FARGO PLANNING COMMISSION AGENDA
Tuesday, October 4, 2022 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of September 8, 2022

C: Public Hearing Items:

1. Hearing on an application requesting a Plat of **Commerce on 12th Seventh Addition** (Minor Subdivision) a replat of Lots 4 and 5, Block 1, Commerce on 12th Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5570 and 5590 13th Avenue North) (Fargo Commercial Properties, LLC/MBN Engineering) (dk)

2. Hearing on an application requesting a Plat of **Dakota Commerce Center North Addition** (Major Subdivision) a replat of a portion of the Northeast Quarter of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota including a subdivision waiver. (Located at 4201 County Road 81 North and 5100 37th Street North) (Holmquist Family LLP/Hyde Development) (dk)

3. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential, LC, Limited Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional to P/I, Public and Institutional and to repeal the existing C-O, Conditional Overlay, for parts of Block G, H, Tt, and I, **Chas A. Roberts Addition** and parts of vacated 6th Street South, parts of vacated 8th Avenue South, and parts of vacated 9th Avenue South. (Located at 700 and 701 7th Street South; 555 and 653 8th Avenue South; 800 6th Street South) (Fargo Park District) (me)

4a. Hearing on an application requesting a Plat of **Hawthorne Elementary Addition** (Minor Subdivision) a replat of parts of Block H, Tt, and I of Chas A. Roberts Addition, and parts of vacated 6th Street South, parts of vacated 8th Avenue South, and parts of vacated 9th Avenue South, to the City of Fargo, Cass County, North Dakota. (700 7th Street South; 555 8th Avenue South; 800 6th Street South) (Fargo Public School District/KLJ Engineering) (me)

4b. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on the proposed **Hawthorne Elementary Addition** and part of Block G, **Chas A. Roberts Addition**. (700 and 701 7th Street South; 555 8th Avenue South; 800 6th Street South) (Fargo Public School District/KLJ Engineering) (me)

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: **Thursday, September 8, 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., Thursday, September 8, 2022.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa (via conference call), John Gunkelman, Jennifer Holtz, Thomas Schmidt

Absent: Scott Stofferahn, Art Rosenberg, Brett Shewey, Dawn Morgan

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of August 2, 2022

Member Gunkelman moved the minutes of the August 2, 2022 Planning Commission meeting be approved. Second by Member Holtz. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Timber Parkway Ninth Addition

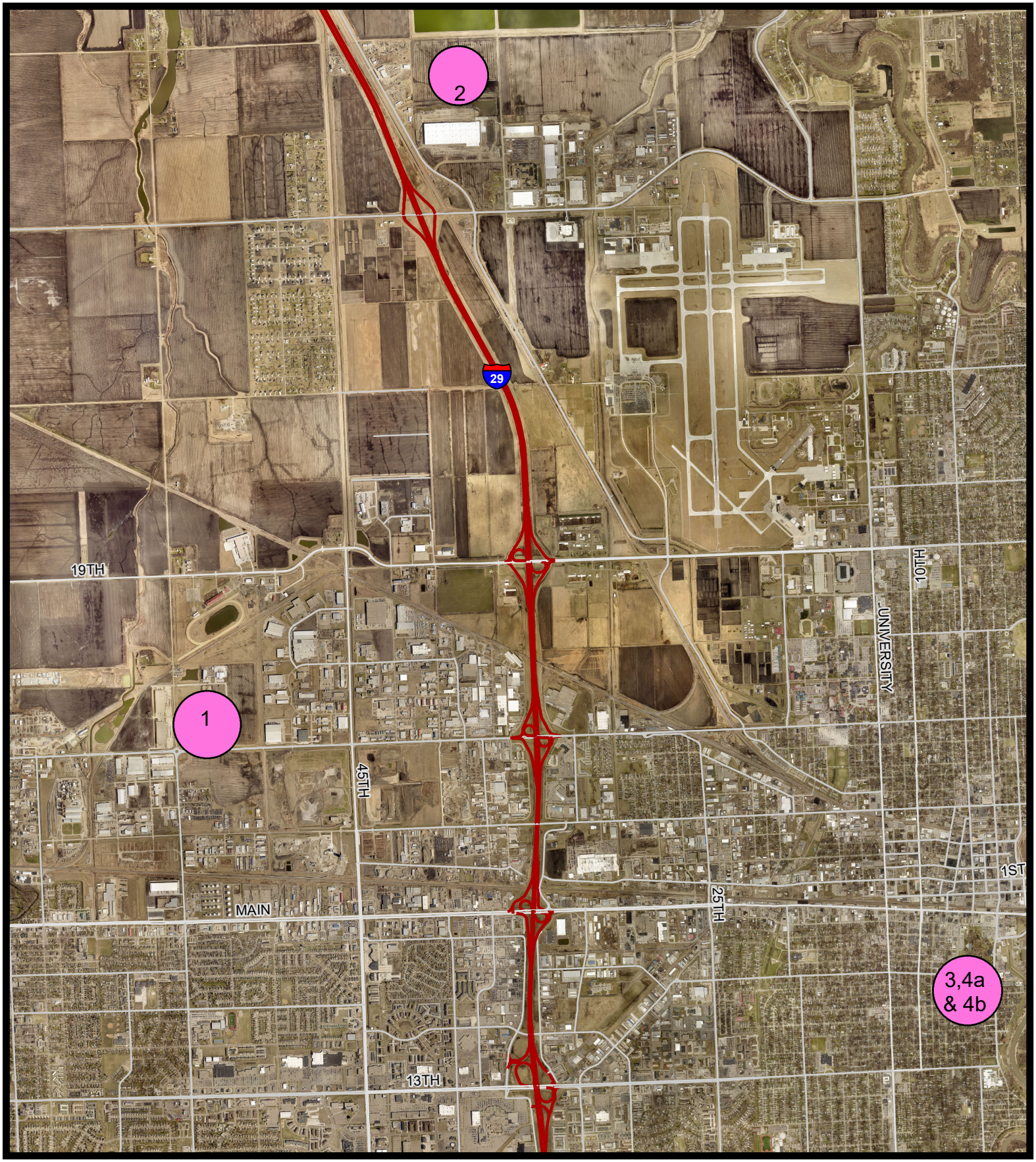
Hearing on an application requesting a Plat of Timber Parkway Ninth Addition (Minor Subdivision) a replat of Lot 1 and a portion of Lot 3, Block 1, Timber Parkway Fourth Addition to the City of Fargo, Cass County, North Dakota. (Located at 3439 and 3471 James Way South) (PLC Investments, LLC; Dabbert Custom Homes/Christianson Companies): APPROVED

Planning Coordinator Donald Kress 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 Timber Parkway Ninth Addition, as outlined within the staff report, as the proposal complies with the 2001 Growth Plan-South Remainder, the Standards of Article 20-06. Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Tasa, Schmidt, Gunkelman, Holtz, and Schneider voted aye.

Absent and not voting: Members Stofferahn, Rosenberg, Morgan, and Shewey. The motion was declared carried.

The time at adjournment was 3:16 p.m.



THE CITY OF Fargo FAR MORE

Agenda Items Map

Fargo Planning Commission
October 4, 2022

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Agenda Item Number

1 -- Commerce on 12th Seventh Addition
2 -- Dakota Commerce Center North Addition
3 -- Chas A. Roberts Addition
4a & 4b -- Hawthorne Elementary Addition

0 0.275 0.55 1.1 1.65 2.2 Miles

Agenda Item #	1

City of Fargo Staff Report			
Title:	Commerce on 12th Seventh Addition	**Date:**	9/28/2022
Location:	5570 and 5590 13th Avenue North	**Staff Contact:**	Donald Kress, planning coordinator
Legal Description:	Lots 4 and 5, Block 1, Commerce on 12th Third Addition		
Owner(s)/Applicant:	Fargo Commercial Properties LLC / MBN Engineering---Tony Eukel	**Engineer:**	KPH, Inc.
Entitlements Requested:	**Minor Subdivision** (Plat of **Commerce on 12th Seventh Addition,** a replat of Lots 4 and 5, Block 1, Commerce on 12th Third Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: October 4, 2022		

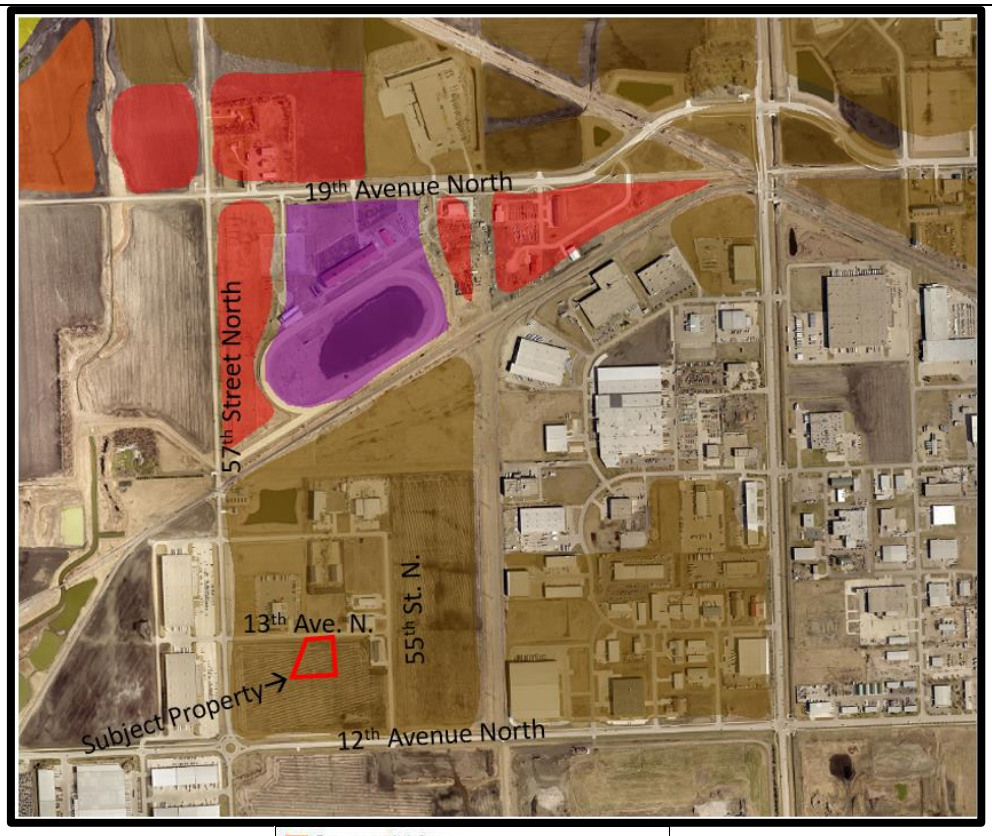
Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Industrial shops
Zoning: LI, Limited Industrial		**Zoning:** No change
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities		**Uses Allowed:** No change
Maximum Building Coverage: 85%		**Maximum Building Coverage:** No change

Proposal:

Area Plans:

The subject property is located within the 2007 Tier 1 Northwest Land Use Plan. This plan designates the subject proeprty as “Industrial.” The current zoning is LI, Limited Industrial, which matches this land use category. No zone change or land use plan amendment is proposed with this project.

(continued on next page)



Context:

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

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

Pedestrian / Bicycle: There are no on or off road bike facilities within or along the adjacent streets

Neighborhood: The subject property is not included in a named neighborhood.

MATBUS Route: The subject property is not along a MATBUS route.

Staff Analysis:

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

MINOR SUBDIVISION

The plat will create four lots in one block for industrial development. The lots range in area from approximately 0.46 acre to 0.78 acre.

ACCESS AND UTILITY EASEMENT

The plat vacates the existing 40-foot wide access and utility easement and re-establishes this easement 20 feet to the west, as depicted on the plat. Vehicular access and water, sanitary sewer, and storm sewer utility service for all four of the lots will be provided through this easement. The subdivision plat will include a note indicating that the lots do not take their access or utility service directly from a dedicated public right of way, and that the lot owners are responsible for the maintenance of the access drive and utilities.

STORMWATER POND EASEMENT

The plat depicts a 55-foot wide stormwater easement along the southerly portion of the property. This area is intended for a shared stormwater pond.

EASEMENT AGREEMENT

The applicant will submit an agreement for maintenance of the access and utility easement and the stormwater pond easement for staff review prior to final plat approval.

MAGELLAN PIPELINE EASEMENT

The plat depicts the existing easement for the Magellan Pipeline Company. The area of this easement is not intended for 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 current zoning is LI, Limited Industrial. No zone change is proposed. This zoning is consistent with the 2007 Growth Plan land use designation of "Industrial" for this property. 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. 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 **Commerce on 12th Seventh Addition**, as outlined in the staff report, as the proposal complies with the, 2007 Growth Plan, Standards of Article 20-06, Section 20-0907.B. and C of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 4, 2022

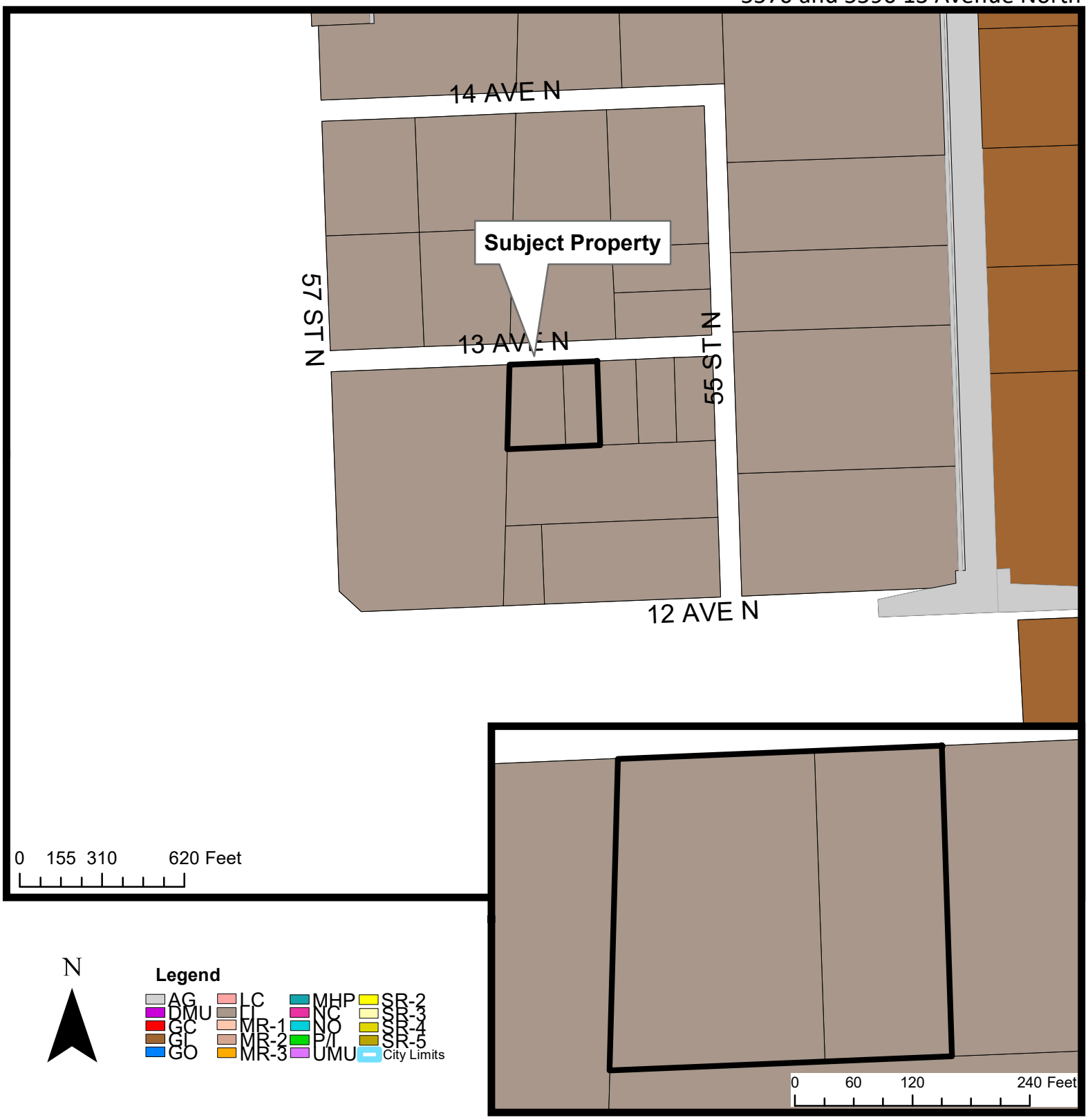
Attachments:

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

Plat (minor)

Commerce on 12th Seventh Addition

5570 and 5590 13 Avenue North



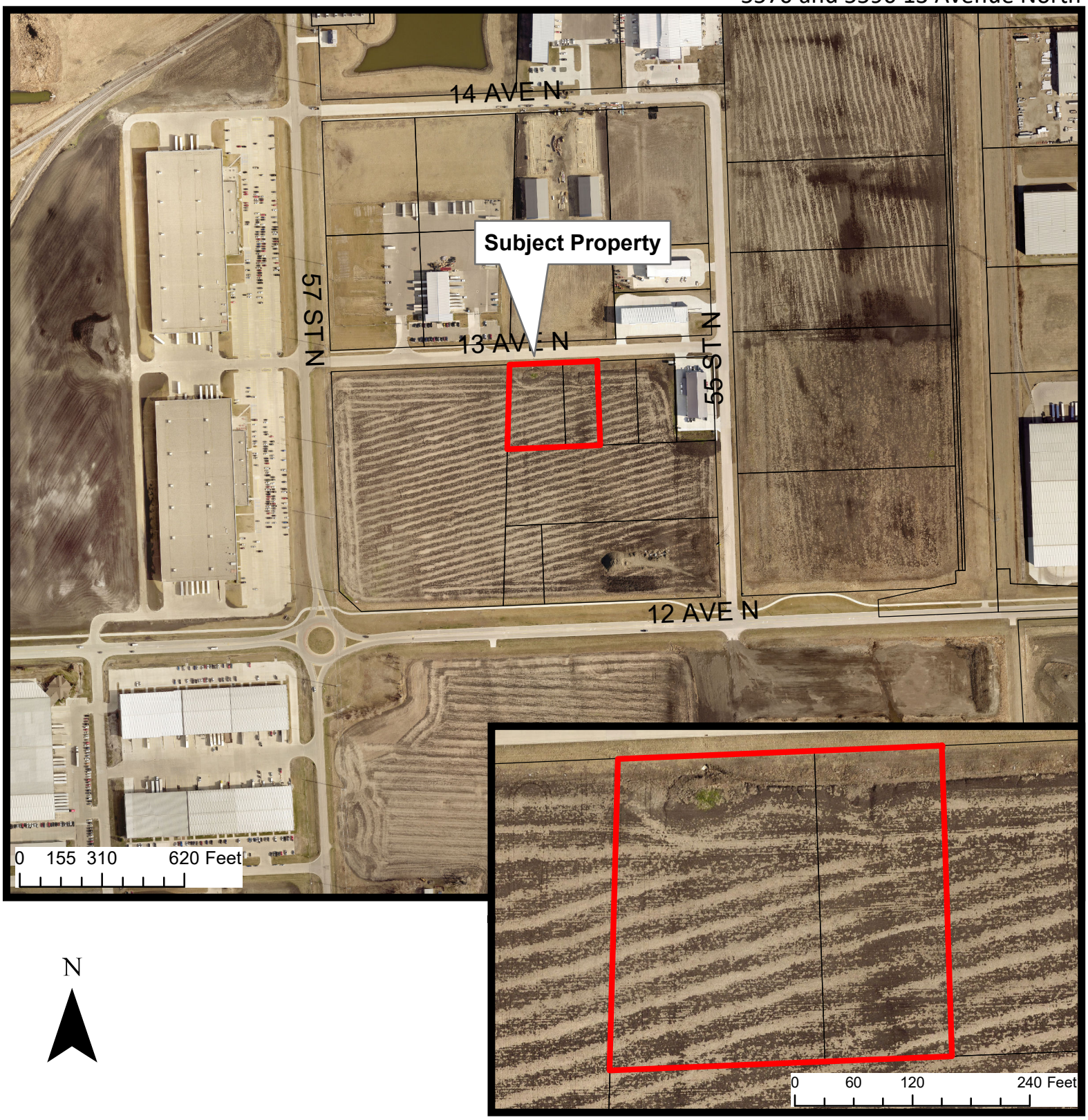
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
October 4, 2022

Plat (minor)

Commerce on 12th Seventh Addition

5570 and 5590 13 Avenue North



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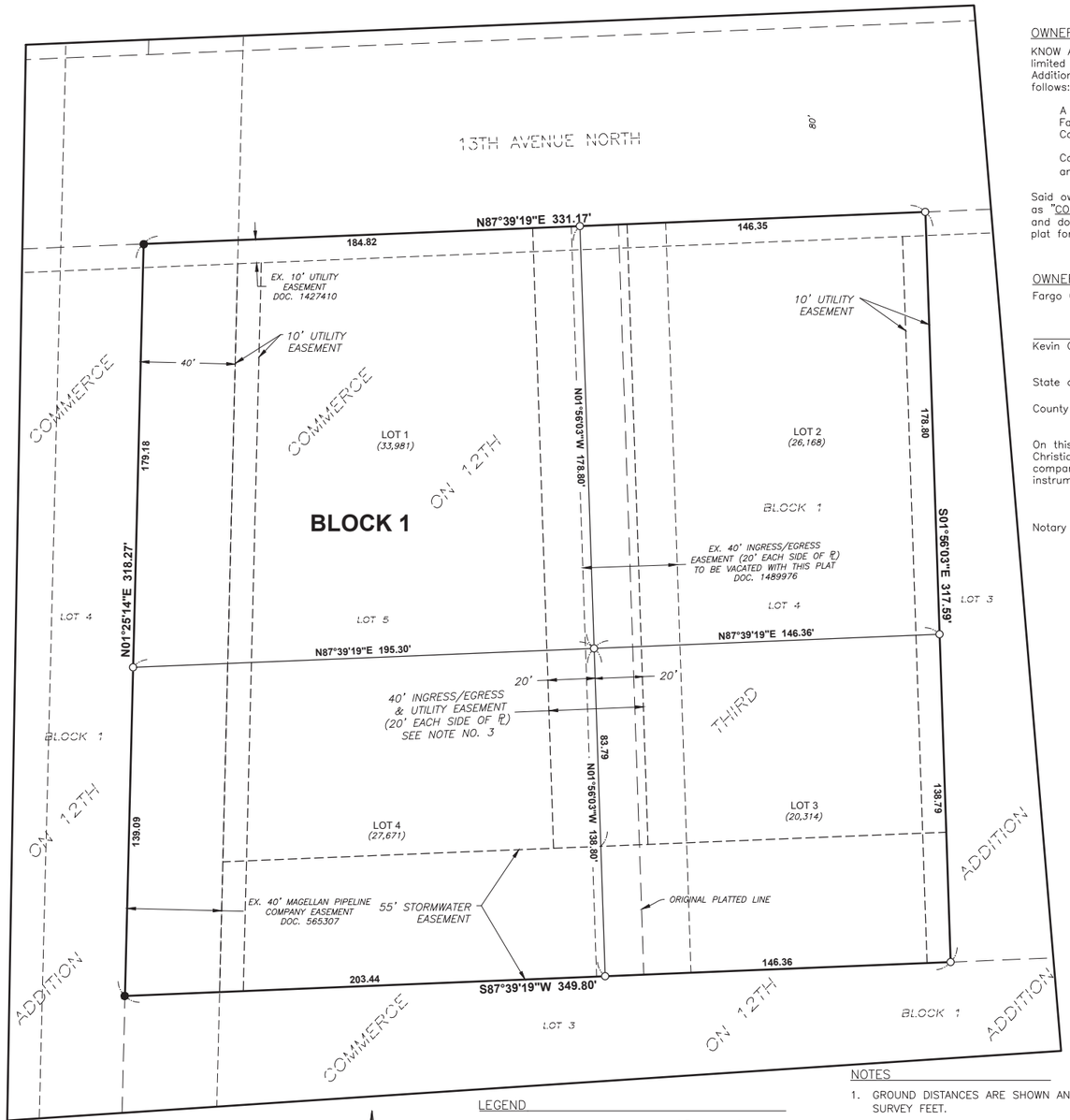
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
October 4, 2022

COMMERCE ON 12TH SEVENTH ADDITION

A REPLAT OF LOTS 4 AND 5, BLOCK 1 OF COMMERCE ON 12TH THIRD ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: Fargo Commercial Properties, LLC, a North Dakota limited liability company, being the owner of Lots 4 and 5, Block 1 of Commerce on 12th Third Addition to the City of Fargo, Cass County, North Dakota, being more particularly described as follows:

A replat of Lots 4 and 5, Block 1 of COMMERCE ON 12TH THIRD ADDITION to the City of Fargo, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 2.48 acres, more or less and is subject to Easements, Reservations, Restrictions and Rights–of–Way of record.

Said owner of the above described property, have caused the same to be surveyed and platted as "COMMERCE ON 12TH SEVENTH ADDITION" to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public use of access and utility easements as shown on this plat for the purpose so stated.

OWNER:

Fargo Commercial Properties, LLC

_____
Kevin Christianson, President

State of North Dakota)
)ss
County of Cass)

On this ___ day of _____, 20__, before me personally appeared Kevin Christianson, President, Fargo Commercial Properties, 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 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, P.E., 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: _____

LEGEND

- SET MONUMENT 5/8" REBAR W/CAP LS–27292
- FOUND MONUMENT
- BENCHMARK
- (5,000) PLAT LOT AREAS (SQUARE FEET)
- PLAT OVERALL BOUNDARY
- PLAT INTERIOR LOT LINES
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- NEW EASEMENT LINE
- 899 EXISTING GROUND CONTOUR

N

0 30 60

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

NOTES

1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
2. UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT–OF–WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
3. LOTS 1 THROUGH 4, BLOCK 1, COMMERCE ON 12TH SEVENTH ADDITION TAKE WATER, SANITARY SEWER, AND STORM SEWER UTILITY CONNECTIONS, AND ACCESS FROM A 40–FOOT WIDE ACCESS AND UTILITY EASEMENT AS DEPICTED ON THIS PLAT. THESE LOTS DO NOT HAVE A DIRECT ACCESS OR UTILITY CONNECTION TO A DEDICATED PUBLIC STREET. THE PROPERTY OWNERS OF THESE LOTS ARE THE SHARED OWNERS OF, AND ARE ENTIRELY RESPONSIBLE FOR THE MAINTENANCE OF, THE ACCESS DRIVEWAY AND UTILITIES WITHIN THIS EASEMENT.

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

Plot Date & Time: 28 September 2022 5:05 PM
S:\SURVEY\01_Projects\2022\522–551 MBN 5570 & 5590 13th Avenue North Survey – Fargo\Drawings\522–551 MBN 5570 & 5590 13th Avenue North Plat – Fargo–REV.dwg

Agenda Item #	2

City of Fargo Staff Report			
Title:	Dakota Commerce Center North Addition	**Date:** **Update:**	7/27/2022 9/28/2022
Location:	5100 37th Street North; 4201 County Road 81 North	**Staff Contact:**	Donald Kress, current planning coordinator
Legal Description:	Portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Holmquist Family LLP; City of Fargo / Paul Hyde	**Engineer:**	Ulteig Engineering
Entitlements Requested:	**Major Subdivision** (Plat of **Dakota Commerce Center North Addition,** a plat of a Portion of the Northeast 1/4 of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), which includes a subdivision waiver that would allow the block length to exceed 1,320 feet		
Status:	Planning Commission Public Hearing: October 4th, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Industrial--warehouse
Zoning: AG, Agricultural		**Zoning:** LI, Limited Industrial
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		**Uses Allowed:** LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities
Maximum Density Allowed (Residential): AG allows 1 dwelling unit per 10 acres.		**Maximum Lot Coverage Allowed:** 85%
		NOTE: Proposed zone change was already recommended for approval. See project history note below

Proposal:

PROJECT HISTORY NOTE: At the August 2nd, 2022 Planning Commission hearing, that Commission recommended for approval

- *subdivision plat of Dakota Commerce Center North Addition, including a subdivision waiver for block length; and*
- *zone change for the Dakota Commerce Center North Addition from AG, Agricultural to LI, Limited Industrial*

The Commission also found the proposed annexation of the territory included in this plat to be consistent with the 2007 Growth Plan.

The plat depicted a four-lot configuration with no internal connectivity. Subsequent to the August 2nd Planning Commission hearing, the applicant decided he wished to revise the plat into a seven-lot configuration. Staff directed that internal connectivity, in the form of easements, would have to be depicted on that plat, and that additional right of way on the west side of the plat would have to be

dedicated. As the resulting plat configuration was considerably different from what was before the Commission on August 2nd, the plat needs to go back to the Planning Commission for a second hearing. The total area of the plat did not change.

The proposed zone change and annexation remain the same as the proposal that was before the Planning Commission on August 2nd, and so are not being brought before the Planning Commission a second time.

The applicant requests one entitlement:

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

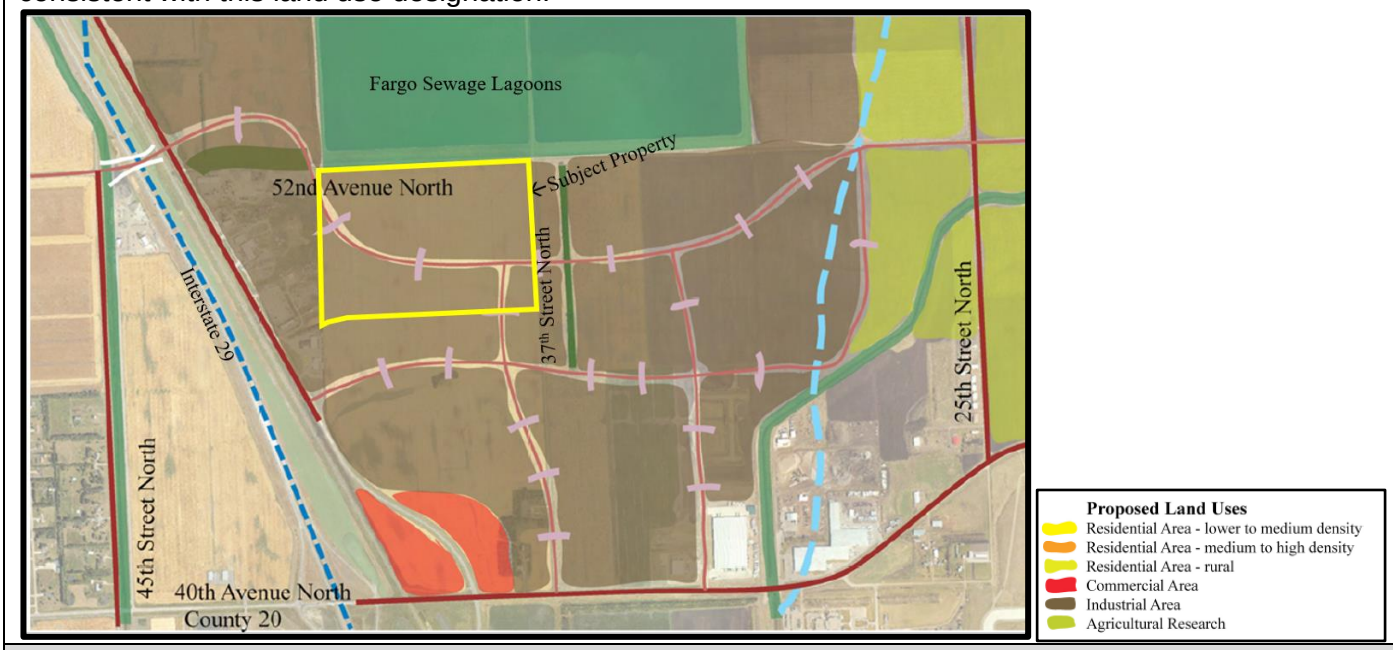
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

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

Area Plans:

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



Context:

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

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

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

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

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

Staff Analysis:

MAJOR SUBDIVISION

The subdivision plat creates seven lots in one block, intended for industrial development. The lots will range in area from 9.90 acres to 23.33 acres. All lots are proposed to be zoned LI, Limited Industrial.

RIGHT OF WAY DEDICATIONS

The plat includes dedications of right of way for four streets along the perimeter of the plat, as described below:

STREET	RIGHT OF WAY WIDTH	COMMENT
48th Avenue North	80 feet	Along south property line. Full-width ROW
37th Street North	60 feet	Along east property line. West half of 37th Street.
52nd Avenue North	70 feet	Along north property line. This width, combined with the 33 of right of statutory ROW south of the sewage lagoons, will provide a total of 100 feet of ROW.
41st Street North	80 feet	Along west property line. Full-width ROW

The first streets to be developed will be 37th Street North and 48th Avenue North. 52nd Avenue North and 41st Street North will be developed in the future.

ACCESS AND UTILITY EASEMENTS

Staff determined that dedicated public rights of way were not required for connectivity within and across the plat. However, the plat depicts a 40-foot wide access and utility easement crossing the property from east to west, connecting 37th Street North with 41st Street north, and another 40-foot wide access and utility easement crossing the property from north to south, connecting 52nd Avenue North with 48th Avenue North. These easements do not go through any parking areas, and there will be no adjacent parking along the private roads. The roadway within these access easements will be a minimum of 32-foot wide paved width. No parking will be allowed within the easement. A 4 ½ foot wide paved sidewalk will be included along one side of the easement. Thus, these easements will provide both vehicular and pedestrian access. Note that all lots front on dedicated public right of way.

SUBDIVISION WAIVER FOR BLOCK LENGTH

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

PUBLIC WATER and SEWER

Public water and sewer are available in the dedicated public streets.

PROXIMITY AGREEMENT

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

CONCURRENT ANNEXATION

The subject property is currently in Fargo's four-mile extra-territorial jurisdiction, and is included in a pending owner-initiated annexation. The Planning Commission reviewed the proposed annexation at the August 2nd, 2022 Planning Commission. The annexation has not gone forward. Staff will coordinate the City Commission hearings for the annexation, subdivision, and zone change.

Major Subdivision

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

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

The requested zoning for the residential development on this property is LI, Limited Industrial, which is consistent with the "industrial" land use designation of the 2007 Growth Plan and also with the zoning of adjacent properties to the south along the west side of 37th Street North. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

2. **Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The property is proposed to be zoned LI, Limited Industrial. This zone is consistent with the 2007 Growth Plan designation of "Industrial" for this property. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied**)

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

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

1. **Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**
   The proposed subdivision waiver would allow a longer block length than would otherwise be required by the LDC. Limitations on maximum block size are desirable to ensure adequate connectivity of the transportation system. At this location, however, the area to the south has previously been platted as one large lot with no north/south public streets that would extend through the subject property. To the north, there is no option for a street through the existing City of Fargo sewage lagoons. As such, the addition of a north/south public street to reduce the block length at this location would really only serve the subject property and do little to impact the transportation system in this area. As noted in the street right of way chart above (*page 3*), the plat dedicates 80 feet of right of way along the west side of the property in preparation for a future north/south street to be completed when adjacent properties to the west redevelop. The 2007 Growth Plan depicts the general routes of two east/west roads through this area (*see graphic on page 2*). The existing 44th Avenue North, and 48th Avenue North, right of way for which will be dedicated with this plat, account for these east/east roads. The area is intended to be industrial in nature, where larger block sizes are more common compared to residential or commercial areas that are more heavily traveled by the general public. The applicant intends to build single, large buildings on each of the seven proposed lots on the block. In lieu of platting additional public right-of-way within the subdivision, the plat depicts access and utility easements as described above. **(Criteria Satisfied)**

2. **Section 20-0907.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

In lieu of platting additional public right-of-way within the subdivision, the plat depicts access and utility easements as described above, and to allow movement within and across the site. While each of the seven proposed lots abuts public right-of-way and can accommodate direct access from the public right-of-way, the proposed access easements will provide for additional connectivity. With the establishment of these cross access easements, staff finds the proposed waiver to be a minimal deviation from the Land Development Code. **(Criteria Satisfied)**

3. **Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**
   This subdivision waiver applies only to the block length requirements of Section 20-0607.B of the LDC for this particular property. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **Dakota Commerce Center North Addition**, including the subdivision waiver for block length, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0907.C, and 2907.D.3 (a-c), of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 4th, 2022

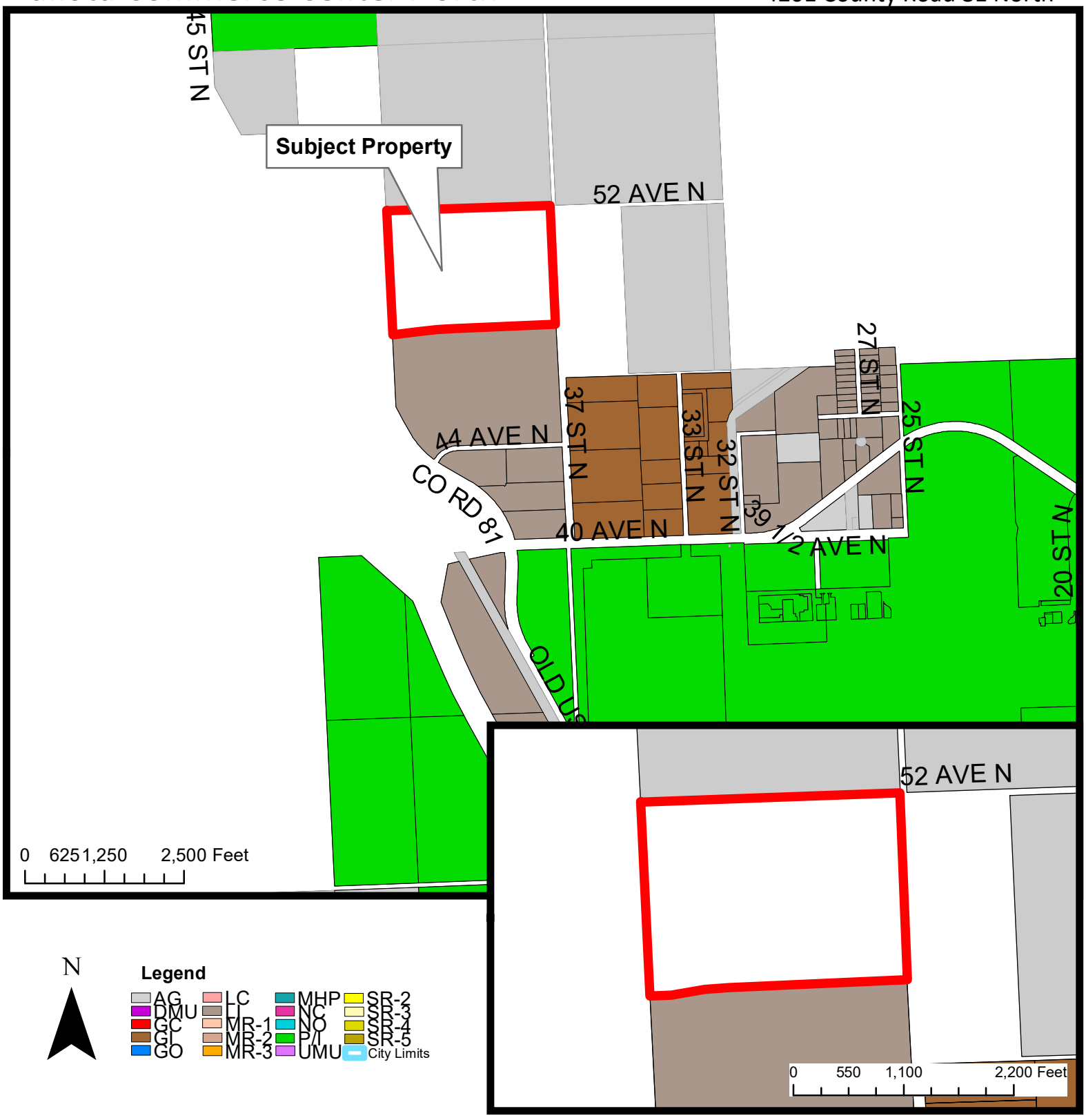
Attachments:

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

Plat (major)

Dakota Commerce Center North

5100 37th Street North and
4201 County Road 81 North



THE CITY OF Fargo FAR MORE

Fargo Planning Commission
October 4, 2022

Plat (major)

Dakota Commerce Center North

5100 37th Street North and
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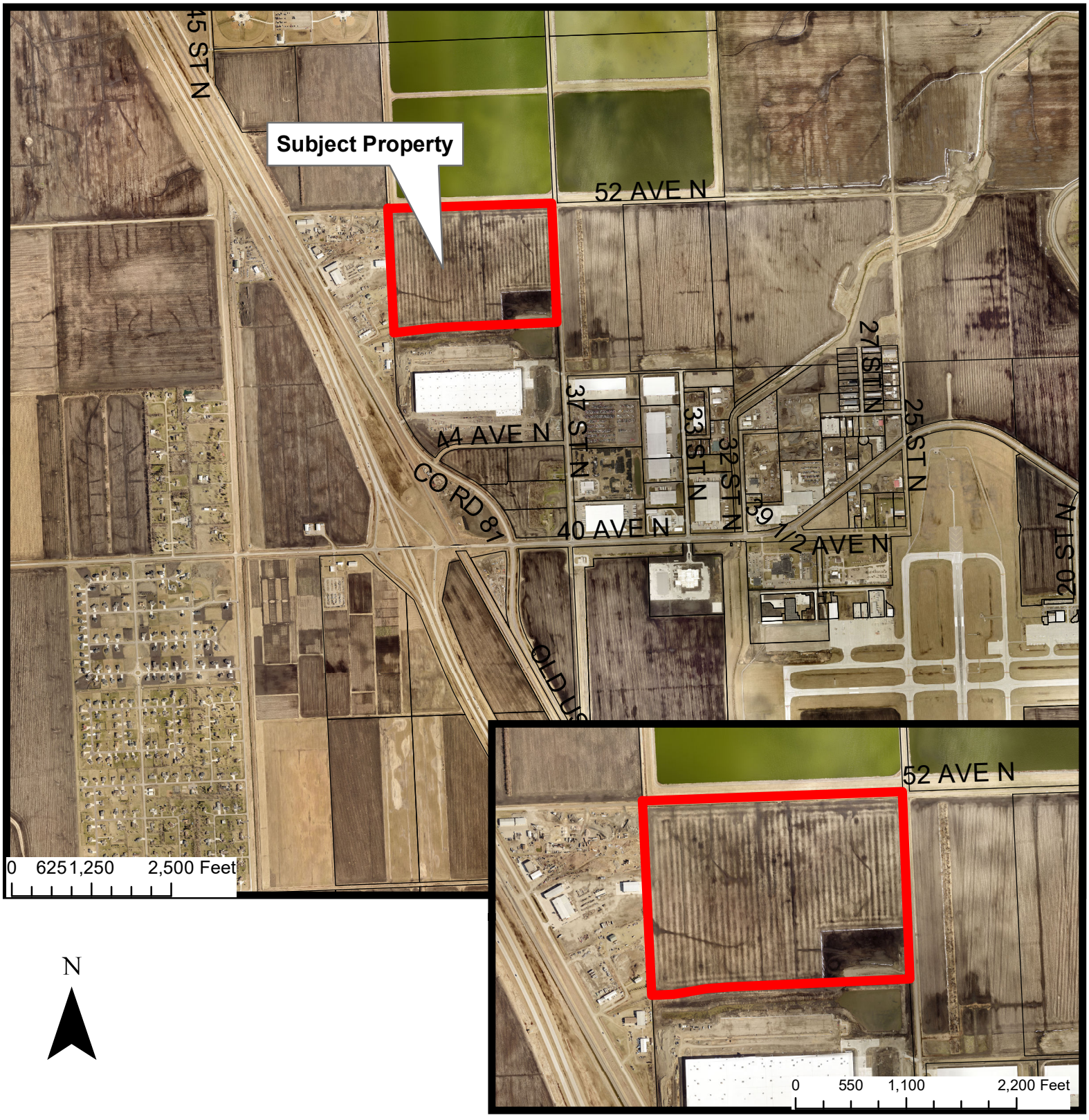

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THE CITY OF Fargo FAR MORE

Fargo Planning Commission
October 4, 2022

DAKOTA COMMERCE CENTER NORTH ADDITION

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

OWNERS DESCRIPTION AND DEDICATION

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

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

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

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

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

Holmquist Family, LLP

_____
Ronald K. Holmquist, managing partner

State of North Dakota }
County of Cass } SS

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

_____
Notary Public

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

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

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

Per Cass County Document No. 1623788:

_____
Timothy J. Mahoney, mayor

State of North Dakota }
County of Cass } SS

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

_____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

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

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

State of Minnesota }
County of Hennepin } SS

On this _____ day of _____, 20____, before me, a notary public with and for said County, personally appeared Kurt M. Kisch, to me known to be the person described in and who executed the same.

_____
Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

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

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 20____, before me, a notary public with and for said County, personally appeared Brenda E. Derrig, P.E., City Engineer, to me known to be the person described in and who executed the same.

_____
Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

_____
Rocky Schneider, Planning Commission Chair
Fargo Planning Commission

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 20____, before me, a notary public with and for said County, personally appeared Rocky Schneider Planning Commission Chair, to me known to be the person described in and who executed the same.

_____
Notary Public

FARGO CITY COMMISSION APPROVAL

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

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

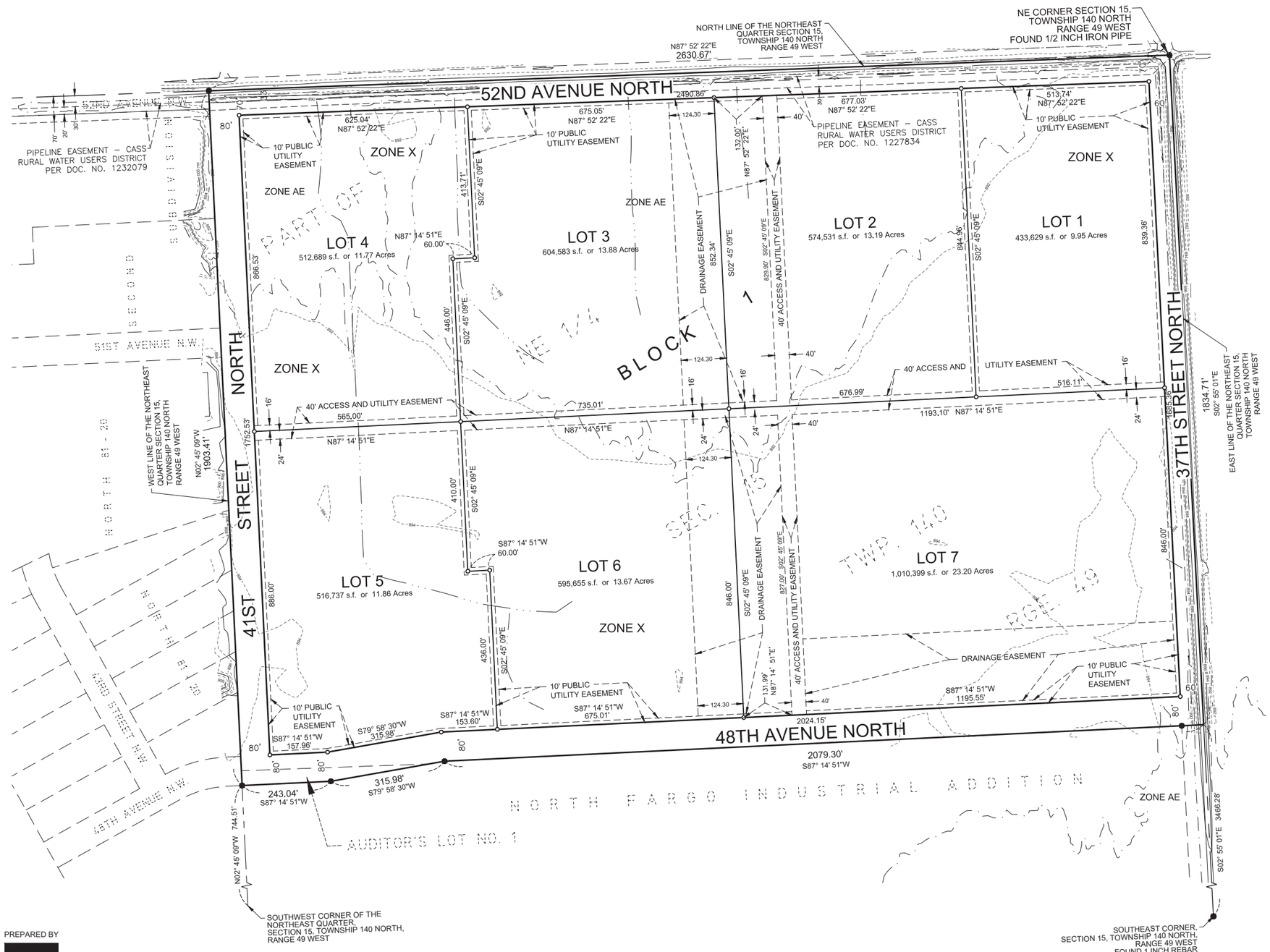
On this _____ day of _____, 20____, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same.

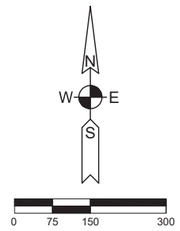
_____
Notary Public

PREPARED BY
Ulteig
PROJECT NO. 2.01903
SHEET 1 OF 2 SHEETS
FARGO - AUSTIN - BISMARCK - BOISE - CEDAR RAPIDS - DETROIT LAKES - DENVER - SIOUX FALLS - ST PAUL - WILLISTON

DAKOTA COMMERCE CENTER NORTH ADDITION

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





GRAPHIC SCALE: 1"=150'

BASIS OF BEARINGS IS
CITY OF FARGO COORDINATE SYSTEM

LEGEND

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

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

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

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

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

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

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

PREPARED BY

Ulteig

PROJECT NO. 22.01903
SHEET 2 OF 2 SHEETS

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

Agenda Item #	3

City of Fargo *Staff Report*			
Title:	**Chas A Roberts Addition**	**Date:**	9/28/2022
Location:	700 and 701 7th Street South; 555 and 653 8th Avenue South; 800 6th Street South	**Staff Contact:**	Maegin Elshaug, planning coordinator
Legal Description:	Parts of Block G, H, Tt, and I, **Chas A. Roberts Addition** and parts of vacated 6th Street South, parts of vacated 8th Avenue South, and parts of vacated 9th Avenue South		
Owner(s)/Applicant:	Fargo Public Schools & Fargo Park District / KLJ	**Engineer:**	n/a
Entitlements Requested:	**Zoning Change** (from SR-2, Single-Dwelling Residential, LC, Limited Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional to P/I, Public and Institutional and to repeal the existing C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: October 4, 2022		

Existing		**Proposed**
Land Use: School, Office (Fargo School District) and Parks and Open Space		**Land Use:** unchanged
Zoning: SR-2, LC w/ C-O, P/I		**Zoning:** P/I
Uses Allowed: SR-2 allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities. LC allow colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, ~~off premise advertising~~ signs, commercial parking, retail sales and service, ~~self service storage~~, ~~vehicle repair~~, ~~limited vehicle service~~. **With C-O (Ordinance 4276) that restricts uses to what is permitted in GO, General Office, with exception of retail sales and service.** 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, major entertainment events, basic utilities and some telecommunications facilities.		**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.
Maximum Density Allowed: SR-2 allows 5.4 units per acre **Maximum Lot Coverage Allowed:** LC allows maximum 55% building coverage P/I is Dimensional standards of adjacent zoning district		**Maximum Density Allowed:** n/a **Maximum Lot Coverage Allowed:** P/I is Dimensional standards of adjacent zoning district

Proposal:

The applicant is proposing a zoning map amendment to change from SR-2, Single-Dwelling Residential, LC, Limited Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional to P/I, Public and Institutional and to repeal the existing C-O, Conditional Overlay.

The Fargo Public School District has plans to expand the Hawthorne Elementary School to house the District's Early Childhood Special Education program on the north side of the existing school building. The School District also owns the office building and parking lot at 701 7 Street South. The district has applied to rezone their property to P/I, Public & Institutional, as has the Fargo Park District for Dill Hill, which is a more appropriate zoning district. Section 20-0304 P/I, Public and Institutional District of the Land Development Code notes, in part, that this zoning district is intended to accommodate uses of a governmental, civic, public service, or quasi-public nature, including major public facilities, offering an alternative zoning classification for public and institutional uses, thereby increasing development predictability within residential neighborhoods. The Conditional Overlay (Ordinance 4276), which includes setback, driveway, and land use requirements, is requested to be extinguished as part of the zoning application. The School has no plans to further develop the property at this time, other than the school expansion. Any future plans to develop or redevelop the site privately will need zoning change approval first.

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 5th Avenue South is Island Park, zoned P/I;
- East: MR-3, Multi-Dwelling Residential and SR-2, Single-Family Residential with multi-dwelling units and detached homes;
- South: SR-2 with detached homes;
- West: SR-2 with detached homes.

Properties east, south and west of the subject property are also included in three Historic Overlay zoning districts: Island Park, Woodruffs Addition, and Chas A Roberts Historic Overlays.

Area Plans:

The Future Land Use Map of the Hawthorne Neighborhood implementation brief within the Core Neighborhoods Plan identifies several land uses for the subject properties, including Schools with Recreational Amenities and Park, Open Space and Trails for Hawthorne Elementary and Dill Hill. The office building and parking lot across 7th Street are identified as Mixed Use Neighborhood Commercial and Multi-Family Residential, respectively. P/I, Public & Institutional is an appropriate zoning district for property owned by the School and Park Districts, and future development would need to be rezoned.

Context:

Neighborhood: Hawthorne

Schools: The subject property is located within the bounds of the Fargo School District, more specifically Hawthorne and Clara Barton Elementary, Ben Franklin Middle, and North High schools.

Parks: Dill Hill (652 6th Avenue South) and Island Park (302 7th Street South) are part of and located just north of the subject property, and includes amenities of a ball fields, basketball courts, trails, playgrounds, shelters, Island Park Pools, and other amenities.

Pedestrian / Bicycle: On-street facilities are located on 7th and 9th Streets South, a buffered bike lane is located on 4th Street South, and Dill Hill includes a shared use path, all which connect to the metro area trail system.

Transit: MATBus Routes 14 and 16 are located along 4th Street South, within a quarter-mile of the subject property. There are several stops and shelters located within a few blocks on 4th Street South directly east of the subject property.

Staff Analysis:

Note: *The properties located at 700 and 701 7th Street South, 555 8th Avenue South, and 800 6th Street South are also part of separate items (items 4a & 4b) of the October 4, 2022 Planning Commission agenda for a Minor Subdivision plat (entitled Hawthorne Elementary Addition) and for a Conditional Use Permit (CUP). If approved, the proposed zone change will take place prior to recordation of the plat and CUP.*

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
   Staff is unaware of any error in the zoning map as it relates to this property. The properties are currently zoned SR-2, Single-Dwelling Residential, LC, Limited Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional to P/I, Public and Institutional. The applicant is requesting to rezone the properties to a more appropriate zoning district to P/I, and to repeal the existing C-O, Conditional Overlay. **(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 has direct access to several public rights-of-way. **(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, and staff also notified the Hawthorne Neighborhood Association. Additionally, prior to receiving the application, the applicant has been in contact with the Hawthorne Neighborhood Association regarding the project. To date, Planning staff has received and responded to five inquiries. 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 plan that applies to this property is the Hawthorne Future Land Use Plan, which designates the land use including Schools with Recreational Amenities and Park, Open Space and Trails, Mixed Use Neighborhood Commercial, and Multi-Family Residential. P/I, Public & Institutional is an appropriate zoning district for property owned by the School and Park Districts. P/I is intended to accommodate uses of a governmental, civic, public service, or quasi-public nature, including major public facilities, offering an alternative zoning classification for public and institutional uses, thereby increasing development predictability within residential neighborhoods, as any future private development would need to be rezoned. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from SR-2, Single-Dwelling Residential, LC, Limited Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional to P/I, Public and Institutional and to repeal the existing C-O, Conditional Overlay, as outlined in the staff report, on the basis that it satisfactorily complies with the Core Neighborhoods Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation:

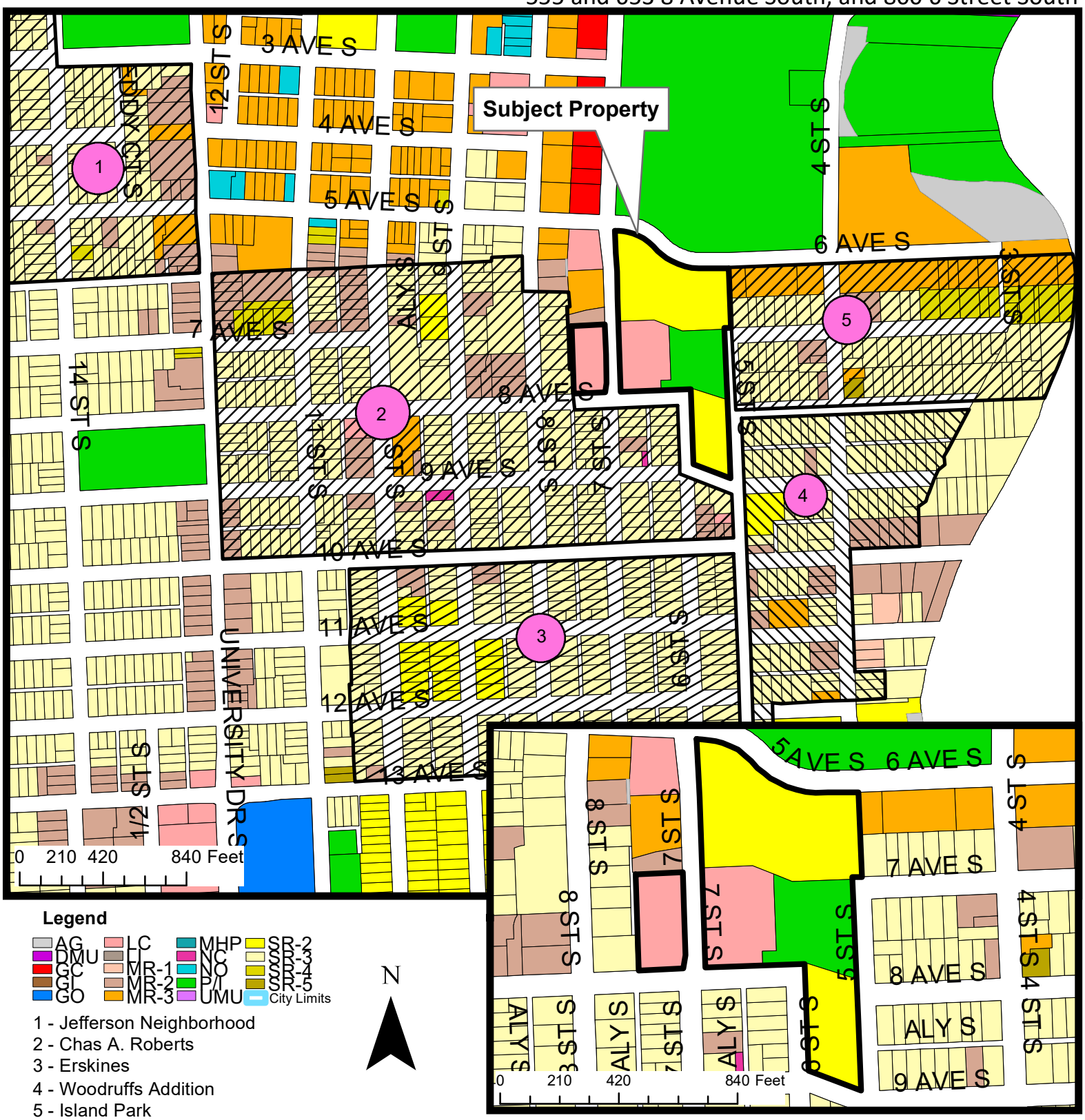
Attachments:

1. Zoning Map
2. Location Map

Zone Change from SR-2, LC with Conditional Overlay, and P/I to P/I and repeal the Conditional Overlay

Chas A. Roberts Addition

700 and 701 7 Street South,
555 and 653 8 Avenue South, and 800 6 Street South



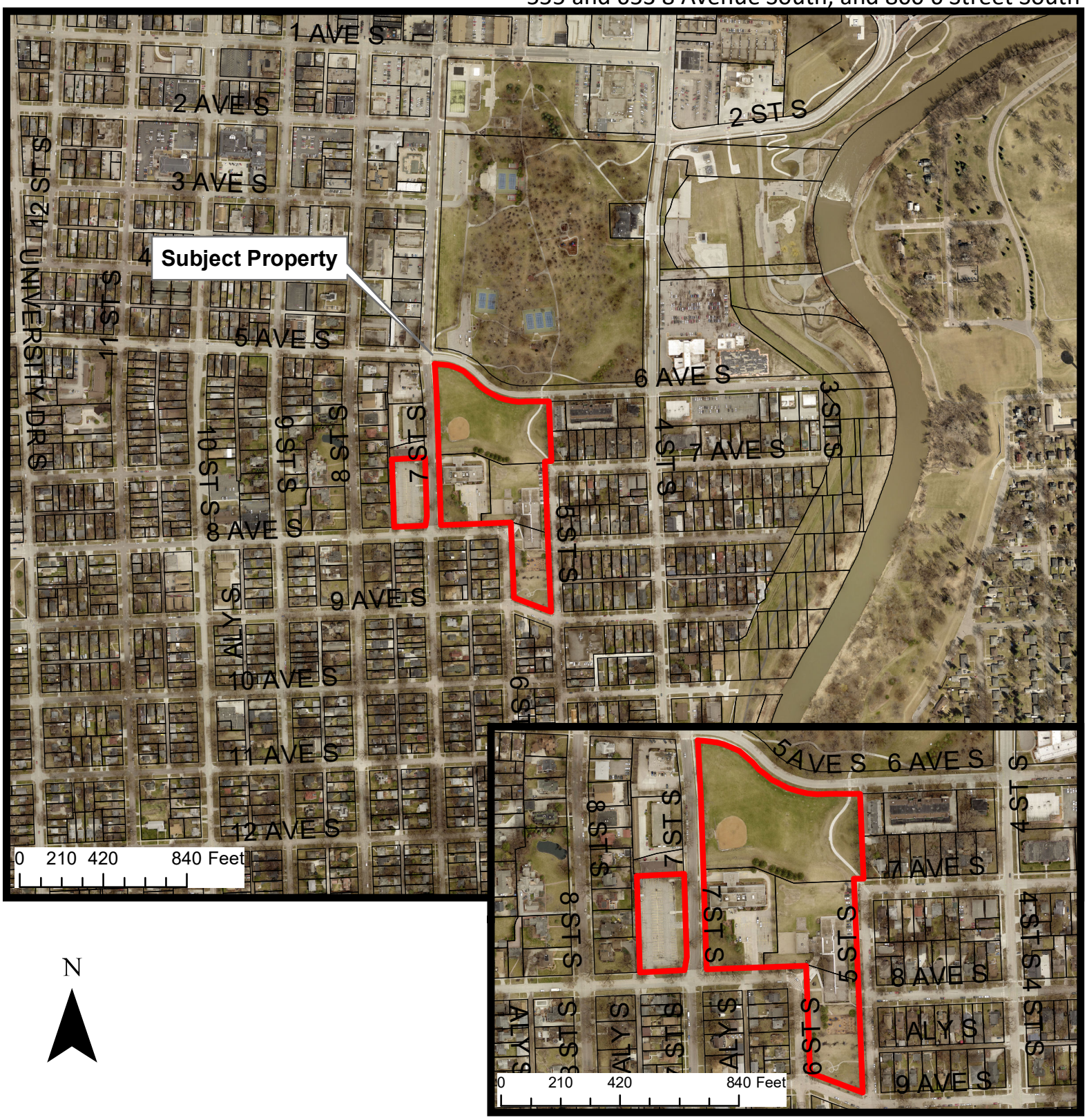
THE CITY OF Fargo
FAR MORE

Fargo Planning Commission
October 4, 2022

Zone Change from SR-2, LC with Conditional Overlay, and P/I to P/I and repeal the Conditional Overlay

Chas A. Roberts Addition

700 and 701 7 Street South,
555 and 653 8 Avenue South, and 800 6 Street South



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THE CITY OF Fargo FAR MORE

Fargo Planning Commission
October 4, 2022

Agenda Item #	4a & 4b

City of Fargo Staff Report			
Title:	Hawthorne Elementary Addition and Chas A Roberts Addition	**Date:**	9/28/2022
Location:	700 and 701 7th Street South; 555 8th Avenue South; 800 6th Street South	**Staff Contact:**	Maegin Elshaug, planning coordinator
Legal Description:	Parts of Block G, H, Tt, and I of Chas A. Roberts Addition, and parts of vacated 6th Street South, parts of vacated 8th Avenue South, and parts of vacated 9th Avenue South		
Owner(s)/Applicant:	Fargo Public Schools / KLJ	**Engineer:**	KLJ
Entitlements Requested:	**Minor Subdivision** (replat of parts of Block H, Tt, and I of Chas A. Roberts Addition, and parts of vacated 6th Street South, parts of vacated 8th Avenue South, and parts of vacated 9th Avenue South, to the City of Fargo, Cass County, North Dakota) and **Conditional Use Permit** to allow an Alternative Access Plan for a parking reduction.		
Status:	Planning Commission Public Hearing: October 4, 2022		

Existing		**Proposed**
Land Use: School, Office (Fargo Public Schools) and Parks and Open Space		**Land Use:** unchanged
Zoning: SR-2, LC w/ C-O, and P/I ***(see note below regarding zoning)***		**Zoning:** P/I ***(see note below regarding zoning)***
Uses Allowed: SR-2 allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities. LC allow colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, ~~off premise advertising~~ signs, commercial parking, retail sales and service, ~~self service storage~~, ~~vehicle repair~~, ~~limited vehicle service~~. **With C-O (Ordinance 4276) that restricts uses to what is permitted in GO, General Office, with exception of retail sales and service.** 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, major entertainment events, basic utilities and some telecommunications facilities.		**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.
Maximum Density Allowed: SR-2 allows 5.4 units per acre **Maximum Lot Coverage Allowed:** LC allows maximum 55% building coverage P/I is Dimensional standards of adjacent zoning district		**Maximum Density Allowed:** n/a **Maximum Lot Coverage Allowed:** P/I is Dimensional standards of adjacent zoning district

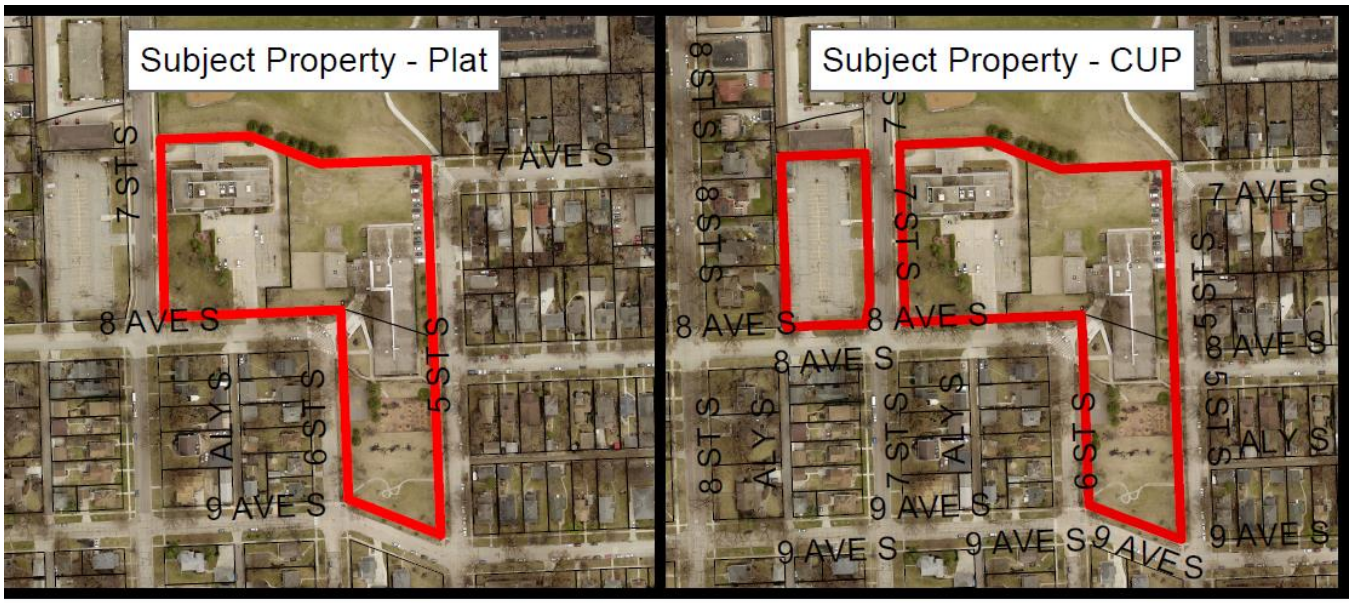
Proposal:

***Zoning Note**: Item 3 on the October 4, 2022 Planning Commission agenda is to rezone the properties in this application and the property at 653 8th Avenue South (Dill Hill) from SR-2, Single-Family Residential, LC, Limited Commercial with C-O, Conditional Overlay and P/I, Public & Institutional to P/I, Public & Institutional and to extinguish the C-O, Conditional Overlay on the property.*

The Fargo Public School District has plans to expand the Hawthorne Elementary School to house the District's Early Childhood Special Education program on the north of the existing building. The School District also owns the office building and parking lot at 701 7 Street South. The School District has two applications:

1. Minor Subdivision: To replat 3 properties in one lot; the location of the office building and school.
2. Conditional Use Permit: To allow an Alternative Access Plan for a parking reduction.

The image below indicates the different properties associated with each application.



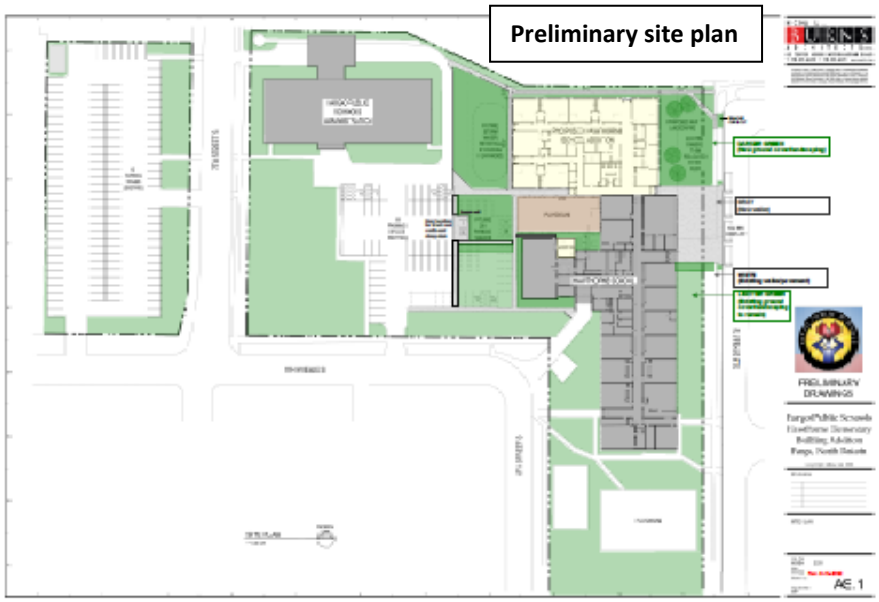
Minor Subdivision

The applicant is requesting to replat three properties into one legal lot. The replat includes the properties at 700 7th Street South; 555 8th Avenue South; and 800 6th Street South and encompasses approximately 5.69 acres.

Within the bounds of the plat are two utility lines, including sanitary sewer and water main. In coordination with the Engineering Department, these are being addressed separately from the plat and there is no need for easements to appear on the plat.

Continued on next page

Conditional Use Permit



The applicant is requesting a parking reduction for the expansion of the Hawthorne Elementary School on the proposed Lot 1, Block 1, Hawthorne Elementary Addition, which also includes offices owned by the Fargo School District. A preliminary site plan is included to the right. The Land Development Code requires 1 parking space per teacher/employee + 10 visitor spaces for an elementary school and 1 parking space per 300 square feet of office. A parking study was provided detailing the operations and parking demand for the office and school. According to the study, the Hawthorne School (including proposed expansion) would require between 100 and 110 spaces, and the office building of 43,875 square feet would require 146 spaces, for a total maximum requirement of 256 spaces. Currently, 171 parking spaces exist (the 12 spaces on the northeast of the school will be demolished with the expansion, and are therefore, not counted in the overall parking). The applicant is requesting to not expand parking and to utilize the existing parking, which the study indicates as sufficient.

The City of Fargo's Traffic Engineer reviewed the study and determined the reduction was sufficient based on the parking study findings.

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

These applications were 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 5th Avenue South is Island Park, zoned P/I;
- East: MR-3, Multi-Dwelling Residential and SR-2, Single-Family Residential with multi-dwelling units and detached homes;
- South: SR-2 with detached homes;
- West: SR-2 with detached homes.

Properties east, south and west of the subject property are also included in three Historic Overlay zoning districts: Island Park, Woodruffs Addition, and Chas A Roberts Historic Overlays.

Continued on next page

Area Plans:

The Future Land Use Map of the Hawthorne Neighborhood implementation brief within the Core Neighborhoods Plan identifies several land uses for the subject properties, including Schools with Recreational Amenities, Mixed Use Neighborhood Commercial and Multi-Family Residential. In another application, Fargo Public Schools is requesting a rezone to P/I, Public & Institutional, which is an appropriate zoning district for property owned by the School and Park Districts. Future development would need to be rezoned.

Context:

Neighborhood: Hawthorne

Schools: The subject property is located within the bounds of the Fargo School District, more specifically Hawthorne and Clara Barton Elementary, Ben Franklin Middle, and North High schools.

Parks: Dill Hill (652 6th Avenue South) and Island Park (302 7th Street South) are located just north of the subject property, and includes amenities of a ball fields, basketball courts, trails, playgrounds, shelters, Island Park Pools, and other amenities.

Pedestrian / Bicycle: On-street facilities are located on 7th and 9th Streets South, a buffered bike lane is located on 4th Street South, and Dill Hill includes a shared use path, all which connect to the metro area trail system.

Transit: MATBus Routes 14 and 16 are located along 4th Street South, within a quarter-mile of the subject property. There are several stops and shelters located within a few blocks on 4th Street South directly east of the subject property.

Staff Analysis:

The properties located at 700 and 701 7th Street South, 555 and 653 8th Avenue South, and 800 6th Street South are also part of a separate items on this month's agenda for a zoning change, as indicated at the beginning of the staff report. If approved, the proposed zone change will take place prior to recordation of the plat and CUP.

Minor Subdivision

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

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

Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.
The current zoning is SR-2, Single-Family Residential, LC, Limited Commercial with C-O, Conditional Overlay and P/I, Public & Institutional; however, there is an application to rezone the property to P/I, Public & Institutional and to extinguish the C-O, Conditional Overlay. P/I is an appropriate zoning district for property owned by the Fargo Public School District. 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, and staff also notified the Hawthorne Neighborhood Association. Additionally, prior to receiving the application, the applicant has been in contact with the Hawthorne Neighborhood Association regarding the project. To date, Planning staff has received and responded to five inquiries. 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)**

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

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

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

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff finds that this proposed conditional use permit to allow for a parking reduction at this location will not affect the welfare of the public. **(Criteria Satisfied)**

3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notice of the proposal was sent to all property owners within 300 feet of the subject property, and staff also notified the Hawthorne Neighborhood Association. Additionally, prior to receiving the application, the applicant has been in contact with the Hawthorne Neighborhood Association regarding the project. To date, Planning staff has received and responded to five inquiries. **(Criteria Satisfied)**

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

The proposed alternative access plan for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. More open space on the property will be retained with approval of the application for parking reduction The proposed conditions of the CUP are specifically intended to limit the intensity of use. **(Criteria Satisfied)**

5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**
   The property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**
   The Engineering Department has also reviewed the proposed alternative access plan and concurs with the findings and proposed reduction for the self-service storage use. **(Criteria Satisfied)**

Recommended Conditions:

- 171 parking spaces to be provided on site
- Parking requirements may be met anywhere within the properties included in the Conditional Use Permit
- Expansion of office and/or school use will require reevaluation of off-street parking requirements
- The Conditional Use Permit will cease if any property included in the Conditional Use Permit is no longer owned by a governmental, civic or public entity

Approval and Appeal

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on the proposed Lot 1, Block 1, Hawthorne Elementary Addition and part of Block G of Chas A Roberts Addition, as the proposal complies with Section 20-0909.D (1-6) and all other applicable requirements of the LDC, with the following conditions:

- 171 parking spaces to be provided on site
- Parking requirements may be met anywhere within the properties included in the Conditional Use Permit
- Expansion of office and/or school use will require reevaluation of off-street parking requirements
- The Conditional Use Permit will cease if any property included in the Conditional Use Permit is no longer owned by a governmental, civic or public entity

And to accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed Subdivision Plat, **Hawthorne Elementary Addition,** as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, adopted Area Plan (Core Neighborhood Plan), the standards of Section 20-0907.B-C, and of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: October 4th, 20222

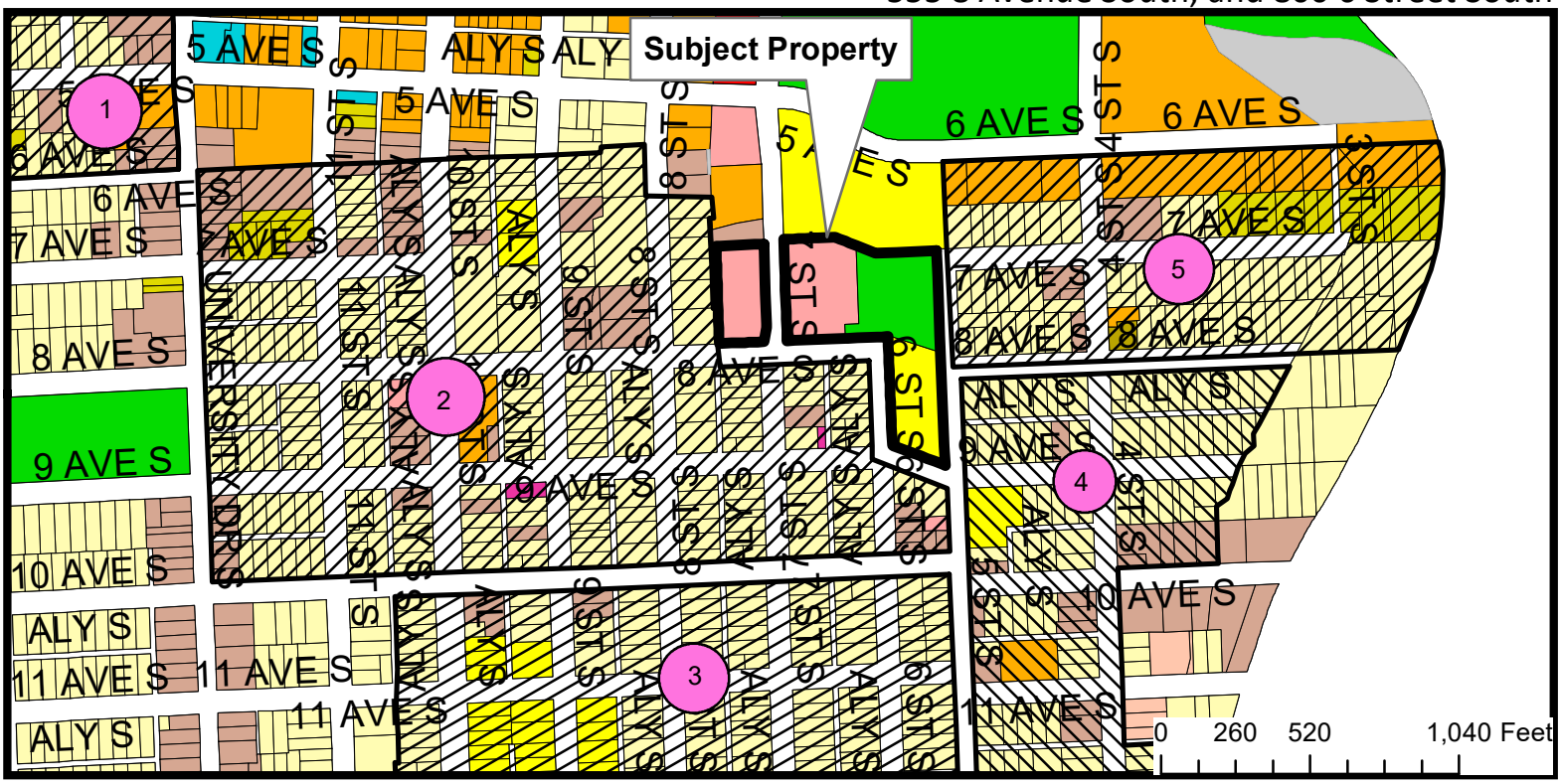
Attachments:

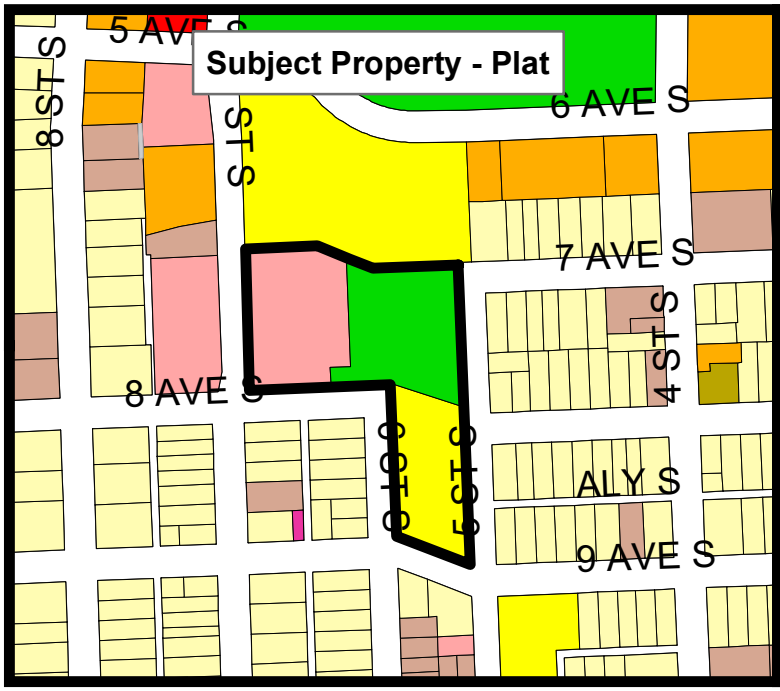
1. Zoning Map
2. Location Map
3. Preliminary Plat

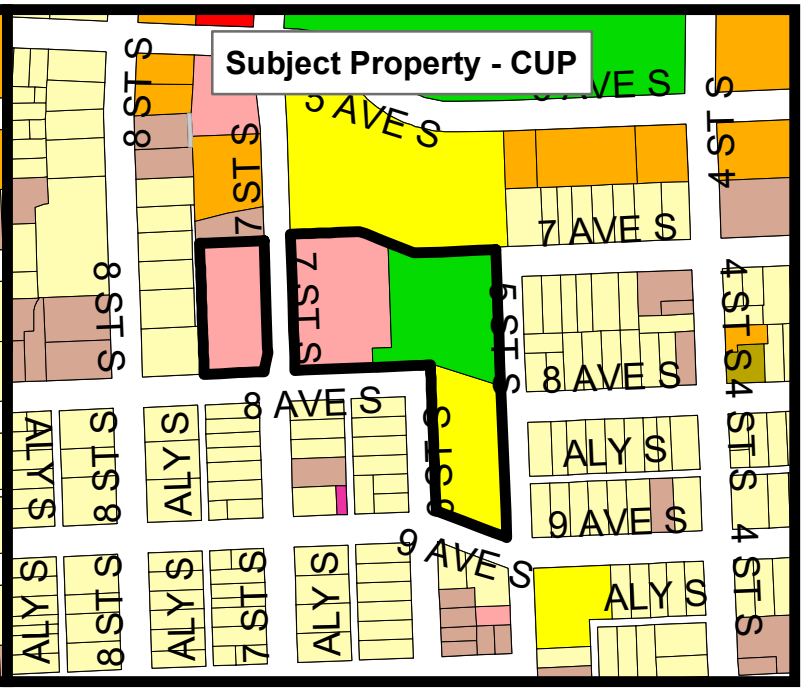
Plat (minor) and CUP for Parking Reduction

Hawthorne Elementary Addition & Chas A. Roberts Addition

700 and 701 7 Street South,
555 8 Avenue South, and 800 6 Street South







0 155 310 620 Feet

Legend

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

N

Historic Overlays

1 - Jefferson Neighborhood
2 - Chas A. Roberts
3 - Erskines
4 - Woodruffs Addition
5 - Island Park

THE CITY OF Fargo FAR MORE

Fargo Planning Commission
October 4, 2022

Plat (minor) and CUP for Parking Reduction

Hawthorne Elementary Addition & Chas A. Roberts Addition

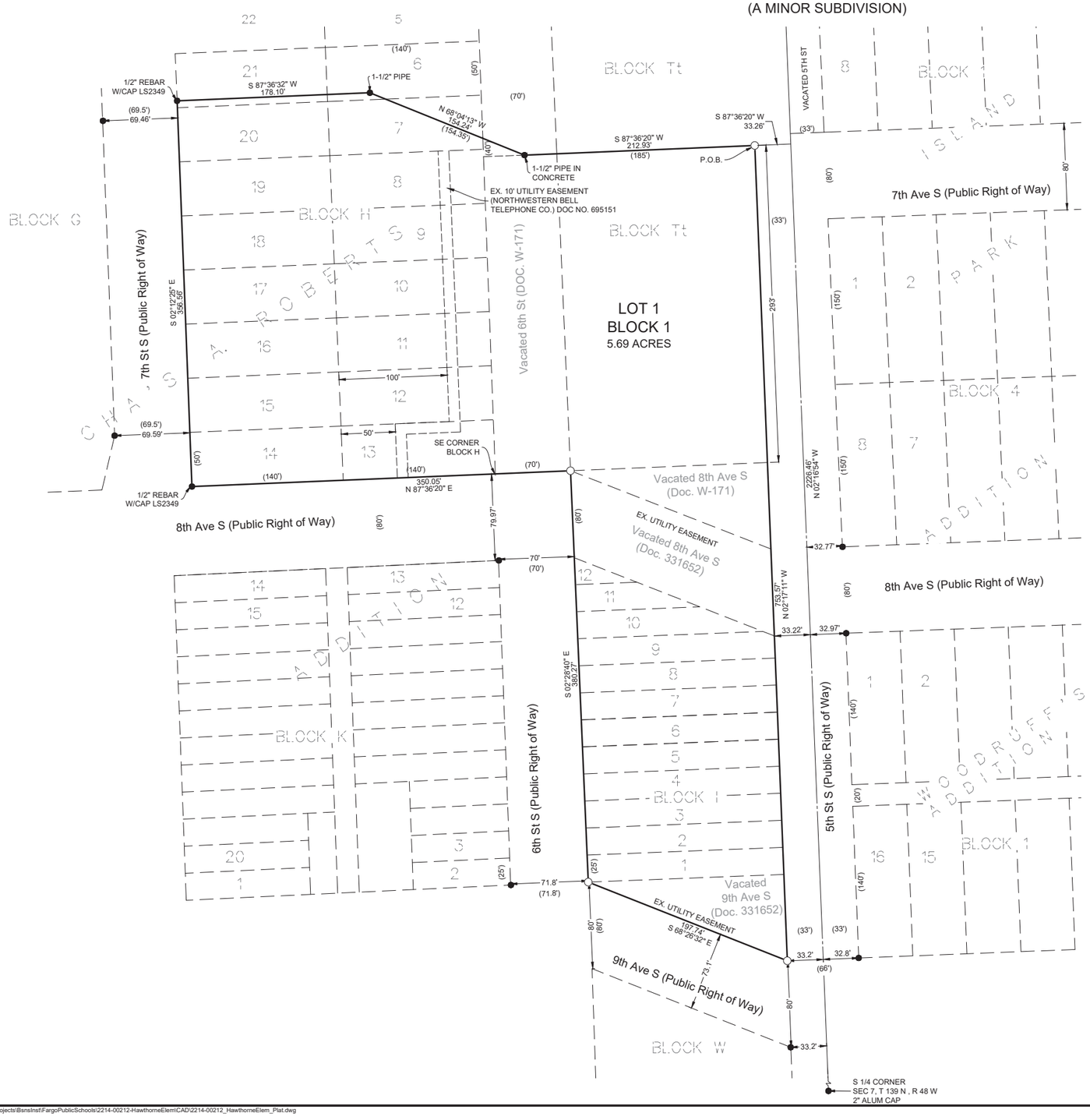
700 and 701 7 Street South,
555 8 Avenue South, and 800 6 Street South

N

Fargo Planning Commission
October 4, 2022

HAWTHORNE ELEMENTARY ADDITION

A REPLAT OF PART OF BLOCKS H, Tt, AND I OF THE CHA'S A. ROBERTS ADDITION AND VACATED 6TH ST, VACATED 8TH AVE S AND VACATED 9TH AVE S ALL IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.
(A MINOR SUBDIVISION)



OWNER

FARGO PUBLIC SCHOOLS
700 7TH STREET SOUTH
FARGO, ND 58103
PH: 701.446.1000

ENGINEER / SURVEYOR

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

LEGEND

●	IRON MONUMENT FOUND
○	5/8" REBAR AND LS 4687 CAP SET
- - - - -	EXISTING EASEMENT LINE
— — — —	ADJACENT LOT LINE
———	PROPERTY BOUNDARY
—·——·—	1/4 LINE

(60')	RECORD DISTANCE
300.40'	MEASURED DISTANCE
(N 87°02'05" E)	RECORD BEARING
N 87°02'05 E	MEASURED BEARING

BASIS OF BEARING:
SURVEY IS BASED ON CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992. DISTANCES ARE SHOWN IN US SURVEY FEET.

N

50 0 50 100
SCALE 1" = 50' FEET

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HAWTHORNE ELEMENTARY ADDITION

A REPLAT OF PART OF BLOCKS H, Tt, AND I OF THE CHA'S A. ROBERTS ADDITION AND VACATED 6TH ST, VACATED 8TH AVE S AND VACATED 9TH AVE S ALL IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.
(A MINOR SUBDIVISION)

OWNER'S DESCRIPTION, ACCEPTANCE AND DEDICATION:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "HAWTHORNE ELEMENTARY ADDITION" TO THE CITY OF FARGO, A REPLAT OF A PORTION OF BLOCKS H, TT, AND I OF CHA'S A. ROBERTS ADDITION, VACATED 6TH STREET, VACATED 8TH AVENUE SOUTH, AND VACATED 9TH AVENUE SOUTH ADJACENT TO SAID BLOCKS ALL IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH-SOUTH QUARTER LINE OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 48 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WHICH POINT IS 293 FEET NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF BLOCK H OF CHA'S A. ROBERTS ADDITION; THENCE WESTERLY ON A LINE 293 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF BLOCK H, S 87 DEG. 36 MIN. 20 SEC. W A DISTANCE OF 33.26 FEET TO A POINT ON THE EAST LINE OF BLOCK Tt OF CHA'S. A. ROBERTS ADDITION, WHICH IS THE THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ON SAID PARALLEL LINE S 87 DEG. 36 MIN. 20 SEC. W A DISTANCE OF 212.93 FEET TO AN IRON MONUMENT SET IN CONCRETE; THENCE N 68 DEG. 04 MIN. 13 SEC. W A DISTANCE OF 154.24 FEET TO AN IRON MONUMENT AND A POINT ON A LINE 356 FEET NORTH OF THE SOUTH LINE OF BLOCK H; THENCE S 87 DEG. 36 MIN. 32 SEC. W A DISTANCE OF 178.10 FEET TO THE WEST LINE OF BLOCK H AND AN IRON MONUMENT, SAID MONUMENT BEING 8.5 FEET NORTH OF THE SW CORNER OF LOT 21, BLOCK H; THENCE SOUTHERLY ON THE WEST LINE OF BLOCK H, S 02 DEG. 12 MIN. 25 SEC. E A DISTANCE OF 356.56 FEET TO THE SOUTHWEST CORNER OF BLOCK H AND AN IRON MONUMENT; THENCE EASTERLY ON THE SOUTH LINE OF BLOCK H AND VACATED 6TH STREET, N 87 DEG. 36 MIN. 20 SEC. E A DISTANCE OF 350.05 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK I; THENCE SOUTHERLY ON THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK I AND VACATED 8TH AVENUE SOUTH, S 02 DEG. 28 MIN. 40 SEC. E A DISTANCE OF 380.27 FEET TO THE SOUTHWEST CORNER OF BLOCK I, SAID CORNER IS ALSO THE NORTHWEST CORNER OF 9TH AVENUE SOUTH AS SHOWN IN THE DEDICATION PLAT, FILED AND ON RECORD AT THE OFFICE OF THE RECORDER, DOCUMENT NO. 331654; THENCE SOUTHEASTERLY ON THE NORTHERLY LINE OF SAID DEDICATED 9TH AVENUE SOUTH, S 68 DEG. 26 MIN. 32 SEC. E A DISTANCE OF 197.74 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF BLOCK I; THENCE NORTHERLY ON SAID EAST LINE OF BLOCK I, VACATED 9TH AVENUE SOUTH, VACATED 8TH AVENUE SOUTH, AND BLOCK TT, N 02 DEG. 17 MIN. 11 SEC. W A DISTANCE OF 753.57 FEET TO THE POINT OF BEGINNING.

THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN ON SAID PLAT. PRIVATE UTILITY EASEMENTS ARE DEDICATED TO THE BENEFIT OF THE PROPERTIES AS SHOWN ON SAID PLAT.

SAID PLAT CONTAINS 5.69 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

OWNER: FARGO PUBLIC SCHOOLS

_____
JACKIE GAPP
BUSINESS MANAGER

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

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

_____
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, CARL P. OLSON, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA DO HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY OF SAID PLAT AND ALL DISTANCES SHOWN ON SAID PLAT ARE CORRECT; AND THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN.

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

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CARL P. OLSON, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

_____
NOTARY PUBLIC

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

APPROVED BY THE CITY ENGINEER THIS_____ DAY OF _____, 20_____.

_____
BRENDA DERRIG, PE
CITY ENGINEER

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

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

_____
NOTARY PUBLIC

CITY OF FARGO 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 WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, PLANNING COMMISSION CHAIR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS ALLOWED BY HIS TITLE.

_____
NOTARY PUBLIC

CITY OF FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS_____ DAY OF_____, 20_____.

_____
TIMOTHY J. MAHONEY
MAYOR

ATTEST:

_____
STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ,TIMOTHY J. MAHONEY, MAYOR, AND STEVEN SPRAGUE, CITY AUDITOR, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE SAME AS ALLOWED BY THEIR TITLES.

_____
NOTARY PUBLIC

KLJ

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