FARGO PLANNING COMMISSION AGENDA
Tuesday, August 2, 2022 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of July 5, 2022

C: Public Hearing Items:

1a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development on Lot 17 and a portion of Lot 18, Block 13, **Kirkhams Second Addition**. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.) (kc): WITHDRAWN

1b. Continue hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan and Final Plan on Lot 17 and a portion of Lot 18, Block 13, **Kirkhams Second Addition**. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.) (kc): WITHDRAWN

2. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on Lot 17 and a portion of Lot 18, Block 13, **Kirkhams Second Addition**. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.) (kc)

3. Hearing on an application requesting a Plat of **Valley View Ninth Addition** (Minor Subdivision) a replat of Lot 1, Block 7, Valley View Addition to the City of Fargo, Cass County, North Dakota. (Located at 3900 54th Street South) (Arbor Courts Townhomes LLC/Neset Land Surveys/Brian Kounovsky) (dk)

4. Hearing on an application requesting a Plat of **Peterson Second Addition** (Minor Subdivision) a replat of a portion of Lots 1-4 and the East 47.50 feet of Lot 5, Block 2, Schultz & Lindsay's First Addition to the City of Fargo, Cass County, North Dakota. (Located at 302 29th Street North) (Qwest Corporation/Apex Engineering Group) (dk)

5. Hearing on an application requesting a Plat of **Timber Parkway 8th Addition** (Minor subdivision) a replat of Lots 1-2, Block 1, Timber Parkway Seventh Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5056 and 5160 Charles Way South) (PLC Investments, LLC/Landform Professional Services) (lm)

6. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district on Lots 1-4, Block 1, **Simonson Companies Second Addition**. (Located at 5237 38th Street South and 3825, 3863 and 3901 53rd Avenue South) (Simonson Companies, LLC/Christianson Companies) (lm)

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live 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. 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.

7. Hearing on an application requesting a Plat of **Simonson Companies Third Addition** (Minor Subdivision) a replat of Lot 4, Block 1, Simonson Companies Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 3863 53rd Avenue South) (Simonson Companies, LLC/Christianson Companies) (lm)

8a. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on the proposed **Fitzsimonds Second Addition**. (Located at 3716, 3740, and 3750 51st Avenue South) (Fitzsimonds Commons LLC/Christianson Companies) (me)

8b. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay in the GC, General Commercial zoning district on the proposed **Fitzsimonds Second Addition**. (Located at 3716, 3740, and 3750 51st Avenue South) (Fitzsimonds Commons LLC/Christianson Companies) (me)

8c. Hearing on an application requesting a Plat of **Fitzsimonds Second Addition** (Minor Subdivision) a replat of Lots 5-7, Block 1, Fitzsimonds Addition to the City of Fargo, Cass County, North Dakota. (Located at 3716, 3740, and 3750 51st Avenue South) (Fitzsimonds Commons LLC/Christianson Companies) (me)

9. Hearing on an application requesting a Zoning Change from GC, General Commercial to MR-3, Multi-Dwelling Residential on Lot 1, Block 1, **West Acres Seventh Addition**. (Located at 1882 39th Street South) (Interstate Office LLC/Bluebills LLC/Dynasty Holdings LLC/Kevin Hochman) (lm)

10. Hearing on an application requesting a Plat of **Craigs 16th Street Addition** (Minor Subdivision) a replat of Lot 3, Block 1, MBA Investments Addition, to the City of Fargo, Cass County, North Dakota. (Located at 202 16th Street North) (Momentum Properties, LLC/Jesse Craig) (bg)

11. Hearing on an application requesting a Plat of **Sanders Addition** (Minor Subdivision) a replat of a portion of Lots 3 and 10, Block 1, Adams Fifth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3064 Thunder Road South) (Mark Sanders/MBN Engineering, Inc.) (dk)

12a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial on the proposed **Dakota Commerce Center North Addition**. (Located at 4102 County Road 81 North and 5100 37th Street North) (Holmquist Family LLP/Hyde Development) (dk)

12b. Hearing on an application requesting a Plat of **Dakota Commerce Center North Addition** (Major Subdivision) a replat of a portion of the Northeast Quarter of Section 15, Township 140 North, Range 49 West of the Fifth Principle Meridian, Cass County, North Dakota including a subdivision waiver. (Located at 4102 County Road 81 North and 5100 37th Street North) (Holmquist Family LLP/Hyde Development) (dk)

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D: Other Items:

1. Annexation of approximately 112.14 acres of a portion of the Northeast Quarter of Section 15, Township 140 North, Range 49 West, of the 5th Principal Meridian, Cass County, North Dakota. (Holmquist Family LLP/City of Fargo/Hyde Development) (dk)

2. Planned Unit Development Final Plan for **Westrac Third Addition** (formerly Cedar Crest First Addition). (dk)

BOARD OF PLANNING COMMISSIONERS
MINUTES

Regular Meeting: **Tuesday, July 5, 2022**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, July 5, 2022.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, John Gunkelman, Scott Stofferahn, Art Rosenberg, Jennifer Holtz, Dawn Morgan, Thomas Schmidt, Brett Shewey

Absent: None

Chair Schneider called the meeting to order.

Business Items:
Item A: Approve Order of Agenda
Chair Schneider noted Items 1a and 1b have been continued to August 2, 2022. He also noted the adding of an Item D.1 to the Agenda to discuss a Joint Planning/Engineering Overview of Upcoming Projects.

New Planning Commissioner Brett Shewey was introduced to the Board.

Assistant City Attorney Alissa Farol provided an overview of the Extra Territorial Board Members for the Planning Commission that are appointed by the Cass County Commission.

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

Item B: Minutes: Regular Meeting of June 7, 2022
Member Stofferahn moved the minutes of the June 7, 2022 Planning Commission meeting be approved. Second by Member Schmidt. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Kirkhams Second Addition
1a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development on Lot 17 and a portion of Lot 18, Block 13, Kirkhams

Second Addition. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.): CONTINUED TO AUGUST 2, 2022

1b. Continue hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan and Final Plan on Lot 17 and a portion of Lot 18, Block 13, Kirkhams Second Addition. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.): CONTINUED TO AUGUST 2, 2022
A hearing had been set for June 7, 2022. At the June 7, 2022 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to August 2, 2022.

Item 2: Valley View Addition
2a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 1, Block 7, Valley View Addition. (Located at 3900 54th Street South) (Brookstone Property/Lowry Engineering): APPROVED

2b. Hearing on an application requesting a Growth Plan Amendment on Lot 1, Block 7, Valley View Addition from low/medium or medium/high density residential land use to commercial or medium/high density residential land use. (Located at 3900 54th Street South) (Brookstone Property/Lowry Engineering): APPROVED
Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant representative Brian Kounovsky spoke on behalf of the application.

Discussion was held on the plan for the adjacent property, the delay in developing this property, and the amendment to the Growth Plan.

Mr. Kress and Planning and Development Director Nicole Crutchfield spoke on developing, evaluating, and amending Growth Plans.

Discussion continued on the limitations of Fargo expansion in the south, and the distance of property owner notifications.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Growth Plan Amendment to amend the 2003 Southwest Future Land Use Plan from “Low/Medium or Medium/High Density Residential” land use to Commercial or Medium/High Density Residential” land use, and 2) Zone Change from MR-3, Multi-Dwelling residential to LC, Limited Commercial with a C-O, Conditional Overlay as outlined with in the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Southwest Future Land Use Plan, Section 20-0906.F (1-4), Section 20-0905.H of the Land Development Code, and all other applicable requirements of the Land

Development Code. Second by Member Rosenberg. On call of the roll Members Gunkelman, Holtz, Shewey, Stofferahn, Morgan, Schmidt, Rosenberg, Tasa, and Schneider voted aye. The motion was declared carried.

Item 3: Urban Plains by Brandt Fifth Addition
Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district on Lot 4, Block 1, Urban Plains by Brandt Fifth Addition. (Located at 2901 Uptown Way South) (Midwest Fidelity Partners, LLC/Houston Engineering): APPROVED
Planning Coordinator Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the history of the Conditional Overlay and the reasoning for the change.

Ms. Elshaug stated the owner is requesting the change.

Ms. Crutchfield spoke on the Urban Plains overlay standards.

Discussion continued on the allowed uses of limited vehicle service use.

Applicant Representative Brian Pattengale spoke on behalf of the application.

Further discussion was held on the access to the property, the original vision of Uptown Way, pedestrian activity and walkability, and transportation planning, and how a car wash would fit in this area.

City Engineer Brenda Derrig spoke on behalf of the Engineering Department. She noted that Uptown Way is a private road.

Discussion continued on environmental noise, residential protection standards, the current allowed uses of the Conditional Overlay and the proposed use for the site.

Ms. Elshaug noted that no inquiries were received on this application.

Member Morgan moved to deny the application, stating it doesn't meet the vision that had been promoted for this development.

The motion died for lack of a second.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change to repeal and reestablish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Southwest Future Land Use Plan, the Standards of Section 20-0906.F (1-4) of the Land Development Code, and all other applicable

requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Stofferahn, Rosenberg, Gunkelman, Tasa, Shewey, and Schneider voted aye. Members Schmidt, Morgan, and Holtz voted nay. The motion was declared carried.

At 3:59 p.m., the Board took a five-minute recess.

After Recess: All Members present.

Item E: Other Items:

Item 1: Joint Planning/Engineering Overview of Upcoming Projects
Ms. Crutchfield and Ms. Derrig gave a presentation on Planning and Engineering project updates.

Member Gunkelman moved to adjourn the meeting. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

The time at adjournment was 4:46 p.m.

THE CITY OF Fargo FAR MORE

Agenda Items Map

Fargo Planning Commission
August 2, 2022

Agenda Item Number Legend

Items 1a-b have been withdrawn

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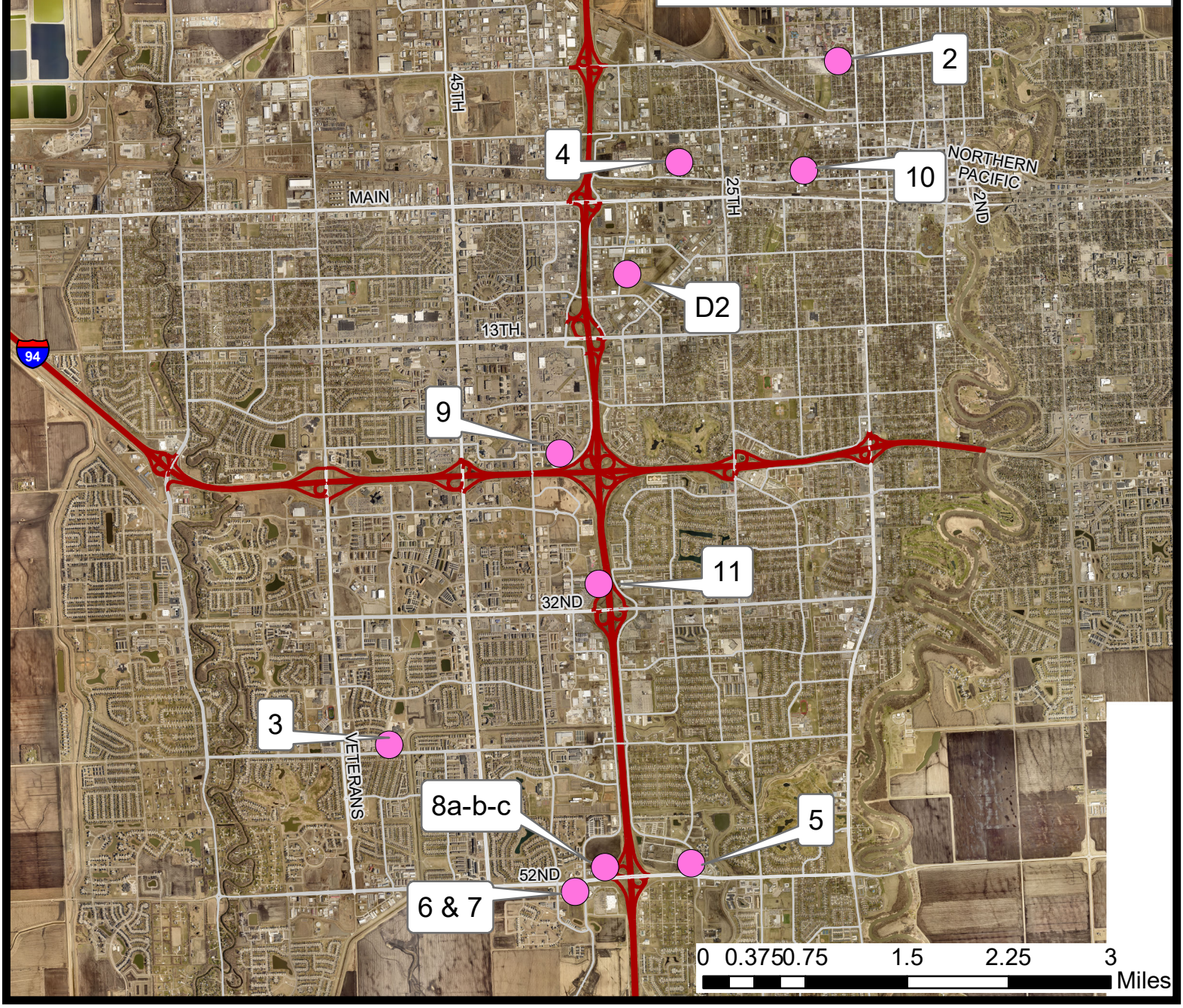
2 -- Kirkhams Second Addition
3 -- Valley View Ninth Addition
4 -- Peterson Second Addition
5 -- Timber Parkway 8th Addition
6 -- Simonson Companies Second Addition
7 -- Simonson Companies Third Addition
8a-b-c -- Fitzsimonds Second Addition
9 -- West Acres Seventh Addition
10 -- Craigs 16th Street Addition
11 -- Sanders Addition
12a-b -- Dakota Commerce Center North Addition

Other Items
D1 -- Annexation Review: Portion of section 15, Township 140 North, Range 49 West
D2 -- Westrac Third Addition



Agenda Item #	2

City of Fargo Staff Report			
Title:	Kirkham's Second Addition	**Date:**	7/26/2022
Location:	1129-1131 14 Street North	**Staff Contact:**	Kim Citrowske, planning coordinator
Legal Description:	Lot 17 & N 40FT of Lot 18, Block 13 of Kirkhams Second Addition		
Owner(s)/Applicant:	Tau Kappa Epsilon Fraternity, Todd Knain / TreanorHL Architects, Michael S. Hug	**Engineer:**	MBN Engineering
Entitlements Requested:	**Conditional Use Permit** for Alternative Access Plan for a parking reduction		
Status:	Planning Commission Public Hearing: August 2, 2022		

Existing		**Proposed**
Land Use: Group Living		**Land Use:** No Change
Zoning: MR-3, Multi-dwelling Residential		**Zoning:** No Change
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.		**Uses Allowed:** No Change
Maximum Density Allowed (Residential): MR-3 allows a maximum density of 24 dwelling units per acre.		**Maximum Density Allowed (Residential):** No Change
Maximum Building Coverage Allowed: MR-3 allows a maximum building coverage of 35 percent.		**Maximum Building Coverage Allowed:** No Change

Proposal:

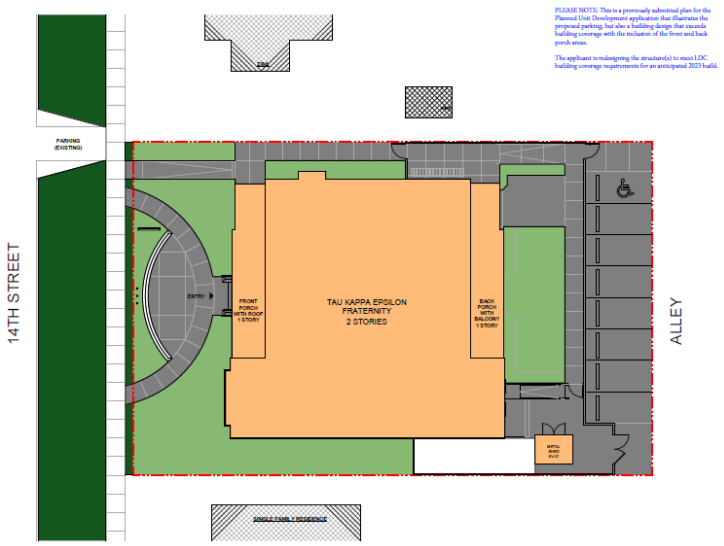
The applicant has requested a Conditional Use Permit for an Alternative Access Plan to reduce the required parking on-site. The subject property is located at 1129-1131 14 Street North which is 12,600 sq. ft. in area. The applicant intends to raze the existing 5500 sq. ft. structure built in 1967 and construct a new fraternity house for the members of the Delta-Psi Chapter of Tau Kappa Epsilon (TKE). It is the intent of the applicant to design the new TKE house to meet Land Development Code regulations with construction anticipated in 2023.

A previous design for the new TKE house was inspired by NDSU's Old Main. The design included covered porches which resulted in a higher building coverage than the 35% allowed by the Land Development Code. The applicant initially applied for a Planned Unit Development (PUD) to allow flexibility in building coverage and parking, but withdrew the PUD application following a public open house meeting held on May 25, 2022 with attendees including the applicant, nearby property owners, Roosevelt Neighborhood Association, a Planning Commission member and staff.

The applicant is requesting a parking reduction to provide a total of 8 parking spaces on-site. A parking study provided by MBN Engineers explains the project requirements and proposed alternatives which include: 8 parking spaces along the alley, bicycle parking and NDSU parking passes to meet parking requirements and demand.

The LDC requires 1 parking space per 100 sq. ft. of sleeping area for group living. The previous design proposed 2,043 sq. ft. of sleeping area resulting in 21 required spaces.

The City of Fargo's Traffic Engineer determined the reduction was sufficient based on the parking study finding and proposed alternatives.



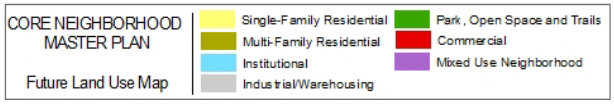
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Zoning Districts and Land Uses:

- North: MR-3, Multi-Dwelling Residential - Group Living- Fraternity & Sorority
- East: MR-3, Multi-Dwelling Residential - Group Living- Fraternity & Sorority
- South: MR-2, Multi-Dwelling Residential – Household Living
- West: LC, Limited Commercial – Credit Union / SR-3,Single-Dwelling - Household Living / MR-2, Multi-Dwelling Residential – Vacant land

Area Plans:

Core Neighborhood Master Plan (CNMP), Future Land Use Map guides this property to Mixed Use Neighborhood Commercial and located within a Core Reinvestment "B" Block area - which are blocks that have been identified to have higher levels of deferred maintenance but still retain a number of healthy properties.



Context:

Schools: The subject property is located within the Fargo School District, specifically within the Horace Mann (K-2)/ Roosevelt (3-5) Elementary, Ben Franklin Middle and North High schools.

Neighborhood: The subject property is located within the Roosevelt/NDSU neighborhood.

Parks: Johnson Soccer Complex, located at 1420 11 Ave N, is approximately 450 feet southwest of the subject property. This park facility offers soccer fields, picnic tables, a playground, restrooms, small shelter and a warming house.

Pedestrian / Bicycle: A Shared Use Path is located on the north side of 12 Ave N, north of the subject property; a Bike Lane exists to the east on University; and designated Bike Routes on Barrett St (west) and 11th Ave N (south) support the subject property connectivity to metro area bikeways system.

Bus Route: The subject property is less than a ½ block from Route 13 with a bus shelter located 12 Ave N and 14 St. NDSU students have free access to MATBUS with their college ID.

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 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. Exploring reductions in minimum parking standards is a key initiative intended to promote the Plan's guiding principles. Staff finds this proposal consistent with the purpose of the LDC, Go2030 Comprehensive Plan, Core Neighborhood Master 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 to allow for a parking reduction at this location will not affect the welfare 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 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 no inquiries about the project and no letters of opposition for this application. The applicant has been in contact with the Roosevelt Neighborhood Association throughout the project planning phase. **(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 alternative access plan for 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 intended to limit the intensity of 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 and Public Works Departments have reviewed the proposed Alternative Access Plan and agree that the on-site vehicle and bicycle parking along with securing NDSU parking permits will satisfy parking requirements for the site. **(Criteria Satisfied)**

Recommended Conditions:

1. Conditional Use Permit will cease if the land use changes from group living with a maximum occupancy of 25 beds (24 beds and 1 bed for house director).
2. Eight (8) parking stalls are required on-site.

3. Bicycle parking facilities (i.e. racks, lockers, etc.) shall be provided on-site.
4. Continue to provide off-site parking from North Dakota State University (NDSU) to meet parking requirements of the Land Development Code.

Approval and Appeal
The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.

Staff Recommendation:

To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit for an Alternative Access Plan for parking reduction on Lot 17 & N 40FT of Lot 18, Block 13 of Kirkhams Second Addition as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. Conditional Use Permit will cease if the land use changes from group living with a maximum occupancy of 25 beds (24 beds and 1 bed for house director).
2. Eight (8) parking stalls are required on-site.
3. Bicycle parking facilities (i.e. racks, lockers, etc.) shall be provided on-site.
4. Continue to provide off-site parking from North Dakota State University (NDSU) to meet parking requirements of the Land Development Code.

Planning Commission Recommendation: August 2, 2022

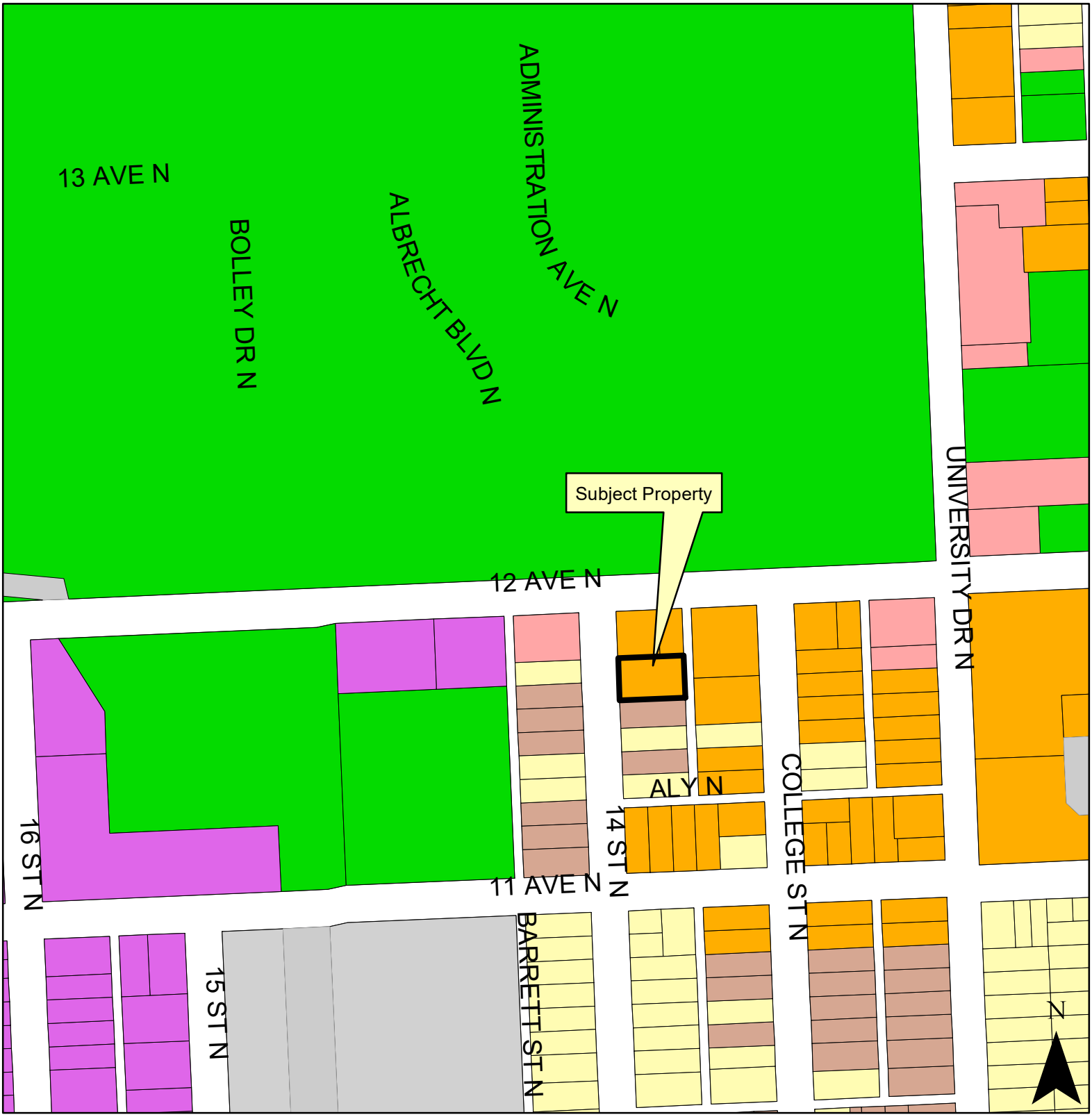
Attachments:

1. Zoning Map
2. Location Map

Conditional Use Permit

Kirkhams 2nd Addition

1129 and 1131 14th Street N



THE CITY OF Fargo FAR MORE

Legend

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

300 Feet

Fargo Planning Commission
August 2, 2022

Conditional Use Permit

Kirkhams 2nd Addition

1129 and 1131 14th Street N

THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
August 2, 2022

Agenda Item #	3

City of Fargo Staff Report			
Title:	Valley View 9th Addition	**Date:**	7/27/3022
Location:	3900 54th Street South	**Staff Contact:**	Donald Kress
Legal Description:	Lot 1, Block 7, Valley View Addition		
Owner(s)/Applicant:	Arbor Courts Townhomes, LLC / Andrew Thill	**Engineer:**	Neset Land Surveys
Entitlements Requested:	**Minor Subdivision** (replat of Lot 1, Block 7, Valley View Addition)		
Status:	Planning Commission Public Hearing: August 2nd, 2022		

Existing		**Proposed (*see "Project History Note" below)***
Land Use: Vacant		**Land Use:** Commercial
Zoning: MR-3, Multi-Dwelling Residential		**Zoning:** LC, Limited Commercial with C-O, conditional overlay
Uses Allowed: MR-3 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.		**Uses Allowed:** LC allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, ~~off premise advertising signs~~, commercial parking, retail sales and service, self service storage, ~~vehicle repair,~~ limited vehicle service, certain telecommunications facilities, basic utilities **With C-O, Conditional Overlay to limit some uses and provide building and site design standards**
Maximum Density Allowed: MR-3 allows a maximum of 24 units per acre		**Maximum Lot Coverage Allowed:** 55%

Proposal:

PROJECT HISTORY NOTE: At the July 5th, 2022 Planning Commission hearing, that Commission recommend approval to the City Commission of an amendment to the 2003 Southwest Future Land Use Plan to change the land use designation for this property from "low/medium or medium/high density residential" to "commercial or medium/high density residential," and a zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a conditional overlay. These entitlements are scheduled for City Commission public hearing on August 8th, 2022. These pending entitlements are separate from the proposed subdivision and do not affect the subdivision itself.

The applicant request one entitlement:

1. A **minor subdivision,** to be known as Valley View 9th Addition, a replat of Lot 1, Block 7, Valley View Addition

The subject property is located at 3900 54th Street South and encompasses approximately 7.36 acres. 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.

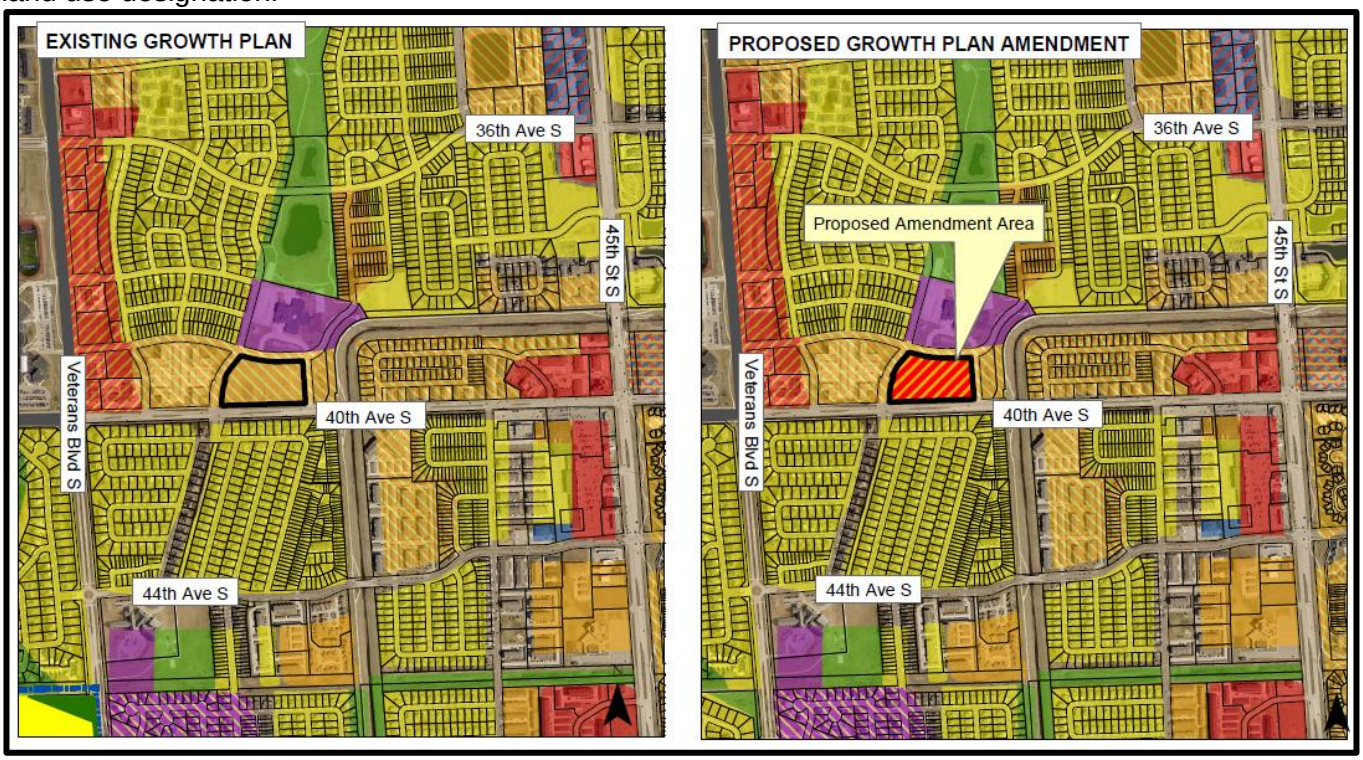
(continued on next page)

Surrounding Land Uses and Zoning Districts:

- North: Independence Elementary School with zoning of P/I, Public Institutional
- East: Vacant Land with zoning of MR-3, Multi-Dwelling Residential
- South: Single-family housing units with zoning of SR-2, Single-Dwelling Residential
- West: Apartment complex with zoning MR-3, Multi-Dwelling Residential

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan as amended by the 2013 Valley View Addition Growth Plan Amendment. This plan designates the subject property as "low/ medium density or medium/high density residential" land use. This land use designation includes the current MR-3, Multi-Dwelling Residential zoning. As noted in the "Project History Note" above, the applicant proposes to amend this plan to designate the subject property as "commercial or medium/high density residential" land use. The proposed LC, Limited Commercial zoning would be consistent with this land use designation.



Context

Neighborhood: Brandt Crossing

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

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Parks: Brandt Crossing Park (5009 33 Avenue South and 5050 33 Avenue South) is located approximately under a half mile north of the subject property. Brandt Crossing Park provides basketball, dog park, playground, recreational trails, and shelter amenities.

Pedestrian / Bicycle: Shared use paths are adjacent to the south and west sides of the subject property. These paths are a component of the metro area trail system.

MATBUS Routes: The subject property is located along MATBUS Route 18. There are three stops located within a quarter-mile of the subject property.

Staff Analysis:

MINOR SUBDIVISION: The subdivision plat divides an existing platted lot into two lots. Access will be from 51st Street South, 54th Street South, and 38th Avenue South. There will be no direct access from 40th Avenue South.

The applicant is making some updates and revisions to the plat. The revised plat will be presented at the August 2nd, 2022 Planning Commission. The general layout of the plat will remain the same as the attached.

Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   As noted in the "Project History Note" above, the pending zone change is to LC, Limited Commercial, which will be consistent with the amended land use designation of "commercial or medium/high density residential. 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, Planning staff has received no comments or inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed plat of **Valley View 9th Addition** on the basis that it satisfactorily complies with the 2003 Southwest Future Land Use Plan, Standards of Article 20-06, and Section 20-0907.B. and C of the LDC and all other applicable requirements of the LDC.

Planning Commission Recommendation: August 2nd, 2022

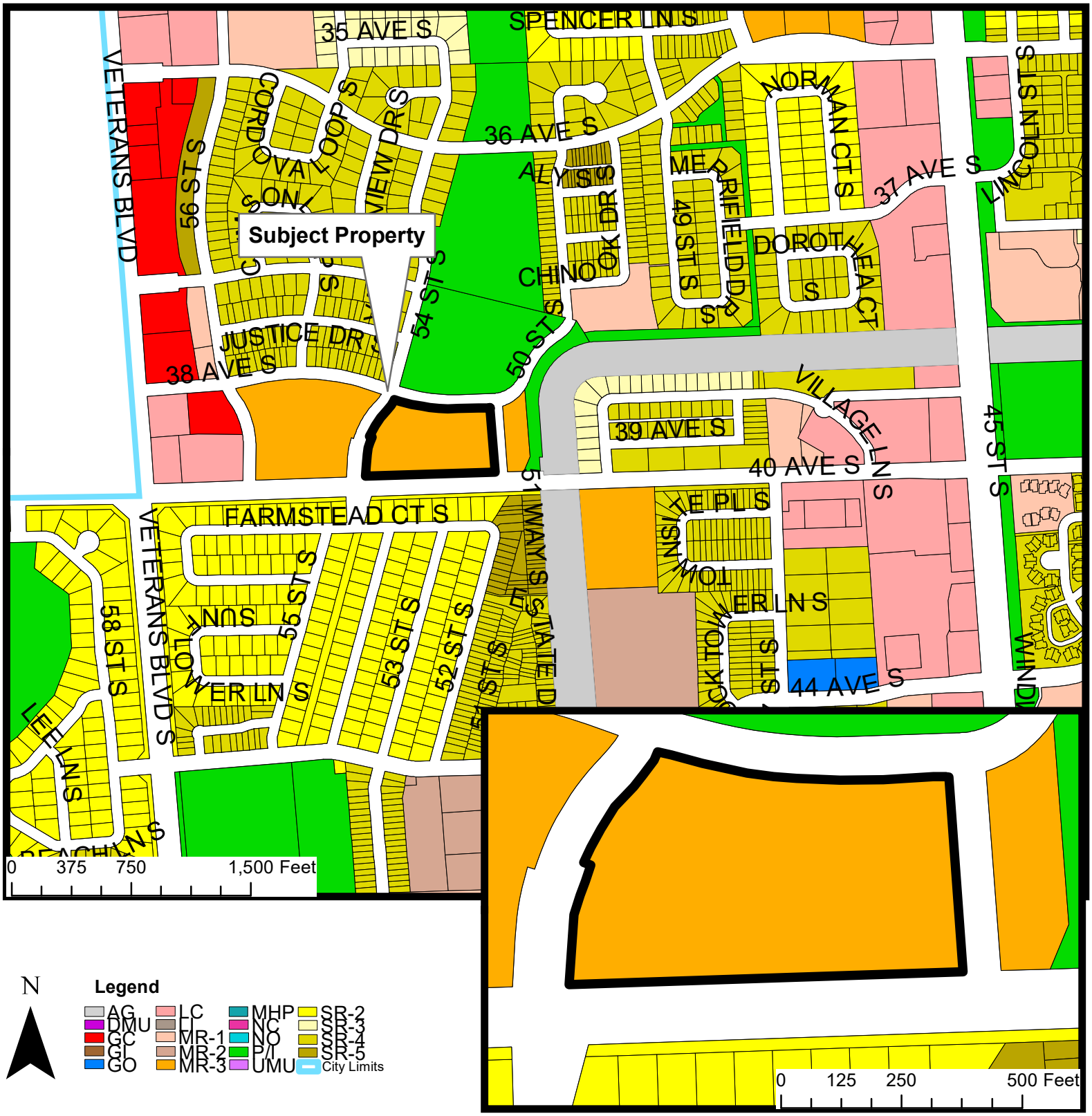
Attachments:

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

Plat (minor)

Valley View 9th Addition

3900 54 St S



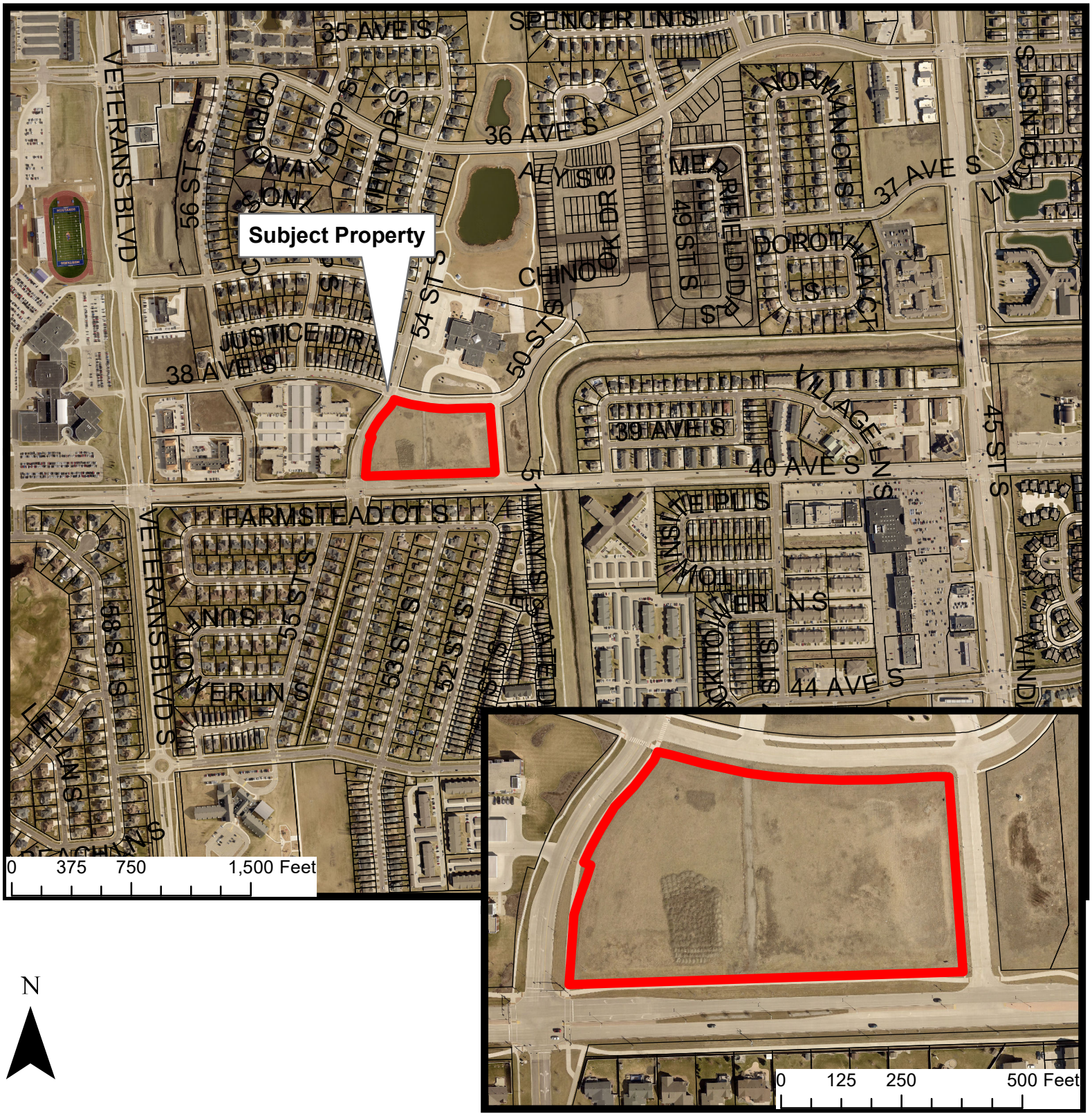
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Plat (minor)

Valley View 9th Addition

3900 54 St S



THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

A MINOR SUBDIVISION PLAT OF

VALLEY VIEW NINTH ADDITION

A REPLAT OF LOT 1, BLOCK 7, VALLEY VIEW ADDITION, TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT ARBOR COURTS TOWNHOMES, LLC, IS THE OWNER OF THAT PART OF THE SOUTH HALF OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, BLOCK 7, VALLEY VIEW ADDITION, TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS VALLEY VIEW NINTH ADDITION TO THE CITY OF FARGO, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 2 LOTS AND 1 BLOCK, AND CONTAINS 7.37 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: _____
BRIAN KOUNOVSKY, PRESIDENT
ARBOR COURT TOWNHOMES, LLC.

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRIAN KOUNOVSKY, 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: 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 VALLEY VIEW NINTH 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 _____, 2022.

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

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, 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: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2022.

_____
BRENDA E. DERRIG
CITY ENGINEER

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, 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 THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

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

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2022.

_____
TIMOTHY J. MAHONEY
MAYOR

_____
STEVE SPRAGUE
CITY AUDITOR

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

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

CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2022.

_____
JOHN GUNKELMAN
CHAIRMAN PLANNING COMMISSION

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN GUNKELMAN, 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: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

LOWRY ENGINEERING
5306 51ST AVE S - SUITE A
FARGO, NORTH DAKOTA 58104

Neset
LAND SURVEYS

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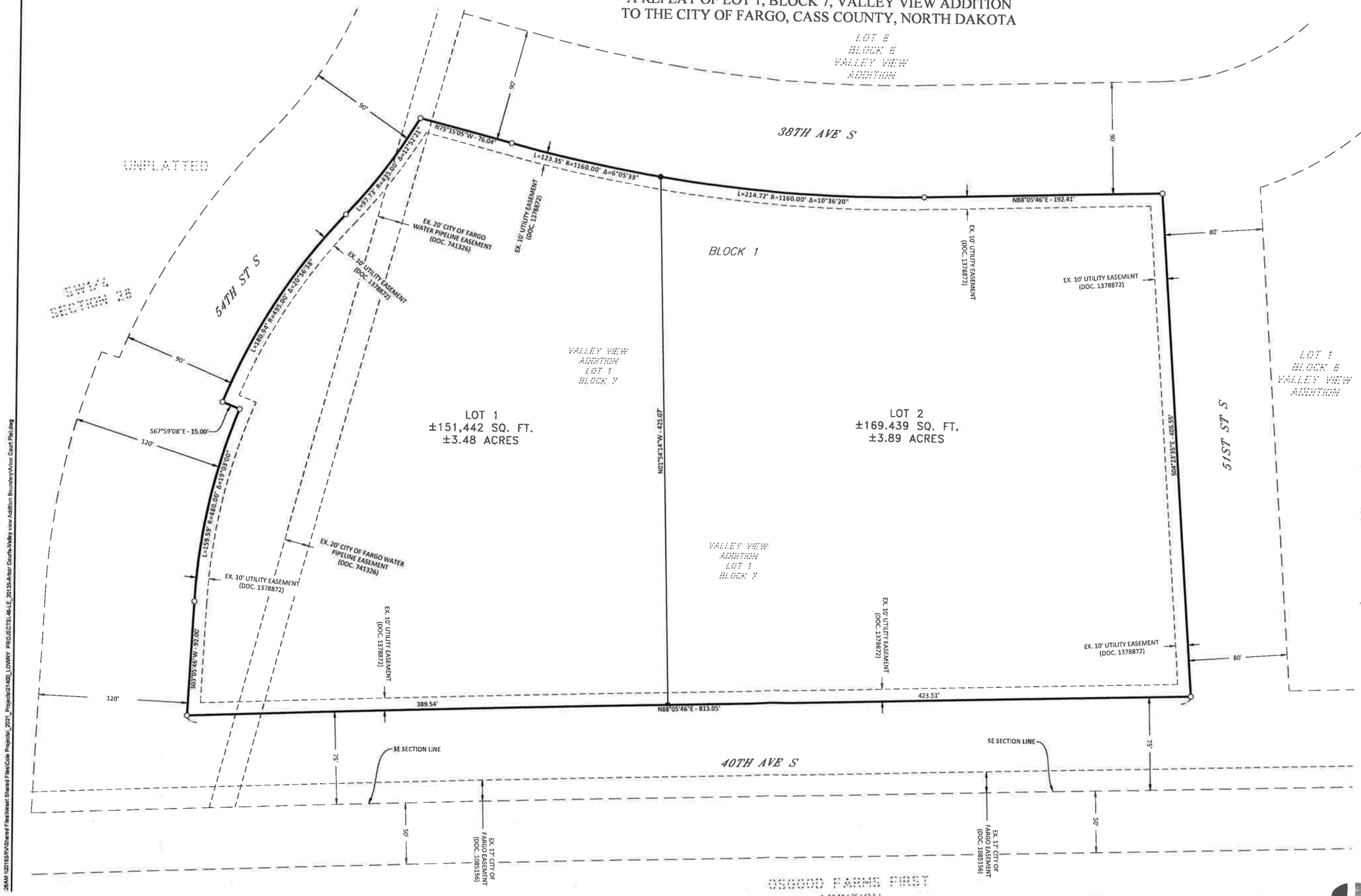
A MINOR SUBDIVISION PLAT OF

VALLEY VIEW NINTH ADDITION

A REPLAT OF LOT 1, BLOCK 7, VALLEY VIEW ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE

SURVEY INFORMATION

DATE OF SURVEY: SEPTEMBER 2021
BASIS OF BEARING: VALLEY VIEW ADDITION

SHEET 1 OF 2

LOWRY

26AM \\0216SRV\Shared Files\Kaat\Shared Files\Cole Projects_2021_Projects\21400_LOWRY PROJECTS\48-LE_20135-Arbor Courts-Valley view Addition Boundary\Arbor Court Plat.dwg

Agenda Item #	4

City of Fargo Staff Report			
Title:	Peterson Second Addition	**Date:**	7/27/3022
Location:	302 29th Street North	**Staff Contact:**	Donald Kress
Legal Description:	Portion of Lots 1, 2, 3, and 4 and the East 47.5 Feet of Lot 5, Block 2, Schultz & Lindsay's 1st Addition		
Owner(s)/Applicant:	Qwest Corporation / Apex Engineering—Barry Glienke	**Engineer:**	Apex Engineering
Entitlements Requested:	**Minor Subdivision** (replat of a portion of Lots 1, 2, 3, and 4 and the East 47.5 Feet of Lot 5, Block 2, Schultz & Lindsay's 1st Addition n)		
Status:	Planning Commission Public Hearing: August 2nd, 2022		

Existing		**Proposed**
Land Use: Industrial and undeveloped		**Land Use:** Industrial
Zoning: LI, Limited Industrial		**Zoning:** No change
Uses Allowed: LI 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, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities		**Uses Allowed:** No change
Maximum Lot Coverage Allowed: 85%		**Maximum Lot Coverage Allowed:** No change

Proposal:

The applicant request one entitlement:

A **minor subdivision,** to be known as Peterson Second Addition, a replat of a portion of Lots 1, 2, 3, and 4 and the East 47.5 Feet of Lot 5, Block 2, Schultz & Lindsay's 1st Addition

The subject property is located at 302 29th Street North and encompasses approximately 4.01 acres.

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: LI, Limited Industrial, with manufacturing and production uses
- East: LI, Limited Industrial, with industrial supply
- South: LI, Limited Industrial, with industrial service and vocational training;
- West: LI, Limited Industrial, with manufacturing and production uses

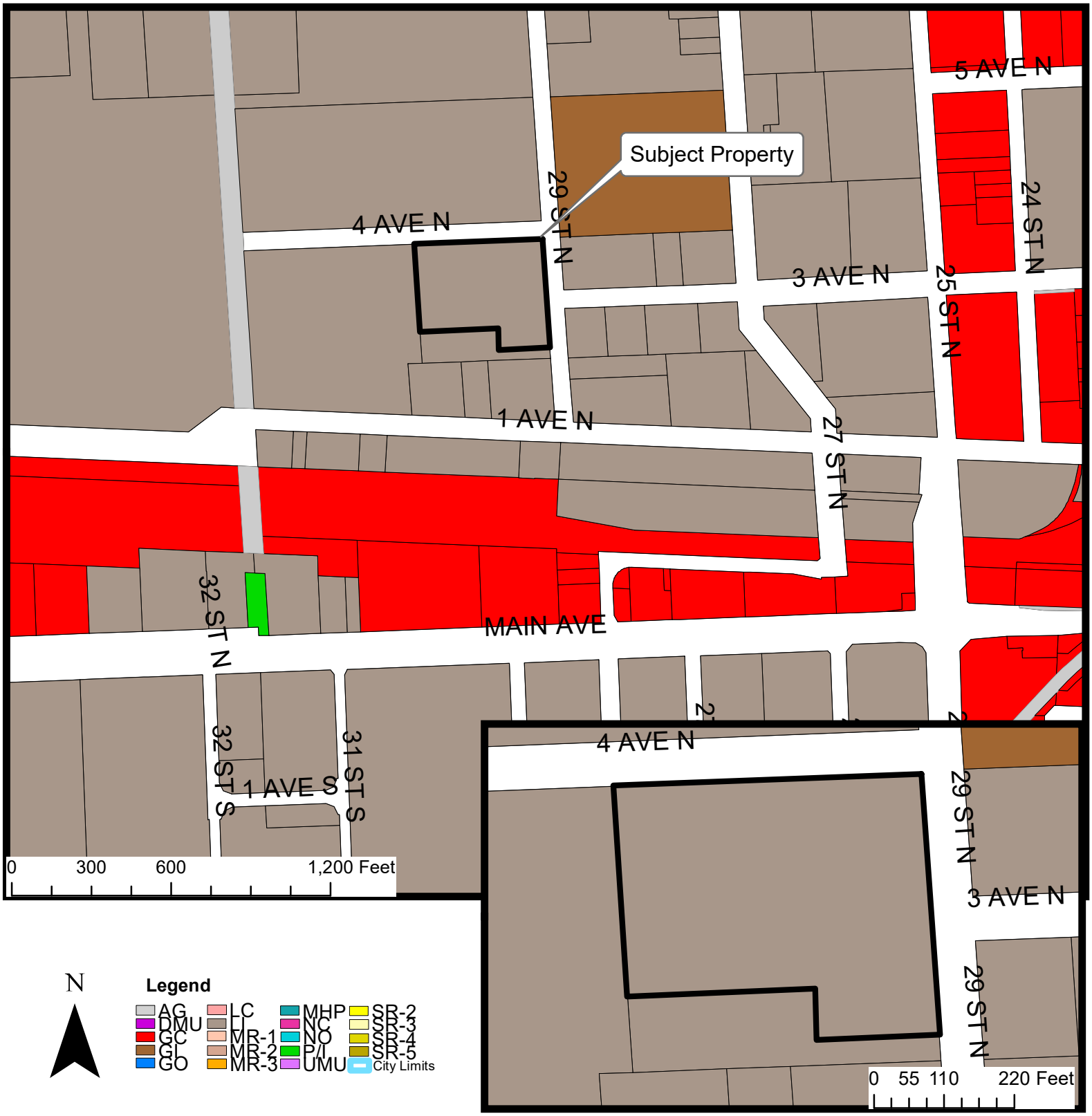
Area Plans:
The subject property is not covered by a growth plan or neighborhood plan
Context
Neighborhood: The subject property is not included in a designated neighborhood. **Schools:** The subject property is located within the Fargo School District and is served by Madison Elementary, Ben Franklin Middle, and Fargo North High schools. **Parks:** Unicorn Park (1603 3rd Avenue North) is located approximately a mile east of the subject property. Unicorn Park provides basketball, grill, multipurpose field, playground, and picnic table amenities. **Pedestrian / Bicycle:** There are no sidewalks or bike facilities in this area. **MATBUS Routes:** The subject property is not located along a MATBUS route. The nearest stop is at 29th Street and 7th Avenue North (Route 17), over one-quarter mile north of the subject property.
Staff Analysis:
MINOR SUBDIVISION The subdivision combines all or part of five existing platted lots into two lots. Access will be from 29th Street North and from 4th Avenue North. **Subdivision** The LDC stipulates that the following criteria are met before a minor plat can be approved: 1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.** The current zoning is LI, Limited Industrial. No zone change is proposed. 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, Planning staff has received no comments or inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)** 2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.** While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**
Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed plat of **Peterson Second Addition** on the basis that it satisfactorily complies with the Standards of Article 20-06, and Section 20-0907.B. and C of the LDC and all other applicable requirements of the LDC.

Planning Commission Recommendation: August 2nd, 2022
Attachments:
1. Zoning Map **2.** Location Map **3.** Preliminary Plat

Plat (minor)

Peterson Second Addition

302 29th Street N



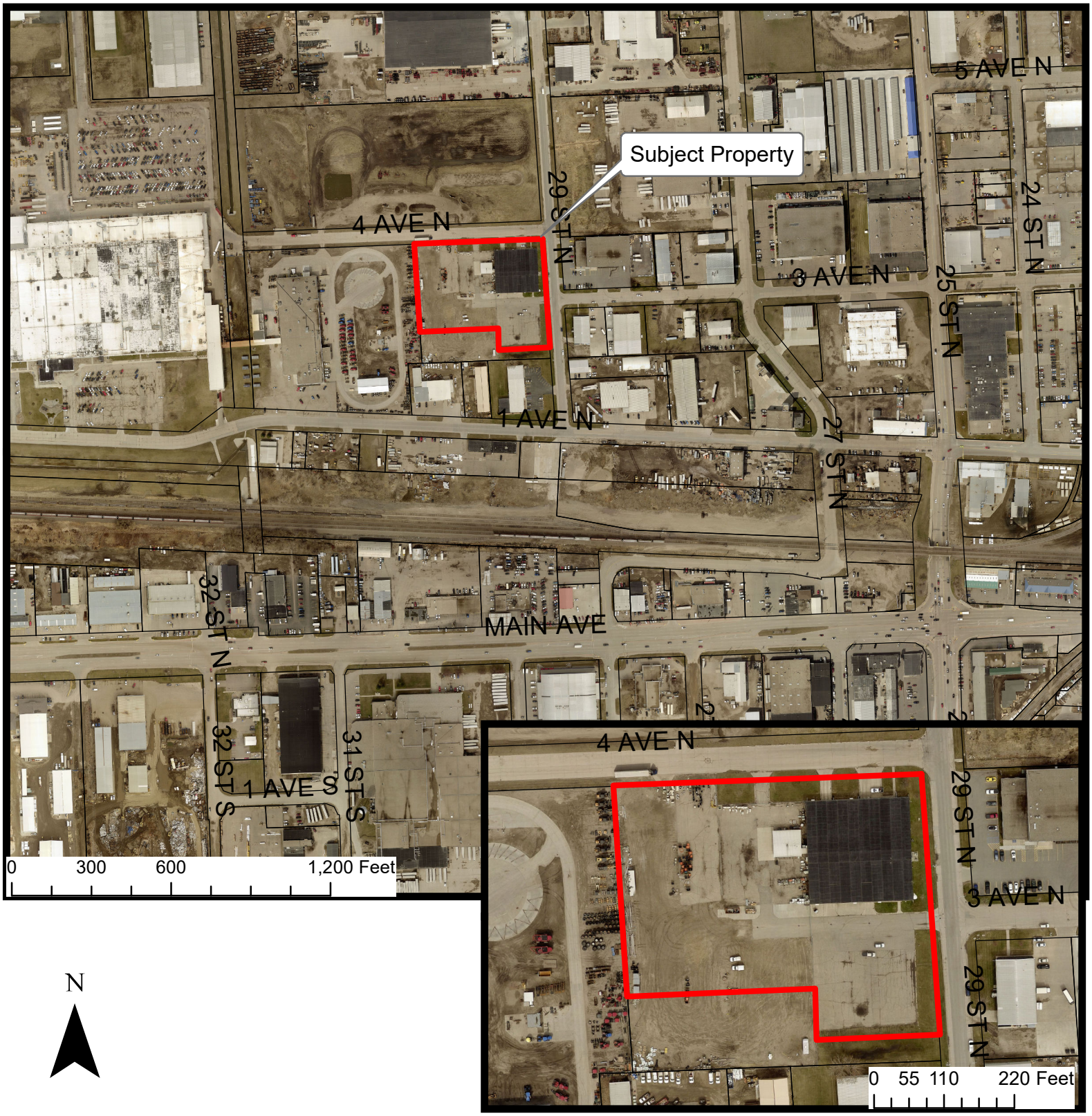
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Plat (minor)

Peterson Second Addition

302 29th Street N



N

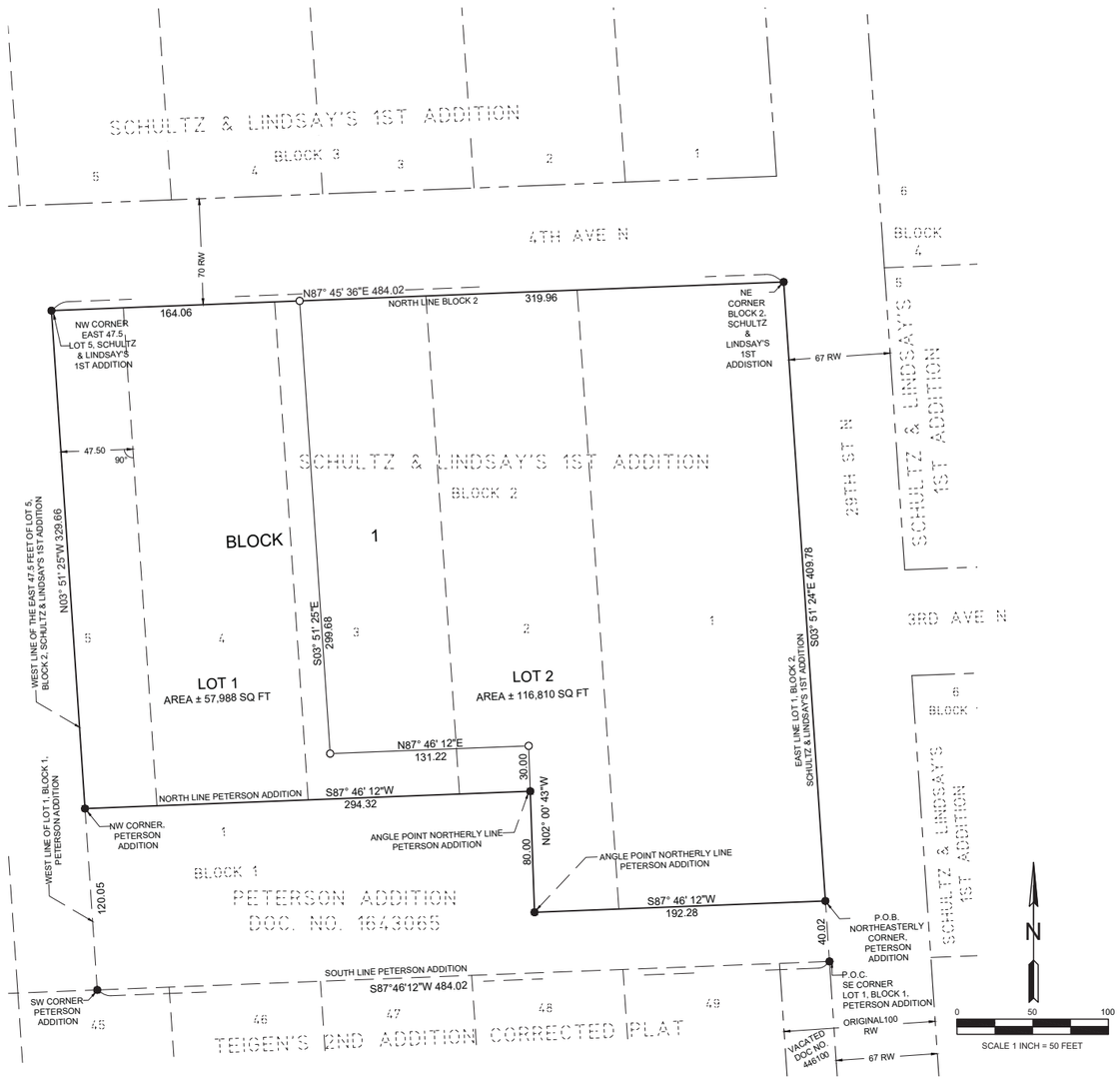
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

PETERSON SECOND ADDITION

(A REPLAT OF A PORTION OF LOTS 1, 2, 3, 4 AND THE EAST 47.5 FEET OF LOT 5, OF BLOCK 2 OF SCHULTZ & LINDSAY'S 1ST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA)

(A MINOR SUBDIVISION)



LEGEND

- ● FOUND MONUMENT
- ○ SET MONUMENT ½" REBAR AND 1 ½" ALUMINUM CAP LS-5582
- FINAL BOUNDARY
- FINAL LOT LINE BOUNDARY
- EXISTING LOT LINES
- EXISTING RIGHT-OF-WAY

NOTE:

SURVEY ORIENTATION IS BASED ON CITY OF FARGO COORDINATE SYSTEM, US SURVEY FEET. DISTANCES SHOWN ARE GROUND DISTANCES

PRELIMINARY

OWNERS DESCRIPTION, ACCEPTANCE AND DEDICATION

We, the under signed, do hereby certify that we are the owners of the land described in the plat of PETERSON SECOND ADDITION to the City of Fargo,

Lots One (1), Two (2), Three (3), Four (4) and the East Forty-seven and One-half Feet (E. 47 ½') of Lot five (5), in block Two (2), SCHULTZ AND LINDSAY'S 1ST ADDITION to the City of Fargo, Cass County, North Dakota. EXCEPT the following: Lot One (1), Block One (1), PETERSON ADDITION, according to the recorded plat on file and of record in the office of the County Recorder, Cass County, North Dakota.

Said tract of land contains 174,798 square feet, more or less.

LOT 1 DESCRIPTION

A portion of Lots 2, 3, 4 and the East 47.50 feet of Lot 5, Block 2 of SCHULTZ & LINDSAY'S 1ST ADDITION to the City of Fargo, Cass County, North Dakota, according to the recorded plat thereof, described as follows:

Commencing at the southeast corner of Lot 1, Block 1, PETERSON ADDITION to the City of Fargo which is recorded as Document No. 1643065 in the Office of County Recorder in said Cass County; thence North 03 degrees 51 minutes 24 seconds West, along the east line of said PETERSON ADDITION, a distance of 40.02 feet to the most northeasterly corner of said PETERSON ADDITION; thence South 87 degrees 46 minutes 12 seconds West, along the northerly line of said PETERSON ADDITION, a distance of 192.28 feet to an angle point on the northerly line of said PETERSON ADDITION; thence North 02 degrees 00 minutes 43 seconds West, along the northerly line of said PETERSON ADDITION, a distance of 80.00 feet to an angle point on the northerly line of said PETERSON ADDITION and the point of beginning; thence South 87 degrees 46 minutes 12 seconds West, along the north line of said PETERSON ADDITION, a distance of 294.32 feet to the northwest corner of said PETERSON ADDITION and the west line of the East 47.50 feet of Lot 5, Block 2 of said SCHULTZ & LINDSAY'S 1ST ADDITION; thence North 03 degrees 51 minutes 25 seconds West, along the west line of the East 47.50 feet of Lot 5, Block 2 of said SCHULTZ & LINDSAY'S 1ST ADDITION, a distance of 329.66 feet to the northwest corner of the East 47.50 feet of Lot 5, Block 2 of said SCHULTZ & LINDSAY'S 1ST ADDITION; thence North 87 degrees 45 minutes 36 seconds East, along the north line of Block 2 of said SCHULTZ & LINDSAY'S 1ST ADDITION, a distance of 164.06 feet; thence South 03 degrees 51 minutes 25 seconds East, parallel with the west line of the East 47.50 feet of Lot 5, Block 2 of said SCHULTZ & LINDSAY'S 1ST ADDITION, a distance of 299.68 feet; thence North 87 degrees 46 minutes 12 seconds East, parallel with the north line of said PETERSON ADDITION, a distance of 131.22 feet; thence South 02 degrees 00 minutes 43 seconds East, a distance of 30.00 feet to the point of beginning.

Said parcel of land is subject to existing easements of record.

LOT 2 DESCRIPTION

A portion of Lots 1, 2, and 3, Block 2 of SCHULTZ & LINDSAY'S 1ST ADDITION to the City of Fargo, Cass County, North Dakota, according to the recorded plat thereof, described as follows:

Commencing at the southeast corner of Lot 1, Block 1, PETERSON ADDITION to the City of Fargo which is recorded as Document No. 1643065 in the Office of County Recorder in said Cass County; thence North 03 degrees 51 minutes 24 seconds West, along the east line of said PETERSON ADDITION, a distance of 40.02 feet to the most northeasterly corner of said PETERSON ADDITION and the point of beginning; thence South 87 degrees 46 minutes 12 seconds West, along the northerly line of said PETERSON ADDITION, a distance of 192.28 feet to an angle point on the northerly line of said PETERSON ADDITION; thence North 02 degrees 00 minutes 43 seconds West, along the northerly line of said PETERSON ADDITION and the northerly extension thereof, a distance of 110.00 feet; thence South 87 degrees 46 minutes 12 seconds West, parallel with the south line of said PETERSON ADDITION, a distance of 131.22 feet; thence North 03 degrees 51 minutes 25 seconds West, parallel with the west line of the East 47.5 feet of Lot 5, Block 2 of said SCHULTZ & LINDSAY'S 1ST ADDITION, a distance of 299.68 feet to the north line of said Block 2; thence North 87 degrees 45 minutes 36 seconds East, along said north line, a distance of 319.96 feet to the northeast corner of said Block 2; thence South 03 degrees 51 minutes 24 seconds East, along the east line of said Block 2, a distance of 409.78 feet to the most northeasterly corner of said PETERSON ADDITION and the point of beginning.

Said parcel of land is subject to existing easements of record.

OWNER: Qwest Corporation, a Colorado Corporation

By: _____
LaRae Dodson, Vice President of Real Eastate and Fleet

STATE OF COLORADO)
) SS
CITY AND COUNTY OF BROOMFIELD)

On this _____ day of _____, 20___, before me, a Notary Public with and for said County and said State, personally appeared LaRae Dodson, Vice President of Real Eastate and Fleet, to me known to be the person who executed the foregoing instrument and acknowledgment to me that this person executed the same in the name of Qwest Corporation.

_____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Dain K. Erickson, 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.

_____
Dain K. Erickson, Professional Land Surveyor
North Dakota License Number LS-5582

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this _____ day of _____, 20___, before me, a Notary Public with and for said County and said State, personally appeared Dain K. Erickson, Professional Land Surveyor, 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 the City Engineer this _____ day of _____, 20___.

_____
Brenda E. Derrig, PE, City Engineer

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this _____ day of _____, 20___, before me, a Notary Public with and for said County and said State, personally appeared Brenda E. Derrig, PE, City Engineer, City of Fargo, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

_____
Rocky Schneider, Chair
Fargo Planning Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

On this _____ day of _____, 20___, before me, a Notary Public with and for said County and said State, personally appeared John Gunkelman, City of Fargo 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 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, a Notary Public with and for said County and said State, personally appeared Timothy J. Mahoney, Mayor, City of Fargo and Steven Sprague, City Auditor, City of Fargo, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

Agenda Item #	5

City of Fargo Staff Report			
Title:	Timber Parkway 8th Addition	**Date:**	7-26-22
Location:	5056 and 5160 Charles Way South	**Staff Contact:**	Luke Morman, Planner
Legal Description:	Lots 1 and 2, Block 1, Timber Parkway Seventh Addition		
Owner(s)/Applicant:	PLC Investments, LLC / Landform Professional Services, LLC	**Engineer:**	AE2S
Entitlements Requested:	**Minor Subdivision** (Replat of Lots 1 and 2, Block 1, Timber Parkway Seventh Addition)		
Status:	Planning Commission Public Hearing: August 2, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Unchanged and restaurant
Zoning: GC, General Commercial, with a C-O, Conditional Overlay		**Zoning:** Unchanged
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, ~~detention facilities~~, health care facilities, parks and open areas, religious institutions, safety services, ~~adult entertainment centers~~, basic utilities, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, ~~self-storage~~, ~~vehicle repair~~, limited vehicle service, and certain telecommunication facilities. **Conditional Overlay No. 4908 prohibits certain uses.**		**Uses Allowed:** Unchanged
Maximum Lot Coverage Allowed: Maximum 85% building coverage		**Maximum Lot Coverage Allowed:** Unchanged

Proposal:

The applicant is seeking approval of a minor subdivision located at 5056 and 5160 Charles Way South. The request is to remove a portion of the existing negative access easement along Charles Way South, with the proposed minor subdivision entitled Timber Parkway 8th Addition.

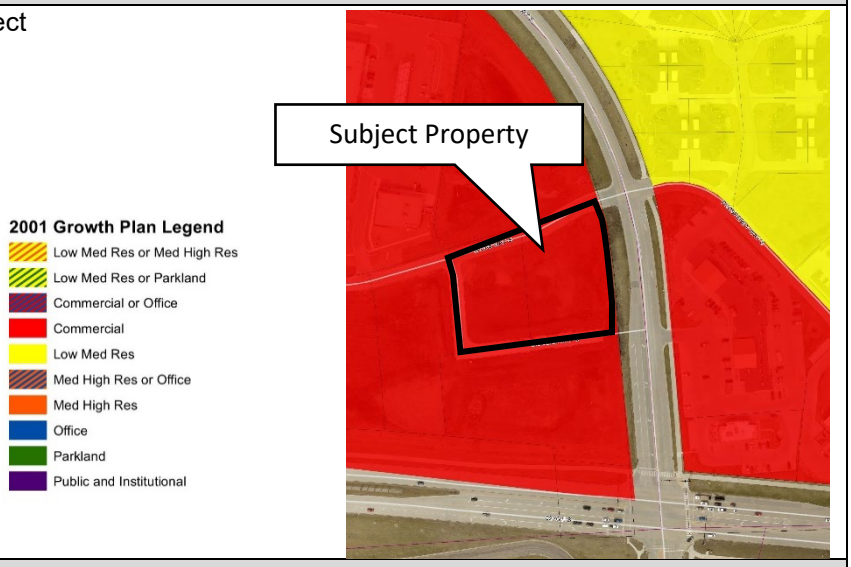
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial, undeveloped.
- East: Across Timber Pkwy S, GC, General Commercial, with retail sales and service.
- South: GC, General Commercial, undeveloped.
- West: GC, General Commercial; undeveloped.

Area Plans:

According to the 2001 Growth Plan, the subject property is designated as "Commercial."



Context:

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

Neighborhood: The subject property is located within Centennial neighborhood.

Parks: Timber Creek Park is within a quarter mile to the north of the subject property. This park provides a basketball court, grills, picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: There are ten foot wide tails along 52nd Avenue South and along the east sides of Timber Parkway South and 31st Street South. There are eight foot wide tails along 32nd Street South and shared-use paths within Timber Creek Park.

Bus Route: There are no bus routes within a quarter mile of the subject property.

Staff Analysis:

Minor Subdivision

The applicant provided a traffic study to analyze traffic effects of this development, including the removal of the negative access easement along Jacks Way South. The City's Traffic Engineer has reviewed this document and has been in communication with the applicant to mitigate any negative traffic impacts. These impacts will be reviewed during the building permit review process.

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 remove a portion of the existing negative access easement along Charles Way South. The properties within this plat are currently zoned GC, General Commercial, with a Conditional Overlay, and no change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property.

To date, staff has received no inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.
(Criteria Satisfied)

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals.
   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission the proposed subdivision plat, **Timber Parkway 8th Addition** as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, standards of Section 20-0907.B & C, standards of Article 20-06, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: August 2, 2022

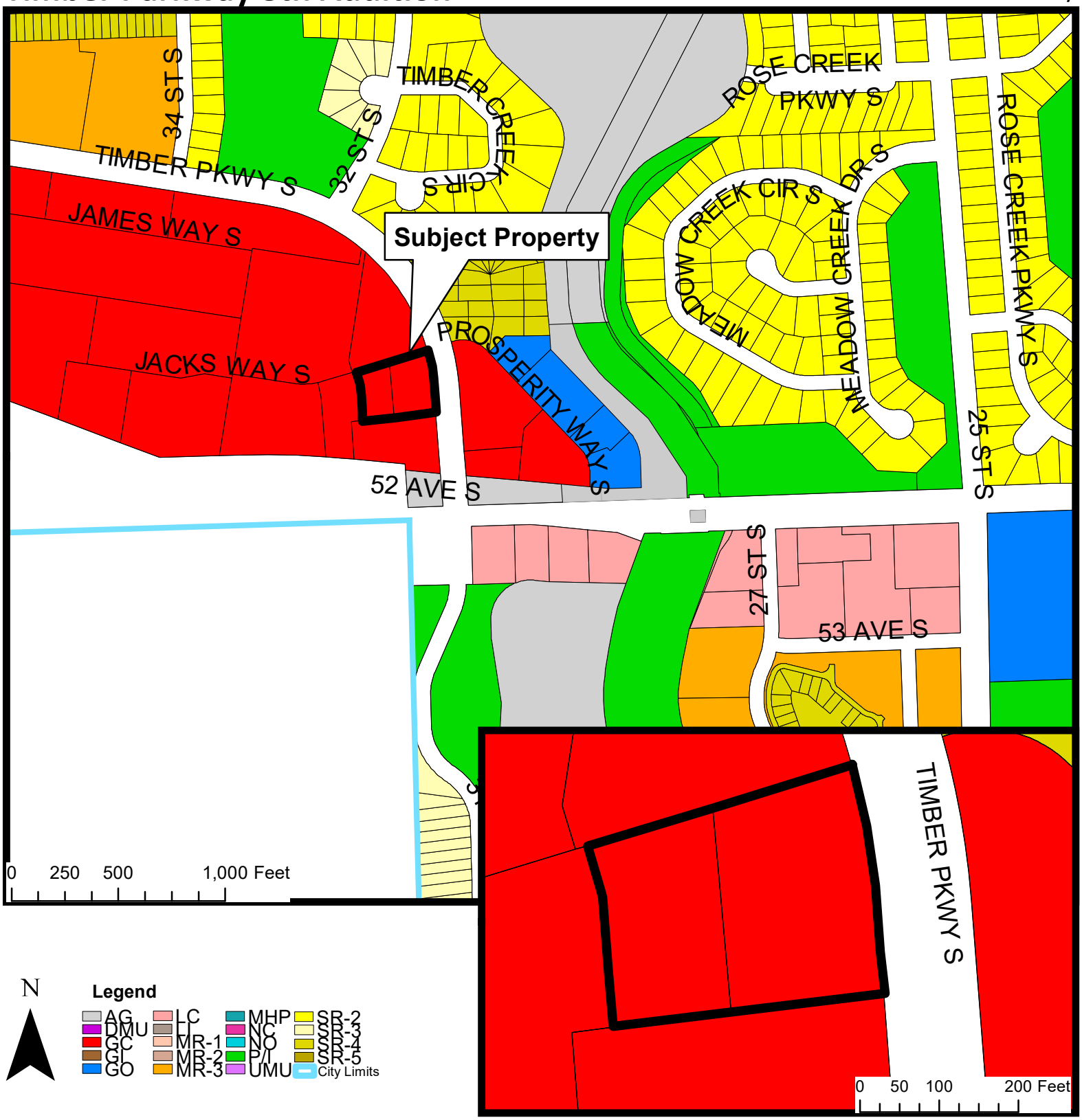
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

Plat (minor)

Timber Parkway 8th Addition

5056-5160 Charles Way



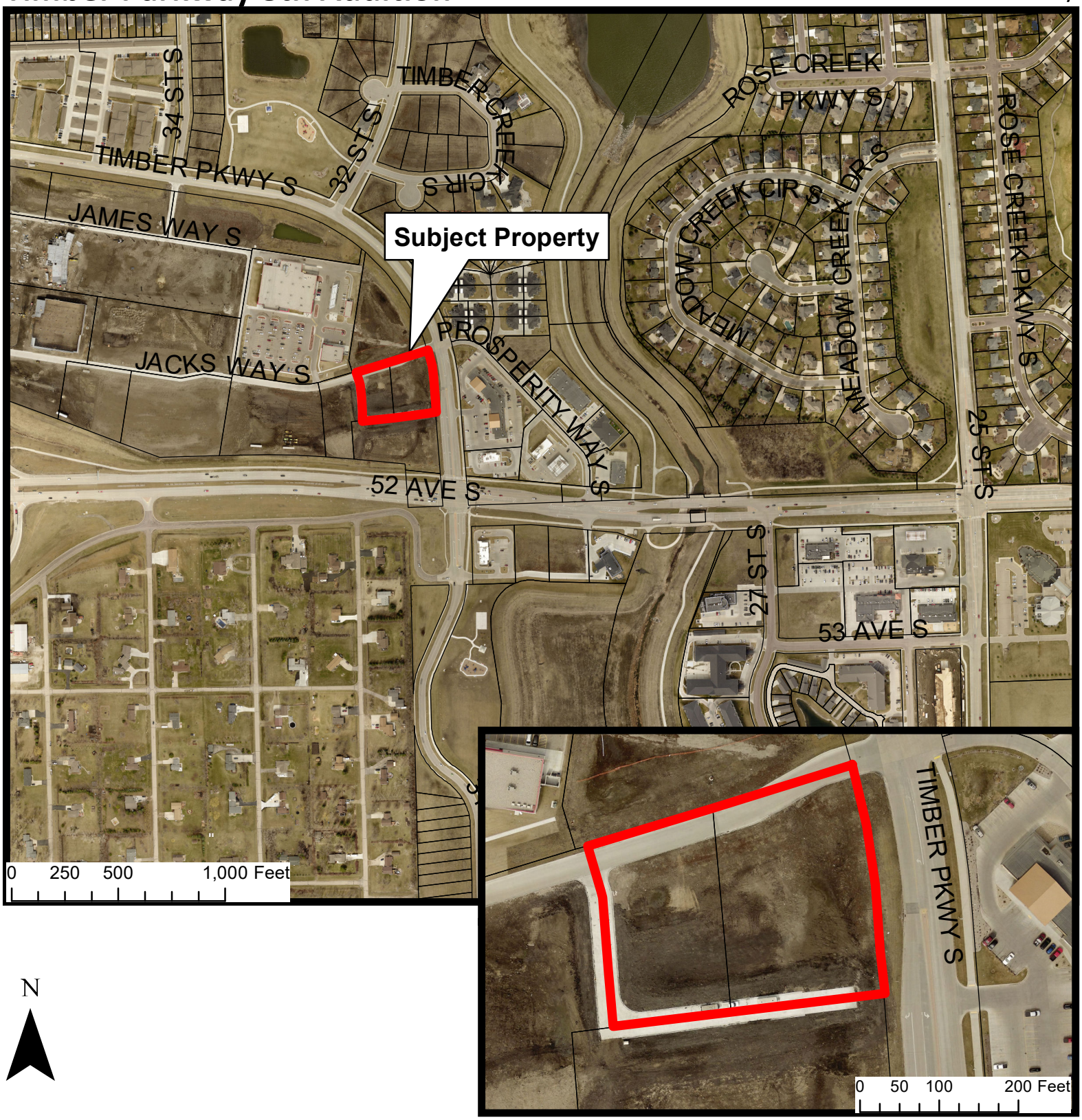
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Plat (minor)

Timber Parkway 8th Addition

5056-5160 Charles Way



N

THE CITY OF Fargo FAR MORE

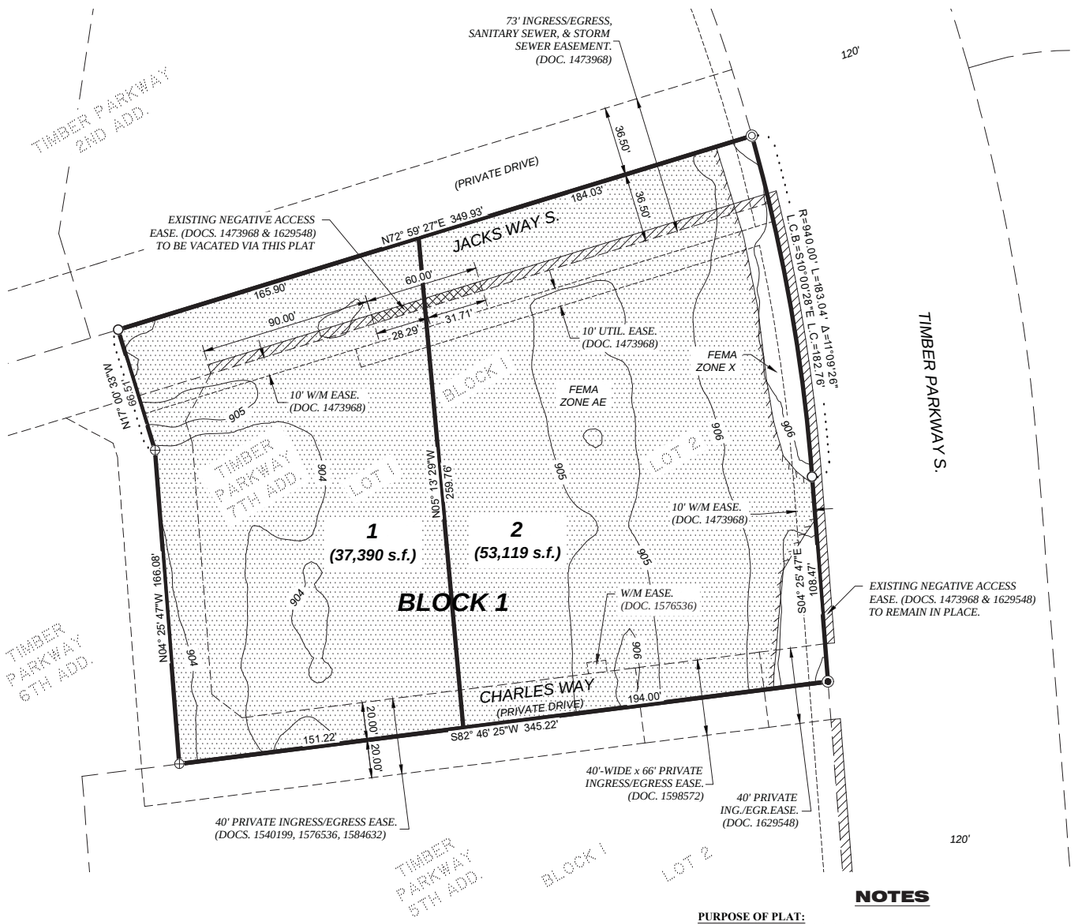
Fargo Planning Commission
August 2, 2022

TIMBER PARKWAY 8TH ADDITION

to the CITY OF FARGO

BEING A REPLAT OF ALL OF TIMBER PARKWAY 7TH ADDITION, CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

(a Minor Subdivision)



DESCRIPTION OF PLAT BOUNDARY

All of Lots 1 and 2 of Block 1 of Timber Parkway 7th Addition to the City of Fargo, Cass County, North Dakota.

Said parcel contains 90,509 square feet, more or less, and is subject to all easements and rights-of-way of record.

CERTIFICATE OF SURVEYOR

I, Nicholas R. Stattelman, Registered Professional Land Surveyor in the State of North Dakota, hereby certify that this map is a true and correct representation of a survey performed by me or under my direct supervision on or before September 8, 2021. All distances and measurements are true and correct to the best of my knowledge and belief, and all monuments will be placed in the ground as shown.

_____
Nicholas R. Stattelman, North Dakota Registered Professional Land Surveyor No. LS-8218

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Nicholas R. Stattelman, known to me to be the person described in the within instrument, and acknowledged to me that he executed the same.

_____
Notary Public:
State of _____
My commission expires: _____

OWNER'S CERTIFICATE & DEDICATION

We, the undersigned, being all the owners and proprietors of the land platted herein, do hereby consent to the execution of this plat to be known as "TIMBER PARKWAY 8TH ADDITION" to the City of Fargo, Cass County, North Dakota and hereby dedicate and convey to the public, for public use, all streets and utility easements as shown on the plat.

Owner:
PLC Investments, LLC

_____
Kevin Christianson, President

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Kevin Christianson, known to me to be the person described in the within instrument, and acknowledged to me that they executed the same.

_____
Notary Public:
State of _____
My commission expires: _____

Mortgage Holder:
First International Bank & Trust

_____
Brian Hagen
East Market President

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Brian Hagen, known to me to be the persons described in the within instrument, and acknowledged to me that they executed the same.

_____
Notary Public:
State of _____
My commission expires: _____

CITY PLANNING COMMISSION APPROVAL

This plat is approved by the Fargo Planning Commission on this _____ day of _____, 20____.

_____
Rocky Schneider, Chair

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared John Gunkelman, Fargo Planning Commission Chair, known to me to be the person described in the within instrument, and acknowledged to me that she executed the same.

_____
Notary Public:
State of _____
My commission expires: _____

CITY ENGINEER APPROVAL

This plat is approved by the Fargo City Engineer on this _____ day of _____, 20____.

_____
Brenda E. Derrig, City Engineer

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person described in the within instrument, and acknowledged to me that she executed the same.

_____
Notary Public:
State of _____
My commission expires: _____

CITY COMMISSION APPROVAL

This plat is approved by the Fargo City Commission on this _____ day of _____, 20____.

_____ _____
Tim Mahoney, Mayor Steve Sprague, City Auditor

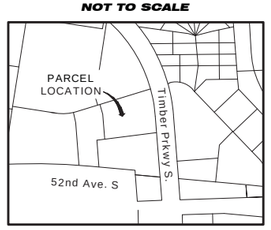
STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Tim Mahoney, Mayor, and Steve Sprague, City Auditor, known to me to be the persons described in the within instrument, and acknowledged to me that they executed the same.

_____
Notary Public:
State of _____
My commission expires: _____

VICINITY MAP

NOT TO SCALE



LEGEND

- PLAT BOUNDARY
- EXISTING PARCEL LINE
- EXISTING ACCESS EASEMENT LINE
- EXISTING UTILITY EASEMENT LINE
- 900 EXISTING CONTOUR - MAJOR
- 901 EXISTING CONTOUR - MINOR
- EXISTING NEGATIVE ACCESS EASE. TO BE VACATED PER THIS PLAT
- EXISTING NEGATIVE ACCESS EASE. TO REMAIN IN PLACE
- ZONE AE FEMA SPECIAL FLOOD HAZARD AREA
- FOUND IRON MONUMENT
- FOUND IRON MONUMENT w/ PLASTIC CAP MARKED: LS-6703
- FOUND PK MAG NAIL w/ WASHER MARKED: LS-6703
- MONUMENT PLACED THIS SURVEY: 5/8" Ø X 18" LONG REBAR WITH PLASTIC CAP MARKED N.R.S. LS-8218
- 1 LOT NUMBER

NOTES

PURPOSE OF PLAT:
THE PURPOSE OF THIS PLAT IS TO VACATE ALL THAT PORTION OF THE EXISTING NEGATIVE ACCESS EASEMENT ALONG LOTS 1 & 2, BLOCK 1 OF TIMBER PARKWAY 7TH ADDITION (PER DOCS. #1473968 & (INSERT TP 7TH DOC. NO). NO PARCEL LINES OR OTHER EASEMENTS OR ENCUMBRANCES ARE BEING MODIFIED OR ADDED VIA THIS PLAT.

BASIS OF BEARINGS:
DISTANCES AND BEARINGS ARE BASED ON THE CITY OF FARGO COORDINATE SYSTEM. ALL DISTANCES SHOWN ARE GROUND DISTANCES IN U.S. SURVEY FEET. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT. ALL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE DETERMINED BY GPS OBSERVATIONS FROM THE CITY OF FARGO BASE STATION.

EXISTING EASEMENTS:
PLAT IS SUBJECT TO ALL PRIOR EASEMENTS AND ENCUMBRANCES OF RECORD, WHETHER SHOWN HEREON OR NOT.

FLOOD ZONE CLASSIFICATION:
CLASSIFICATIONS AE AND X SHOWN GRAPHICALLY HEREON BY GRAPHIC PLOTTING OF SCALED FEMA FIRM NO. 38017C0787G, CASS COUNTY, NORTH DAKOTA, EFFECTIVE DATE: JANUARY 16, 2015. ZONE AE AREAS ARE SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AND CONTAIN DETERMINED BASE FLOOD ELEVATIONS (BFE). BFE FOR ZONE AE IS 906.5'. BFE OBTAINED FROM CITY OF FARGO 41' INUNDATION AREA MAPPING (Sheet 12).

BENCHMARK:
CITY OF FARGO BENCHMARK #241022 LOCATED APPROXIMATELY 350' SOUTH-SOUTHEASTERLY OF THE SOUTHEAST CORNER OF THE PARCEL PLATTED HEREON. THE BENCHMARK IS THE TOP OF THE SOUTHEAST FLANGE BOLT OF A FIRE HYDRANT AND HAS AN ELEVATION OF 909.25'.

CONTOUR DATA:
CONTOURS SHOWN HEREON PER CITY OF FARGO 2017 MERRICK 1' CONTOUR DATA.

AE2S

NORTH

40' 0 40' 80'

SHEET 1 of 1

PRELIMINARY

Agenda Item #	6

City of Fargo Staff Report			
Title:	Simonson Companies Second Addition	**Date:**	7-26-22
Location:	5237 38th Street South, 3825, 3863, and 3901 53rd Avenue South	**Staff Contact:**	Luke Morman, Planner
Legal Description:	Lots 1-4, Block 1, Simonson Companies Second Addition		
Owner(s)/Applicant:	John Simonson (Simonson Companies, LLC) / Chris Mack (Christianson Companies)	**Engineer:**	N/A
Entitlements Requested:	**Zone Change** to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district.		
Status:	Planning Commission Public Hearing: August 2, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Commercial
Zoning: LC, Limited Commercial with a C-O, Conditional Overlay		**Zoning:** Unchanged
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, ~~off-premise advertising~~, commercial parking, retail sales and service, self-storage, vehicle repair, limited vehicle service, and certain telecommunication facilities. **Conditional Overlay No. 5148 prohibits certain uses.**		**Uses Allowed:** Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, ~~off-premise advertising~~, commercial parking, retail sales and service, self-storage, ~~vehicle repair~~, limited vehicle service, and certain telecommunication facilities. **The proposed Conditional Overlay also prohibits detention facilities, adult entertainment center, portable signs, industrial service, manufacturing and production, warehouse and freight movement, and aviation/surface transportation.**
Maximum Lot Coverage Allowed: Maximum 55% building coverage		**Maximum Lot Coverage Allowed:** Unchanged

Proposal:
The applicant is seeking a zoning change to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district. The properties are located at 5237 38th Street South, 3825, 3863, and 3901 53rd Avenue South, which are Lots 1-4, Block 1, Simonson Companies Second Addition. The applicant is requesting to modify the Conditional Overlay by matching the existing C-O to the west (Ordinance 4688), which simplifies the existing C-O to our typical overlay verbiage along arterials. The existing C-O is derived from the "District of Fargo" overlays attached to AutoZone, Starbucks, Panda Express, and Wal-Mart to the east of the subject properties, across 38th Street South. These "District of Fargo" overlays are some of the most complex ones in the entire City of Fargo, thus, the applicant and Planning staff coordinated a solution to simply match the existing overlays to the west (Ordinance 4688). The proposed C-O verbiage is the exact same as the overlay applied to the adjacent/nearby businesses such as Happy Harry's and First Community Credit Union to the west. This solution will simplify future development processes for both the applicant and Planning staff.

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 Ave S, GC, General Commercial with C-O (4636), office.
- East: LC, Limited Commercial with C-O (5127), retail sales and service.
- South: LC, Limited Commercial, undeveloped.
- West: LC, Limited Commercial with C-O (4688), retail sales and service.

Area Plans:

According to the 2007 Growth Plan, the subject property is designated as "Commercial."

Context:

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

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

Parks: The Pines Park is within a quarter mile to the southwest of the subject property. This park provides a basketball court, grills, picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: There are ten foot wide tails along 52nd Avenue South, eight foot wide tails along 53rd Avenue South, eight food wide trails on the west sides of 42nd Street South and 38th Street South, and shared-use paths within The Pines Park.

Bus Route: There are no bus routes within a quarter mile of the subject property.

Staff Analysis:

Zoning

The property located at 3863 53 Ave S is also a separate item on this month's agenda for a Minor Subdivision plat entitled, Simonson Companies Third Addition. The proposed Zone Change will take place before the Minor Subdivision.

Section 20-0906.F(1-4) of the LDC stipulates that 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 applicant is requesting to modify the conditional overlay to simplify the verbiage from the existing C-O on the subject properties, by matching the C-O verbiage on the properties to the west. In reviewing the existing C-O, staff found that simplifying the verbiage will sufficiently match our typical overlays on arterial roadways.
   (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 is adjacent to existing developed public rights-of-way, which provide access and public utilities to serve the property.
   (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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has not received any comment or inquiry. Staff finds that the proposal 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 in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed amended C-O is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, 2007 Growth Plan, and other adopted policies of the City.
   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and ~~hereby waive the requirement of receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for the first reading, and approve~~ recommend approval to the City Commission on the proposed zone change to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Section 20-0906.F(1-4), and all other applicable requirements of the LDC.

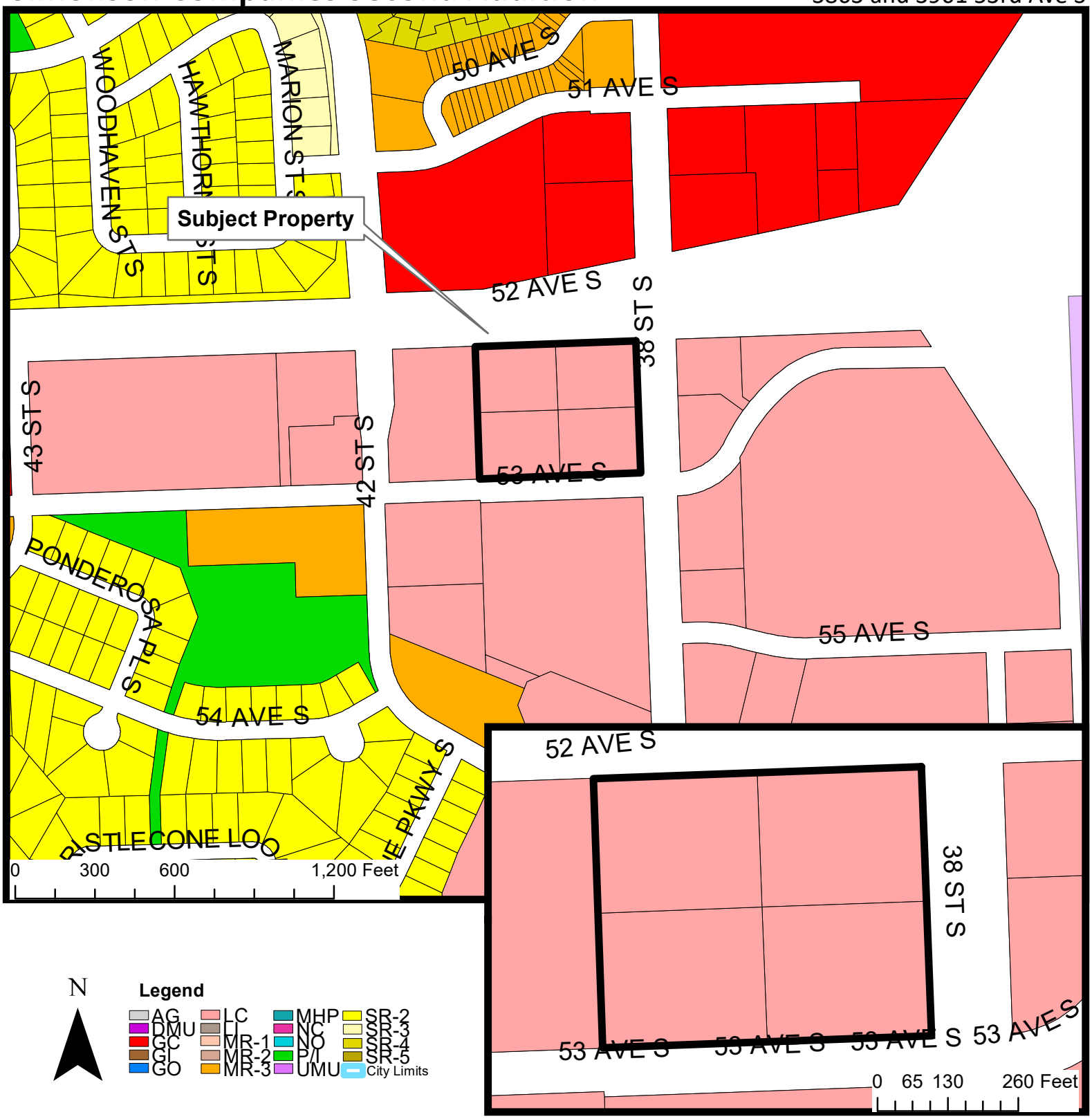
Planning Commission Recommendation: August 2, 2022

Attachments:
1. Zoning map **2.** Location map

Zone Change (repeal and re-establish a C-O)

Simonson Companies Second Addition

5237 38th St S & 3825, 3863 and 3901 53rd Ave S



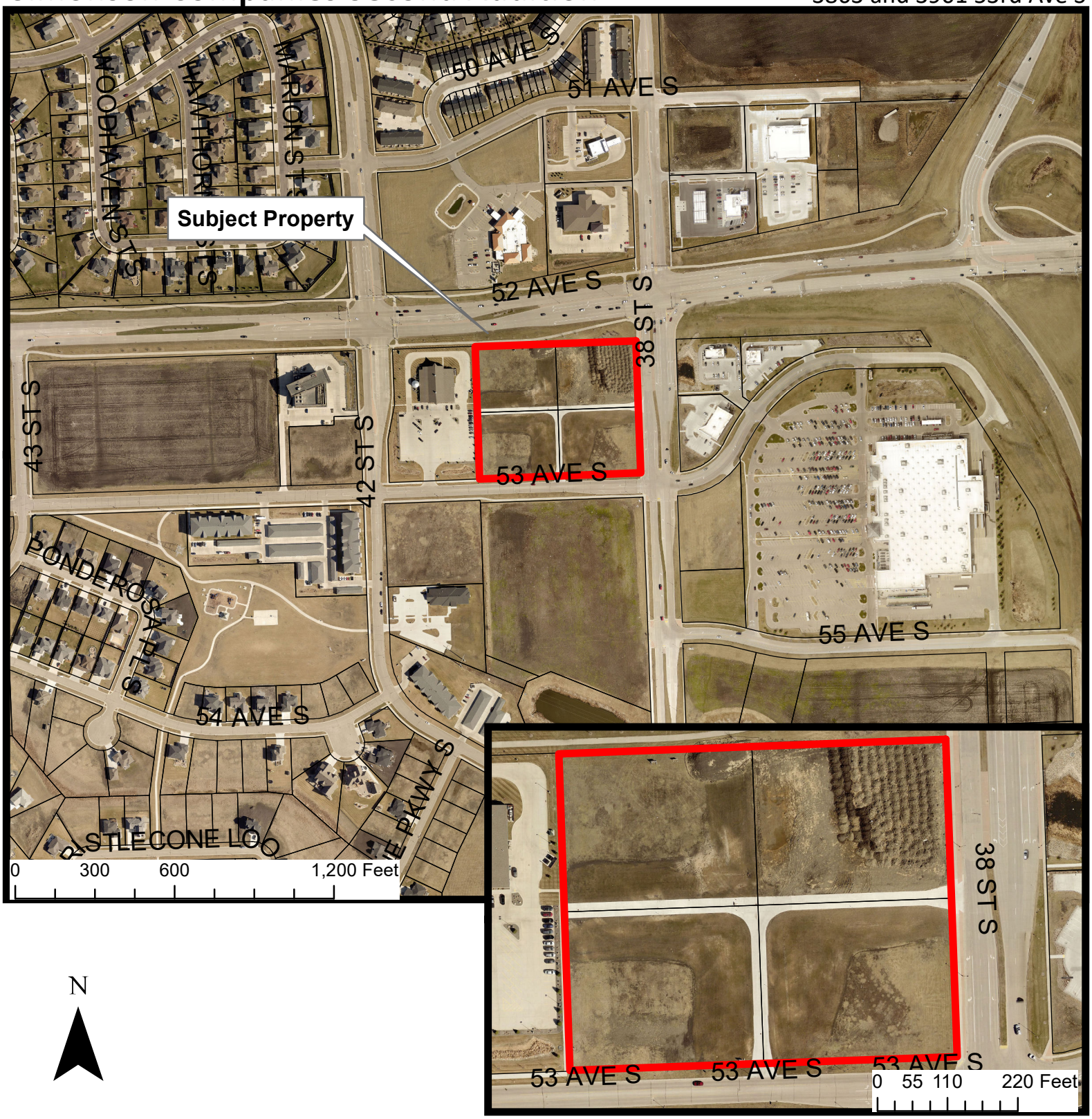
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Zone Change (repeal and re-establish a C-O)

Simonson Companies Second Addition

5237 38th St S & 3825, 3863 and 3901 53rd Ave S



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THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Agenda Item #	7

City of Fargo Staff Report			
Title:	Simonson Companies Third Addition	**Date:**	7-26-22
Location:	3863 53rd Avenue South	**Staff Contact:**	Luke Morman, Planner
Legal Description:	Lot 4, Block 1, Simonson Companies Second Addition		
Owner(s)/Applicant:	Simonson Companies, LLC / Chris Mack	**Engineer:**	Neset Land Surveys
Entitlements Requested:	**Minor Subdivision** (Replat of Lot 4, Block 1, Simonson Companies Second Addition)		
Status:	Planning Commission Public Hearing: August 2, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Limited Commercial uses
Zoning: LC, Limited Commercial with a Conditional Overlay		**Zoning:** Unchanged
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, off-premise advertising, commercial parking, retail sales and service, self-storage, vehicle repair, limited vehicle service, and certain telecommunication facilities. **Conditional Overlay No. 5148 prohibits certain uses.**		**Uses Allowed:** Unchanged
Maximum Lot Coverage Allowed: Maximum 55% building coverage		**Maximum Lot Coverage Allowed:** Unchanged

Proposal:

The applicant is seeking approval of a minor subdivision located at 3863 53rd Avenue South. The request is to replat the existing lot into a two lot minor subdivision entitled Simonson Companies Third Addition.

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

Surrounding Land Uses and Zoning Districts:

- North: Across 52nd Ave S, GC, General Commercial, office.
- East: LC, Limited Commercial, undeveloped.
- South: LC, Limited Commercial, undeveloped.
- West: LC, Limited Commercial; retail sales and service.

Area Plans:

According to the 2007 Growth Plan, the subject property is designated as "Commercial."

Context:

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

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

Parks: The Pines Park is within a quarter mile to the southwest of the subject property. This park provides a basketball court, grills, picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: There are ten foot wide tails along 52nd Avenue South, eight foot wide tails along 53rd Avenue South, eight food wide trails on the west sides of 42nd Street South and 38th Street South, and shared-use paths within The Pines Park.

Bus Route: There are no bus routes within a quarter mile of the subject property.

Staff Analysis:

Minor Subdivision

Due to an existing negative access easement, the subject property does not directly access from a public street. However, there are sufficient access easements to provide access to and from the site.

The subject property is included in a separate item on this month's agenda for a Zone Change on Lots 1-4, Block 1, Simonson Companies Second Addition, to repeal and re-establish a C-O, Conditional Overlay. The Zone Change will take place before this proposed 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 replat one existing lot into two new lots. The properties within this plat are currently zoned GC, General Commercial, and no change is proposed. 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 and responded to one inquiry about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission the proposed subdivision plat, **Simonson Companies Third Addition** as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, standards of Section 20-0907.B & C, standards of Article 20-06, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: August 2, 2022

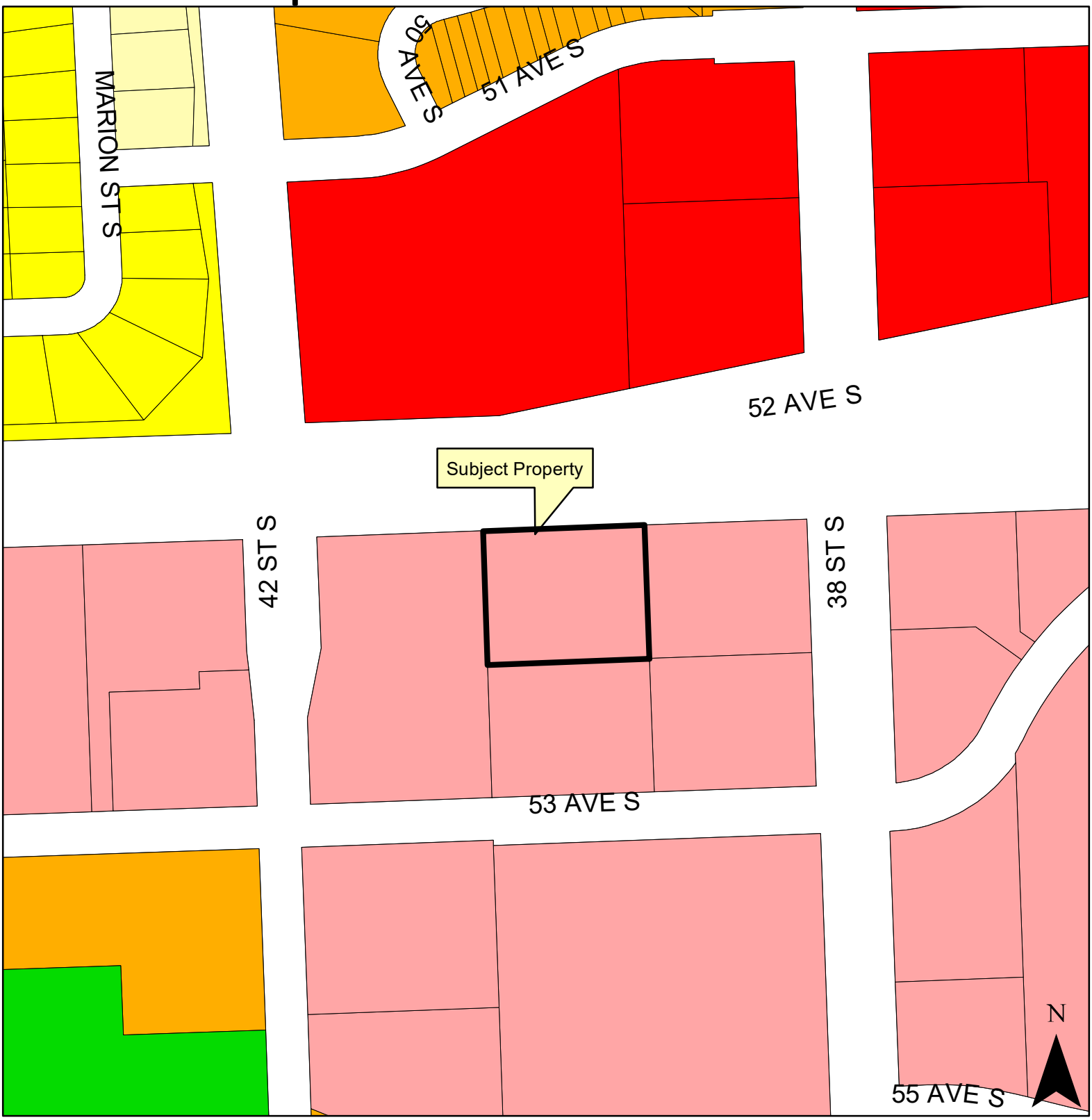
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

Plat (Minor)

Simonson Companies Third Addition

3863 53rd Avenue S



THE CITY OF Fargo FAR MORE

Legend

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

300 Feet

Fargo Planning Commission
August 2, 2022

Plat (Minor)

Simonson Companies Third Addition

3863 53rd Avenue S

THE CITY OF Fargo FAR MORE

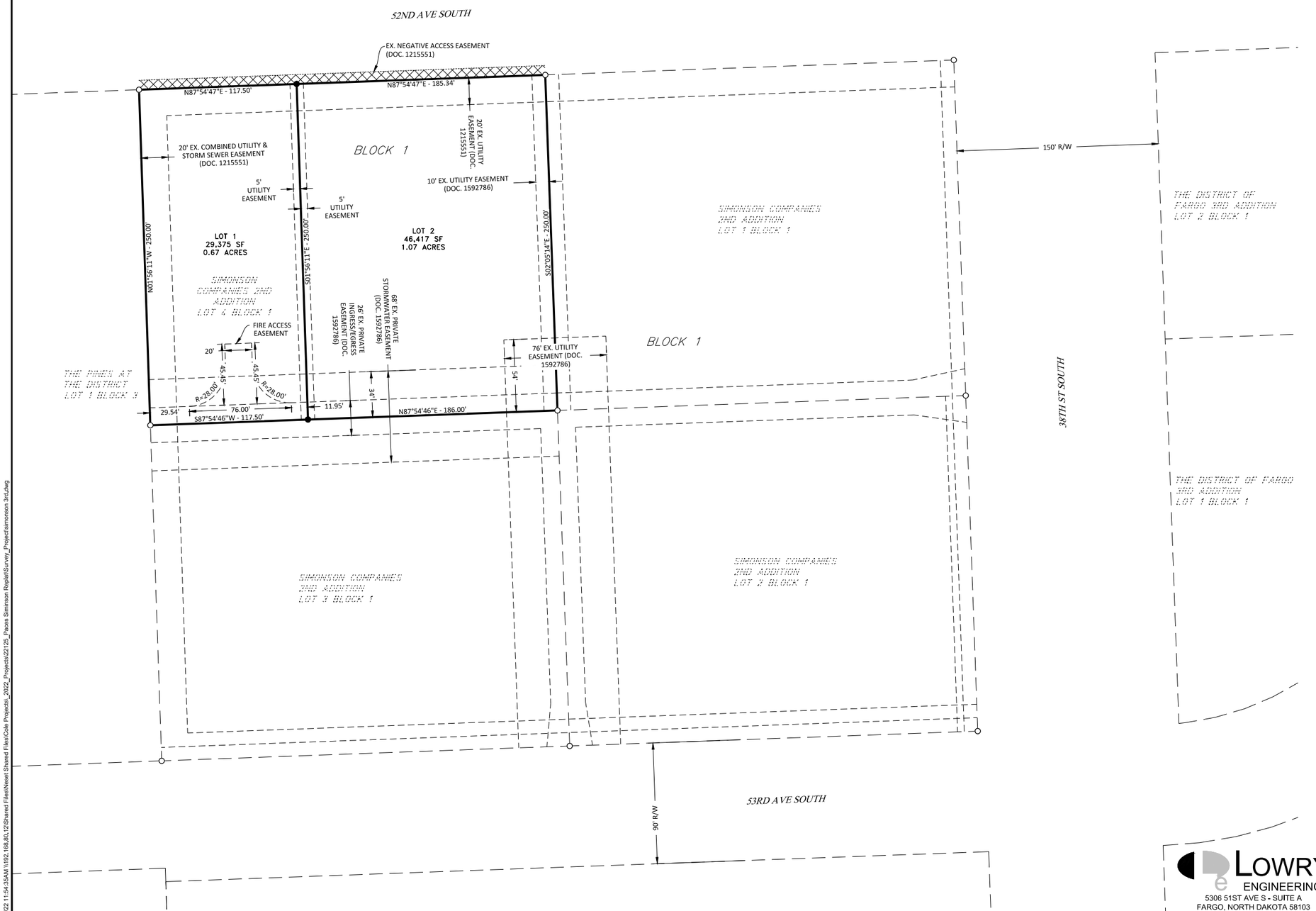
300 Feet

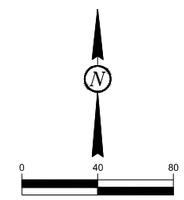
Fargo Planning Commission
August 2, 2022

A MINOR SUBDIVISION PLAT OF

SIMONSON COMPANIES THIRD ADDITION

A REPLAT OF LOT 4, BLOCK 1, SIMONSON COMPANIES SECOND ADDITION, TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA





LEGEND

- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT LINE
- EX. NEGATIVE ACCESS EASEMENT

SURVEY INFORMATION

DATE OF SURVEY: 05-13-2022
BASIS OF BEARING: CITY OF FARGO GROUND CONTROL
BENCHMARK USED: TOP NUT OF HYDRANT ON SOUTH SIDE OF LOT 2 BLOCK 1 OF SIMONSON 2ND ADD, ELEVATION = 910.51

NOTES

1. 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.

LOWRY ENGINEERING
5306 51ST AVE S - SUITE A
FARGO, NORTH DAKOTA 58103

Neset LAND SURVEYS

07/25/22 11:54:35AM \\192.168.80.12\Shared Files\Neset Shared Files\Cole Projects_2022_Projects\22125_Paces Siminson Replat\Survey_Project\simonson 3rd.dwg

A MINOR SUBDIVISION PLAT OF

SIMONSON COMPANIES THIRD ADDITION

A REPLAT OF LOT 4, BLOCK 1, SIMONSON COMPANIES SECOND ADDITION, TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT ARCH SIMONSON OF SIMONSON COMPANIES, LLC, IS THE OWNER OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A REPLAT OF LOT 4, BLOCK 1, SIMONSON COMPANIES SECOND ADDITION.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS SIMONSON COMPANIES THIRD ADDITION TO THE CITY OF FARGO, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 2 LOTS AND 1 BLOCK, AND CONTAINS 1.73 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: _____
ARCH SIMONSON, PRESIDENT

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, 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 THAT HE EXECUTED 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 THIRD 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 _____, 2022.

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

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, 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: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2022.

_____
BRENDA E. DERRIG, P.E.
CITY ENGINEER

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, 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 THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

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

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2022.

_____
TIMOTHY J. MAHONEY
MAYOR

_____
STEVE SPRAGUE
CITY AUDITOR

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

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

CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2022.

_____
ROCKY SCHNEIDER
CHAIRMAN PLANNING COMMISSION

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, 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: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

LOWRY ENGINEERING
5306 51ST AVE S - SUITE A
FARGO, NORTH DAKOTA 58104

Neset LAND SURVEYS

07/25/22 11:54:37AM \\192.168.80.12\Shared Files\Neset Shared Files\Cole Projects_2022_Projects\22125_Paces Simimson Replat\Survey_Project\simonson 3rd.dwg

Agenda Item #	8a, b & c

City of Fargo Staff Report			
Title:	**Fitzsimonds Second Addition**	**Date:**	7/27/2022
Location:	3716, 3740, and 3750 51st Avenue South	**Staff Contact:**	Maegin Elshaug, planning coordinator
Legal Description:	Lots 5-7, Block 1, Fitzsimonds Addition		
Owner(s)/Applicant:	Fitzsimonds Commons LLC / Christianson Companies	**Engineer:**	Bolton & Menk
Entitlements Requested:	**Conditional Use Permit** to allow an Alternative Access Plan for a parking reduction, **Zoning Change** to repeal and re-establish a C-O, Conditional Overlay in the GC, General Commercial zoning district, and **Minor Subdivision** (Replat of Lots 5-7, Block 1, Fitzsimonds Addition)		
Status:	Planning Commission Public Hearing: August 2, 2022		

Existing	**Proposed**
Land Use: vacant	**Land Use:** commercial
Zoning: GC, General Commercial with C-O, Conditional Overlay (Ordinance 5206)	**Zoning:** GC, General Commercial with C-O, Conditional Overlay
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, ~~detention facilities~~, health care facilities, parks and open space, religious institutions, safety services, ~~adult entertainment centers~~, offices, ~~off-premise advertising~~, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, ~~vehicle repair~~, limited vehicle service, ~~aviation, surface transportation~~, basic utilities, major entertainment events and telecommunication structures. Conditional Overlay (Ordinance 5206) also restricts portable signs, industrial services, manufacturing and production, and warehouse and freight movement, in addition to the uses with a strike above.	**Uses Allowed:** Allows colleges, community service, daycare centers of unlimited size, ~~detention facilities~~, health care facilities, parks and open space, religious institutions, safety services, ~~adult entertainment centers~~, offices, ~~off-premise advertising~~, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, **vehicle repair,** limited vehicle service, ~~aviation, surface transportation~~, basic utilities, major entertainment events, and telecommunication structures. Conditional Overlay (Ordinance 5206) also restricts portable signs, industrial services, manufacturing and production, and warehouse and freight movement, in addition to the uses with a strike above. Proposed zoning change to the conditional overlay would allow vehicle repair as a use.
Maximum Lot Coverage Allowed: GC allows 85% maximum building coverage	**Maximum Lot Coverage Allowed:** no change

Proposal:

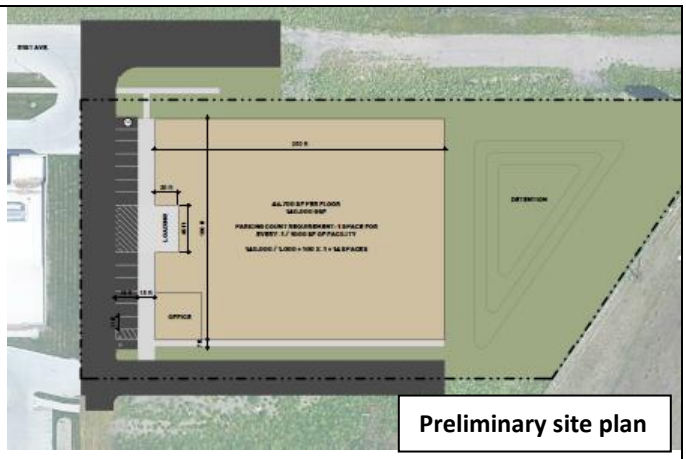
The applicant requests three entitlements:

1. **Conditional Use Permit** to allow an Alternative Access Plan for a parking reduction.
2. **Zoning Change** to repeal and re-establish a C-O, Conditional Overlay in the GC, General Commercial zoning district.
3. **Minor Subdivision**, which would replat Lots 5-7, Block 1, Fitzsimonds Addition into two lots.

Continued on next page

Conditional Use Permit

The applicant is requesting parking reduction for a self-service storage use on the proposed Lot 1 of Fitzsimonds Second Addition. The Land Development Code requires 1 space plus 1 per 2,500 square feet of parking for a self-service storage facility. The applicant is requesting to reduce the ratio and provide 0.1 space per 1,000 square feet; or, 1 space per 10,000 square feet. A parking study provided by Hauser Architects explains project information and demand. The facility is proposed to be approximately 140,000 square feet, which would require 14 spaces with the proposed ratio. The City of Fargo's Traffic Engineer reviewed the study and determined the reduction was sufficient based on the parking study findings. A preliminary site plan is included to the right.



Preliminary site plan

Note that the plat will need to be recorded prior to recordation of the CUP in order to reference the correct legal lot.

Zoning Change

The applicant is requesting to modify the conditional overlay to allow the use of vehicle repair in order to construct a tire store on Lot 2 the proposed lots of Fitzsimonds Second Addition. The Land Development Code identifies tire stores as a vehicle repair use and the Conditional Overlay (Ordinance 5206) identifies this use as prohibited. No other changes to the conditional overlay are proposed.

Minor Subdivision

The applicant is requesting to replat three legal lots into two to accommodate future development. The plat includes a stormwater retention and drainage easement to account for stormwater within the development (which includes all of the properties within the original Fitzsimonds Addition plat). The amenities plan will be amended to account for this change. Access will be from 51st Avenue South and through internal access easements within the development. The plat encompasses approximately 4.1 acres.

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.

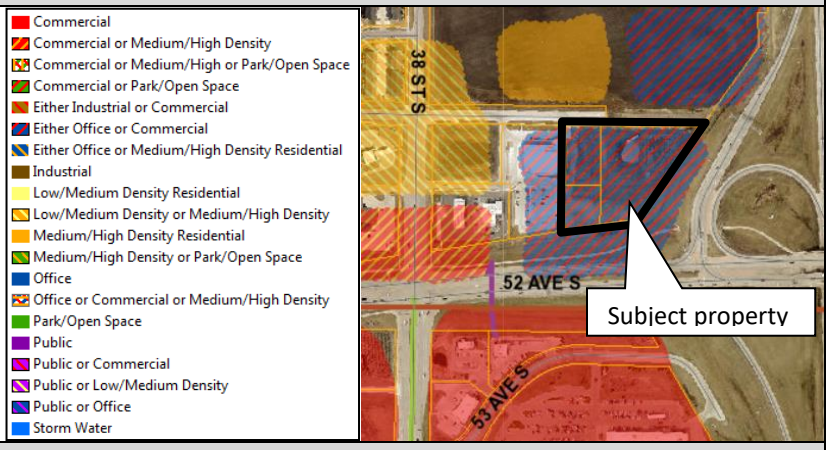
Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial with undeveloped and unplatted land;
- East: Interstate 29;
- South: Across 52nd Avenue South is LC, Limited Commercial with C-O, Conditional Overlay, with commercial development;
- West: GC, General Commercial with C-O, Conditional Overlay, with commercial development.

Continued on next page

Area Plans:

The subject properties are located within the *2003 Southwest Future Land Use Plan*. Within this growth plan, the subject properties are identified as being suitable for Office or Commercial use.



Context:

Neighborhood: Woodhaven

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

Parks: Cottagewood Park (4896 38th Street South) is located within a quarter-mile of the subject property, and provides amenities of shelters, a playground and recreational trails.

Pedestrian / Bicycle: Off-road bike facilities are located along 52nd Ave S, 38th St S, 42nd St S, 53rd Ave S, and through Cottagewood Park, which are components of the metro area bikeway system.

Transit: MATBUS route 18 travels south on 42nd Street South, turns east on 52nd Avenue South, turns south on 38th Street South and into the development and loops back the same route. There is a shelter located at Walmart.

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 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. Exploring reductions in minimum parking standards is a key initiative meant to promote the Plan's guiding principles. Staff finds this proposal consistent with the purpose of the LDC, 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 to allow for a parking reduction at this location will not affect the welfare 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 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, Planning 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 alternative access plan for 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 intended to limit the intensity of 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 also reviewed the proposed alternative access plan and concurs with the findings and proposed reduction for the self-service storage use. **(Criteria Satisfied)**

Recommended Conditions:

- 1 parking space per 10,000 gross square feet for a self-service storage facility

Approval and Appeal

The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.

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 applicant is requesting to modify the conditional overlay to allow the use of vehicle repair. The prohibition of vehicle repair was included in the original conditional overlay for the development, Ordinance 4636, which was established in 2007. At the time the original conditional overlay was drafted, this area was intended for a big box store. That type of development is no longer going forward in this location and is intended for smaller scale development. **(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 is adjacent to existing developed public rights-of-way and access and utility easements, which provide access and public utilities to serve the property. **(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 inquiry with no noted concern. 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 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. Staff finds that the proposed amended Conditional Overlay is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, 2003 Southwest Future Land Use 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 current zoning is GC, General Commercial and the base zoning district is not changing with this application. Staff has been coordinating with representatives of the land owners to the north to ensure vehicular connectivity is addressed appropriately at the time that land develops. Additionally, the amenities plan will be amended to address stormwater retention and drainage easement within the 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, Planning staff has received one inquiry with no noted concern. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(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 move to approve the Conditional Use Permit to allow an Alternative Access Plan for a parking reduction in the GC, General Commercial zoning district on the proposed Lot 1, Block 1, Fitzsimonds Second Addition, as the proposal complies with Section 20-0909.D (1-6) and all other applicable requirements of the LDC, with the following condition:

- 1 parking space per 10,000 gross square feet for a self-service storage facility

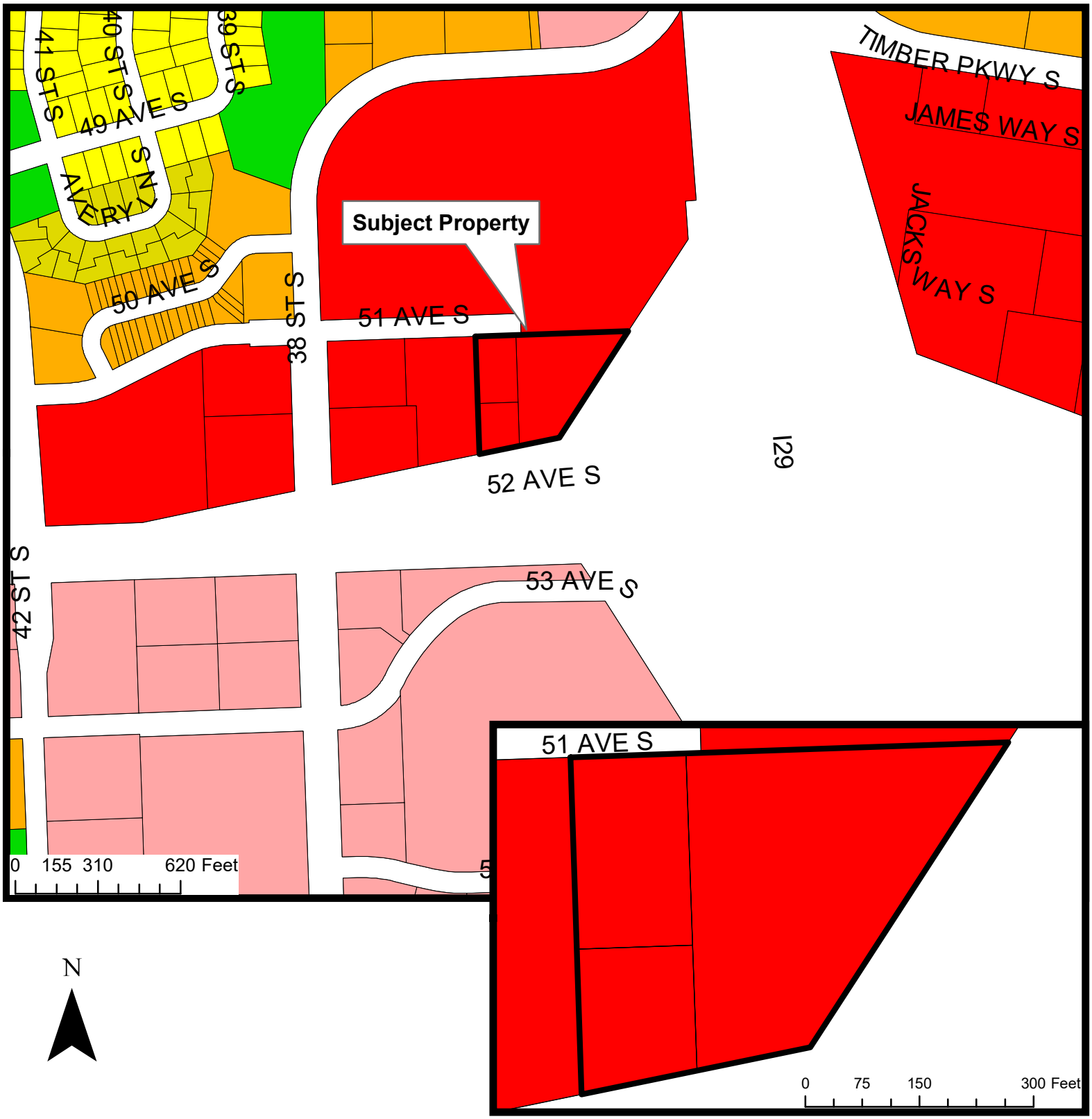
And to accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change to repeal and re-establish a C-O, Conditional Overlay in the GC, General

Commercial zoning district and 2) Subdivision Plat, **Fitzsimonds Second Addition,** as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, adopted Area Plan, the standards of Section 20-0906.F (1-4), Section 20-0907.B-C, and of Article 20-06, and all other applicable requirements of the Land Development Code".
Planning Commission Recommendation: August 2, 2022
Attachments:
1. Zoning Map **2.** Location Map **3.** Preliminary Plat

Plat (minor), Zone Change (repeal and re-establish a C-O), CUP

Fitzsimonds Second Additon

3716-3750 51 Ave S



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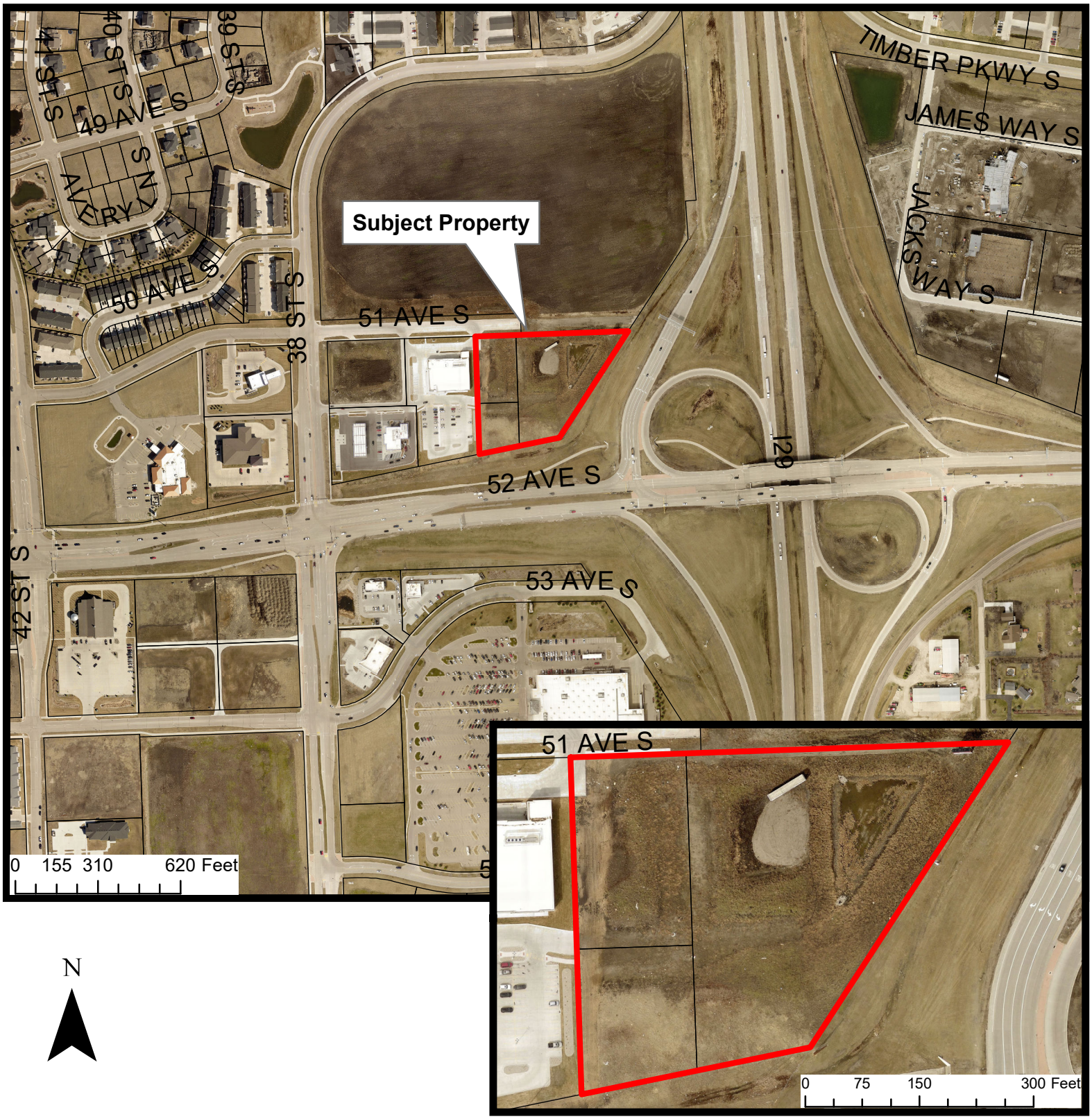
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Plat (minor), Zone Change (repeal and re-establish a C-O), CUP

Fitzsimonds Second Additon

3716-3750 51 Ave S



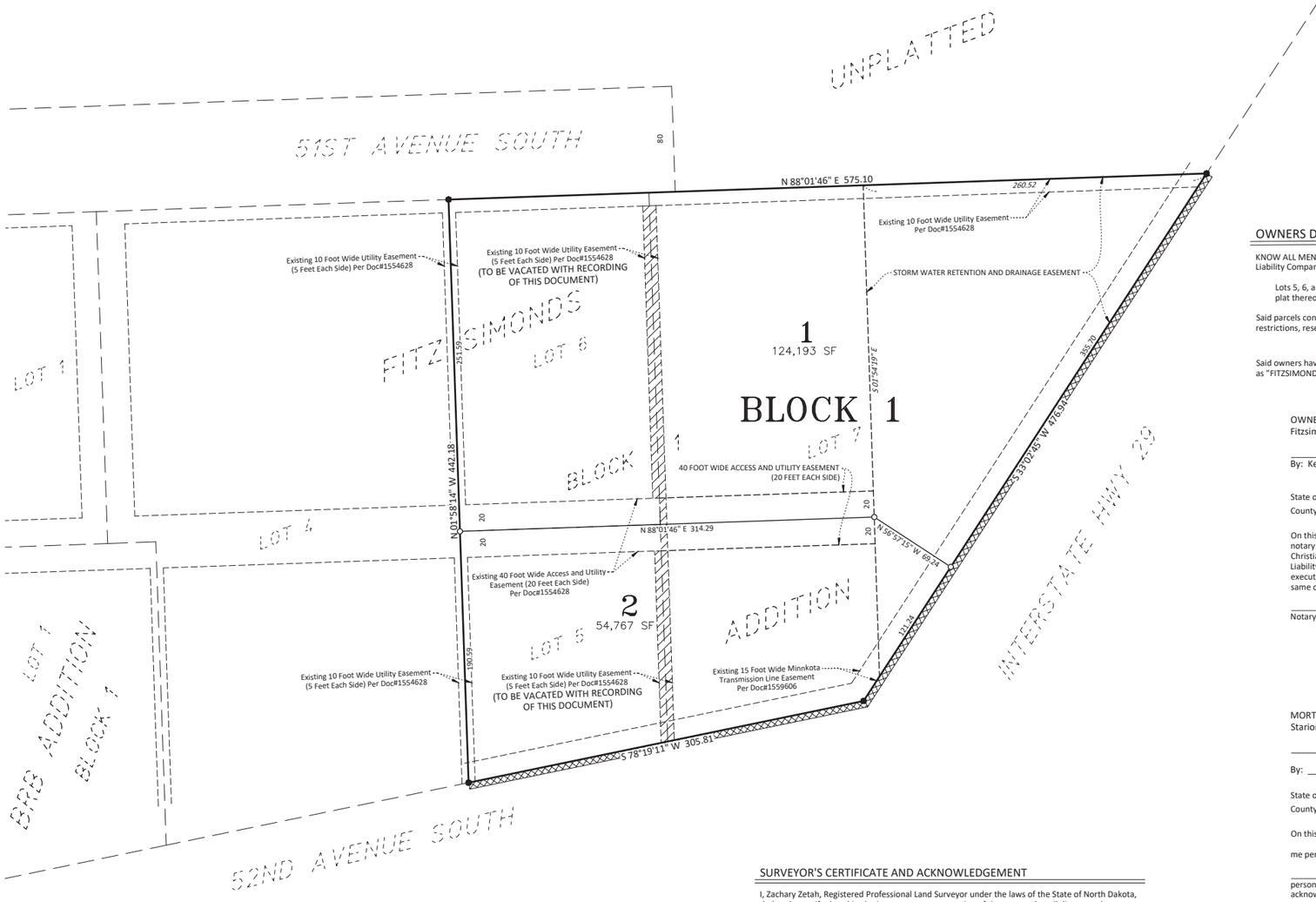
N

THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

FITZSIMONDS SECOND ADDITION

A REPLAT OF LOTS 5, 6, & 7, BLOCK 1 OF FITZSIMONDS ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



LEGEND

- ○ 5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC. NO. LS-27913
- ● MONUMENT FOUND
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1554628
- EXISTING 10 FOOT WIDE UTILITY EASEMENT TO BE VACATED WITH RECORDING OF THIS DOCUMENT

N

0 50 100
SCALE IN FEET

ORIENTATION OF THIS BEARING SYSTEM
IS PER THE PLAT OF
FITZSIMONDS ADDITION

PREPARED BY:
BOLTON & MENK

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Zachary Zetah, 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.

_____ Date:_____
Zachary Zetah, Professional Land Surveyor
North Dakota License Number LS-27913

State of North Dakota }SS
County of Cass

On this _____ day of _____, 2022, before me, a notary public within and for said County and State, personally appeared Zachary Zetah, Registered 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.

_____
Notary Public

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Fitzsimonds Commons LLC, a North Dakota Limited Liability Company, owner, and Starion Bank, mortgagee, of the following described land:

Lots 5, 6, and 7, Block 1 of FITZSIMONDS ADDITION according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Said parcels contain 178,960 square feet of land, more or less and are subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owners have caused the above described parcels of land to be surveyed and platted as "FITZSIMONDS SECOND ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:
Fitzsimonds Commons LLC

_____
By: Kevin Christianson, President

State of North Dakota }SS
County of Cass

On this _____ day of _____, in the year 2022, before me, a notary public within and for said County and State, personally appeared Kevin Christianson, Treasurer, Fitzsimonds Commons LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Fitzsimonds Commons LLC.

_____
Notary Public

MORTGAGE HOLDER:
Starion Bank

_____

By: _____, _____

State of North Dakota }SS
County of Cass

On this _____ day of _____, in the year 2022 before

me personally appeared_____,

_____, Starion 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 on behalf of Starion Bank

_____
Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2022.

_____
Brenda E. Derrig, City Engineer

State of North Dakota }SS
County of Cass

On this _____ day of _____, in the year 2022, before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

_____
Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this _____ day of

_____, 2022.

_____
Rocky Schneider, Planning Commission Chair

State of North Dakota }SS
County of Cass

On this _____ day of _____, in the year 2022, before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he 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 _____, 2022.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }SS
County of Cass

On this _____day of _____, in the year 2022 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons 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

preliminary

JSZ 7/25/22 127795_V_PROP_N1-Fitzsimonds Plat .dwg

Agenda Item #	9

City of Fargo Staff Report			
Title:	West Acres Seventh Addition	**Date:**	7-26-22
Location:	1882 39th Street South	**Staff Contact:**	Luke Morman, Planner
Legal Description:	Lot 1, Block 1, West Acres Seventh Addition		
Owner(s)/Applicant:	Jonathan Casper (Interstate Office, LLC), Charles Cobb (Blue Bills, LLC), and Scott Houle (Dynasty Holdings, LLC) / Kevin Hochman	**Engineer:**	N/A
Entitlements Requested:	**Zone Change** (GC, General Commercial to MR-3, Multi-Dwelling Residential)		
Status:	Planning Commission Public Hearing: August 2, 2022		

Existing		Proposed
Land Use: Undeveloped		**Land Use:** Unchanged
Zoning: GC, General Commercial with a CUP, Conditional Use Permit		**Zoning:** MR-3, Multi-Dwelling Residential.
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, major entertainment events, and certain telecommunication facilities. CUP West Acres 4th Addition allows a multi-dwelling structure.		**Uses Allowed:** Allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities. CUP West Acres 4th Addition is nullified with this zone change.
Maximum Lot Coverage Allowed: Maximum 85% building coverage		**Maximum Density Allowed:** Maximum of 24 units per acre.

Proposal:

The applicant is seeking approval of a Zone Change on the subject property located at 1882 39th Street South. The proposed zoning map amendment would rezone the subject property from GC, General Commercial to MR-3, Multi-Dwelling Residential.

A Conditional Use Permit for multi-dwelling structure was approved in May of 2010 for West Acres 4th Addition under a previously planned project that was never completed. The CUP is written for a "multi-dwelling structure on a General Commercial zoned property," therefore it no longer applies with the approval of the requested zone change from GC to MR-3.

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.

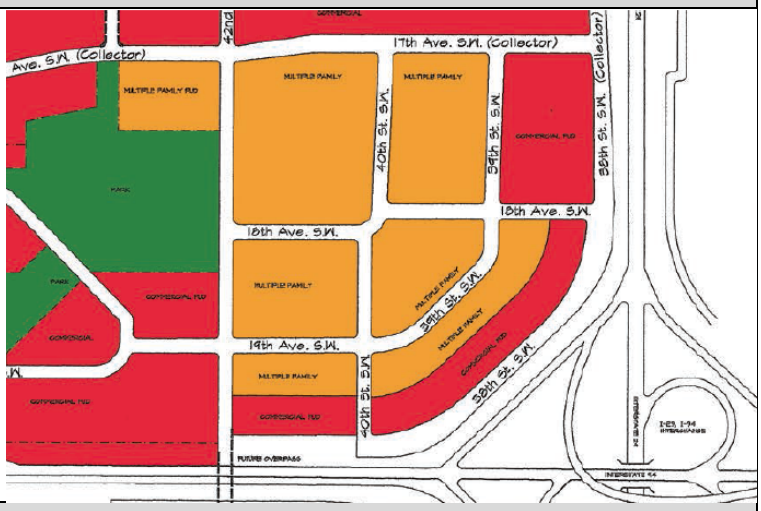
Surrounding Land Uses and Zoning Districts:

- North: Across 19th Ave S, MR-3, Multi-Dwelling Residential, with multi-family dwelling units

- East: MR-3, Multi-Dwelling Residential, with multi-family dwelling units; GC, General Commercial, undeveloped
- South: GC, General Commercial; undeveloped
- West: GC, General Commercial; school

Area Plans:

There are no recent growth plans which apply directly to this location. There is, however, an area plan that was put together for this area in the 1990's. This area plan designates the property adjacent to the interstate interchange as future commercial, while identifying areas further from the interchange as multi-family.



Context:

Schools: The subject property is located within the West Fargo School District, specifically within the Willow Elementary, Cheney Middle, and West Fargo High schools.

Neighborhood: The subject property is located within the West Acres neighborhood.

Parks: Rabanus Park is within a quarter mile to the northwest of the subject property. This park provides basketball courts, grills, picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails, sand volleyball courts, shelters, and warming houses. This is also the location of The Fargo Project: World Garden Commons and also a stormwater detention basin.

Pedestrian / Bicycle: There are sidewalks running along all street rights of way abutting the property and shared-use paths within Rabanus Park.

Bus Route: The subject property is within a quarter mile of routes 14 and 24 which run along 42nd St S. These routes have bus stops are located near the crossing streets of 19th Ave S and 18th Ave S.

Staff Analysis:

Zoning

Section 20-0906.F(1-4) of the LDC stipulates that 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 applicant is requesting to rezone the property in order to construct an apartment building. For the use to be allowed, the applicant is requesting the property to be rezoned to MR-3, Multi-dwelling Residential. Staff finds that the requested zoning change is justified by 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?**
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 is adjacent to existing developed public rights-of-way, which provide access and public utilities to serve the property.
(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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has not received any comment or inquiry. Staff finds that the proposal 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 in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, the Go2030 Comprehensive 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 on the proposed zone change from GC, General Commercial to MR-3, Multi-dwelling Residential on Lot 1, Block 1, West Acres Seventh Addition, as the proposal complies with the standards of the adopted Area plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 2, 2022

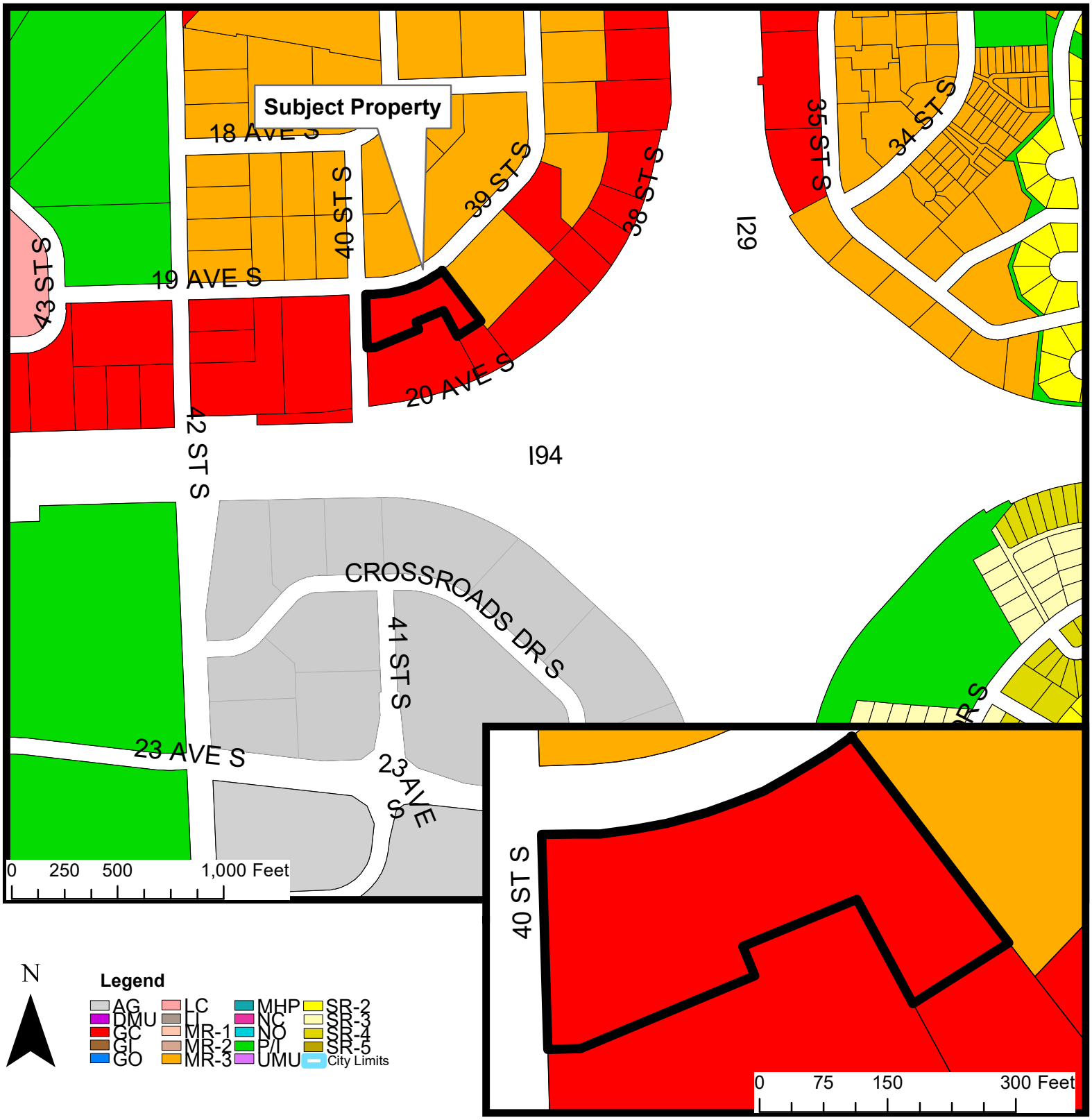
Attachments:

1. Zoning map
2. Location map

Zone Change from GC to MR3

West Acres Seventh Addition

1882 39 St S



N

Legend

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

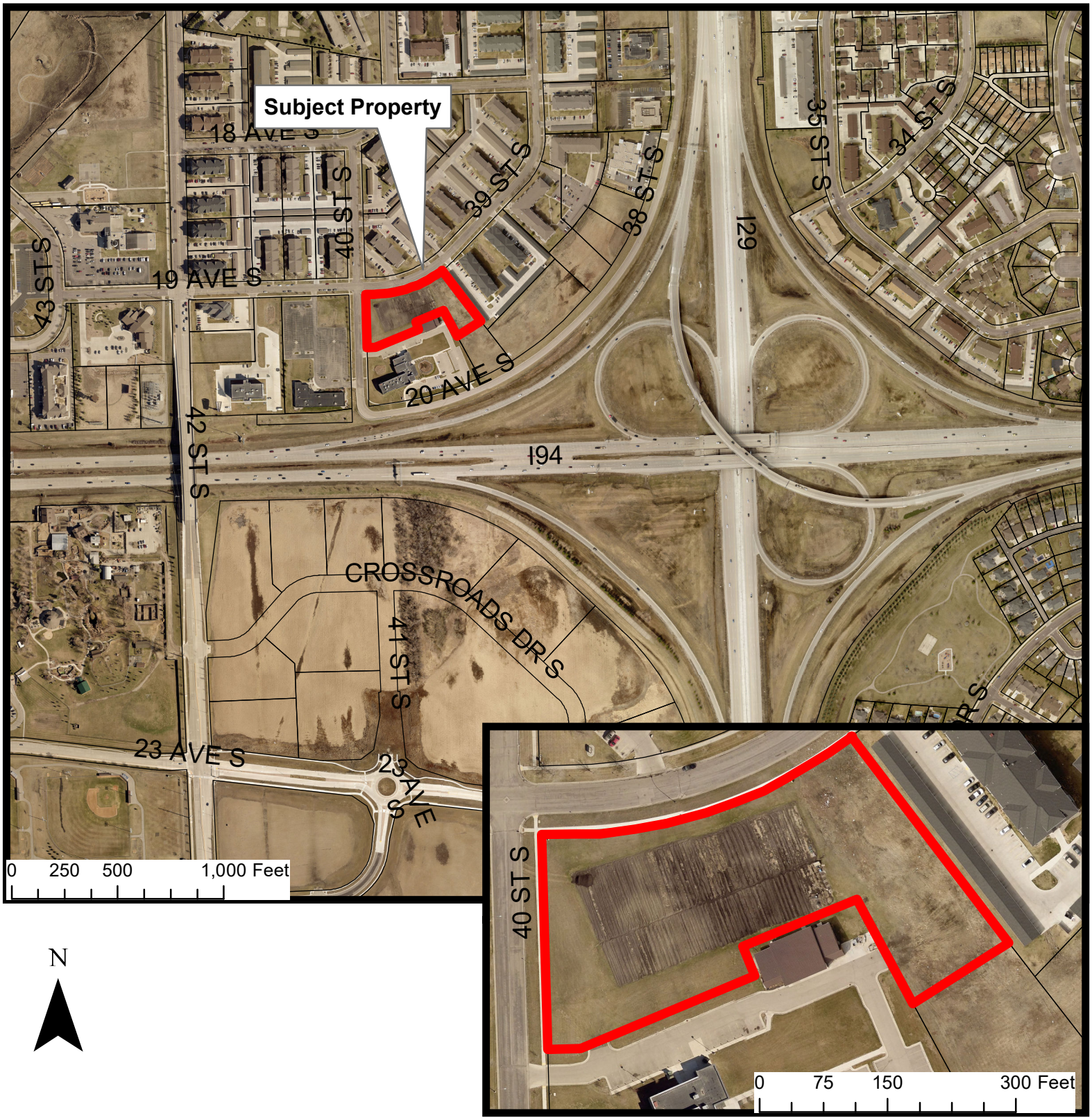
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Zone Change from GC to MR3

West Acres Seventh Addition

1882 39 St S



N

THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Agenda Item #	10

City of Fargo Staff Report			
Title:	Craigs 16th Street Addition	**Date:**	7/27/2022
Location:	202 16th Street North	**Staff Contact:**	Brad Garcia, Planner
Legal Description:	Lot 3, Block 1, MBA Investments Addition, to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Momentum Properties LLC / Jesse Craig	**Engineer:**	KLJ Engineering
Entitlements Requested:	**Minor Subdivision** (Replat of Lot 3, Block 1, MBA Investments Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: August 2nd, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Commercial
Zoning: GC, General Commercial		**Zoning:** No change proposed
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, basic utilities, telecommunications structures		**Uses Allowed:** No change proposed
Maximum Lot Coverage Allowed: 85%		**Maximum Lot Coverage Allowed:** 85%

Proposal:

The applicant is seeking approval of a minor subdivision to accommodate future business development of the subject property. Currently the property does not have any development is primarily used as outdoor storage. The proposed minor subdivision, entitled **Craigs 16th Street Addition**, would replat the subject property into two lots. Both lots of the proposed plat are intended for commercial development. The proposed plat contains approximately .93 acres.

The plat adds a public utility easement along 16th Street North.

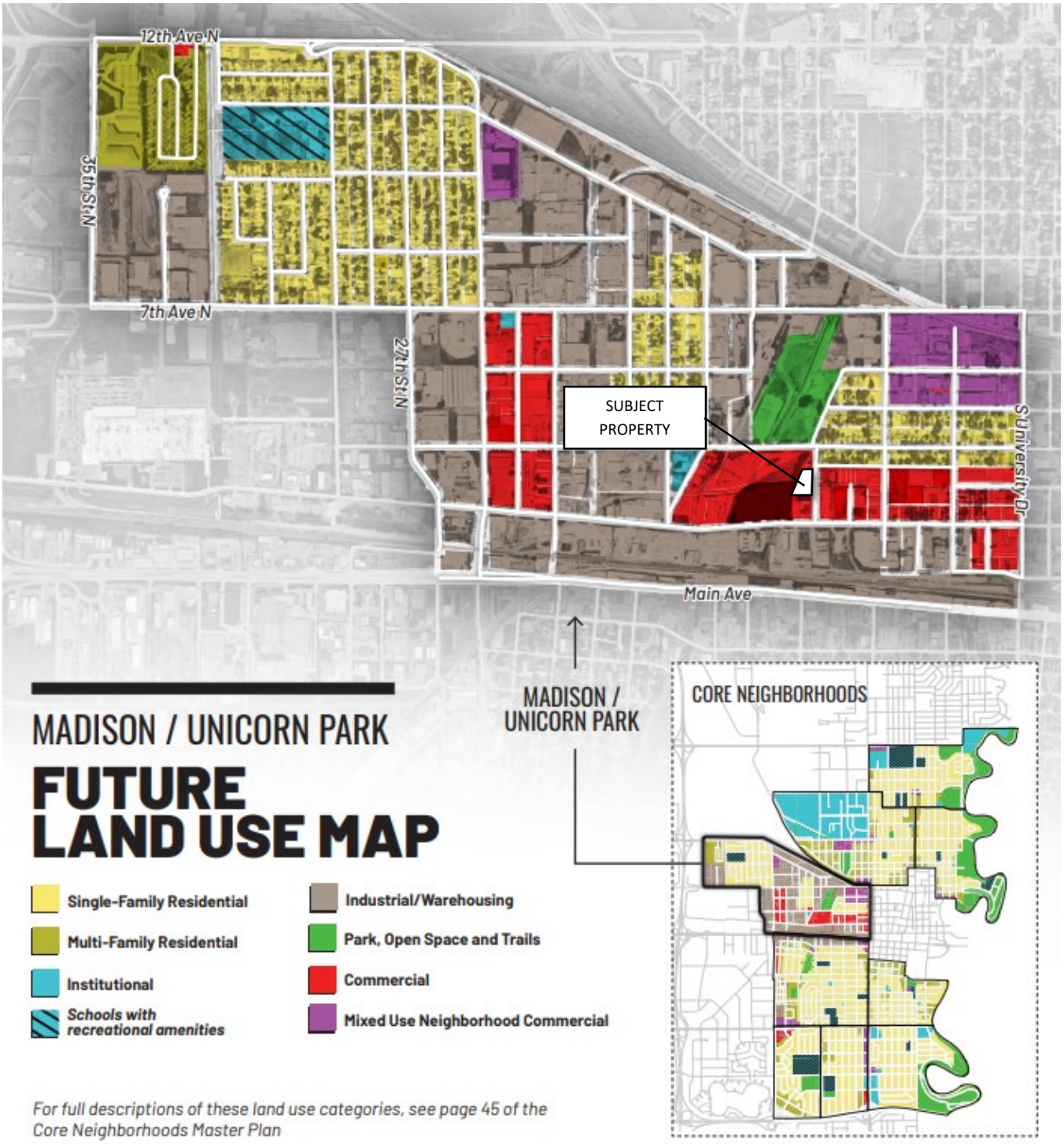
The current zoning is GC, General Commercial. No zone change is proposed

Surrounding Land Uses and Zoning Districts:

- North: GC; Warehouse / Auto Repair
- East: GC, Construction Company
- South: GC; Warehouse
- West: GC; Warehouse / Storage

Area Plans:

The subject property is located within the 2021 Core Neighborhoods Plan. This plan designates the subject property as Commercial use. The existing GC, General Commercial zoning is consistent with this land use designation. No change from the GC zoning is proposed.



Context:

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

Neighborhood: The subject property is located in the Madison neighborhood

Parks: Unicorn Park (1603 3 Avenue North) is located approximately 300 feet to the north of the subject property and provides basketball, grill, multi-purpose field, playground, and picnic table amenities.

Pedestrian / Bicycle: There are no trails adjacent to the subject property.

Transit: Route 17 (Matbus) serves this area along 3rd Ave N, providing service to GTC, Madison Elementary, YWCA Daycare, Metro Transit Garage (MTG), New Life Center, Centre, Inc., University Manor

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.

Minor Subdivision

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

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

   The current zoning is GC, General Commercial. No zone change is proposed. 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, Planning staff has received no comments or inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed Craigs 16th Street Addition subdivision plat as presented; as the proposal complies with the 2021 Core Neighborhoods Plan, Standards of Article 20-06, and Section 20-0907.B. and C of the LDC and all other applicable requirements of the LDC.

Planning Commission Recommendation: August 2nd, 2022

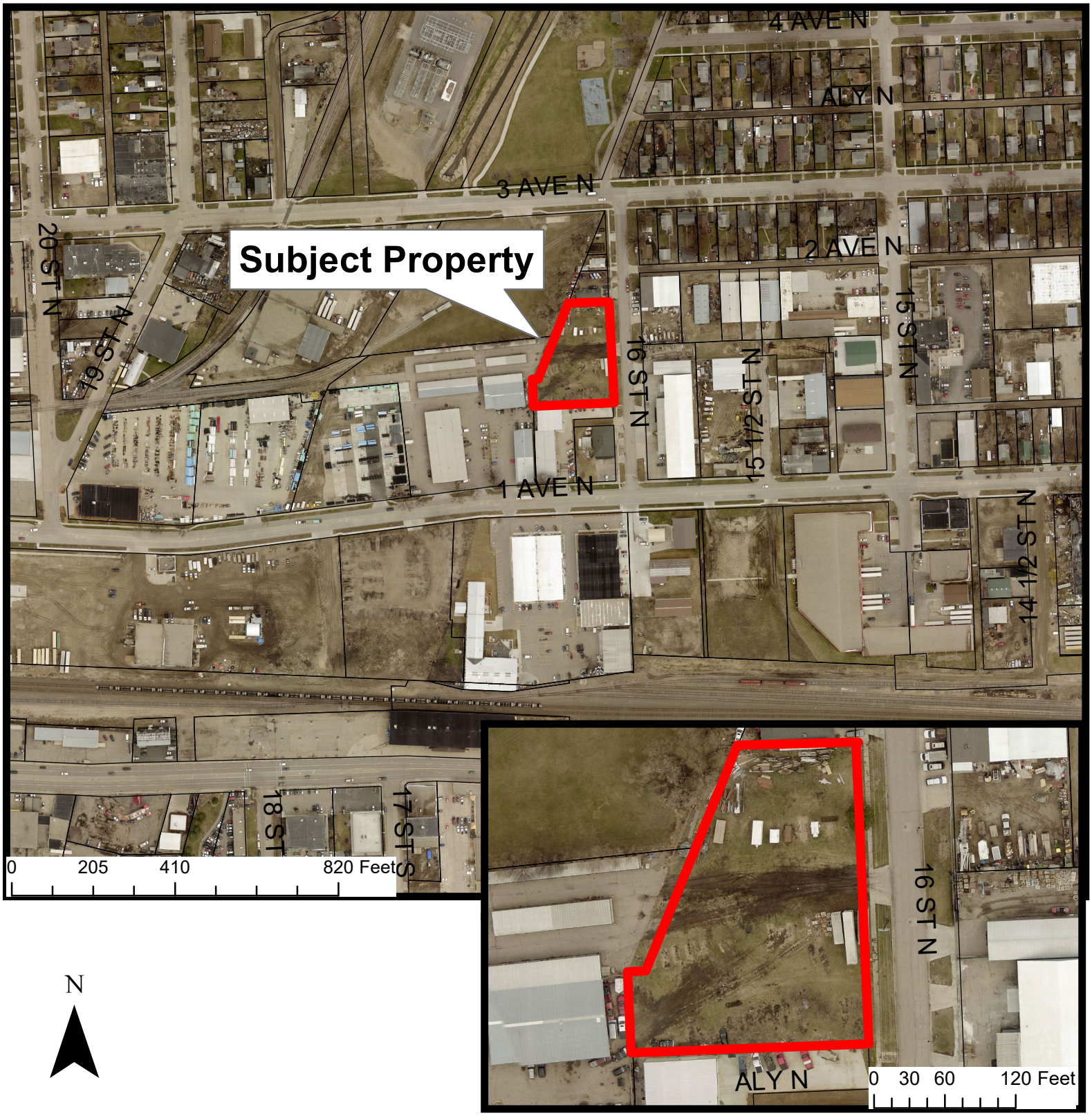
Attachments:

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

Plat (minor)

Craigs 16th Street Addition

202 16 St N



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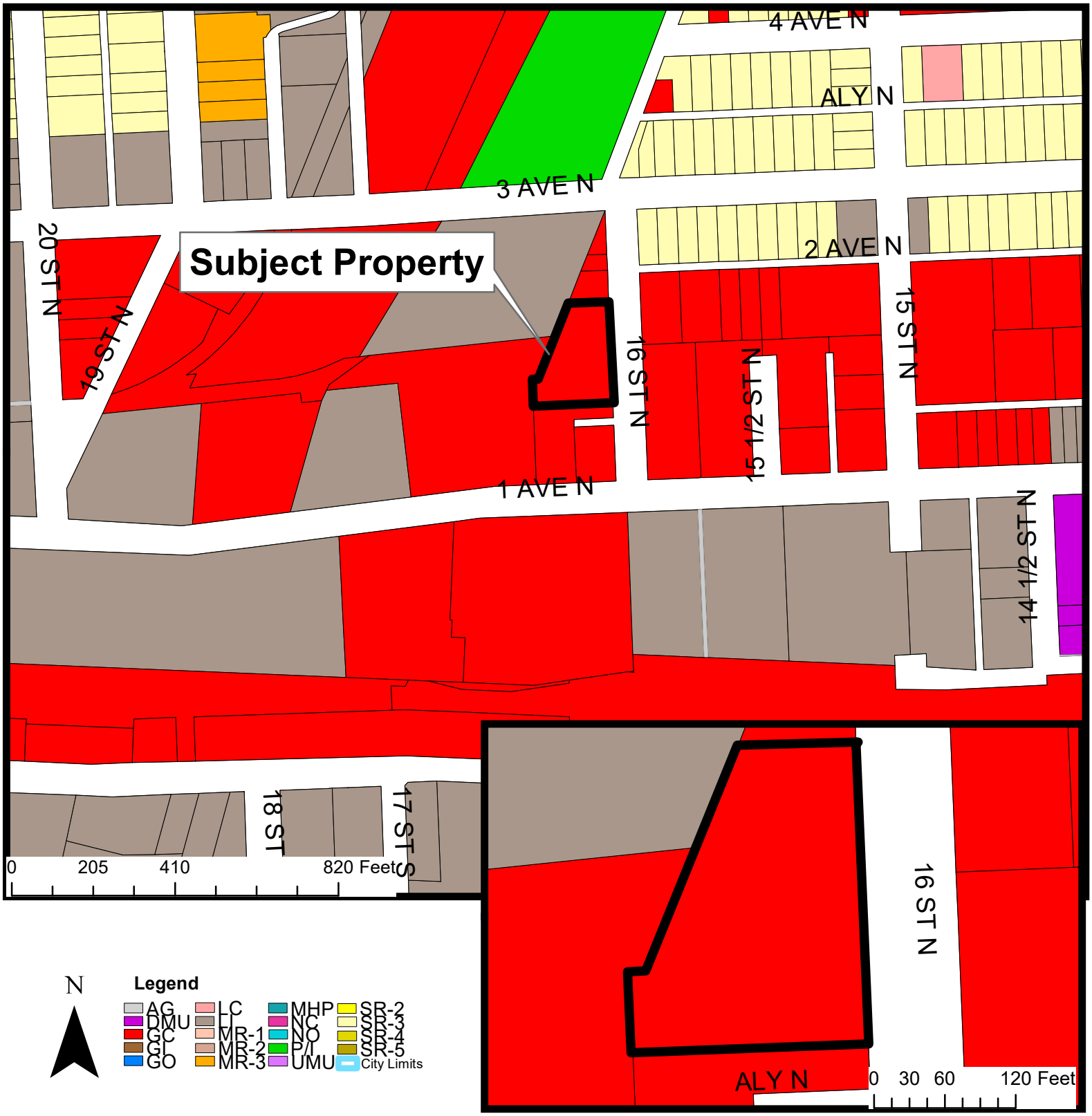
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Plat (minor)

Craigs 16th Street Addition

202 16 St N

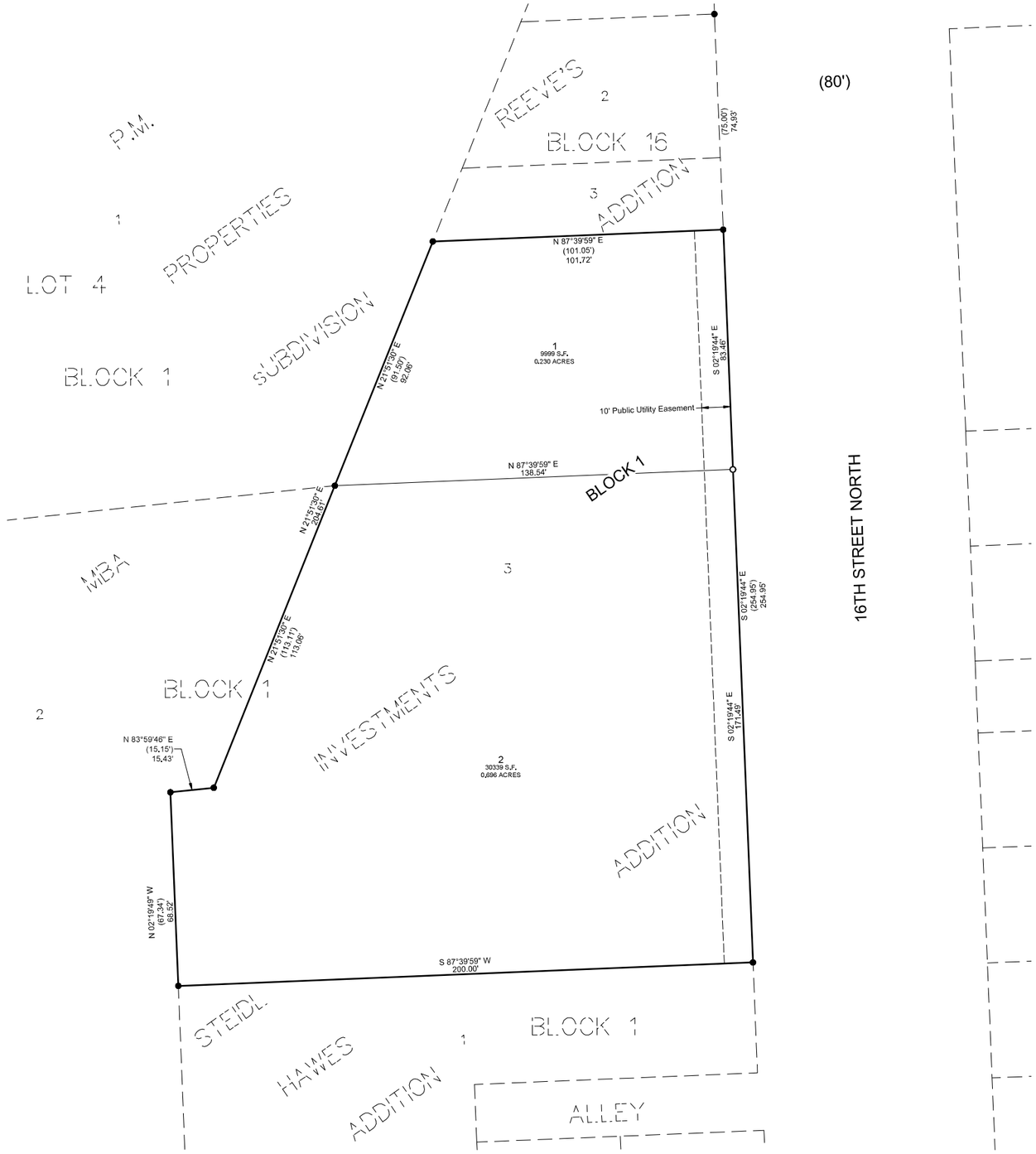


THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

A MINOR SUBDIVISION PLAT OF CRAIGS 16TH STREET ADDITION

A REPLAT OF LOT 3, BLOCK 1, OF MBA INVESTMENTS ADDITION TO THE CITY OF FARGO, NORTH DAKOTA, CASS COUNTY, NORTH DAKOTA.



OWNER

MOMENTUM PROPERTIES, LLC
1405 1ST AVE N
FARGO, ND 58107
PH: 701.232.1355

ENGINEER / SURVEYOR

KLJ ENGINEERING LLC
300 23RD AVENUE E, SUITE 100
WEST FARGO, ND 58078
PH: 701.232.5353
www.kljeng.com

LEGEND

●	REBAR FOUND
○	5/8" REBAR AND LS 4687 CAP SET
	NEW SHARED ACCESS EASEMENT LINE
	NEW PRIVATE UTILITY EASEMENT LINE
	NEW PUBLIC UTILITY EASEMENT LINE
	EXISTING EASEMENT LINE
	ADJACENT LOT LINE
	PROPERTY BOUNDARY
	LOT LINE
	1/4 LINE
	NEGATIVE ACCESS LINE
	BUILDING CONTROL LINE
(60')	RECORD DISTANCE
300.40'	MEASURED DISTANCE
(N 87°02'05" E)	RECORD BEARING
N 87°02'05" E	MEASURED BEARING

BASIS OF BEARING:
CITY OF FARGO GROUND CONTROL,
NAVD88 VERTICAL DATUM, US SURVEY FEET.

N

20 0 20 40
SCALE 1" = 20' FEET

6/1/2022

Jul 14, 2022 - 3:31pm - C:\Users\craiganderson\AppData\Local\Temp\AcPublish_29048\2118_01902_202_16thSt_KLJ_Plat.dwg

A MINOR SUBDIVISION PLAT OF CRAIGS 16TH STREET ADDITION

A REPLAT OF LOT 3, BLOCK 1, OF MBA INVESTMENTS ADDITION TO THE CITY OF FARGO, NORTH DAKOTA, CASS COUNTY, NORTH DAKOTA.

OWNER'S DESCRIPTION, ACCEPTANCE AND DEDICATION:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "16TH STREET NORTH" TO THE CITY OF FARGO, A REPLAT OF:

A REPLAT OF LOT 3, BLOCK 1, OF MBA INVESTMENTS ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN ON SAID PLAT. WE HEREBY DEDICATE UTILITY EASEMENTS, WATERMAIN EASEMENTS AND SHARED ACCESS EASEMENTS TO THE USE OF THE PUBLIC AS SHOWN ON SAID PLAT. PRIVATE UTILITY EASEMENTS ARE DEDICATED TO THE BENEFIT OF THE PROPERTIES AS SHOWN ON SAID PLAT.

SAID PLAT CONTAINS 40338 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

OWNER: MOMENTUM PROPERTIES, LLC

_____

JESSE R. CRAIG, AGENT

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE BUISNESS MANAGER OF CRAIG HOLDINGS THAT IS DESCRIBED IN AND WHO EXECUTED THE SAME ON BEHALF OF CRAIG HOLDINGS.

_____

NOTARY PUBLIC

MORTGAGE HOLDER: FIRST INTERNATIONAL BANK AND TRUST

_____

(NAME, TITLE)

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE,

PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE _____ OF FIRST INTERNATIONAL BANK AND TRUST THAT IS DESCRIBED IN AND WHO EXECUTED THE SAME ON BEHALF OF FIRST INTERNATIONAL BANK AND TRUST.

_____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, CARL P. OLSON, 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 PLAT AND ALL DISTANCES SHOWN ON SAID PLAT ARE CORRECT; AND THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN.

_____

CARL P. OLSON, PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA LICENSE # LS-4687

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CARL P. OLSON, 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 THE CITY ENGINEER THIS_____ DAY OF _____, 20____.

_____

BRENDA DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA DERRIG, TO ME KNOWN TO BE THE CITY ENGINEER FOR THE CITY OF FARGO THAT IS DESCRIBED IN AND WHO EXECUTED THE SAME AS ALLOWED BY HER TITLE.

_____

NOTARY PUBLIC

CITY OF FARGO ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 20____.

_____

NANCY MORRIS, CITY ATTORNEY

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NANCY MORRIS, CITY ATTORNEY, KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS ALLOWED BY HER TITLE.

_____

NOTARY PUBLIC

CITY OF FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF WEST FARGO PLANNING COMMISSION THIS_____ DAY OF _____, 20____.

_____

ROCKY SCHNEIDER, PLANNING COMMISSION CHAIR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, PLANNING COMMISSION CHAIR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS ALLOWED BY HIS TITLE.

_____

NOTARY PUBLIC

CITY OF 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, A NOTARY PUBLIC WITH 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 SAME AS ALLOWED BY THEIR TITLES.

_____

NOTARY PUBLIC

Jul 14, 2022 • 3:31pm • C:\Users\craiganderson\AppData\Local\Temp\AcPublish_29048\2116_01902_202_16thSt_KLJ_Plat.dwg

Agenda Item #	11

City of Fargo Staff Report			
Title:	Sanders Addition	**Date:**	7/27/3022
Location:	3064 Thunder Road	**Staff Contact:**	Donald Kress, current planning coordinator
Legal Description:	Portion of Lots 3 and 10, Block 1, Adams 5th Addition		
Owner(s)/Applicant:	Five Two Investments / Tony Eukel—MBN Engineering	**Engineer:**	Houston Engineering
Entitlements Requested:	**Minor Subdivision** (replat of a portion of Lots 3 and 10, Block 1, Adams 5th Addition)		
Status:	Planning Commission Public Hearing: August 2nd, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Industrial
Zoning: LI, Limited Industrial		**Zoning:** No change
Uses Allowed: LI 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, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities		**Uses Allowed:** No change
Maximum Lot Coverage Allowed: 85%		**Maximum Lot Coverage Allowed:** No change

Proposal:

The applicant request one entitlement:

A **minor subdivision,** to be known as Sanders Addition, a replat of a portion of Lots 3 and 10, Block 1, Adams 5th Addition.

The subject property is located at 3064 Thunder Road and encompasses approximately 2.39 acres.

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.

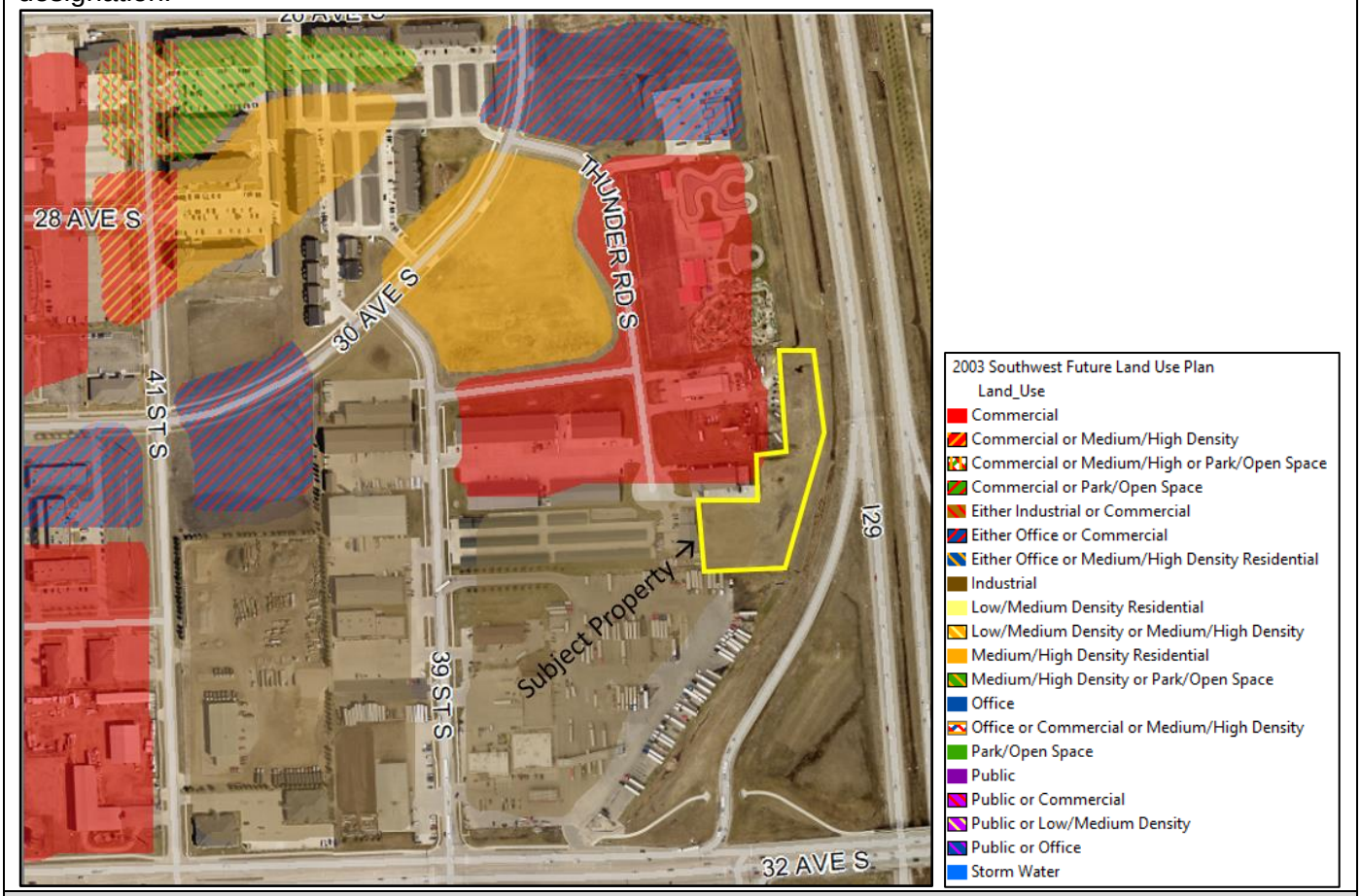
Surrounding Land Uses and Zoning Districts:

- North: LI, Limited Industrial, with industrial service uses;
- East: Interstate 29 right of way

- South: LI, Limited Industrial, with industrial service and truck stop uses;
- West: LI, Limited Industrial, with industrial service pet daycare use

Area Plans:

The subject property is included in the 2003 Southwest Future Land Plan, which designates the property for "Industrial" land use. The existing zoning of LI, Limited Industrial is consistent with this land use designation.



Context

Neighborhood: The subject property is included in the Anderson Park neighborhood.

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

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

Pedestrian / Bicycle: There are no sidewalks or bike facilities in this area.

MATBUS Routes: The subject property is not located along a MATBUS route. The nearest stop is at 39th Street and 32nd Avenue South (Route 14), over one-quarter mile from the subject property.

Staff Analysis:

MINOR SUBDIVISION: The subdivision plat will combine portions of two existing platted lots into one lot. Access will be from Thunder Road by way of an existing access easement.

VACATION OF UTILTY EASEMENT: The plat proposes to vacate a portion of an existing utility easement that crosses the property. It is the applicant's responsibility to contact all potential utility providers and submit documentation that there are no utilities in these easements. City staff reviews the applicant's documentation.

Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The current zoning is LI, Limited Industrial. No zone change is proposed. 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, Planning staff has received no comments or inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed plat of **Sanders Addition** on the basis that it satisfactorily complies with the 2003 Southwest Future Land Use Plan, Standards of Article 20-06, and Section 20-0907.B. and C of the LDC and all other applicable requirements of the LDC.

Planning Commission Recommendation: August 2nd, 2022

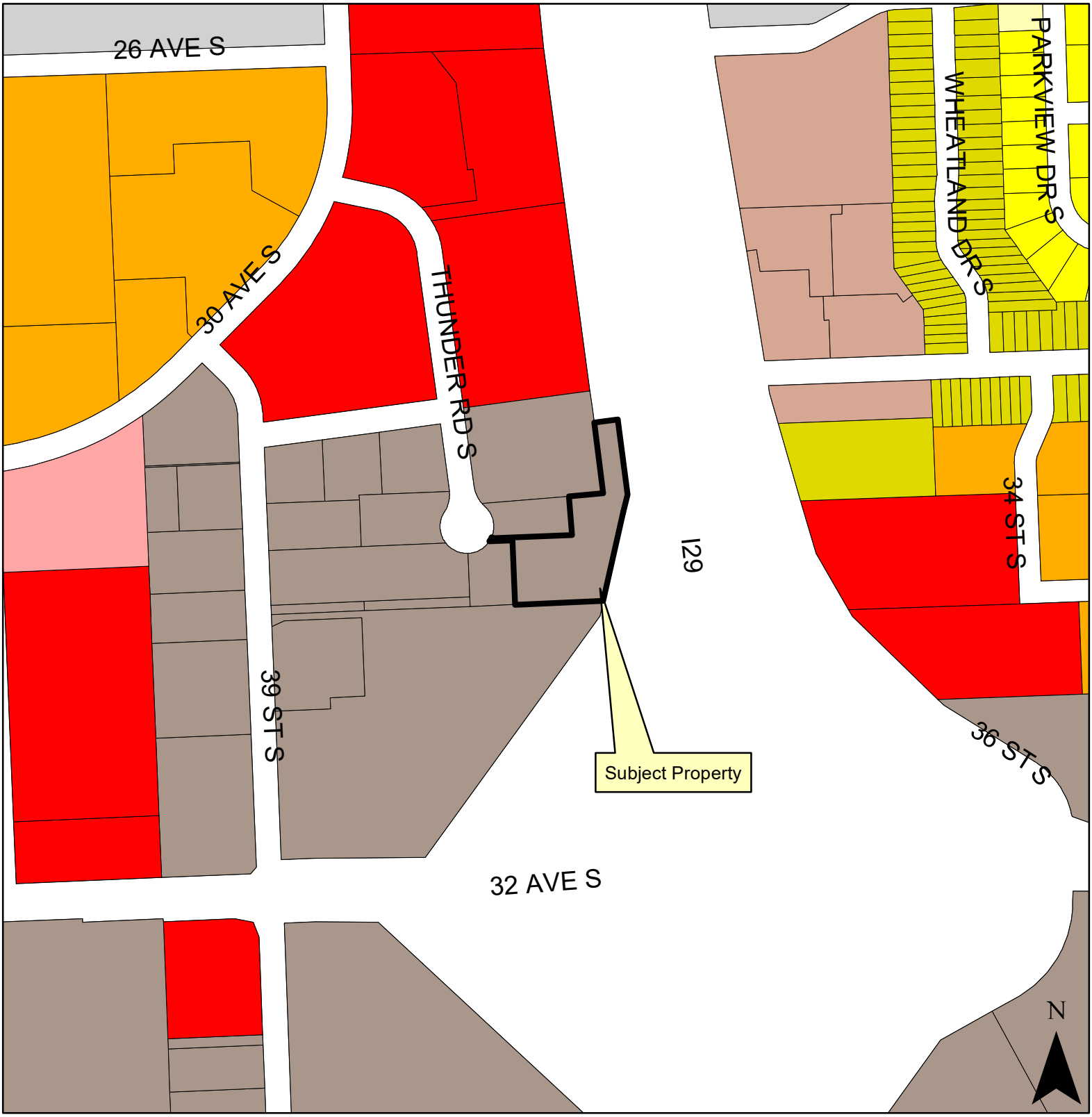
Attachments:

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

Plat (Minor)

Sanders Addition

3064 Thunder Road S



THE CITY OF Fargo FAR MORE

Legend

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

300 Feet

Fargo Planning Commission
August 2, 2022

Plat (Minor)

Sanders Addition

3064 Thunder Road S

THE CITY OF Fargo FAR MORE

300 Feet

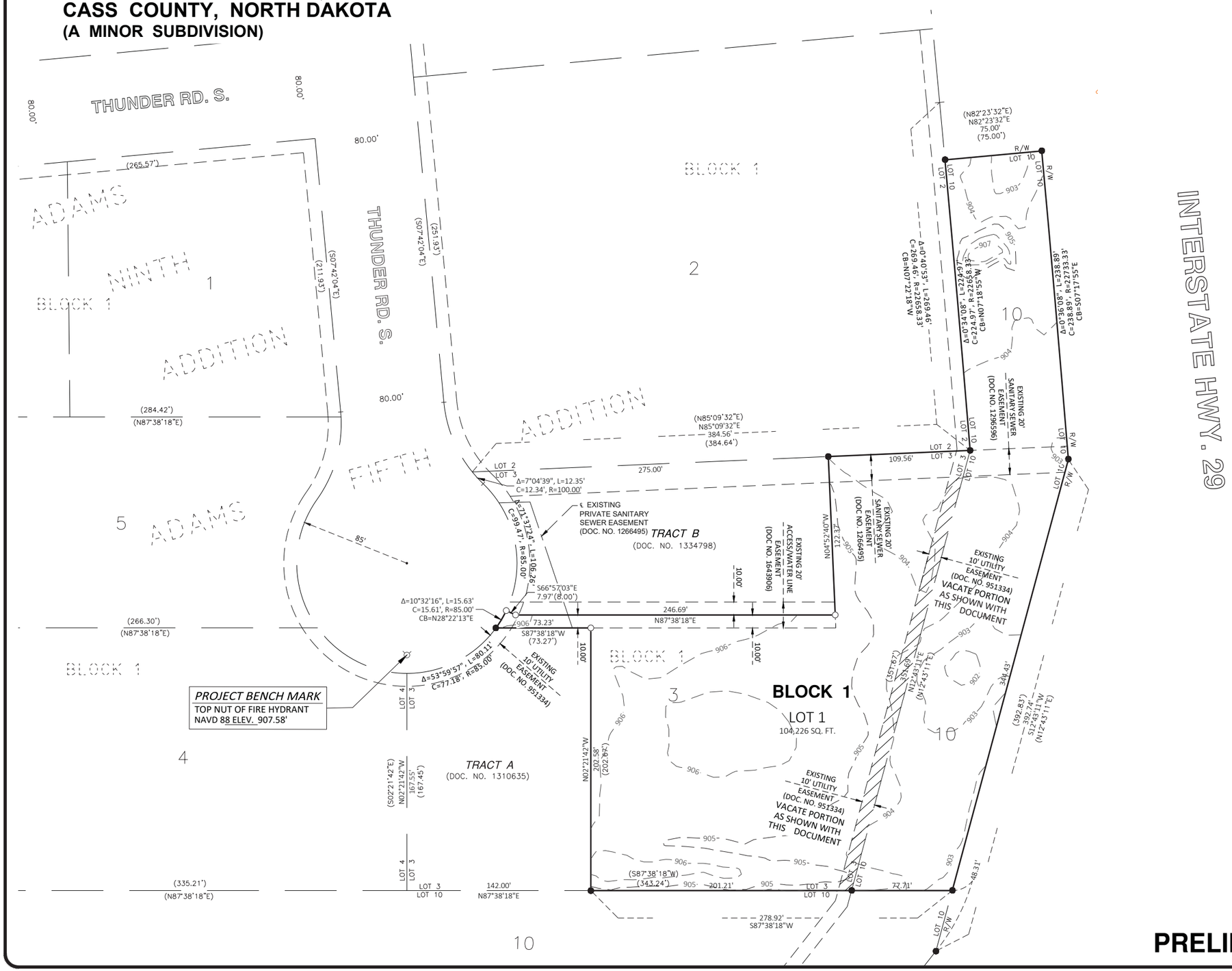
Fargo Planning Commission
August 2, 2022

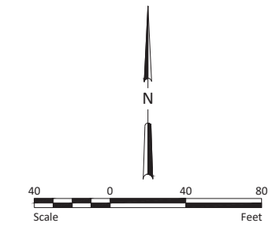
SANDERS ADDITION

BEING A REPLAT OF A PORTION OF LOTS 3 AND 10, BLOCK 1, ADAMS FIFTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

(A MINOR SUBDIVISION)





LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT OR RECORD BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT OR RECORD DISTANCE	(100.00')
PLAT BOUNDARY	
NEW LOT LINE	
UTILITY EASEMENT	
EXISTING LOT LINE	
EXISTING UTILITY EASEMENT	
NEGATIVE ACCESS EASEMENT	
VACATE EXISTING UTILITY EASEMENT WITH THIS DOCUMENT	

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. THIS PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0779G, DATED JANUARY 16, 2015.
3. BASE FLOOD ELEVATION = 905.7' (NAVD 1988)
4. ELEVATION COUNTOURS SHOWN ARE NAVD 1988, 1-FOOT INTERVAL, AND DERIVED FROM F-M METRO AREA LIDAR DATA ACQUIRED MAY, 2020. CONTOURS ONLY SHOWN WITHIN ZONE AE AND NOT SHOWN OUTSIDE OF PLAT BOUNDARY.
5. BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER, 1992.

PRELIMINARY PLAT

HOUSTON ENGINEERING, INC.

Sheet 1 of 2

Project No. 6052-0102

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SANDERS ADDITION

BEING A REPLAT OF A PORTION OF LOTS 3 AND 10, BLOCK 1, ADAMS FIFTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

(A MINOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Five Two Investments, LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

That part of Lots 3 and 10, Block 1, Adams Fifth Addition, City of Fargo, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Lot 3; thence North 85°09'32" East, along the northerly line of said Lot 3, for a distance of 275.00 feet to the northeast corner of a tract of land described in Document No. 1334798, on file at the Cass County Recorder's office and the True Point of Beginning; thence continue North 85°09'32" East, along the northerly line of said Lot 3, for a distance of 109.56 feet to the northeast corner of said Lot 3, said point being a corner point on the westerly boundary of said Lot 10, said westerly boundary being a curve, concave westerly, radius 22,658.33 feet; thence northerly, along said curve to the left and along the westerly boundary of said Lot 10, for a distance of 224.97 feet, central angle 00°34'08", chord bearing North 07°18'55" West, to a corner point on the boundary of said Lot 10; thence North 82°23'32" East, along the northerly line of said Lot 10, for a distance of 75.00 feet to the northeast corner of said Lot 10; thence southerly, along the easterly boundary of said Lot 10, said easterly boundary being a curve, concave westerly, radius 22,733.33 feet, for a distance of 238.89 feet, central angle 00°36'08", chord bearing South 07°17'55" East, to a corner point on the easterly boundary of said Lot 10; thence South 12°43'11" West, along the easterly boundary of said Lot 10, for a distance of 392.74 feet to a point of intersection with the southerly line of said Lot 3 as extended easterly; thence South 87°38'18" West, along the southerly line as extended east and the southerly line of said Lot 3, for a distance of 278.92 feet to the southeast corner of a tract of land described in Document No. 1310635, on file at said Recorder's office; thence North 02°21'42" West, along the easterly line of a tract of land described in said Document No. 1310635, for a distance of 202.58 feet to the northeast corner of a tract of land described in said Document No. 1310635; thence South 87°38'18" West, along the northerly line of a tract of land described in said Document No. 1310635, for a distance of 73.23 feet to a point of intersection with the westerly boundary of said Lot 3, said westerly boundary being a curve, concave northwesterly, radius 85.00 feet; thence northeasterly, along the westerly boundary of said Lot 3, for a distance of 15.63 feet, central angle 10°32'16", chord bearing North 28°22'13" East, to the southwest corner of a tract of land described in said Document No. 1334798; thence South 66°57'03" East, along the southerly line of a tract of land described in said Document No. 1334798, for a distance of 7.97 feet; thence North 87°38'18" East, along the southerly line of a tract of land described in said Document No. 1334798, for a distance of 246.69 feet to the southeast corner of a tract of land described in said Document No. 1334798; thence North 04°52'40" West, along the easterly line of a tract of land described in said Document No. 1334798, for a distance of 122.37 feet to the True Point of Beginning.

Said tract of land contains 2.393 acres, more or less.

And that said party has caused the same to be surveyed and re-platted as **SANDERS ADDITION** to the City of Fargo, Cass County, North Dakota, and do hereby vacate the utility easement as designated for vacation on this plat.

OWNER:

Five Two Investments, LLC
A North Dakota limited liability company

_____
Mark Sanders, President

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20_____, before me personally appeared Mark Sanders, President, of Five Two Investments, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public:_____

SURVEYOR'S CERTIFICATE:
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_____.

_____
Brenda E. Derrig, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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

_____
Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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:_____

HOUSTON ENGINEERING, INC.

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PRELIMINARY PLAT

Agenda Item #	12a, 12b

City of Fargo Staff Report			
Title:	Dakota Commerce Center North Addition	**Date:**	7/27/22
Location:	5100 37th Street North; 4201 County Road 81 North	**Staff Contact:**	Donald Kress, current planning coordinator
Legal Description:	Portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Ronald K. Holmquist; City of Fargo / Paul Hyde	**Engineer:**	Ulteig Engineering
Entitlements Requested:	**Major Subdivision** (Plat of **Dakota Commerce Center North Addition,** a plat of a Portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), which includes a subdivision waiver that would allow for the block length to exceed 1,320 fee and a **Zoning Change** (from AG, Agricultural to LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: August 2nd, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Industrial--warehouse
Zoning: AG, Agricultural		**Zoning:** LI, Limited Industrial
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		**Uses Allowed:** LI 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, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities
Maximum Density Allowed (Residential): AG allows 1 dwelling unit per 10 acres.		**Maximum Lot Coverage Allowed:** 85%

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Dakota Commerce Center North Addition,** a plat of a Portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota, which includes a subdivision waiver that would allow for the block length to exceed 1,320 feet.
2. A zoning change from AG, Agricultural to LI, Limited Industrial.

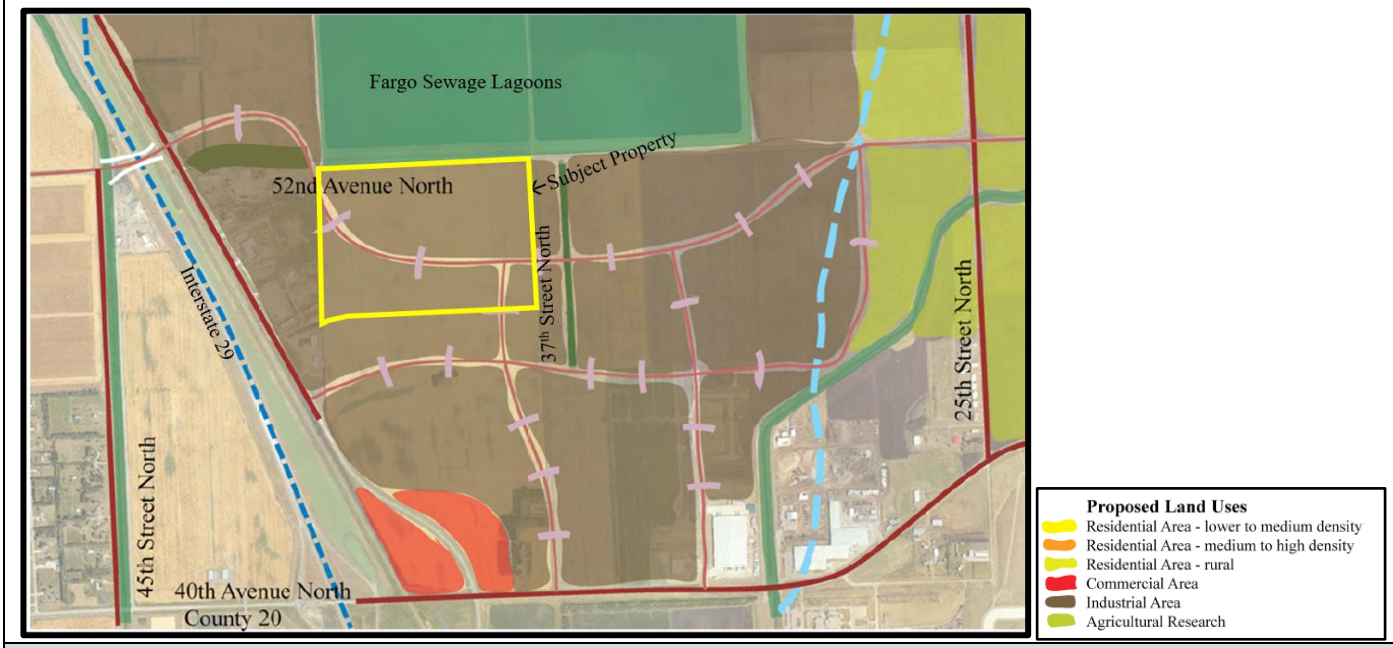
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; City of Fargo sewage lagoons
- East: AG; undeveloped; in Fargo's four-mile extra-territorial jurisdiction
- South: LI; warehouse
- West: LI industrial; in Fargo's four-mile extra-territorial jurisdiction.

Area Plans:

The subject property is located within the Tier 1 North East area of the 2007 Future Land Use Plan,. This plan designates the subject proeprty as "Industrial." The proposed zoning of LI, Limited Industrial is consistent with this land use designation.



Context:

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

Neighborhood: The subject property is not located within a designated neighborhood**.**

Parks: The Northern Softball Complex is approximately 1 mile northwest of the subject property.

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

MATBUS Route: The subject property is not on a MATBUS route at this time.

Staff Analysis:

MAJOR SUBDIVISION AND ZONING CHANGE

The subdivision plat creates four lots in one block, intended for industrial development. The plat includes dedications of right of way for four streets, as shown below:

STREET	RIGHT OF WAY WIDTH	COMMENT
48th Avenue North	80 feet	Full-width ROW
37th Street North	60 feet	West half of 37th Street
52nd Avenue North	70 feet	This width, combined with the 33 of right of statutory ROW south of the sewage lagoons, will provide a total of 100 feet of ROW.
41st Street North	60 feet	Less than full width ROW. This will provide a utility corridor and most of the right of way. When this street is developed, adjacent property owners to the west will have to dedicate the remaining 20 feet of ROW at the time of redevelopment.

All four lots are proposed to be zoned LI, Limited Industrial, which will accommodate the proposed warehouse development.

SUBDIVISION WAIVER FOR BLOCK LENGTH: The applicant has requested a subdivision waiver for block length, to allow the length of the block to exceed 1,320 feet (one-quarter mile). Specific findings for this waiver are below.

ACCESS: Though surrounded by dedicated public right of way on all four sides, the first streets to be developed will be 37th Street North and 48th Avenue North. 52nd Avenue North and 41st Street North will be developed in the future.

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

PROXIMITY AGREEMENT: A proximity agreement for the subdivision will be signed by the applicant. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport and the overflow sewage lagoons. With this agreement, the property owner acknowledges the existence of these facilities and the potential for aircraft noise and sewage odor. The City Commission will take final action on this agreement. No action is required by the Planning Commission.

CONCURRENT ANNEXATION: The subject property is currently in Fargo's four-mile extra-territorial jurisdiction, and is included in a pending owner-initiated annexation. The annexation is going through the review and approval process concurrently with this subdivision, growth plan amendment, and zone change. The property will not be developed until the annexation is complete. Planning Commission review of the proposed annexation is item D.1 on the August 2nd, 2022 Planning Commission Agenda

Zoning
Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
   Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural and it within Fargo's four-mile extra-territorial jurisdiction. In order to be developed, the property has to be annexed, platted, and zoned. Now that development is proposed, the applicant requests a zoning change to LI, Limited Industrial, which is consistent with the 2007 Growth Plan land use designation of "Industrial" for this property, and also with the existing zoning on the west side of 37th Street North, north of 40th Avenue North. **(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 an existing public right-of-way. Additional dedications will widen the right of way and extend it the full length of the proposed lots. **(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 and responded to one inquiry. 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, which designates the land use for this property as "industrial." The proposed zoning of LI, Limited Industrial is consistent with this land use designation. **(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.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
   The requested zoning for the residential development on this property is LI, Limited Industrial, which is consistent with the "industrial" land use designation of the 2007 Growth Plan and also with the zoning of adjacent properties to the south along the west side of 37th Street North. 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, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

2. **Section 20-0907.C.4.c 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 LI, Limited Industrial. As noted in the zone change findings above, this zone is consistent with the 2007 Growth Plan designation of "Industrial" for this property. 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)**

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 proposed subdivision waiver would allow a longer block length than would otherwise be required by the LDC. Limitations on maximum block size are desirable to ensure adequate connectivity of the transportation system. At this location, however, the area to the south has previously been platted as one large lot with no north/south public streets that would extend through the subject property. To the north, there is no option for a street through the existing City of Fargo sewage lagoons. As such, the addition of a north/south public street to reduce the block length at this location would really only serve the subject property and do little to impact the transportation system in this area. As noted in the street right of way chart above (*page 2*), the plat dedicates 60 feet of right of way along the west side of the property in preparation for a future north/south street to be completed when adjacent properties to the west redevelop. The 2007 Growth Plan depicts the general routes of two east/west roads through this area (*see graphic on*

page 2). The existing 44th Avenue North, and 48th Avenue North, which will be dedicated with this plat, account for these east/east roads. The area is intended to be industrial in nature, where larger block sizes are more common compared to residential or commercial areas that are more heavily traveled by the general public. The applicant intends to build single, large buildings on each of the four proposed lots on the block. In lieu of platting additional public right-of-way within the subdivision, the owner/developer will establish a system of cross access/parking easements to allow traffic and parking between the lots within the subdivision and to allow movement within and across the site. **(Criteria Satisfied)**

2. **Section 20-0907.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.**
   In lieu of platting additional public right-of-way within the subdivision, the owner/developer will establish a system of cross access/parking easements to allow traffic and parking between the lots within the subdivision, and to allow movement within and across the site. The requirement for these easements will be stated in the amenities plan (*see Subdivision finding no. 3 above regarding the amenities plan*). While each of the four proposed lots abuts public right-of-way and can accommodate direct access from the public right-of-way, the proposed access easements will provide for additional connectivity. With the establishment of these cross access easements, staff finds the proposed waiver to be a minimal deviation from the Land Development Code. **(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 subdivision waiver applies only to the block length requirements of Section 20-0607.B of the LDC for this particular property. **(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 LI, Limited Industrial, and 2) a plat of the **Dakota Commerce Center North Addition**, including the subdivision waiver for block length, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0907.C, and 2907.D.3 (a-c), of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 2nd, 2022

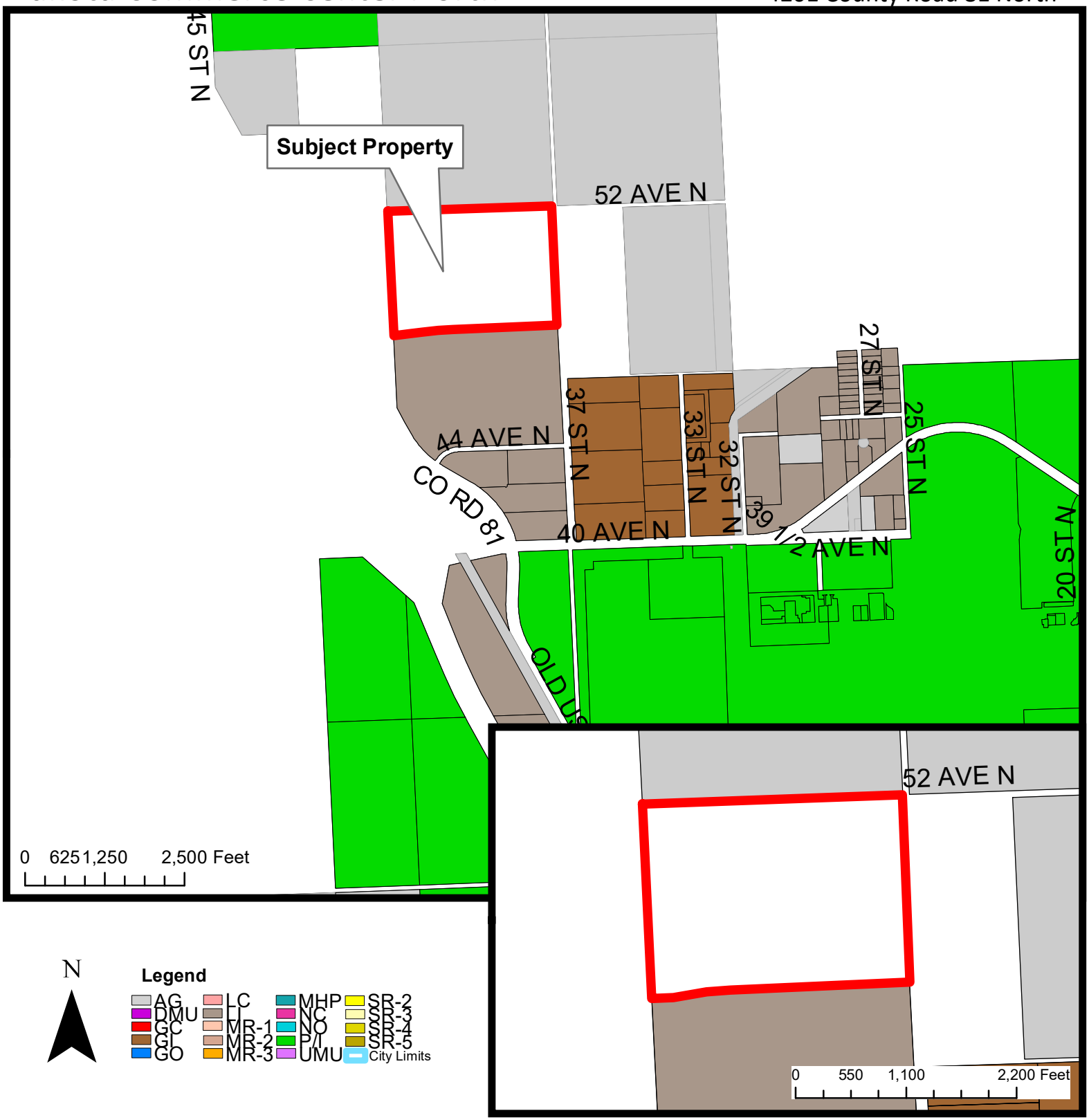
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

Plat (major), Zone Change from AG to LI

Dakota Commerce Center North

5100 37th Street North and
4201 County Road 81 North



THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Plat (major), Zone Change from AG to LI

Dakota Commerce Center North

5100 37th Street North and
4201 County Road 81 North

N

THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

DAKOTA COMMERCE CENTER NORTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,
AN UNPLATTED PORTION OF THE NORTHEAST QUARTER, SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST
(A MAJOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That HOLMQUIST FAMILY LLP, A LIMITED LIABILITY PARTNERSHIP UNDER THE LAWS OF THE STATE OF NORTH DAKOTA AND EDENA M. HOLMQUIST, AND THE CITY OF FARGO, as owners of a parcel of land located in the Northeast Quarter of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, lying southerly of 52nd Avenue North and westerly of 37th Street North, and more particularly described as follows:

That part of the Northeast Quarter of Section 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, more particularly described as follows:
Beginning at the north quarter corner of said Section 15; thence North 87 degrees 52 minutes 22 seconds East, assumed bearing, along the north line of said Northeast Quarter of Section 15, a distance of 2630.67 feet to the northeast corner of said Section 15; thence South 02 degrees 55 minutes 01 second East, a distance of 1834.71 feet, also being the northeast corner of the Fargo City Limits as depicted on City of Fargo Annexation Plat Document No. 1604271; thence North 87 degrees 14 minutes 51 seconds West along the north line of NORTH FARGO INDUSTRIAL ADDITION, also being a north line of said Fargo City Limits, a distance of 2079.30 feet; thence South 79 degrees 58 minutes 30 seconds West along a northwesterly line of NORTH FARGO INDUSTRIAL ADDITION, also being a northwesterly line of said Fargo City Limits, a distance of 315.98 feet; thence South 87 degrees 14 minutes 51 seconds West along a northwesterly line of NORTH FARGO INDUSTRIAL ADDITION, also being a northwesterly line of said Fargo City Limits, a distance of 243.04 feet; thence North 02 degrees 45 minutes 09 seconds West along the west line of said Northeast Quarter, a distance of 1903.41 feet to the point of beginning.

Contains 4,884,785 square feet or 112.14 acres, more or less.

Said owners have caused the above described parcel of land to be surveyed and platted as "DAKOTA COMMERCE CENTER NORTH ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate the street, avenue, highway and utility easements to the public, for public use, as shown on this plat.

Owners "DAKOTA COMMERCE CENTER NORTH ADDITION" less AUDITOR'S LOT NO. 1 of the Northeast Quarter, Section 15, Township 140 North, Range 49 West.

Holmquist Family, LLP

_____
Ronald K. Holmquist, managing partner

State of North Dakota
County of Cass } SS

On this _____ day of _____, 20____, before me personally appeared _____, managing partner of the Holmquist Family, LLP, a limited liability partnership under the laws of the State of North Dakota, described in and who executed the within and foregoing instrument and acknowledged that he executed the same.

_____
Notary Public

_____
Edena M. Holmquist

State of North Dakota
County of Cass } SS

On this _____ day of _____, 20____, before me personally appeared, Edena M. Holmquist, described in and who executed the within and foregoing instrument and acknowledged that he executed the same.

_____
Notary Public

City of Fargo, owner of that part of Auditor's Lot No. 1, a part of the Northeast Quarter (NE 1/4) of Section Fifteen (15), Township One Hundred Forty (140) North, Range Forty Nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota lying north of the following described line:

Commencing at the Southwest Corner of said Northeast Quarter; Thence north along the west line of said Northeast Quarter, a distance of 744.51 feet to the point of beginning; Thence North 87 degrees 14 minutes 51 seconds East, a distance of 243.04 feet; Thence North 79 degrees 58 minutes 30 seconds East, a distance of 271.84 feet to a point on the north line of said Auditor's Lot No. 1 and there terminating.

Said tract contains 14,561 square feet or 0.33 acres, more or less.

Per Cass County Document No. 1623788:

_____
Timothy J. Mahoney, mayor

State of North Dakota
County of Cass } SS

On this _____ day of _____, 20____, before me a notary public in ana for said county and state, personally appeared Timothy J. Mahoney, mayor, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same in the name of the City of Fargo.

_____
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 true and correct representation of the survey of said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

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

State of Minnesota
County of Hennepin } SS

On this _____ day of _____, 20____, 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.

_____
Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

_____
Brenda E. Derrig, City Engineer

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 Brenda E. Derrig, City Engineer, to me known to be the person described in and who executed the same.

_____
Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

_____
Rocky Schneider, Planning Commission 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 Rocky Schneider Planning Commission Chair, to me known to be the person described in and who executed the same.

_____
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
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, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same.

_____
Notary Public

PREPARED BY

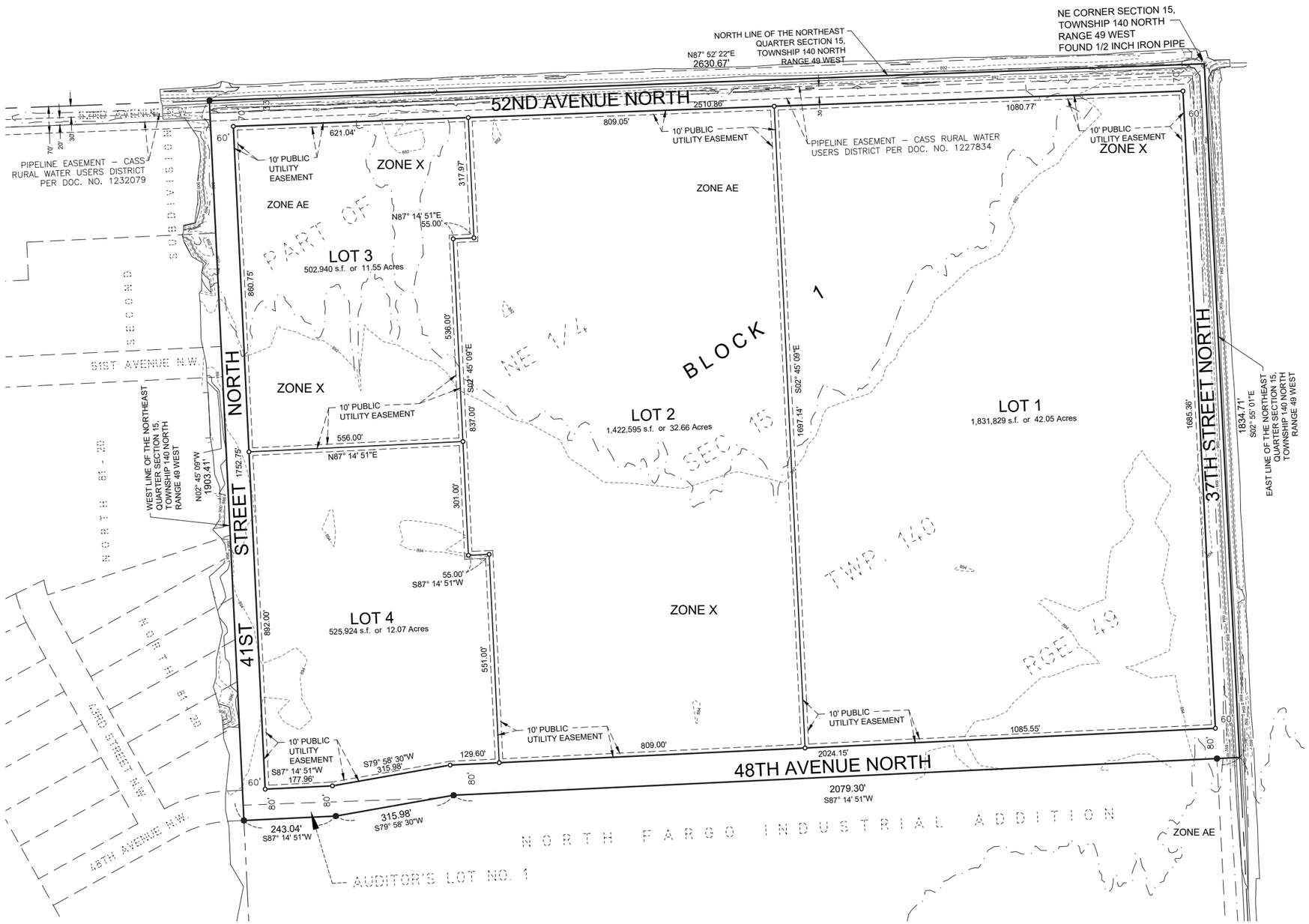
Ulteig

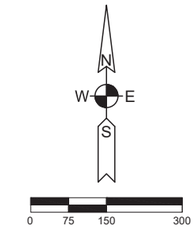
PROJECT NO. 2.01903
SHEET 1 OF 2 SHEETS

FARGO - AUSTIN - BISMARCK - BOISE - CEDAR RAPIDS - DETROIT LAKES - DENVER - SIOUX FALLS - ST PAUL - WILLISTON

DAKOTA COMMERCE CENTER NORTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,
AN UNPLATTED PORTION OF THE NORTHEAST QUARTER, SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST
(A MAJOR SUBDIVISION)





GRAPHIC SCALE: 1"=150'

BASIS OF BEARINGS IS
CITY OF FARGO COORDINATE SYSTEM

LEGEND

- ● MONUMENT FOUND
- ○ MONUMENT SET, 5/8" REBAR, CAPPED "LS-4597"
- SUBJECT PROPERTY LINE
- SECTION/QUARTER LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- DIMENSION LEADER LINE
- FEMA ZONE AE LINE
- 890 2 FOOT CONTOUR LINE

Floodplain Areas, as noted on this plat, are from the following FEMA Flood Insurance Rate Maps:

38017C0578G with an Effective Date of January 16, 2015
38017C0579G with an Effective Date of January 16, 2015

Flood Zones AE as shown hereon have a Base Flood Elevation of 893 feet per above referenced FEMA maps.

Contours shown are based on a Field Survey by Ulteig, July, 2020

PROJECT BENCHMARK
BAKKUM – MnDOT survey disk stamped "BAKKUM 1993" set on top of an aluminum alloy rod located in southwest quadrant of intersection of 70th Ave N and 28th St N, Clay County, Minnesota (approx. 26,500 feet East–Northeast from intersection of County Road 20 & 37th Street).
Published Elevation = 898.21' (NAVD88)

Site Benchmark:
Benchmark #11 – #5 rebar with cap "ULTEIG ENG CONTROL PT" set 2550 feet west of the centerline of 37th St N and 47 feet north of the centerline of 52nd Ave N.
Elevation = 891.89' (NAVD 88)

PREPARED BY

Ulteig

PROJECT NO. 22.01903
SHEET 2 OF 2 SHEETS

FARGO - AUSTIN - BISMARCK - BOISE - CEDAR RAPIDS - DETROIT LAKES - DENVER - SIOUX FALLS - ST PAUL - WILLISTON

Agenda Item #	D.1

City of Fargo Staff Report			
Title:	Annexation of a portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota	**Date:**	7/27/2022
Location:	5100 37th Street North; 4201 County Road 81 North	**Staff Contact:**	Donald Kress, Planning Coordinator
Legal Description:	Portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Ronald K. Holmquist ; City of Fargo / Paul Hyde	**Engineer:**	Ulteig Engineering
Entitlements Requested:	Planning Commission review of consistency with comprehensive plan.		
Status:	Planning Commission review August 2nd, 2022		

Proposal:

The applicant requests one entitlement:

1. Annexation of an approximately 112.14 acre portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota

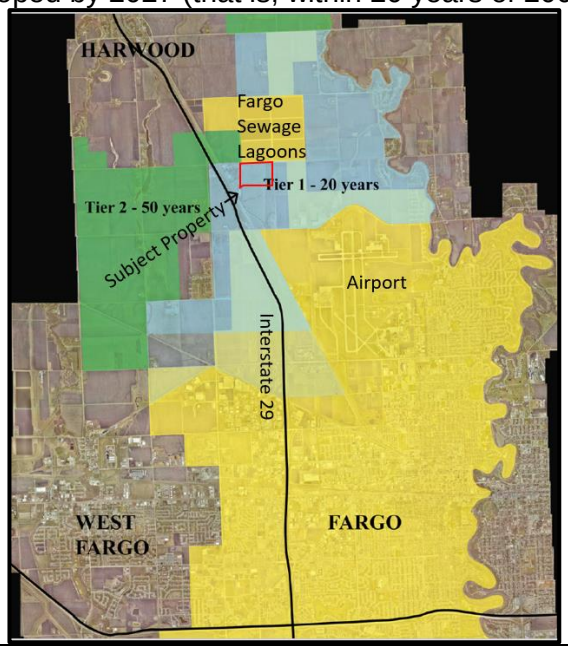
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

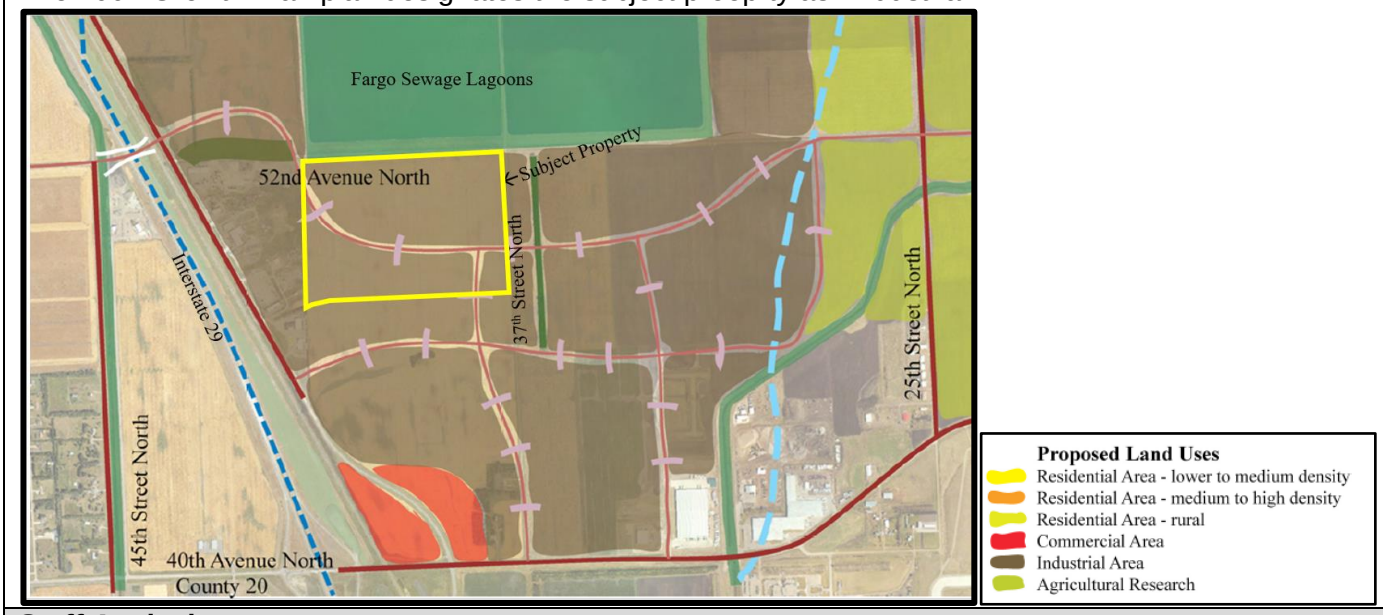
- North: AG, Agricultural; City of Fargo sewage lagoons
- East: AG; undeveloped; in Fargo's four-mile extra-territorial jurisdiction
- South: LI, Limited Industrial; warehouse (Amazon)
- West: LI; industrial; in Fargo's four-mile extra-territorial jurisdiction

Area Plans:

The subject property is located within the Tier 1 area of the 2007 Future Land Use Plan, meaning this area is expected to be developed by 2027 (that is, within 20 years of 2007).



The 2007 Growth Plan plan designates the subject proeprty as “Industrial.”



Staff Analysis:

OWNERSHIP

The entire property involved in the annexation is owned by the applicant, Ronald K. Holmquist (111.77 acres) and the City of Fargo (0.37 acres). The area owned by the City—a portion of Auditor’s Lot 1—will be entirely included in the right of way dedication for 48th Avenue North.

The property is undeveloped. There are no existing residences or businesses in the annexation area.

PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 Tier 1 North East Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo.

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that “Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]” and that “Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development.” (page 55, 2007 Growth Plan). The location of the annexation area corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development (page 56, 2007 growth plan):

- *Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services:* The subject property is within the 20 year service area [Tier 1]. The area adjacent to the south is currently receiving City services.
- *Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property.* The subject property is contiguous with developed property to the south all the way down to 40th Avenue North (Cass County 20), 0.64 mile to the south.

PROCESS

The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan in item D(1) of the August 2nd, 2022 Planning Commission agenda. A hearing will be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing.

CONCURRENT SUBDIVSION AND ZONE CHANGE

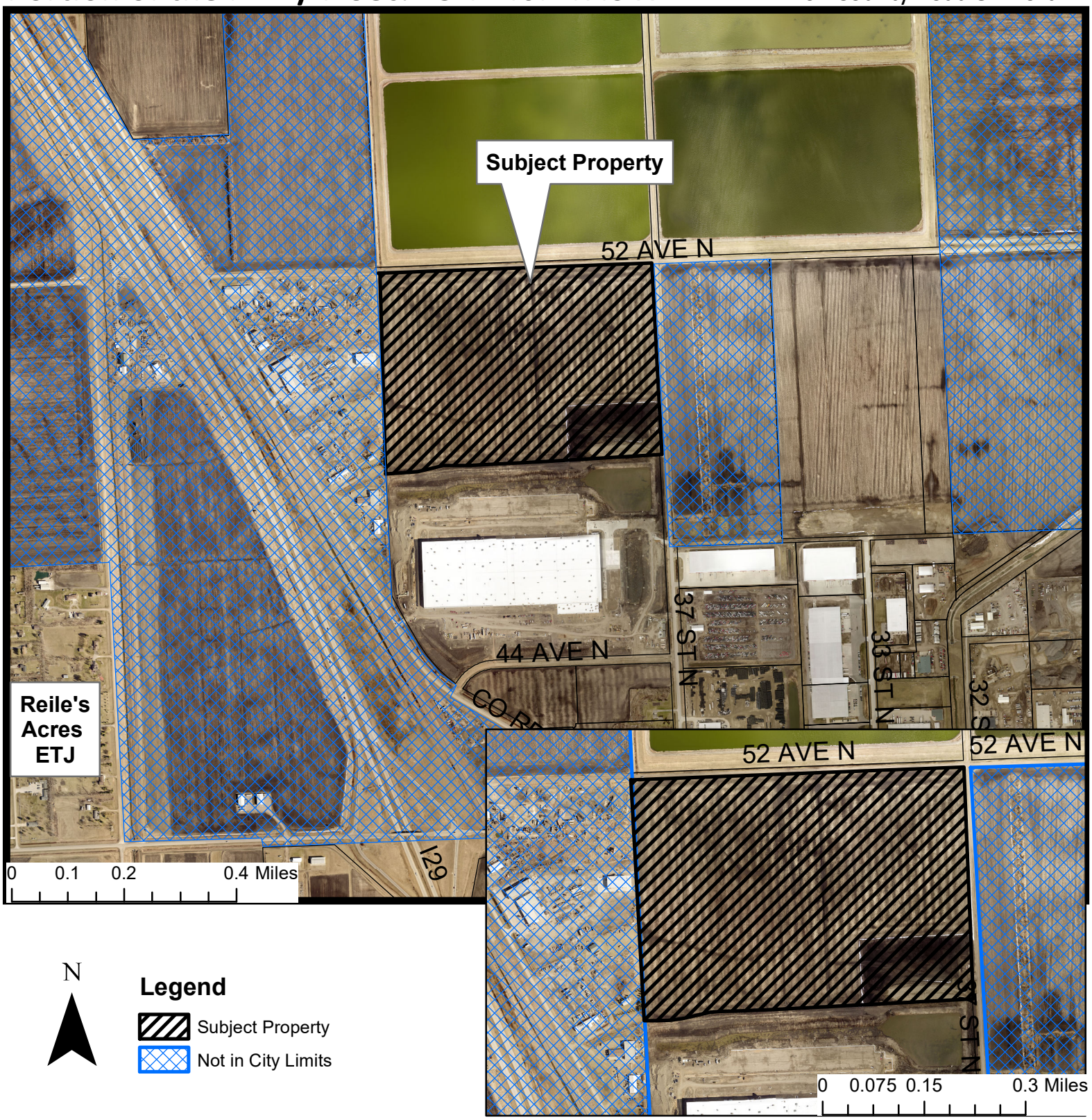
The proposed Dakota Commerce Center North Addition, which includes a subdivision and zone change, will occupy the entire annexation area. The subdivision will create four lots for industrial development. The property is currently zoned AG, Agricultural. The proposed zoning for the entire subdivision is LI,

Limited Industrial. The staff report for Dakota Commerce Center North provides details on the proposed project. This project is going through the review and hearing process concurrently with this annexation. This project appears as items 12.a and 12.b on the August 2nd Planning Commission agenda.
Staff Recommendation:
Staff recommends the Planning Commission find that the proposed annexation of a portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.
Attachments:
1. Location map 2. Annexation map

Annexation

Portion of the NE 1/4 Sec. 15 T140N R49W

5100 37th Street North and
4201 County Road 81 North



N

Legend

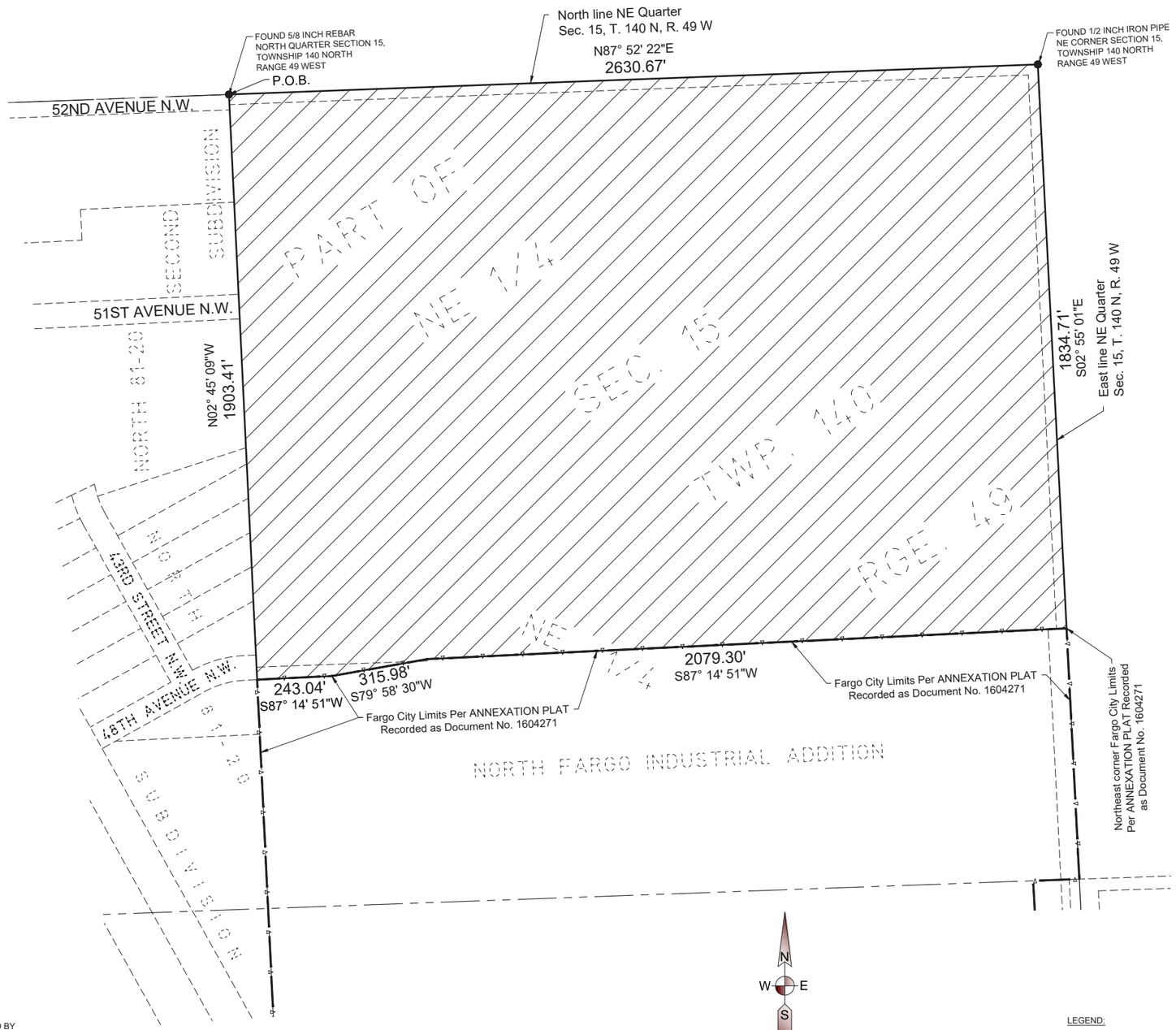
- Subject Property
- Not in City Limits

THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



SCALE: 1" = 200'
(SHEET SIZE 22"X34")

BASIS OF BEARINGS IS
CITY OF FARGO COORDINATE SYSTEM

LEGEND:

- Found Monument
- P.O.B. Point of Beginning
- City of Fargo Limits
- Area to be Annexed

ANNEXATION PLAT OF:

That part of the Northeast Quarter of Section 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, more particularly described as follows:

Beginning at the north quarter corner of said Section 15; thence North 87 degrees 52 minutes 22 seconds East, assumed bearing, along the north line of said Northeast Quarter of Section 15, a distance of 2630.67 feet to the northeast corner of said Section 15; thence South 02 degrees 55 minutes 01 second East, a distance of 1834.71 feet, also being the northeast corner of the Fargo City Limits as depicted on City of Fargo Annexation Plat Document No. 1604271; thence North 87 degrees 14 minutes 51 seconds West along the north line of NORTH FARGO INDUSTRIAL ADDITION, also being a north line of said Fargo City Limits, a distance of 2079.30 feet; thence South 79 degrees 58 minutes 30 seconds West along a northwesterly line of NORTH FARGO INDUSTRIAL ADDITION, also being a northwesterly line of said Fargo City Limits, a distance of 315.98 feet; thence South 87 degrees 14 minutes 51 seconds West along a northwesterly line of NORTH FARGO INDUSTRIAL ADDITION, also being a northwesterly line of said Fargo City Limits, a distance of 243.04 feet; thence North 02 degrees 45 minutes 09 seconds West along the west line of said Northeast Quarter, a distance of 1903.41 feet to the point of beginning.

Contains 4,884,785 square feet or 112.14 acres, more or less.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Kurt M. Kisch, Registered Professional Land Surveyor under the laws of the State of North Dakota, hereby certify that the annexed plat is a true representation of Resolution adopted.

_____
Kurt M. Kisch North Dakota License No. 4597

State of Minnesota)
) SS
County of Hennepin)

The foregoing instrument was acknowldeged this ____ day of _____, 2022, before me, a notary public with and for said County, personally appeared Kurt M. Kisch, Professional Land Surveyor, to me known to be the person described in and who executed the same as a free act and deed.

_____

Notary Public _____County

My commission expires _____

CITY ENGINEER'S APPROVAL:

This annexed plat is hereby approved this _____ day of _____, 2022.

_____
Brenda E. Derrig, City Engineer, P.E.

State of North Dakota)
) SS
County of Cass)

The foregoing instrument was acknowldeged this ____ day of _____, 2022, 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 Cass County

My commission expires _____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners of Fargo, North Dakota this _____ day of _____, 2022.

_____	_____
Timothy J. Mahoney	Steven H. Sprague
Mayor	City Auditor

State of North Dakota)
) SS
County of Cass)

The foregoing instrument was acknowledged this ____ day of _____, 2022, before me, a notary public with and for said County, by Timothy J. Mahoney, Mayor, and Steven H. Sprague, City Auditor, on behalf of the City of Fargo.

_____
Notary Public Cass County

My commission expires _____

PREPARED BY

Ulteig

FARGO - AUSTIN - BISMARCK - BOISE - CEDAR RAPIDS - DETROIT LAKES - DENVER - SIOUX FALLS - ST PAUL - WILLISTON

Agenda Item #	D.2

City of Fargo Staff Report			
Title:	Westrac 3rd Addition *(see Project History note below)*	**Date:**	7/27/2022
Location:	3361 Westrac Drive South	**Staff Contact:**	Donald Kress, planning coordinator
Legal Description:	Lot 1, Block 1, Westrac 3rd Addition Addition		
Owner(s)/Applicant:	Prairie Ridge 4 LLLP / Nate Vollmuth—Goldmark	**Engineer:**	None
Entitlements Requested:	**PUD Final Plan**		
Status:	Planning Commission Review August 2nd, 2022		

Existing		**Proposed**
Land Use: Affordable Independent Senior Living Facility with Support Services		**Land Use:** No change
Zoning: Affordable Independent Senior Living Facility with Support Services		**Zoning:** No change
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 "household living" as requested by the PUD**		**Uses Allowed:** No change
Maximum Lot Coverage Allowed: 85% of lot area.		**Maximum Lot Coverage Allowed:** 85% of lot area.

Proposal:

PROJECT HISTORY NOTE: The planned unit development overlay and PUD master land use plan for this property were approved by the City Commission on October 5th, 2020. At that time, the property was described as Lot 1, Block 1, Cedar Crest First Addition. That property was incorporated into the Westrac 3rd Addition plat, which was recorded on July 7th, 2022. Thus, this project is now referred to as the Lot 1, Block 1, Westrac 3rd Addition PUD master land use plan. The lot this PUD is on increased in size by 13,870 square feet (0.31 acres) as part of the Westrac 3rd Addition. The PUD itself was not changed by being included in the Westrac 3rd Addition plat

The applicant requests approval of one entitlement:

1. A PUD final plan for the master plat approved by the City Commission on October 5, 2020.

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.

(continued on next page)

Surrounding Land Uses and Zoning Districts:

- North: LI, Limited Industrial; undeveloped.
- East: LI; undeveloped.
- South: Across Westrac Drive South; GC, General Commercial with commercial uses
- West: across 34th Street South; LI, Limited Industrial with industrial uses

Area Plans:

This subject property is not covered by an adopted growth plan or neighborhood plan.

Schools and Parks:

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

Parks: Metro Rec Center (3110 Main Avenue) is located approximately 0.60 of a mile from the subject property, and offers the amenities of archery; batting cage; horseshoes; rentals; soccer

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

Pedestrian / Bicycle: There are on-street bike paths both eastbound and westbound on Westrac Drive that are a component of the metro area bikeways system.

Staff Analysis:

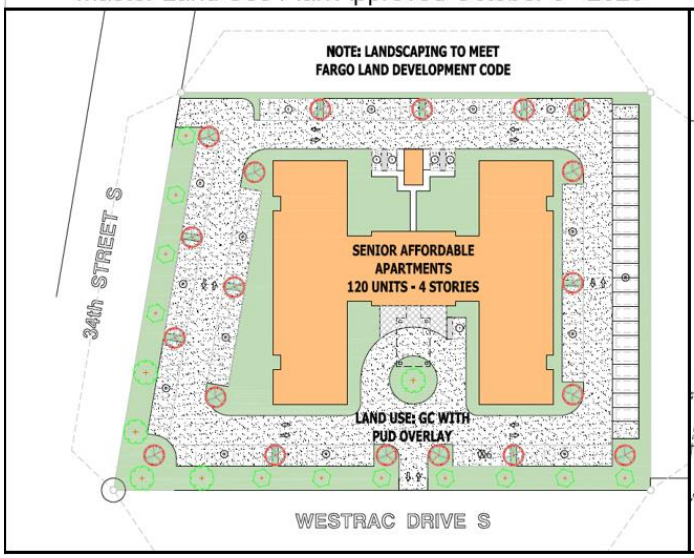
PROJECT DESCRIPTION

The applicant describes the proposed land use as an "affordable Independent Senior Living Facility with Support Services" and proposes a multi-dwelling building designed to serve a 55-years-old and older low-income households. This building would have 120 units, with both one-bedroom and two-bedroom units. Construction of the building is funded through a variety of state and federally funded financial resources as well as conventional financing.

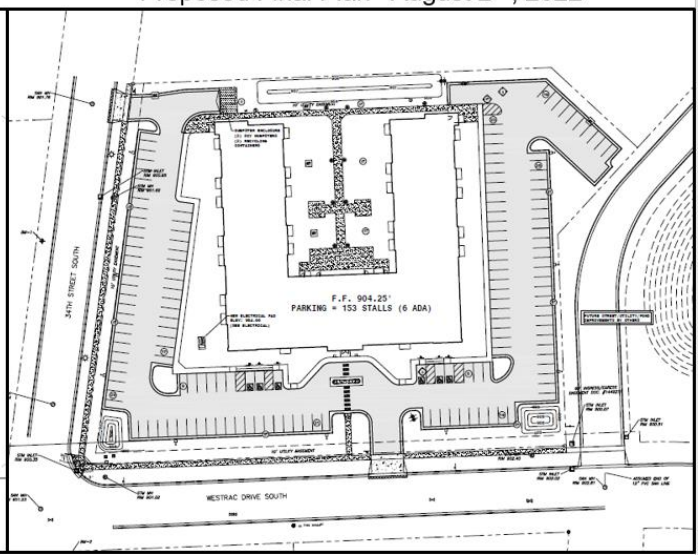
PROPOSED FINAL PLAN CONSISTENCY WITH APPROVED MASTER LAND USE PLAN

The graphic below provides a comparison of the approved master land use plan and the proposed final plan. Findings evaluating the differences between the two plans are below. Copies of these plans are also attached.

Master Land Use Plan Approved October 5th 2020



Proposed Final Plan August 2nd, 2022



(continued on next page)
PUD Final Plan Section 20-0908.D: The LDC stipulates that the Planning Commission shall approve the PUD Final plan if it is determined to be in substantial compliance with the approved PUD Master Land Use Plan. The PUD Final Plan shall be deemed to be in compliance so long as, when compared with the PUD Master Land Use Plan, it does not result in:

1. **An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**
   There has been no change in project density or intensity. **(Criteria Satisfied)**

2. **A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**
   There has been no change in the mix of housing types or the amount of land devoted to nonresidential uses. **(Criteria Satisfied)**

3. **A reduction in the amount of open space;**
   Open space has actually increased slightly from the original master land use plan. **(Criteria Satisfied)**

4. **Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**
   Internal circulation within the PUD is altered as the approved final plan shows circulation on all four sides of the building while the proposed final plat shows circulation only on three sides. The owner explains the reason of this change as "The only reason for circulation on 3 sides, instead of 4, was to provide a buffer from the neighboring LI zoning district." This change does not compromise fire department access to the property. Access to the PUD form the adjacent public streets is not affected. There is some reduction in parking, though the final plan configuration still meets the parking requirement set forth in the PUD.

   Staff has reviewed this change to the internal circulation of the PUD and finds that this change does not result in a significant change in the amount or location of streets, common parking areas, or access to the PUD. **(Criteria Satisfied)**

5. **Any change within 50 feet of any SR or MR zoning district;**
   Not applicable to this situation; the subject property is not within 50 feet of any SR or MR zoning district. **(Criteria Satisfied)**

6. **Any change determined by the Planning Commission to represent an increase in development intensity;**
   There has been no increase in development intensity. **(Criteria Satisfied)**

7. **A substantial change in the layout of buildings.**
   The approved master plan depicts an H-shaped residential building and the proposed final plan depicts a U-shaped building. However, the overall building area of both configurations is approximately the same, and the total number of residential units in each building is the same.

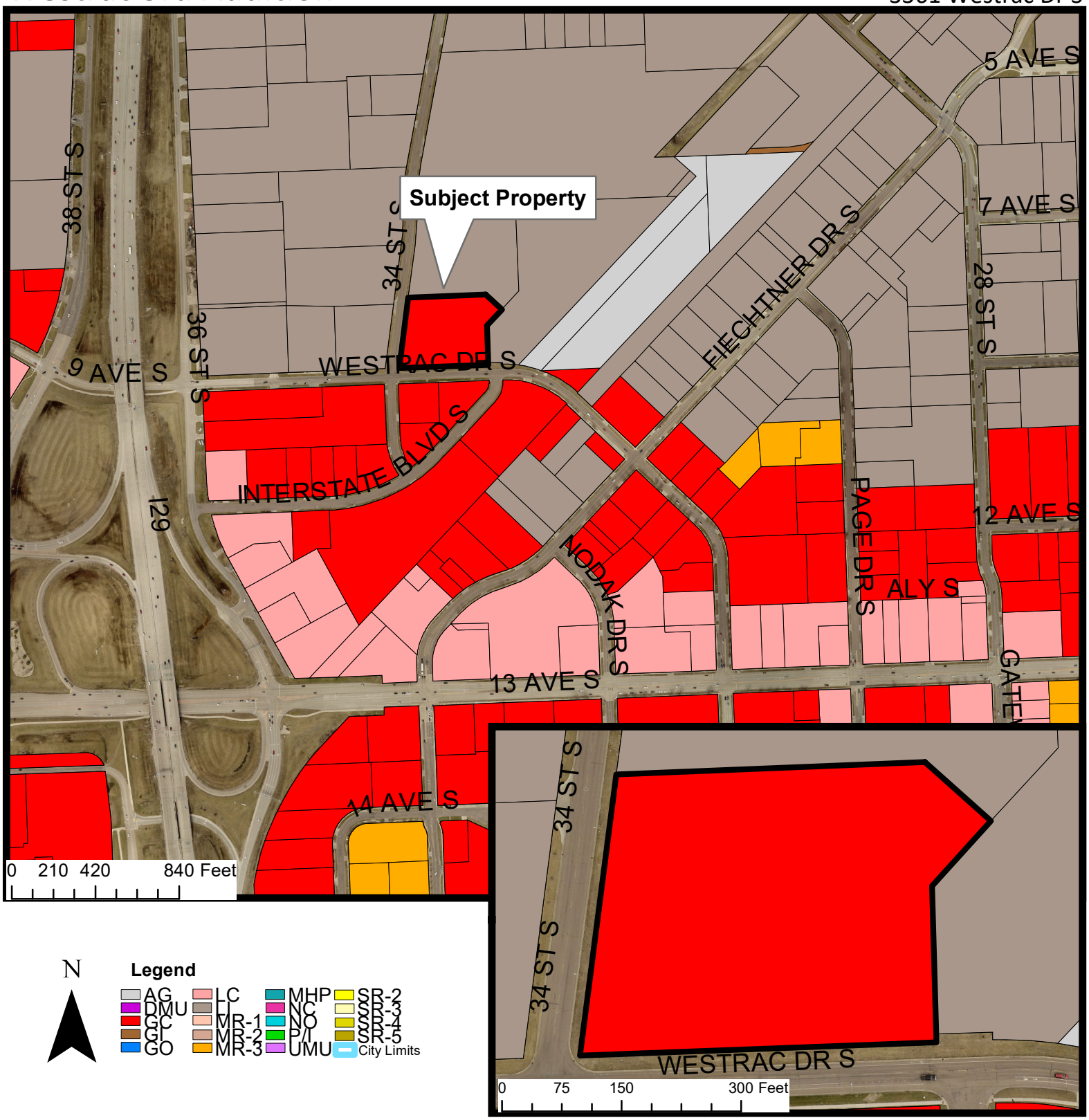
   The approved master land use plan depicts a 23-unit garage on the east side of the property; the proposed final plan does not include the garage. The parking requirement in the PUD is still being met with the final plan, even without the garage.

Staff has reviewed these changes between the approved master land use plan and the proposed final plan and determined that they do not constitute a substantial change in the layout of the buildings.
Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the Planned Unit Development Final Plan for the Lot 1, Block 1, Westrac 3rd Addition (formerly Lot 1, Block 1, Cedar Crest First Addition), as depicted in this packet, as the proposal complies with the PUD Master Land Use Plan, Section 20-0908.D of the LDC, and all other requirements of the LDC."
Attachments:
1. Zoning Map **2.** Location Map **3.** PUD Master Land Use Plan (approved October 5th, 2020) **4.** PUD Final Plan

Planned Unit Development Final Plan

Westrac 3rd Addition

3361 Westrac Dr S



N

Legend

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

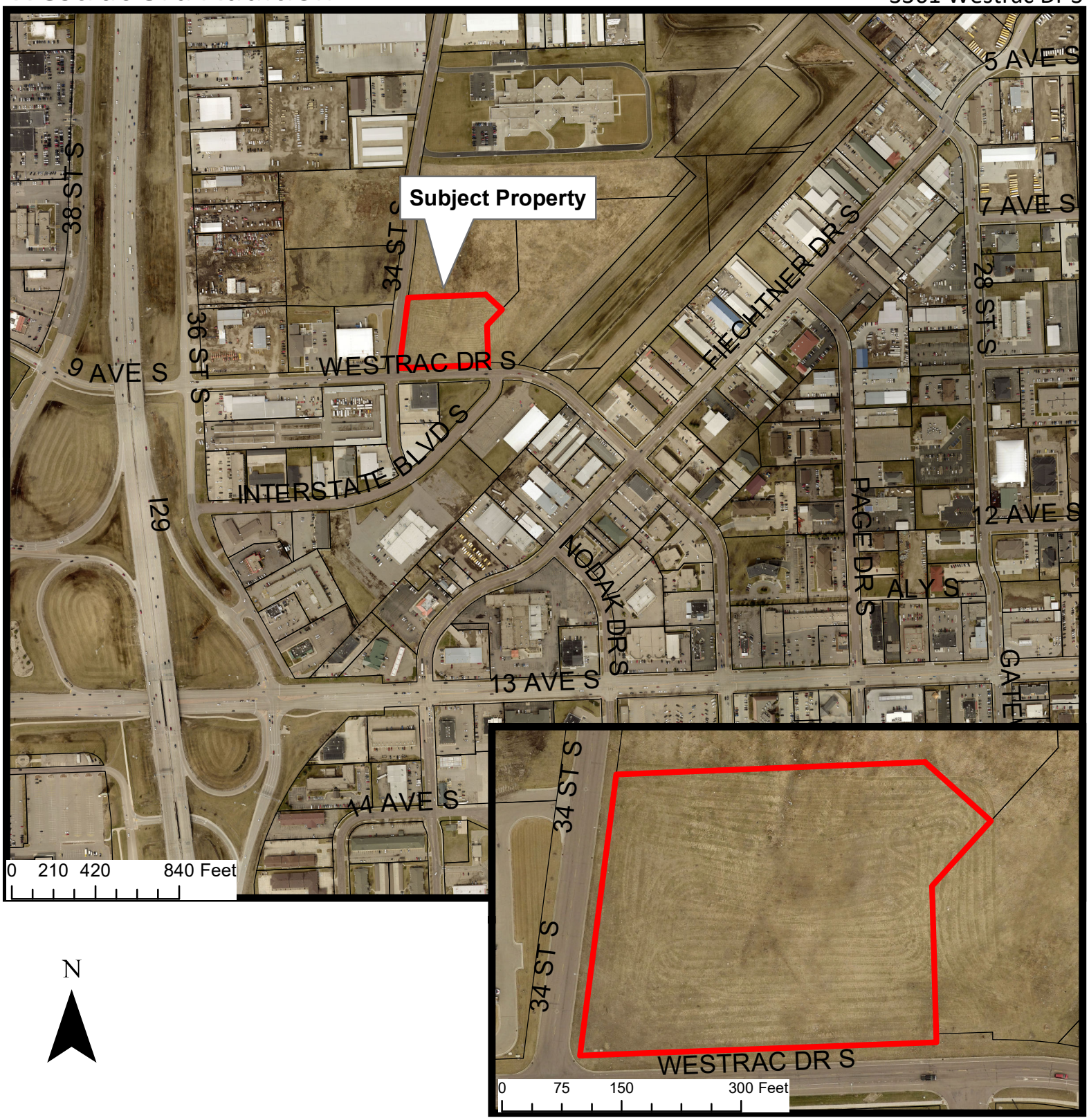
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

Planned Unit Development Final Plan

Westrac 3rd Addition

3361 Westrac Dr S

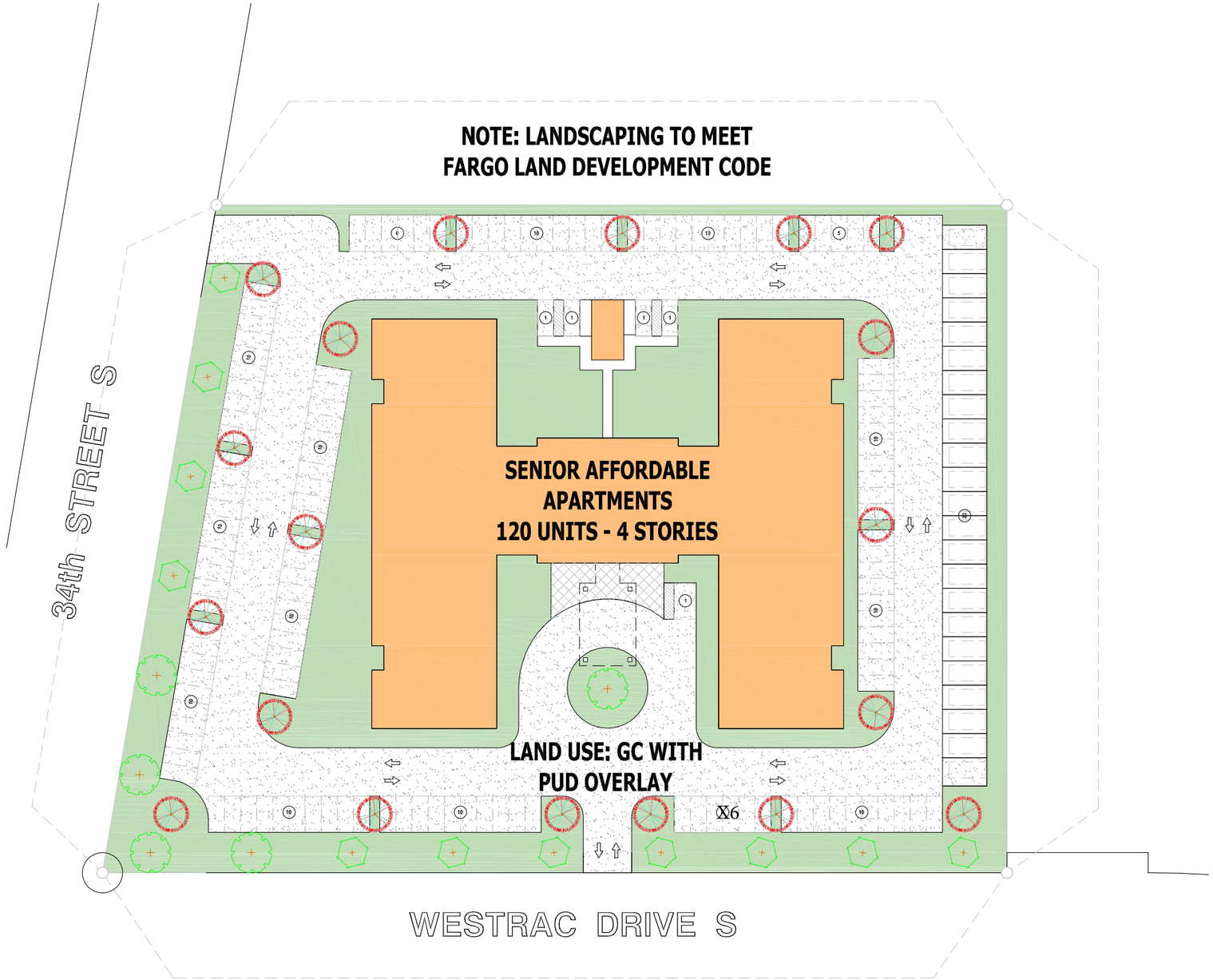


N

THE CITY OF Fargo FAR MORE

Fargo Planning Commission
August 2, 2022

MASTER LAND USE PLAN Approved October 5th, 2020



PRAIRIE RIDGE RESIDENCES

8/3/2020

CURRENT ZONING DISTRICT: GC, GENERAL COMMERCIAL
PROPOSED ZONING DISTRICT: GC WITH A PUD OVERLAY
CONDITIONAL USE: HOUSEHOLD LIVING

139,101 SF TOTAL LOT AREA
139,101 / 43,560: 3.19 ACRES

UNIT COUNT PROPOSED 120 / 3.19 = 38 UNITS PER ACRE

OPEN SPACE REQUIREMENT PER GC
NO REQUIREMENT PER FARGO LDC IN THIS ZONING DISTRICT
45,585 SF OPEN SPACE PROVIDED 32.3%
BUILDING AND PARKING LOT COVERAGE = 94,080 SF (139,101 - 94,080 = 45,021)
10% open space requried for PUD.

BUILDING COVERAGE PER GC
MAXIMUM BUILDING COVERAGE AS PERCENTAGE OF LOT IS 85%
PROVIDED BUILDINGS COVERAGE IS 22.9%
TOTAL BUILDINGS FOOTPRINT = 31,860 SF

MAXIMUM HEIGHT PER GC
NONE
PROVIDED 54'-0"

PARKING REQUIREMENT
PROPOSED REDUCTION TO 1.0 SPACES PER UNIT X 120 = 120 SPACES
VISITORS SPACES PER LDR 0.25 PER UNIT x 120 = 30 SPACES
TOTAL REQUIRED SPACES = 150
165 SPACES PROVIDED WITH 23 BEING GARAGE SPACES
ACCESSIBLE SPACES REQUIRED = 5 TOTAL WITH 1 BEING VAN

TOTAL PARKING AND DRIVEWAY AREA = 62,220 SF

DISTRICT SETBACKS PER GC

FRONT	20'
INTERIOR SIDE	5'
STREET SIDE	20'
REAR	15'

UNIT MIX TARGET

38% 2 BEDROOMS	46 X 2 BEDROOM UNITS OF 120 TOTAL
62% 1 BEDROOMS	74 X 1 BEDROOM UNITS OF 120 TOTAL

PROPOSED UNITS PER LEVEL

LEVEL 1 =	10 2BR + 14 1BR		= 24 UNITS
LEVEL 2 =	12 2BR + 20 1BR		= 32 UNITS
LEVEL 3 =	12 2BR + 20 1BR		= 32 UNITS
LEVEL 4 =	12 2BR + 20 1BR		= 32 UNITS
	46	74	120 TOTAL

AREA TAKEOFFS
LEVEL 1 = 31,384
LEVEL 2 = 31,384
LEVEL 3 = 31,384
LEVEL 4 = 31,384
TOTAL 125,536 GSF

MOUNTAIN PLAINS

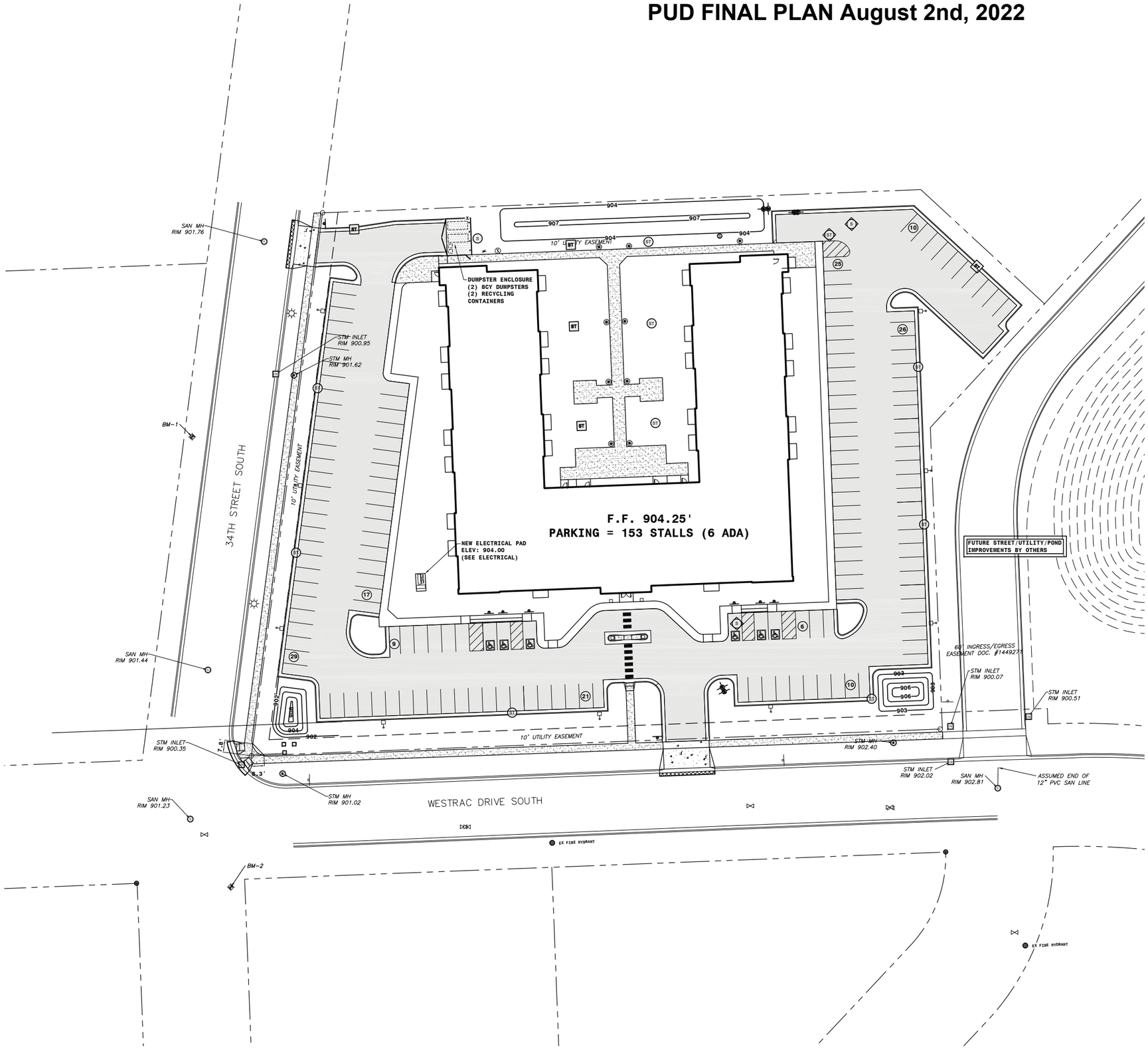
MASTER DEVELOPMENT PLAN

08-24-20

PRAIRIE RIDGE RESIDENCES

LANTZ-BOGGIO
Architects & Interior Designers

PUD FINAL PLAN August 2nd, 2022



SYMBOL LEGEND:

- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING LIGHT POLE
- EXISTING TELEPHONE PEDESTAL
- EXISTING SANITARY MANHOLE
- EXISTING STORM SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING WATER GATE VALVE
- EXISTING SIGN
- NEW GATE VALVE
- NEW FIRE HYDRANT
- NEW SANITARY CLEANOUT
- NEW SANITARY MANHOLE
- NEW STORM INLET
- NEW STORM MANHOLE
- NEW SIGN
- NEW LIGHT POLE (SEE ELECTRICAL)
- 904 NEW CONTOUR LINE
- NEW FENCE
- NEW 4" REINFORCED CONCRETE SIDEWALK
- NEW 4" THICKENED EDGE CONCRETE SIDEWALK
- NEW 6" REINFORCED CONCRETE PAVEMENT
- NEW 7" REINFORCED CONCRETE PAVEMENT
- NEW 6" ASPHALT PAVEMENT
- NEW TYPE 1 STANDARD CONCRETE CURB & GUTTER
- NEW TYPE 2 STANDARD CONCRETE CURB & GUTTER

PLAN NOTES:

1. ALL WORK SHALL COMPLY WITH THE MOST RECENT CITY OF FARGO STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC UTILITIES.
2. CONTRACTOR SHALL NOTIFY UTILITY COMPANIES FOR UNDERGROUND LOCATIONS 48 HOURS PRIOR TO BEGINNING CONSTRUCTION. NORTH DAKOTA ONE CALL PHONE NUMBER: 1-800-795-0555
3. CONTRACTOR SHALL PROTECT ALL PROPERTY PINS. PROPERTY PINS DESTROYED OR DISTURBED SHALL BE REPLACED AT CONTRACTORS EXPENSE.
4. IF THE LAND BOUNDARY DENOTED ON THE PLANS ENCOMPASSES MORE THAN ONE (1) ACRE OR IS LESS THAN ONE (1) ACRE, BUT IS PART OF A LARGER DEVELOPMENT PLAN, A NOTICE OF INTENT TO OBTAIN A STORM WATER POLLUTION PERMIT SHALL BE ACQUIRED BY THE CONTRACTOR AND OWNER FROM THE NORTH DAKOTA STATE HEALTH DEPARTMENT SEVEN (7) DAYS PRIOR TO CONSTRUCTION.
5. CONTRACTOR SHALL MAINTAIN TEMPORARY EROSION CONTROL UNTIL PERMANENT EROSION CONTROL IS ESTABLISHED.
6. CONTRACTOR SHALL ACQUIRE AN EROSION SEDIMENT CONTROL (ESC) PERMIT FROM THE CITY OF FARGO PRIOR TO START OF CONSTRUCTION.
7. CONTRACTOR SHALL COORDINATE TAPPING OF THE EXISTING WATERMAIN WITH THE CITY OF FARGO MAINS AND HYDRANTS DEPARTMENT. CALL (701)241-1453
8. ALL GRASSED AREAS DISTURBED BY CONSTRUCTION SHALL BE TOPSOILED (6" DEPTH), GRADED, SEEDED, AND HYDRO-MULCHED.
9. EXCAVATION OR OTHER WORK IN THE RIGHT-OF-WAY SHALL REQUIRE A TRAFFIC CONTROL PLAN THAT MEETS ALL MUTCD REQUIREMENTS; THIS PLAN IS REQUIRED BEFORE ANY PERMITS TO WORK IN THE RIGHT-OF-WAY WILL BE ISSUED.
10. THE CITY OF FARGO INSPECTIONS DEPARTMENT MUST BE NOTIFIED TO INSPECT THE CONNECTION OF THE SITE STORMWARTER SYSTEM TO THE CITY OF FARGO STORMWATER SYSTEM. ENSURE THE EXCAVATION IS KEPT OPEN FOR THIS INSPECTION.
11. IF A STREETLIGHT REQUIRES TEMPORARY OR PERMANENT RELOCATION, CONTACT DAVE HELLAND AT (701)241-1557

BENCHMARKS:

BM-1: TOP NUT OF HYDRANT
ELEV = 904.58 (NAVD88) (CITY OF FARGO 2021 ADJ.)

BM-2: TOP NUT OF HYDRANT
ELEV = 904.36 (NAVD88) (CITY OF FARGO 2021 ADJ.)

GOLDMARK™
DESIGN AND DEVELOPMENT

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2000 44TH ST. S., #102
FARGO, ND 58103
701-893-3839

MBN ENGINEERING
MECHANICAL * ELECTRICAL * CIVIL
503 7TH ST. N., SUITE 200
FARGO, ND 58102
PHONE: 701.478.6336
FAX: 701.478.6340

REGISTERED PROFESSIONAL ENGINEER
ANTHONY K. PETERSON
PE-6864
DATE 1-27-22
NORTH DAKOTA

PROJECT:
PRAIRIE RIDGE APTS
3361 WESTRAC DRIVE
FARGO, NORTH DAKOTA

REVISIONS:

No.	DATE	REMARK

PROJECT NO: 20-043
DATE: JAN 27, 2022
DRAWN BY: JT
CHECKED BY:
DOCUMENT PHASE: BIDDING SET

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