FARGO PLANNING COMMISSION AGENDA
Thursday, September 8, 2022 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of August 2, 2022

C: Public Hearing Items:

1. 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) (dk)

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live at www.FargoND.gov/streaming. They are rebroadcast each Wednesday at 8:00 a.m. and Sunday at 8:00 a.m.; and are also included in our video archive at www.FargoND.gov/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.FargoND.gov/planningcommission.

BOARD OF PLANNING COMMISSIONERS
MINUTES

Regular Meeting: **Tuesday, August 2, 2022**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, August 2, 2022.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, Scott Stofferahn, Jennifer Holtz, Thomas Schmidt, Brett Shewey

Absent: John Gunkelman, Art Rosenberg, Dawn Morgan

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Schneider noted Items 1a and 1b have been withdrawn, and that the September Planning Commission meeting will be held on Thursday, September 8, 2022 due to the Labor Day holiday.

Member Tasa 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 July 5, 2022

Member Stofferahn moved the minutes of the July 5, 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: Kirkhams Second Addition

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 (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.): WITHDRAWN

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 (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.): WITHDRAWN

A hearing had been set for June 7, 2022. At the June 7, 2022 meeting, the Hearing was continued to July 5, 2022. At the July 5, 2022 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

Item 2: Kirkhams Second Addition
Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on Lot 17 and a portion of Lot 18, Block 13, Kirkhams Second Addition. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.): APPROVED
Planning Coordinator Kim Citrowske presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted that a neighborhood open house was held on May 25.

Discussion was held on the topics discussed at the neighborhood open house.

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

1. Conditional Use Permit will cease if the land use changed from group living with a maximum occupancy of 25 beds (24 beds and 1 bed for house director).

2. Eight (8) parking stalls are required on site.

3. Bicycle parking facilities (i.e. Racks, Lockers, etc.) shall be provided on-site.

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

Second by Member Schmidt. On call of the roll Members Holtz, Shewey, Stofferahn, Schmidt, Tasa, and Schneider voted aye. Absent and not voting: Members Rosenberg, Gunkelman, and Morgan. The motion was declared carried.

Item 3: Valley View Ninth Addition
Hearing on an application requesting a Plat of Valley View Ninth Addition (Minor Subdivision) a replat of Lot 1, Block 7, Valley View Addition to the City of Fargo, Cass County, North Dakota. (Located at 3900 54th Street South) (Arbor Courts Townhomes LLC/Neset Land Surveys/Brian Kounovsky): APPROVED
Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an updated Plat was provided to the Board.

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat

Valley View Ninth Addition as outlined within the staff report, as the proposal complies with the 2003 Southwest Future Land Use Plan, the Standards of Article 20-06, and Section 20-0907.B & C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Shewey. On call of the roll Members Tasa, Stofferahn, Holtz, Schmidt, Shewey, and Schneider voted aye. Absent and not voting: Members Morgan, Gunkelman, and Rosenberg. The motion was declared carried.

Item 4: Peterson Second Addition

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

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

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Peterson Second Addition as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, and Section 20-0907.B & C of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Stofferahn, Schmidt, Shewey, Tasa, Holtz, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

Item 5: Timber Parkway 8th Addition

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

Planner Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Chair Schneider recused himself from voting due to a conflict of interest.

Discussion was held on the negative access easement, parking, and regulations for private drives.

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 8th Addition as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Section 20-0907.B & C, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of

the roll Members Schmidt, Stofferahn, Holtz, Shewey, and Tasa voted aye. Member Schneider abstained from voting. Absent and not voting: Members Gunkelman, Morgan, and Rosenberg. The motion was declared carried.

Item 6: Simonson Companies Second Addition

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

Mr. Morman presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an updated version of the Conditional Overlay was provided to the Board.

Discussion was held on the surrounding Conditional Overlays in the area.

Member Tasa 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 in the LC, Limited Commercial zoning district as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth Plan, the Standards of Section 20-0906.F(1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Holtz, Shewey, Schmidt, Stofferahn, Tasa, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

Item 7: Simonson Companies Third Addition

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

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Simonson Companies Third Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Section 20-0907.B & C, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Holtz, Tasa, Stofferahn, Schmidt, Shewey, and Schneider voted aye. Absent and not voting: Members Gunkelman, Morgan, and Rosenberg. The motion was declared carried.

Item 8: Fitzsimonds Second Addition

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

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

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

Planning Coordinator Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted an updated Plat was provided to the Board.

Discussion was held on the Conditional Overlay amendment, access to the property, and parking requirements.

Applicant Representative Blake Carlson, Christianson Companies, spoke on behalf of the application.

Member Stofferahn moved the findings and recommendations of staff be accepted and 1) the Conditional Use Permit to allow an Alternative Access Plan for a parking reduction in the GC, General Commercial zoning district on the proposed Lot 1, Block 1, Fitzsimonds Second Addition be approved as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following condition:

1. One (1) Parking space per 10,000 gross square feet for a self-service storage facility.

And to accept the findings and recommendations of staff and recommend to the City Commission the proposed 2) Zoning Change to repeal and re-establish a C-O, Conditional Overlay, in the GC, General Commercial zoning district, and 3) Subdivision Plat Fitzsimonds Second Addition, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Adopted Area Plan, The Standards of Section 20-0906.F (1-4), Section 20-0907.B&C, and Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Shewey,

Stofferahn, Tasa, Schmidt, Holtz, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

Item 9: West Acres Seventh Addition
Hearing on an application requesting a Zoning Change from GC, General Commercial to MR-3, Multi-Dwelling Residential on Lot 1, Block 1, West Acres Seventh Addition. (Located at 1882 39th Street South) (Interstate Office LLC/Bluebills LLC/Dynasty Holdings LLC/Kevin Hochman): APPROVED
Mr. Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from GC, General Commercial to MR-3, Multi-Dwelling Residential, as outlined within the staff report, as the proposal complies with the Standards of the Adopted Area 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 Tasa. On call of the roll Members Holtz, Shewey, Stofferahn, Tasa, Schmidt, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

Item 10: Craigs 16th Street Addition
Hearing on an application requesting a Plat of Craigs 16th Street Addition (Minor Subdivision) a replat of Lot 3, Block 1, MBA Investments Addition, to the City of Fargo, Cass County, North Dakota. (Located at 202 16th Street North) (Momentum Properties, LLC/Jesse Craig): APPROVED
Planner Brad Garcia presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the vision for this corridor.

Planning and Development Assistant Director Mark Williams spoke on behalf of the Planning Department, noting work is being conducted on the growth plan, which will provide information for future development.

Applicant Jesse Craig spoke on behalf of the application.

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Craigs 16th Street Addition, as outlined within the staff report, as the proposal complies with the 2021 Core Neighborhoods Plan, 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 Schmidt. On call of the roll Members Shewey, Stofferahn, Holtz, Schmidt, Tasa, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

Item 11: Sanders Addition
Hearing on an application requesting a Plat of Sanders Addition (Minor Subdivision) a replat of a portion of Lots 3 and 10, Block 1, Adams Fifth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3064 Thunder Road South) (Mark Sanders/MBN Engineering, Inc.): APPROVED
Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Sanders Addition, as outlined within the staff report, as the proposal complies with the 2003 Southwest Future Land Use Plan, 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 Schmidt. On call of the roll Members Holtz, Schmidt, Tasa, Stofferahn, Shewey, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

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

12b. Hearing on an application requesting a Plat of Dakota Commerce Center North Addition (Major Subdivision) a replat of a portion of the Northeast Quarter of Section 15, Township 140 North, Range 49 West of the Fifth Principle Meridian, Cass County, North Dakota including a subdivision waiver. (Located at 4102 County Road 81 North and 5100 37th Street North) (Holmquist Family LLP/Hyde Development): APPROVED
Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the annexation process and difference between a City-initiated and owner-initiated annexation, the most recent use of the land, and benefits to annexation.

Applicant Representatives Konrad Olson and Paul Hyde spoke on behalf of the application.

Discussion continued on access to the property, street dedications, and truck traffic.

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

Planning and Development Director Nicole Crutchfield spoke on behalf of the Planning Department and being conscientious of urbanization.

Further discussion was held on landscaping requirements, and rural development.

Member Tasa 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 to LI, Limited Industrial, and 2) Subdivision Plat Dakota Commerce Center North Addition, including a subdivision waiter for block length, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, Sections 20-0906.F (1-4), 20-0907.C, and 2907.D.3 (a-c) of the Land Development Code, and all applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Schmidt, Shewey, Stofferahn, Tasa, Holtz, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

Item D: Other Items:

Item 1: Annexation of approximately 112.14 acres of a portion of the Northeast Quarter of Section 15, Township 140 North, Range 49 West, of the 5th Principal Meridian, Cass County, North Dakota. (Holmquist Family LLP/City of Fargo/Hyde Development): APPROVED
Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Tasa moved that the proposed annexation 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 to be consistent with the 2007 Growth Plan. Second by Member Holtz. On call of the roll Members Schmidt, Shewey, Stofferahn, Tasa, Holtz, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

Item 2: Planned Unit Development Final Plan for Westrac Third Addition (formerly Cedar Crest First Addition): APPROVED
Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an updated site plan was provided to the Board.

Applicant Nate Vollmuth spoke on behalf of the application.

Discussion was held on the change in configuration of the proposed building, and access to resources and transportation for the residents.

Member Holtz moved the findings and recommendations of staff be accepted and approve the Planned Unit Development Final Plan for the Lot 1, Block 1, Westrac 3rd Addition (formerly Lot 1, Block 1, Cedar Crest First Addition), as outlined within the staff report, as the proposal complies with the Planned Unit Development (PUD) Master

Land Use Plan, Section 20-0908.D of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schmidt. On call of the roll Members Stofferahn, Tasa, Schmidt, Shewey, Holtz, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Morgan. The motion was declared carried.

The time at adjournment was 4:18 p.m.

THE CITY OF Fargo FAR MORE

Agenda Items Map

Fargo Planning Commission
September 8, 2022

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Agenda Item Number

1 -- Timber Parkway Ninth Addition

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Agenda Item #	1

City of Fargo *Staff Report*			
Title:	Timber Parkway Ninth Addition	**Date:**	8/31/2022
Location:	3439 and 3471 James Way South	**Staff Contact:**	Donald Kress, current planning coordinator
Legal Description:	Lot 1 and a portion of Lot 3, Block 1, Timber Parkway Fourth Addition		
Owner(s)/Applicant:	PLC Investments, LLC; Dabbert Custom Homes / Christianson Companies—Chris Mack	**Engineer:**	Bolton & Menk
Entitlements Requested:	**Minor Subdivision** (replat of Lot 1 and a portion of Lot 3, Block 1, Timber Parkway Fourth Addition)		
Status:	Planning Commission Public Hearing: September 8th, 2022		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Commercial
Zoning: GC, General Commercial with a conditional overlay Ordinance No. 5266		**Zoning:** No change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, ~~detention facilities~~, health care facilities, parks and open areas, religious institutions, safety services, ~~adult entertainment centers~~, basic utilities, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service (EXCEPT sales and leasing of consumer vehicles, including passenger vehicles, light/medium trucks and other recreational vehicles that includes outdoor storage/display/sales), ~~self-storage~~, ~~vehicle repair,~~ limited vehicle service, and certain telecommunication facilities. **Conditional Overlay No. 5266** prohibits certain uses, as noted above, as well as the conditional uses of industrial service, manufacturing and production; warehouse and freight movement (excluding furniture/appliance stores),wholesale sales, and aviation/surface transportation		**Uses Allowed:** No change. Conditional overlay carries through to the replatted properties.
Maximum Lot Coverage Allowed: 85%		**Maximum Lot Coverage Allowed:** No change

Proposal:

The applicant request one entitlement:

A **minor subdivision,** to be known as Timber Parkway Ninth Addition, a replat of Lot 1 and a portion of Lot 3, Block 1, Timber Parkway Fourth Addition.

The subject property is located at 3439 and 3471 James Way South, a private drive, and encompasses approximately 4.21 acres.

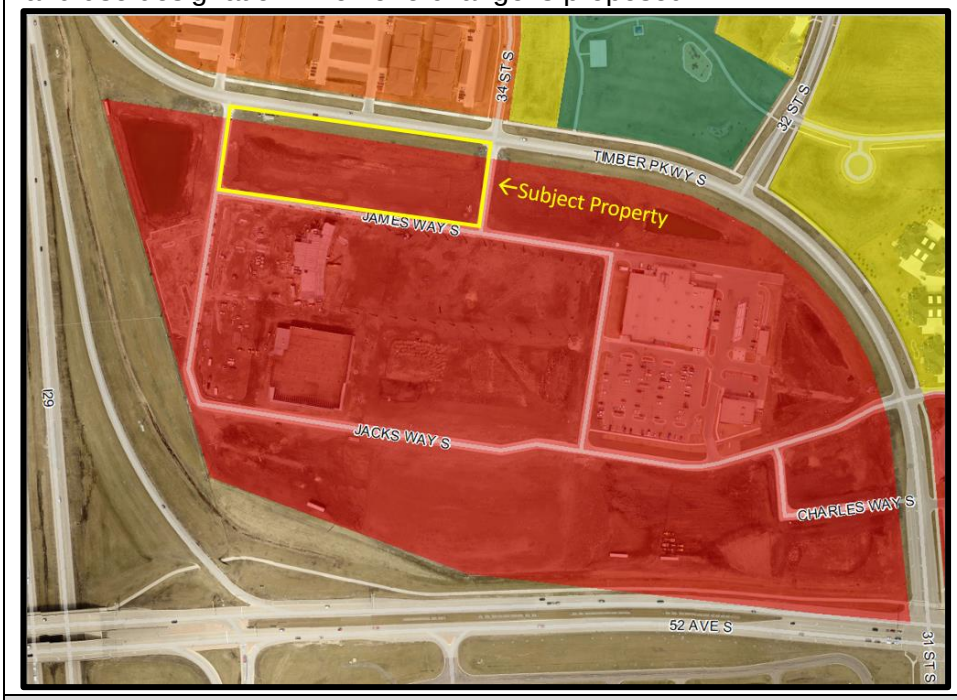
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: MR-3, Multi-Dwelling Residential, with multi-dwelling residential buildings
- East: GC, General Commercial with conditional overlay; undeveloped
- South: GC, with conditional overlay; commercial development (golf)
- West: GC, with conditional overlay; stormwater detention basin

Area Plans:

The subject property is included in the 2001 Growth Plan—South Remainder. This plan designates the subject property as "Commercial." The current GC, General Commercial zoning is consistent with this land use designation. No zone change is proposed.



Context

Neighborhood: The subject property is included in the Centennial neighborhood.

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

Parks: Timber Creek Park is northeast across Timber Parkway from the subject property. This park provides a basketball court, grills, picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: There's a 10-foot wide shared use path on the north side of Timber Parkway.

MATBUS Routes: The subject property is not located along a MATBUS route.

Staff Analysis:

MINOR SUBDIVISION: The subdivision divides Lot 1 and a portion of Lot 3, Block 1 of Timber Parkway Fourth Addition into three individual lots for commercial development.

EXISTING LANDSCAPE EASEMENT: The northerly edge of the property is bordered by a 50 foot wide landscape easement, which was created as part of Timber Creek First Addition in 2014. This landscape easement remains in place on this plat.

ADDITIONAL ACCESS EASEMENT: This plat creates a shared access easement along the lot line between proposed Lots 2 and 3. This easement provides access from James Way. It does not connect to or provide access from Timber Creek Parkway.

EXISTING CONDITIONAL OVERLAY: The existing conditional overlay, Ordinance No. 5266, carries over onto this subdivision.

Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The current zoning is GC, General Commercial with a conditional overlay. No zone change is proposed. The conditional overlay will carry through to the replatted properties. 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 recommend approval to the City Commission of the proposed plat of **Timber Parkway Ninth Addition,** as outlined in the staff report, on the basis that it complies with the 2001 Growth Plan—South Remainder, 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: September 8th, 2022

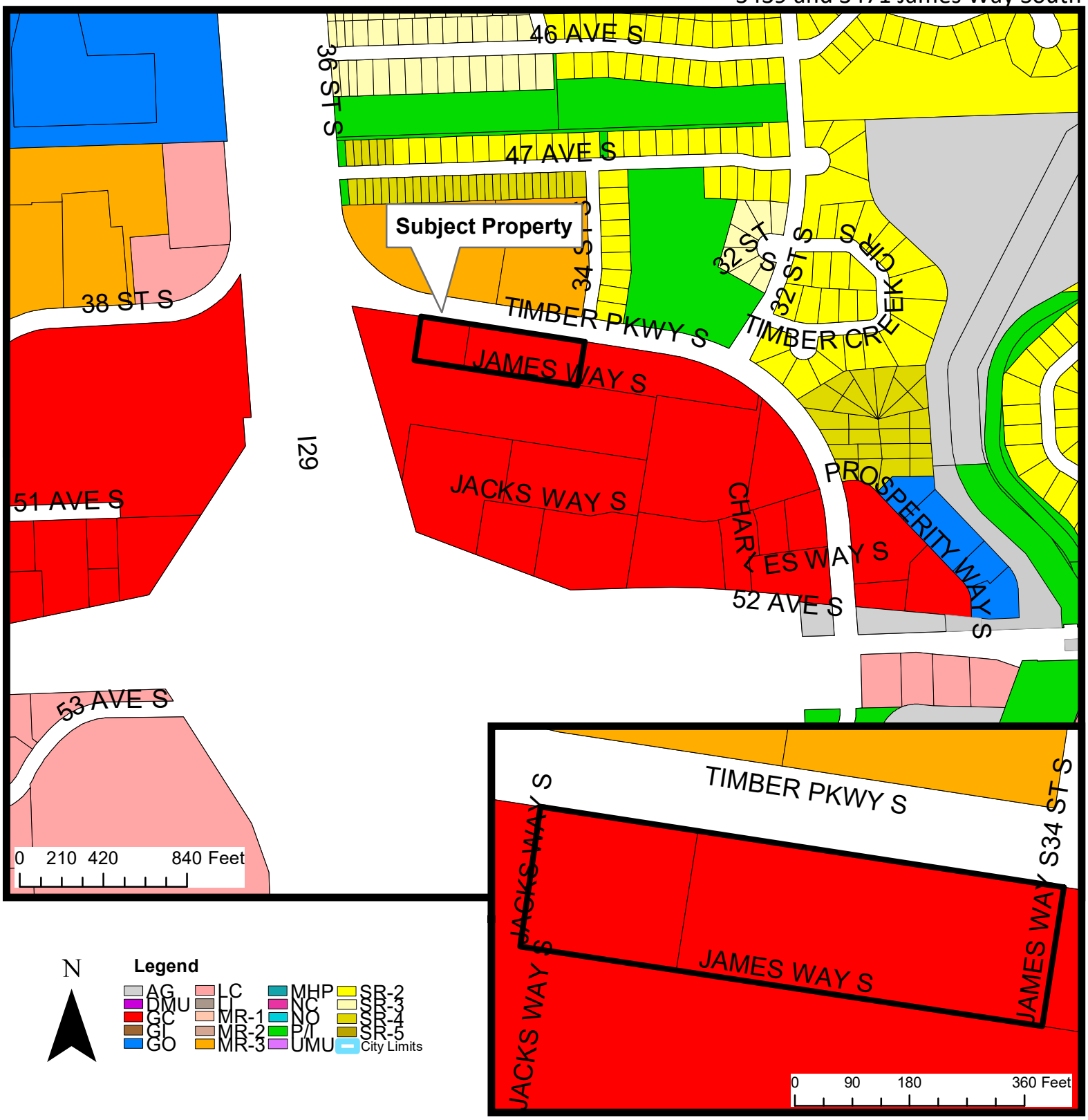
Attachments:

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

Plat (minor)

Timber Parkway Ninth Addition

3439 and 3471 James Way South



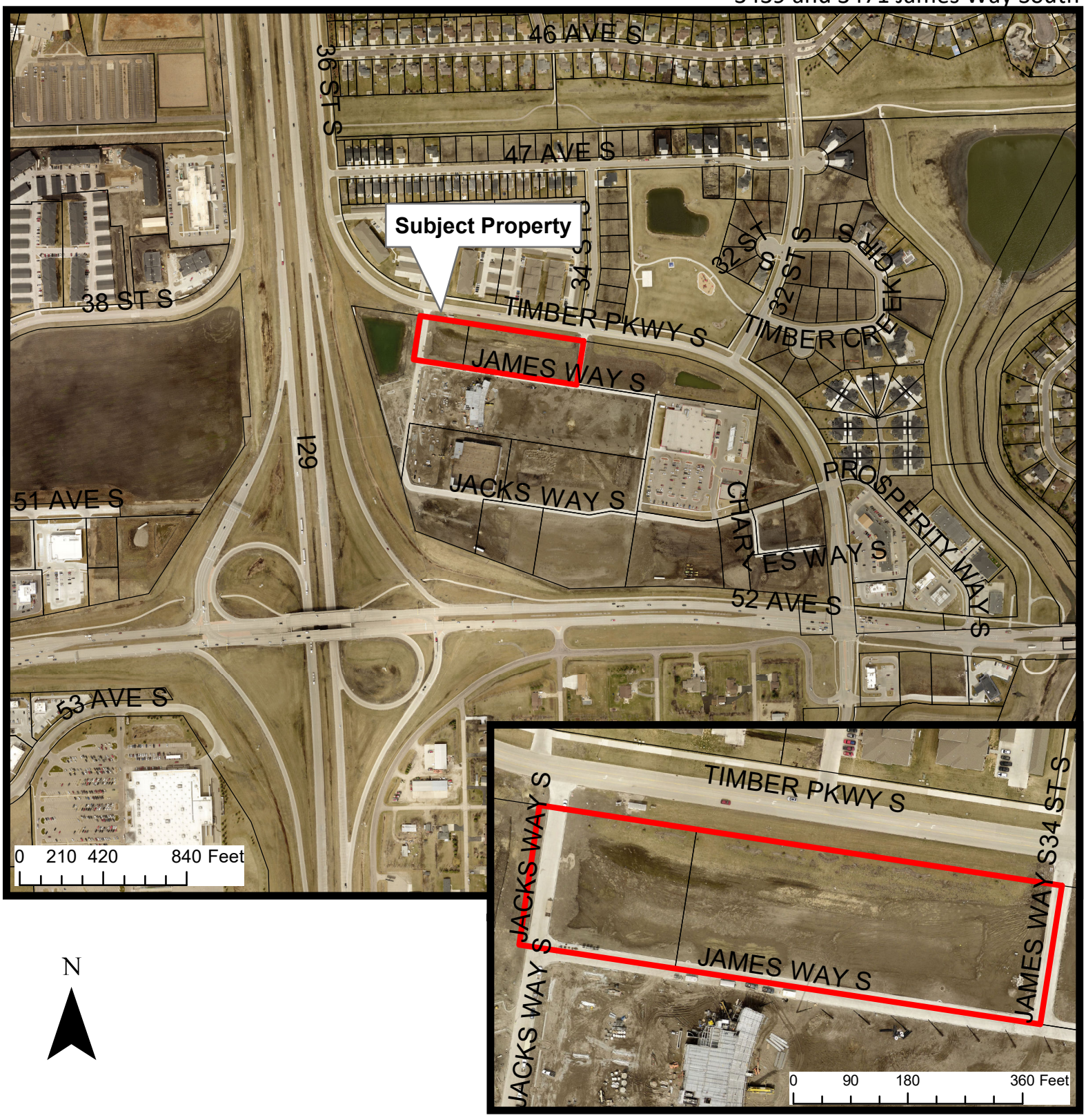
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
September 8, 2022

Plat (minor)

Timber Parkway Ninth Addition

3439 and 3471 James Way South



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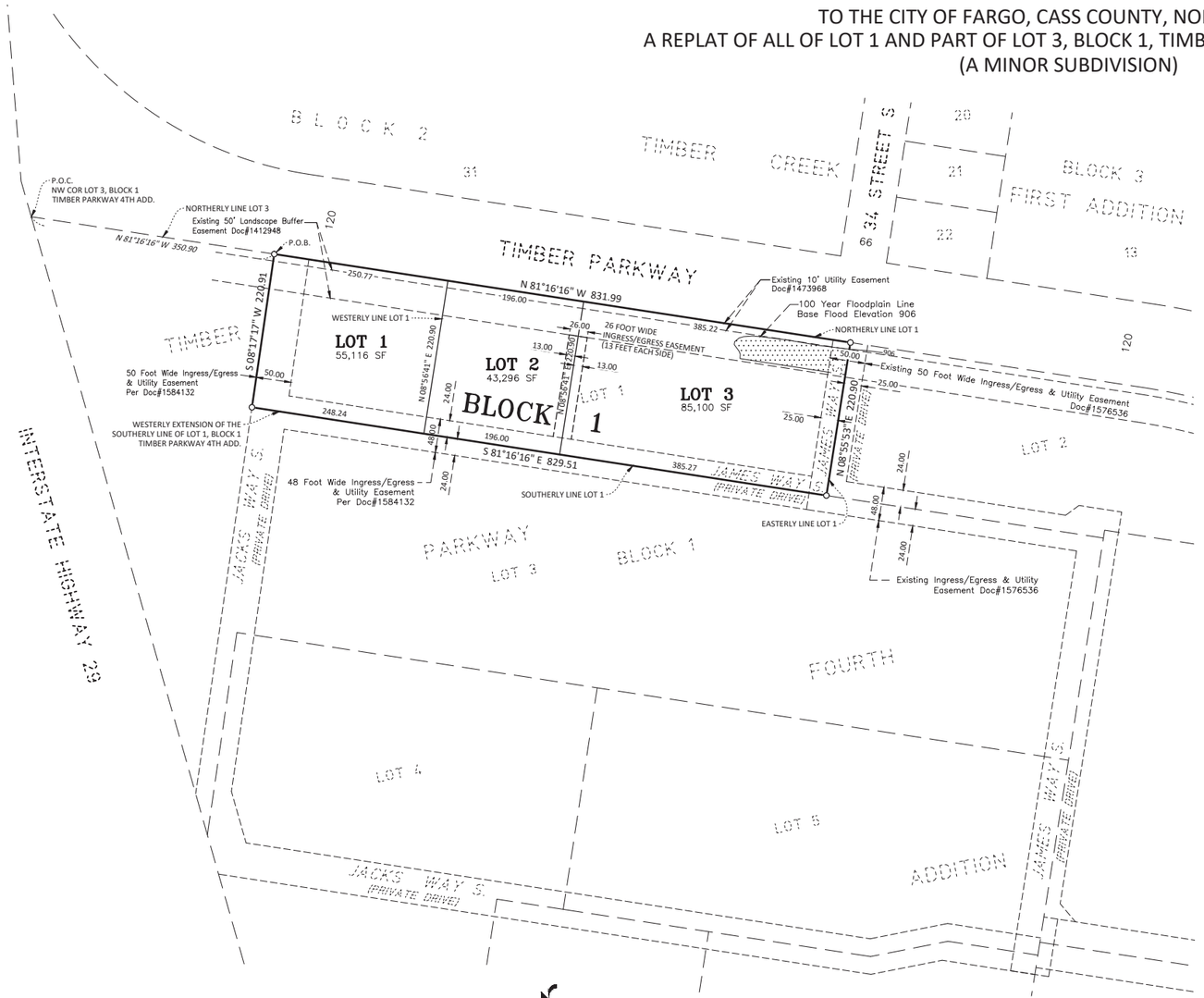
THE CITY OF Fargo FAR MORE

Fargo Planning Commission
September 8, 2022

TIMBER PARKWAY NINTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF ALL OF LOT 1 AND PART OF LOT 3, BLOCK 1, TIMBER PARKWAY FOURTH ADDITION
(A MINOR SUBDIVISION)



LEGEND

- 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY LIC. NO. LS-5900
- MONUMENT FOUND, 5/8" REBAR
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- 100 YEAR FLOODPLAIN LINE BFE=906
- AREA WITHIN 100 YEAR FLOODPLAIN

0 100 200
SCALE IN FEET

Basis of Bearing: The plat of
Timber Parkway Fourth Addition

PREPARED BY:
BOLTON & MENK

BENCHMARK

CITY OF FARGO BENCHMARK 245029 (SEFB OF FIRE HYDRANT)
LOCATED APPROXIMATELY 3,580 FEET EAST AND 500 FEET
SOUTH OF THE SOUTHEAST CORNER OF SUBJECT PROPERTY.
ELEVATION=909.42 NAVD88

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Shawn M. Thomasson, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.

_____ Date:_____
Shawn M. Thomasson, Professional Land Surveyor
North Dakota License Number LS-5900

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2022, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

_____
Notary Public

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That PLC Investments, LLC, a North Dakota limited liability company, owner of a parcel of land located in that part of the Southwest Quarter of Section 35, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lot 1, Block 1 of TIMBER PARKWAY FOURTH ADDITION, according to the plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

And

That Dabbert Custom Homes, LLC, a North Dakota limited liability company, owner of the following described land:

That part of Lot Three, Block One, Timber Parkway Fourth Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota, lying Easterly and Northerly of the following described line: Commencing at the Northwest corner of said Lot Three; thence South 81°16'16" East, along the Northerly line of said Lot Three, a distance of 350.90 feet to the point of beginning; thence South 08°17'17" West 220.91 feet to the Westerly extension of the Southerly line of Lot One, Block One, said Timber Parkway Fourth Addition; thence South 81°16'16" East along said Westerly extension, a distance of 248.24 feet to the Southwest corner of said Lot One, Block One and there terminating.

Containing 183,512 square feet of land, more or less and subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owners have caused the above described parcel of land to be surveyed and platted as "TIMBER PARKWAY NINTH ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate the 26 foot wide ingress/egress easement to Lots 2 and 3 for the purpose so stated.

OWNER: LOT 1
Dabbert Custom Homes, LLC

_____
By: Donald A. Dabbert, Jr, president

County of Cass }
State of North Dakota } SS

On this _____ day of _____, in the year 2022 before me, a notary public within and for said County and State, personally appeared Donald A. Dabbert, Jr, president, Dabbert Custom Homes, 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 the limited liability company.

_____
Notary Public

OWNER: LOTS 2 & 3
PLC Investments, LLC

_____
By: Kevin Christianson, president

County of Cass }
State of North Dakota } SS

On this _____ day of _____, in the year 2022 before me, a notary public within and for said County and State, personally appeared Kevin Christianson, president, PLC Investments, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the limited liability company.

_____
Notary Public

MORTGAGE HOLDER:
First Western Bank & Trust

_____
By: _____, _____

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year 2022 before me personally appeared_____, _____, First Western Bank & Trust, 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 First Western Bank & Trust.

_____
Notary Public

MORTGAGE HOLDER:
First International Bank & Trust

_____
By: _____, _____

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year 2022 before me personally appeared_____, _____, First International Bank & Trust, 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 First International Bank & Trust.

_____
Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

_____
Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass } SS

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

_____
Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this _____ day of _____, 2022.

_____
Rocky Schneider, Planning Commission Chair

State of North Dakota }
County of Cass } SS

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

_____
Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2022.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

On this _____day of _____, in the year 2022 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

_____
Notary Public

preliminary