FARGO PLANNING COMMISSION AGENDA
Tuesday, April 5, 2022 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of March 1, 2022

C: Public Hearing Items:

1a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional overlay to GC, General Commercial with a C-O, Conditional Overlay on the proposed **Christianson 32nd Avenue South Second Addition**. (Located at 3102 36th Street South and 3401 32nd Avenue South) (KLC Holdings LLC/Christianson Companies/Farm Power Inc.) (am)

1b. Continued hearing on an application requesting a Plat of **Christianson 32nd Avenue South Second Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Christianson 32nd Avenue South Addition and Lot 1, Block 1, Virgil Montplaisir Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 3102 36th Street South and 3401 32nd Avenue South) (KLC Holdings LLC/Christianson Companies/Farm Power Inc.) (am)

2. Hearing on an application requesting a Plat of **1001 NP Addition** (Major Subdivision) a replat of Lots 1-12, Block 25; all of Lots 1, 2, 7-12, and part of Lots 3 and 4, Block 26; and the alley and vacated alley therein, Roberts Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 1001 NP Avenue North, 28 10th Street North, 11 11th Street North, and 1016 1st Avenue North) (Great Plains 1001 Holdings, LLC/Houston Engineering, Inc.) (dk)

3. Hearing on an application requesting a Plat of **GPK Addition** (Minor Subdivision) a replat of Lot 4 and 5, Block 1, Tecton-GPK Addition to the City of Fargo, Cass County, North Dakota. (Located at 1601 and 1621 43rd Street North) (GPK Products, Inc./Houston Engineering) (lm)

4. Hearing on an application requesting a Plat of **Sheyenne Industrial Center Sixth Addition** (Minor Subdivision) a replat of Lot 4, Block 3, Sheyenne Industrial Center Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 1530 47th Street North) (Specialty Developments, LLP/Houston Engineering, Inc.) (lm)

5. Hearing on an application requesting a Plat of **University South Third Addition** (Minor Subdivision) a replat of Lot 2, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 2253 and 2301 University Drive South) (Grove Enclave, LLC/Houston Engineering, Inc.) (am)

6. Hearing on an application requesting a Plat of **Bank Forward Addition** (Minor Subdivision) a replat of Lots 2 and 3, Block 5, Valley View Fifth Addition and Lots 1 and 2, Block 1, Anne

Carlsen Center First Addition to the City of Fargo, Cass County, North Dakota. (Located at 5650 37th Avenue South, 5651 38th Avenue South, and 3703 and 3749 56th Street South) (Bank Forward/Enclave Companies) (me)

7a. Hearing on an application requesting a Zoning Change from GC, General Commercial to GC, General Commercial with a C-O, Conditional Overlay on Lot 1, Block 2, **Adams 7th Addition**. (Located at 2955 Thunder Road South) (KRS Investment Company, LLC/Nate Vollmuth) (lm)

7b. Hearing on an application requesting a Conditional Use Permit to allow Industrial Uses in the GC, General Commercial zoning district on Lot 1, Block 2, **Adams 7th Addition**. (Located at 2955 Thunder Road South) (KRS Investment Company, LLC/Nate Vollmuth) (lm)

8a. Hearing on an application requesting a Zoning Change from AG, Agricultural to GI, General Industrial on the proposed **Magnum North Addition**. (Located at 4903 19th Avenue North) (G2 Investments, LLC/MBN Engineering, Inc.) (lm)

8b. Hearing on an application requesting a Plat of **Magnum North Addition** (Minor Subdivision) a plat of the Southeast Quarter of Section 28, Township 140 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at Located at 4903 19th Avenue North) (G2 Investments, LLC/MBN Engineering, Inc.) (lm)

9a. Hearing on an application requesting a Growth Plan Amendment on a portion of the proposed **Covey Ranch Second Addition** from Medium Density Residential and High Density Residential to Proposed School. (Located at 6688 45th Street South) (Dabbert Custom Homes, LLC) (dk)

9b. Hearing on an application requesting a Zone Change from AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay on a portion of the proposed **Covey Ranch Second Addition**. (Located at 6688 45th Street South) (Dabbert Custom Homes, LLC) (dk)

9c. Hearing on an application requesting a Plat of **Covey Ranch Second Addition** (Major Subdivision) a plat of portion of the Northwest Quarter of Section 10, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 6688 45th Street South) (Dabbert Custom Homes, LLC) (dk)

D: Other Items:

1. Annexation of approximately 42.04 acres of the Northwest Quarter of Section 10, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Dabbert Custom Homes, LLC) (dk)

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.

BOARD OF PLANNING COMMISSIONERS
MINUTES

Regular Meeting: **Tuesday, March 1, 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, March 1, 2022.

The Planning Commissioners present or absent were as follows:

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

Absent: Rocky Schneider

Vice Chair Tasa called the meeting to order.

Business Items:
Item A: Approve Order of Agenda
Vice Chair Tasa noted Items 5a and 5b have been continued to April 5, 2022.

Member Stofferahn 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 February 1, 2022
Member Gunkelman moved the minutes of the February 1, 2022 Planning Commission meeting be approved. Second by Member Schmidt. All Members present voted aye and the motion was declared carried.

Item C: March 16, 2022 Brown Bag Luncheon: CANCELLED

Item D: Public Hearing Items:

Item 1: Metropolitan Park Third Addition
1a. Continued hearing on an application requesting a Zoning Change from LC, Limited Commercial and MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed Metropolitan Park Third Addition. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): APPROVED

1b. Continued hearing on an application requesting a Plat of Metropolitan Park Third Addition (Minor Subdivision) a replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the

City of Fargo, Cass County, North Dakota. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): APPROVED

1c. Continued hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan on the proposed Metropolitan Park Third Addition. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): APPROVED
A hearing had been set for January 4, 2022. At the January 4, 2022 meeting, the Hearing was continued to February 1, 2022. At the February 1, 2022 meeting, the Hearing was continued to this date and time.

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

Applicant Nate Vollmuth spoke on behalf of the application.

Discussion was held on the location of the property and the height of the existing structure.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from MR-3, Multi-Dwelling Residential and LC, Limited Commercial to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay, 2) PUD, Planned Unit Development Master Land Use Plan, and 3) Subdivision Plat Metropolitan Park Third Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Article 20-0908(B)(a-e), Section 20-0907 (B) and (C), Section 20-0906.F (1-4) and the Standards of Article 20-06 of the Land Development Code, the 2003 Growth Plan, and all other applicable requirements of the Land Development Code. Second by Member Schmidt. On call of the roll Members Holtz, Morgan, Schmidt, Stofferahn, Gunkelman, and Tasa voted aye. Absent and not voting: Members Rosenberg and Schneider. The motion was declared carried.

Item 2: Laverne's Second Addition
2a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional on the proposed Laverne's Second Addition. (Located at 4200 32nd Avenue North and 2867 45th Street North) (LaVerne A. Montplaisir Family Trust/Houston Engineering): APPROVED

2b. Hearing on an application requesting a Plat of Laverne's Second Addition (Major Subdivision) a plat of a portion of the Northwest Quarter of Section 27, Township 140 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 4200 32nd Avenue North and 2867 45th Street North) (LaVerne A. Montplaisir Family Trust/Houston Engineering): APPROVED

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

Member Rosenberg present.

Discussion was held on the county drains.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from AG, Agricultural to LI, Limited Industrial and P/I Public and Institutional. And 2) Subdivision Plat Laverne's Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06 and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Gunkelman, Holtz, Stofferahn, Morgan, Schmidt, Rosenberg, and Tasa voted aye. Absent and not voting: Member Schneider. The motion was declared carried.

Item 3: West Acres Seventh Addition
Hearing on an application requesting a Plat of West Acres Seventh Addition (Minor Subdivision) a replat of all of Lots 19-20 and portions of Lots 10, 11, 12, and 18, Block 5, West Acres Fourth Addition to the City of Fargo, Cass County, North Dakota. (Located at 3911 20th Avenue South) (Jonathan Casper/Neset Land Surveys): APPROVED
Planner Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat West Acres Seventh Addition as outlined within the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06 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 Morgan, Schmidt, Stofferahn, Rosenberg, Holtz, Gunkelman, and Tasa voted aye. Absent and not voting: Member Schneider. The motion was declared carried.

Item 4: Valley View Estates Third Addition
Hearing on an application requesting a Plat of Valley View Estates Third Addition (Minor Subdivision) a replat of Lots 8-20, Block 1, Valley View Estates Addition to the City of Fargo, Cass County, North Dakota. (Located at 4800, 4801, 4809, 4823, 4824, 4837, 4842, 4849, 4852, 4866, 4875, 4889, and 4890 Decorah Way South) (Thomsen Homes LLC/EagleRidge Development): APPROVED
Mr. Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Jon Youness, EagleRidge Development, spoke on behalf of the application.

Discussion was held on the reduction of the number of lots and density from the current plat.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Valley View Estates Third Addition as outlined within the staff report as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Gunkelman, Rosenberg, Morgan and Tasa voted aye. Members Stofferahn, Holtz, and Schmidt voted nay. Absent and not voting: Member Schneider. The motion was declared carried.

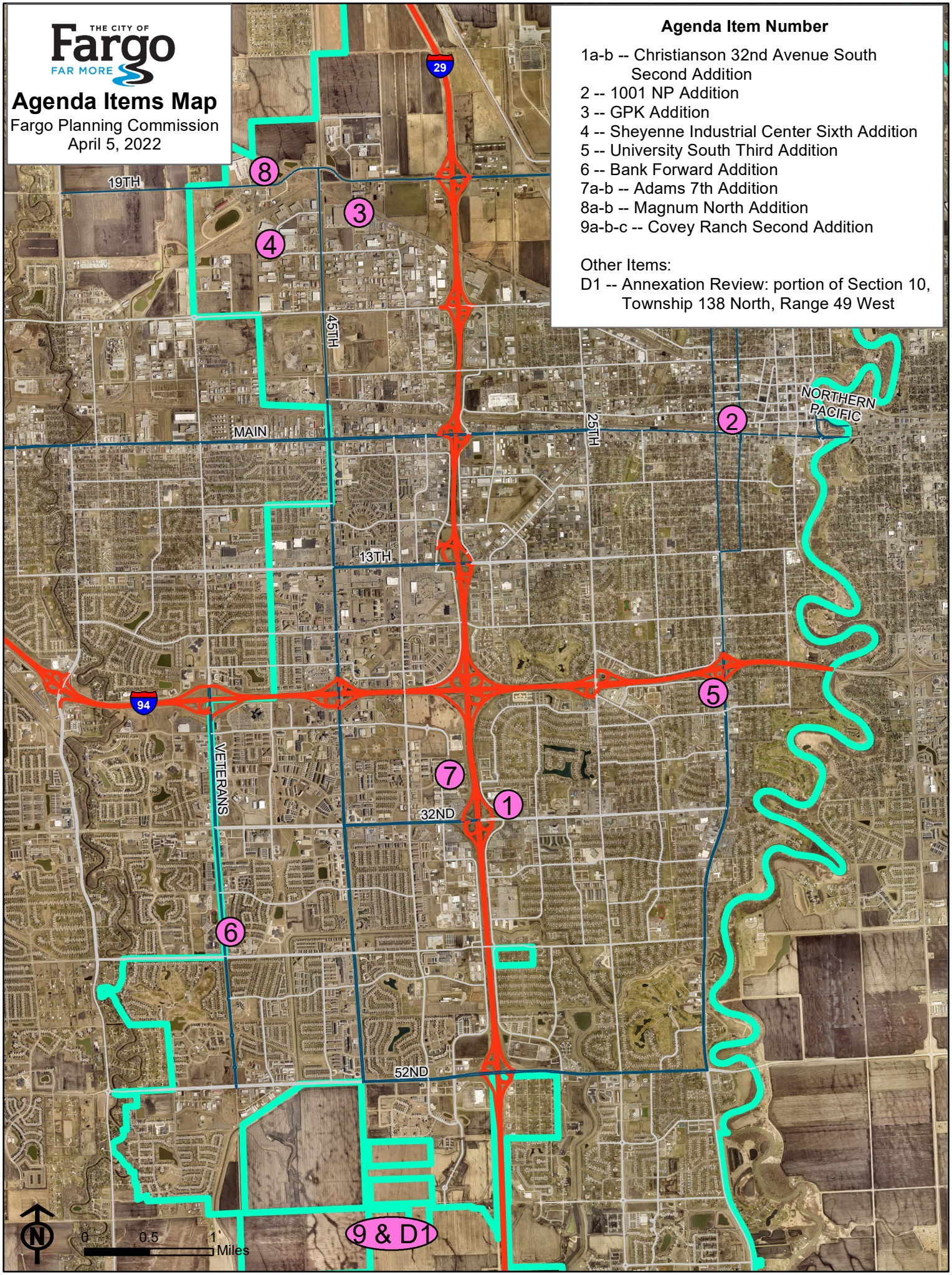
Item 5: Christianson 32nd Avenue South Second Addition

5a. Hearing on an application requesting a Zoning Change from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional overlay to GC, General Commercial with a C-O, Conditional Overlay on the proposed Christianson 32nd Avenue South Second Addition. (Located at 3102 36th Street South and 3401 32nd Avenue South) (KLC Holdings LLC/Christianson Companies/Farm Power Inc.): CONTINUED TO APRIL 5, 2022

5b. Hearing on an application requesting a Plat of Christianson 32nd Avenue South Second Addition (Minor Subdivision) a replat of Lot 1, Block 1, Christianson 32nd Avenue South Addition and Lot 1, Block 1, Virgil Montplaisir Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 3102 36th Street South and 3401 32nd Avenue South) (KLC Holdings LLC/Christianson Companies/Farm Power Inc.): CONTINUED TO APRIL 5, 2022

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

The time at adjournment was 3:24 p.m.


THE CITY OF
Fargo
FAR MORE
Agenda Items Map
Fargo Planning Commission
April 5, 2022
Agenda Item Number
1a-b -- Christianson 32nd Avenue South Second Addition
2 -- 1001 NP Addition
3 -- GPK Addition
4 -- Sheyenne Industrial Center Sixth Addition
5 -- University South Third Addition
6 -- Bank Forward Addition
7a-b -- Adams 7th Addition
8a-b -- Magnum North Addition
9a-b-c -- Covey Ranch Second Addition
Other Items:
D1 -- Annexation Review: portion of Section 10, Township 138 North, Range 49 West
29
19TH
45TH
MAIN
25TH
NORTHERN PACIFIC
13TH
94
VETERANS
32ND
52ND
1
2
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Agenda Item #	1a, 1b

City of Fargo Staff Report			
Title:	Christianson 32nd Avenue South Second Addition	**Date:**	3/29/2022
Location:	3102 36th Street South; 3401 32nd Avenue South	**Staff Contact:**	Adam Martin, Assistant Planner
Legal Description:	Lot 1, Block 1, Christianson 32nd Avenue South Addition, and Lot 1, Block 1, Virgil Montplaisir Subdivision		
Owner(s)/Applicant:	Farm Power, Inc.; KLC Holdings, LLC / Christianson Companies	**Engineer:**	Bolton & Menk
Entitlements Requested:	**Zone Change** (from GC, General Commercial, and LI, Limited Industrial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay); **Minor Subdivision** (Plat of **Christianson 32nd Avenue South Second Addition** a replat of Lot 1, Block 1, Christianson 32nd Avenue South Addition, and Lot 1, Block 1, Virgil Montplaisir Subdivision)		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		**Proposed**
Land Use: Commercial and Undeveloped		**Land Use:** Commercial
Zoning: GC, General Commercial and LI, Limited Industrial with a C-O, Conditional Overlay		**Zoning:** GC, General Commercial with a C-O, Conditional Overlay
Uses Allowed: GC 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-service storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. 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-service storage~~, vehicle repair, limited vehicle service, ~~industrial service~~, manufacturing and production, warehouse and freight movement, wholesale sales, ~~aviation, surface transportation.~~ ***Note: Conditional Overlay No. 5015 prohibits certain uses on the LI-zoned lot***		**Uses Allowed:** GC 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-service storage*, vehicle repair, limited vehicle service, ~~aviation, surface transportation~~, and ~~major entertainment events~~. ***Note: The proposed Conditional Overlay regulates and/or prohibits certain uses.***
Maximum Lot Coverage Allowed: 85% for both GC and LI		**Maximum Lot Coverage Allowed:** 85% for GC

Proposal:
The applicant requests two entitlements: **1.** A **zone change** from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay; and **2.** A **minor subdivision** to be known as **Christianson 32nd Avenue South Second Addition,** a replat of Lot 1, Block 1, Christianson 32nd Avenue South Addition, and Lot 1, Block 1, Virgil Montplaisir Subdivision

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

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial, with commercial development, and MR-3, Multi-Dwelling Residential, with multi-dwelling residences.
- East: AG, Agricultural, with multi-residential dwellings, and GC, General Commercial, with office development.
- South: LC, Limited Commercial, with office uses; GC, General Commercial, with vehicle repair uses, and; LI, Limited Industrial, with vehicle repair, limited vehicle service, and retail sales and service uses.
- West: 36th Street and Interstate 29 rights-of-way.

Area Plans:

The subject property is not located within a growth plan area.

Schools and Parks:

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

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

Parks: Ed Clapp Park, located at 2801 32nd Avenue South, is approximately 0.25 miles east of the subject property, and provides amenities of soccer fields and a playground for ages 5-12.

Pedestrian / Bicycle: Off-road shared-use paths are adjacent to the west and south sides of the subject property, along 36th Street South and 32nd Avenue South, respectively. Both paths are components of the metro area bikeways system.

Transit: MATBUS Route 14 runs along 33rd Street South and 32nd Avenue South. A bus stop is located along 33rd Street South, approximately 200 feet northeast of the subject property. Additionally, MATBUS Route 18 runs along 32nd Avenue South, with its nearest stop located approximately one-eighth of a mile southeast of the subject property, at the southwest corner of 32nd Avenue South and 32nd Street South.

Staff Analysis:

The plat will create four lots zoned GC, General Commercial with a C-O, Conditional Overlay. A City of Fargo-owned property, on which a sanitary sewer lift station is located, separates part of Lot 1, Block 1 from 32nd Avenue South. Although all four lots are adjacent to public rights of way, access to Lots 1 and 3 will be from an access easement running west-east approximately in the center of the plat. This is due to driveway spacing standards in Section 20-0702 of the Land Development Code, as well as an existing negative access easement along 33rd Street South.

Additionally, as part of redeveloping the property, the existing driveway along 36th Street South into the project site will be closed due to its proximity to the block corner at 32nd Avenue South. The applicant is coordinating with city staff, including the City's transportation engineer, to determine the minimum distance needed for any new driveway along 36th Street South in relation to the block corner at 32nd Avenue South. It is anticipated that this driveway spacing requirement will be reflected through an updated access easement on the plat.

Lastly, due to the subject property's location along two major thoroughfares, staff worked with the applicant to develop a C-O, Conditional Overlay as part of the rezoning of the property. The purpose of the Conditional Overlay is to restrict certain land uses and signage, and to establish additional building and site design standards, as is typical with most other Conditional Overlays along arterial streets in southern Fargo. A draft of the Conditional Overlay language is attached.

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?**
   There is no error in the zoning map. The property currently described as Lot 1, Block 1, Virgil Montplaisir Subdivision, was previously rezoned from AG, Agricultural, to C-2, General Commercial (which is now known as GC, General Commercial) in September 1977. Additionally, the property currently described as Lot 1, Block 1, Christianson 32nd Avenue South Addition was previously rezoned from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay in January 2016. The proposed rezoning of the subject property will bring the entire subdivision into one zoning designation of GC, General Commercial

with a C-O, Conditional Overlay. Additionally, the proposed zone change is intended to facilitate the proposed project that redevelops an existing, underutilized commercial site.

Though there is currently no growth plan to guide future land uses for the Bluemont Lakes neighborhood, the GC zoning district is reasonable for the context of the area. However, a conditional overlay (C-O) will be attached to the GC zoning district. This C-O will have site development standards and land use restrictions that are intended to mitigate any potential impacts of commercial development in relation to residentially-zoned property to the north and east of the subject property. Additionally, this C-O is similar to those approved along other commercial corridors within the City of Fargo.
(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?**
   Yes. The project site fronts on public rights of way that provide access and utility services.
   (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 general inquiry about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity.
   (Criteria Satisfied)

4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**
   The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo."

   The subject property is not covered by a growth plan, area plan, or neighborhood plan.

   The project meets some of the goals of infill development stated in the Go2030 Comprehensive Plan:
   - the subject property is already served by supporting infrastructure;
   - the project includes additional design standards as outlined in the Conditional Overlay, which are commonplace with other development projects along commercial corridors in Fargo; and,
   - the project will increase the mix of uses and amenities in the area.

   Additionally, by incorporating site design standards into the Conditional Overlay, the project meets some of the goals of active living streets stated in the Go2030 Comprehensive Plan, which characterizes active living streets as having "infrastructure to support pedestrians, experienced cyclists, recreational cyclists, transit, and automobiles." Since the Go2030 Comprehensive Plan identifies 32nd Avenue South as an active living street, the proposed redevelopment will enable Fargo residents to walk or bike to their destinations safely and comfortably.

   Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.
   (Criteria Satisfied)

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 proposed zoning of GC, General Commercial with a C-O, Conditional Overlay is intended to accommodate the proposed commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat and zone change have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one general inquiry about the

project. 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 move to recommend approval to the City Commission of the proposed 1) zoning change from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay, and; 2) a minor subdivision of the **Christianson 32nd Avenue South Second Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 5, 2022

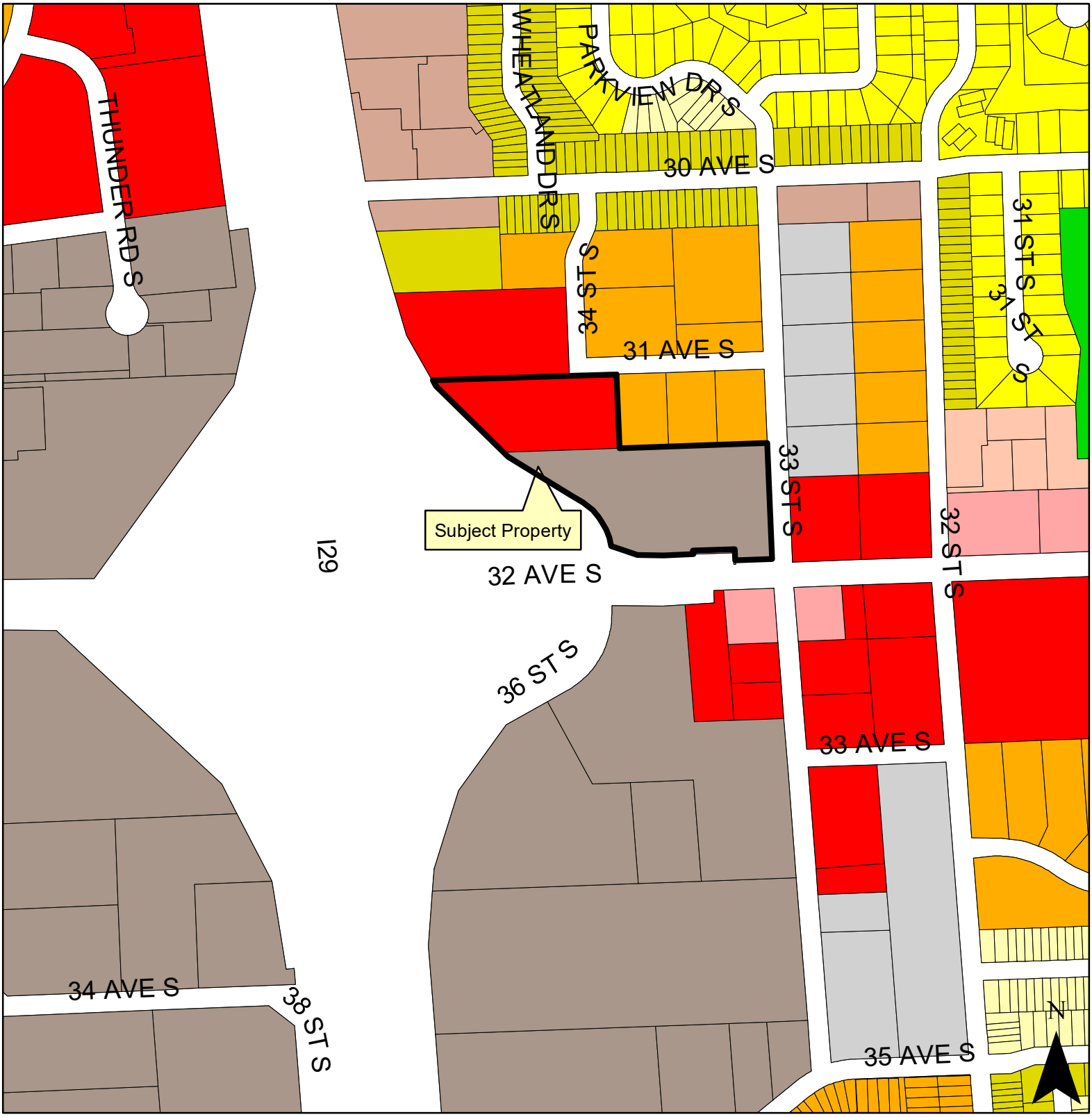
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat
4. Draft Conditional Overlay

Plat (Minor); Zone Change (GC and LI with a C-O to GC with a C-O)

Christianson 32nd Avenue South Second Addition

3401 32nd Avenue S
and 3102 36th Street 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
March 1, 2022

Plat (Minor); Zone Change (GC and LI with a C-O to GC with a C-O)

Christianson 32nd Avenue South Second Addition

3401 32nd Avenue S
and 3102 36th Street S

THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
March 1, 2022

CHRISTIANSON 32ND AVENUE SOUTH SECOND ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF CHRISTIANSON 32ND AVENUE SOUTH ADDITION AND LOT 1, BLOCK 1 OF VIRGIL MONTPLAISIR SUBDIVISION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Christianson Properties, LLC, a North Dakota Limited Liability Company, owner, and Bell Bank, mortgageee, of the following described land:

Lot 1, Block 1 of VIRGIL MONTPLAISIR SUBDIVISION according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

AND

Lot 1, Block 1 of CHRISTIANSON 32ND AVENUE SOUTH ADDITION to the City of Fargo according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Said parcels contain 11.634 acres of land, more or less and are subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcels of land to be surveyed and platted as "CHRISTIANSON 32ND AVENUE SOUTH SECOND ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate to Lots 2, 3 and 4 the 50 foot wide ingress/egress and utility easement as shown on this plat for the purposes so stated.

OWNER:
Christianson Properties, LLC

_____
By: Kevin Christianson, President

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year 2022, before me, a notary public within and for said County and State, personally appeared Kevin Christianson, President, Christianson Properties, LLC known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Christianson Properties, LLC

_____
Notary Public

MORTGAGE HOLDER:
Bell Bank

_____

By: _____, _____

State of North Dakota }
County of Cass } SS

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

me personally appeared_____,

_____, Bell 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 Bell Bank

_____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Gregg Stroeing, 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:_____
Gregg Stroeing, Professional Land Surveyor
North Dakota License Number LS-6703

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2022, before me, a notary public within and for said County and State, personally appeared Gregg Stroeing, 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

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

_____
Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass } SS

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 }
County of Cass } SS

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 }
County of Cass } SS

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

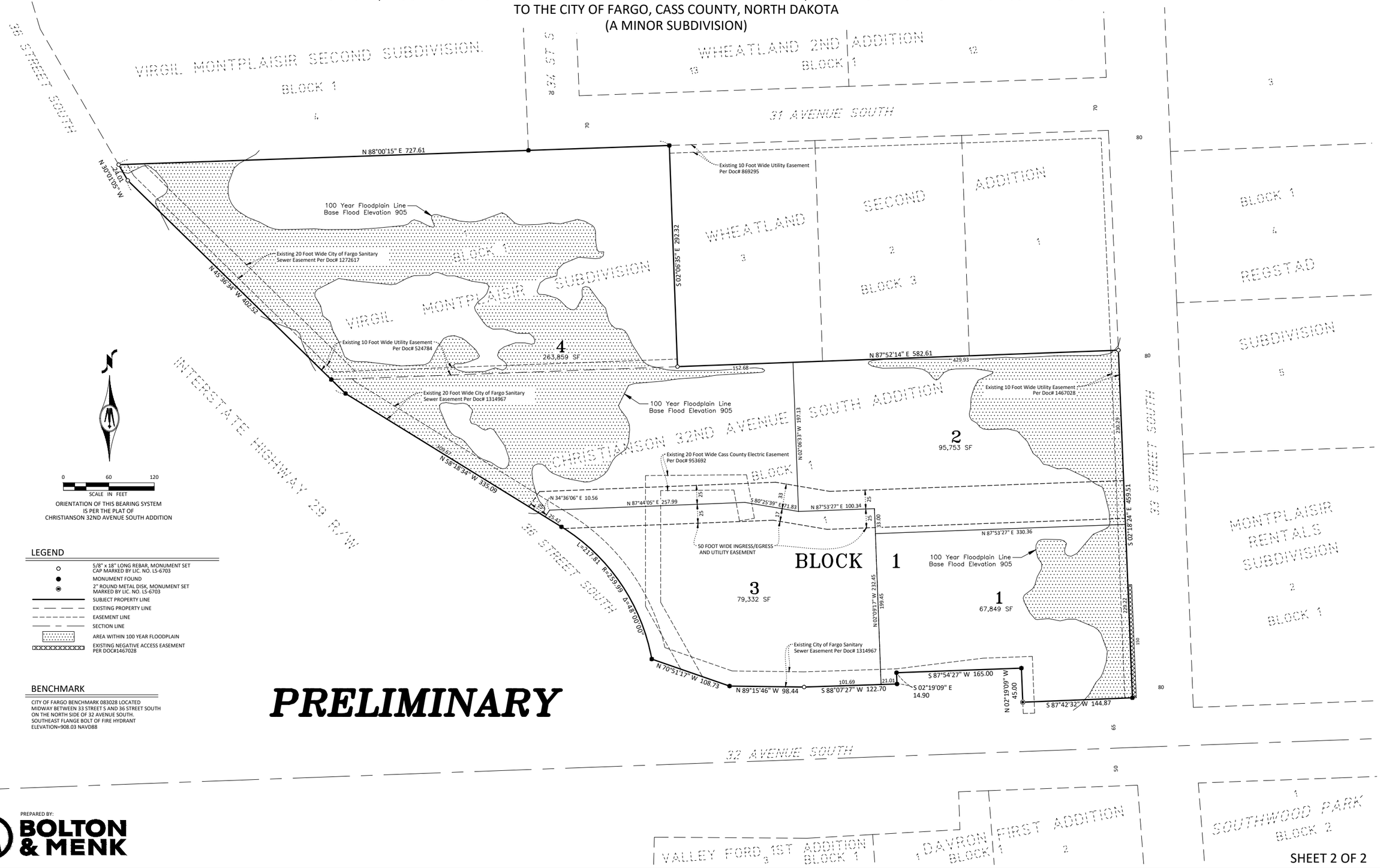
PRELIMINARY

PREPARED BY:
BOLTON & MENK

JSZ 2/24/22 126482_V_PROP_N1-32ND AVE PLAT .dwg

CHRISTIANSON 32ND AVENUE SOUTH SECOND ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF CHRISTIANSON 32ND AVENUE SOUTH ADDITION AND LOT 1, BLOCK 1 OF VIRGIL MONTPLAISIR SUBDIVISION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



ORIENTATION OF THIS BEARING SYSTEM
IS PER THE PLAT OF
CHRISTIANSON 32ND AVENUE SOUTH ADDITION

LEGEND

- 5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC. NO. LS-6703
- MONUMENT FOUND
- 2" ROUND METAL DISK, MONUMENT SET MARKED BY LIC. NO. LS-6703
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- SECTION LINE
- AREA WITHIN 100 YEAR FLOODPLAIN
- EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1467028

BENCHMARK

CITY OF FARGO BENCHMARK 083028 LOCATED
MIDWAY BETWEEN 33 STREET S AND 36 STREET SOUTH
ON THE NORTH SIDE OF 32 AVENUE SOUTH.
SOUTHEAST FLANGE BOLT OF FIRE HYDRANT
ELEVATION=908.03 NAVD88

PRELIMINARY

PREPARED BY:
BOLTON & MENK

SHEET 2 OF 2

JSZ 2/24/22 126482_V_PROP_N1-32ND AVE PLAT .dwg

Draft Conditional Overlay

1. Building Form and Style
   1.1. All front building elevations/façades greater than 200 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least two feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet. Requirements in this subsection shall apply only for views from 32nd Avenue South, 33rd Street South, and 36th Street South.
   1.2. Ground floor façades that are within 200 feet of the right of way, measured from the exterior wall shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 60% of its horizontal length. Requirements in this subsection shall apply only for views from 32nd Avenue South, 33rd Street South, and 36th Street South.
   1.3. Principal Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.
   1.4. Accent Materials – In conjunction with the principal materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood. Accent materials shall be applied to no greater than 20 percent of each building façade.
   1.5. Loading/unloading areas, building service entrances, loading docks and overhead doors used for shipping/receiving areas, and ground level HVAC units within 150 feet of public right of way shall be visually screened from adjacent public right-of-way and residentially-zoned property by structures and/or landscaping equal to landscaping prescribed in City of Fargo Residential Protection Standards. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.
   1.6. Dumpsters and refuse containers shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when located within 150 feet of public right of way, by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. When dumpsters and refuse containers are located in the rear of the building, the enclosure may be constructed of a metal frame and cladding that is complementary to the primary building materials. Dumpsters and refuse containers shall contain permanent walls on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.
   1.7. Screening of Outdoor Storage Areas
      1.7.1. Outdoor storage areas shall not be located within the front setback area of the development.

1.7.2. Outdoor storage areas shall not cover more than 50 percent of the open space of the development. For the purposes of determining allowable outdoor storage area, open space shall be defined as outdoor, unenclosed area located on the ground, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

2. Site Design
   - 2.1. A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
   - 2.2. A vegetative buffer equal to landscaping prescribed in City of Fargo Residential Protection Standards shall be installed along the 31st Avenue South right-of-way.
   - 2.3. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
     - 2.3.1. Parking lots or parking structures;
     - 2.3.2. Entrances of other buildings on the site;
     - 2.3.3. Any public sidewalk or multi-use path system along the perimeter streets adjacent to the development, or along the perimeter of the lot; and
     - 2.3.4. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator
3. Prohibited Uses
   - 3.1. Group Living
   - 3.2. Adult Entertainment
   - 3.3. Detention facilities
   - 3.4. Self-service storage
     - 3.4.1. Climate controlled indoor storage facilities are permitted
   - 3.5. Aviation/Surface Transportation
   - 3.6. Entertainment Event, Major
   - 3.7. Mining
   - 3.8. Off-Premise Advertising
   - 3.9. Industrial uses
4. Prohibited Signage
   - 4.1. Billboards – a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.
   - 4.2. Off Premise Sign – a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located.
   - 4.3. Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Agenda Item #	2

City of Fargo Staff Report			
Title:	1001 NP Addition	**Date:**	3/30/22
Location:	1001 NP Avenue North, 28 10th Street North, 11 11th Street North, and 1016 1st Avenue North	**Staff Contact:**	Donald Kress, current planning coordinator
Legal Description:	Lots 1-12, Block 25; all of Lots 1, 2, 7-12, and part of Lots 3 and 4, Block 26; and the alley and vacated alley therein, Roberts Second Addition		
Owner(s)/Applicant:	Great Plains Holdings 1001, LLC	**Engineer:**	Houston Engineering, Inc.
Entitlements Requested:	**Major Subdivision** (Plat of **1001 NP Addition** a replat of Lots 1-12, Block 25; all of Lots 1, 2, 7-12, and part of Lots 3 and 4, Block 26; and the alley and vacated alley therein, Roberts Second Addition)		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		Proposed
Land Use: Commercial and Residential Mixed Use		**Land Use:** No change proposed
Zoning: DMU, Downtown Mixed Use		**Zoning:** No change proposed
Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.		**Uses Allowed:** No change
Maximum Density Allowed: DMU has no maximum density and 100% maximum lot coverage		**Maximum Density Allowed:** No change

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **1001 NP Addition,** which is a replat of Lots 1-12, Block 25; all of Lots 1, 2, 7-12, and part of Lots 3 and 4, Block 26; and the alley and vacated alley therein, Roberts Second 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.

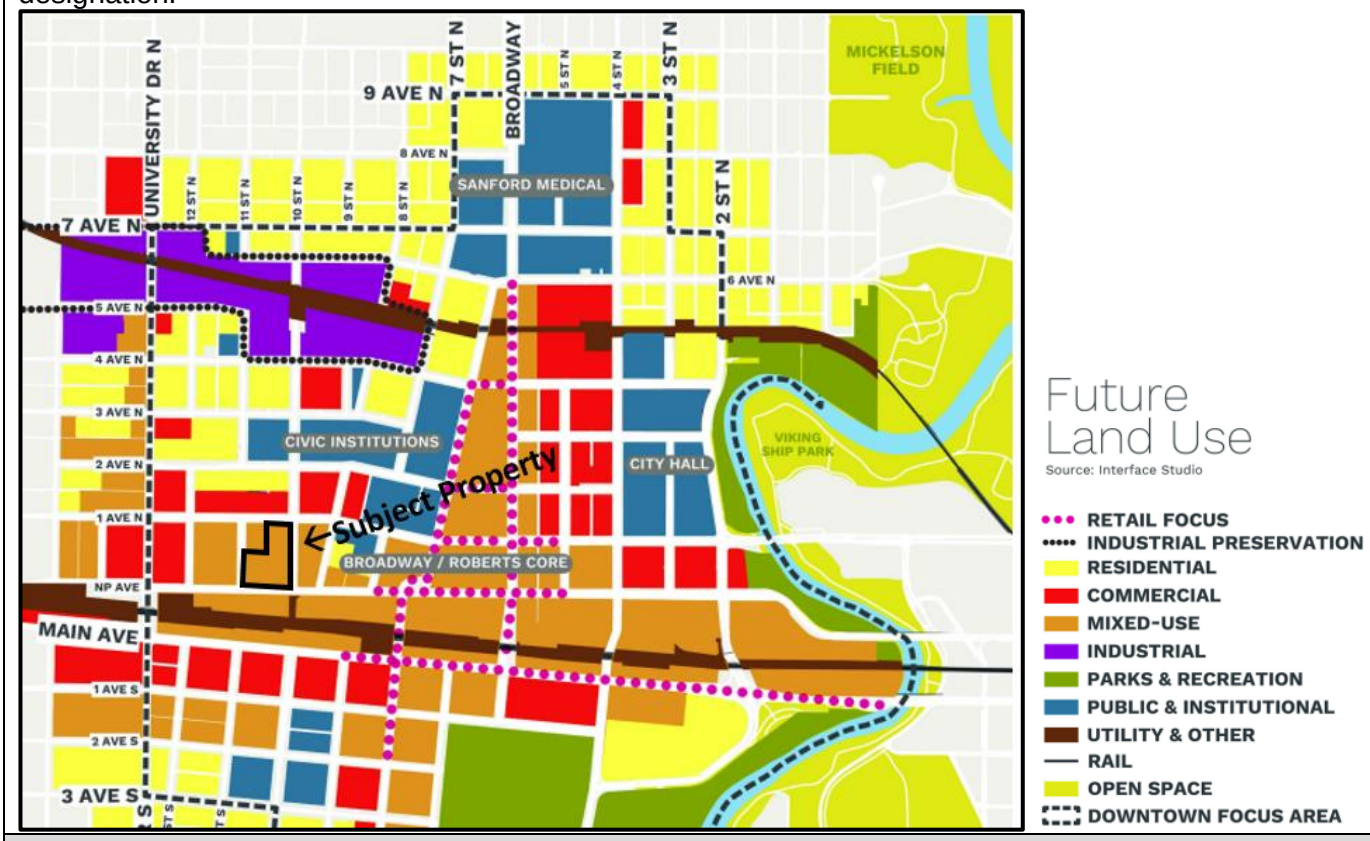
Surrounding Zoning Districts and Land Uses:

- North: DMU; commercial and undeveloped
- East: DMU; residential and commercial
- South: DMU; mixed use building and parking lot
- West: DMU; office and residential (across the alley); undeveloped and office (across 11th Street)

(continued on next page)

Area Plans:

The subject property is included in the Downtown In Focus Master Plan, which designates the subject property as "Mixed Use." The DMU, Downtown Mixed Use zoning is consistent with this land use designation.



Context:

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

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

Parks: Ole Tangen Park (10 Roberts Street) is located approximately 820 feet east of the subject property and offers the amenity of a park bench.

Pedestrian / Bicycle: A grade-separated bike lane is in the NP Avenue right of way along the south side of the subject property. This bike lane is a component of the metro area bikeways system.

Bus Route: The subject property touches the 13, 13U, 15, and 18 bus routes but there are no stops on this block.

Staff Analysis:

PLAT : The plat creates 2 lots in two blocks, all zoned DMU, Downtown Mixed Use. Lot 1, Block 1 is completing construction of a mixed-use (commercial and residential) building; Lot 1, Block 2 is intended for parking and underground stormwater detention.

AGREEMENT REGARDING DETENTION: The applicant has provided an easement, to be recorded subsequent to plat recordation, that identifies the stormwater detention facility on Lot 1, Block 2 and being tied to Lot 1, Block 1. The intent of this document is to prevent Lot 1, Block 2 from being sold or developed in such a way as to deprive Lot 1, Block 1 of its ability to meet stormwater detention requirements.

ACCESS: The project site takes access from 10th Street North, 11th Street North, and 1st Avenue North.

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

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 subject property is currently zoned DMU, Downtown Mixed Use. No zone change is proposed. This zone will accommodate the proposed mixed use development, the construction of which is nearing completion. 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.d of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The property is zoned DMU, Downtown Mixed Use. As noted in the finding above, this zone is consistent with the Downtown in Focus Plan designations. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied**)

3. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   This subdivision is a major subdivision only because it dedicates existing easements as right of way. No internal streets are created and no additional public improvements are required. Staff has determined that no amenities plan is required. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.
   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **1001 NP Addition**, as the proposal complies with the Downtown in Focus Master Plan, Standards of Article 20-06, Section 20-0907.C, and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 5, 2022

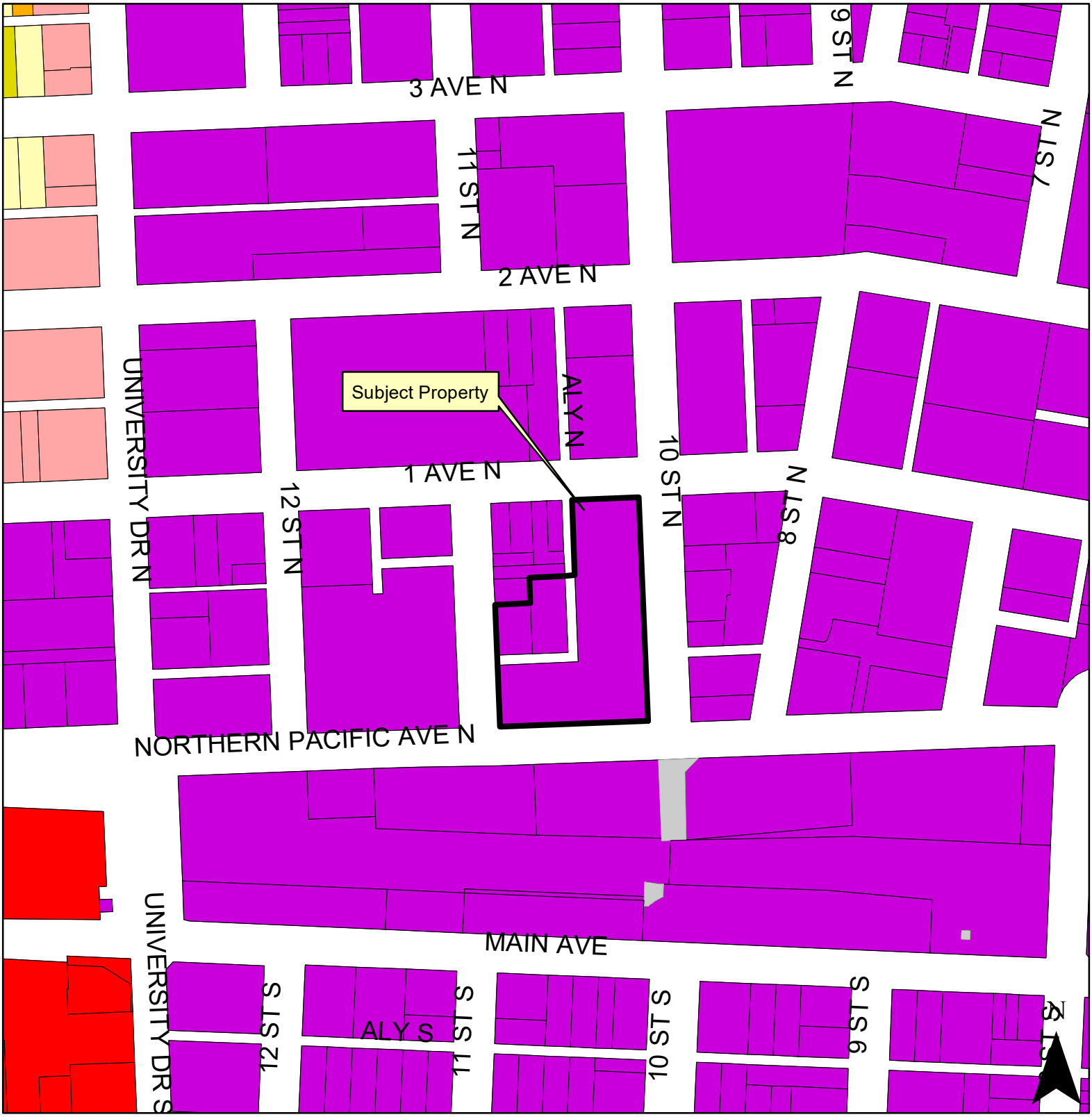
Attachments:

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

Plat (Major)

1001 NP Addition

1001 NP Avenue N; 28 10th Street N;
1016 1st Avenue N; 11 11th 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
April 5, 2022

Plat (Major)

1001 NP Addition

1001 NP Avenue N; 28 10th Street N;
1016 1st Avenue N; 11 11th Street N

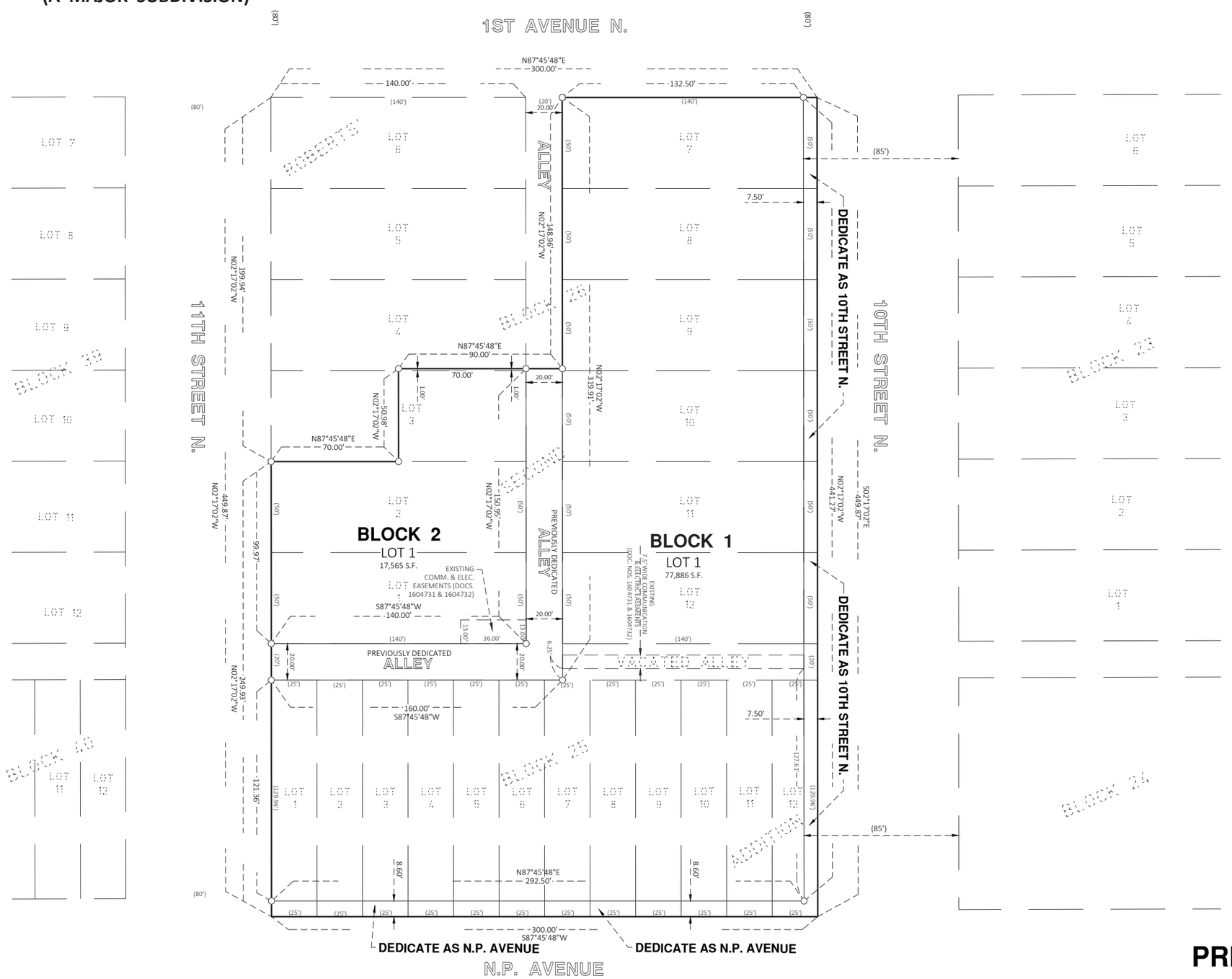
THE CITY OF Fargo FAR MORE

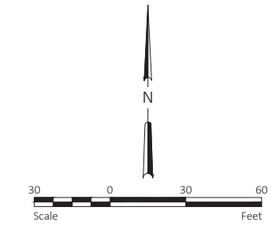
300 Feet

Fargo Planning Commission
April 5, 2022

1001 NP ADDITION

BEING A REPLAT OF ALL OF LOTS 1 - 12, BLOCK 25, AND ALL OF LOTS 1, 2, 7 - 12, AND
PART OF LOTS 3 AND 4, BLOCK 26, AND THE ALLEY AND VACATED ALLEY THEREIN, ALL IN ROBERTS' SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
(A MAJOR 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	
LOT LINE	
UTILITY EASEMENT	
EXISTING LOT LINE	
EXISTING UTILITY EASEMENT	

NOTE:
BASIS OF BEARING: CITY OF FARGO GROUND CONTROL SYSTEM

PRELIMINARY PLAT

HOUSTON ENGINEERING, INC.

Sheet 1 of 2
Project No. 7862-0011

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1001 NP ADDITION

BEING A REPLAT OF ALL OF LOTS 1 - 12, BLOCK 25, AND ALL OF LOTS 1, 2, 7 - 12, AND PART OF LOTS 3 AND 4, BLOCK 26, AND THE ALLEY AND VACATED ALLEY THEREIN, ALL IN ROBERTS' SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

(A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Great Plains 1001 Holdings, LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land, excluding the portions thereof marked as "PREVIOUSLY DEDICATED ALLEY" shown on this plat:

All of Block 25 and that part of Block 26, Roberts' Second Addition, City of Fargo, Cass County, North Dakota, more particularly described as follows:

BEGINNING at the northwest corner of Lot 7, said Block 26; thence North 87°45'48" East, along the north line of said Block 26, for a distance of 140.00 feet to the northeast corner of said Block 26; thence South 02°17'02" East, along the east line and the east line as extended south of said Block 26, and along the east line of said Block 25, for a distance of 441.27 feet to the southeast corner of said Block 25; thence South 87°45'48" West, along the south line of said Block 25, for a distance of 300.00 feet to the southwest corner of said Block 25; thence North 02°17'02" West, along the west line and the west line as extended north of said Block 25, and along the west line of said Block 26, for a distance of 249.93 feet to the northwest corner of Lot 2, said Block 26; thence North 87°45'48" East, along the north line of said Lot 2, for a distance of 70.00 feet; thence North 02°17'02" West, parallel with the west line of said Block 26, for a distance of 50.98 feet to a point lying 1.00 feet northerly of (as measured perpendicular to) the north line of Lot 3, said Block 26; thence North 87°45'48" East, along a line lying 1.00 feet northerly of and parallel to the north line of said Lot 3 and its easterly extension, for a distance of 90.00 feet to a point of intersection with the west line of Lot 9, said Block 26; thence North 02°17'02" West, along the west line of Lot 9, Lot 8 and Lot 7, said Block 26, for a distance of 148.96 feet to the POINT OF BEGINNING.

Said tract of land contains 2.469 acres, more or less.

The above-described tract of land is composed of the following parcels as currently described in the record of title, together with the previously dedicated alleys situated between these parcels:

PARCEL A:
Lots One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven and Twelve, in Block Twenty-five, of Roberts' Second Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota; together with the South half of that part of the vacated alley situated between Blocks Twenty-five and Twenty-six, said Addition, bounded on the East by the Southerly extension of the Westerly line of the East 7.50 feet of Lot Twelve, said Block Twenty-six, and bounded on the West by the Southerly extension of the West line of Lot Twelve, said Block Twenty-six;

PARCEL B:
Lots Seven, Eight, Nine, Ten, Eleven and Twelve, in Block Twenty-six, of Roberts' Second Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota; together with the North half of that part of the vacated alley situated between Blocks Twenty-five and Twenty-six, said Addition, bounded on the East by the Southerly extension of the Westerly line of the East 7.50 feet of Lot Twelve, said Block Twenty-six, and bounded on the West by the Southerly extension of the West line of Lot Twelve, said Block Twenty-six;

PARCEL C:
The East Seventy feet of Lots One, Two and Three, and the South One foot of the East Seventy feet of Lot Four, in Block Twenty-six, of Roberts' Second Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota;

AND

PARCEL D:
The West Seventy feet of Lots One and Two, in Block Twenty-six, of Roberts' Second Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

And that said party has caused the same to be surveyed and re-platted as **1001 NP ADDITION** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate and convey to the public, for public use, the streets and avenues shown on this plat. The alleys marked "PREVIOUSLY DEDICATED ALLEY" shown on this plat were dedicated in one or more prior plats and are not being dedicated by and through this plat, but said party acknowledges them as current and existing public alleys.

OWNER:

Great Plains 1001 Holdings, LLC

_____
Bill Rothman, Vice President/Treasurer

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20___, before me personally appeared Bill Rothman, Vice President/Treasurer of Great Plains 1001 Holdings, 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, City Engineer

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20_____ before me personally appeared Brenda E. Derrig, 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.

Sheet 2 of 2
Project No. 7862-0011

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PRELIMINARY PLAT

Agenda Item #	3

City of Fargo Staff Report			
Title:	GPK Addition	**Date:**	3-30-22
Location:	1601 and 1621 43rd Street North	**Staff Contact:**	Luke Morman, Planner
Legal Description:	Lots 4 and 5, Block 1, Tecton-GPK Addition		
Owner(s)/Applicant:	John Henning (GPK Products, Inc.)/Brian Pattengale	**Engineer:**	Houston Engineering, Inc.
Entitlements Requested:	**Minor Subdivision** (Replat of all of Lots 4 and 5, Block 1, Tecton-GPK Addition)		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		**Proposed**
Land Use: Undeveloped and Manufacturing and Production.		**Land Use:** Unchanged
Zoning: GI, General Industrial.		**Zoning:** Unchanged
Uses Allowed: Allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.		**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 1601 and 1621 43rd Street South. The request is to replat the existing lots into a one lot minor subdivision entitled GPK 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 the rail road, LI, Limited Industrial, with warehouse use; AG, Agricultural, with single-family dwelling.
- East: GI, General Industrial, with warehouse and office uses.
- South: Across 16th Ave N, GI, General Industrial, with vacant land, warehouse, and freight movement uses.
- West: GI, General Industrial, with warehouse, office, and manufacturing and production uses.

Area Plans:

There are no recent growth plans which apply directly to this location.

Context:

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

Neighborhood: There is no neighborhood identified for the subject property.

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

Pedestrian / Bicycle: There are ten foot wide trails along the west side of 45th Street North.

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

Staff Analysis:

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   This subdivision is intended to replat two existing lots into one new lot. The properties within this plat are currently zoned GI, General Industrial, 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, **GPK Addition** as outlined within the staff report, as the proposal complies with the standards of Article 20-06, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: April 5, 2022

Attachments:

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

Plat (Minor)

GPK Addition

1601 and 1621 43rd 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
April 5, 2022

Plat (Minor)

GPK Addition

1601 and 1621 43rd Street N

THE CITY OF Fargo FAR MORE

300 Feet

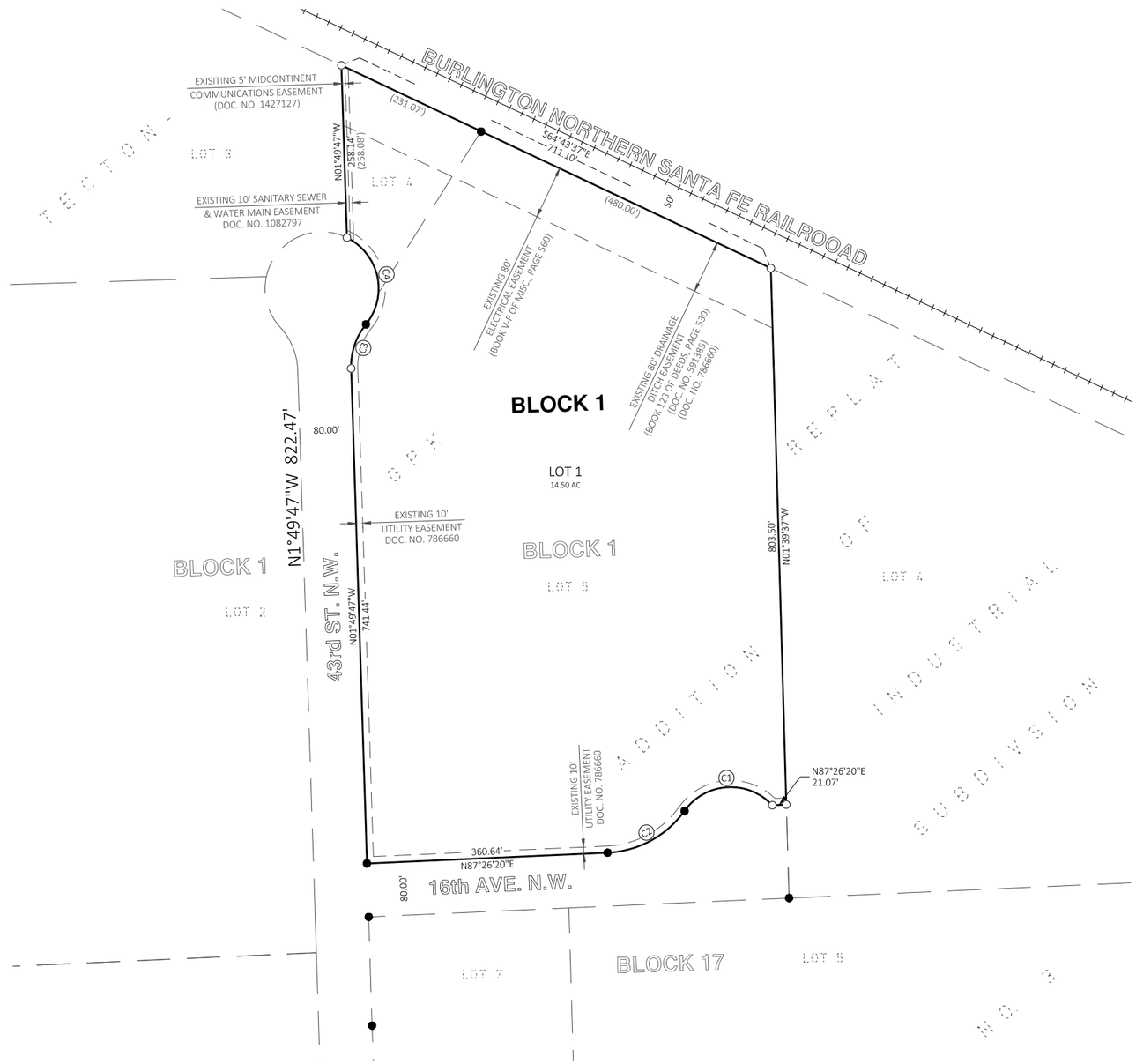
Fargo Planning Commission
April 5, 2022

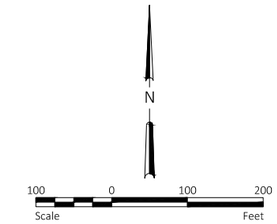
GPK ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOTS 4 & 5, BLOCK 1, TECTON - GPK ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

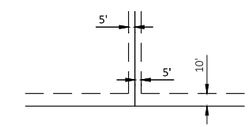




LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	
LOT LINE	
UTILITY EASEMENT	
EXISTING LOT LINE	
EXISTING UTILITY EASEMENT	

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992



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

UTILITY EASEMENTS ARE SHOWN THUS

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	150.70	85.00	101°34'51"	N86°19'41"E	131.72
C2	135.88	150.00	51°54'04"	N61°29'18"E	131.28
C3	71.25	100.00	40°49'15"	N18°34'51"E	69.75
C4	152.44	85.00	102°44'54"	N12°23'11"W	132.82

HOUSTON ENGINEERING, INC.

Sheet 1 of 2
Project No. 8616-0002

H:\JBN\8600\8616\8616_0002\CAD\8616-0002 Preliminary Plat.dwg-SHEET 1-3/17/2022 12:07 PM-(dbuchholtz)

GPK ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOTS 4 & 5, BLOCK 1, TECTON - GPK ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That GPK Products, Inc., a North Dakota Corporation, is the owner and proprietor of the following described tract of land:

Lots 4 & 5, Block 1, GPK - Tecton Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 14.50 acres, more or less.

And that said party has caused the same to be surveyed and replatted as **GPK ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:
GPK Products, Inc.

_____
Jon Hoffman, Vice President

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Jon Hoffman, Vice President of GPK Products, Inc., a North Dakota Corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____day of _____, 20_____.

_____
James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

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

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20_____ before me personally appeared Brenda E. Derrig, P.E., 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.

H:\JBN\8600\8616\8616_0002\CAD\8616-0002 Preliminary Plat.dwg-SHEET 2-3/17/2022 12:07 PM (dbuchholtz)

Agenda Item #	4

City of Fargo Staff Report			
Title:	Sheyenne Industrial Center Sixth Addition	**Date:**	3-29-22
Location:	1530 47th Street North	**Staff Contact:**	Luke Morman, Planner
Legal Description:	Lot 4, Block 3, Sheyenne Industrial Center Third Addition		
Owner(s)/Applicant:	Larry Leitner (Specialty Developments, LLP)/Brian Pattengale	**Engineer:**	Houston Engineering, Inc.
Entitlements Requested:	**Minor Subdivision** (Replat of Lot 4, Block 3, Sheyenne Industrial Third Addition)		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		**Proposed**
Land Use: Manufacturing and Production.		**Land Use:** Unchanged
Zoning: GI, General Industrial.		**Zoning:** Unchanged
Uses Allowed: Allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.		**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 1530 47th Street South. The request is to replat the existing lot into a two lot minor subdivision entitled Sheyenne Industrial Center Sixth 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: GI, General Industrial, with manufacturing and production.
- East: Across 47th Street North, GI, General Industrial, with manufacturing and production.
- South: GI, General Industrial with warehouse and office.
- West: GI, General Industrial, undeveloped.

Area Plans:

There are no recent growth plans which apply directly to this location.

Context:

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

Neighborhood: There is no neighborhood identified for the subject property.

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

Pedestrian / Bicycle: There are ten foot wide trails along the west side of 45th Street North.

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

Staff Analysis:

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   This subdivision is intended to replat one existing lot into two new lots. The property within this plat is currently zoned GI, General Industrial, 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, **Sheyenne Industrial Center Sixth Addition** as outlined within the staff report, as the proposal complies with the standards of Article 20-06, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: April 5, 2022

Attachments:

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

Plat (Minor)

Sheyenne Industrial Center 6th Addition

1530 and 1540 47th 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
April 5, 2022

Plat (Minor)

Sheyenne Industrial Center 6th Addition

1530 and 1540 47th Street N

THE CITY OF Fargo FAR MORE

300 Feet

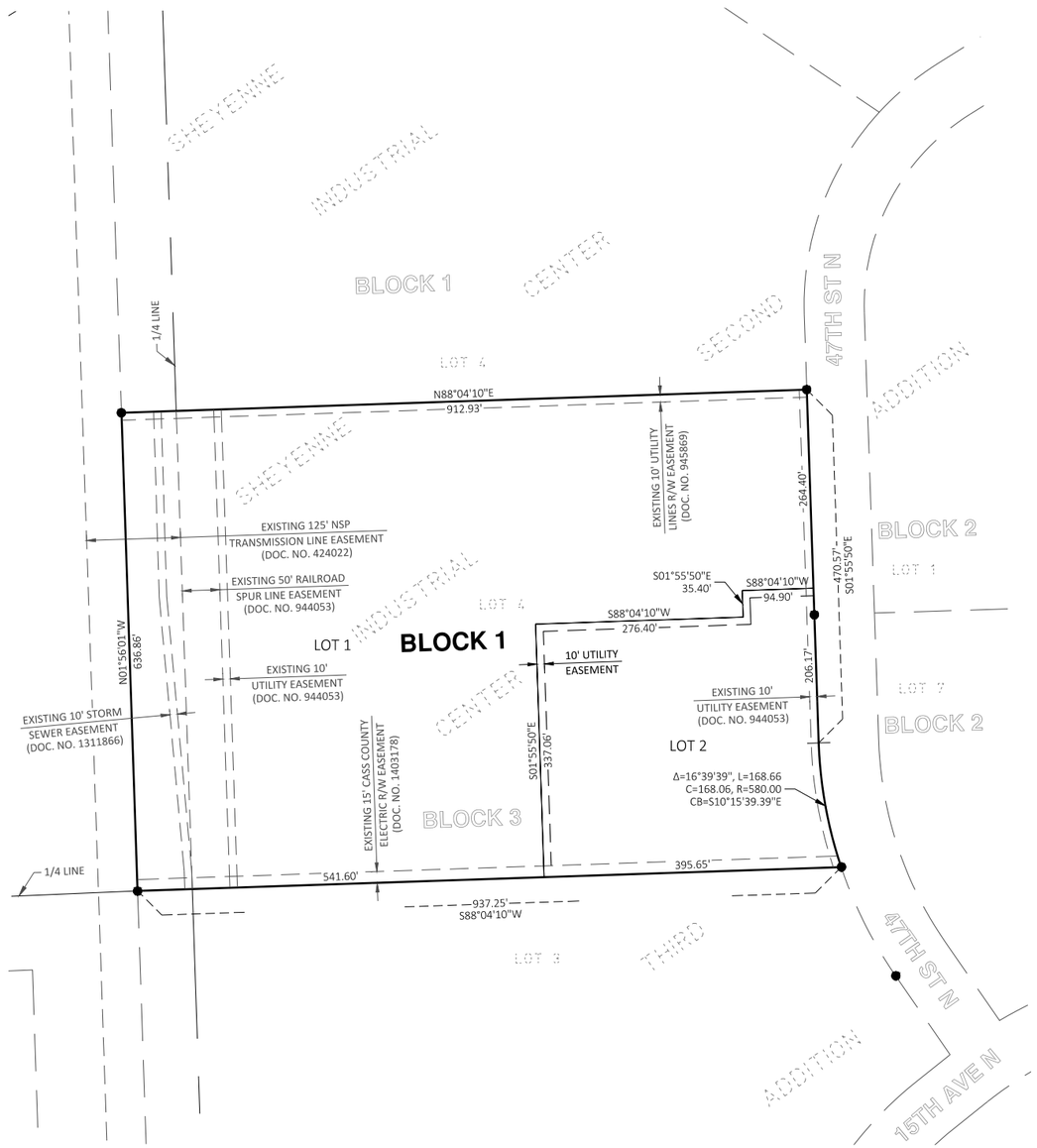
Fargo Planning Commission
April 5, 2022

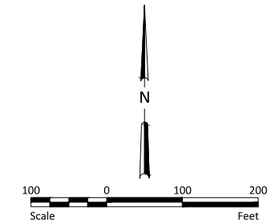
SHEYENNE INDUSTRIAL CENTER SIXTH ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOT 4, BLOCK 3, SHEYENNE INDUSTRIAL CENTER THIRD ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

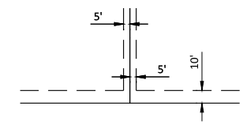




LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	
LOT LINE	
UTILITY EASEMENT	
EXISTING LOT LINE	
EXISTING UTILITY EASEMENT	

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992



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

UTILITY EASEMENTS ARE SHOWN THUS

HOUSTON ENGINEERING, INC.

Sheet 1 of 2
Project No. 10535-0005

H:\JBN\10500\10535\10535_0005\CAD\Plat\Preliminary Sheyenne Industrial Center Sixth Addition.dwg:SHEET1-3/17/2022 12:02 PM:(dbuchholtz)

SHEYENNE INDUSTRIAL CENTER SIXTH ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOT 4, BLOCK 3, SHEYENNE INDUSTRIAL CENTER THIRD ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Specialty Development LLP, a North Dakota limited liability partnership, is the owner and proprietor of the following described tract of land:

Lot 4, Block 3, Sheyenne Industrial Center Third Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 13.378 acres, more or less.

And that said party has caused the same to be surveyed and replatted as **SHEYENNE INDUSTRIAL CENTER SIXTH ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:
Specialty Development LLP

_____
Larry E. Leitner, Managing Partner

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Larry Leitner, Managing Partner of Specialty Development LLP, a North Dakota limited liability partnership, 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 AND ACKNOWLEDGEMENT:

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

Dated this _____day of _____, 20_____.

_____
James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

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

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20_____ before me personally appeared Brenda E. Derrig, P.E., 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.

Sheet 2 of 2
Project No. 10535-0005

H:\JBN\10500\10535\10535_0005\CAD\Plat\Preliminary Sheyenne Industrial Center Sixth Addition.dwg:SHEET2-3/17/2022 12:02 PM-(dbuchholtz)

Agenda Item #	5

City of Fargo Staff Report			
Title:	University South 3rd Addition	**Date:**	3/29/2022
Location:	2253 and 2301 University Drive South	**Staff Contact:**	Adam Martin, assistant planer
Legal Description:	Lot 2, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Grove Enclave LLC / Houston Engineering	**Engineer:**	Houston Engineering
Entitlements Requested:	**Minor Subdivision** (Replat of Lot 2, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		**Proposed**
Land Use: Commercial		**Land Use:** Commercial
Zoning: GC, Limited Commercial with a C-O, Conditional Overlay		**Zoning:** unchanged
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, ~~detention facilities~~, health care facilities, parks and open space, religious institutions, safety services, ~~adult entertainment centers~~, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, ~~self-service storage~~, ~~vehicle repair~~, ~~limited vehicle service~~, aviation, surface transportation, and major entertainment events. ***Note: Conditional Overlay No. 5332 prohibits some uses and provides site and building design guidelines***		**Uses Allowed:** unchanged
Maximum Lot Coverage Allowed: 85%		**Maximum Lot Coverage Allowed:** 85%

Proposal:

The applicant requests one entitlement:

1. A minor subdivision, entitled **University South 3rd Addition,** which is a replat of Lot 2, Block 1, University South Second Addition to the City of Fargo, 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: LC, Limited Commercial with retail/service, including a hotel, and office uses.
- East: GC, General Commercial with retail/service uses; and LC, Limited Commercial with retail/service uses, including a hotel.
- South: GC, General Commercial which is undeveloped but planned for retail/service uses
- West: MR-3, which is undeveloped but planned for multi-residential dwellings

Area Plans:

The subject property is not included in a growth plan or area plan. However, a vision for this area is depicted in Fargo's Go2030 Comprehensive Plan. That plan envisions redevelopment of this portion of South University Drive to follow the model of a walkable mixed-use center, in which redevelopment of the properties along it would create pedestrian-oriented spaces with "walkable friendly" blocks, combining residential, commercial, and park or other amenity uses. A graphic of this general concept from the Go2030 plan is depicted below, with the subject property outlined in red and nearby street names circled in yellow.

(from Go2030 Comprehensive Plan, pages 36 and 37)

Context:

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

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

Parks: Lincoln Park (2120 9th Street South), is approximately 0.27 miles east of the subject property, and provides amenities of baseball/softball fields, basketball court, multipurpose field, playground for ages 5-12, and warming houses, outdoor skating and hockey rinks in the winter.

Pedestrian / Bicycle: There are no trails adjacent to the subject property. However, the property's Conditional Overlay (C-O), which was adopted in January 2022, requires separate pedestrian and vehicular circulation patterns in the development. Thus, it is anticipated that future redevelopment of the site will incorporate sidewalk connections to Oak Manor Avenue, 25th Avenue South, and University Drive.

Transit: MATBUS Route 14 runs along University Drive South and 25th Avenue South, adjacent to the site, and currently run on a near-hourly basis at a bus stop located in the former Kmart parking lot. It is anticipated that the bus shelters will be relocated to the boulevards of 25th Avenue South as part of the University South redevelopment. Additionally, MATBUS is exploring other ways to improve service to the development and surrounding neighborhood.

Staff Analysis:

The plat will create four lots in one block. All four lots will retain the zoning of GC, General Commercial with a C-O, Conditional Overlay that was approved by City Commission on January 10, 2022. The intent of the conditional overlay is to help development on these properties reach the goals of the Go2030 plan, as noted above, for this location. No change to the conditional overlay is proposed as part of this minor plat. The site is intended to be developed with several commercial uses.

ACCESS: The project site will continue to take access from University Drive South and Oak Manor Avenue South. A shared-access easement was previously recorded in September 2021 to the south of the subject property to maintain access to 25th Avenue South. Additional shared access easements will be recorded as separate documents to provide access between each of the proposed lots.

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 designation of GC, General Commercial with a conditional overlay is intended to accommodate the proposed commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, 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 **University South 3rd Addition** subdivision plat as presented; as the proposal complies with the Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC and the Go2030 Comprehensive Plan."

Planning Commission Recommendation: April 5, 2022

Attachments:

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

Plat (Minor)

University South Third Addition

2253 and 2301 University Drive S

THE CITY OF Fargo FAR MORE

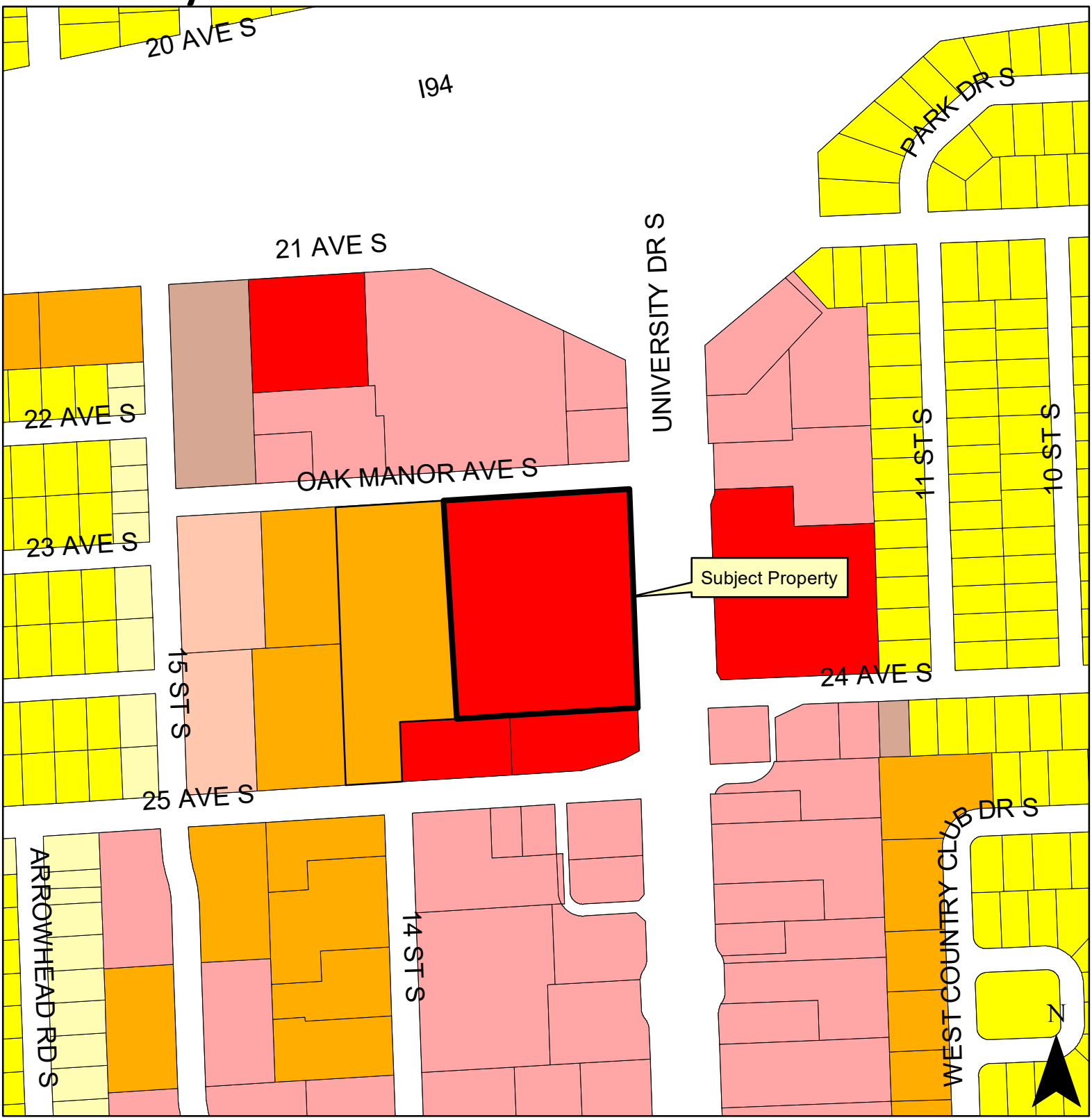
300 Feet

Fargo Planning Commission
April 5, 2022

Plat (Minor)

University South Third Addition

2253 and 2301 University Drive 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

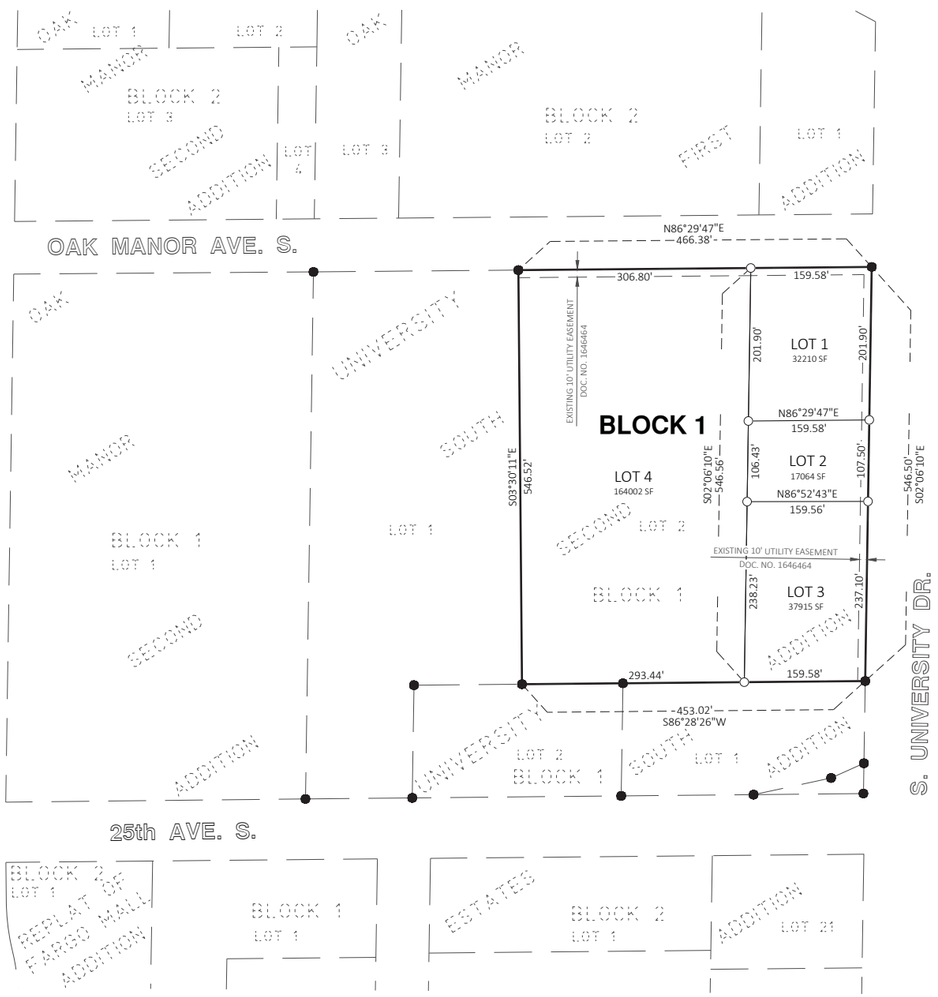
Fargo Planning Commission
April 5, 2022

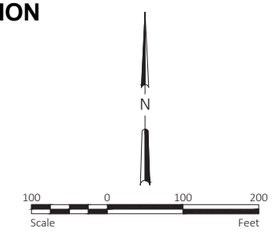
UNIVERSITY SOUTH THIRD ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOT 2, BLOCK 1, UNIVERSITY SOUTH SECOND ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

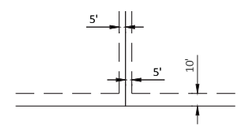




LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	
LOT LINE	
UTILITY EASEMENT	
EXISTING LOT LINE	
EXISTING UTILITY EASEMENT	

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM



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

UTILITY EASEMENTS ARE SHOWN THUS

OWNER'S CERTIFICATE:

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

Lot 2, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 5.767 acres, more or less.

And that said party has caused the same to be surveyed and replatted as UNIVERSITY SOUTH THIRD ADDITIONto the City of Fargo, Cass County, North Dakota.

OWNER:
GFI Dakota Development, LLC

By: SAG Management, LLC, its Manager

_____
William H. Ferguson, Manager

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared William H. Ferguson, Manager of SAG Management, 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 AND ACKNOWLEDGEMENT:
I, James A. Schlieman, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this _____day of _____, 20_____.

_____
James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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

_____
Brenda E. Derrig, City Engineer

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20_____ before me personally appeared Brenda E. Derrig, 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.

Sheet 1 of 1
Project No. 7489-0103

H:\JBN\7400\7489\7489_0103\CAD\Plat\7489-0103 Preliminary University South Third Addition.dwg-Layout1-2/16/2022 11:28 AM-(dbuchholtz)

Agenda Item #	6

City of Fargo Staff Report			
Title:	Bank Forward Addition	**Date:**	03/30/2022
Location:	5650 37th Avenue South, 5651 38th Avenue South, and 3703 and 3749 56th Street South	**Staff Contact:**	Maegin Elshaug, Planning Coordinator
Legal Description:	Lots 2 and 3, Block 5, Valley View Fifth Addition and Lots 1 and 2, Block 1, Anne Carlsen Center First Addition		
Owner(s)/Applicant:	Bank Forward/Enclave Companies	**Engineer:**	Mead & Hunt
Entitlements Requested:	Minor Subdivision (replat of Lots 2 and 3, Block 5, Valley View Fifth Addition and Lots 1 and 2, Block 1, Anne Carlsen Center First Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		**Proposed**
Land Use: Bank		**Land Use:** Bank, Commercial and vacant
Zoning: GC, General Commercial, with a C-O, Conditional Overlay and MR-1, Multi-Dwelling Residential		**Zoning:** unchanged
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, ~~detention facilities~~, health care facilities, parks and open space, religious institutions, safety services, ~~adult entertainment centers,~~ offices, ~~off-premise advertising~~, commercial parking, ~~outdoor recreation and entertainment,~~ retail sales and service, ~~self storage~~, ~~vehicle repair~~, limited vehicle service, aviation, surface transportation, and ~~major entertainment events~~. With a Conditional Overlay – Ordinance 5030 and CUP 2016-005 to allow Residential Use in a GC zoning district MR-1 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities		**Uses Allowed:** unchanged
Maximum Density Allowed: MR-1 allows 16 units / acre		**Maximum Density Allowed:** unchanged
Maximum Lot Coverage Allowed: General Commercial allows 85% building coverage		**Maximum Lot Coverage Allowed:** unchanged

Proposal:
The applicant is requesting a minor subdivision to replat the existing four lots into three lots, entitled Bank Forward Addition. The subject property is located at 5650 37th Avenue South, 5651 38th Avenue South, and 3703 and 3749 56th Street South and encompasses approximately 5.01 acres. The property that is adjacent to Veterans Boulevard South (5650 37th Avenue South and 5651 38th Avenue South)

is zoned GC, General Commercial with a C-O, Conditional Overlay, Ordinance 5030. The property that is adjacent to 56th Street South (3703 and 3749 56 Street South) is zoned MR-1, Multi-Dwelling Residential, and the applicant has noted there are currently no plans for the property. Zoning of the property is not impacted by this application.

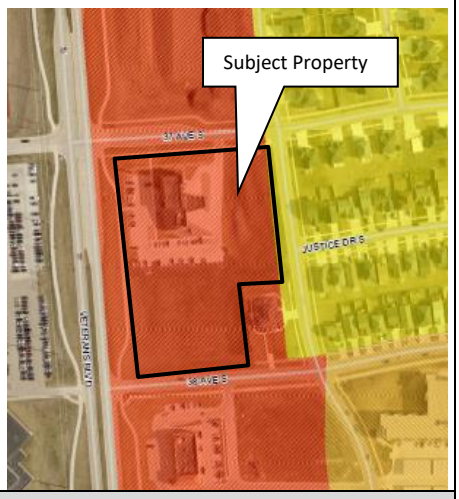
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 37th Avenue South is GC, General Commercial with a C-O, Conditional Overlay and with CUP, and SR-5, Single-Family Residential with vacant land;
- East: MR-1, Multi-Dwelling Residential and across 56th Street South is SR-4, Single-Dwelling Residential with group living and detached homes;
- South: Across 38th Avenue South is LC, Limited Commercial and GC, General Commercial with commercial development and vacant land;
- West: Across Veterans Boulevard is the location of West Fargo School District's Sheyenne High School, located within the City of West Fargo.

Area Plans:

The subject property is located within an area identified as the Southwest Area Plan as contained within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo,* which was amended in January of 2003. In early 2013, a Growth Plan Amendment was approved. In accordance to the 2013 amendment, the subject property is identified as being suitable for Commercial and Medium/High Density Residential.



Context:

Neighborhood: Brandt Crossing

Schools: The subject property is located within the bounds of the West Fargo Public School District, more specifically Independence Elementary, Liberty Middle School, and Sheyenne High schools.

Parks: Valley View Park (5200 36th Avenue South) is located approximately a third-mile east of the subject property, and includes amenities of a playground, trails, and shelters.

Pedestrian / Bicycle: Shared-use facilities are located directly south (36th Avenue South) and west (Veterans Boulevard) of the subject property, which connects to the metro area trail system.

Transit: MATBus Route 18 is located along 40th Avenue South, within a quarter-mile of the subject property. A bus stop is located just southeast of the intersection of 40th Avenue South and Veterans Boulevard South.

Continued on next page

Staff Analysis:

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   This subdivision is intended to replat four existing lots into three new lots. The properties within the plat are currently zoned GC, General Commercial with a C-O, Conditional Overlay, and MR-1, Multi-Dwelling Residential. The zoning is not changing or impacted by this application. 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 the 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 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 of the proposed subdivision plat, **Bank Forward Addition**, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code”.

Planning Commission Recommendation:

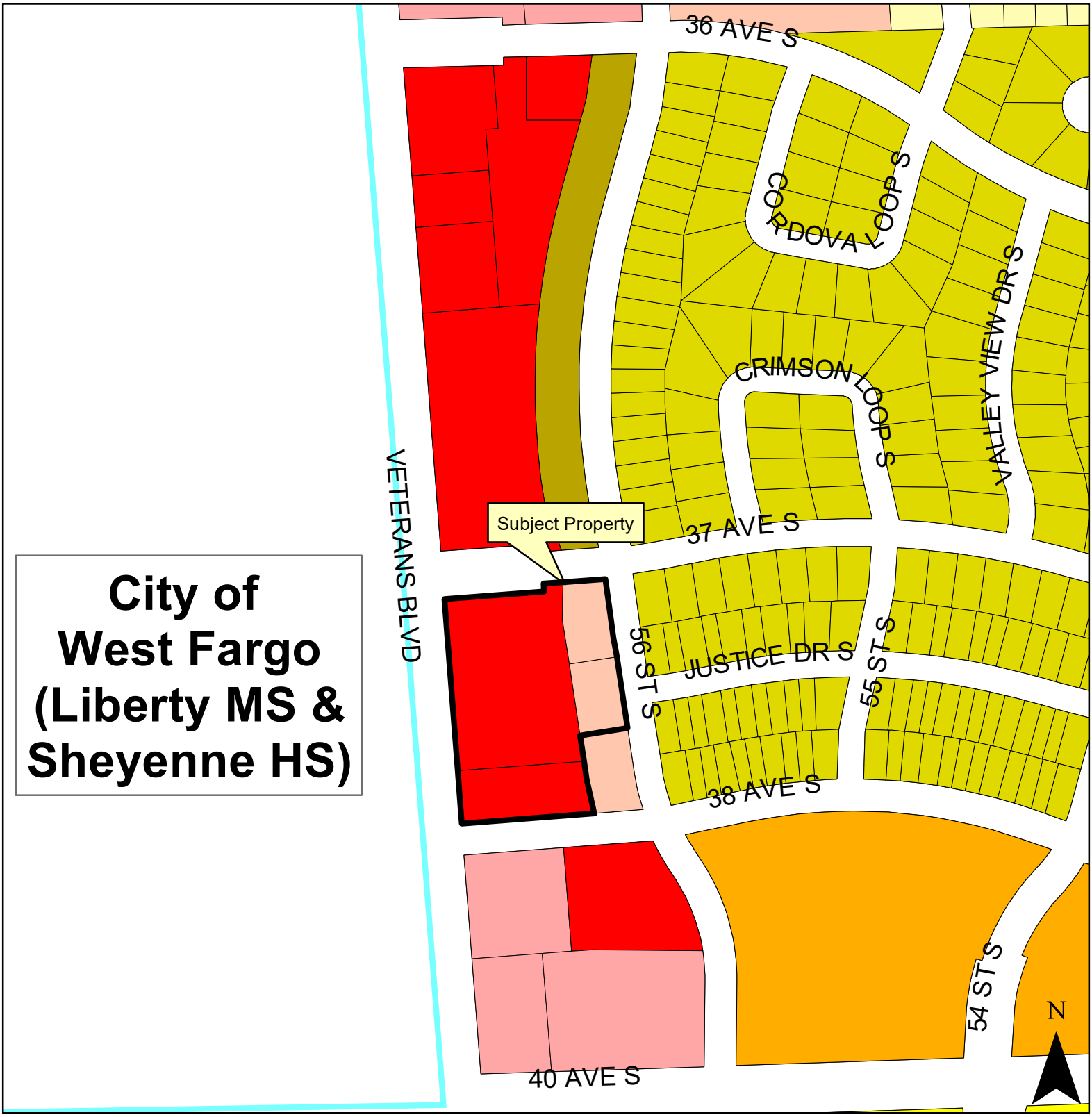
Attachments:

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

Plat (Minor)

Bank Forward Addition

5650 37th Avenue S; 5651 38th Avenue S;
3703 and 3749 56th Street S



City of West Fargo (Liberty MS & Sheyenne HS)

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

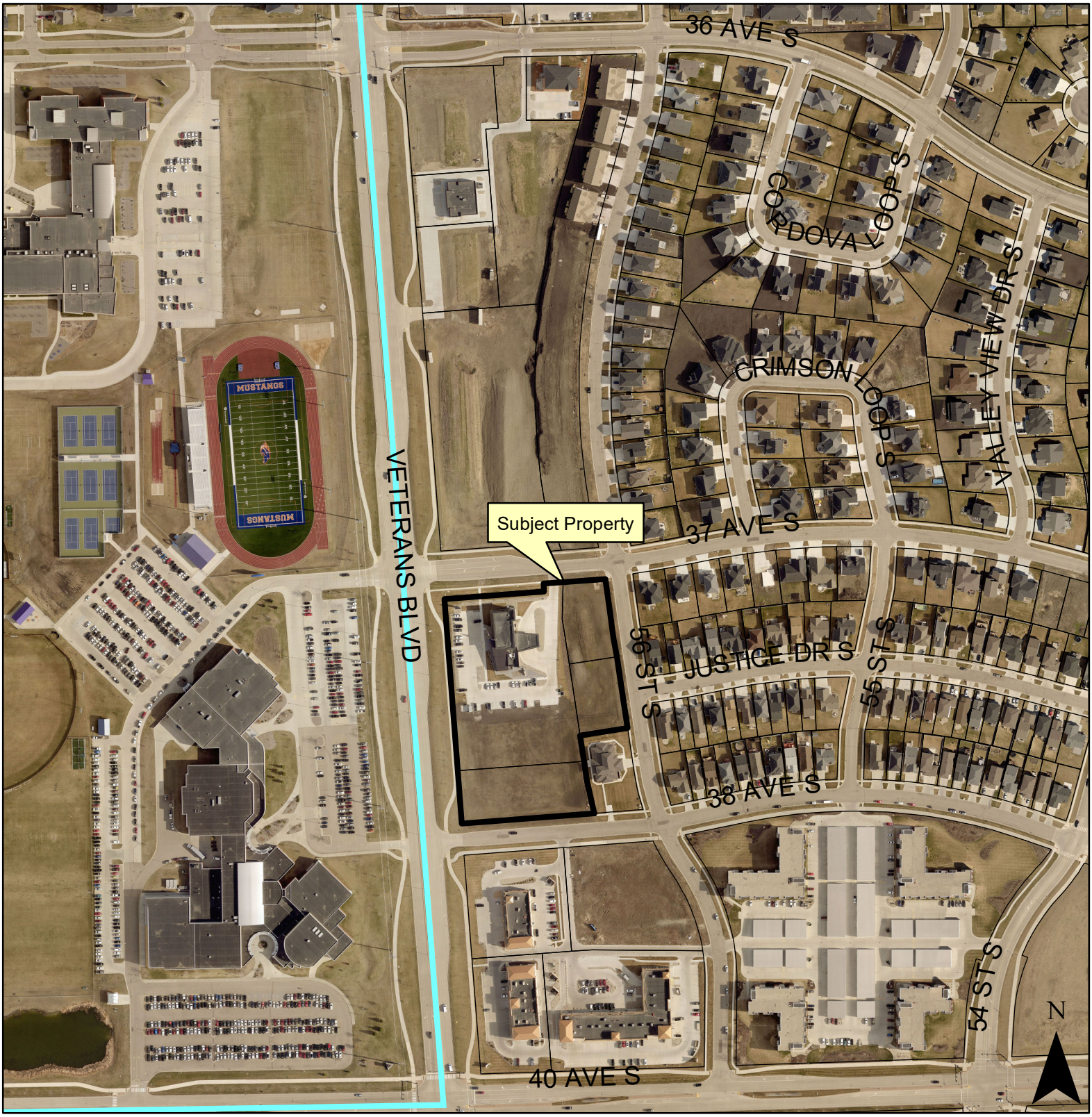
300 Feet

Fargo Planning Commission
April 5, 2022

Plat (Minor)

Bank Forward Addition

5650 37th Avenue S; 5651 38th Avenue S;
3703 and 3749 56th Street S



THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
April 5, 2022

BANK FORWARD ADDITION

A REPLAT OF LOTS 2 & 3, BLOCK 5 OF VALLEY VIEW FIFTH ADDITION AND LOTS 1 & 2, BLOCK 1 OF ANNE CARLSEN CENTER FIRST ADDITION, ALL TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That Bank Forward is the owner of a parcel of land located in that part of the Southwest Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lots 2 & 3, Block 5 of VALLEY VIEW FIFTH ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

AND

Lots 1 & 2, Block 1 of ANNE CARLSEN CENTER FIRST ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 5.01 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as "**BANK FORWARD ADDITION**" to the City of Fargo.

OWNER:

Bank Forward

_____
Thomas Watson, President

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20__, appeared before me, Thomas Watson, President, Bank Forward, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

_____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Jason Ness, 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___.

_____
Jason Ness, PLS
Professional Land Surveyor
Registration No. LS-6884

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ , 20__, appeared before me, Jason Ness, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

_____
Notary Public

NOTES

1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.

LEGEND

●	MONUMENT IN PLACE
○	SET MONUMENT (5/8" REBAR, W/CAP LS-6884)
(5,000)	LOT AREA (SQUARE FEET)
	SECTION LINE
	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	PLAT BOUNDARY LINE
	PLAT LOT LINE
	EXISTING NEGATIVE ACCESS EASEMENT

N

0 50 100
SCALE IN FEET
BASIS OF BEARING IS CITY OF FARGO GROUND COORDINATE SYSTEM

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of 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 in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of 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 in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

_____
Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

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

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20__, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

Mead & Hunt
Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4422700-220724.01
SHEET 1 OF 1

X:\4422700\220724.01\TECH\SURVEY\DRAWINGS\220724 PLAT.DWG
3/17/2022 10:48:11 AM

Agenda Item #	7a & 7b

City of Fargo Staff Report			
Title:	Adam's 7th Addition	**Date:**	3/30/2021
Location:	2955 Thunder Road South	**Staff Contact:**	Luke Morman, Planner
Legal Description	Lot 1, Block 2, **Adams 7th Addition**		
Owner(s)/Applicant:	KRS Investment Company, LLC/Nate Vollmuth (Goldmark Design and Development)	**Engineer:**	N/A
Entitlements Requested:	**Conditional Use Permit** (to allow Industrial uses in the GC, General Commercial zone) (*see proposal note below*)		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		**Proposed**
Land Use: Vacant		**Land Use:** Commercial and Industrial
Zoning: GC, General Commercial		**Zoning:** GC, General Commercial with a CUP for industrial use in the GC zone.
Uses Allowed: GC allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.		**Uses Allowed:** GC 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 **The Conditional Use Permit would allow Industrial uses in the GC, General Commercial zone**, in addition to the other permitted uses in the GC zone.
Maximum Lot Coverage: Maximum 85% building coverage		**Maximum Lot Coverage:** Maximum 85% building coverage

Proposal:

The applicant requests one entitlement:

1. A **Conditional Use Permit** (CUP) to allow Industrial Service uses in the GC, General Commercial zone (*see proposal note below*).

NOTE: Though this project was originally advertised as having a zone change to add the C-O, Conditional Overlay, further discussion between staff and the applicant determined that the proposed CUP will address all of staff's concerns for the project.

The applicant proposes shop condos that may include industrial uses. The site plan shown is preliminary and will need to go through the permit process where it will be reviewed for compliance with the Land Development Code.

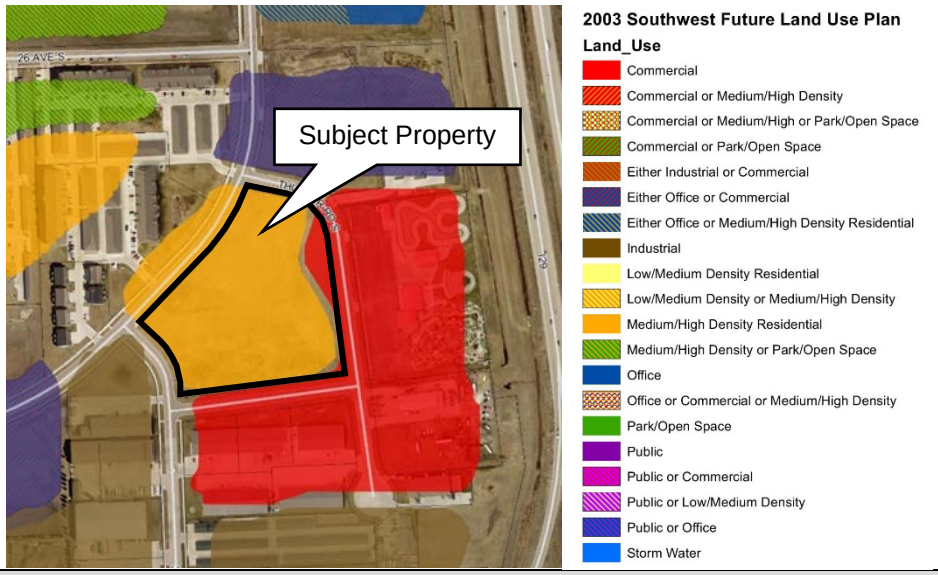
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial, undeveloped.
- Northeast: GC, General Commercial, with office.
- East: GC, General Commercial, with retail sales and service.
- South: LI, Limited Industrial, with warehouse and office.
- West: LI, Limited Industrial, with warehouse and office.
- Northwest: MR-3, Multi-Dwelling Residential, with multi-family dwelling units.

Area Plans:

According to the 2003 Growth Plan, the subject property is designated as "Medium/High Density Residential" and "Commercial." When this property was rezoned from MR-3, Multi-Dwelling Residential to GC, General Commercial in 2007, staff deemed it unnecessary to have a Growth Plan Amendment because it was generally consistent with the 2003 Growth Plan and should be reviewed on larger regional requests. With the current proposal, staff determined a zone change was not necessary for this proposal, therefore, a Growth Plan Amendment is still not required.



Context:

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

Neighborhood: The subject property is located within the Anderson Park Neighborhood.

Parks: The Tharaldson Baseball Complex is located approximately a third of a mile northwest of the subject property and provides amenities of baseball/softball fields, picnic tables, playgrounds (ages 5-12), restrooms, and shelters.

Pedestrian / Bicycle: There are 10' wide trails along 30th Avenue South, 32nd Avenue South, 38th Street South, and 42nd Street South.

Bus Route: MATBUS Route 14 runs along 32nd Avenue South (bus stop along 39th Street South) and 42nd Street South (bus stop along 30th Avenue South). Additionally, Route 18 runs along 32nd Avenue South (bus stop along 29th Street South). All stops described are approximately within a quarter mile of the subject property.

Staff Analysis:

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 to LDC Section 20-0903(B), appeals of final decisions must be filed within 10 days of the date of the decision.

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. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow industrial uses. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.
   (Criteria Satisfied)

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
   Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. Staff is proposing conditions which would address potential negative impacts of the proposed uses but that also allow the public to utilize the convenience of future businesses.
   (Criteria Satisfied)

3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
   Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries or protest regarding the project or proposed use.
   (Criteria Satisfied)

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

Staff does not believe that the location, size, nature or intensity of the use will prevent development and use of neighboring property in accordance with applicable zoning districts. The potential uses are consistent with the adjacent commercial and industrial properties. In addition to the proposed CUP conditions, Residential Protection Standards of Section 20-0704 and Industrial Uses in General Commercial Zoning standards of Section 20-0402.R, apply to industrial uses in the GC zoning district and provide for additional protection of the surrounding area.
(Criteria Satisfied)

5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**
The subject property is located within an area of the City that is largely developed with public infrastructure. 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. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.
(**Criteria Satisfied)**

6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**
The subject property is currently undeveloped, surrounded by the local streets 30th Avenue South and Thunder Road South, as well as the collector street 39th Street South. Future and existing access roads, entrances, and exit drives are subject to Roadway Access and Driveway requirements in Section 20-0702 of the LDC. In addition, the Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets
(Criteria Satisfied)

Recommended Conditions:
Planning staff has developed standard conditions for industrial uses in the GC zone. Staff recommends these conditions, stated below, as part of this CUP. Additionally, all applicable sections of the LDC apply to industrial uses in the GC, including, but not limited to, the Residential Protection Standards of Section 20-0704 and Industrial Uses in General Commercial Zoning standards of Section 20-0402.R.

Prohibited Uses:
- Detention Facility
- Adult Entertainment Center
- Aviation/Surface Transportation
- Off-Premise Advertising
- Portable Signs

1. A residential protection buffer per the Residential Protection Standards of Section 20-0704.E is required on sides facing residential use.

2. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the Land Development Code.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

4. Loading docks, stacked storage above 6 feet in height, storage yards, outdoor storage, and dumpsters shall have a setback of 50 feet from the right-of-way and include an 8 foot opaque fence.

5. Dumpsters must contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.

6. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval of the conditional use permit to allow Industrial uses in the GC, General Commercial zone, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0909.D (1-6) of the LDC, and all other applicable requirements of the LDC, with the following conditions for the CUP:

Prohibited Uses:

- Detention Facility
- Adult Entertainment Center
- Aviation/Surface Transportation
- Off-Premise Advertising
- Portable Signs

1. A residential protection buffer per the Residential Protection Standards of Section 20-0704.E is required on sides facing residential use.

2. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the Land Development Code.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

4. Loading docks, stacked storage above 6 feet in height, storage yards, outdoor storage, and dumpsters shall have a setback of 50 feet from the right-of-way and include an 8 foot opaque fence.

5. Dumpsters must contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.

6. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.

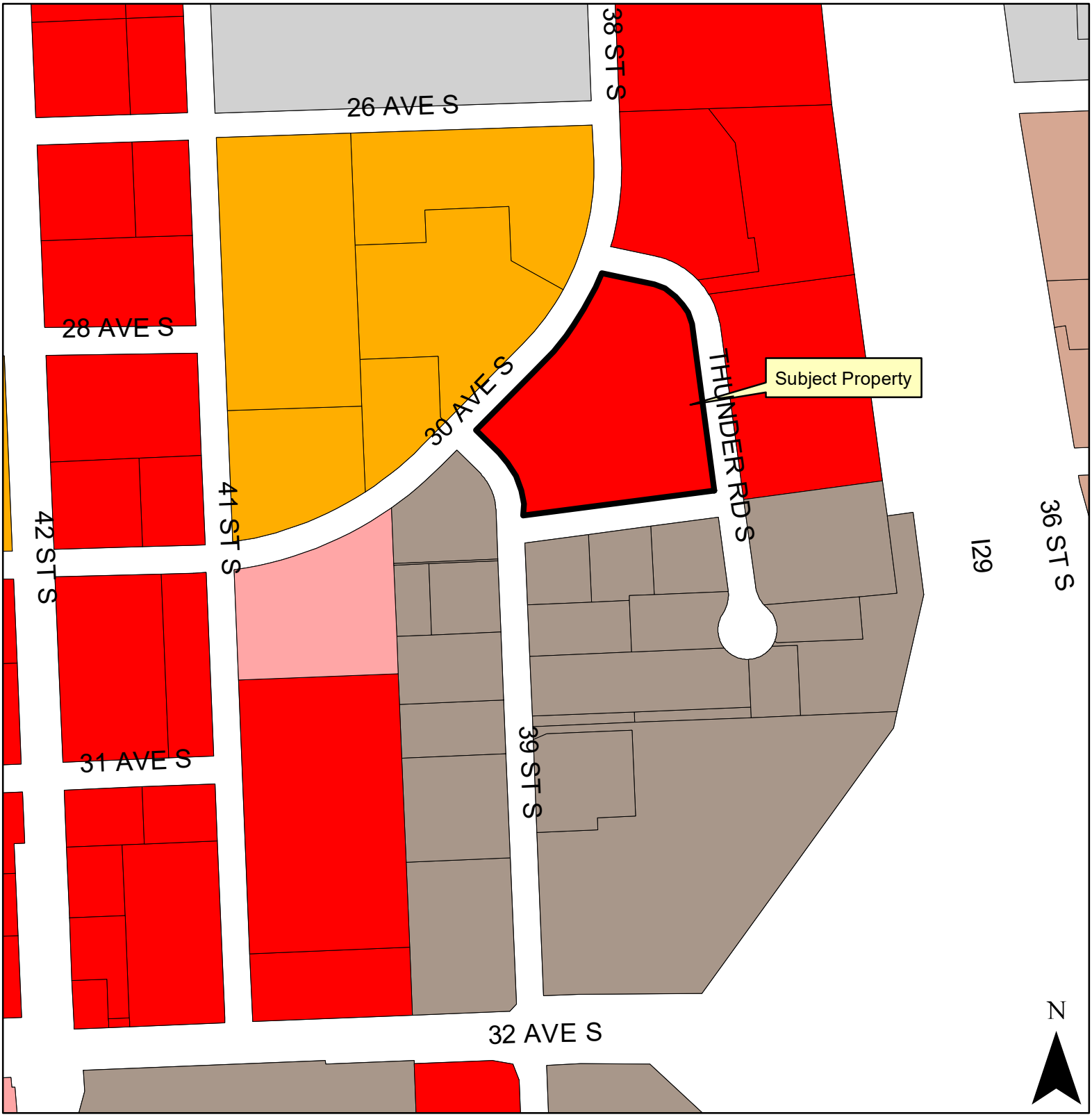
Attachments:

1. Zoning Map
2. Location Map

Zone Change (GC to GC with a C-O, Conditional Overlay); Conditional Use Permit

Adams 7th Addition

2955 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
April 5, 2022

Zone Change (GC to GC with a C-O, Conditional Overlay); Conditional Use Permit

Adams 7th Addition

2955 Thunder Road S

THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
April 5, 2022

Agenda Item #	8a & 8b

City of Fargo Staff Report			
Title:	Magnum North Addition	**Date:**	3-30-22
Location:	4903 19th Avenue North	**Staff Contact:**	Luke Morman, Planner
Legal Description:	Southeast Quarter of Section 28, Township 140 North, Range 49 West		
Owner(s)/Applicant:	David Gadberry (G2 Investments LLC)/Tony Eukel	**Engineer:**	MBN Engineering.
Entitlements Requested:	**Zone Change** (Ag, Agricultural to GI, General Industrial) and **Minor Subdivision** (Plat of the Southeast Quarter of Section 28, Township 140 North, Range 49 West)		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Warehouse
Zoning: AG, Agricultural		**Zoning:** GI, General Industrial
Uses Allowed: Allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.		**Uses Allowed:** Allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.
Maximum Lot Coverage Allowed: N/A		**Maximum Lot Coverage Allowed:** Maximum 85% building coverage.

Proposal:

The applicant is seeking approval of 1) a Zone Change, and 2) a Minor Subdivision entitled **Magnum North Addition** for the subject property located at 4903 19th Avenue North. The proposed zoning map amendment would rezone the subject property from AG, Agricultural to GI, General Industrial. The proposed minor subdivision request is to plat the subject property into a one lot minor subdivision.

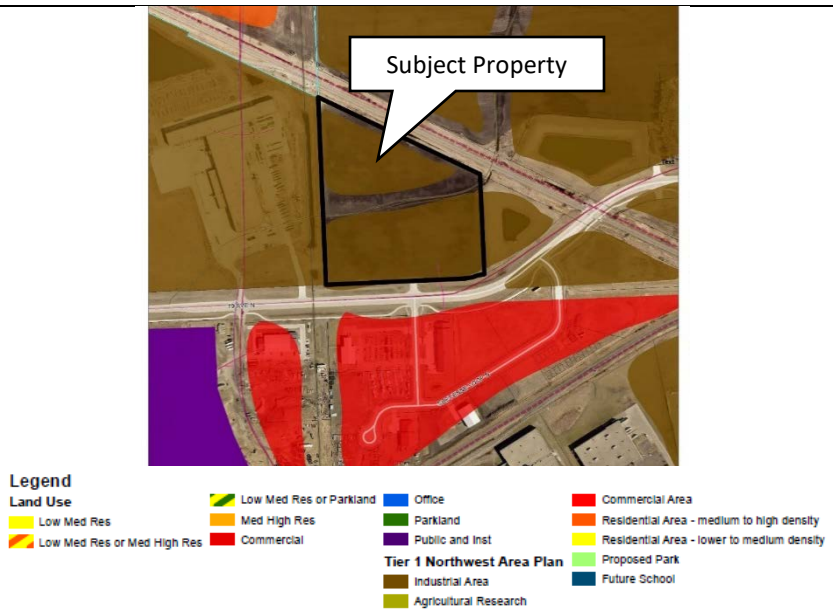
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across the rail road, AG, Agricultural, undeveloped.
- East: P/I, Public and Institutional, detention pond.
- South: Across 19th Avenue North, GI, General Industrial, with vehicle service, warehouse, and office; LI, Limited Industrial, undeveloped.
- West: GI, General Industrial with a PUD; with manufacturing and production.

Area Plans:

According to the 2007 Growth Plan, the subject property is designated as "Industrial" as amended in 2015.



Context:

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

Neighborhood: There is no neighborhood identified for the subject property.

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

Pedestrian / Bicycle: There are ten foot wide trails along the south side of 19th Avenue North and the west side of 45th Street North.

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

Staff Analysis:

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 zoning map error in regards to the subject property. The property was zoned AG, Agricultural when it was annexed in 2016. At that time, no development was proposed. Now that development is proposed, the applicant requests a zoning change to GI, General Industrial.
   (Criteria Satisfied)

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

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

Staff has no evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received no inquiries in response to these notices. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.
(Criteria Satisfied)

4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**
   The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. The 2007 Southwest Future Land Use Plan identified the subject property as suitable for industrial development. The requested zone change and plat would create one GI, General Industrial lot. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City.
   (Criteria Satisfied)

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   This subdivision is intended to plat the subject property into a one lot minor subdivision entitled Magnum North Addition. The property within this plat is currently zoned AG, Agricultural, and it is proposed to change to GI, General Industrial. 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 1) zoning change AG, Agricultural; GI, General Industrial and 2) minor subdivision, **Magnum North Addition** as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, standards of Article 20-06, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: April 5, 2022

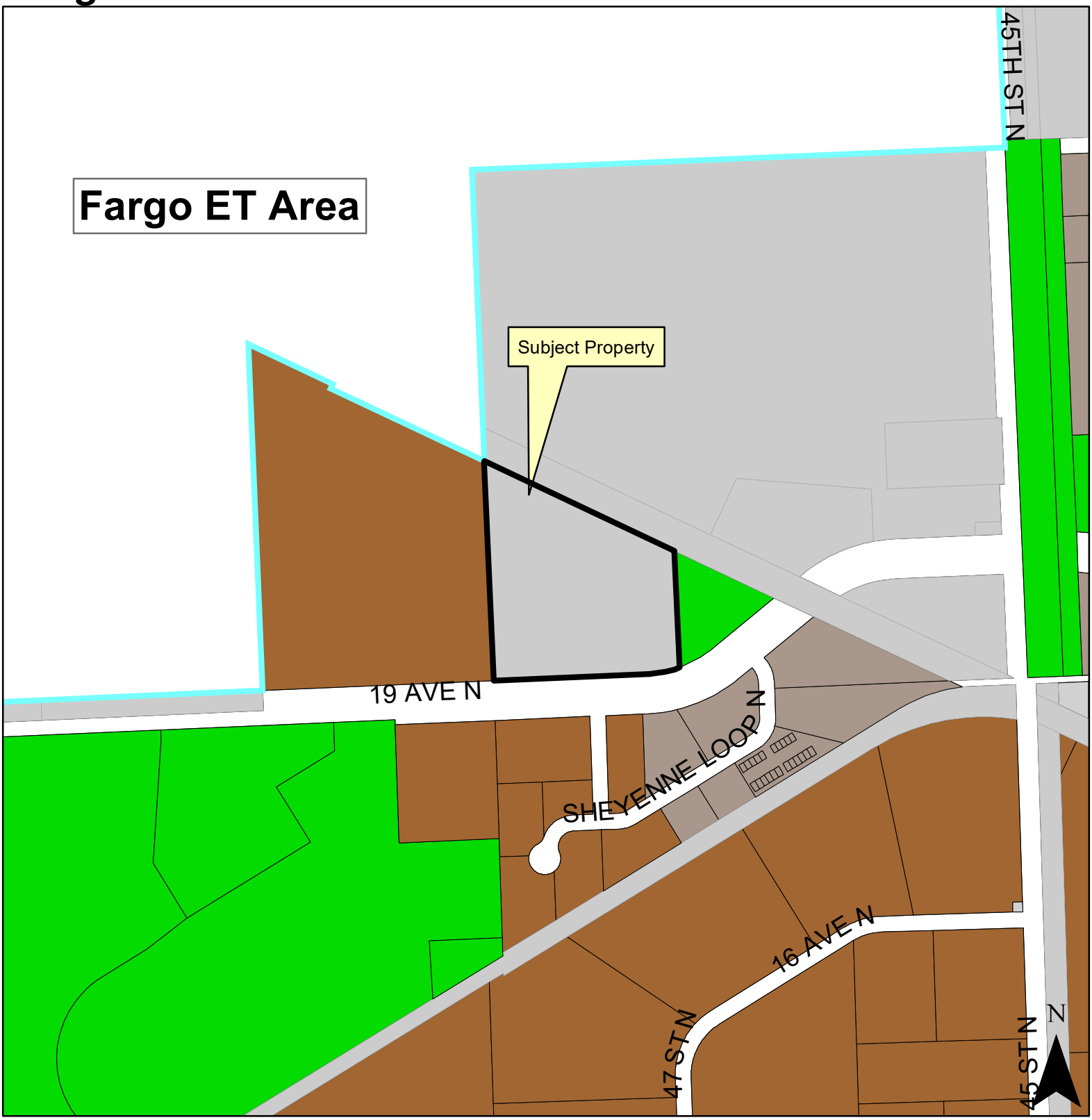
Attachments:

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

Plat (Minor); Zone Change (AG to GI)

Magnum North Addition

2102 45th 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

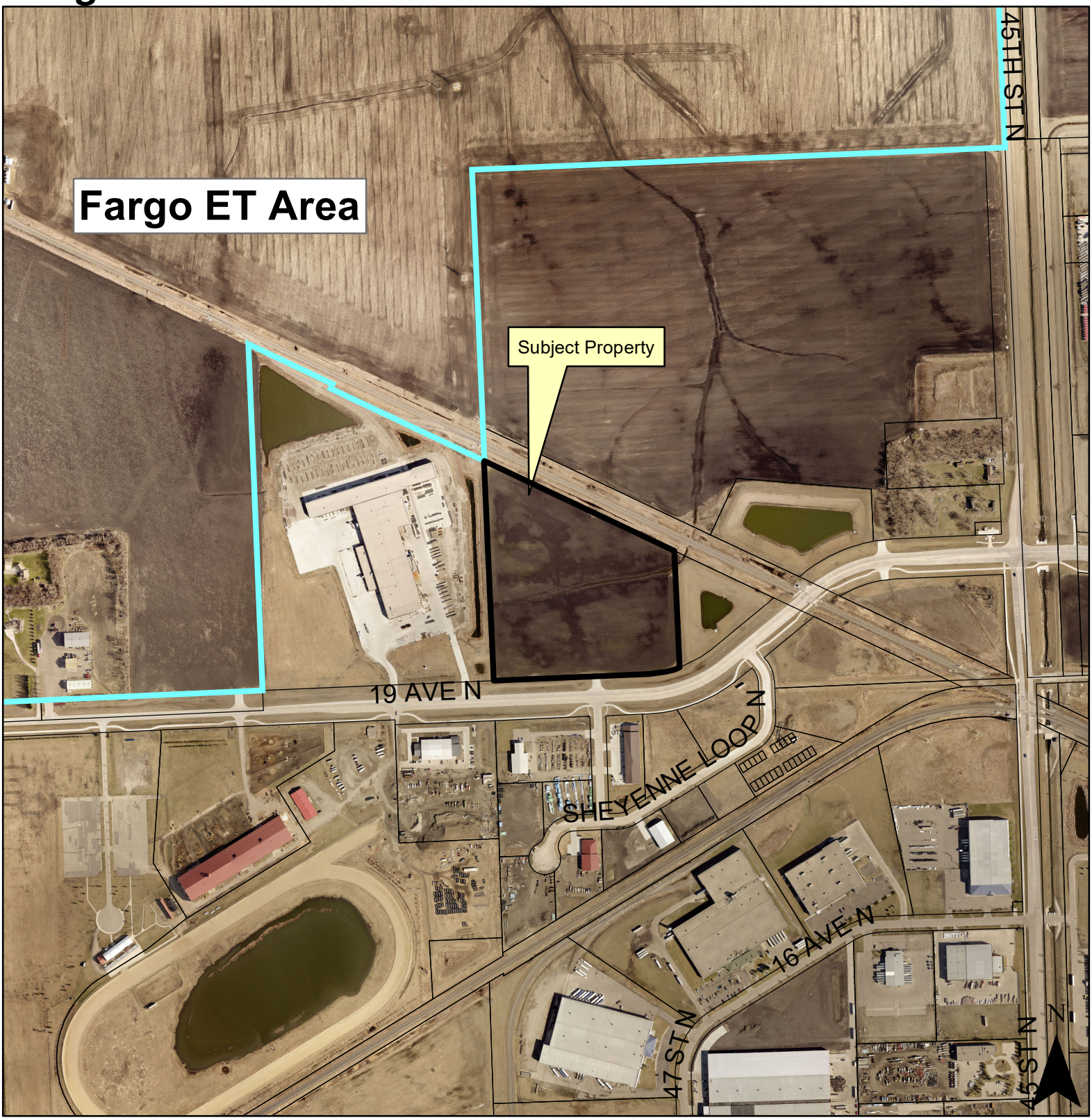
300 Feet

Fargo Planning Commission
April 5, 2022

Plat (Minor); Zone Change (AG to GI)

Magnum North Addition

2102 45th 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

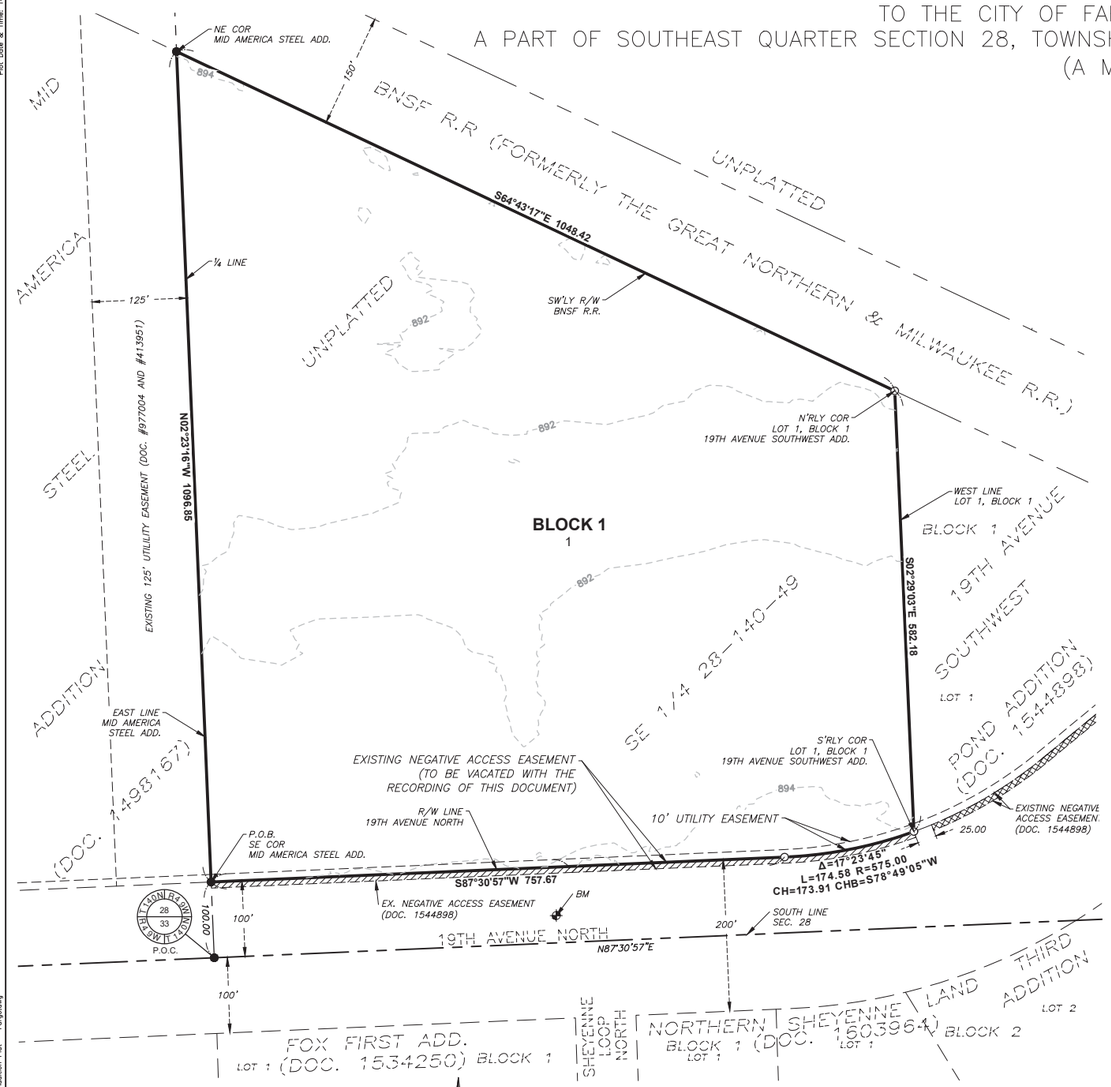
Fargo Planning Commission
April 5, 2022

MAGNUM NORTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

A PART OF SOUTHEAST QUARTER SECTION 28, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN

(A MINOR SUBDIVISION)



LEGEND

- SET 5/8" REBAR W/CAP LS-27292
- FOUND MONUMENT
- BENCHMARK
- PLAT LOT AREAS (SQ. FT)
- SECTION LINE
- QUARTER LINE
- PLAT OVERALL BOUNDARY
- PLAT NEW EASEMENT
- EXISTING EASEMENT LINE
- EXISTING PROPERTY LINE
- EXISTING RAILROAD R/W LINE
- 899 EXISTING GROUND CONTOUR
- EXISTING NEGATIVE ACCESS EASEMENT TO REMAIN
- EXISTING NEGATIVE ACCESS EASEMENT (TO BE VACATED WITH THE RECORDING OF THIS DOCUMENT)

0 100 200

SCALE IN FEET
ORIENTATION OF THIS BEARING SYSTEM IS CITY OF FARGO GROUND COORDINATE SYSTEM

NOTES

1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET
2. NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF LEGACY I SEVENTH ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS
3. THIS ENTIRE PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAP 38017C0586G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 895.0' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY CONDUCTED 10-20-21
4. BENCHMARK SEFB HYDRANT LOCATED IN THE NORTHWEST QUADRANT OF 19TH AVE N AND SHEYENNE LOOP NORTH, BM-128005, PUBLISHED ON SHEET #128 OF THE CITY OF FARGO BENCHMARK BOOK (MARCH, 2021) ELEVATION = 899.09 (NAVD88)

KPH, INC.
SURVEY
9530 39TH ST. S.
FARGO, ND 58104
701-499-7979

OWNER'S CERTFICIATE

KNOW ALL PERSONS BY THESE PRESENTS, That the G2 Investments LLC, a North Dakota Limited Liability Company, as owner of that part of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 28; thence North 02 degrees 23 minutes 16 seconds West of the west line of said Southeast Quarter a distance of 100.00 feet to the southeast corner of MID AMERICA STEEL ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County and the point of beginning; thence continuing North 02 degrees 23 minutes 16 seconds West on the east line of said addition a distance of 1096.85 feet to the northeasterly corner of said addition and the southwesterly line of the Burlington Northern Santa Fe Railway Company right-of-way; thence South 64 degrees 43 minutes 17 seconds East on the southwesterly line of said right-of-way a distance of 1048.42 feet to the northerly corner of Lot 1, Block 1 of 19TH AVENUE SOUTHWEST POND ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence South 02 degrees 29 minutes 03 seconds East on the west line of said addition a distance of 582.18 feet to the southerly corner of said Lot 1; thence southwesterly on the north right-of-way line of 19th Avenue North, 174.58 feet along a curve concave to the northwest, not tangent with the last described line, said curve has a radius of 575.00 feet, a central angle of 17 degrees 23 minutes 45 seconds, the chord of said curve bears South 78 degrees 49 minutes 05 seconds West; thence South 87 degrees 30 minutes 57 seconds West, tangent to said curve and on said north line a distance of 757.67 feet to the point of beginning.

Containing 18.15 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Said owners of the above described property, have caused the same to be surveyed and platted as **"MAGNUM NORTH ADDITION"** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the utility easement as shown on this plat.

OWNER
G2 Investments LLC

_____
David W. Gadberry, Secretary

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20__, appeared before me, David W. Gadberry, Secretary, G2 Investments LLC, a North Dakota limited liability company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of said limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Joshua J. Nelson, 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__.

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

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20____, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of 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 in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

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

State of North Dakota)
) SS
County of Cass)

On this ___ day of _____ 20__, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me 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
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this ___ day of _____ 20___, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

Plot Date & Time: 14 March, 2022 1:14 AM
S:\SURVEY\01_Projects\2021\521-574 Magnum 19th Ave Survey - Fargo, ND\Drawings\521-574 Magnum North Addition Plat - Fargo.dwg

Agenda Item #	9a, 9b, 9c

City of Fargo Staff Report			
Title:	Covey Ranch Second Addition	**Date:**	3/30/22
Location:	6688 45th Street South	**Staff Contact:**	Donald Kress, current planning coordinator
Legal Description:	Portion of the NW 1/4 of Sec. 10, T138N, R49W		
Owner(s)/Applicant:	Dabbert Custom Homes/Don Dabbert	**Engineer:**	Moore Engineering
Entitlements Requested:	**Major Subdivision** (Plat of **Covey Ranch Second Addition,** a plat of a portion of the NW 1/4 of Sec. 10, T138N, R49W) a **Zoning Change** (from AG, Agricultural to P/I, Public and Institutional, with a conditional overlay (C-O)); and a **Growth Plan Amendment** from "Medium Density Residential" and "High Density Residential" to "Proposed School"		
Status:	Planning Commission Public Hearing: April 5, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Educational—K-12 school
Zoning: AG, Agricultural		**Zoning:** P/I, Public/Institutional with a C-O, Conditional Overlay; AG
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		**Uses Allowed:** P/I Allows colleges, community service, daycare centers of unlimited size, ~~detention facilities~~, health care facilities, parks and open space, religious institutions, safety services, schools, ~~offices~~, ~~commercial parking~~, outdoor recreation and entertainment, ~~industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation,~~ and major entertainment events; **with a conditional overlay to prohibit certain uses as shown**
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.		**Maximum Density Allowed:** P/I has no density standard

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Covey Ranch Second Addition,** which is a plat of a portion of the NW 1/4 of Sec. 10, T138N, R49W
2. A zoning change from AG, Agricultural, to P/I, Public and Institutional, with a conditional overlay (C-O)
3. A growth plan amendment from "Medium Density Residential" and "High Density Residential" to "Proposed School"

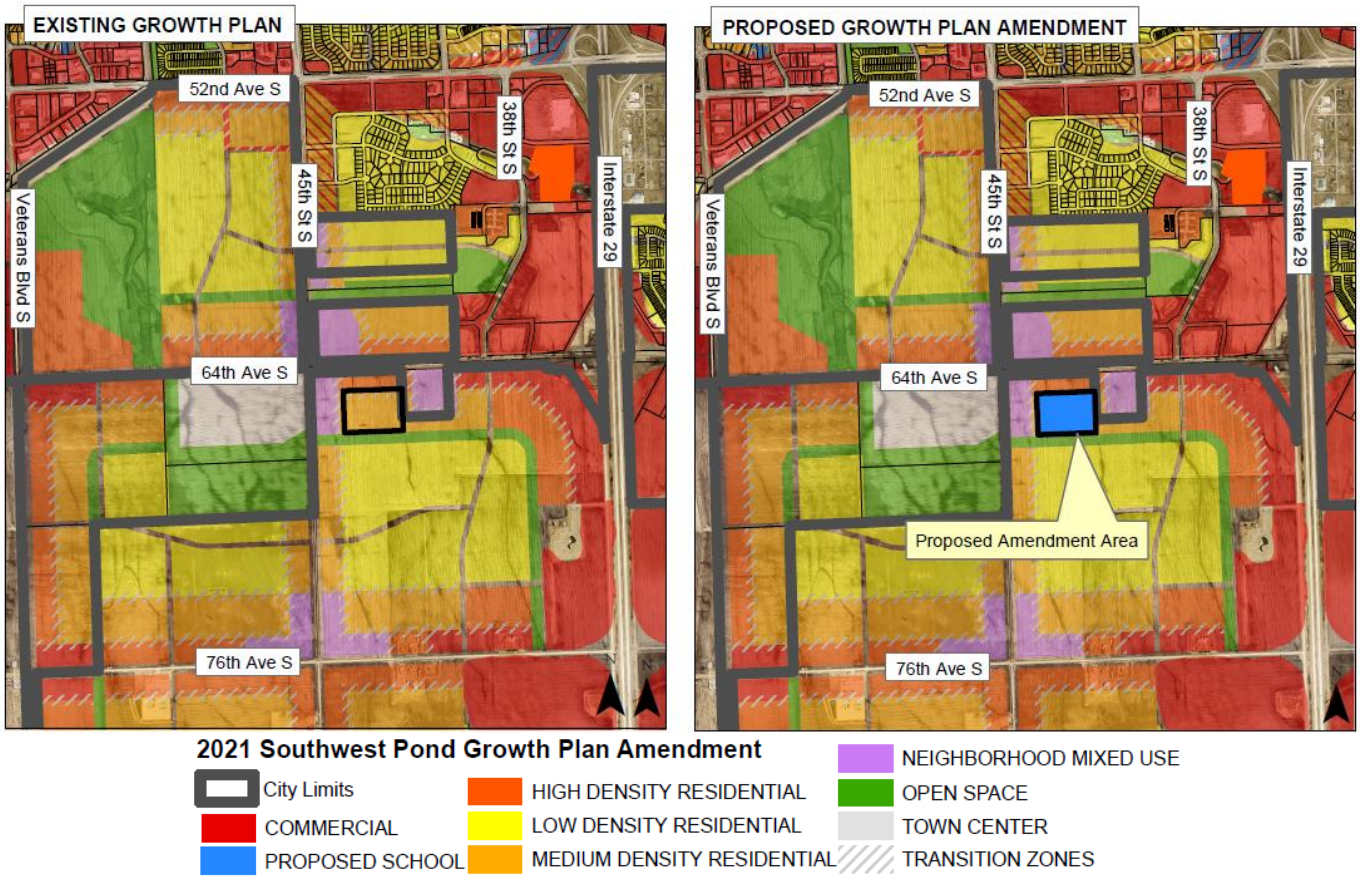
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; undeveloped;
- East: P/I, future North Dakota State College of Science Career Workforce Academy;
- South: AG, Agricultural; undeveloped; in Fargo's four-mile extra-territorial jurisdiction.
- West: AG, Agricultural; undeveloped; in Fargo's four-mile extra-territorial jurisdiction.

Area Plans:

The subject property is located within the Tier 1 South West area of the 2007 Future Land Use Plan, as amended in 2021. This plan designates the subject proeprty as “Medium Density Residential” and “High Density Residential.” The proposed growth plan amendment would designate the subject property as “Proposed School.”



Schools and Parks:

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

Neighborhood: As the subject property is located in the extra-territorial jurisdiction, it is not in a designated neighborhood.

Parks: There are no parks in the immediate vicinity of the subject property. However, the Sanford sports complex is proposed to be developed on the north side of 64th Avenue South approximately one-half mile from the subject property.

Pedestrian / Bicycle: There are no bicycle or pedestrian facilities near the subject property at this time. The property fronts on 64th Avenue South, which will have 10-foot wide shared use paths on both sides once it is completed.

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

Staff Analysis:

PLAT AND ZONING CHANGE

The plat creates two lots in one block, intended for development of the Capstone Classical Academy, a private school serving pre-K through 12th grade. The plat includes a dedication for 43rd Street South. Both lots are proposed to be zoned P/I, Public/Institutional, which is the appropriate zoning for this educational institution.

(continued on next page)

CONDITIONAL OVERLAY: The P/I zoning includes a conditional overlay to prohibit uses that are allowed in the P/I zone that would be out of character in this neighborhood, such as industrial, manufacturing, and certain commercial uses. A draft of this overlay is attached.

ACCESS: The project site takes access from 43rd Street South. Future access from the east and north is intended to be provided when adjacent properties are platted.

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

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.

GROWTH PLAN AMENDMENT: The proposed growth plan amendment would change the future land use designation on the subject from "Medium Density Residential" and "High Density Residential" to "Proposed School." Specific findings for the growth plan amendment are below.

GROWTH PLAN MEETING: Pursuant to the requirements of LDC Section 20-0905.E, a growth plan open house was held at city hall on Monday, March 28, 2022 The applicant and Planning staff attended. None of the surrounding property owners who had received notice of the meeting appeared.

Growth Plan Evaluation Criteria: Section 20-0905(H) of the LDC states that the Planning Commission and City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:

1. **Is the proposed change consistent with surrounding land uses, both existing and future?**
   Staff was aware of interest in developing schools in this area, but no specific area had been selected by the Fargo Public School District (east of 45th Street South), West Fargo Public School District (west of 45th Street South), or private school operators at the time the 2007 Growth Plan for this area was amended in 2021. Now that a location has been selected for a school, Planning staff felt it was appropriate amend the growth plan to identify this location as "Proposed School" and use the growth plan amendment process, which includes public notice and a public open house meeting, to analyze the proposed school in its context. Staff finds that the proposed change is consistent with existing and future surrounding land uses, which are neighborhood mixed use, education, residential, and future drainage right of way.
   (Criteria Satisfied)

2. **Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.**
   The right of way dedication depicted on the plat will widen and extend the previously dedicated right of way for 43rd Street South, allowing this right of way to meet LDC standards and be extended to front the full length of the lots platted with this subdivision.
   (Criteria Satisfied)

3. **How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general**?
   The proposed growth plan amendment is not a drastic change from the current land use designations on the subject property, but rather an identification of an area intended for a school Schools are integral to the development of this area south of 64th Avenue South, a large part of

which is designated for future residential development. Though only one area was designated south of 64th Avenue South as "Proposed School" on the original 2007 Growth Plan, it is expected that several schools will develop in this area over time. The area south of 64th Avenue and east of 45th Street is in the Fargo Public School district, while the area south of 64th Avenue and west of 45th Street is in the West Fargo Public School District. The private school intended for the subject property, plus future public schools, will provide a variety of educational options. **(Criteria Satisfied)**

4. **How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?**
   The proposed change will enable an education option for grades K through 12. A school developed here would be within walking distance of much of the surrounding area that is designated for single-dwelling or multi-dwelling residential use, though a private school could draw students from across the city as well as the immediate neighborhood.
   (Criteria Satisfied)

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 P/I, Public and Institutional, which is the appropriate zone for a school. **(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 as amended in 2021. The proposed amendment to the growth to designate the subject property as "Proposed School" is consistent with the proposed development and proposed zoning of P/I. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City, contingent on Commission approval of the proposed Growth Plan Amendment. **(Criteria satisfied)**

(continued on next page)

Major Subdivision

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

1. **Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
   The requested zoning for the residential development on this property is P/I, Public/Institutional. The P/I zone is the appropriate designation for an educational institution. 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 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The property is proposed to be zoned P/I, Public and Institutional. As noted in the zone change findings above, this zone is consistent with the proposed growth plan amendment to designate the land use for the subject property as "Proposed School." The P/I zone is the appropriate designation for an educational institution. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.
   (Criteria Satisfied)

3. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.
   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) growth plan amendment from "Medium Density Residential" and "High Density Residential" to "Proposed School"; 2) Zoning Change from AG, Agricultural to P/I, Public and Institutional, with a conditional overlay (C-O), and 3) a plat of the **Covey Ranch Second Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, Section 20-0905.H, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 5, 2022

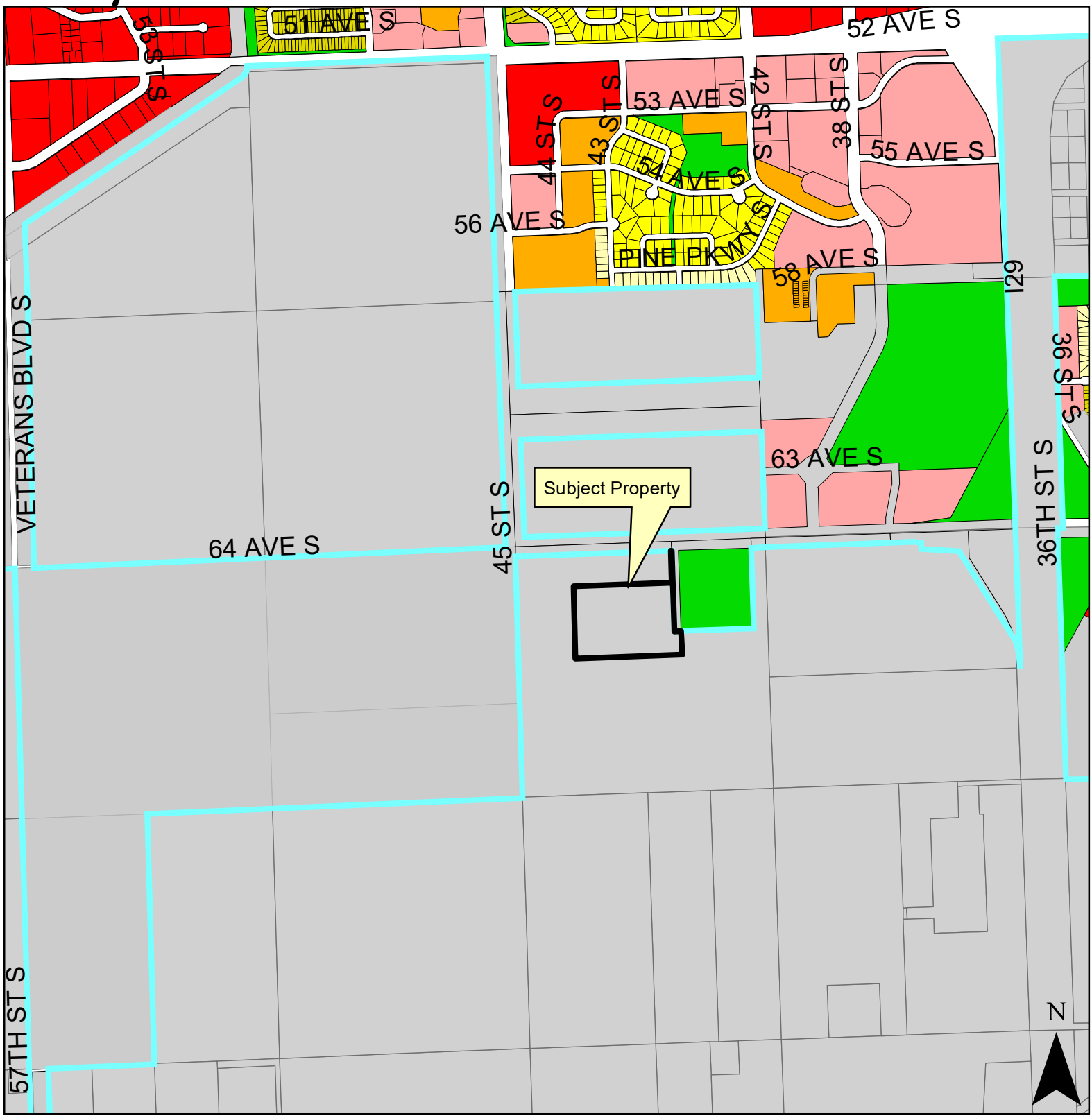
Attachments:

1. Zoning map
2. Location map
3. Growth Plan map
4. Preliminary plat
5. Draft conditional overlay

Plat (Major); Zone Change (AG to P/I); Growth Plan Amendment

Covey Ranch 2nd Addition

6688 45th Street 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

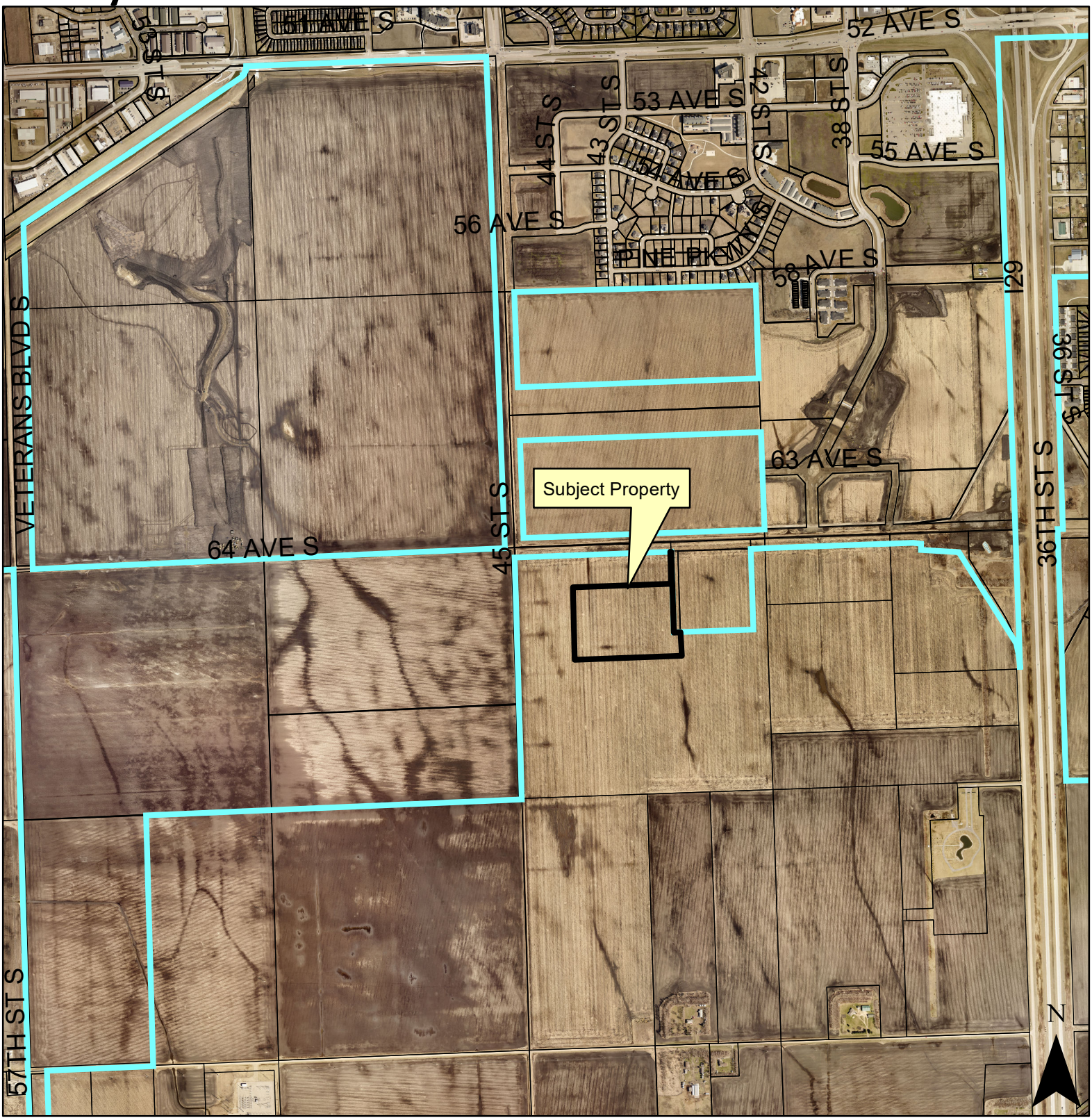
0.25 Miles

Fargo Planning Commission
April 5, 2022

Plat (Major); Zone Change (AG to P/I); Growth Plan Amendment

Covey Ranch 2nd Addition

6688 45th Street S



THE CITY OF Fargo FAR MORE

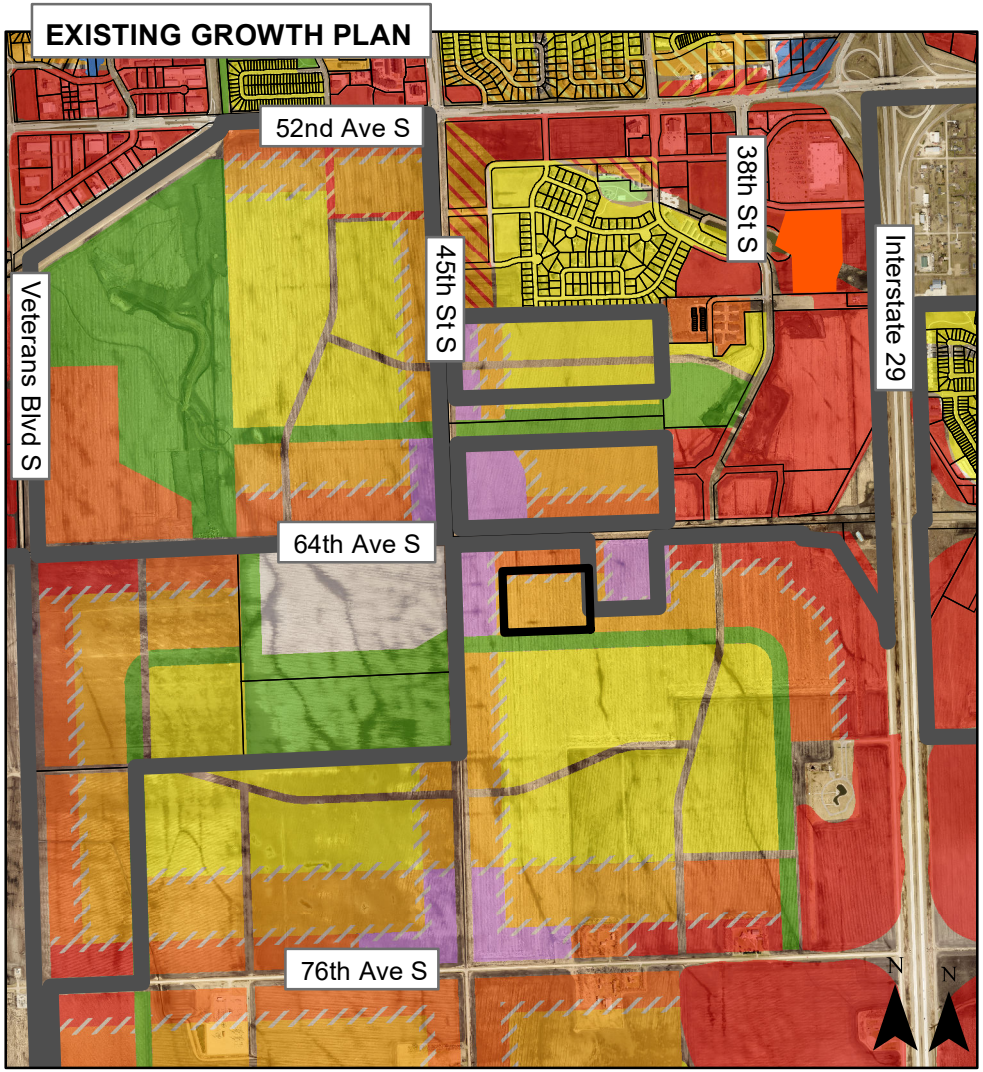
0.25 Miles

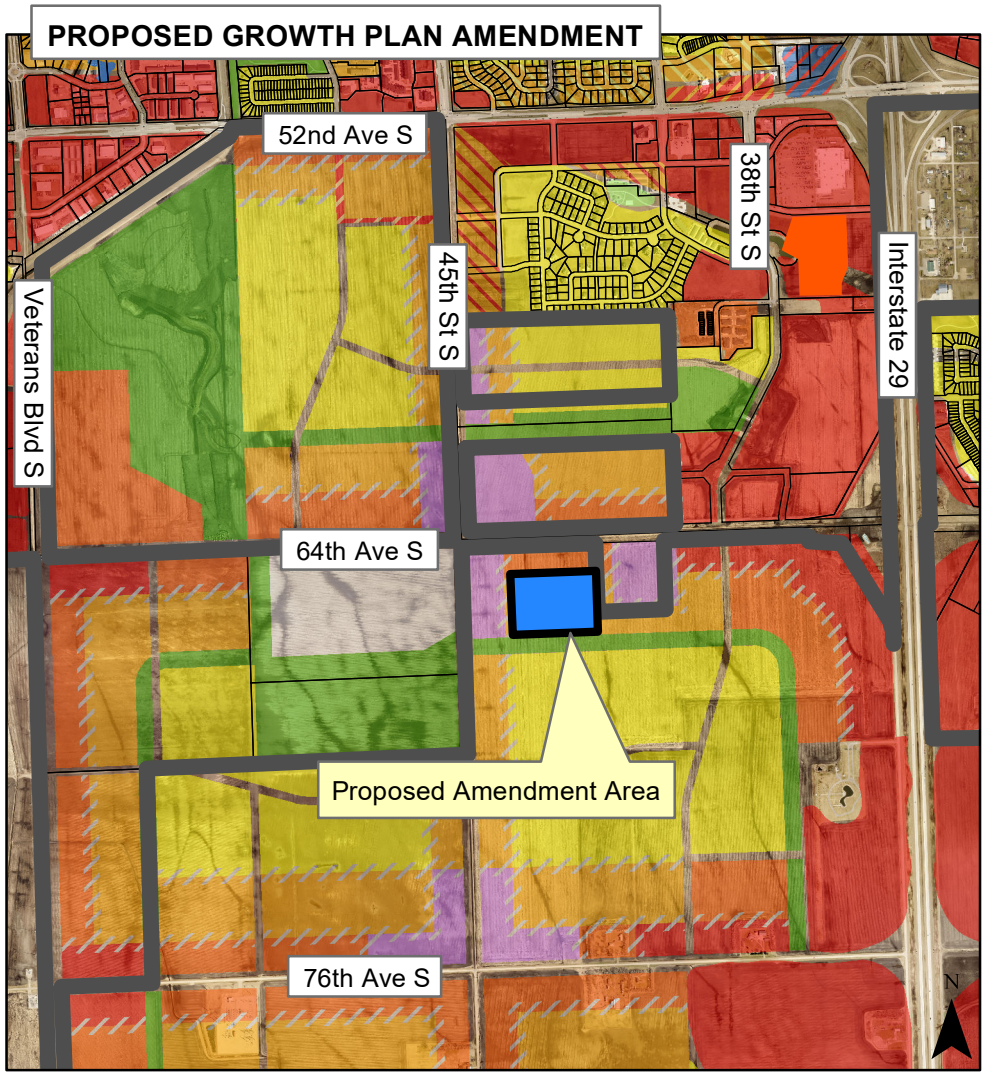
Fargo Planning Commission
April 5, 2022

Growth Plan Amendment (Medium & High Density Residential to Proposed School)

Covey Ranch 2nd Addition

6688 45th Street South





2021 Southwest Pond Growth Plan Amendment

- City Limits
- COMMERCIAL
- PROPOSED SCHOOL
- HIGH DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- NEIGHBORHOOD MIXED USE
- OPEN SPACE
- TOWN CENTER
- TRANSITION ZONES

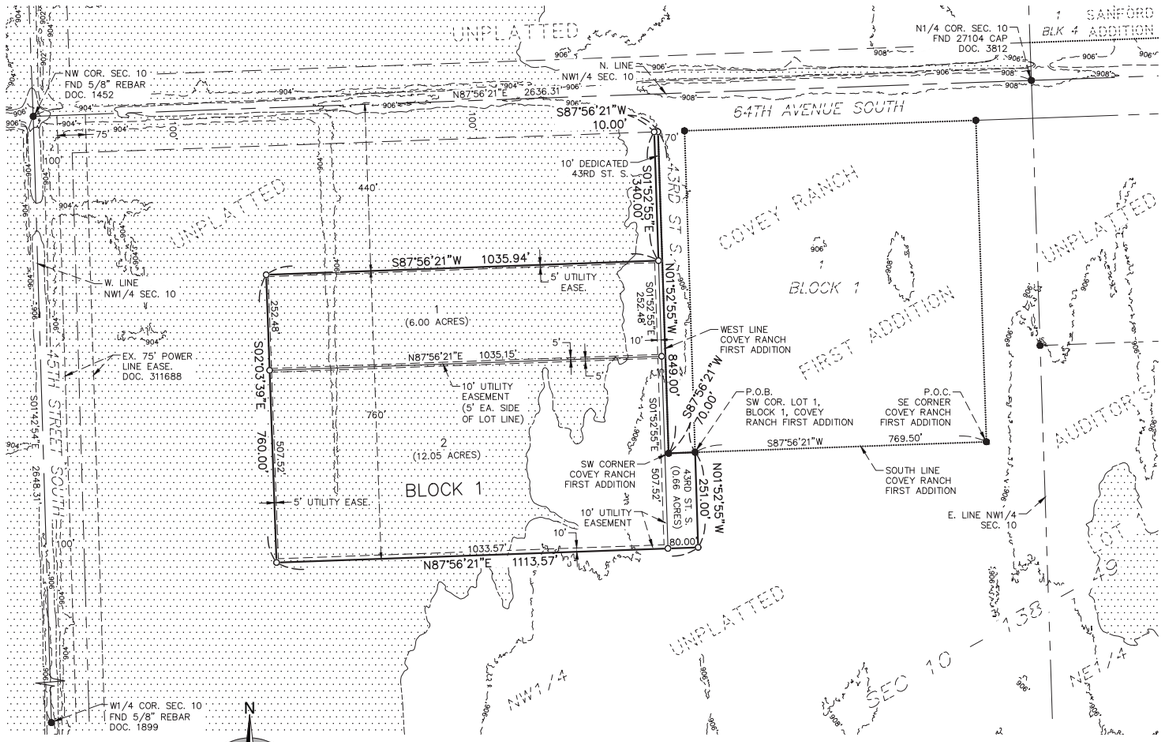
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
April 5, 2022

A MAJOR SUBDIVISION PLAT OF

COVEY RANCH SECOND ADDITION

TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA



0 200
Scale in Feet

BASIS OF BEARINGS: THE SOUTH LINE OF COVEY RANCH FIRST ADDITION HAS A RECORD BEARING OF S87°56'21"W ACCORDING TO THE RECORDED PLAT THEREOF.

LEGEND

●	IRON MONUMENT FOUND
○	SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #6571
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
	SECTION LINE
	PLAT BOUNDARY LINE
	LOT LINE
	EASEMENT LINE
	EXISTING LOT LINE
	FEMA ZONE AE
906'	2 FOOT CONTOUR LINE

NOTES:

1. PORTIONS OF THIS PLAT ARE LOCATED WITHIN SPECIAL FLOOD HAZARD AREA ZONE AE WITH A BASE FLOOD ELEVATION OF 906 FEET ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 38017C0768G WITH AN EFFECTIVE DATE OF JANUARY 16, 2015.
2. BENCHMARK: SOUTHEAST FLANGE BOLT ON A HYDRANT LOCATED SOUTHWEST OF THE INTERSECTION OF 38TH STREET SOUTH AND 64TH AVENUE SOUTH. ELEVATION IS 909.63' IN NAVD 88 DATUM.

FARGO PLANNING COMMISSION APPROVAL

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

_____
ROCKY SCHNEIDER, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

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)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG P.E., CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "COVEY RANCH SECOND ADDITION" TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF COVEY RANCH FIRST ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SAID COUNTY; THENCE SOUTH 87 DEGREES 56 MINUTES 21 SECONDS WEST ON A RECORD BEARING ALONG THE SOUTH LINE OF SAID COVEY RANCH FIRST ADDITION FOR A DISTANCE OF 769.50 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SAID COVEY RANCH FIRST ADDITION, THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 56 MINUTES 21 SECONDS WEST ALONG THE SOUTH LINE OF SAID COVEY RANCH FIRST ADDITION FOR A DISTANCE OF 70.00 FEET TO THE SOUTHWEST CORNER OF SAID COVEY RANCH FIRST ADDITION; THENCE NORTH 01 DEGREE 52 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF SAID COVEY RANCH FIRST ADDITION FOR A DISTANCE OF 849.00 FEET TO A POINT ON A LINE WHICH IS 100.00 FEET SOUTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 87 DEGREES 56 MINUTES 21 SECONDS WEST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 10.00 FEET TO A POINT ON A LINE WHICH IS 10.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE WEST LINE OF SAID COVEY RANCH FIRST ADDITION; THENCE SOUTH 01 DEGREE 52 MINUTES 55 SECONDS EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 340.00 FEET TO A POINT ON A LINE WHICH IS 440.00 FEET SOUTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 87 DEGREES 56 MINUTES 21 SECONDS WEST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 1035.94 FEET; THENCE SOUTH 02 DEGREES 03 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 760.00 FEET TO A POINT ON A LINE WHICH IS 1200.00 FEET SOUTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 87 DEGREES 56 MINUTES 21 SECONDS EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 1113.57 FEET; THENCE NORTH 01 DEGREE 52 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 251.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 18.71 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

PRELIMINARY

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

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "COVEY RANCH SECOND ADDITION" TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: DABBERT CUSTOM HOMES LLC

_____
DON DABBERT, PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DON DABBERT, PRESIDENT OF DABBERT CUSTOM HOMES LLC, 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 DABBERT CUSTOM HOMES LLC.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE: BANK FORWARD

_____
MARC KNUTSON, MARKET PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARC KNUTSON, MARKET PRESIDENT OF BANK FORWARD, KNOWN TO ME TO BE THE DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF BANK FORWARD.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

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

_____ _____
TIMOTHY J. MAHONEY, MAYOR STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

moore engineering, inc.

PROJ. NO. 22326

DRAFT CONDITIONAL OVERLAY March 30, 2022

Lot 1 and 2, Block 1, Covey Ranch Second Addition

The following uses in the P/I, Public/Institutional zone are prohibited on Lots 1 and 2, Block 1, Covey Ranch Second Addition:

a) Detention facilities
b) Commercial parking
c) Industrial service
d) Manufacturing and production
e) Warehouse and freight movement
f) Waste related uses
g) Agriculture
h) Aviation
i) Surface transportation

Agenda Item #	D.1

City of Fargo Staff Report			
Title:	Annexation of a portion of portion of the Northwest 1/4 of Section 10, T138N, R49W of the 5th Principal Meridian, Cass County, North Dakota.	**Date:**	3/31/2022
Location:	West of 25th Street South, south of Golden Valley Addition	**Staff Contact:**	Donald Kress, Planning Coordinator
Legal Description:	Portion of portion of the Northwest 1/4 of Section 10, T138N, R49W of the 5th Principal Meridian, Cass County, North Dakota (see detailed legal description in attached petition)		
Owner(s)/Applicant:	Dabbert Custom Homes, LLC / Don Dabbert	**Engineer:**	Moore Engineering
Entitlements Requested:	Planning Commission review of consistency with comprehensive plan.		
Status:	Planning Commission review April 5, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Educational—K-12 school
Zoning: AG, Agricultural		**Zoning:** P/I, Public/Institutional with a C-O, Conditional Overlay; AG
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		**Uses Allowed:** P/I Allows colleges, community service, daycare centers of unlimited size, ~~detention facilities~~, health care facilities, parks and open space, religious institutions, safety services, schools, ~~offices~~, ~~commercial parking~~, outdoor recreation and entertainment, ~~industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation,~~ and major entertainment events; **with a conditional overlay to prohibit certain uses as shown** AG –Allows detached houses, parks and open space, safety services, basic utilities, and crop production
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.		**Maximum Density Allowed:** AG allows a maximum of 1 dwelling unit per 10 acres; P/I has no density standard

Proposal:

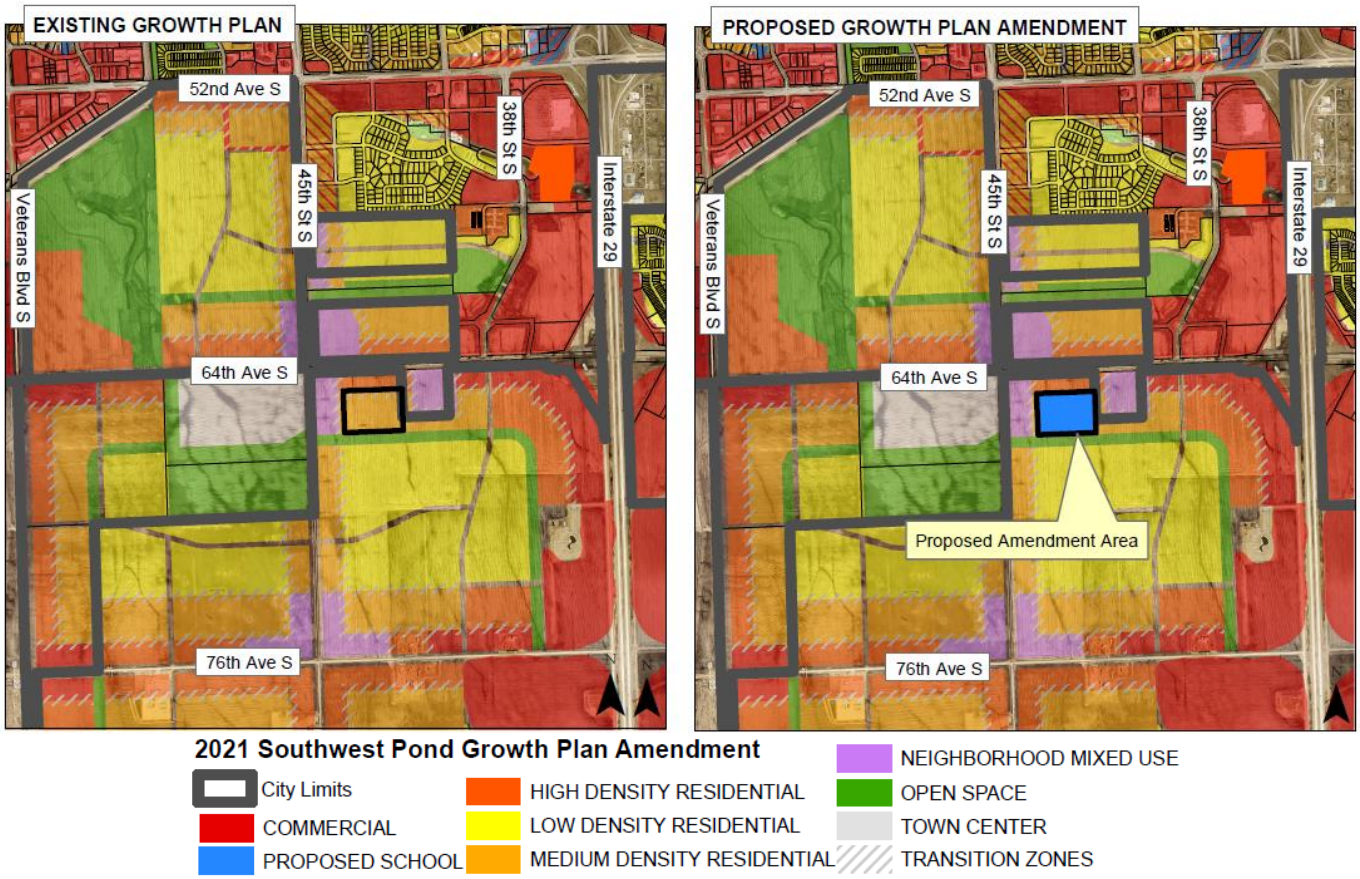
ANNEXATION: The applicant has petitioned the City to annex approximately 42.04 acres of land that is currently within the city's four-mile extra-territorial jurisdiction. This area is undeveloped. A map of the proposed annexation area is attached.

CONCURRENT SUBDIVSION, GROWTH PLAN AMENDMENT, AND ZONE CHANGE: The proposed Covey Ranch Second Addition, which includes a subdivision, growth plan amendment, and zone change, will occupy approximately 18.71 acres of the annexation area. The area of this plat will be zone P/I,

Public/Institutional, with a conditional overlay, as noted above. This project is going through the review and hearing process concurrently with this annexation.

Area Plans:

The subject property is located within the Tier 1 South West area of the 2007 Future Land Use Plan, as amended in 2021. This plan designates the subject proeprty as “Medium Density Residential” and “High Density Residential.” The proposed growth plan amendment would designate the subject property as “Proposed School.



Staff Analysis:

This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”).

Approximately 18.71 acres of the annexed area is being platted as Covey Ranch Second Addition. It is intended to be developed with a K-12 private school. The entitlements for this development—growth plan amendment, zone change, and major subdivision plat-- are items 9a, b, and c on the April 5th, 2022 Planning Commission agenda. The remaining approximately 23.33 acres will remain undeveloped and zoned AG, Agricultural at this time. The developer is working with City staff to develop a master plan for this area. The details of the master plan relate to the local roadway network, drain crossing locations, and the engineering and drainage details best to serve the remaining land in this section of land. In order to begin the development process for the future school site planning, staff is comfortable with a segment of the quarter section of land being annexed at this time. This consideration is unique to this location based on the close working relationship staff has with abutting landowners and the certainty needed for the school master planning timeline.

(continued on next page)

OWNERSHIP

The entire property involved in the annexation is owned by the applicant, Dabbert Custom Homes, LLC, Don Dabbert, president. No existing residences or businesses are included 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 Southeast 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 annexation area is adjacent 64th Avenue South, an arterial street which will be improved in the summer of 2022. The annexation area is adjacent to an area that was annexed for development of the North Dakota State College of Science Career Academy. Property north across 64th Avenue was annexed into the City in 2021. The location of the annexation area corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development:

- Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services; and
- Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property. (page 56, 2007 Growth Plan)

PROCESS

The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan in item D(1) of the April 5th, 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.

Staff Recommendation:

Staff recommends the Planning Commission find that the proposed annexation of a Portion of portion of the Northwest 1/4 of Section 10, T138N, R49W of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.

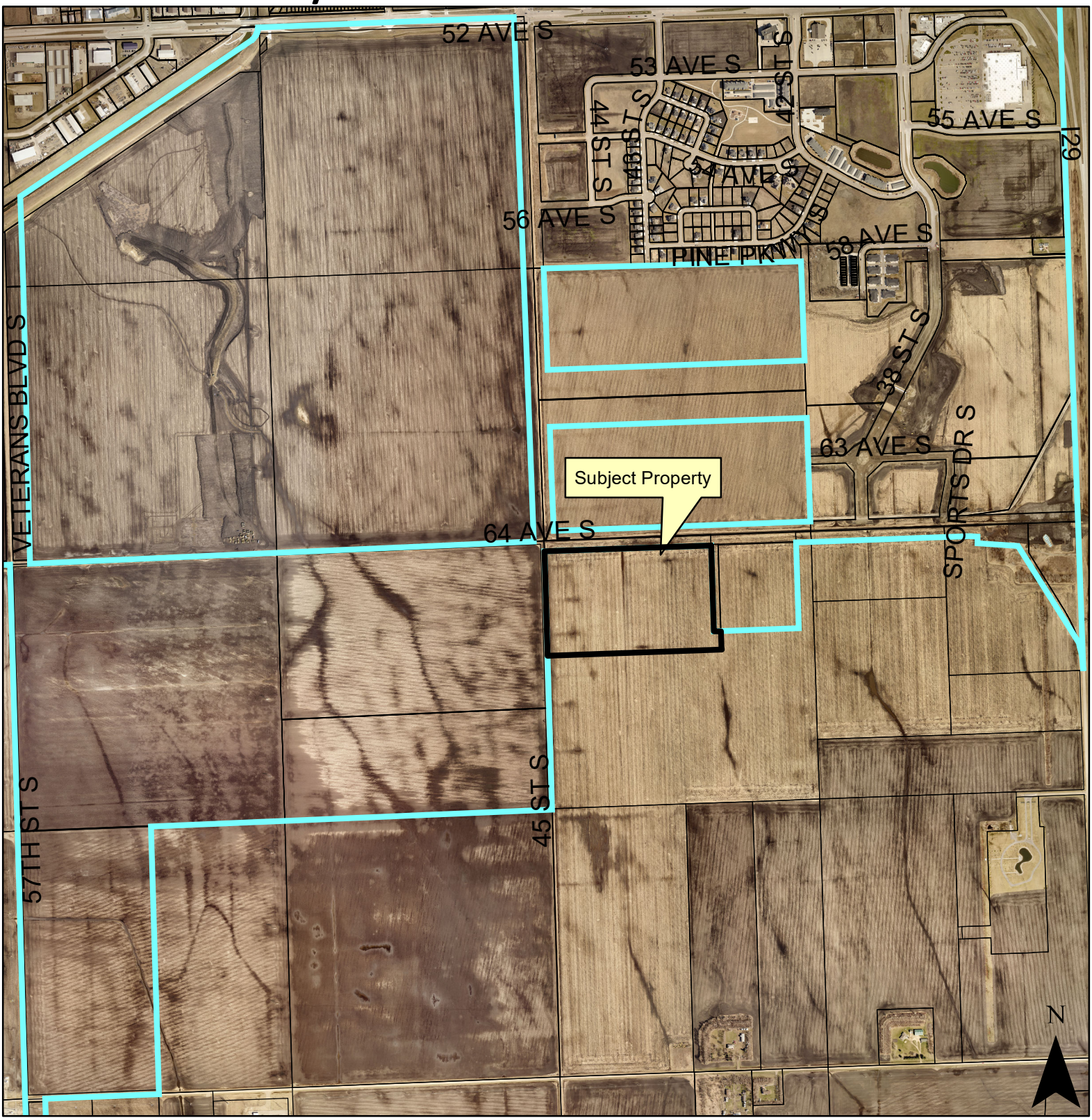
Attachments:

1. Location map
2. Annexation map

Annexation

Portion of NW 1/4 Sec. 10 T138N R49W

6688 45th Street S



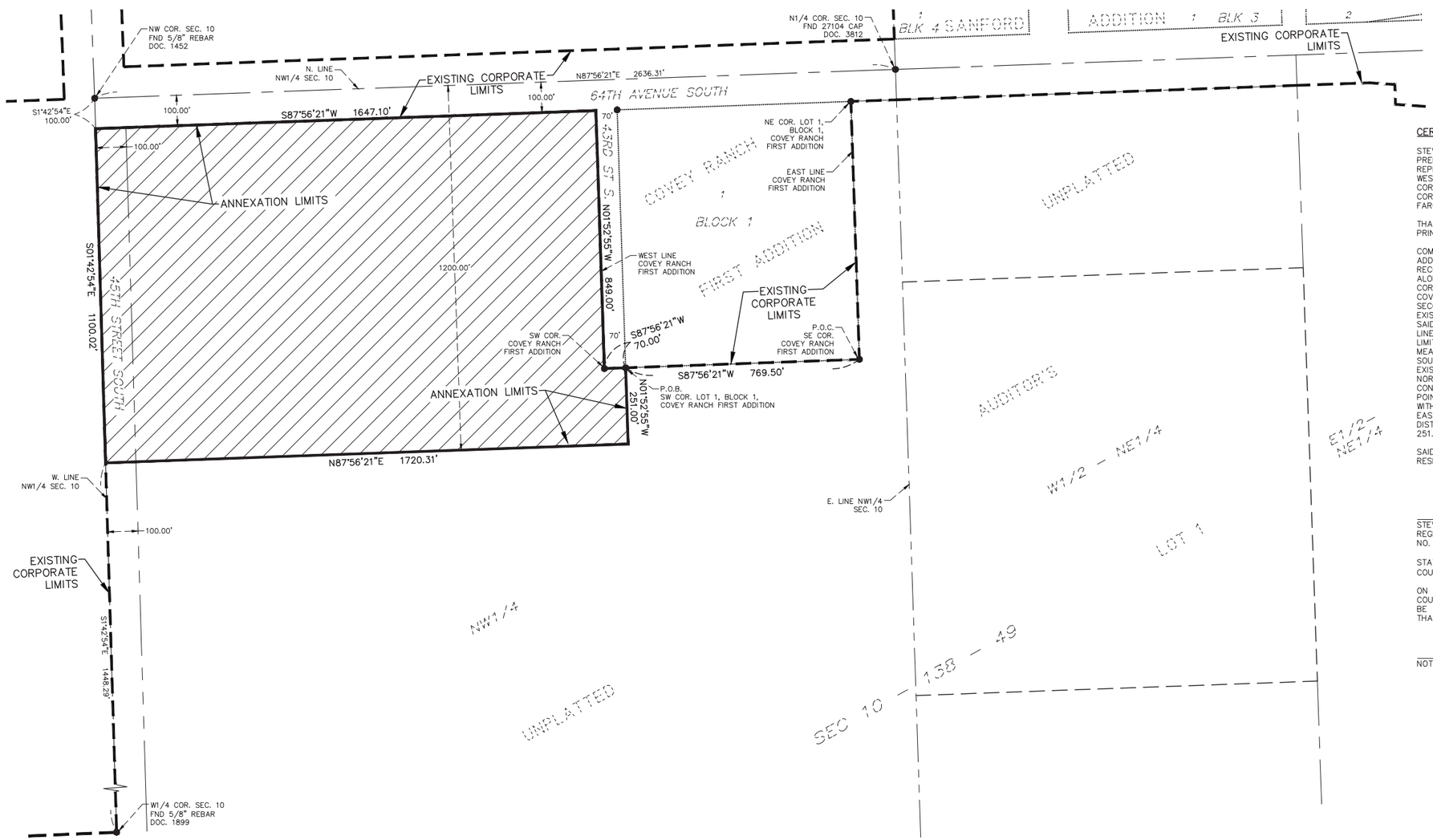
THE CITY OF Fargo FAR MORE

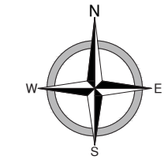
300 Feet

Fargo Planning Commission
April 5, 2022

ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA





0 200
Scale in Feet

LEGEND

- EXISTING CORPORATE LIMITS
- AREA TO BE ANNEXED
- IRON MONUMENT FOUND
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

BASIS OF BEARINGS: THE SOUTH LINE OF COVEY RANCH FIRST ADDITION HAS A RECORD BEARING OF S87°56'21"W ACCORDING TO THE RECORDED PLAT THEREOF.

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED ANNEXATION PLAT TO THE CITY OF FARGO; THAT THE PROPERTY REPRESENTED IN THE PLAT IS A PART OF THE NORTH HALF OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT THE ATTACHED PLAT IS A CORRECT REPRESENTATION OF THE PROPERTY ANNEXED TO THE CITY OF FARGO; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT AND THE EXTERIOR BOUNDARY LINES OF SAID LAND ANNEXED TO THE CITY OF FARGO ARE AS FOLLOWS, TO WIT:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF COVEY RANCH FIRST ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SAID COUNTY; THENCE SOUTH 87 DEGREES 56 MINUTES 21 SECONDS WEST ON A RECORD BEARING ALONG THE SOUTH LINE OF SAID COVEY RANCH FIRST ADDITION, ALSO BEING THE EXISTING CITY OF FARGO CORPORATE LIMITS, FOR A DISTANCE OF 769.50 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SAID COVEY RANCH FIRST ADDITION, THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 56 MINUTES 21 SECONDS WEST ALONG THE SOUTH LINE OF SAID COVEY RANCH FIRST ADDITION AND CONTINUING ALONG SAID EXISTING CITY OF FARGO CORPORATE LIMITS FOR A DISTANCE OF 70.00 FEET TO THE SOUTHWEST CORNER OF SAID COVEY RANCH FIRST ADDITION; THENCE NORTH 01 DEGREE 52 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF SAID COVEY RANCH FIRST ADDITION AND CONTINUING ALONG SAID EXISTING CITY OF FARGO CORPORATE LIMITS FOR A DISTANCE OF 849.00 FEET TO A POINT ON A LINE WHICH IS 100.00 FEET SOUTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 87 DEGREES 56 MINUTES 21 SECONDS WEST ALONG SAID PARALLEL LINE AND CONTINUING ALONG SAID EXISTING CITY OF FARGO CORPORATE LIMITS FOR A DISTANCE OF 1647.10 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREE 42 MINUTES 54 SECONDS EAST ALONG SAID WEST LINE AND CONTINUING ALONG SAID EXISTING CITY OF FARGO CORPORATE LIMITS FOR A DISTANCE OF 1100.02 FEET TO A POINT ON A LINE WHICH IS 1200.00 FEET SOUTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 87 DEGREES 56 MINUTES 21 SECONDS EAST ALONG SAID PARALLEL LINE AND LEAVING SAID EXISTING CITY OF FARGO CORPORATE LIMITS FOR A DISTANCE OF 1720.31 FEET; THENCE NORTH 01 DEGREE 52 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 251.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 42.04 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

PRELIMINARY

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

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

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)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG P.E., CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

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

_____
TIMOTHY J. MAHONEY, MAYOR

_____
STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

moore engineering, inc.

PROJ. NO. 22326