

November 27th, 2018

PACES Lodging
Attn: Nate Vollmuth
4265 45th Street South, Suite 200
Fargo, ND 58104

Re: Blue Water Creek 4th Addition – Minor Subdivision and Zoning Change (Zoning Map Amendment)

Dear Mr. Vollmuth:

Thank you for your minor subdivision application submitted on November 13, 2018. It is my understanding that you are seeking City approval to replat Lot 6, Block 1 of Blu Water Creek Addition, to be known as Blu Water Creek 4th Addition, a one block, two lot minor subdivision. It is my further understanding that you are seeking city approval to repeal and reestablish the conditional overlay on all of the proposed, Blu Water Creek 4th Addition from LC, Limited Commercial, with a C-O, Conditional Overlay, to LC, Limited Commercial, with a C-O, Conditional Overlay

Your application is deemed incomplete. Please submit the items indicated in the **un-checked boxes** below by December 7, 2018 for your application to be considered complete:

Zone change application:

1. \$300.00 Filing Fee

Subdivision application:

1. \$600.00 Filing Fee Major Subdivision/ \$350.00 Filing Fee Minor Subdivision
2. Preliminary Plat (*we understand you will be submitted a revised plat shortly*)
3. Proposed Amenities Plan (Major Subdivisions Only)
4. Clear Title Opinion reflection ownership by applicant(s)
5. Proof of paid-up taxes in the form of a receipt from the County; or reference to such in Title Opinion
6. Copy of Letter to Special Assessment Coordinator
7. Additional items specific to your project
 - a. **Redlined version of proposed C-O modifications.**
 - b.
 - c.

Your application is tentatively scheduled to be heard at the January 3, 2019 Planning Commission public hearing.

The Planning Commission meeting will be held in the City Commission Room of City Hall, 200 3rd Street North, Fargo, and begins at 3:00 PM. You and/or a representative of the application are required to attend the hearing.

Your case has been assigned to Kylie Bagley. She can be reached at KBagley@FargoND.gov or by calling (701) 476-4152. She will coordinate any comments from other city departments that will be reviewing your application. If you have any questions about your application, please contact your case planner.

Respectfully,



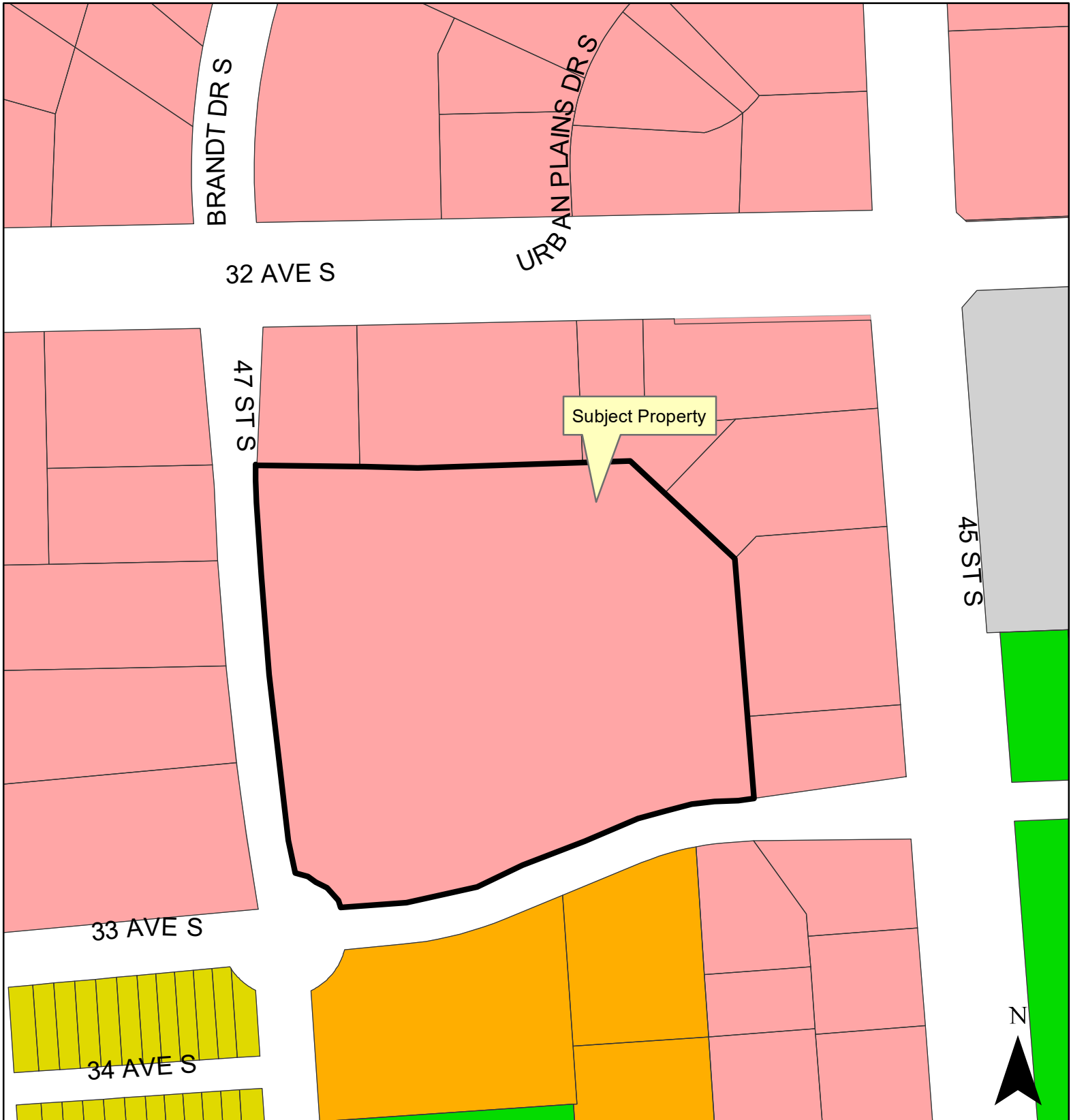
Donald Kress
Current Planning Coordinator

cc: Project File

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

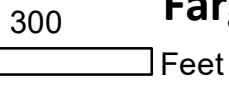
Blu Water Creek 4th Addition

4609 33rd Avenue South



Legend

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



Fargo Planning Commission

January 3, 2019



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

Blu Water Creek 4th Addition

4609 33rd Avenue South



BLU WATER CREEK 4TH ADDITION

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

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass } SS

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

Notary Public

OWNERS DESCRIPTION AND DEDICATION

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

Lot 6, Block 1 of BLU WATER CREEK ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Containing 661,681 square feet or 15.19 acres more or less.

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

OWNER:
Brandt Crossing, LLC

By: _____
Kevin Christianson, President

State of North Dakota }
County of Cass } SS

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

Notary Public

MORTGAGEE:
Cornerstone Bank

By: _____
Jim Hambrick, Vice President

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year of 2018, before me, a notary public with and for said County, personally appeared Jim Hambrick, Vice President, Cornerstone Bank known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Shara Fischer, Planning Commission Chair

State of North Dakota }
County of Cass } SS

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

Notary Public

FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

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

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

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

PRELIMINARY

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

State of North Dakota }
County of Cass } SS

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

Notary Public

LEGEND

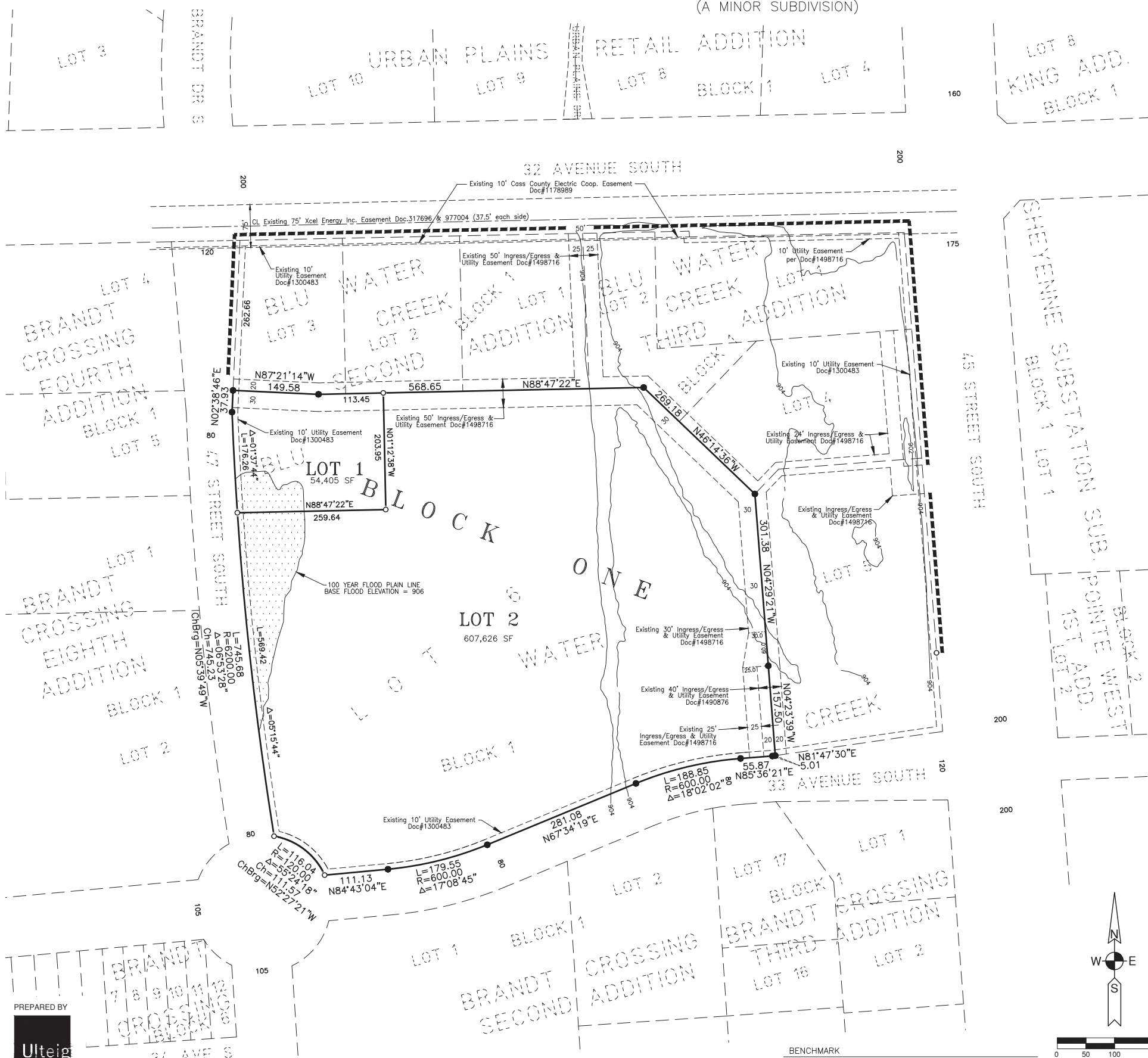
- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-4597"
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE
- - - 904 EXISTING CONTOUR LINE
- ▨ AREA NOT WITHIN 100 YEAR FLOODPLAIN
- ▨ EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1490876



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

BENCHMARK

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



PREPARED BY
Ulteig
FARGO - BISMARCK - DETROIT LAKES - ST PAUL - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON

REVISION REQUEST

OFFICE OF THE CITY ATTORNEY
FRAGO, NORTH DAKOTA

11/21/18

ORDINANCE NO. 5128

AN ORDINANCE REPEALING AND RE-ESTABLISHING
A CONDITIONAL OVERLAY DISTRICT ON CERTAIN
PARCELS OF LAND LYING IN BLU WATER CREEK ADDITION,
BLU WATER CREEK SECOND ADDITION, AND
BENTLEY SQUARE ADDITION,
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in BLU Water Creek Addition, BLU Water Creel Second Addition, and Bentley Square Addition, City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on December 5, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on January 2, 2018; and,

WHEREAS, it is intended by this ordinance that the base zoning districts applicable to the property described herein shall remain unchanged and that the intended effect hereof is to repeal one or more a "C-O", Conditional Overlay, District and to re-establish a modified version of a "C-O", Conditional Overlay, District;

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

5
Lots Two (2) through ~~Six (6)~~, Block One (1) of BLU Water Creek Addition to the City of Fargo, Cass County, North Dakota,

OK

Remake on Lot 6, Block 1

is hereby rezoned to retain the base zoning district for said property and to repeal and re-establish the "C-O", Conditional Overlay, District such that the re-established "C-O", Conditional Overlay, District be, and hereby is, as set forth in Section 4 of this ordinance, below,

OR see # 6 ? # 11

OFFICE OF THE CITY ATTORNEY
FRAGO, NORTH DAKOTA

ORDINANCE NO. 5128

Section 2. The following described property:

OK Lots One (1) through Three (3), Block One (1) of BLU Water Creek Second Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned to retain the base zoning district for said property and to repeal and re-establish the "C-O", Conditional Overlay, District such that the re-established "C-O", Conditional Overlay, District be, and hereby is, as set forth in Section 4 of this ordinance, below,

Section 3. The following described property:

OK Lot Two (2), Block One (1) of Bentley Square Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned to retain the base zoning district for said property and to repeal and re-establish the "C-O", Conditional Overlay, District such that the re-established "C-O", Conditional Overlay, District be, and hereby is, as set forth in Section 4 of this ordinance, below,

Section 4. The "C-O", Conditional Overlay, District terms are as follows:

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

OFFICE OF THE CITY ATTORNEY
FRAGO, NORTH DAKOTA

ORDINANCE NO. 5128

3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building façades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade, and extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
- ~~6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets and/or screens, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.~~ MAKE EFFORT TO CONCEAL?
7. Loading and/or services areas/facilities shall be located at the side or rear of buildings and screened from public streets by structures and/or landscaping, with a minimum opacity of 50%.
8. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a) the primary entrance or entrances to each commercial building, including pad site buildings.

OFFICE OF THE CITY ATTORNEY
FRAGO, NORTH DAKOTA

ORDINANCE NO. 5128

- b) any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
 - c) parking areas or structures that serve such primary buildings.
 - d) connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
 - e) any public sidewalk system along the perimeter streets adjacent to the commercial development.
 - f) where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
10. A minimum of 5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
11. The following uses are prohibited.
- a) Detention Facilities
 - b) Adult Entertainment Center
 - c) ~~Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)~~
 - d) ~~Portable Signs~~
 - e) ~~Vehicle Repair~~
 - f) Industrial Service
 - g) Manufacturing and Production
 - h) Warehouse and Freight Movement
 - i) Aviation/Surface Transportation

Section 5. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY
FRAGO, NORTH DAKOTA

ORDINANCE NO. 5128

Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

Timothy J. Mahoney, Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading: 1-2-18
Second Reading: 1-16-18
Final Passage: 1-16-18

BLU WATER CREEK 4TH ADDITION

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

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL
 Approved by City Engineer this _____ day of _____, 2018.
 Brenda E. Smith, City Engineer
 State of North Dakota }
 County of Cass } SS

On this _____ day of _____, 2018, before me, a notary public, with and for said County, personally appeared Brenda E. Smith, City Engineer, to me known to be the person whose name is subscribed to and who executed the same as a free act and deed.
 Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL
 Approved by the City of Fargo Planning Commission this _____ day of _____, 2018.
 Thomas Fischer, Planning Commission Chair
 State of North Dakota }
 County of Cass } SS

On this _____ day of _____, 2018, before me, a notary public, with and for said County, personally appeared _____, to me known to be the person whose name is subscribed to and who executed the same as a free act and deed.
 Notary Public

FARGO CITY COMMISSION APPROVAL
 Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2018.
 Timothy J. Mahoney, Mayor
 Alene Steen-Szymura, City Auditor
 State of North Dakota }
 County of Cass } SS

On this _____ day of _____, 2018, before me, a notary public, with and for said County, personally appeared _____, to me known to be the person whose name is subscribed to and who executed the same as a free act and deed.
 Notary Public

OWNER'S DESCRIPTION AND REDUCTION
 I, Kurt M. Rich, Registered Professional Land Surveyor under License No. 11113, do hereby certify that the plat hereon is a correct representation of the survey, that the boundaries of the lots shown hereon were located or placed in the ground, as shown on the plat, and that the boundary lines are as shown on the plat.
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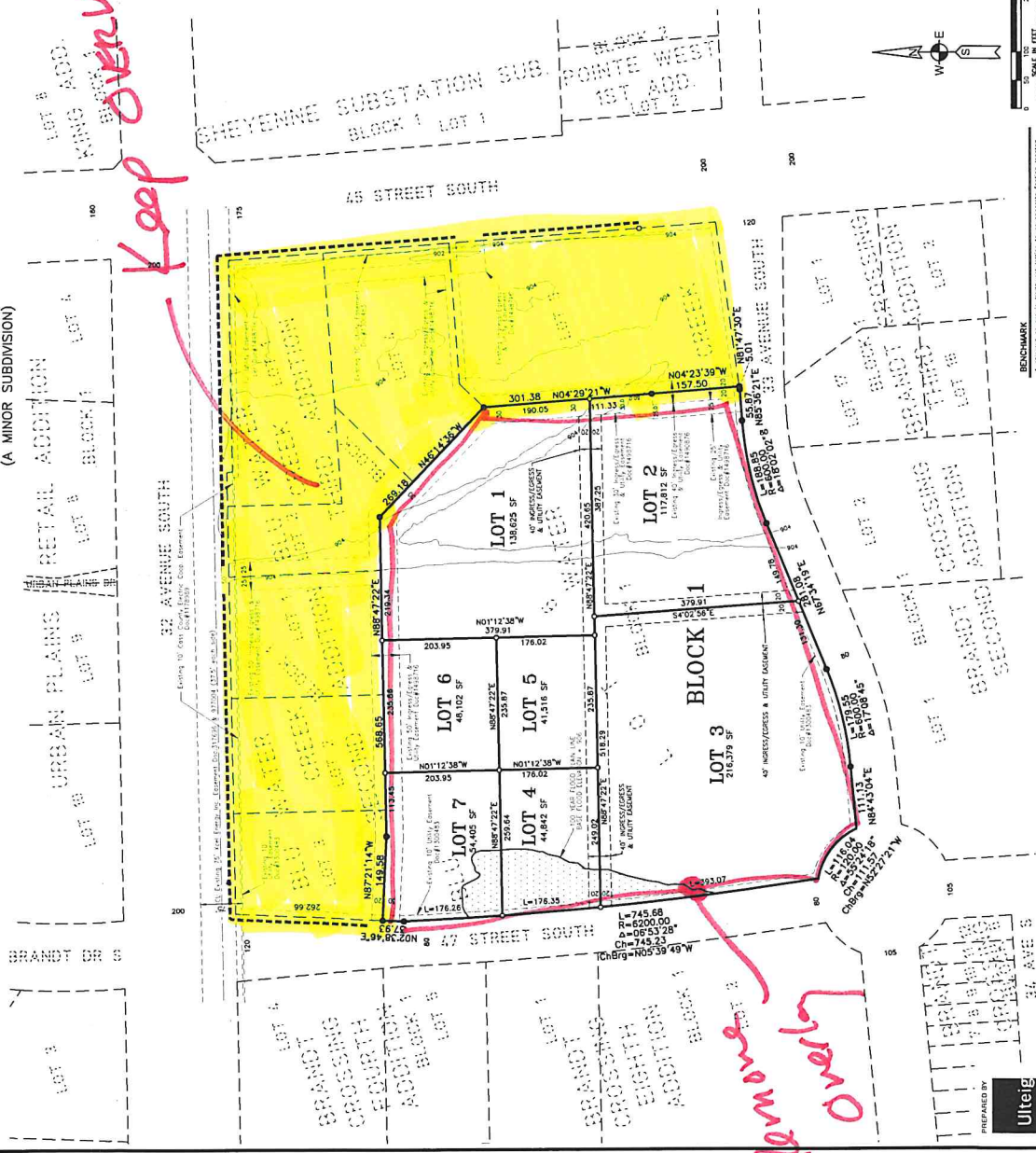
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PRELIMINARY
 North Dakota License No. 11113-1917
 State of North Dakota }
 County of Cass } SS



LEGEND
 MONUMENT SET 5/8" IRON ROD "L-1917"
 SURVEY PROPERTY LINE
 EXISTING PROPERTY LINE
 EXISTING CONTOUR LINE
 AREA NOT WITHIN 100 YEAR FLOODPLAIN
 EXISTING HIGHWAY ACCESS ROADWAY
 LOT 100/100/100/100

BENCHMARK
 Located in 200' by 200' concrete foundation corner at 400' by 400' property
 Elevation 555.77 MVD 85

PREPARED BY
 Ulteig

FARGO - BISMARCK - CENTRAL - ST. PAUL - MINNEAPOLIS - DENVER - CEDAR RAPIDS - MILWAUKEE