

FARGO PLANNING COMMISSION AGENDA
Tuesday, July 6, 2021 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of June 3, 2021
- C: Brown Bag Luncheon – No July Meeting
- D: Public Hearing Items:
1. Continued hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 4, Block 1, **Valley View Eighth Addition**. (Located on 5652 36th Avenue South) (Brian Kounovsky/LTC Mustang, LLC) (kb): CONTINUED TO AUGUST 3, 2021
 - 2a. Hearing on an application requesting a Growth Plan Amendment on Lots 3-4, Block 1 of the proposed **The District of Fargo Fourth Addition**. (Located at 5532 and 5676 38th Street South) (Larry Scheffler/Brian Pattengale) (kb)
 - 2b. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a C-O, Conditional Overlay within the boundaries of the proposed **The District of Fargo Fourth Addition**. (Located at 5532 and 5676 38th Street South) (Larry Scheffler/Brian Pattengale) (kb)
 - 2c. Hearing on an application requesting a Plat of **The District of Fargo Fourth Addition** (Major Subdivision) a replat of Lots 1-2, Block 2, The District of Fargo Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 5532 and 5676 38th Street South) (Larry Scheffler/Brian Pattengale) (kb)
 3. Hearing on an application requesting a Growth Plan Amendment on parts of **Section 3, 4, 10, 15, and 16**, and all of **Section 9, Township 138 North, Range 49 West**, of the Fifth Principal Meridian, Cass County, North Dakota. (Generally located South of 52nd Avenue South, West of Interstate 29, East of Veterans Boulevard, and North of 88th Avenue South) (City of Fargo) (an)
 4. Hearing on an application requesting a Plat of **Dakota Air Parts Addition** (Major Subdivision) a replat of Lots 1-3, Block 1, DDK Addition to the City of Fargo, Cass County, North Dakota. (Located at 3910 and 4020 25th Street North; 2505 39 ½ Avenue North) (MACO Leasing, Inc./Nate Vollmuth) (an): CONTINUED TO AUGUST 3, 2021

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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.

5. Hearing on an application requesting a Plat of **Thor Addition** (Minor Subdivision) a replat of Lot 4, Block 1, Commerce on 12th Addition, to the City of Fargo, Cass County, North Dakota. (Located at 1200 55th Street North) (Thor Investments, LLC /Thad Thorsness) (dk)
6. Hearing on an application requesting a Plat of **University South Addition** (Minor Subdivision) a replat of portion of Lot 1, Block 2, Oak Manor First Addition to the City of Fargo, Cass County, North Dakota. (Located at 2301 University Drive South) (GFI Dakota Development, LLC/Houston Engineering, Inc.) (dk/am)

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Thursday, June 3, 2021

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., Thursday, June 3, 2021.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Mary Scherling, Rocky Schneider, Scott Stofferahn, Maranda Tasa, Jennifer Holtz, Dawn Morgan, Art Rosenberg

Chair Gunkelman called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Gunkelman noted Item 1 has been continued to September 9, 2021, and Item 2 has been continued to July 6, 2021.

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

Chair Gunkelman shared that this is the last Planning Commission meeting for Assistant Planner Maggie Squyer and thanked her for her good work.

Item B: Minutes: Regular Meeting of May 4, 2021

Member Stofferahn moved the minutes of the May 4, 2021 Planning Commission meeting be approved. Second by Member Tasa. All Members present voted aye and the motion was declared carried.

Item C: June 16, 2021 Brown Bag Luncheon: Cancelled

Item D: Public Hearing Items:

Item 1: Rowe's Addition

Continued hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to NO, Neighborhood Office on Lot 1, Block 1, Rowe's Addition. (Located at 619 University Drive South) (Bradley and Lisa Johnson): CONTINUED TO SEPTEMBER 9, 2021

Item 2: Valley View Eighth Addition

Continued hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 4, Block 1,

Valley View Eighth Addition. (Located on 5652 36th Avenue South) (Brian Kounovsky/ LTC Mustang, LLC): CONTINUED TO JULY 6, 2021

Item 3: Urban Plains by Brandt Third Addition

Hearing on an application requesting a Conditional Use Permit to allow off-premise advertising on Lot 1, Block 1, Urban Plains by Brandt Third Addition. (Located at 5616 26th Avenue South) (Uptown & Main, LLC/Jon Kram): DENIED

Planner Kylie Bagley presented the staff report stating all approval criteria have not been met and staff is recommending denial. She noted an additional document was submitted to the Board.

Discussion was held on human scale sizing and the history of the current signs in the Urban Plains development.

Applicant Mark Foss spoke on behalf of the application.

Discussion continued on advertising content, and sign standards.

Member Morgan moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow off-premise advertising be denied as outlined within the staff report, as the proposal does not comply with Section 20-0909.D (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Schneider, Stofferahn, Rosenberg, Holtz, Scherling, Tasa, Morgan, and Gunkelman voted aye. The motion was declared carried.

Item 4: Craigs Oak Grove Second Addition

Hearing an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay, on Lot 1, Block 1, Craigs Oak Grove Second Addition. (Located at 515 Oak Street North) (Craig Development, LLC/Oak Grove River Lofts): APPROVED

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

Discussion was held on the Conditional Overlay, and the boundaries of the Downtown Mixed-Use (DMU) zoning district.

Applicant Representative Jordan Craig spoke on behalf of the application.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from MR-2, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Stofferahn, Rosenberg, Tasa, Morgan,

Scherling, Schneider, and Gunkelman voted aye. Member Holtz voted nay. The motion was declared carried.

Item 5: Meadow View Addition

5a. Hearing on an application requesting a Zoning Change from SR-4, Single Dwelling Residential and P/I, Public and Institutional to SR-4, Single Dwelling Residential and P/I, Public and Institutional within the boundaries of the proposed Meadow View Addition. (Located at 1402-1493 66th Avenue South; 1406-1494 67th Avenue South; 1450-1497 68th Avenue South; 1402-1498 69th Avenue South; 6614-6985 14th Street South) (Thomsen Properties, LLC/EagleRidge Development, LLC): APPROVED

5b. Hearing on an application requesting a Plat of Meadow View Addition (Major Subdivision) a replat of Lots 1-44, Block 2; Lots 1-45, Block 4; Lots 1-21, Block 5; Lots 1-22, Block 8; Lots 1-32, Block 9 of Bison Meadows Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 1402-1493 66th Avenue South; 1406-1494 67th Avenue South; 1450-1497 68th Avenue South; 1402-1498 69th Avenue South; 6600-6985 14th Street South) (Thomsen Properties, LLC/EagleRidge Development, LLC): APPROVED

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted a virtual neighborhood meeting was held on May 26, 2021.

Applicant Jim Bullis spoke on behalf of the application.

Discussion was held on the reason for the changes, the park land, and the new layout to allow more access in and out of the neighborhood.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential and P/I, Public and Institutional, and 2) Subdivision Plat Meadow View Addition as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06 and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Tasa, Morgan, Schneider, Stofferahn, Holtz, Scherling, Rosenberg, and Gunkelman voted aye. The motion was declared carried.

Item 6: Radio Addition

Hearing on an application requesting a Plat of Radio Addition (Major Subdivision) a plat of part of the Northeast Quarter of Section 5, Township 138 North, Range 49 West of the Fifth Principal Meridian to the City of Fargo, Cass County, North Dakota. (Located at 5702 52nd Avenue South) (Four Horseman, LLC/Nate Vollmuth): APPROVED

Mr. 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 private access to some of the lots, and bike path connectivity.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Radio Addition as outlined within the staff report, as the proposal complies with the 2007 Growth 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 Schneider. On call of the roll Members Holtz, Scherling, Morgan, Schneider, Stofferahn, Tasa, Rosenberg, and Gunkelman voted aye. The motion was declared carried.

Item 7: Delta Delta Delta Addition

Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on Lot 1, Block 1, Delta Delta Delta Addition. (Located at 1313, 1315, and 1335 University Drive North) (Delta Delta Delta NHC – Epsilon Omicron (NDSU), LLC/Andrew Thill – Lowry Engineering):

Ms. Bagley presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted an additional document was submitted to the Board.

Discussion was held on the conditions, student cost of parking, the parking study, and neighborhood parking concerns.

Applicant Andrew Thill, Lowry Engineering, spoke on behalf of the application.

Member Tasa moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an Alternative Access Plan for a parking reduction be approved as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code with the following conditions:

- 1) The Conditional Use Permit will cease if the land use changes from group living.
- 2) 14 parking stalls are required on-site.
- 3) Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.

- 4) Continue to provide additional parking spaces off-site from North Dakota State University (NDSU) in order to meet the parking requirements of the Land Development Code.

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

Planning and Development Assistant Director Mark Williams introduced new Assistant Planner Adam Martin to the Board.

Item E: Other Items:

Item 1: Discussion on an upcoming Growth Plan Amendment on parts of Section 3, 4, 10, 15 and 16, and all of Section 9, Township 138 North, Range 49 West.

Mr. Nelson shared an overview of the storm water master plan for the southwest area of the City. He noted an application will tentatively be coming before the Planning Commission in July, and a stakeholder meeting and open house meeting will be held in June.

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

Discussion was held on the proposed amenities and recreational opportunities for the proposed pond, storm water retention requirements, and trail connectivity.

Item 2: Election of Chair/Vice Chair

Chair Gunkelman noted that this would be his last meeting serving as Chair.

Member Stofferahn shared that the nominating committee is recommending Member Tasa to serve as Vice Chair, and Member Schneider to serve as Chair of the Planning Commission.

Member Stofferahn moved to appoint Member Tasa as Vice Chair. Second By Member Rosenberg. All Members present voted aye and the motion was declared carried.

Member Stofferahn moved to appoint Member Schneider as Chair. Second by Member Scherling. All Members present voted aye and the motion was declared carried.

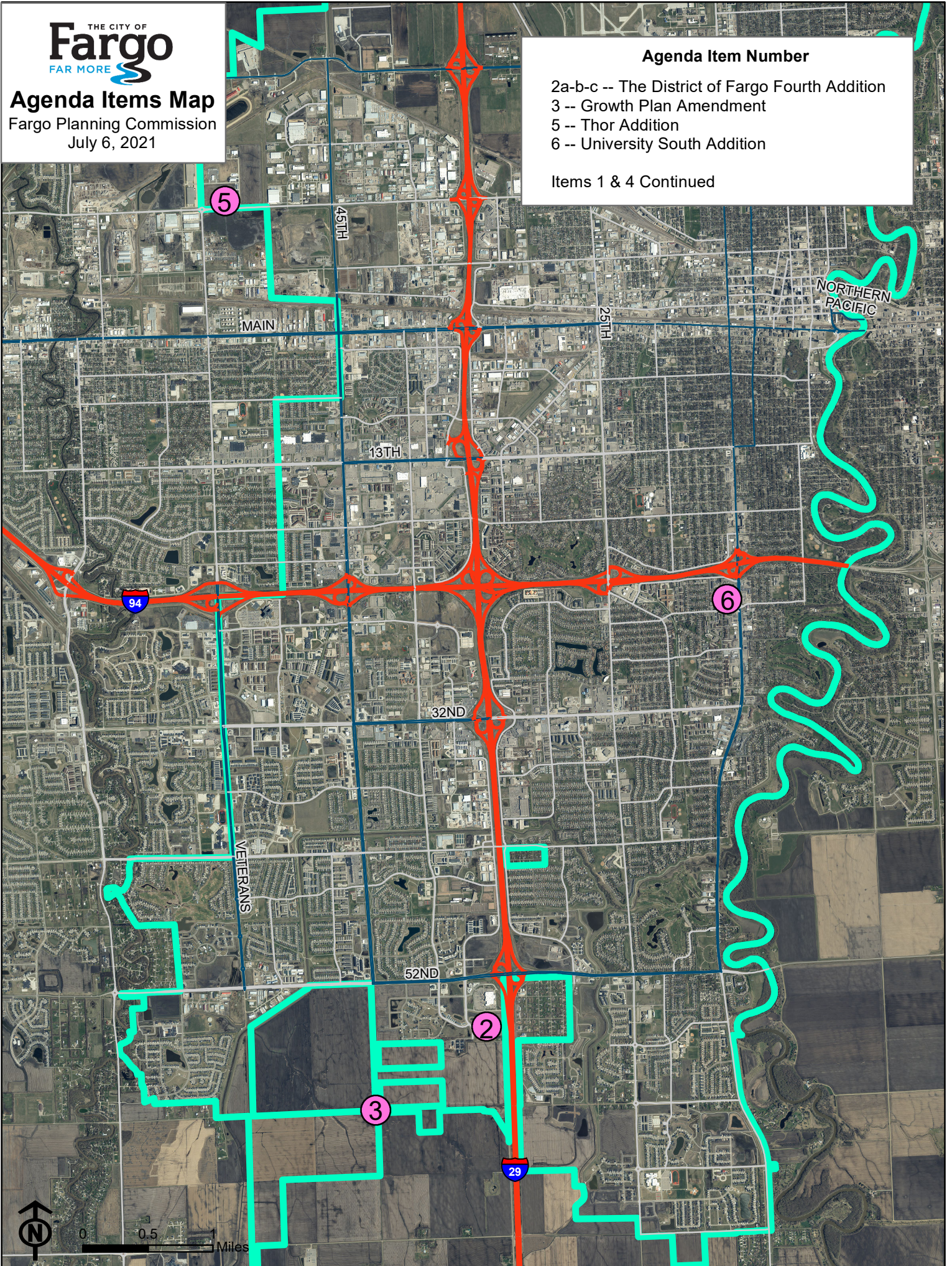
Member Rosenberg moved to adjourn the meeting. Second by Member Scherling. All Members present voted aye and the motion was declared carried.

The time at adjournment was 4:22 p.m.

Agenda Item Number

- 2a-b-c -- The District of Fargo Fourth Addition
- 3 -- Growth Plan Amendment
- 5 -- Thor Addition
- 6 -- University South Addition

Items 1 & 4 Continued



City of Fargo Staff Report			
Title:	The District of Fargo 4 th Addition	Date:	6-24-2021
Location:	5676 and 5532 38 th Street South	Staff Contact:	Kylie Bagley
Legal Description:	Lots 1 & 2, Block 2, District of Fargo 2 nd Addition		
Owner(s)/Applicant:	Larry Scheffler	Engineer:	Houston Engineering
Entitlements Requested:	Major Subdivision (Replat of Lot 2, Block 2, District of Fargo 2 nd Addition); Zone Change (from LC, Limited Commercial, with a C-O, Conditional Overlay to LC, Limited Commercial and MR-3, Multi-Dwelling Residential, with a C-O, Conditional Overlay,) and Growth Plan Amendment (Amend 2007 Tier 1 Southwest Land Use Plan from “Commercial” to “Commercial” and “Residential Area – Medium to High Density”)		
Status:	Planning Commission Public Hearing: July 6, 2021		

Existing	Proposed
Land Use: Vacant	Land Use: Commercial and Residential
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay	Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay and MR-3. Multi-Dwelling Residential
Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs , commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service with a conditional overlay (C-O) to regulate signs, restrict land uses, and provide design standards	Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs , commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. with a conditional overlay (C-O) to regulate signs, restrict land uses, and provide design standards
Maximum Density Allowed: None	Maximum Density Allowed: MR-3 allows a maximum of 24 dwelling unit per acre
Maximum Lot Coverage Allowed: 55%	Maximum Lot Coverage Allowed: 55%

Proposal:
The applicant is seeking approval of three entitlements (a major subdivision, growth plan amendment, and zoning map amendment) to accommodate future commercial and residential development. The major subdivision, entitled <i>The District of Fargo 4th Addition</i> , would plat the subject property into eleven lots on two blocks. The subdivision would also dedicate public right-of-way (to be known as 37 th Street South) to accommodate circulation within the subject property.

The three larger lots (Lot 3 and 4, Block 1 and Lot 3, Block 2) will be zoned MR-3 in order to accommodate future multi-dwelling residential structures. These lots will also feature amenities for the residents such as a park and clubhouse. The residential lots will be buffered from Interstate 29 by commercial lots.

The remainder of the lots are proposed to be rezoned to LC, Limited Commercial, with a C-O, Conditional Overlay, for future commercial development.

The proposed growth plan amendment would reclassify the middle portion of the subject property from commercial classifications to the medium to high residential future land use classification.

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 55 Ave S is LC, Limited Commercial with a C-O, Conditional Overlay, with commercial uses;
- East: Interstate right of way;
- South: Vacant, crop production, & residential uses within the AG zoning district;
- West: Across 38 St S is LC, Limited Commercial and MR-3, Multi-Dwelling Residential with vacant and residential uses

Area Plans:

The 2007 Fargo Growth Plan identifies the subject property as having future land uses of Commercial. The proposed growth plan amendment would reclassify the subject area as future Medium/High Density Residential and Commercial Land Use.



Schools and Parks:

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

Neighborhood: The subject property is not currently located within a designated neighborhood, but is adjacent to the District Neighborhood to the north.

Parks: The Pines Park is approximately half a mile to the west of the subject property. Amenities include basketball court, playground, shelter, & trails.

Pedestrian / Bicycle: There is an existing shared-use path along the west side of 38th Street S.

Staff Analysis:

CONDITIONAL OVERLAY: A C-O, Conditional Overlay, zoning district will be established on the properties to be rezoned to LC and MR-3. The purpose of the Conditional Overlay is to establish basic design standards and limit off-premise billboards. The Conditional Overlay is consistent with Conditional Overlays established along the City's newer commercial corridors. A draft of the Conditional Overlay language is attached.

GROWTH PLAN AMENDMENT NEIGHBORHOOD MEETING: Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. This meeting will be held on Wednesday June 30, 2021. Staff will report on the results of this open house at the July 6th Planning Commission hearing.

Growth Plan Amendment

Section 20-0905(H) of the LDC states that the Planning Commission and the 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?**
Adjacent land uses are primarily residential and commercial today, along with the I-29 interstate to the east. Future land uses are expected to include a mix of commercial and residential to the west. The proposed growth plan amendment provides for additional medium to high residential land in the middle of the subject property, which is consistent with anticipated future land uses in this area, which include mix of commercial and residential. The proposed growth plan amendment is more or less an adjustment to the future land uses in this area, rather than a proposal for a different type of land use in this area. **(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 proposed subdivision will create a local street, 37th Street South. 37th Street South will provide access from 55th Avenue South and 38th Street South as well as providing connectivity to residents and commercial business within the proposed 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 their physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?**
The proposed amendment would increase the amount of future residential land use in this area within the Growth Plan. Staff has no evidence to suggest the land use change would negatively impact the long term sustainability of the city. **(Criteria Satisfied)**

Zone Change:

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

Section 20-0906.F (1-4)

1. **The requested zoning change is 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 LC, Limited Commercial, with a C-O, Conditional Overlay. The proposal to rezone the subject property to LC, Limited Commercial, with a C-O, Conditional Overlay and MR-3 Multi-Dwelling Residential, is consistent with proposed amendment to the underlying growth plan that would designate this area for "Commercial" and "Residential Area – Medium to High Density" land uses. The LC zoning will include a conditional overlay (C-O) that regulates signs, prohibits certain land uses, and provides design standards for the development of the site

(Criteria Satisfied)

2. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification 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, developed public right-of-way, which provides access and public utilities to serve the development.

(Criteria Satisfied)

3. The approval will not adversely affect the condition or value of 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 no public comment. 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. The proposed amendment is consistent with the purpose of this LDC, the applicable Growth Plan and other adopted policies of the City.

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan. This zoning will be consistent with the proposed growth plan amendment and will provide an area for development of retail sales and services convenient to the surrounding residential neighborhoods. The proposed conditional overlay will mitigate the impacts of commercial development in relation to the surrounding residential neighborhoods.

(Criteria Satisfied)

Subdivision

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

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

A growth plan amendment and zoning map amendment have been included with this application to accommodate the proposed development. The proposed subdivision is consistent with the proposed growth plan amendment and zoning designations. **(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.

Pursuant to Item 1 above, the proposed development will comply with the proposed growth plan amendment and proposed zoning map amendment. The subdivision meets the intent of the Land Development Code (LDC) and complies with the standards of Article 20-06 of the LDC.

(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.

An executed subdivision amenities plan will address any necessary provisions for public improvements associated with this project. Any improvements associated with the project are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are per City of Fargo assessment policy.

(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 as presented; 2) zone change from LC, Limited Commercial, with a C-O, Conditional Overlay to LC, Limited Commercial and MR-3, Multi-Dwelling Residential, with a C-O, Conditional Overlay,; and 3) plat of **The District of Fargo Fourth Addition** as presented; as the proposal complies with the 2007 Growth Plan, Go2030 Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4), & Section 20-0905.H of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 6, 2021

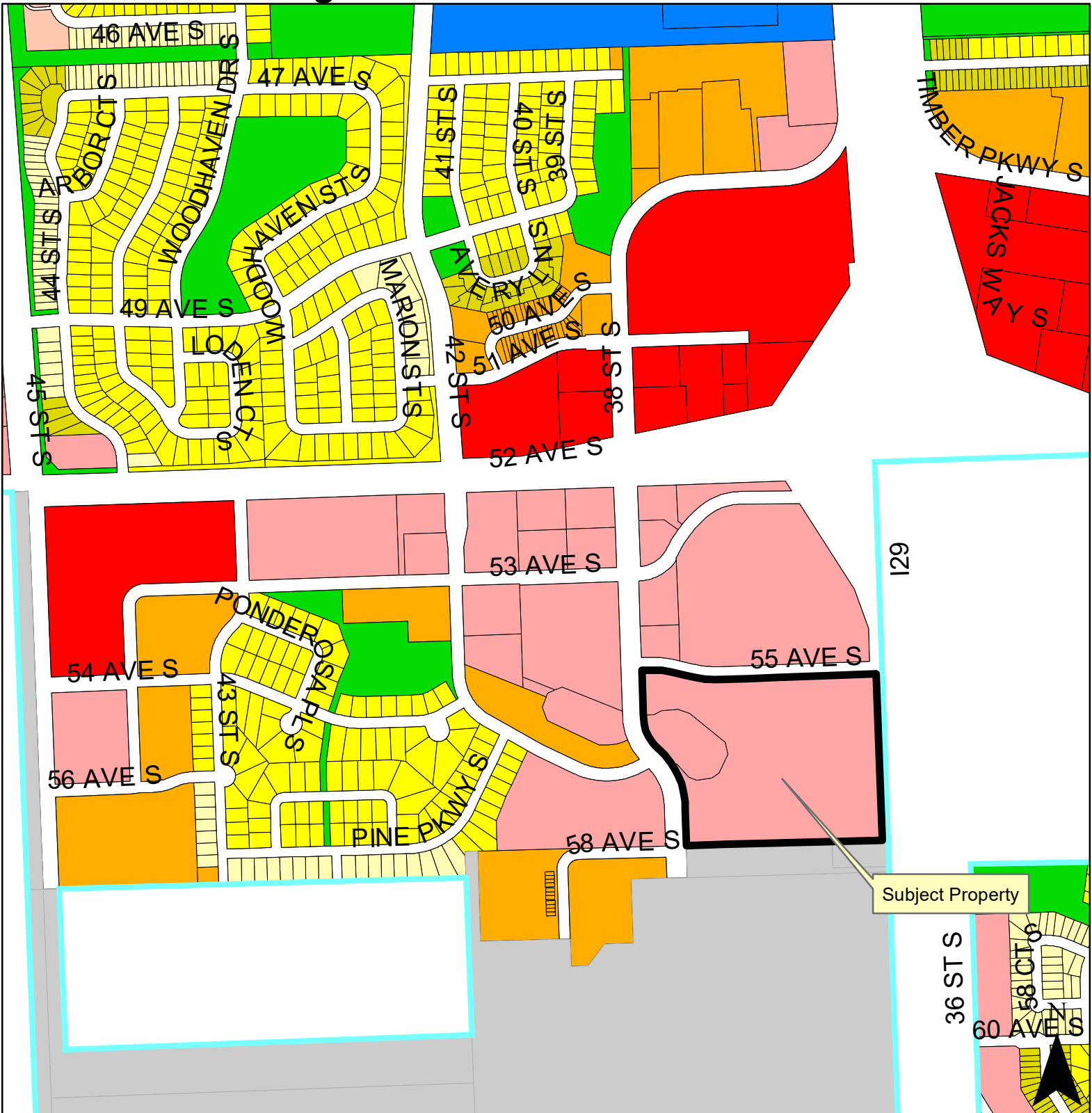
Attachments:

1. Zoning Map
2. Location Map
3. Growth Plan Amendment Map
4. Preliminary Plat
5. Draft Conditional Overlay Standards
6. Draft Concept of Site

Zone Change (LC with a C-O, Conditional Overlay to MR-3 and LC with a C-O, Conditional Overlay), Growth Plan Amendment & Plat (Major)

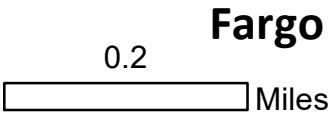
The District of Fargo Fourth Addition

5532 & 5676 38th St S



Legend

AG	DMU	GO	LC	MR-1	MR-2	MR-3	MHP	NO	P	UML	City Limits
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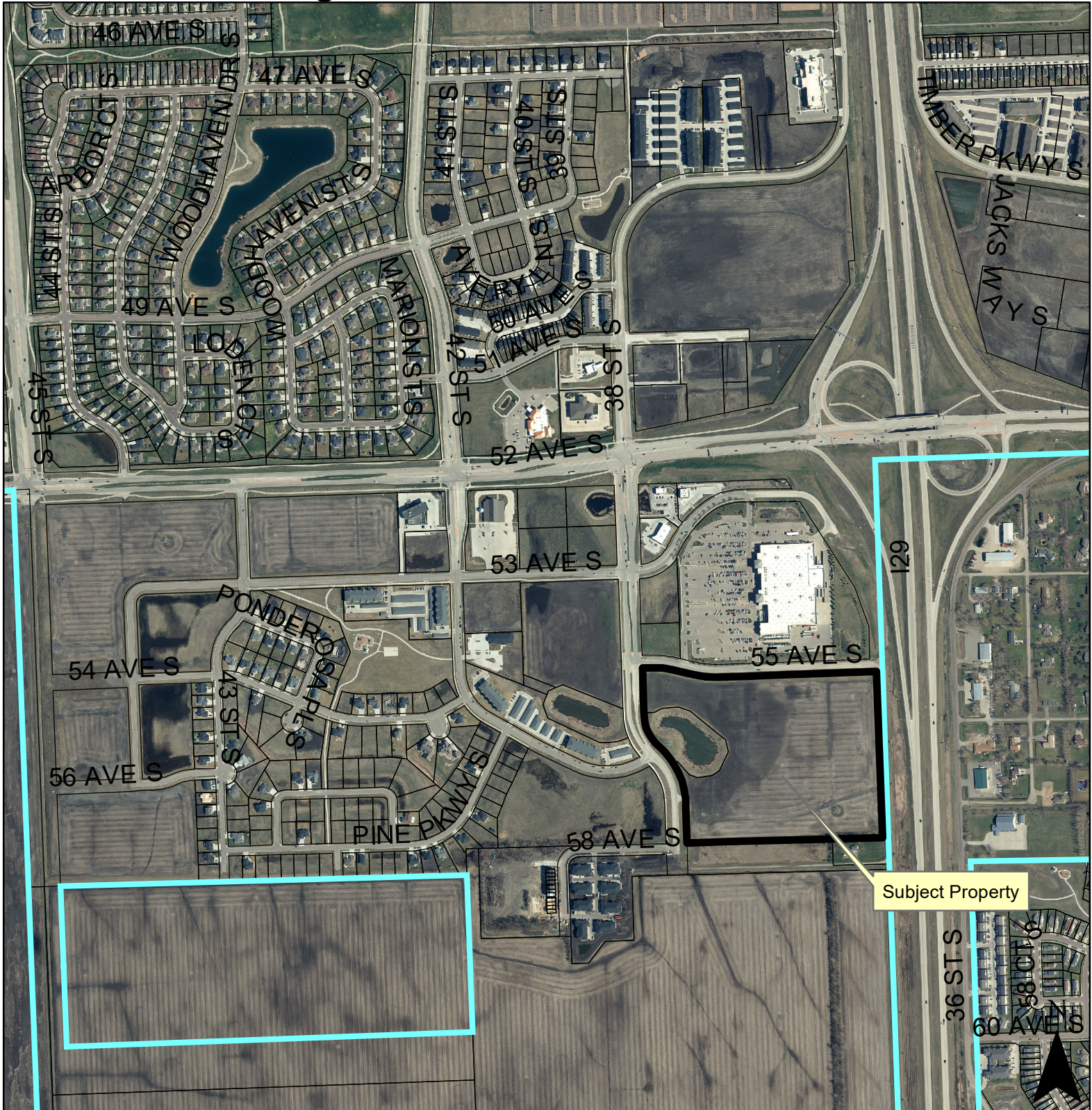


Fargo Planning Commission
July 6, 2021

Zone Change (LC with a C-O, Conditional Overlay to MR-3 and LC with a C-O, Conditional Overlay), Growth Plan Amendment & Plat (Major)

The District of Fargo Fourth Addition

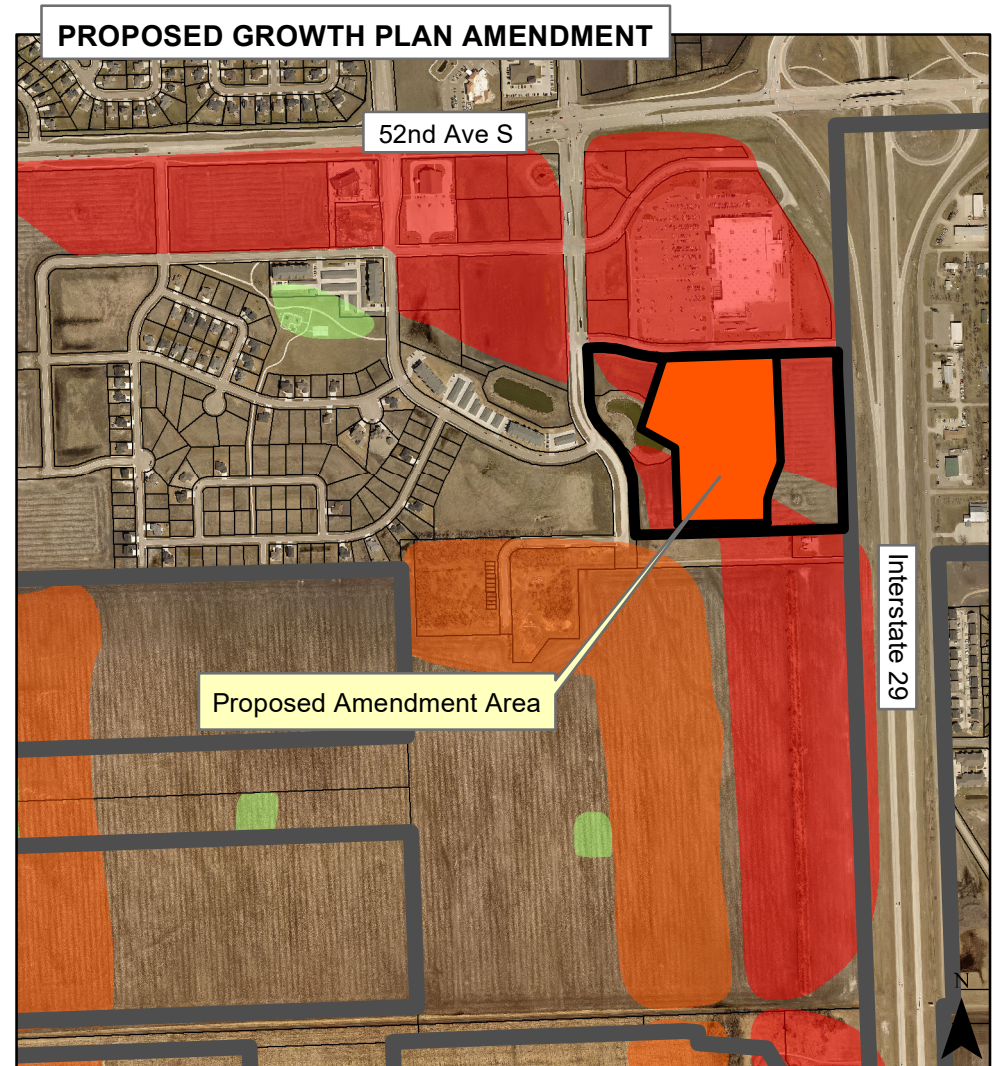
5532 & 5676 38th St S







Growth Plan Amendment

The District of Fargo Fourth Addition

5532 & 5676 38th Street South

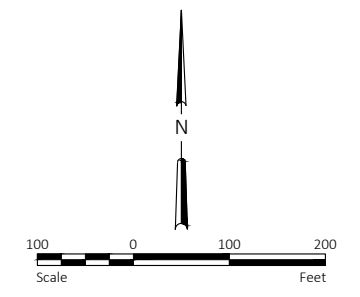


2007 Tier 1 South East

-  City Limits
-  Proposed Park
-  Commercial Area
-  Residential Area - medium to high density

THE DISTRICT OF FARGO FOURTH ADDITION

A MAJOR SUBDIVISION
BEING A REPLAT OF LOTS 1 AND 2, BLOCK 2, THE DISTRICT OF FARGO SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

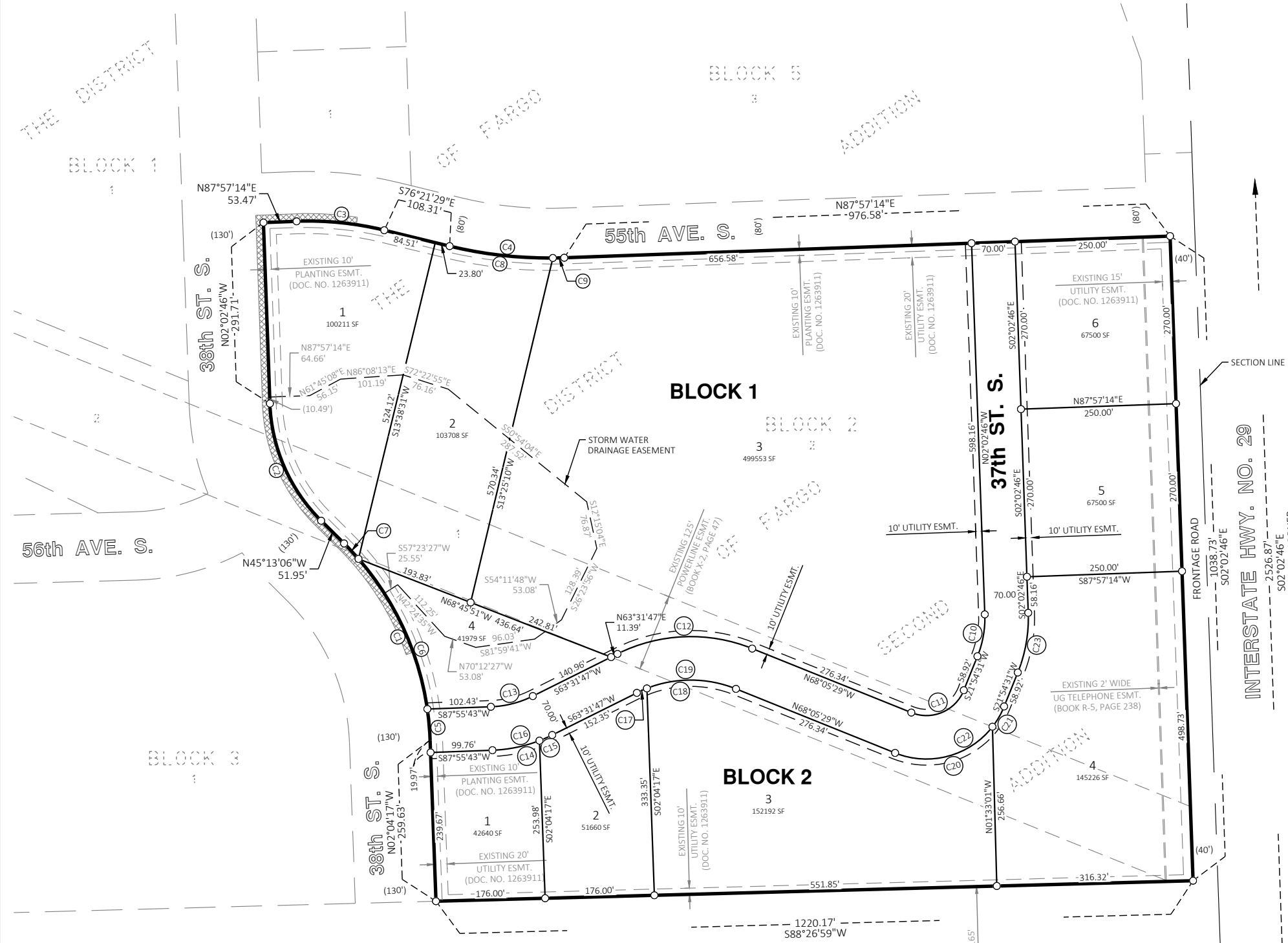
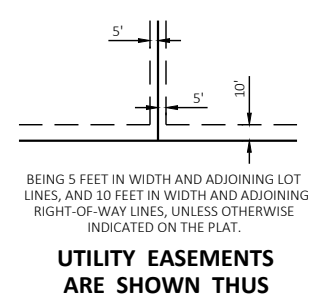
IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	—————
EXISTING LOT LINE	—————
EXISTING UTILITY EASEMENT	—————
EXISTING NEGATIVE ACCESS EASEMENT (DOC. NO. 1263911)	▨

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM

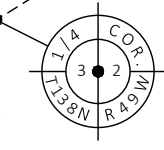
- NOTES:**
- NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
 - PROPERTY IS SITUATED IN ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) AS DEPICTED ON FEMA FIRM PANELS 38017C0786G AND 38017C0787G, DATED JANUARY 16, 2015.
 - BASE FLOOD ELEVATION = 905.7' (NAVD 1988)

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	353.94	470.00	43°08'50"	N23°38'42"W	345.63
C2	210.98	280.00	43°10'20"	N23°37'56"W	206.02
C3	142.38	520.00	15°41'17"	S84°12'08"E	141.93
C4	186.19	680.00	15°41'17"	S84°12'08"E	185.61
C5	50.13	470.00	6°06'40"	N05°07'37"W	50.11
C6	71.98	470.00	8°46'31"	N15°19'12"W	71.91
C7	34.05	470.00	4°09'02"	S43°08'36"E	34.04
C8	167.81	680.00	14°08'23"	N83°25'41"W	167.39
C9	18.38	680.00	1°32'54"	S88°43'41"W	18.37
C10	68.98	165.00	23°57'17"	N09°55'52"E	68.48
C11	102.10	65.00	90°00'00"	S66°54'31"W	91.92
C12	223.76	265.00	48°22'43"	S87°43'09"W	217.17
C13	70.26	165.00	24°23'56"	S75°43'45"W	69.73
C14	77.64	235.00	18°55'45"	S78°27'51"W	77.29
C15	22.43	235.00	5°28'11"	N66°15'53"E	22.43
C16	100.07	235.00	24°23'56"	N75°43'45"E	99.32
C17	17.68	195.00	5°11'42"	N66°07'39"E	17.67
C18	146.97	195.00	43°11'01"	N89°41'00"W	143.52
C19	164.65	195.00	48°22'43"	S87°43'09"W	159.80
C20	174.31	135.00	73°58'38"	S74°55'12"W	162.45
C21	37.75	135.00	16°01'22"	N29°55'12"E	37.63
C22	212.06	135.00	90°00'00"	N66°54'31"E	190.92
C23	98.25	235.00	23°57'17"	N09°55'52"E	97.54



SECTION LINE
FRONTAGE ROAD
INTERSTATE HWY. NO. 29
TO SECTION CORNER



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THE DISTRICT OF FARGO FOURTH ADDITION

A MAJOR SUBDIVISION BEING A REPLAT OF LOTS 1 AND 2, BLOCK 2, THE DISTRICT OF FARGO SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Fargo District Holdings, LLC, a Nevada limited liability company, and Landco Fargo, LTD., a Nevada limited company, are the owners and proprietors of the following described tract of land:

Lots 1 and 2, Block 2, The District of Fargo Second Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 31.947 acres, more or less.

And that said parties have caused the same to be surveyed and replatted as The District of Fargo Fourth Addition to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the streets, avenues, and easements shown on the plat.

OWNER:

Fargo District Holdings, LLC
(an undivided 66.6485% interest)

Larry Scheffler, Manager

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Larry Scheffler, Manager of Fargo District Holdings, LLC, a Nevada 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: _____

OWNER:

Landco Fargo, LTD
(an undivided 33.3515% interest)

Larry Scheffler, Manager

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Larry Scheffler, Manager of Landco Fargo, LTD., a Nevada limited 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 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: _____

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Draft Conditional Overlay

Commercial Developments

1. Building form and style

- 1.1. All 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.
- 1.2. Ground floor facades that are within 150 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 50% of its horizontal length
- 1.3. Principle 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 principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, and vinyl. 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, overhead doors, and ground level HVAC units within 150ft of public right of way shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.
- 1.6. Dumpsters, refuse containers, and outdoor storage areas 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. 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. Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising or combination.

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. 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:
 - 2.2.1. Parking lots or parking structures
 - 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot
 - 2.2.3. Entrances of other buildings on the site

2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development

2.2.5. 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. Detention facilities
- 3.2. Self-service storage
- 3.3. Vehicle repair
- 3.4. Vehicle service, limited
- 3.5. Industrial uses
- 3.6. Adult entertainment center

4. Prohibited Signage

- 4.1. Animated Sign – a sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except variations required for displaying time or temperature information.
- 4.2. 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.
- 4.3. Fence Signs – a sign affixed in any way to or painted on a fence
- 4.4. Off Site 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. One pylon sign to be shared with all three businesses is allowed for proximity next to the interstate with a height limit of 60ft.
- 4.5. Pennant – a flag tapering to a point usually strung together by line or rope.
- 4.6. Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- 4.7. Roof Sign – a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof
- 4.8. Vehicular Sign – a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories.
- 4.9. Exterior Window Sign – means any sign painted or applied to the interior/exterior of the window of a tenant

Residential Development

1. Building Form and Style

- 1.1. Principle 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, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Metal panel, finished wood and vinyl shall be allowed on residential structures but should not exceed 75% of the building elevation.
- 1.2. Dumpsters, refuse containers, and outdoor storage areas 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. 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.

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. 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:
 - 2.2.1. Parking lots
 - 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot
 - 2.2.3. Entrances of other buildings on the site
 - 2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development
 - 2.2.5. 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
 - 2.2.6. Upon approval of the Zoning Administrator, adjacent properties may share pedestrian circulation systems that connect to public sidewalks.
3. Prohibited Signage
 - 3.1. Animated Sign – a sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except variations required for displaying time or temperature information.
 - 3.2. 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.
 - 3.3. Fence Signs – a sign affixed in any way to or painted on a fence
 - 3.4. Off Site 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. One pylon sign to be shared with all three businesses is allowed for proximity next to the interstate with a height limit of 60ft.
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 - 3.8. Vehicular Sign – a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories.
 - 3.9. Exterior Window Sign – means any sign painted or applied to the interior/exterior of the window of a tenant

KEY

- OFFICE OR RETAIL
- RESIDENTIAL W/ GRADE LEVEL PARKING & 3 STORIES OF APARTMENTS ABOVE (PODIUM STYLE)
- CLUBHOUSE SERVING RESIDENTIAL APTS.
- EFF. 1-BED 2-BED 3-BED
- DOUBLE STALL GARAGE
- SINGLE STALL GARAGE
- PROPERTY LINE
- SETBACKS
- EASEMENTS

NOTES:

1. THIS SITE PLAN IS DIAGRAMMATIC AND TO BE VERIFIED BY A CIVIL ENGINEER
2. NOT ALL SIDEWALKS SERVING THE BUILDINGS ARE SHOWN ON THIS PLAN



FRONTAGE RD

INTERSTATE 1-29

**City of Fargo
Staff Report**

Title:	Growth Plan Amendment	Date:	6/29/21
Location:	Generally located South of 52nd Avenue South, West of Interstate 29, East of Veterans Boulevard, and North of 88th Avenue South	Staff Contact:	Aaron Nelson
Legal Description:	Parts of Section 3, 4, 10, 15, and 16, and all of Section 9, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	City of Fargo	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Growth Plan Amendment		
Status:	Planning Commission Public Hearing: July 6, 2021		

Proposal:

The City of Fargo is currently in the process of developing a regional stormwater master plan for the City's growth area located south of 52nd Ave S and west of Interstate 29. Part of this work included an analysis and update to future land use assumptions within the study area. Staff has worked in partnership with Houston Engineering to update land use assumptions that were originally established 14 years ago, as part of the City's 2007 Growth Plan. These updates to the future land use map are intended to account for more-recent policy decisions and changing conditions, such as the adoption of the Go2030 Comprehensive Plan, a regional approach to stormwater management, the FM Diversion, planned school & park facilities, as well as planned & proposed transportation infrastructure, among other things.

Staff believes that these updated land uses illustrate a more-accurate vision of the growth principles embodied within the Go2030 Comprehensive Plan, and are a better reflection of the contextual realities of today. As such, staff is proposing this growth plan amendment in order to adopt this updated future land use map as the official growth plan for the subject property.

The proposed future land use map is included as an attachment, along with descriptions and example images of the future land use typologies included in the map. Also attached is a map illustrating the proposed regional stormwater pond and related infrastructure, for reference.

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.

Area Plans:

The existing growth plan and future land use map for the subject property was established with the 2007 Fargo Growth Plan. The existing future land use map is attached. The subject property is also included within the study area for MetroCOG's Southwest Metro Transportation Plan, which was adopted in 2016.

Staff Analysis:

Growth Plan Amendment Open House Meeting:

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. Staff held two open house meetings for the proposed amendment. The first meeting was held on June 8, 2021 for the owners and representatives of property within the boundaries of the amendment area (subject property). The second meeting was held on June 22, 2021 for owners and representatives of property within and adjacent to the boundaries of the subject property. Comments received relating to the proposed future land uses have been incorporated into the proposed future land use map. In addition to a few comments relating to land use, staff also received feedback relating to corridor/street design for 64th Ave S.

Growth Plan Amendment

Section 20-0905(H) of the LDC states that the Planning Commission and the 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?

Adjacent land uses are primarily agricultural today, along with the I-29 interstate to the east. Developed areas to the north of the subject property contain primarily residential and commercial land uses. So too are adjacent future land uses as illustrated within the 2007 growth plan, which are also a mix of commercial and residential. Existing and proposed land uses are consistent and compatible with the proposed changes in land use. **(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.

There are no proposed changes to the alignment of future arterial corridors, which run along section lines. There are some slight adjustments to the collector street system, primarily in relation to the future regional stormwater retention pond, which precludes feasible street connections across the pond area. In any case, it should be noted that growth plans such as these are conceptual in nature and are not definitive in terms of specific street alignment. Additionally, other adopted transportation plans and studies, such as the Southwest Metro Transportation Plan, provide much more detail as to the connectivity of the transportation system in this area, and its relation to the regional transportation network. **(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 their physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?

As noted in the Proposal section of this report, the proposed updates to the future land use map are intended to account for more-recent policy decisions and changing conditions, such as the adoption of the Go2030 Comprehensive Plan, a regional approach to stormwater management, the FM Diversion, planned school & park facilities, as well as planned & proposed transportation infrastructure, among other things.

There are many Guiding Principles and Key Initiatives of the Go2030 Comprehensive Plan which this amendment seeks to work towards, including:

- *Parks, Open Space, and Habitat* – The “Open/Recreation Related Space” land use classification on the future land use map illustrates areas associated with the regional stormwater system, including detention/retention areas and stormwater conveyance channels. This planned stormwater system creates a tremendous opportunity for complimentary parks, open spaces, recreation, and trails. It is intended that an inter-connected system of shared-use paths be installed along stormwater channels and the neighborhood schools and parks be sited in close proximity to these amenities, providing a connected system of public amenities. Additionally, the open channel system and ponds will provide opportunities for natural habitat within urbanized areas.
- *Green Stormwater Infrastructure* – Go2030 recommends to use natural storm water management and flood control techniques instead of traditional underground grey techniques (pipe into the river) wherever possible and appropriate, and to Integrate green stormwater projects into open space, streetscape, and neighborhoods in a way that improves appearance and functionality.
- *City-Wide Trail Loop* – Trails located along stormwater channels are a key element of a city-wide trail system, since they provide a prime opportunity for off-street trails with limited street crossings. Off-street trails are desirable for recreational users, especial those such as beginner/novice bike riders.
- *Neighborhoods, Infill, and New Development* – Chapter 10 of the Go2030 Comprehensive Plan calls for Fargo to promote attractive and welcoming neighborhoods with a diverse and affordable housing stock, where residents can age in place, where children can walk to school, and where essential services are only a short walk away. Additionally, this chapter discusses the benefits of building denser patterns of development and integrating walkable mixed-use development.

The City's regional detention pond and regional approach to stormwater management is the primary catalyst to the proposed growth plan amendment, as the stormwater infrastructure presents perhaps the largest physical change planned within the subject property. This regional approach to stormwater removes the requirement for individual on-site stormwater detention and reduces overall stormwater infrastructure costs to property owners and to the City.

With the establishment of the FM Diversion alignment, there is an increased recognition of the finite nature of the City's future growth area, compared to when the current growth plan was adopted in 2007. As such, the proposed growth plan amendment seeks to accommodate increased density within the subject property. The land use definitions on the proposed future land use map and the typology examples that are attached, speak to a denser pattern of development than was originally contemplated with the 2007 Growth Plan, but which are embodied within the more-recent Go2030 Comprehensive Plan. The brightest example of this is the "Town Center" future land use classification that is intended to be a walkable mixed-use center, which is a catalyst for implementing the goals of Go2030.

Lastly, staff has worked with partner agencies, including the Fargo Park District and both the Fargo and West Fargo School districts. The Fargo Park District is currently in the process of fundraising and developing a regional sports complex along the west side of I-29, north of 64th Ave S. The Park District is a primary partner in relation to the regional stormwater system, with the large public pond providing a unique opportunity for park programming and amenities, such as fishing and kayaking. Additionally, the Park District hopes to see future development take advantage of future trail networks along stormwater drains by connecting neighborhood parks to these trail systems.

The Fargo and West Fargo school districts will be monitoring development in this area for their respective facilities plans (45th Street S is the boundary between the two school districts within this area). Neither school district currently owns property for a future school or has imminent plans for constructing (a) new school site(s) within the subject property; however, public schools will be needed within this area to serve future residents. While potential future school sites are not illustrated on the proposed future land use map, the need for schools is noted in text on the map document. It is also worth mentioning that in 2020 the City of Fargo adopted an updated Safe Routes to School Plan, which includes recommendations for siting new schools.

Overall, staff finds that the proposed growth plan amendment is a positive improvement over the current growth plan for the subject property, as the proposal accounts for more-recent policy decisions and new conditions since the adoption of the 2007 Growth Plan and land use map for this area. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and to recommend approval to the City Commission of the proposed growth plan amendment as presented, as the proposal is consistent with the 2007 Growth Plan and Go2030 Comprehensive Plan, and complies with the standards of Section 20-0905.H of the LDC, and all other applicable requirements of the LDC."

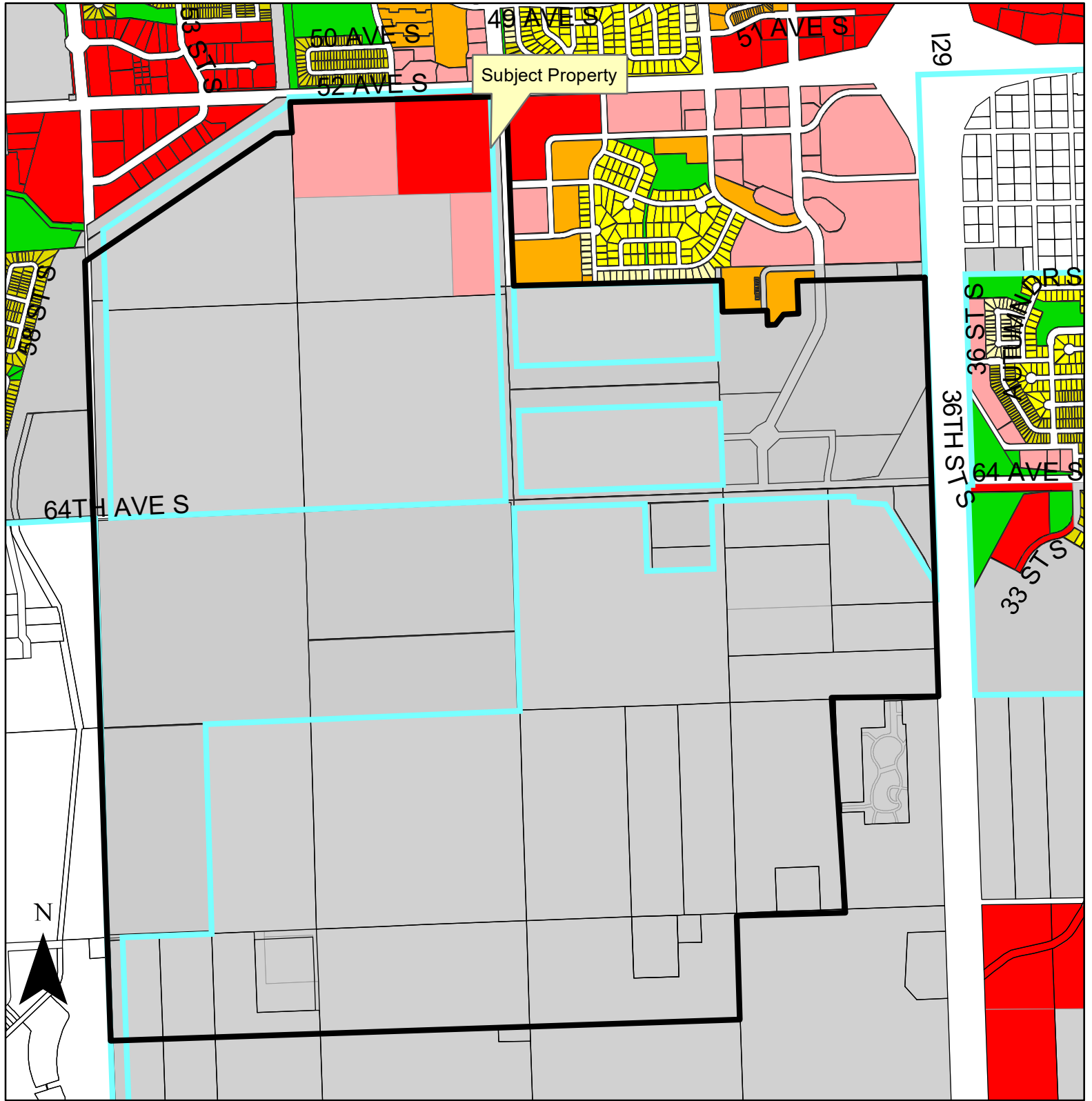
Planning Commission Recommendation: July 6, 2021

Attachments:

1. Zoning Map
2. Location Map
3. Existing Future Land Use Map
4. Proposed Future Land Use Map
5. Land Use Typology Descriptions & Examples
6. Draft Regional Stormwater Infrastructure layout

Growth Plan Amendment

Growth Plan Amendment



400
Feet

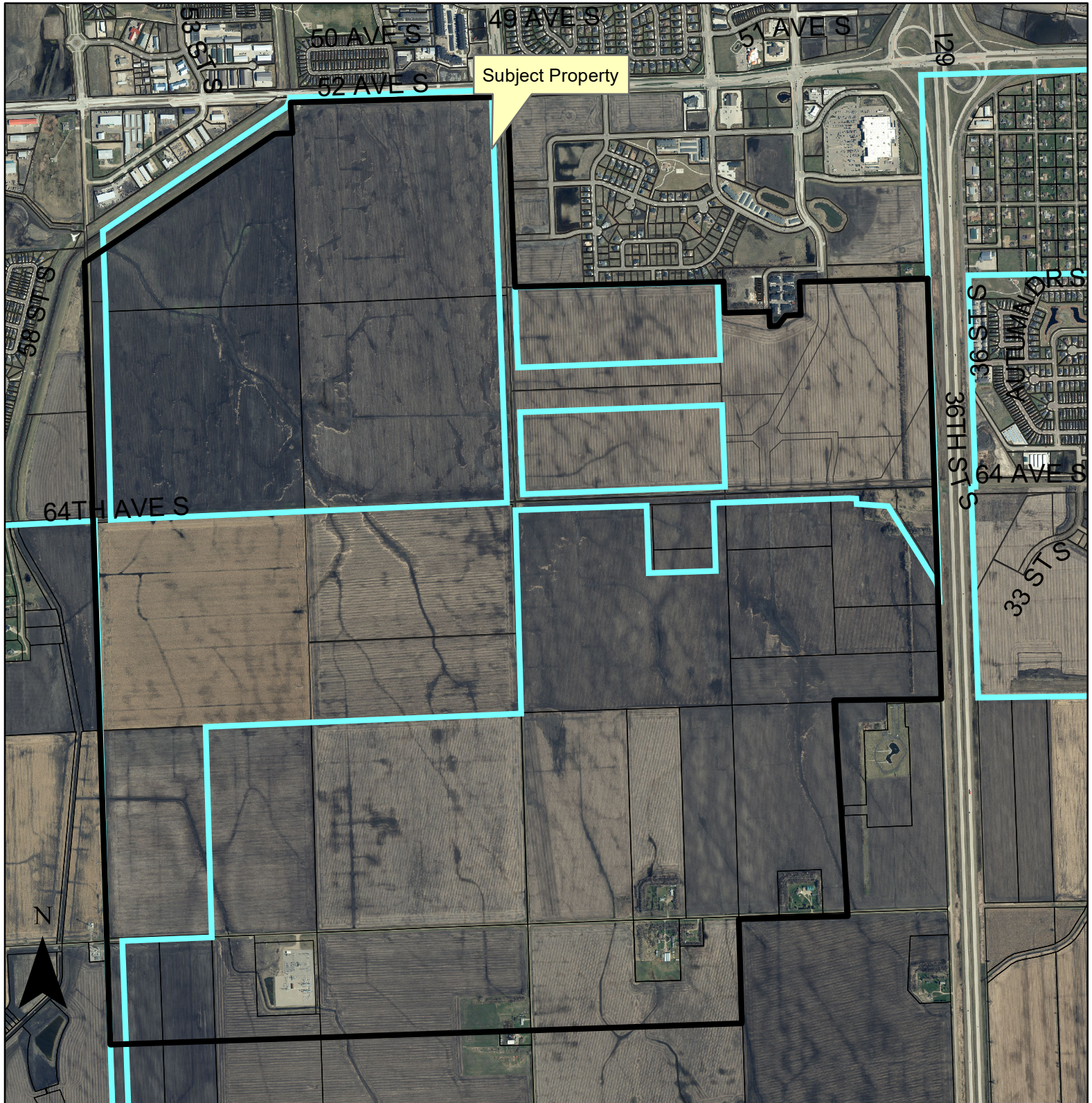
Legend

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

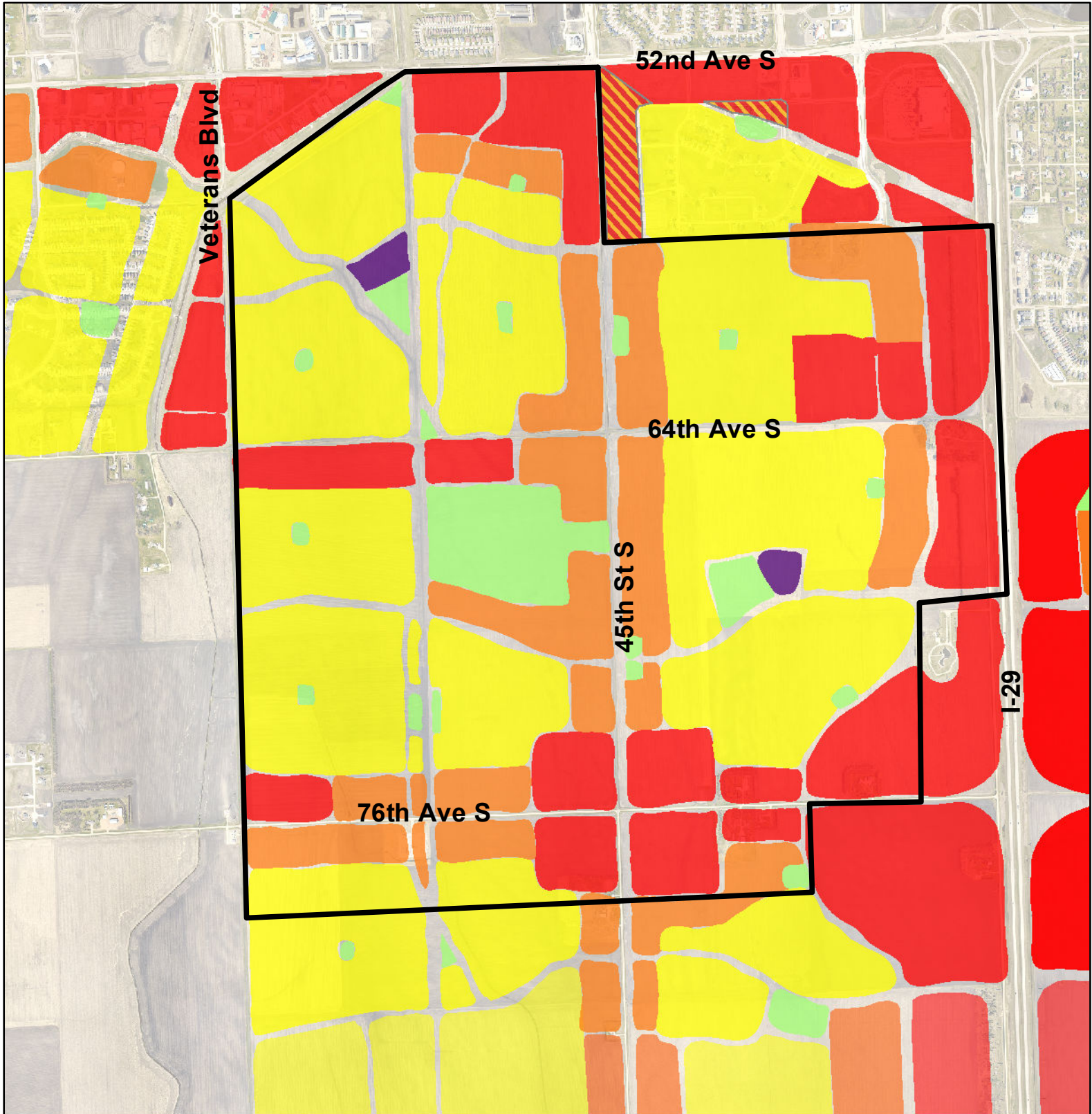
Fargo Planning Commission
July 6, 2021








Growth Plan Amendment

Growth Plan Amendment

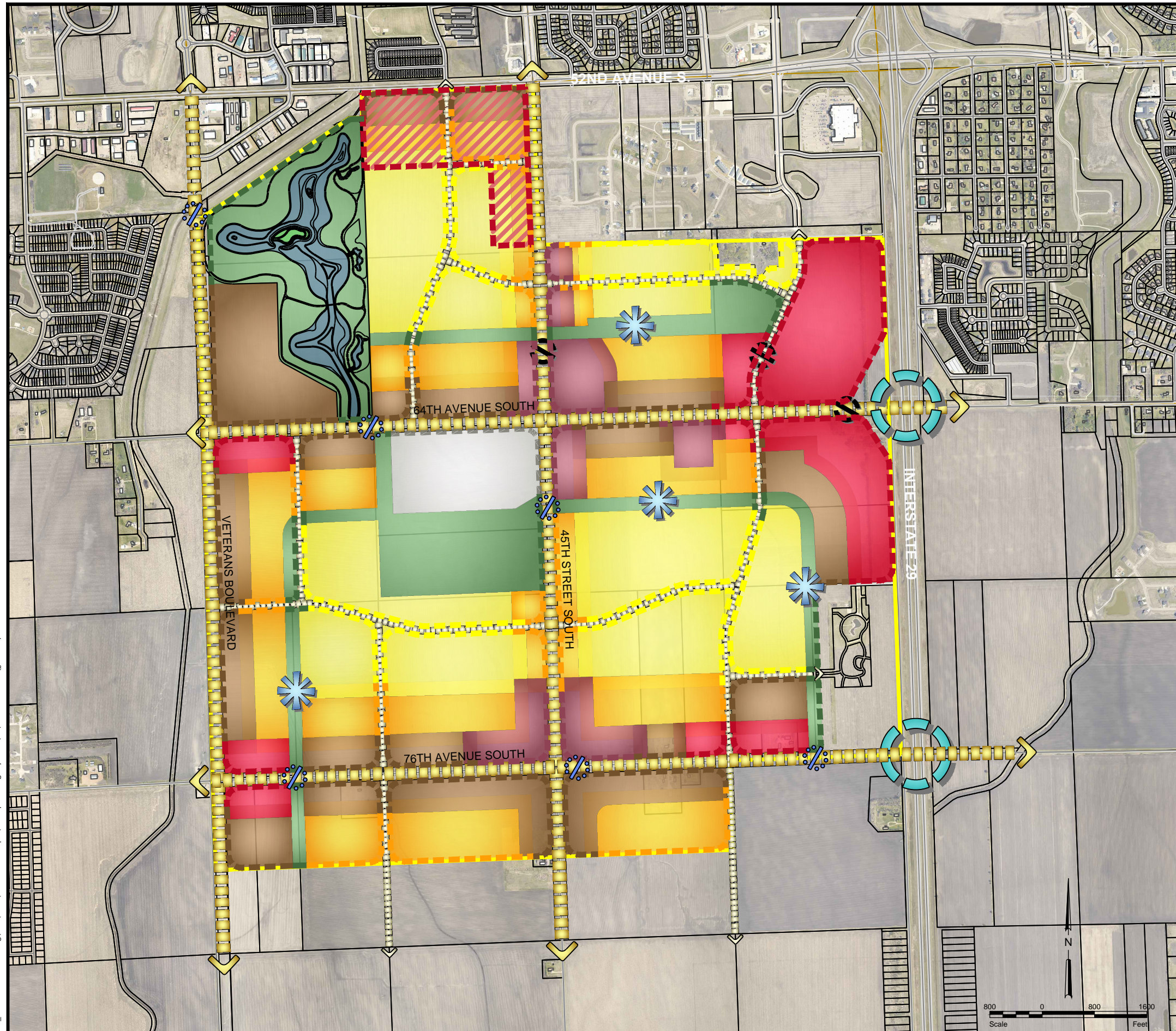


Existing Future Land Use Map



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





LEGEND:

- APPROXIMATE STUDY AREA
- PROPOSED INTERCHANGE
- PROPOSED ARTERIAL STREETS
- PROPOSED COLLECTOR STREETS
- PROPOSED NEIGHBORHOOD CONNECTION LOCATIONS
- PLANNED PEDESTRIAN UNDERPASS
- POTENTIAL PEDESTRIAN UNDERPASS

Proposed Amendment

PROPOSED LAND USE

SYMBOL	PROPOSED LAND USE	ACRES
	OPEN/ RECREATION RELATED SPACE	344
	LOW DENSITY RESIDENTIAL	496
	MEDIUM DENSITY RESIDENTIAL	472
	HIGH DENSITY RESIDENTIAL	370
	NEIGHBORHOOD MIXED-USE	102
	TOWN CENTER	63
	COMMERCIAL	198
	COMMERCIAL/ RESIDENTIAL OVERLAY	

NOTES:
 1. LAND USES AS SHOWN ARE INTENDED TO BE GENERAL IN NATURE AND THE BOUNDARIES ARE FLEXIBLE, NOT DEFINITIVE.
 2. NEIGHBORHOOD SCHOOLS WILL MOST LIKELY OCCUR WITHIN THE STUDY AREA. NO EXACT LOCATIONS HAVE BEEN DETERMINED AT THIS TIME.

DEFINITIONS FOR PROPOSED LAND USE OPTIONS:

LOW DENSITY RESIDENTIAL (SR-2, SR-3, SR-4, SR-5: 2-12 U/A):
 LOW DENSITY SINGLE AND ATTACHED SINGLE FAMILY HOUSING HAVING AN INDIVIDUAL EXTERIOR FOR EACH UNIT. SHOULD ACCESS PEDESTRIAN AND BICYCLE TRAILS WHILE ENJOYING THE RECREATIONAL ASSETS OF THE NEIGHBORHOOD.

MEDIUM DENSITY RESIDENTIAL (SR-4, SR-5, MR-1: 12-16 U/A):
 ROWHOUSES AND MULTI-DWELLING HOUSING STYLES CHARACTERIZED BY ONE AND TWO-STORY BUILDINGS WITH RELATIVELY LOW TO MODERATE BUILDING COVERAGE. SHOULD ACCESS PEDESTRIAN AND BICYCLE TRAILS WHILE ENJOYING THE RECREATIONAL ASSETS OF THE NEIGHBORHOOD. GENERALLY APPROPRIATE FOR SITES WITH ACCESS TO COLLECTOR AND HIGHER CLASSIFICATION STREETS.

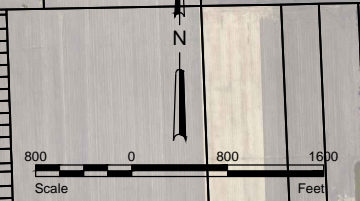
HIGH DENSITY RESIDENTIAL (MR-2, MR-3: 16-24 U/A):
 MULTI-DWELLING HOUSING CHARACTERIZED BY ONE- TO FIVE-STORY BUILDINGS WITH GREATER COVERAGE THAN LOW-MEDIUM RESIDENTIAL. SHOULD ACCESS PEDESTRIAN AND BICYCLE TRAILS WHILE ENJOYING THE RECREATIONAL ASSETS OF THE NEIGHBORHOOD. GENERALLY APPROPRIATE WITH ACCESS TO COLLECTORS AND HIGHER CLASSIFICATION STREETS, PARTICULARLY WHEN LOCATED NEAR ARTERIAL STREETS.

NEIGHBORHOOD MIXED USE:
 MIXTURE OF RESIDENTIAL, OFFICE AND/OR COMMERCIAL USES MEANT TO ADDRESS THE NEEDS OF THE SURROUNDING NEIGHBORHOOD. THESE USES WILL ACT AS A BUFFER FOR LOWER DENSITY RESIDENTIAL USES FROM MORE INTENSIVE COMMERCIAL OFFERINGS. BUILDINGS IN THIS ZONE SHOULD BE 2-4 STORIES AND SHOULD ACCESS PEDESTRIAN AND BICYCLE TRAILS WHILE ENJOYING THE RECREATIONAL ASSETS OF THE NEIGHBORHOOD.

TOWN CENTER:
 HIGH INTENSITY MIXED-USE STYLE DEVELOPMENT INCORPORATING DIFFERENT TYPES OF COMMERCIAL/OFFICE USES ON THE FIRST AND SECOND FLOORS WITH RESIDENTIAL ABOVE IN A 4+ STORY BUILDING STYLE. MAIN STREET PRINCIPLES AND THE FARGO GO 2030 PLAN COMPONENTS WILL BE EVIDENT. THE TOWN CENTER WILL PROVIDE FOR THE RETAIL AND SERVICE NEEDS OF THE NEIGHBORHOOD AND BE COMFORTABLE FOR PEDESTRIAN AND BICYCLE ACCESS. TRANSIT FACILITIES, AMENITIES AND CULTURAL AND RECREATIONAL OPPORTUNITIES ALONG WITH FOOD OFFERINGS WILL MAKE THIS AREA ATTRACTIVE AS A NEIGHBORHOOD DESTINATION.

COMMERCIAL:
 ACCOMMODATES A FULL RANGE OF RETAIL, SERVICE, OFFICE AND COMMERCIAL USES, SUCH AS (THOUGH NOT ALL INCLUSIVE): OFFICE SETTING GENERALLY FOCUSING ON BUSINESS, GOVERNMENT, PROFESSIONAL, MEDICAL, OR FINANCIAL SERVICES; AND RETAIL AND SERVICE SUCH AS HOTEL, ENTERTAINMENT, GROCERY, GENERAL RETAIL TO PROVIDE SERVICES AND REPAIR FOR THE CONSUMER AND BUSINESS GOODS.

COMMERCIAL/ RESIDENTIAL OVERLAY:
 ACCOMMODATES COMMERCIAL, RESIDENTIAL AND/ OR MIXED LAND USES. AS THIS AREA DEVELOPS SPECIAL ATTENTION WILL BE NEEDED TO ENSURE APPROPRIATE TRANSITIONS OCCUR BETWEEN LAND USES.

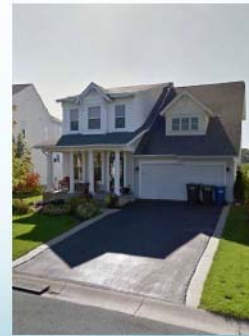


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LOW DENSITY RESIDENTIAL (SR-2, SR-3, SR-4, SR-5)

Low density single and attached single family housing having an individual exterior for each unit. Should access pedestrian and bicycle trails while enjoying the recreational assets of the neighborhood.



Arbor Lakes Development

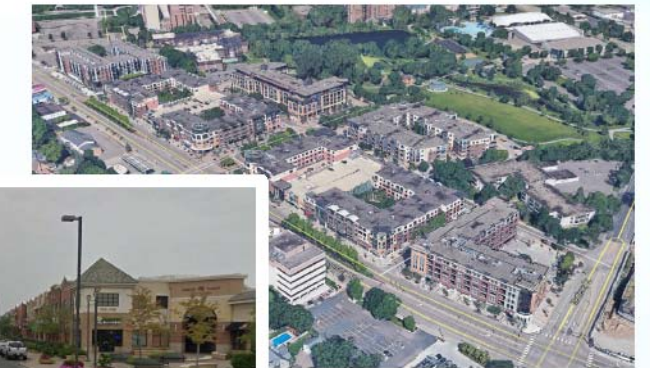
MEDIUM DENSITY RESIDENTIAL (SR-4, SR-5, MR-1)

Rowhouses and multi-dwelling housing styles characterized by one and two-story buildings with relatively low to moderate building coverage. Should access pedestrian and bicycle trails while enjoying the recreational assets of the neighborhood. Generally appropriate for sites with access to collector and higher classification streets.



HIGH DENSITY RESIDENTIAL (MR-2, MR-3)

Multi-dwelling housing characterized by one- to five-story buildings with greater coverage than low-medium residential. Should access pedestrian and bicycle trails while enjoying the recreational assets of the neighborhood. Generally appropriate with access to collectors and higher classification streets, particularly when located near arterial streets.



NEIGHBORHOOD MIXED USE

Mixture of residential, office and/or commercial uses meant to address the needs of the surrounding neighborhood. These uses will act as a buffer for lower density residential uses from more intensive commercial offerings. Buildings in this zone should be 2-4 stories and should access pedestrian and bicycle trails while enjoying the recreational assets of the neighborhood.

TOWN CENTER

High intensity mixed-use style development incorporating different types of commercial/office. Uses on the first and second floors with residential above in a 4+ story building style. Main Street principles and the Fargo Go 2030 plan components will be evident. The town center will provide for the retail and service needs of the neighborhood and be comfortable for pedestrian and bicycle access. Transit facilities, amenities and cultural and recreational opportunities along with food offerings will make this area attractive as a neighborhood destination.



St. Louis Park, MN

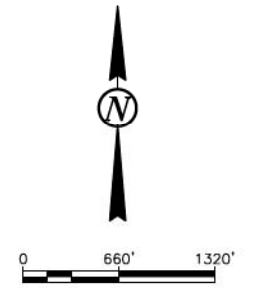
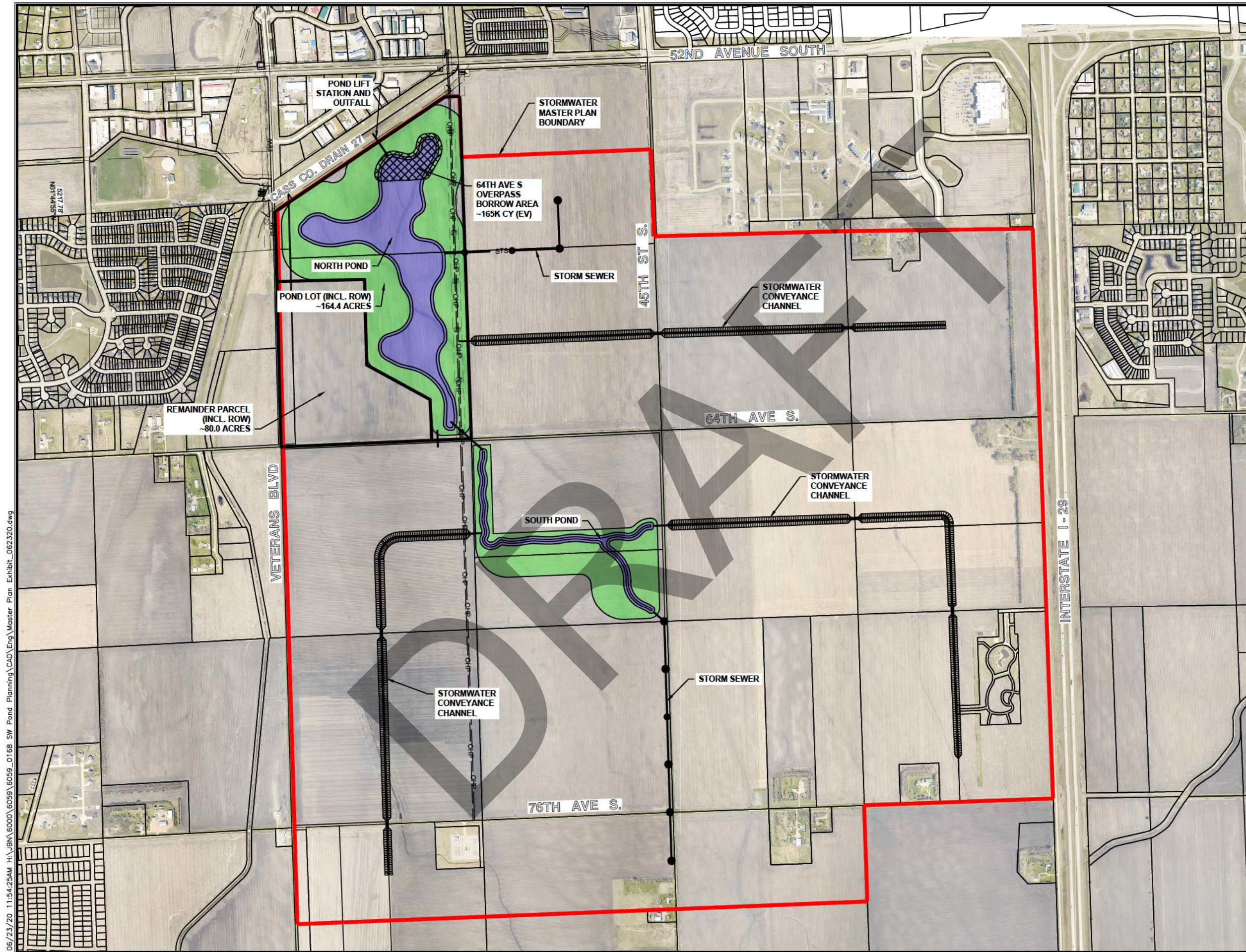
COMMERCIAL/RESIDENTIAL OVERLAY

ACCOMODATES COMMERCIAL, RESIDENTIAL AND/ OR MIXED LAND USES. AS THIS AREA DEVELOPS SPECIAL ATTENTION WILL BE NEEDED TO ENSURE APPROPRIATE TRANSITIONS OCCUR BETWEEN LAND USES.

COMMERCIAL


Accommodates a full range of retail, service, office and commercial uses, such as (though not all inclusive): office setting generally focusing on business, government, professional, medical, or financial services; and retail and service such as hotel, entertainment, grocery, general retail to provide services and repair for the consumer and business goods.






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PRELIMINARY
Not for Construction

 Proj. No. 6059-0168
Houston
Engineering Inc.
Ph: 701.237.5065

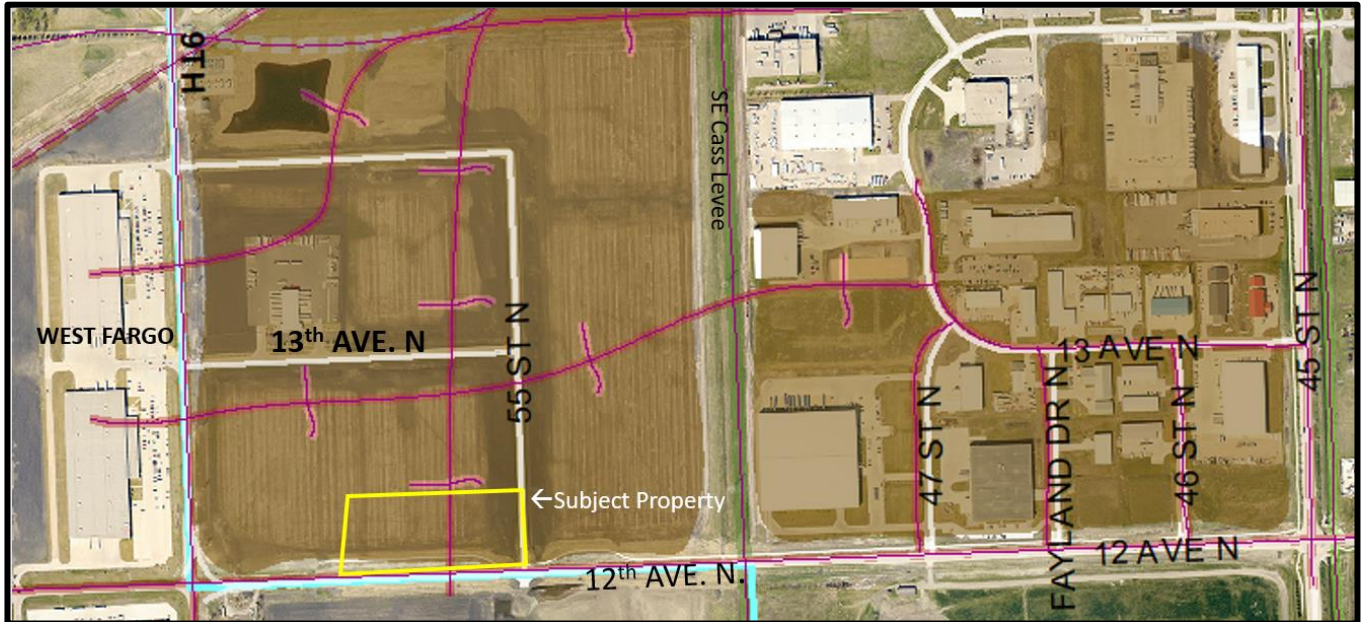
ALL ELEVATIONS ARE BASED ON
THE U.S.G.S. VERTICAL DATUM OF 1988.
(UNLESS NOTED OTHERWISE)

REVISIONS		
③	②	①
OVERALL LAYOUT		
STORMWATER MASTER PLAN		
PROJECT FM-XX-XX		
DESIGN BY: BKW	CHECKED BY: MPL	
DRAWN BY: BKW	ORIG DATE: 6-23-20	
	SECTION NO. ####	SHEET NO. ####

City of Fargo Staff Report			
Title:	Thor Addition	Date:	6/29/2021
Location:	1200 55 th Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 4, Block 1, Commerce on 12 th Addition		
Owner(s)/Applicant:	Thor Properties / Thad Thorsness	Engineer:	Mead & Hunt
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 4, Commerce on 12 th Addition to the City of Fargo, Cass County, North Dakota to vacate portion of negative access easement along 12 th Avenue North)		
Status:	Planning Commission Public Hearing: July 6, 2021		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial	
Zoning: LI, Limited Industrial		Zoning: No change	
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.		Uses Allowed: No change	
Maximum Building Coverage Allowed: 85%		Maximum Density Allowed: No change	
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A minor subdivision, entitled Thor Addition which is a replat of Lot 4, Block 1, Commerce on 12th Addition to the City of Fargo, Cass County, North Dakota. The purpose of this plat is to vacate a portion of the existing Negative Access Easement along the property frontage on 55th Street North. The lot configuration will not change. <p>The property is zoned LI, Limited Industrial. No zone change is proposed. The uses allowed in the LI zone are noted above.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: GC, General Commercial, with retail sales uses • East: GC, General Commercial (across Timber Parkway South) with retail sales uses • South: City of Frontier (across 52nd Avenue South) with residential uses • West: GC, General Commercial; under development 			

Area Plans:

The subject property is designated as "Industrial" on the 2007 Tier 1 Northwest Land Use Plan. The current LI, Limited Industrial zoning is consistent with the land use designation. No zone change is proposed.



- Proposed Land Uses**
- Residential Area - lower to medium density
 - Residential Area - medium to high density
 - Residential Area - rural
 - Commercial Area
 - Industrial Area
 - Agricultural Research

Schools and Parks:

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

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

Parks: The project site is not within one-half mile of a park.

Pedestrian / Bicycle: An 8-foot wide off-road multi-use trail is adjacent to the south side of the property within the 12th Avenue North right of way. This trail is a component of the metro area bikeways system.

Staff Analysis:

The plat will vacate a portion of the existing Negative Access Easement along the property frontage on 55th Street North, The lot configuration will not change. The City's traffic engineer has reviewed this project and does not oppose the proposed vacation of a portion of the negative access easement. As this negative access easement was created on a plat---Commerce on 12th Addition---any modification of that easement requires a replatting of the property.

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 subject property is designated as “Industrial” in the 2007 Tier 1 Northwest Land Use Plan. The property within this plat is currently zoned LI, Limited Industrial, which is consistent with that land use designation. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any communication regarding this project. 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)**

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed **Thor Addition** subdivision plat, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and all other applicable requirements of the LDC.”

Planning Commission Recommendation: July 6, 2021

Attachments:

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

Plat (Minor)

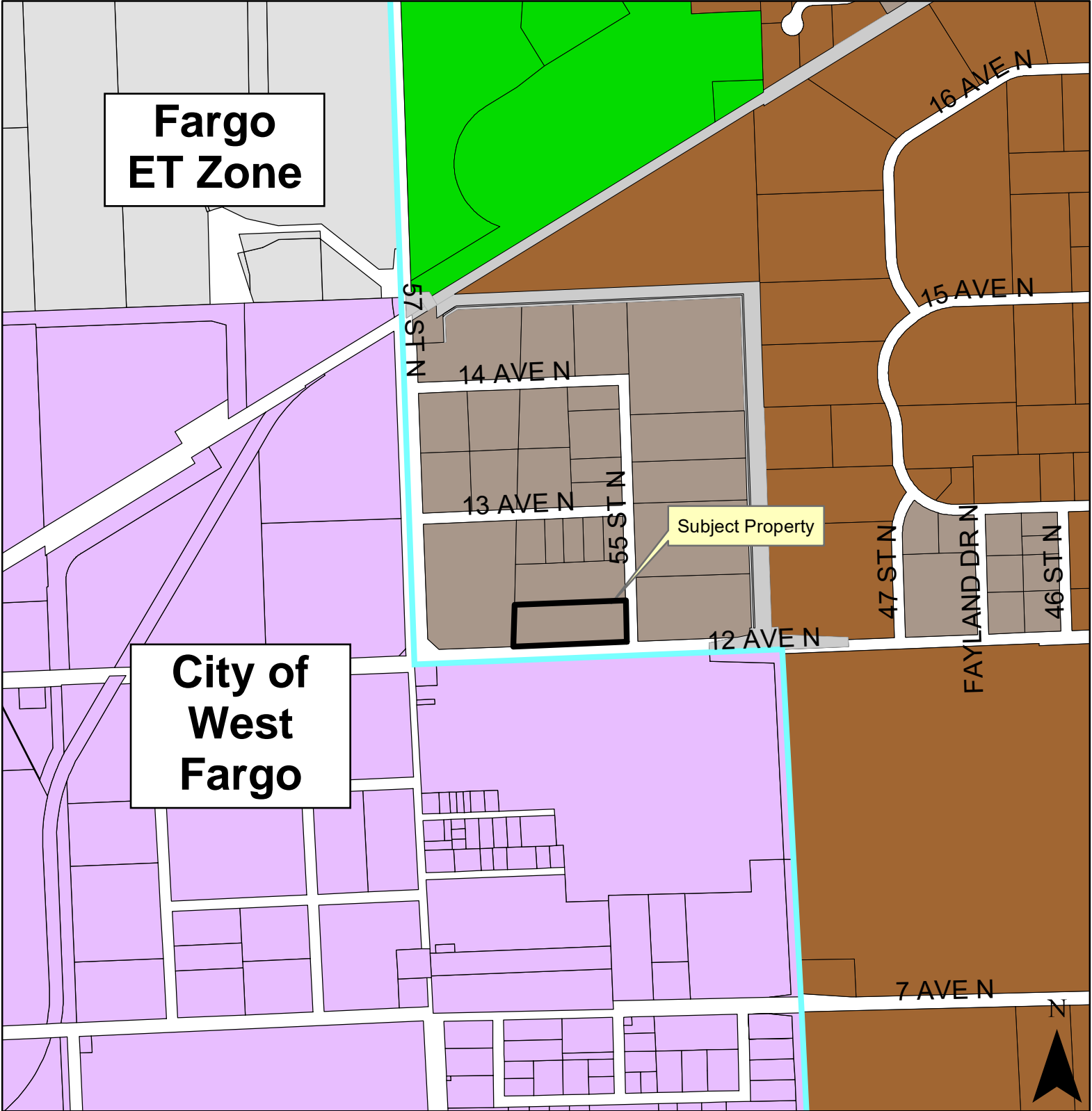
Thor Addition

1200 55th St N

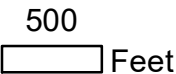
Fargo
ET Zone

City of
West
Fargo

Subject Property



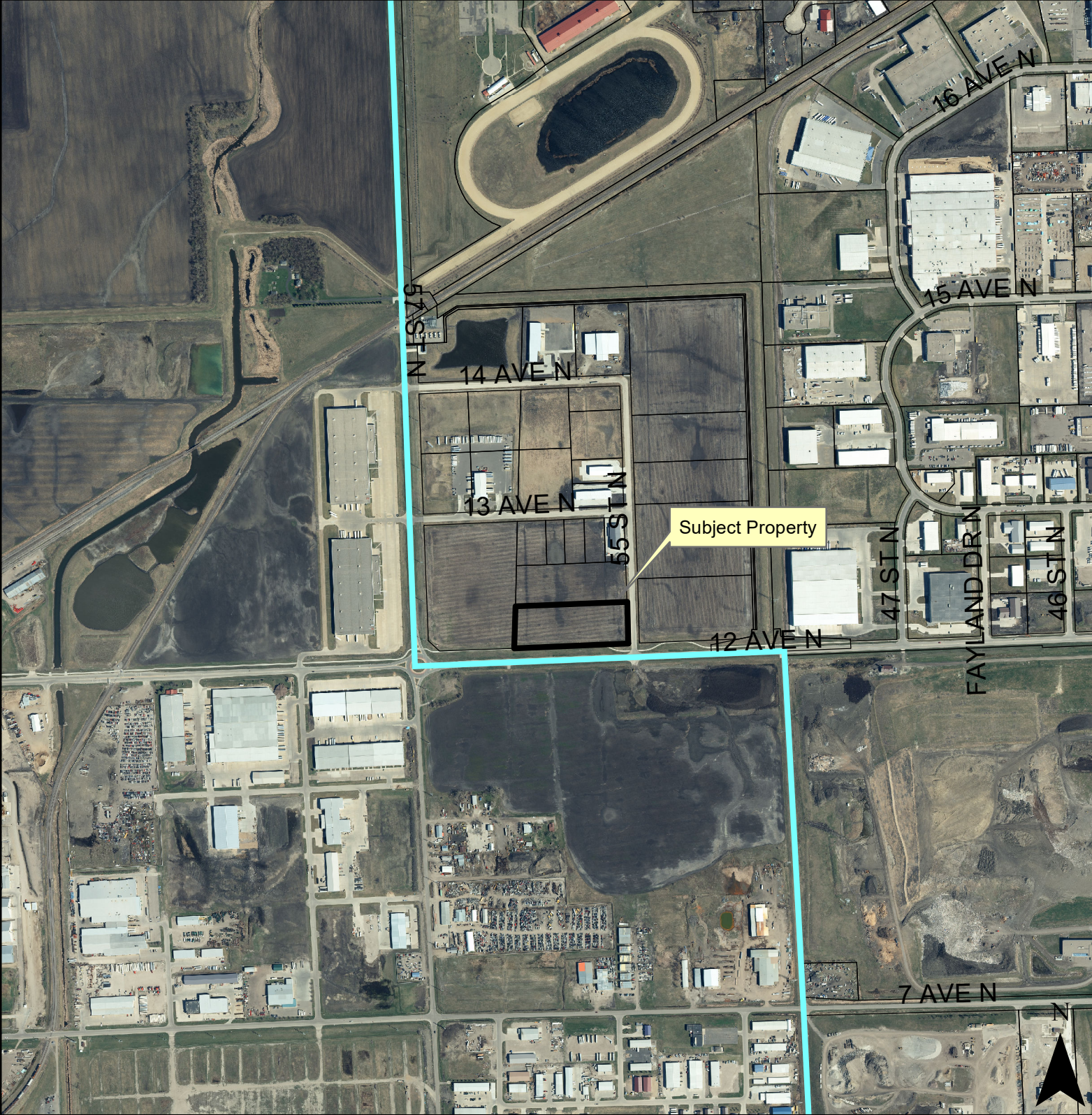
Legend



Plat (Minor)

Thor Addition

1200 55th St N



City of Fargo Staff Report			
Title:	University South Addition	Date:	6/29/2021
Location:	2301 University Drive South	Staff Contact:	Donald Kress, Planning Coordinator Adam Martin, Assistant Planner
Legal Description:	A portion of Lot 1, Block 2, Oak Manor First Addition		
Owner(s)/Applicant:	Andrew Grove, GFI Dakota Development LLC/Houston Engineering	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Plat of University South Addition a replat a portion of Lot 1, Block 2, Oak Manor First Addition)		
Status:	Planning Commission Public Hearing: July 6, 2021		

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

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A minor subdivision, entitled University South Addition a replat a portion of Lot 1, Block 2, Oak Manor First Addition <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: LC with retail/service, including a hotel, and office uses. • East: GC: General Commercial with retail/service uses; and LC with retail/service uses, including a hotel. • South: LC with retail/service uses and MR-3: Multi-Dwelling Residential with multi-residential dwellings. • West: LC with multi-residential dwellings.
Area Plans:
The subject property is not included in a growth plan or area plan.
Schools and Parks:
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.

Staff Analysis:

The plat will create three lots zoned LC, Limited Commercial. The subject property will continue to take access from Oak Manor Avenue South, University Drive South, and 25th Avenue South. The plat provides an access easement running north-south between Lots 1 and 2.

Fargo's Go2030 comprehensive 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)

However, the Go2030 does not preclude development that meets the current zoning and subdivision regulations. It is staff's understanding that the developer intends to develop the two smaller lots of this plat (Lots 1 and 2) with uses as allowed by the current LC, Limited Commercial zoning. The larger lot (Lot 3) includes the existing K-mart and Burger King buildings. Staff continues to work with the developer to create a plan for Lot 3 that emphasizes pedestrian-oriented, mixed use development.

MINOR SUBDIVISION

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

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

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

The subject property is not located within an area plan. The property within this plat is currently zoned LC, Limited Commercial. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to three inquiries from the neighborhood. 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 move to recommend approval to the City Commission of the proposed plat of the **University South Addition**, as the proposal complies with the Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 6th, 2021

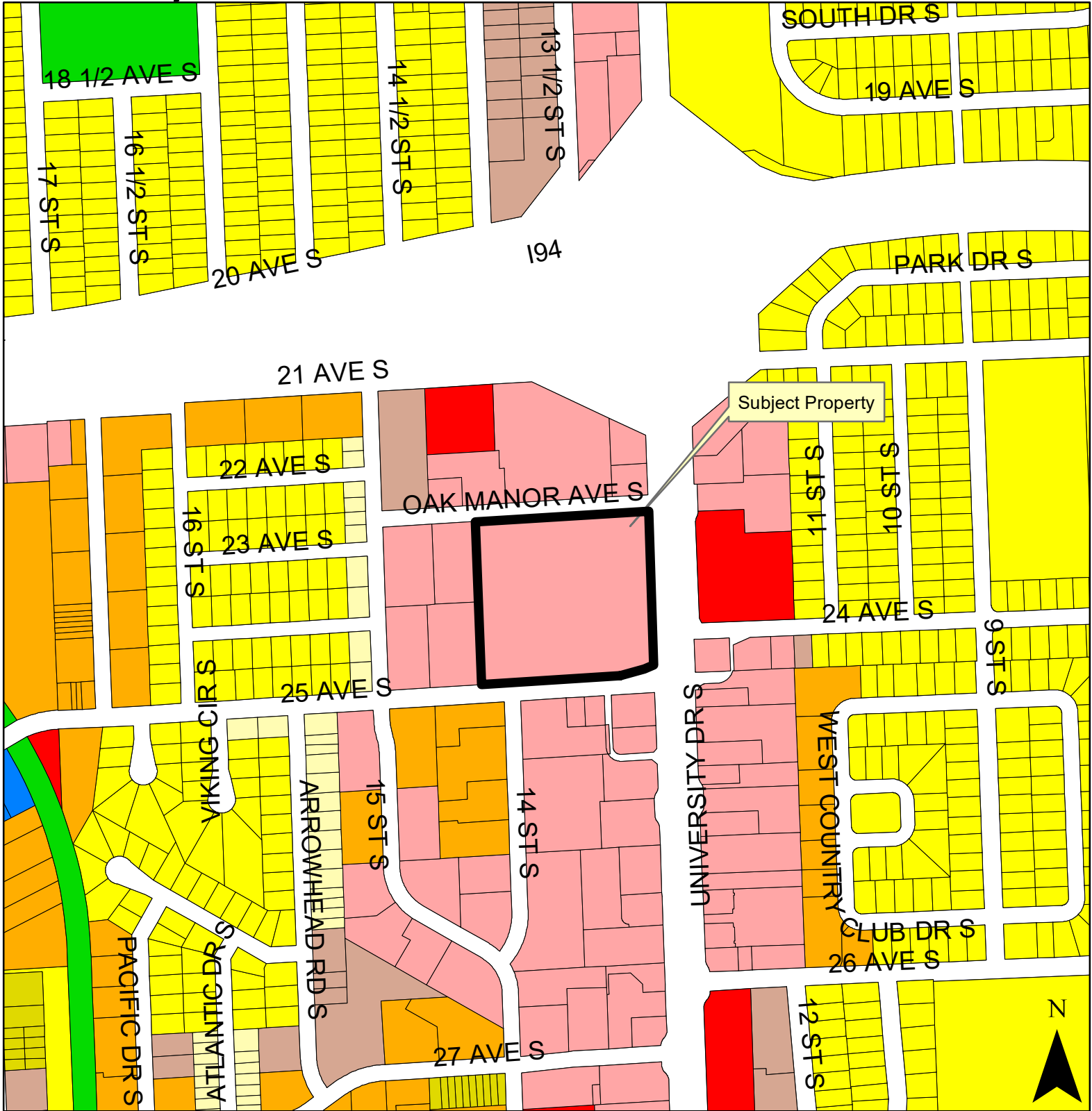
Attachments:

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

Plat (Minor)

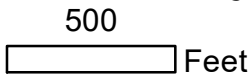
University South Addition

2301 University Drive S



Legend

AG	C	MHP	5000
CG	MR-1	PNZ	5000-1
GO	MR-2	PUM	5000-2
	MR-3	UMU	5000-3
			City Limits



Fargo Planning Commission

July 6, 2021

Plat (Minor)

University South Addition

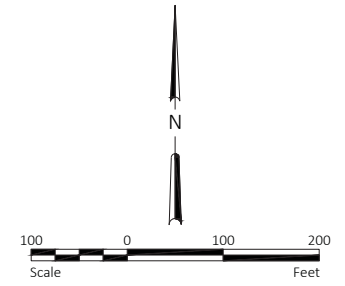
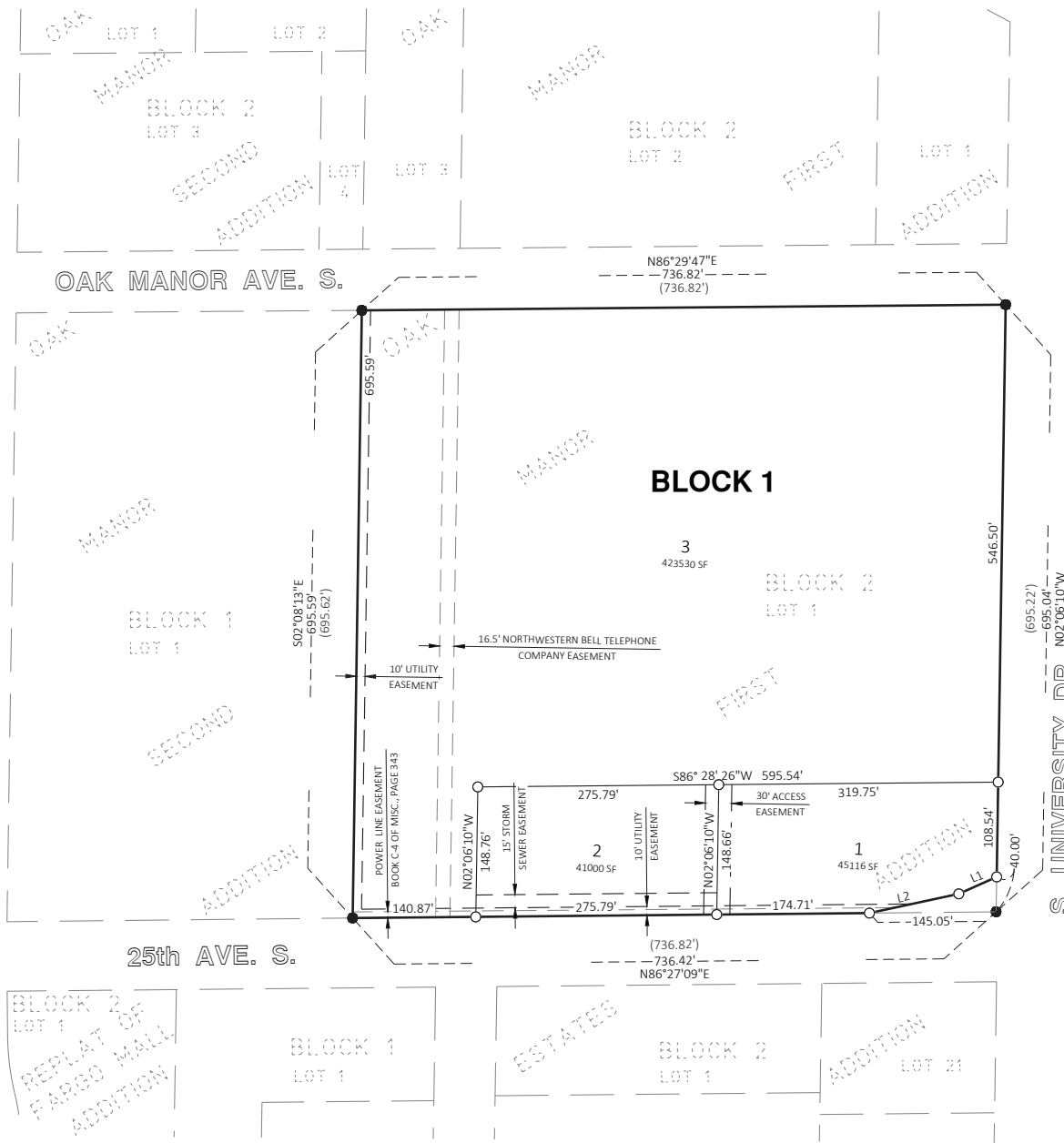
2301 University Drive S



UNIVERSITY SOUTH ADDITION

A MINOR SUBDIVISION

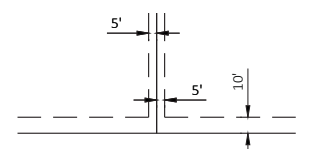
BEING A REPLAT OF LOT 1, BLOCK 2, OAK MANOR FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



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

Line #	Length	Direction
L1	47.51	S62°53'55"W
L2	104.63	S74°52'24"W

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That GFI Dakota Development LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land: Lot 1, Block 2, Oak Manor First Addition to the City of Fargo, Cass County, North Dakota, excepting therefrom Parcel No. 5-6 described in Document No. 807845, described as follows: Beginning at the southeast corner of said Lot 1; thence North 02°06'10" West, along the easterly line of said Lot 1, for a distance of 10.00 feet; thence South 62°53'55" West for a distance of 47.51 feet; thence South 74°52'24" West for a distance of 104.63 feet to a point of intersection with the southerly line of said Lot 1; thence South 86°27'09" East, along the southerly line of said Lot 1, for a distance of 145.05 feet to the point of beginning.

Said tract contains 11.700 acres, more or less.

And that said party has caused the same to be surveyed and replatted as UNIVERSITY SOUTH ADDITION to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the 30' wide access easement shown on the plat, and the utility easement shown on the plat. Said party also hereby dedicates, to the owners of Lot 1, Block 1, a private 15' wide easement for storm sewer purposes, as shown on the plat.

OWNER:
GFI Dakota Development, LLC

By: SAG Management, LLC, its Manager

William H. Ferguson, Manager

State of _____)
County of _____) ss

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)
County of Cass) ss

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____ before me 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)
County of Cass) ss

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)
County of Cass) ss

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

Notary Public: _____



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