

FARGO PLANNING COMMISSION AGENDA
Tuesday, June 4, 2019 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of May 7, 2019
- C: Brown Bag Luncheon - Wednesday, June 19, 2019
- D: Public Hearing Items:
1. Continued hearing on an application requesting a Conditional Use Permit to allow for non-farm commercial uses in the Agricultural zoning district on a portion of the West half of the Southeast quarter of **Section 14, Township 138 North, Range 49 West**. (Located at 2805 88th Avenue South) (Eric Baker) (dk): CONTINUED TO JULY 2, 2019
 2. Hearing on an application requesting an Alley Vacation of the alley between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, **Roberts Second Addition**. (Located at 1001 NP Avenue North and 28 10th Street North) (DFI AY LLC/Deb Wendel Daub) (dk)
 - 3a. Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on the proposed Lot 1, Block 1, **MBA Investments Addition**. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram) (an): CONTINUED TO JULY 2, 2019
 - 3b. Hearing on an application requesting a Plat of **MBA Investments Addition** (Minor Subdivision) a replat of Lots 5, 8, and part of Burlington Northern Right of Way, Block 1, P.M. Properties Subdivision and portions of Lots 3 and 9 and all of Lots 4-8, 14, 15, and a portion of vacated alley, Block 16, Reeves Addition to the City of Fargo, Cass County, North Dakota, to include a Subdivision Waiver for drain dedication. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram) (an): CONTINUED TO JULY 2, 2019
 4. Hearing on an application requesting a Plat of **Legacy I Sixth Addition** (Major Subdivision) a replat of Block 10; Lots 3-4, Block 4; Lots 50-51, Block 8; Lots 1-20 and 34-39, Block 11, Legacy 4th Addition and a vacation of Right of Way of portions of 62nd Avenue South and portions of 19th, 20th, and 21st Streets South to the City of Fargo, Cass County, North Dakota. (Located at 6206-6299 19th Street South; 6204-6297 20th Street South; 1835, 1867, 1889, 1911, 1931, and 1949 63rd Avenue South; and 6184, 6198, 6206, and 6216 21st Street South) (Jason Eid/Steve Iverson) (dk)
 5. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to GC, General Commercial on Lot 2, Block 1, **BLU Water Creek 4th Addition**. (Located at 4609 33rd Avenue South) (Nate Vollmuth) (dk)

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online 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 or TDD at 701.241.8258. 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.

E: Other Items:

1. Initiation and RFP for Core Neighborhoods Plan
2. Nomination and Election of Officers

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, May 7, 2019

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, May 7, 2019.

The Planning Commissioners present or absent were as follows:

Present: Shara Fischer, Scott Stofferahn, Mike Magelky, Brad Bachmeier, Dawn Morgan, Rocky Schneider, Melissa Sobolik, Mary Scherling, Jennifer Holtz

Absent: Maranda Tasa, John Gunkelman

Chair Fischer called the meeting to order.

Assistant Planning Director, Mark Williams, introduced the Planning Department's new Assistant Planner, Maggie Squyer.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted that Item 1 has been continued to June 4, 2019.

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

Item B: Minutes: Regular Meeting of April 2, 2019

Member Stofferahn moved the minutes of the April 2, 2019 Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item C: Brown Bag Luncheon combined with the Community Development Committee – Wednesday, May 15, 2019

Topic: Core Neighborhood Planning

Planning Director Nicole Crutchfield noted that the meeting is open to the public and there will be time on the agenda for public input and discussion.

Item D: Public Hearing Items:

Item 1: Section 14, Township 138 North, Range 49 West

Continued hearing on an application requesting a Conditional Use Permit to allow for non-farm commercial uses in the Agricultural zoning district on a portion of the West half of the Southeast Quarter of Section 14, Township 138 North, Range

49 West. (Located at 2805 88th Avenue South) (Eric Baker) (dk): CONTINUED TO JUNE 4, 2019

A Hearing had been set for April 2, 2019. At the April 2, 2019 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to June 4, 2019.

Item 2: Timber Parkway Third Addition

Continued hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 3-4, Block 1, Timber Parkway Third Addition. (Located at 4801 and 5081 Timber Parkway South) (PLC Investments, LLC/Mike Dragosavich): DENIED

A Hearing had been set for April 2, 2019. At the April 2, 2019 meeting, the Hearing was continued to this date and time.

Planning Coordinator Maegin Elshaug provided an update on the BLU Water Creek Third Addition, Bentley Place First Addition, and Timber Creek Eighth Addition April Planning Commission Agenda Items, stating that all three applications were denied by the City Commission on May 6, 2019, each in a 4-1 vote.

Ms. Elshaug noted that this application has been modified to increase the sign size up to a 600 square foot sign; limit the sign location to the west 100 feet of 4801 Timber Parkway South, directly adjacent to Interstate 29; and remove 5081 Timber Parkway South, Lot 3, Block 1, Timber Parkway Third Addition, from the application.

Ms. Elshaug presented the staff report stating that approval criteria have not been met and staff is recommending denial.

Applicant Kyle Freier, Property Resource Group, spoke on behalf of the application.

Discussion was held regarding the application modification to increase the sign size from 300 square feet to 600 square feet, the creation of the original C-O, Conditional Overlay on the property that prohibited off-premise signs, and visibility of the proposed sign to the residential homes to the North.

Member Stofferahn moved the findings and recommendations of staff be accepted and denial be recommended to the City Commission of the proposed Zoning Change to repeal and reestablish a C-O, Conditional Overlay on the basis that it does not comply with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4) of other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Magelky, Schneider, Scherling, Holtz, Sobolik, Stofferahn, Morgan, Bachmeier, and Fisher voted aye. Absent and not voting: Members Tasa and Gunkleman. The motion was declared carried.

Item 3: Huntington's Addition

Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to P/I, Public and Institutional on Lot 24, Block 13,

Huntington's Addition. (Located at 1406 7th Street South) (Fargo Public Schools District 1/Obermiller Nelson Engineering): APPROVED

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

Steve Shilke, Obermiller Nelson Engineering, spoke on behalf of the application.

Discussion was held regarding green space, a residential landscaping buffer, and amount of parking spaces.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from SR-2, Single-Dwelling Residential to P/I, Public and Institutional, 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 Bachmeier. On call of the roll Members Schneider, Sobolik, Bachmeier, Scherling, Stofferahn, Holtz, Magelky, Morgan, and Fischer voted aye. Absent and not voting: Members Tasa and Gunkelman. The motion was declared carried.

Item 4: Fitzsimonds Addition

Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 1-7, Block 1, Fitzsimonds Addition. (Located at 3716, 3740, 3750, 3760, and 3780 51st Avenue South; 5120 and 5168 38th Street South) (Fred M. Hector Revocable Trust/Nate Vollmuth): APPROVED

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. Mr. Kress additionally reviewed the staff recommendations for each amendment.

Tyler Brandt, PACES Lodging, spoke on behalf of the application.

Member Bachmeier moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change to repeal and re-establish a C-O, Conditional Overlay with the staff recommendations for each amendment as outlined within the staff report as the proposal complies with the Section 20-0906.F (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 Scherling, Sobolik, Stofferahn, Holtz, Magelky, Morgan, Bachmeier, Schneider, and Fisher voted aye. Absent and not voting Members Tasa and Gunkelman. The motion was declared carried.

Item 5: Selkirk Place First Addition

5a. Hearing on an application requesting a Zoning Change from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential, SR-4, Single-Dwelling Residential, GC, General Commercial, and P/I, Public and

Institutional on the proposed Selkirk Place First Addition. (2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South) (Earlyne Hector/R. Scott Carey): APPROVED

5b. Hearing on an application requesting a Plat of Selkirk Place First Addition (Major Subdivision) in the Northwest Quarter and Northeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, including Auditors Lot 1 of said Northeast Quarter and a portion of Auditors Lot 2 of said Northeast Quarter and Lots 1, 2, 3, 17, 18, and 19, South Haven Subdivision. (Located at 2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South) (Earlyne Hector/R. Scott Carey): APPROVED

Mr. Kress provided additional information to the Board and presented the staff report stating all approval criteria have been met and staff is recommending approval.

City Commissioner Tony Grindberg noted that this plat contains a lot for an interchange of 64th Avenue and Interstate 29. He stated that a brown bag meeting will be held on Monday, May 13 to discuss the potential of an overpass versus an interchange for this area.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential, GC, General Commercial, and P/I, Public and Institutional; and 2) Subdivision Plat, Selkirk Place First Addition as outlined within the staff report as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Bachmeier, Magelky, Morgan, Scherling, Schneider, Sobolik, Holtz, Stofferahn, and Fischer voted aye. Absent and not voting: Members Tasa and Gunkelman. The motion was declared carried.

At 4:01 p.m., the Board took a five-minute recess.

After recess: All Members present except Members Tasa and Gunkelman. Chair Fischer presiding.

Item E: Other Items:

Item 1: Annexation of approximately 171.972 acres of Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota and part of the Northwest Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota, that lies East of the East right of way line of Interstate Highway 29. (Earlyne Hector): APPROVED

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

Member Magelky moved the findings and recommendations of staff be accepted and find that the proposed annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County, North Dakota, that lies East of the East right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan. Second by Member Sobolik. On call of the roll Members Sobolik, Holtz, Bachmeier, Magelky, Morgan, Stofferahn, Schneider, Scherling, and Fischer voted aye. Absent and not voting: Members Tasa and Gunkelman. The motion was declared carried.

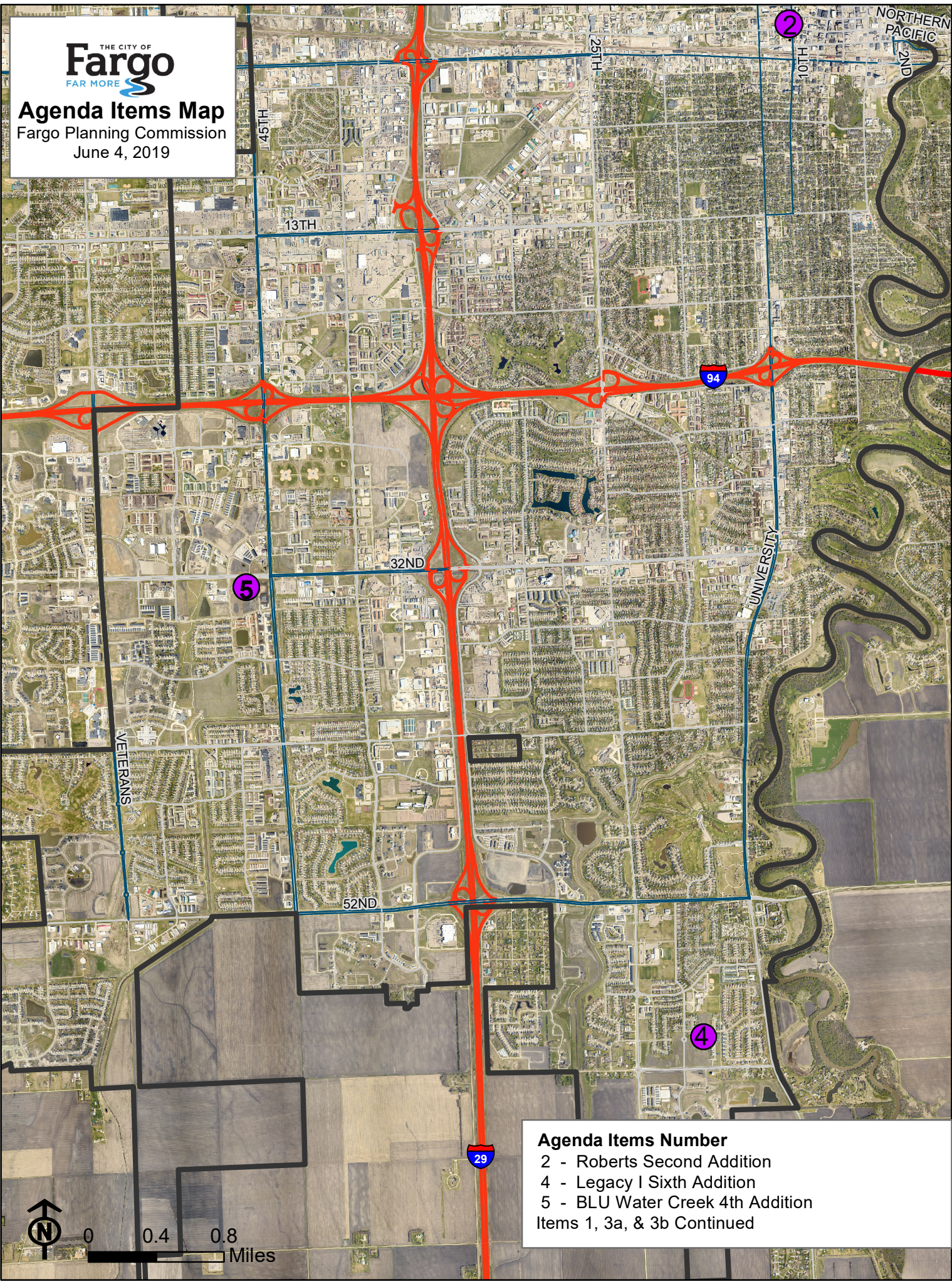
Item 2: Amendments to Community Development Block Grant (CDBG) 5-Year Consolidated Plan and 2018 Annual Action Plan: APPROVED

Planning Coordinator Tia Braseth provided an overview of the Amendments to the Community Development Block Grant (CDBG) 5-Year Consolidated Plan and the 2018 Annual Action Plan.

Ms. Braseth noted that the City of Fargo failed the Timely Expenditure Test and provided an overview of the City's plan to restructure and develop a workout plan to come into compliance for 2020.

Member Sobolik moved to proceed with the CDBG/HOME amendments grant administration as presented. Second by Member Schneider. On call of the roll Members Stofferahn, Magelky, Sobolik, Schneider, Scherling, Morgan, Holtz, Bachmeier, and Fischer voted aye. Absent and not voting: Members Tasa and Gunkelman. The motion was declared carried.

The time at adjournment was 4:29 p.m.



- Agenda Items Number**
- 2 - Roberts Second Addition
 - 4 - Legacy I Sixth Addition
 - 5 - BLU Water Creek 4th Addition
- Items 1, 3a, & 3b Continued



City of Fargo Staff Report			
Title:	Roberts Second Addition	Date:	5/30/2019
Location:	1001 NP Avenue North and 28 10th Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Alley between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition		
Owner(s)/Applicant:	DFI AY LLC, / Kilbourne Group—Deb Wendel Daub	Engineer:	Houston Engineering
Entitlements Requested:	Vacation of Right of Way (Alley between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition)		
Status:	Planning Commission Public Hearing: June 4, 2019		

Proposal:

The applicant requests one entitlement:
A vacation of right of way (alley) between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, **Roberts Second Addition**.

The plat will vacate the east half of the existing alley located between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, **Roberts Second Addition**, with the intent that redevelopment at 1001 NP Avenue North (formerly The Nestor) and 28 10th Street North (Park Company Real Estate) will be a single development.

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.

There is an existing city sewer line within this alley right of way. The North Dakota Century Code requires that any utilities in a right of way that is being vacated be accounted for in one of three ways (see “Findings” below). The applicant has proposed providing an easement for this sewer line at this time, though the applicant intends to eventually re-route this sewer line as the development of this property proceeds. The City’s Engineering Department is willing to support the replacement of the subject alley with a utility easement to cover the public sanitary sewer main with the following conditions:

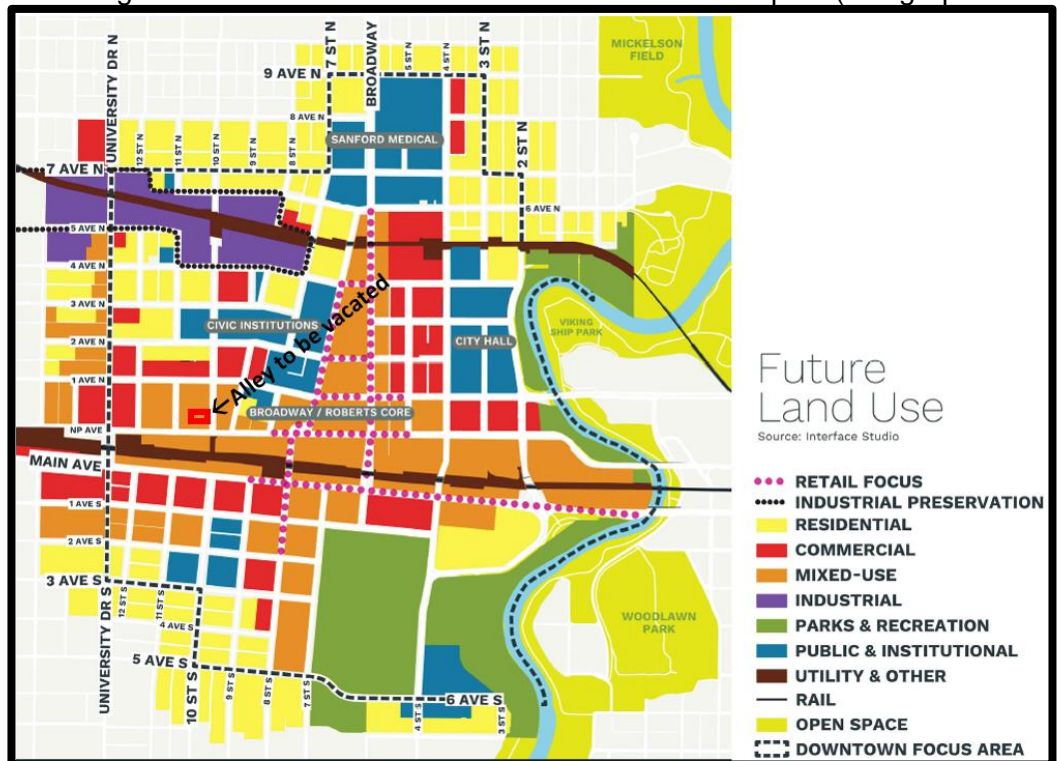
1. Applicant will provide a plan view showing elevation of sanitary sewer, elevation of building footings, and dimensions between vertical building features and sanitary sewer line
2. Applicant will provide structural engineer’s opinion that when the sanitary sewer line is removed for future building expansion that the existing building will not be affected.
3. City is currently planning to reconstruct 11th Street North of NP avenue in the 2021 construction season. The City has not evaluated the existing sanitary sewer line in 11th Street. However, it is known that the line in 11th Street has to be lowered to allow applicant to abandon subject alley sanitary sewer main. With this in mind the applicant will need to agree to cover the extra City costs for adjusting the Sanitary Sewer Line elevation in 11th street to accommodate the removal of the sanitary sewer main from the alley. The applicant will also be responsible for the costs of removal of the sanitary sewer main from the alley. The applicant’s engineer will need to determine the space needed to accommodate a hydraulic excavator to have adequate room for the alley sanitary sewer line removal. This may require securing easement land from the neighbors to the north as part of this agreement.

4. The applicant will need to install the storm water detention to cover their engineer's determination of adequate size to meet quantity and quality requirements required by the city for the current planned building along with showing the space needed for full buildout thru phase II identified by the applicant.
5. The applicant will be responsible for all costs to remove the private utilities from the alley.

There are existing above-ground power lines owned by a private utility within this alley right of way that the applicant plans to relocate.

Area Plans:

The alley to be vacated is included in the Downtown In Focus Master Plan. Vacation of this alley helps facilitate the development of this property as a mixed-use project, consistent with the "mixed-use" land use designation of the Downtown In Focus future land use plan (see graphic below).



Schools and Parks:

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

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

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

Pedestrian / Bicycle: There right of way proposed to be vacated does not include any bicycle facilities or multi-use trails.

Staff Analysis:

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy dictates that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides:

a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

1. ***N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.***

The applicant proposes to provide an easement for the city sewer line within this right of way, subject to the conditions stated by the City's Engineering Department noted above. The applicant plans to relocate existing above-ground power lines owned by a private utility in this right of way. The applicant shall provide the necessary documentation relating to the easement and relocation of these utilities prior to the City Commission hearing. **(Criteria Satisfied)**

2. ***N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.***

In accordance with the requirement of this section, a petition signed by all adjacent owners has been submitted for review and consideration, along with a plat of such public alley **(Criteria Satisfied)**

3. ***N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.***

Documentation of said action is located within both the Planning project file and Auditor's file. **(Criteria Satisfied)**

4. ***N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution***

passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This procedure---hearing by the City Commission following the appropriate notice period, is the next step in the vacation process. **(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 **alley vacation between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition**, subject to the applicant accounting for existing public and private utilities in this alley right of way as stated above in this staff report, as presented, as the proposal complies with the Downtown In Focus master plan and standards of Chapter 40-39 of the North Dakota Century Code."

Planning Commission Recommendation: June 4, 2019

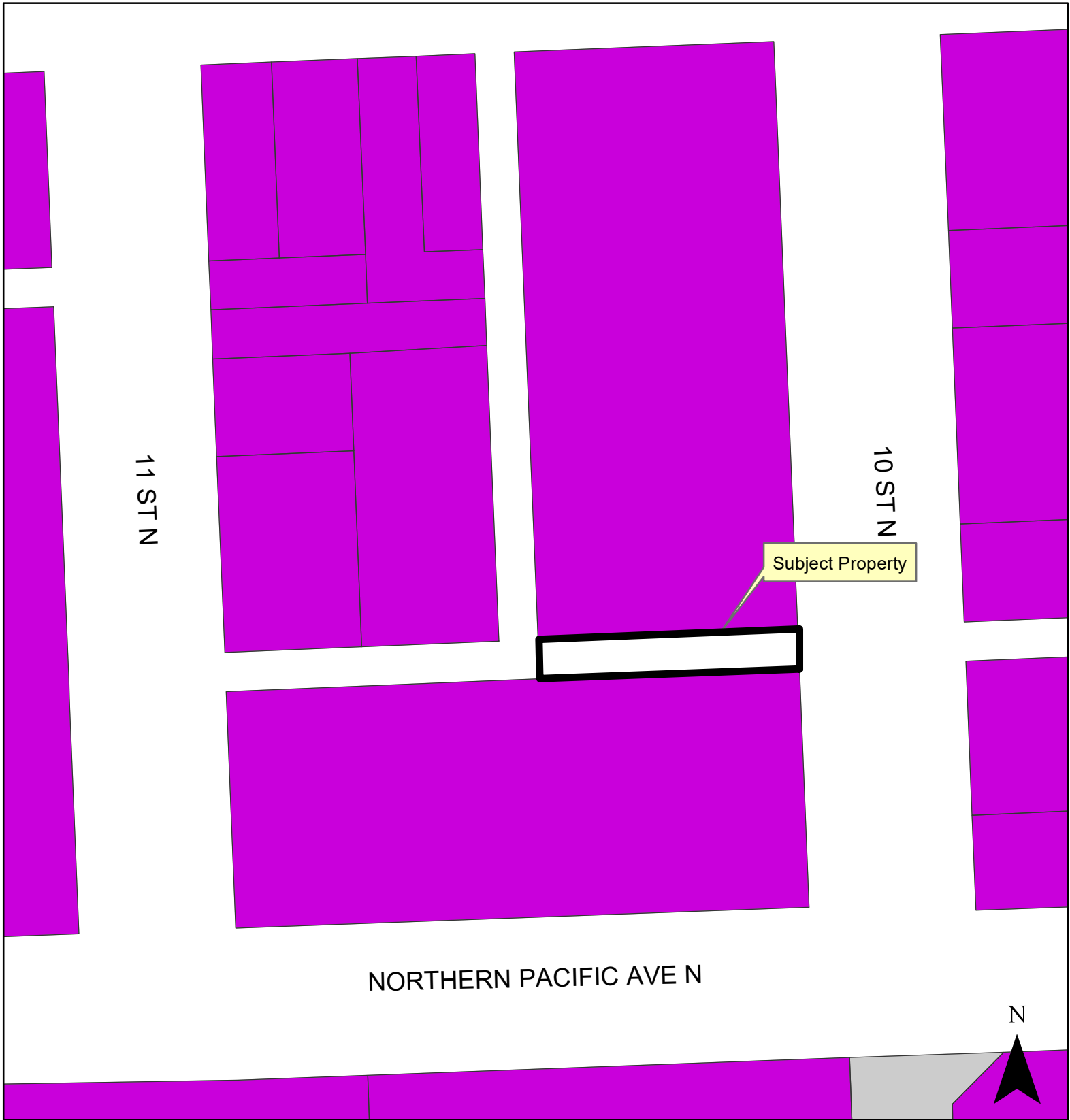
Attachments:

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

Plat (major) Alley Vacation

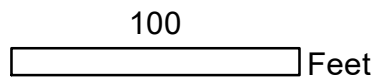
Roberts Second Addition

28 10th St N
1001 NP Avenue



Legend

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



Plat (major) Alley Vacation

Roberts Second Addition

28 10th St N
1001 NP Avenue

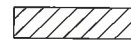


VACATION PLAT

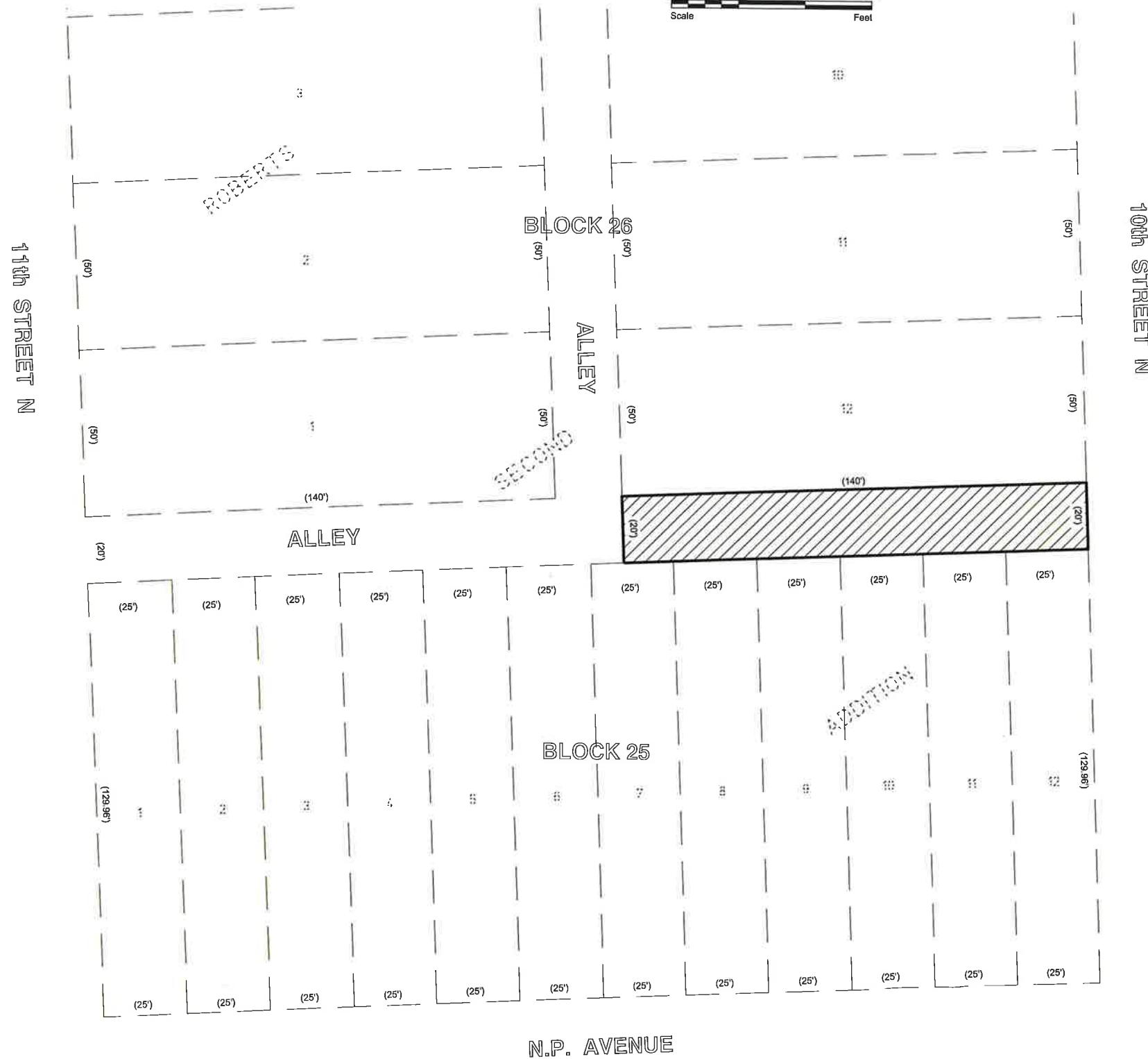
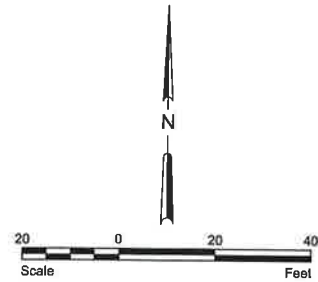
OF PART OF THE ALLEY BETWEEN BLOCKS 25 AND 26, ROBERTS SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

LEGEND

INDICATES AREA TO BE VACATED



BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



DESCRIPTION OF AREA TO BE VACATED:

That part of the alley situated between Blocks 25 and 26, Roberts Second Addition to the City of Fargo, Cass County, North Dakota, described as follows:

That part of said alley bounded on the east by the southerly extension of the easterly line of Lot 12, said Block 26, and bounded on the west by the southerly extension of the westerly line of Lot 12, said Block 26.

OWNERS' CERTIFICATE:

D & J Real Estate, LLC, a North Dakota limited liability company, certifies that it is the owner of the property adjacent to and northerly of the area to be vacated and the owner of said portion of the annexed plat described as the area to be vacated and that such plat and description are correct.

D & J Real Estate, LLC

John Adams, General Partner

OWNERS' CERTIFICATE:

DFI AY LLC, a North Dakota limited liability company, certifies that it is the owner of the property adjacent to and southerly of the area to be vacated and the owner of said portion of the annexed plat described as the area to be vacated and that such plat and description are correct.

DFI AY LLC

John Adams, General Partner

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, James A. Schileman, 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. Schileman, Professional Land Surveyor
No. 6086

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

FARGO PLANNING COMMISSION APPROVAL:

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

Shara Fischer, Chair
Fargo Planning Commission

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: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____, before me personally appeared John Adams, General Partner of D & J Real Estate, 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: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____, before me personally appeared John Adams, General Partner of DFI AY 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: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____ before me personally appeared James A. Schileman, 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: _____

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: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____, before me personally appeared Shara Fischer, 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 she executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

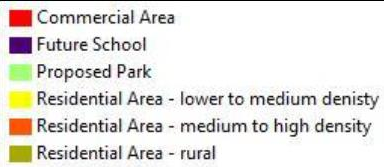
City of Fargo Staff Report			
Title:	Legacy I Sixth Addition	Date:	5/30/2019
Location:	6206-6299 19th Street South; 6204-6297 20th Street South; 1835, 1867, 1889, 1911, 1931, and 1949 63rd Avenue South; and 6184, 6198, 6206, and 6216 21st Street South;	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Block 10; Lots 3-4, Block 4; Lots 50-51, Block 8; Lots 1-20 and 34-39, Block 11, Legacy 4th Addition and a vacation of Right of Way of portions of 62nd Avenue South and portions of 19th, 20th, and 21st Streets South to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Gerald Eid; John & Janet Ouradnik / Jason Eid	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Major Subdivision (replat of Block 10; Lots 3-4, Block 4; Lots 50-51, Block 8; Lots 1-20 and 34-39, Block 11, Legacy 4th Addition and a vacation of Right of Way of portions of 62nd Avenue South and portions of 19th, 20th, and 21st Streets South to the City of Fargo, Cass County, North Dakota.)		
Status:	Planning Commission Public Hearing: June 4, 2019		

Existing	Proposed
Land Use: Platted; not developed	Land Use: Residential
Zoning: SR-4, Single Dwelling Residential	Zoning: No zoning change proposed
Uses Allowed: SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;	Uses Allowed: No change
Maximum Density Allowed: SR-4 allows a maximum 12.1 units per acre	Maximum Density Allowed: No change

Proposal:
<p>The applicant requests one entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Legacy I Sixth Addition , which is a replat of Block 10; Lots 3-4, Block 4; Lots 50-51, Block 8; Lots 1-20 and 34-39, Block 11, Legacy 4th Addition and a vacation of Right of Way of portions of 62nd Avenue South and portions of 19th, 20th, and 21st Streets South to the City of Fargo, Cass County, North Dakota <p><i>(Historical Note: In 2014, a plat entitled "Legacy I Sixth Addition" was proposed at another location (5701 and 5763 24th Street South) but that plat was withdrawn by the applicant without completing the review and hearing process, so that plat name is still available.)</i></p> <p>.Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-4, residential • East: SR-4, residential • South:SR-4, residential • West: SR-4 and P/I: Public/Institutional Legacy Park (owned by Fargo Park District)

Area Plans:

The subject property is located within the 2001 Growth Plan. This plan designates the subject property as "Residential Area—Low to Medium Density." This land use designation includes the existing SR-4 zoning. No zone change is proposed.



Schools and Parks:

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

Neighborhood: The subject property is located in the Bennett Neighborhood.

Parks: Legacy Park (6297 22nd Street South, owned by the Fargo Park District) is adjacent to the west side of the subject property. This park has not yet been developed.

Pedestrian / Bicycle: There are multi use trails on the north side of the existing portions of 62nd Avenue South and the east side of 21st Street South that are components of the metro area bikeways system and will be continued through the subdivision.

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.

PLAT

The plat will create 54 single-dwelling lots in four blocks. Lots keep the current zoning of SR-4. 52 of the lots range in size from approximately 5,700 square feet to over 11,000 square feet, with most lots in the 6,200 to 7,900 square foot range. Two of the lots are over 25,000 square feet, with the potential to be further subdivided in the future. All meet the minimum required lot area of the SR-4 zone. No lots are double-fronting.

Lot 1, Block 1 (formerly Lot 26, Block 2, Legacy I 4th Addition) is an existing, already developed lot owned by a separate owner than the developer that is depicted on this plat only because this lot is adjacent to right of way proposed to be vacated. This lot is not included in the overall lot and block count noted above.

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

VACATION OF RIGHT OF WAY AND STREET RECONFIGURATION: The project includes two vacations of right of way.

1. The applicant proposes to vacated existing right of way for the two cul-de-sac streets, 19th and 20th, and instead have one dedicated public street (19th Street South) that goes through the subdivision connecting 62nd and 63rd Avenues South.
2. The applicant proposes to vacate right of way on 62nd Avenue South and 21st Street South that was originally reserved for a roundabout. The vacated “corners” of right of way will be added to the adjacent lots.

Major Subdivision

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

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

The existing zoning on this property is SR-4: Single-Dwelling Residential. No zone change is proposed. The SR-4 zoning will accommodate the proposed single-family development. The SR-4 zoning designation is consistent with the “low to medium density” designation for this property in the 2001 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no public comments.

(Criteria Satisfied)

- 2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The existing zoning on this property is SR-4: Single-Dwelling Residential. No zone change is proposed. The SR-4 zoning will accommodate the proposed single-family development. 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 plat going to City Commission for final approval. 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)

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). In this case, the petition for vacation and the plat are included in the applicant's overall subdivision application and plat. Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C. The final decision on vacation of right of way is made by the City Commission.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

The applicant will be required to relocate an existing storm sewer on the southwest corner of the proposed vacated roundabout (adjacent to 6206 22nd Street South; proposed Lot 1, Block 3 of this plat) **(Criteria Satisfied)**

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, this information is included in the plat and its application. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

Documentation of said action is located within both the Planning project file and Auditor's file. **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This procedure---hearing by the City Commission following the appropriate notice period, is the next step in the vacation process. **(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 a plat of the **Legacy I Sixth Addition**, including vacation of right of way, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06 and all other applicable requirements of the LDC."

Planning Commission Recommendation: June 4, 2019

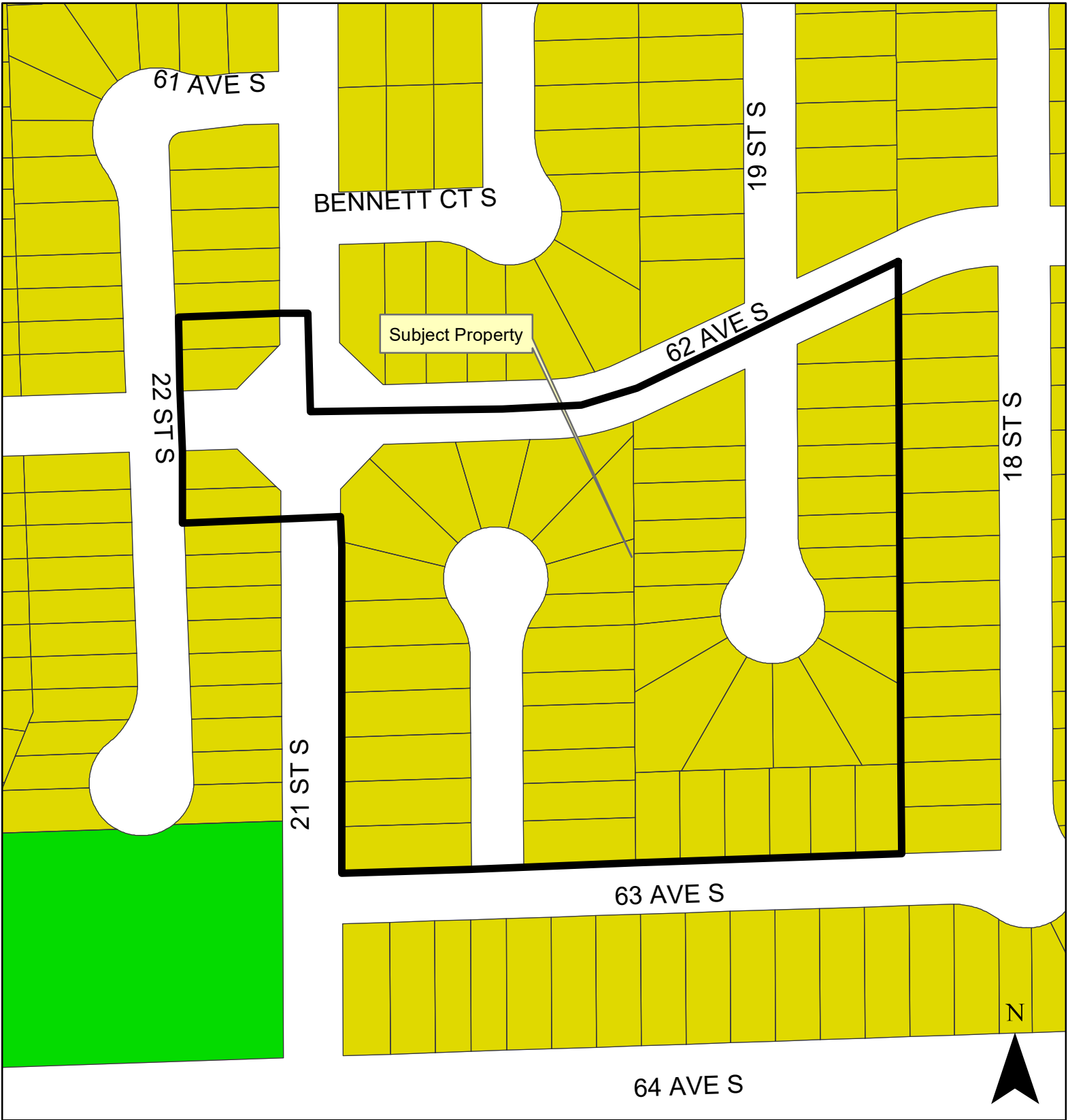
Attachments:

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

Plat (Major)

Legacy I Sixth Addition

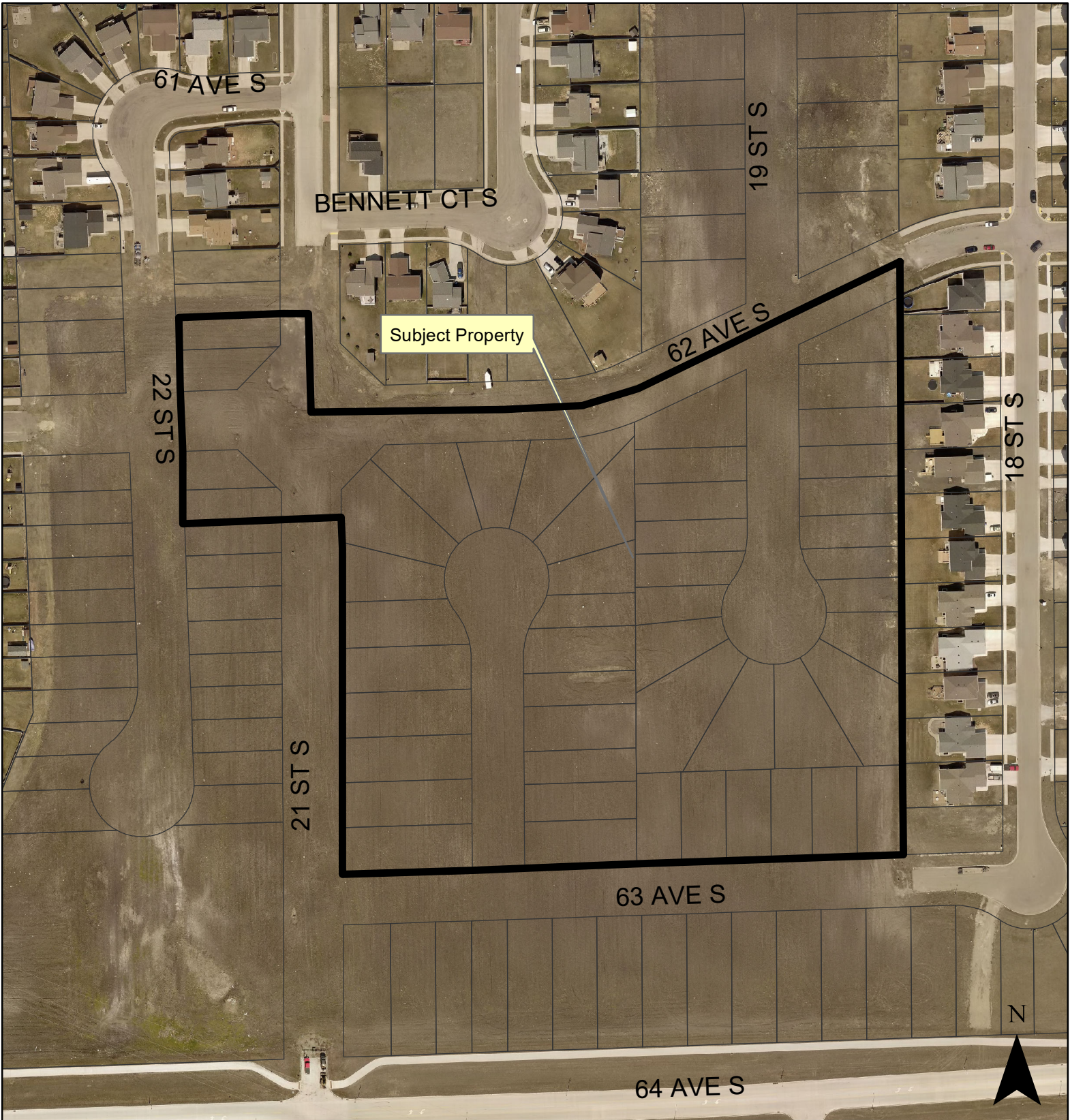
6206-6299 19th Street South
 6204-6297 20th Street South
 1835-1949 63rd Avenue South
 6184, 6198, 6206, and 6216 21st Street South



Plat (Major)

Legacy I Sixth Addition

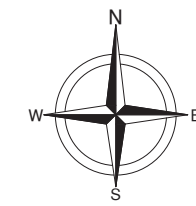
6206-6299 19th Street South
6204-6297 20th Street South
1835-1949 63rd Avenue South
6184, 6198, 6206, and 6216 21st Street South



LEGACY I SIXTH ADDITION

A VACATION PLAT AND A MAJOR SUBDIVISION PLAT

BEING A REPLAT OF ALL OF BLOCK 10, LOT 26, BLOCK 2, LOTS 3 AND 4 ALL IN BLOCK 4, LOTS 50 AND 51 ALL IN BLOCK 8, LOTS 1 THROUGH 20 AND LOTS 34 THROUGH 39 ALL IN BLOCK 11, LEGACY I FOURTH ADDITION, TOGETHER WITH A PORTION OF 21ST STREET SOUTH AND A PORTION OF 62ND AVENUE SOUTH; BEING A VACATION PLAT OF ALL OF 19TH STREET SOUTH IN BLOCK 11 AND 20TH STREET SOUTH IN BLOCK 10 AND A PORTION OF THE ADJACENT 21ST STREET SOUTH TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.



Curve #	Length	Radius	Delta
C1	41.94'	315.00'	07°37'45"
C2	54.35'	315.00'	09°53'08"
C3	33.22'	315.00'	06°02'30"
C4	46.73'	100.00'	26°46'30"
C5	53.19'	100.00'	30°28'41"
C6	52.65'	100.00'	30°09'59"
C7	1.80'	100.00'	01°01'43"
C8	17.46'	100.00'	10°00'20"
C9	57.83'	100.00'	33°07'53"
C10	10.21'	100.00'	05°51'08"
C11	56.23'	100.00'	32°13'01"
C12	12.64'	100.00'	07°14'31"

BASIS OF BEARINGS: LEGACY I FOURTH ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF.

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5900
- (31,963) LOT AREAS IN SQ. FT.
- L ARC LENGTH
- R RADIUS LENGTH
- Δ CENTRAL ANGLE
- P.O.B. POINT OF BEGINNING
- PLAT BOUNDARY LINE
- LOT LINE
- - - - EXISTING EASEMENT LINE
- - - - EXISTING LOT LINE
- ▨ ZONE AE, FIRM MAP NO. 38017C0787G & 38017C0791G, BASE FLOOD ELEVATION = 907.5' (NAVD88)
- ▨ PORTIONS OF 21ST ST. S. TO BE VACATED WITH THIS PLAT
- - - - 904.00' CONTOUR LINE WITH ELEVATION 904.00' (NAVD 88)

NOTES:

- LETTER OF MAP AMENDMENT DATED MARCH 23, 2015 WITH CASE NO. 15-08-0691A REMOVING THE STRUCTURE IN LOT 26, BLOCK 2, LEGACY I FOURTH ADDITION FROM THE SFHA TO ZONE X (SHADED).

EASEMENTS OF RECORD:

- CASS RURAL WATER USERS, INC RIGHT OF WAY EASEMENT DOCUMENT NO. 912970.
- CASS RURAL WATER USERS, INC RIGHT OF WAY EASEMENT DOCUMENT NO. 912971.
- CASS RURAL WATER USERS, INC NOTICE OF WATER LINES AND EASEMENT DOCUMENT NO. 905206.

UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT OF WAYS AS SHOWN UNLESS OTHERWISE NOTED.

NOTE: ALL EXISTING UTILITY, SIDEWALK AND NEGATIVE ACCESS EASEMENTS AS SHOWN IN BLOCK 10 AND LOTS 1 THROUGH 20 AND 34 THROUGH 39 INCLUSIVE OF BLOCK 11, LOTS 50 AND 51 INCLUSIVE OF BLOCK 8, LOTS 3 AND 4 INCLUSIVE OF BLOCK 4, LOT 26 INCLUSIVE OF BLOCK 2, ALL IN LEGACY I FOURTH ADDITION ARE HEREBY VACATED BY THIS PLAT. NEW EASEMENTS ARE BEING DEDICATED AS SHOWN.



LEGACY I SIXTH ADDITION

A VACATION PLAT AND A MAJOR SUBDIVISION PLAT

BEING A REPLAT OF ALL OF BLOCK 10, LOT 26 IN BLOCK 2, LOTS 3 AND 4 ALL IN BLOCK 4, LOTS 50 AND 51 ALL IN BLOCK 8, LOTS 1 THROUGH 20 AND LOTS 34 THROUGH 39 ALL IN BLOCK 11, LEGACY I FOURTH ADDITION, TOGETHER WITH A PORTION OF 21ST STREET SOUTH AND A PORTION OF 62ND AVENUE SOUTH; BEING A VACATION PLAT OF ALL OF 19TH STREET SOUTH IN BLOCK 11 AND 20TH STREET SOUTH IN BLOCK 10 AND A PORTION OF THE ADJACENT 21ST STREET SOUTH TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

CERTIFICATE

SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "LEGACY I SIXTH ADDITION" TO THE CITY OF FARGO, A REPLAT OF BLOCK 10, LOT 26 IN BLOCK 2, LOTS 3 AND 4 ALL IN BLOCK 4, LOTS 50 AND 51 ALL IN BLOCK 8, LOTS 1 THROUGH 20 AND LOTS 34 THROUGH 39 ALL IN BLOCK 11, LEGACY I FOURTH ADDITION, TOGETHER WITH A PORTION OF 21ST STREET SOUTH AND A PORTION OF 62ND AVENUE SOUTH TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT AN IRON MONUMENT AT THE SOUTHWEST CORNER OF BLOCK 10, LEGACY I FOURTH ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA; THENCE NORTH 00 DEGREES 17 MINUTES 54 SECONDS WEST ON A RECORD BEARING ALONG THE WEST LINE OF SAID BLOCK 10 FOR A DISTANCE OF 474.58 FEET TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 50, BLOCK 8 SAID LEGACY I FOURTH ADDITION; THENCE NORTH 88 DEGREES 09 MINUTES 05 SECONDS WEST ALONG SAID EASTERLY EXTENSION AND ALONG THE SOUTH LINE OF SAID LOT 50 FOR A DISTANCE OF 209.69 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 02 DEGREES 07 MINUTES 25 SECONDS WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF 22ND STREET SOUTH, ACCORDING TO SAID LEGACY I FOURTH ADDITION FOR A DISTANCE OF 96.00 FEET TO THE NORTHWEST CORNER OF LOT 51 OF SAID BLOCK 8; THENCE NORTH 03 DEGREES 15 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 80.03 FEET TO THE SOUTHWEST CORNER OF LOT 4, BLOCK 4, SAID LEGACY I FOURTH ADDITION; THENCE NORTH 02 DEGREES 07 MINUTES 25 SECONDS WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID 22ND STREET SOUTH FOR A DISTANCE OF 99.48 FEET TO THE NORTHWEST CORNER OF LOT 3, SAID BLOCK 4; THENCE NORTH 88 DEGREES 11 MINUTES 51 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 3 AND THE EASTERLY EXTENSION THEREOF FOR A DISTANCE OF 220.06 FEET THE WEST LINE OF LOT 26, BLOCK 2 SAID LEGACY I FOURTH ADDITION; THENCE NORTH 00 DEGREES 17 MINUTES 54 SECONDS WEST ALONG SAID WEST LINE FOR A DISTANCE OF 90.01 FEET TO THE NORTHWEST CORNER OF SAID LOT 26; THENCE NORTH 88 DEGREES 09 MINUTES 05 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 26 FOR A DISTANCE OF 61.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 17 MINUTES 48 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 26 AND THE SOUTHERLY EXTENSION THEREOF FOR A DISTANCE OF 229.59 FEET TO A POINT ON A LINE 40.00 FEET NORTH OF AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF 62ND AVENUE SOUTH, ACCORDING TO SAID LEGACY I FOURTH ADDITION; THENCE NORTH 88 DEGREES 11 MINUTES 51 SECONDS EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 221.06 FEET; THENCE EASTERLY ALONG SAID PARALLEL LINE AND ALONG A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 33 MINUTES 23 SECONDS FOR AN ARC DISTANCE OF 113.06 FEET; THENCE NORTH 64 DEGREES 38 MINUTES 28 SECONDS EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 393.53 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 790.11 FEET TO THE SOUTHWEST CORNER OF LOT 34, BLOCK 11, SAID LEGACY I FOURTH ADDITION; THENCE SOUTH 88 DEGREES 09 MINUTES 05 SECONDS WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF 63RD AVENUE SOUTH, ACCORDING TO SAID LEGACY I FOURTH ADDITION FOR A DISTANCE OF 747.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 13.00 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



SHAWN M. THOMASSON
REGISTERED LAND SURVEYOR
REG. NO. LS-5900

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "LEGACY I SIXTH ADDITION" TO THE CITY OF FARGO, A REPLAT OF BLOCK 10, LOT 26 IN BLOCK 2, LOTS 3 AND 4 ALL IN BLOCK 4, LOTS 50 AND 51 ALL IN BLOCK 8, LOTS 1 THROUGH 20 AND LOTS 34 THROUGH 39 ALL IN BLOCK 11, LEGACY I FOURTH ADDITION, TOGETHER WITH A PORTION OF 21ST STREET SOUTH AND A PORTION OF 62ND AVENUE SOUTH TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, AVENUES AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: ALL EXCEPT LOT 1, BLOCK 1

GERALD D. EID

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED GERALD D. EID, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: LOT 1, BLOCK 1

JOHN E. OURADNIK

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN E. OURADNIK AND JANET R. OURADNIK KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR OWN FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE: LOT 1, BLOCK 1
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2019.

SHARA FISCHER, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2019.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

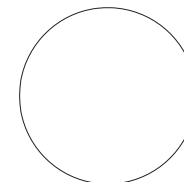
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2019.

BRENDA E. DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



City of Fargo Staff Report			
Title:	BLU Water Creek 4 th Addition	Date: Updated:	5/30/2019
Location:	4609 33rd Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description	Lot 2, Block 1, BLU Water Creek 4th Addition		
Owner(s)/Applicant:	Brandt Crossing, LLC /Nate Vollmuth	Engineer:	None
Entitlements Requested:	Zone Change (from LC, Limited Commercial to GC, General Commercial)		
Status:	Planning Commission Public Hearing: June 4, 2019		

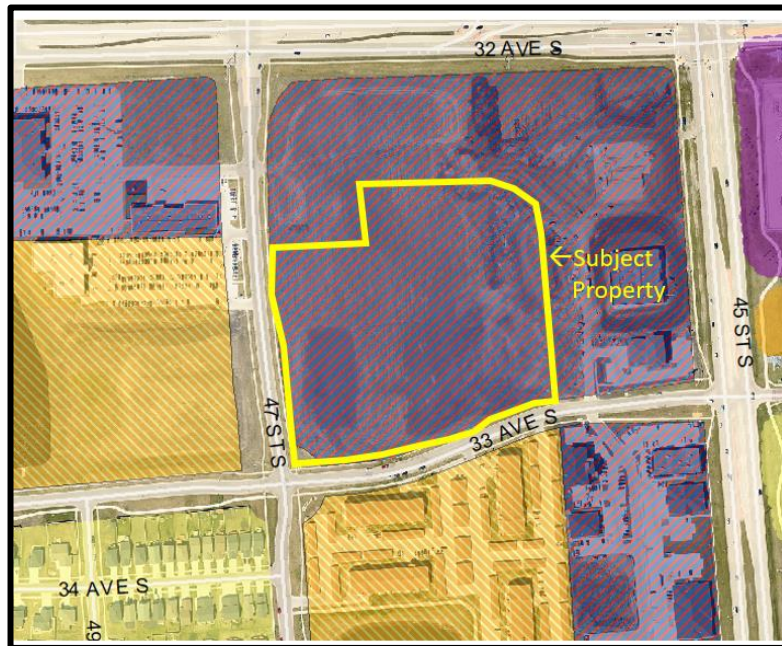
Existing	Proposed
Land Use: Undeveloped	Land Use: Office and commercial development
Zoning: LC, Limited Commercial	Zoning: GC, General Commercial
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.	Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.
Maximum Lot Coverage: 55%	Maximum Lot Coverage: 85%

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A zoning change from LC, Limited Commercial to GC, General Commercial <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, Commercial, with conditional overlay (Ordinance • East: None; LC, Commercial • South: MR-3, Multi Dwelling Residential; • West: GO, General office and LC, with conditional overlay <p>(continued on next page)</p>

Area Plans:

The subject properties are identified in the 2003 Southwest Future Land Use Plan as suitable for "Either Office or Commercial land uses."

Commercial
Commercial or Medium/High Density
Commercial or Medium/High or Park/Open Space
Commercial or Park/Open Space
Either Industrial or Commercial
Either Office or Commercial
Either Office or Medium/High Density Residential
Industrial
Low/Medium Density Residential
Low/Medium Density or Medium/High Density
Medium/High Density Residential
Medium/High Density or Park/Open Space
Office
Office or Commercial or Medium/High Density
Park/Open Space
Public
Public or Commercial
Public or Low/Medium Density
Public or Office
Storm Water



Context:

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

Neighborhood: The subject property is located within Brandt Crossing neighborhood.

Parks: Brandt Crossing Park (5009 33rd Avenue South) is less than one-quarter mile west of the subject property and offers the amenities of basketball, dog park, playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: The multi-purpose trails along the north side of 32nd Avenue South and east side of 45th Street south that are components of the metro area bikeways system.

Staff Analysis:

The applicant proposes a zone change from LC, Limited Commercial to GC, General Commercial while retaining the existing conditional overlay (C-O), Ordinance 5197. This C-O prohibits the following uses:

- Detention facilities
- Adult entertainment center
- Off-premise advertising signs (directional signs that are less than 50 feet square in size are exempt from this prohibition)
- Portable signs
- Industrial service
- Manufacturing and production
- Warehouse and freight movement
- Aviation/surface transportation

Retaining the provisions of this conditional overlay has the effect of restricting the permitted and conditionally permitted uses in the proposed GC, General Commercial zone to mostly match the permitted and conditionally permitted uses in the existing LC, Limited Commercial zone and would thus lessen the impact of the zone change on the surrounding properties, which include some residential properties. The GC zone would allow greater lot coverage

than the LC zone (85% in the GC zone versus 55% in the LC zone) and greater height than the LC zone (60 foot maximum height in the LC zone versus no height limit in the GC zone)

Zoning

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

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The applicant, who has developed the portions of this block along 32nd Avenue and 45th Street, seeks a zoning that will allow a building height greater than the 60 feet allowed under the current LC, Limited Commercial zoning on this portion of the block that is not along a major arterial. The LC height limit is further constrained to 35 feet due to the proximity of a single-family zoning district to the southwest of this block. The proposed GC, General Commercial zone offers greater height. The applicant's decision to keep the existing conditional overlay, as noted above, prohibits several permitted and conditionally permitted uses that would otherwise be available in the GC zone, thus lessening impact of the zone change on the neighborhood.

(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 from the adjacent streets (33rd Street South and 47th Avenue South) **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comment about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity.

(Criteria satisfied)

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." This rezone is consistent with the land use designation of "either office or commercial." **(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 zone change from LC, Limited Commercial to GC, General Commercial as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: June 4, 2019

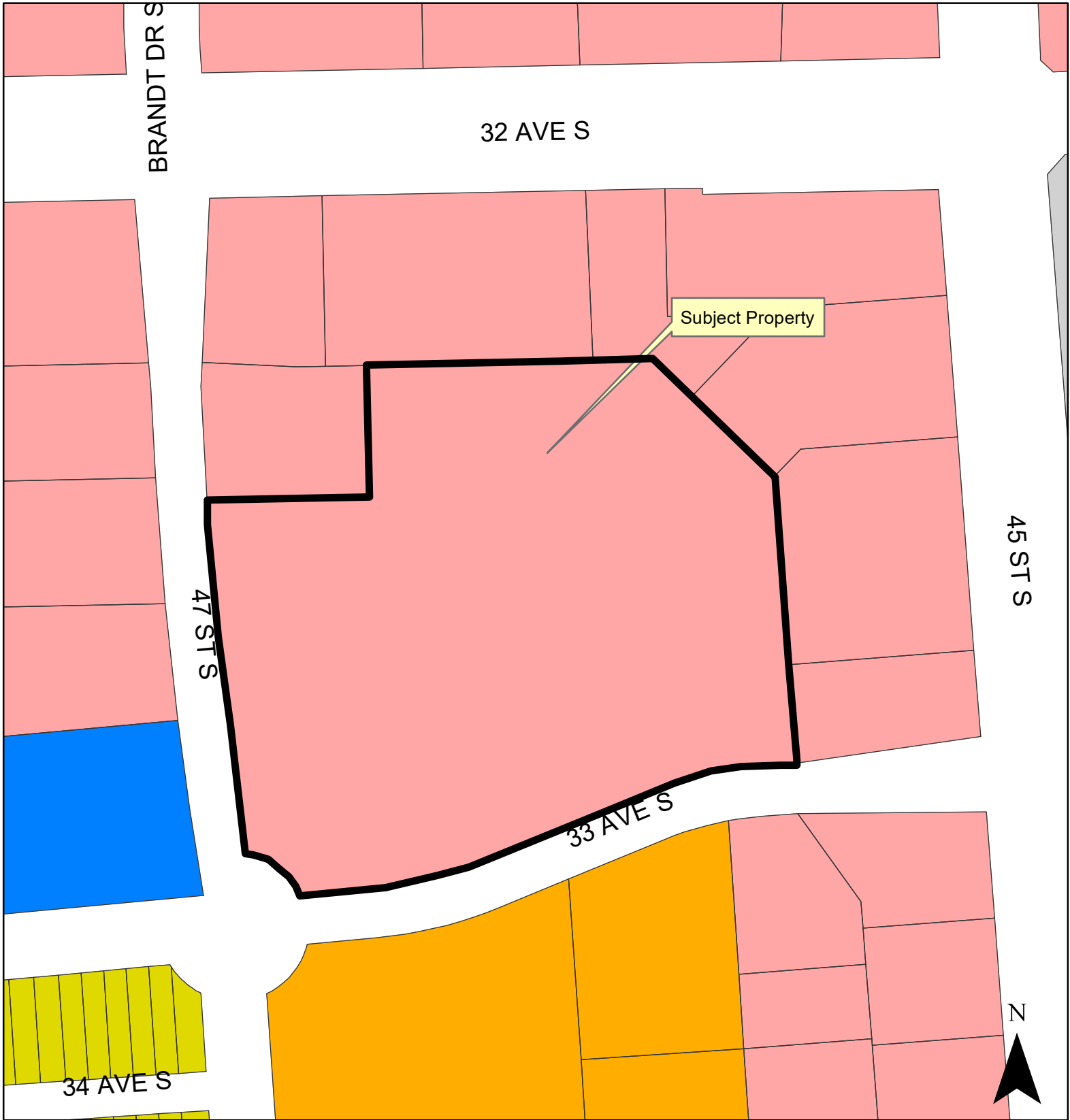
Attachments:

1. Zoning Map
2. Location Map

Zone Change (LC to GC)

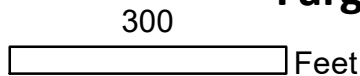
BLU Water Creek 4th Addition

4609 33rd Avenue S



Legend

AG	LC	MHP	SR-2
DMU	LC	NO	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	NO	SR-5
	MR-3	UMI	City Limits



Fargo Planning Commission
June 4, 2019

Zone Change (LC to GC)

BLU Water Creek 4th Addition

4609 33rd Avenue S



MEMORANDUM

TO: Fargo Planning Commission

FROM: Mark Williams, Assistant Director *MW*
Aaron Nelson, Planning Coordinator *AN*

DATE: May 29, 2019

SUBJECT: Item E(1): Initiation and RFP for Core Neighborhoods Plan

Staff is requesting formal approval to move forward with a request for proposal (RFP) to hire a professional consultant to conduct and develop a Core Neighborhoods Plan. This planning process is intended to build upon the work recently completed with the Downtown InFocus Plan by bringing together city officials, residents, the development community, and other stakeholders to collaboratively expand planning efforts to the neighborhoods surrounding the downtown core. The study will build upon the vision and goals of the Go2030 Comprehensive Plan; identify and respond to current conditions and issues; and guide public and private investment within the City's core neighborhoods.

Background

The need for a core neighborhoods plan has become increasingly evident in recent years, as the City has continued to grow at a rapid pace. The City's oldest neighborhoods have felt increasing pressures relating to topics such as aging infrastructure; property maintenance & neighborhood character; infill, redevelopment, increasing density, and changes in land markets; affordable housing and a lack of diverse housing options; shifts in demographics; and general livability issues, such as crime and safety.

Within the most recent budgeting cycle, staff has worked to realign funding towards planning services in order to better utilize professional consultants for strategic projects such as this, and has identified this plan as a priority on the Planning Department's current work plan. At the recent May 15th joint Brown Bag meeting of the Planning Commission and Community Development Committee, detailed discussion was had regarding the proposed Core Neighborhoods Plan. To aid in the discussion, staff walked through the attached Project Summary with Planning Commission and Community Development Committee members.

At this time, staff is looking for formal approval from the Planning Commission for staff to move forward with this work. Staff anticipates the RFP to be published around the end of June 2019, and for the selected consultant to complete work by the end of 2020.

Suggested Motion

"To approve staff's request to draft and publish a request for proposal for the Core Neighborhoods Plan and to otherwise initiate this project."

Project Summary

Project Name: Core Neighborhoods Plan

May 15, 2019

Project Abstract:	<p>The purpose of this project is to partner with a qualified consultant to produce a Core Neighborhoods Plan that will build upon vision and goals of the Go2030 Comprehensive Plan; identify and respond to current conditions and issues; and guide public and private investment over the next 10-15 years.</p> <p>This planning process is intended to build upon the work recently completed with the Downtown InFocus Plan by working with stakeholders to collaboratively expand planning efforts to the neighborhoods surrounding the downtown core. This planning process will build upon previous and current planning efforts within core neighborhoods, and seeks to strategically refine the principles of the Go2030 Comprehensive Plan for use at the neighborhood level.</p>
Purposes and Needs	<ul style="list-style-type: none"> • To develop a broadly supported and achievable vision for the core neighborhoods. • To define and understand the issues and forces affecting the core neighborhoods. • To develop a mutual understanding of the desires and concerns of all stakeholders. • To synthesize existing plans and policies with any identified new vision and/or goals for the core neighborhoods, and to prioritize competing goals. • To identify and define actions necessary to address issues and achieve identified vision/goals. • To guide private development and public improvements in accordance with identified vision and goals. • To outline a housing strategy which contemplates and accounts for such things as affordable housing, market forces, land use & housing regulations, and diversity of housing options.
Issues:	<ul style="list-style-type: none"> • Property maintenance & neighborhood character • Code enforcement & blight • Infill & redevelopment pressures • Population growth • Affordable housing • Lack of diverse housing options • School enrollment • Aging infrastructure • Other livability issues (e.g. healthy food, mobility, recreational amenities & trails, trees/vegetation, public/social spaces, employment, crime, safety, art, aesthetics, events, etc.) • Competing goals
Project Outcomes:	<ul style="list-style-type: none"> • A collective and broadly supported future vision and plan for the core neighborhoods • A clear understanding of the various issues affecting core neighborhoods • Improved trust and understanding between and amongst stakeholders (primarily citizens, City staff, and development community) • A framework for which future planning efforts can build upon (e.g. plans for specific topics or individual neighborhoods) • Clearly defined implementation actions and recommendations • Stakeholders and City decision-makers will have relevant data, information, and policy guidance to inform future decision making
Timeline:	<ul style="list-style-type: none"> • June 28, 2019 RFP Available for Viewing • August 5, 2019 Proposals Due • Sept 9-13, 2019 Interviews • Oct 21, 2019 Contract to City Commission for Approval • Nov 2019 Project Kick-off • End of 2020 Project Completion

Scope of Work Elements:

- Project Management – The consultant will take the lead in managing their time, staff, resources, budget, and related activities to ensure that the project objectives are met. The consultant will be in close communication with staff throughout the life of the project. Staff will provide general oversight of the consultant and will help to facilitate interactions with City staff, board/committee members, and project stakeholders.
- Public & Stakeholder Participation – The consultant will develop a strategy for public and stakeholder participation in the project. The City can provide a list of potential stakeholders as a reference to the consultant as a starting point. However, the consultant shall be responsible for proposing a comprehensive public & stakeholder participation strategy. The City intends to establish a project steering committee, which should be incorporated into the proposed participation strategy. As reflected in the Project Objectives, broad support and improved stakeholder relations are paramount to the success of this planning effort.
- Existing Conditions & Data Analysis – The consultant will work to gain a firm understanding of the context, trends, and related information applicable to the core neighborhoods in relation to the larger community. This information and data will be used to inform the study and to ground the study in objectivity.
- Vision & Goal Setting – The consultant will work with the City and project stakeholders to develop a broadly supported and achievable vision and related goals for the core neighborhoods. The vision and goals shall build upon the City's Go2030 Comprehensive Plan and related policies.
- Identification of Focus Areas – The consultant will work with the City during the planning process to solidify areas of focus for the study based on existing conditions, data analysis, stakeholder participation, and overall vision and goals. The exact focus areas will not be defined at the outset of this project, but will be identified and selected as part of the planning process. However, it is anticipated that the following topics may be incorporated:
 - Housing
 - Transportation
 - Public Space & Infrastructure
 - Property maintenance, code enforcement, blight
 - Development Controls & Physical Environment (entitlements, land use, density, form, etc.)
 - Livability & Quality of Life
 - Community Economics and Municipal Finance
 - [others?]
- Policy Development & Analysis – The consultant will develop a process and lead efforts to iteratively generate and refine potential solutions and strategies for achieving study goals and project objectives.
- Plan Development – The consultant shall document the planning process and outcomes within a final report. The final report will include an executive summary (or similarly concise overview) and a detailed implementation strategy, in addition to all other relevant information necessary to document the planning process and outcomes.
- Implementation Strategy – The consultant will develop a strategy for achieving study goals and project objectives. The consultant will be innovative and proactive in their approach to implementation, in order to ensure the highest chance for success.
- Presentations & Communications – The consultant will present the final plan and implementation strategy to the Planning Commission, Community Development Committee, City Commission, and other applicable committees as defined in the final scope of work. Additionally, the consultant will work with staff to communicate with project stakeholders throughout the process, and to present intermediate deliverables and related information.