Commission

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, before me, a notary public with and for said county, personally appeared:

Shara Fischer, Chair, Fargo Planning Commission

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County

My commission expires _____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners of Fargo, North Dakota, and ordered filed this ___ day of _____, 20___.

Timothy J. Mahoney, Mayor

Steve Sprague, City Auditor

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, before me, a notary public with and for said county, personally appeared:

Timothy J. Mahoney, Mayor; City of Fargo
Steve Sprague, City Auditor; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County

My commission expires _____

AUDITOR'S TAX RECORD:

Delinquent taxes and special assessments or installments of special assessments paid and transfer entered.

Michael Montplaisir, Cass County Auditor



Prepared by:
FARGO ENGINEERING DEPT.
FARGO, NORTH DAKOTA

City of Fargo Staff Report			
Title:	Simonson Companies First Addition	Date:	6/26/18
Location:	3825 53rd Avenue South	Staff Contact:	Barrett Voigt
Legal Description:	Lots 1 and 2, Block 1, Simonson First Addition		
Owner(s)/Applicant:	Arch Simonson/Lowry Engineering	Engineer:	Lowry Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lot 2, Block 1, The District of Fargo Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: July 3, 2018		

Existing
Land Use: Vacant Land
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay (4634)
Uses Allowed: 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
Maximum Lot Coverage Allowed: 55% building coverage

Proposed
Land Use: Retail, Sales, and Service
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay
Uses Allowed: No Change
Maximum Lot Coverage Allowed: No Change

Proposal:
<p>The applicant is seeking approval of a minor subdivision, entitled Simonson Companies First Addition with the intent to change the name on the Simonson First Addition minor subdivision plat. Simonson Companies First Addition will be a replat of Lot 2, Block 1, The District of Fargo Addition. The subject property is located at 3825 53rd Avenue South and encompasses approximately 3.28 acres.</p> <p>Background: Simonson First Addition was a replat of Lot 2, Block 1, The District of Fargo Addition that</p>

was approved by the Planning Commission on February 6, 2018 and the City Commission on May 21, 2018. The minor subdivision plat was recorded on June 12, 2018.

On June 12, 2018, the Cass County Recorder's Office informed the Planning and Development Department that the name on the plat was similar to the title of Simonson's First Addition that was platted in 1994 and that the proposed Simonson First Addition name would create a lot of challenges for the Recorder's Office in the future.

Staff discussed the issue with the Engineering Department, Recorder's Office and City Attorney and determined that a vacation and replat would be needed to rename the plat.

Therefore, the current legal description of the property is Simonson First Addition. However, it is the intention of the applicant to vacate Simonson First Addition by recorded affidavit before Simonson Companies First Addition is recorded.

Between February and June 2018, changes have occurred in regards to city staff positions and legal descriptions to surrounding land areas. Therefore, differences between Simonson First Addition plat and the proposed Simonson Companies plat are the following:

1. Title change and text changes from "Simonson First Addition" to "Simonson Companies First Addition"
2. City Engineer name change from "Mark H. Bittner" to "Brenda E. Derrig"
3. Change of legal description of the property east of the subject property from "The District of Fargo Addition Lot 1 Block 6" to "The District of Fargo 3rd Addition Lot 1 Block 1."

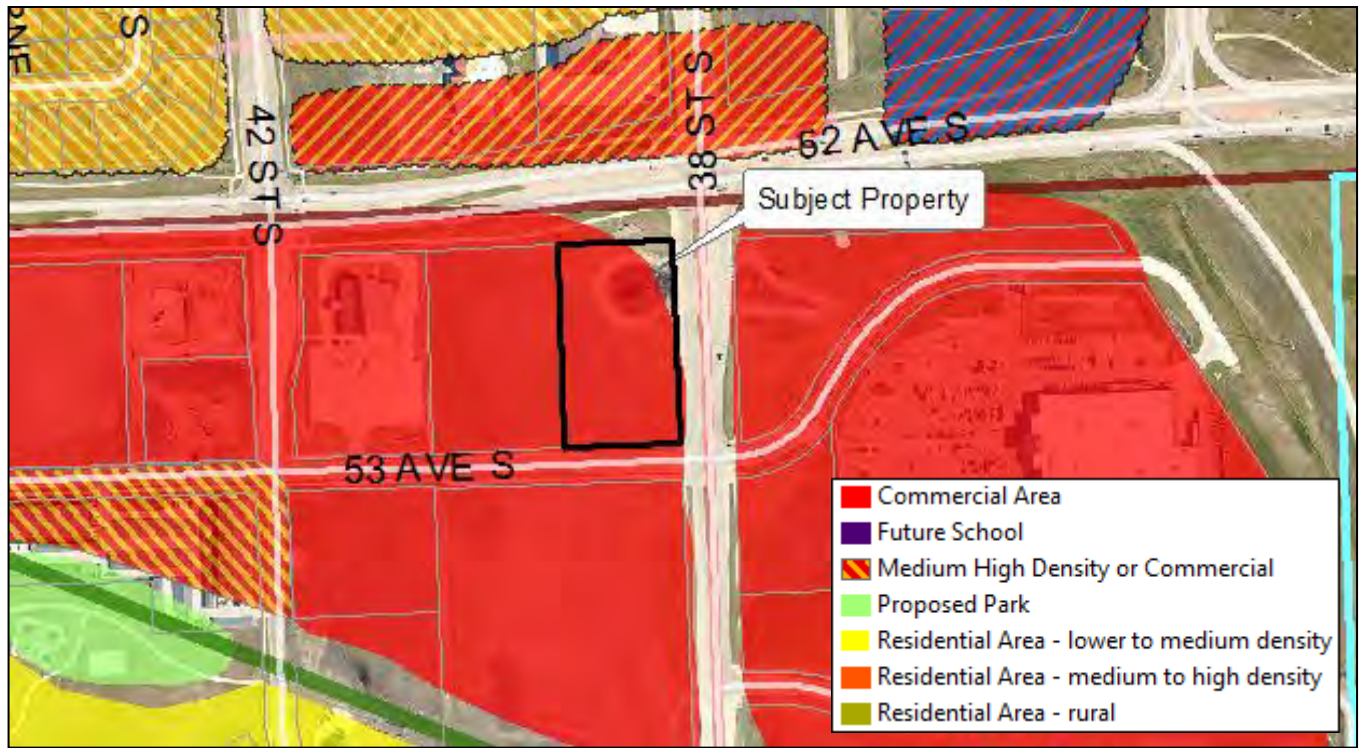
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 52nd Avenue South; GC, General Commercial with financial services use
- East: Across 38th Street South; LC, Limited Commercial with anticipated retail, sales, and service use
- South: Across 53rd Street South; LC, Limited Commercial with vacant land use
- West: LC, Limited Commercial with vacant land use

Area Plans:

The 2007 Tier 1 Southwest Land Use Plan designates the area of this project as "Commercial Area."



Schools and Parks:

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

Neighborhood: The subject property is located in The District Neighborhood.

Parks: The Pines Park (5371 42nd Street S) is located less than a quarter (.25) mile southwest of the subject property and offers the amenities of baseball/softball field, playground, recreational trails, and a shelter.

Pedestrian / Bicycle: There are off-road bike facilities located along 52nd Avenue South that are a component of the metro area bikeway system.

Staff Analysis:

Minor Subdivision

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

1. Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend

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

The subdivision is intended to rename Simonson First Addition into Simonson Companies First Addition to provide relief to the Cass County Recorder's Office. In accordance with §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 comments.

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 allocated 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, **Simonson Companies First Addition** as outlined in the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: July 3, 2018

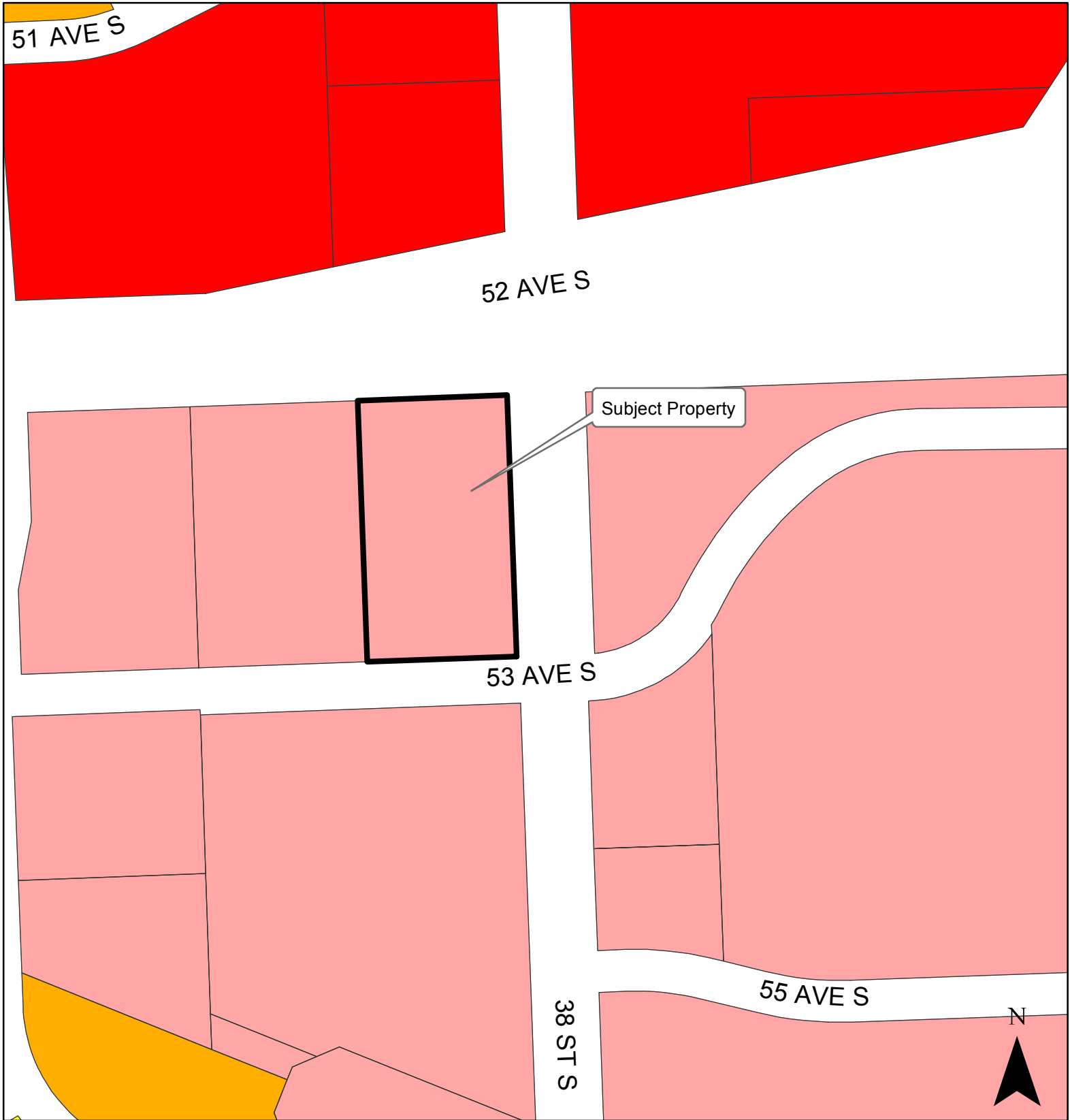
Attachments:

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

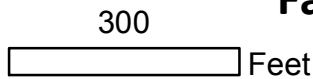
Plat (Minor) and Zone Change

Simonson Companies First Addition

3825 53rd Avenue South



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



Fargo Planning Commission
July 3, 2018

Plat (Minor) and Zone Change

Simonson Companies First Addition

3825 53rd Avenue South



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

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT SIMONSON COMPANIES, LLC ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF SIMONSON COMPANIES FIRST ADDITION, 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, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A REPLAT OF LOT 2, BLOCK 1 OF THE DISTRICT OF FARGO ADDITION.

SAID TRACT OF LAND CONTAINS 3.28 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 REPLATTED AS SIMONSON COMPANIES FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. SAID OWNERS ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL PUBLIC UTILITY EASEMENTS AND STORMWATER EASEMENT SHOWN ON SAID PLAT.

SIMONSON COMPANIES, LLC

SIMONSON COMPANIES, LLC
BY: ARCH R. SIMONSON
ITS: PRESIDENT

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ARCH R. SIMONSON, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED 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 SIMONSON COMPANIES 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 _____, 2018.

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

STATE OF _____)
)ss
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2018, 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 _____, 2018.

BRENDA E. DERRIG
CITY ENGINEER

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: BRENDA E. DERRIG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED 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 _____, 2018.

SHARA FISCHER, CHAIR
FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, 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 _____, 2018.

TIMOTHY J. MAHONEY
MAYOR

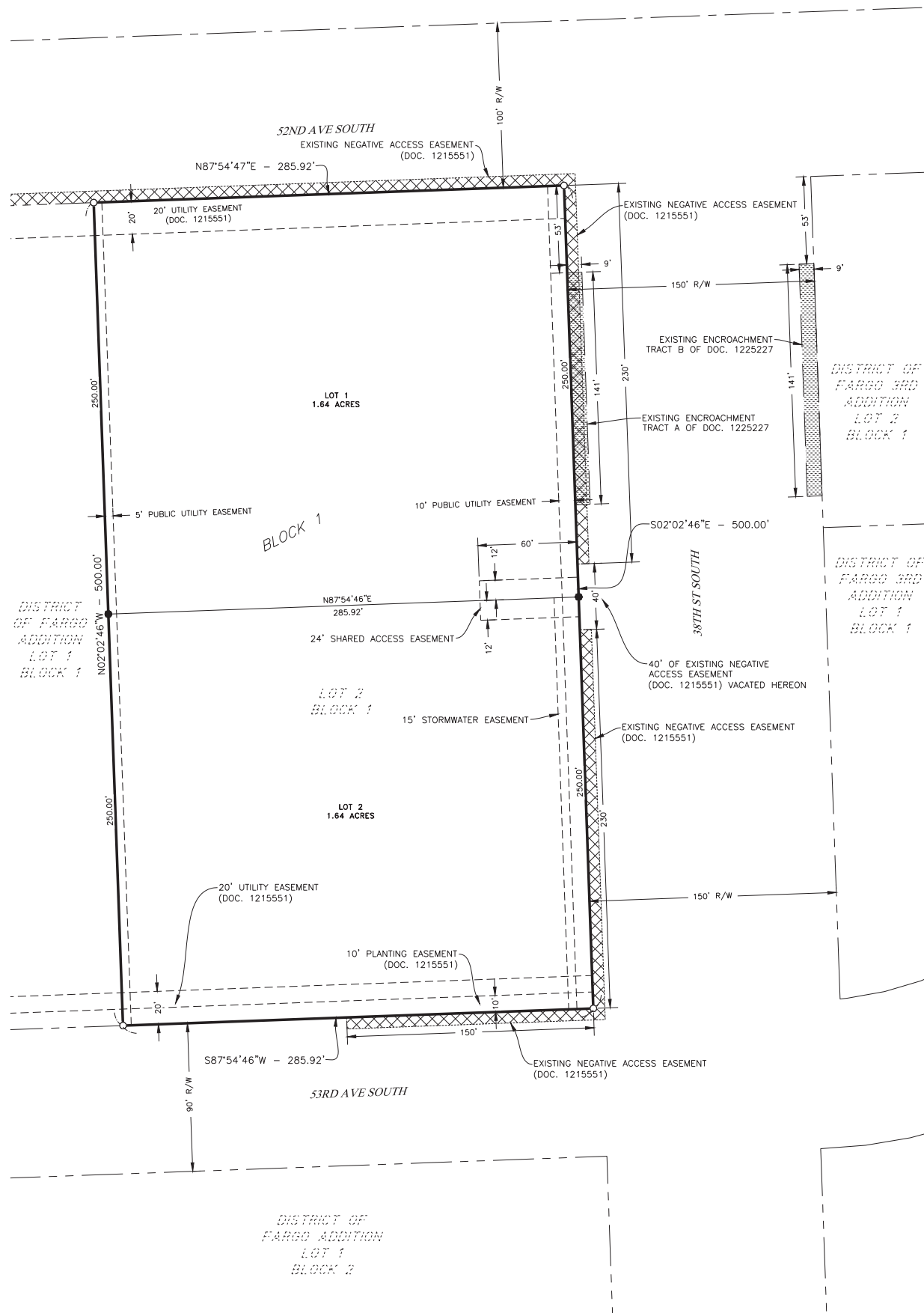
STEVE SPRAGUE
CITY AUDITOR

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, 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 PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

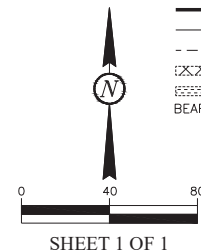
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

A NEGATIVE ACCESS EASEMENT IS AN EASEMENT WHICH DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.



LEGEND

- MONUMENT SET
 - MONUMENT FOUND
 - P.O.B. POINT OF BEGINNING
 - R/W RIGHT OF WAY
 - - - - - EX. EASEMENT
 - - - - - EX. PROPERTY LINE
 - - - - - SECTION LINE
 - PROPERTY BOUNDARY LINE
 - NEW ROW/PROPERTY LINE
 - - - - - NEW EASEMENT
 - XXXXXXXXXX EX. NEGATIVE ACCESS EASEMENT
 - XXXXXXXXXX EXISTING ENCROACHMENT
- BEARING SHOWN BASED ON PLAT OF THE DISTRICT OF FARGO.



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