

FARGO PLANNING COMMISSION AGENDA
Tuesday, February 1, 2022 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of January 4, 2022
- C: Brown Bag Luncheon - Wednesday, February 16, 2022
- D: Public Hearing Items:
- 1a. Continued hearing on an application requesting a Zoning Change from LC, Limited Commercial and MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed **Metropolitan Park Third Addition**. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk): CONTINUED TO MARCH 1, 2022
 - 1b. Continued hearing on an application requesting a Plat of **Metropolitan Park Third Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk): CONTINUED TO MARCH 1, 2022
 - 1c. Continued hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan on the proposed **Metropolitan Park Third Addition**. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk): CONTINUED TO MARCH 1, 2022
 - 2a. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development and AG, Agricultural to GC, General Commercial with a PUD, Planned Unit Development, and LI, Limited Industrial with a C-O, Conditional Overlay on the proposed **Westrac Third Addition**. (Located at 3315 and 3361 Westrac Drive) (JWPT LLC/SoFar Properties, LLP/Prairie Ridge 4, LLLP/MBN Engineering, Inc) (dk)
 - 2b. Hearing on an application requesting a Plat of **Westrac Third Addition** (Major Subdivision) a replat of Lot 1, Block 1, Cedar Crest Addition and a plat of a portion of the Southwest Quarter of Section 11, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 3315 and 3361 Westrac Drive) (JWPT LLC/SoFar Properties, LLP/Prairie Ridge 4, LLLP/MBN Engineering, Inc) (dk)
 - 3a. Hearing on an application requesting a Growth Plan Amendment on the proposed **Rocking Horse Farm Sixth Addition** from Commercial to Public and Institutional. (Located at 5801 52nd Avenue South) (Rocking Horse Farm, LLC/Houston Engineering) (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.

- 3b. Hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional on the proposed **Rocking Horse Farm Sixth Addition**. (Located at 5801 52nd Avenue South) (Rocking Horse Farm, LLC/Houston Engineering) (dk)
- 3c. Hearing on an application requesting a Plat of **Rocking Horse Farm Sixth Addition** (Major Subdivision) a plat of a portion of the Southeast Quarter of Section 32, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 5801 52nd Avenue South) (Rocking Horse Farm, LLC/Houston Engineering) (dk)
- 4. Hearing on an application requesting a Plat of **Industrial Subdivision No. 5** (Minor Subdivision) a replat of Lots 4 and 5, Block 12, Industrial Subdivision No. 2 to the City of Fargo, Cass County, North Dakota. (Located at 1405 43rd Street North) (Kelmar Property 8, LLC/Houston Engineering) (dk)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, January 4, 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, January 4, 2022.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Rocky Schneider, Maranda Tasa, Jennifer Holtz, Art Rosenberg, Thomas Schmidt

Absent: Dawn Morgan, Scott Stofferahn

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of December 7, 2021

Member Holtz moved the minutes of the December 7, 2021 Planning Commission meeting be approved. Second by Member Schmidt. All Members present voted aye and the motion was declared carried.

Item C: January 19, 2022 Brown Bag Luncheon: CANCELLED

Item D: Public Hearing Items

Item 1: Ohmer's Addition

Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential, to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 4, Ohmer's Addition. (Located at 1258 Broadway North) (Immanuel Lutheran Church of Fargo): APPROVED

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted that a neighborhood meeting was held and an additional comment was provided to the Board.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay as outlined within the staff report, as the proposal complies with 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 Rosenberg. On call of the roll Members Tasa, Schmidt, Rosenberg, Holtz, Gunkelman, and Schneider voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item 2: Metropolitan Park Third Addition

2a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial and MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed Metropolitan Park Third Addition. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): CONTINUED TO FEBRUARY 1, 2022

2b. Hearing on an application requesting a Plat of Metropolitan Park Third Addition (Minor Subdivision) a replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): CONTINUED TO FEBRUARY 1, 2022

2c. Hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan on the proposed Metropolitan Park Third Addition. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): CONTINUED TO FEBRUARY 1, 2022

Mr. Kress presented the staff report stating staff is recommending to continue this item to the February 1, 2022 Planning Commission meeting.

Discussion was held on the parking layout, private drive, and the current garages on site.

Applicant Representative Brittany Taplin, Goldmark Design and Development, spoke on behalf of the application.

Member Gunkelman moved to continue this item to the February 1, 2022 Planning Commission meeting. Second by Member Holtz. On call of the roll Members Gunkelman, Holtz, Schmidt, Rosenberg, Tasa, and Schneider voted aye. Absent and not voting: Members Stofferahn and Morgan. The motion was declared carried.

Item 3: EOLA Addition

Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development overlay to GC, General Commercial with an amended PUD, Planned Unit Development overlay on EOLA Addition. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South and 4417 and 4477 26th Avenue South) (MAKT, LLC/EOLA Landholdings LLC): APPROVED

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

Discussion was held on the changes to the Planned Unit Development overlay, and the proposed uses of the property.

Applicant Blake Nybakken, Epic Companies, spoke on behalf of the application.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay, as outlined within the staff report as the proposal complies with the GO2030 Fargo Comprehensive 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 Tasa. On call of the roll Members Schmidt, Rosenberg, Holtz, Gunkelman, Tasa, and Schneider voted aye. Absent and not voting: Members Morgan and Stofferahn. The motion was declared carried.

Item 4: Legacy I Seventh Addition

4a. Hearing on an application requesting a Growth Plan Amendment on the proposed Legacy I Seventh Addition from low-to-medium density or medium-to-high density residential to office. (Located at 6155 24th Street South) (Gerald Eid): APPROVED

4b. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential to GO, General Office with a C-O, Conditional Overlay on the proposed Legacy I Seventh Addition. (Located at 6155 24th Street South) (Gerald Eid): APPROVED

4c. Hearing on an application requesting a Plat of Legacy I Seventh Addition (Minor Subdivision) a replat of Lot 1, Block 7, Legacy I Fourth Addition to remove portions of an existing negative access easement, to the City of Fargo, Cass County, North Dakota. (Located at 6155 24th Street South) (Gerald Eid): APPROVED

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

Discussion was held on the proposed uses, and 25th Street traffic.

Applicant Jason Eid, Eidco Homes, spoke on behalf of the application.

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

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Growth Plan

Amendment to amend the 2003 Growth Plan from, “Residential Area – Lower-to-Medium Density to Medium-to-Higher Density” to “Office”, 2) Zone Change from SR-4, Single-Dwelling Residential to GO, General Office with a C-O, Conditional Overlay, and 3) Subdivision Plat Legacy I Seventh Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Growth Plan, Section 20-0906.F (1-4), Section 20-0905.H (1-4), and the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Holtz, Rosenberg, Schmidt, Tasa, Gunkelman, and Schneider voted aye. Absent and voting: Members Morgan and Stofferahn. The motion was declared carried.

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

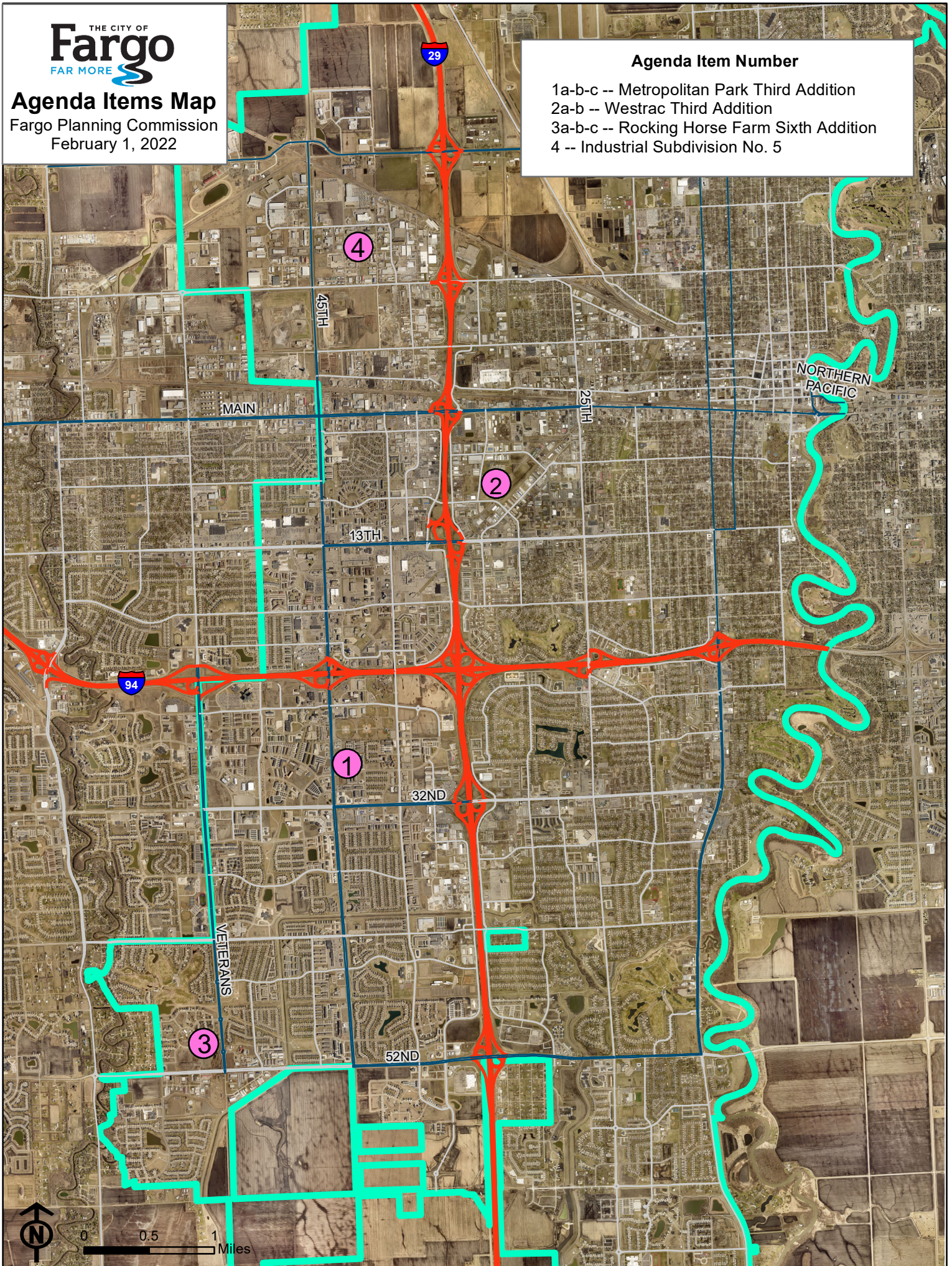
The time at adjournment was 3:33 p.m.

Agenda Items Map

Fargo Planning Commission
February 1, 2022

Agenda Item Number

- 1a-b-c -- Metropolitan Park Third Addition
- 2a-b -- Westrac Third Addition
- 3a-b-c -- Rocking Horse Farm Sixth Addition
- 4 -- Industrial Subdivision No. 5



City of Fargo Staff Report			
Title:	Westrac Third Addition	Date:	11/26/2022
Location:	3315 and 3361 Westrac Drive	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 1, Block 1, Cedar Crest First Addition and a plat of a portion of the Southwest Quarter of Section 11, Township 139 North, Range 49 West		
Owner(s)/Applicant:	JWPT LLC ; SoFar Properties, LLP;Prairie Ridge 4, LLLP /MBN Engineering	Engineer:	MBN Engineering; KPH, Inc.
Entitlements Requested:	Zoning Change (from GC, General Commercial with a Planned Unit Development (PUD) and AG, Agricultural to GC, General Commercial with a Planned Unit Development (PUD) and LI, Limited Industrial with a C-O, Conditional Overlay); Major Subdivision (plat of Westrac Third Addition , a replat of Lot 1, Block 1, Cedar Crest First Addition and a plat of a portion of the Southwest Quarter of Section 11, Township 139 North, Range 49 West)		
Status:	Planning Commission Public Hearing: February 1 st , 2022		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Affordable independent senior living facility; industrial	
Zoning: GC, General Commercial with a PUD, Planned Unit Development; AG, Agricultural		Zoning: GC, General Commercial with a PUD, Planned Unit Development; LI, Limited Industrial with a C-O, Conditional overlay	
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. PUD also allows household living AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production.		Uses Allowed: GC with the PUD: no change in uses LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation . with conditional overlay to prohibit certain uses as noted above and provides site design guidelines.	
Maximum Density Allowed: AG: 1 dwelling unit per 10 acres. GC with PUD allows a density of 38 units per acre		Maximum Building Coverage Allowed: 85% in LI. Maximum Density Allowed: GC with PUD allows a density of 38 units per acre	

Proposal:

The applicant requests two entitlements:

1. A **zoning change** GC, General Commercial with a PUD, Planned Unit Development; AG, Agricultural to GC, General Commercial with a PUD, Planned Unit Development; LI, Limited Industrial with a C-O, Conditional overlay; and
2. A **major subdivision** to be known as **Westrac Third Addition**, a replat of a replat of Lot 1, Block 1, Cedar Crest First Addition and a plat of a portion of the Southwest Quarter of Section 11, Township 139 North, Range 49 West

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: P/I, Public and Institutional; undeveloped and Cass County jail
- East: AG; undeveloped and City-owned drainage facility
- South: GC with commercial uses
- West: LI; undeveloped and industrial uses

Area Plans:

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

Context:

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

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

Parks: Metro Rec Center, located at 3110 Main Avenue, is approximately 0.75 miles northeast of the subject property and provides amenities of indoor turf year round making it a very versatile facility. The space is great for soccer, football, lacrosse, tag and golf putting.

Pedestrian / Bicycle: No bicycle or pedestrian trails are adjacent to the subject property.

Bus Route: The subject property is a stop on MATBUS Route 20. The stop is located on the north side of Westrac Drive just east of 34th Street South.

Staff Analysis:PLAT

The minor subdivision plat creates three lots in one block, zoned as shown in the chart below:

LOT NUMBER	BLOCK NUMBER	PROPOSED ZONING	INTENDED LAND USE
1	1	LI, Limited Industrial with Conditional Overlay	Industrial use allowed by zoning; possibly a contractor business
2	1	LI, Limited Industrial with Conditional Overlay	Industrial use allowed by zoning
3	1	GC, General Commercial with a planned unit development, PUD	Affordable independent senior living facility

ACCESS/PRIVATE DRIVE

Access to the lots will be provided as shown in the chart below

LOT NUMBER	BLOCK NUMBER	ACCESS AVAILABLE FROM
1	1	34 th Street and private drive
2	1	Private drive only
3	1	34 th Street and Westrac Drive

Though Lot 2, Block 1 does not take access directly from a dedicated public street, the lot does touch public right of way (Westrac Drive).

Lot 3, Block 1, is not intended to take access from the private drive.

The plat vacates easements for 34th Street South and Westrac Drive that are adjacent to the subject property, and dedicates these areas as right of way. This dedication is to “clean up” these easements and does not create any new rights of way. The street paving and public utilities in these streets have already been installed.

ZONING EXHIBIT

The applicant has provided an exhibit depicting the proposed zoning; a copy is attached.

ZONE CHANGE—GENERAL COMMERCIAL WITH PLANNED UNIT DEVELOPMENT

Lot 3, Block 1 is currently Lot 1, Block 1 of Cedar Crest Addition, platted in 2015. On October 5, 2020, a Planned Unit Development (PUD) overlay was added to the existing GC, General Commercial zoning to allow the development of an affordable independent senior living facility. In the proposed plat, the existing lot will be expanded with additional land to the north and east to create Lot 3, Block 1. The PUD will apply to the entire area of Lot 3, Block 1. The scope of the PUD will not change. This expansion of the PUD does not extend the life of the original PUD approved on October 5, 2020 or amend the actual PUD. The applicant will provide to staff an updated PUD Master Land Use Plan depicting the expanded area of the lot.

ZONE CHANGE—LIMITED INDUSTRIAL WITH CONDITIONAL OVERLAY

Lots 1 and 2, Block 1 are proposed to be zoned LI, Limited Industrial with a conditional overlay (C-O). The intent of the C-O is to prohibit certain land uses and provide site development standards so that potential impacts of any industrial development on these lots is mitigated in relation to the proposed residential use (affordable independent senior living facility) on Lot 3, Block 1. The applicant worked with Planning staff to create this overlay. A copy of the draft overlay is attached.

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

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

There is no error in the zoning map. This plat brings together two properties. One property is Lot 1, Block 1, Cedar Crest First Addition, which is currently zoned GC, General Commercial. In October, 2020, a planned unit development (PUD) overlay was approved to allow the development of an affordable senior citizen residence. This property, along with some additional area purchased from the adjacent property, will become Lot 3 of the proposed plat. The other property is a portion of the Southwest Quarter of Section 11, Township 139 North, Range 49 West. This property is zoned AG, Agricultural and is not developed. This property will become Lots 1 and 2 of the proposed plat. These lots are proposed to be zoned LI, Limited Industrial. Though there is no area or neighborhood plat to guide future land uses for this area, the LI zoning is reasonable for the context of this area. However, a conditional overlay (C-O) will be attached to the LI zoning. This C-O will have site development standards and land use restrictions that are intended to mitigate any potential impacts of industrial development on Lots 1 and 2 in relation to the proposed residential development on Lot 3.

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

Yes. The project site fronts on public rights of way that provide access and utility services.

(Criteria Satisfied)

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

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

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.”

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

The project meets some of the goals of infill development stated in the Go2030 Comprehensive Plan:

- the subject property is already served by supporting infrastructure; and,
- by extending and completing sidewalks along the property frontages on 34th Street South and Westrac Drive, the project will increase walkability.

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

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 property is proposed to be zoned GC, General Commercial with a planned unit development (PUD) overlay to accommodate residential development that was approved in 2020, and LI, Limited Industrial with a conditional overlay (C-O) that will accommodate future industrial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to two inquiries. **(Criteria Satisfied)**

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

The property is proposed to be zoned GC, General Commercial with a planned unit development (PUD) overlay and LI, Limited Industrial with a conditional overlay (C-O). The GC with the PUD continues existing zoning on a portion of the site; the LI with the C-O zoning enables industrial development on the rest of the site. There is no area plan covering these properties. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

3. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles

(Criteria Satisfied)	
Staff Recommendation:	
Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zoning change GC, General Commercial with a PUD, Planned Unit Development and AG, Agricultural to GC, General Commercial with a PUD, Planned Unit Development; LI, Limited Industrial with a C-O, Conditional overlay and 2) major subdivision Westrac Third Addition as the proposal complies with the Go2030 Fargo Comprehensive Plan Section 20-0906.F (1-4), the standards of Article 20-06, and all other applicable requirements of the LDC."	
Planning Commission Recommendation: February 1, 2022	
Attachments:	
<ol style="list-style-type: none"> 1. Zoning map 2. Location map 3. Preliminary plat 4. Zoning exhibit 5. Draft conditional overlay 	

Plat (Major); Zone Change (GC with a PUD and AG to
GC with a PUD and LI)

Westrac Third Addition

3315 and 3361 Westrac Drive



S:\SURVEY\01_Projects\2021\521-569 MBH Dietrich Westrac Third Addition Plat - REV.dwg Plot Date & Time: 25 January 2022 4:34 PM

WESTRAC THIRD ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF LOT 1, BLOCK 1 OF CEDAR CREST FIRST ADDITION TO THE CITY OF FARGO, AND A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 139
NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
AND A VACATION OF STREET, UTILITY, AND INGRESS/EGRESS EASEMENTS LYING AND BEING WITH THE BOUNDARY OF THE PLAT AS DESCRIBED HEREIN
(A MAJOR SUBDIVISION)

OWNER’S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That the Prairie Ridge 4 LLLP, a North Dakota limited liability limited partnership, as owners of Lot 1, Block 1 of Cedar Crest First Addition to the City of Fargo, Cass County, North Dakota, and JWPT, LLC a North Dakota limited liability company, Sofar Properties, LLC a North Dakota limited liability company, and the City of Fargo, as owners of part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Beginning at the southwest corner of CEDAR CREST FIRST ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence North 07 degrees 22 minutes 58 seconds East on the west line of said Lot 1, a distance of 290.53 feet to the northern most point of Block 2 of RUNCK’S FIRST ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence North 02 degrees 49 minutes 09 seconds West on the east line of said RUNCK’S FIRST ADDITION a distance of 409.38 feet to a point of intersection with the east line of RUNCK’S FOURTH ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence northerly 41.10 feet on said east line along a non–tangential curve concave to the west, having a radius of 965.00 feet and a central angle of 02 degrees 26 minutes 26 seconds, the chord of said curve bears North 01 degree 58 minutes 18 seconds East a distance of 41.10 feet; thence North 00 degrees 45 minutes 03 seconds East on said east line and tangent to said curve a distance of 102.03 feet; thence northerly 167.75 feet on said east line and along a tangential curve concave to the east, having a radius of 1035.00 feet and a central angle of 09 degrees 17 minutes 12 seconds, the chord of said curve bears North 05 minutes 23 minutes 38 seconds East a distance of 167.57 feet; thence North 10 minutes 02 minutes 13 seconds East on said east line and tangent to last described curb a distance of 3.38 feet to a point of intersection with the north line of said Southwest Quarter; thence North 87 degrees 48 minutes 51 seconds East on said north line a distance of 71.62 feet to the southwest corner of CASS COUNTY CORRECTIONS ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence South 10 degrees 02 degrees 13 seconds West on the west line of a tract of land described in a Warranty Deed, Document No. 1252241, recorded December 19, 2008, on file and of record in the office of the Recorder, said County a distance of 18.54 feet; thence 156.41 feet on said west line along a tangential curve concave to the east, having a radius of 965.00 feet and a central angle of 09 degrees 17 minutes 12 seconds, the chord of said curve bears South 05 degrees 23 minutes 38 seconds West a distance of 156.24 feet; thence South 00 degrees 45 minutes 03 seconds West, tangent to said curve and continuing along said west line a distance of 27.04 feet to a point of intersection with a line 200.00 feet south and parallel with the north line of said Southwest Quarter; thence North 87 degrees 48 minutes 51 seconds East on said line a distance of 1254.90 feet; thence North 41 degrees 10 minutes 41 seconds East a distance of 173.67 feet to the point of intersection with the southwesterly line of a tract of land described in a Warranty Deed, Document No. 1032608, recorded December 29, 2002, on file and of record in the office of the Recorder, said County; thence South 48 degrees 49 minutes 19 seconds East on said southwesterly line a distance of 42.36 feet to the westerly corner of said tract; thence South 43 degrees 13 minutes 48 seconds West on the northwesterly line of said tract a distance of 1299.84 feet to a point of intersection with the northerly line of a tract of land described in a Quit Claim Deed, Book 402, Page 404 (Document No. 500663), recorded March 31, 1976, on file and of record in the office of the Recorder, said County; thence southeasterly 117.62 feet along a non–tangential curve concave to the south, said curve has a radius of 524.29 feet and a central angle of 12 degrees 51 minutes 14 seconds, the chord of said curve bears South 76 degrees 04 minutes 00 seconds East a distance of 117.37 feet to the north line of INTERSTATE PARK ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence South 87 degrees 47 minutes 23 seconds West, not tangent to said curve and on said north line a distance of 660.52 feet to the southeast corner of said RUNCK’S ADDITION; thence North 02 degrees 49 minutes 09 seconds West on the east line of said RUNCK’S ADDITION a distance of 40.00 feet to the south line of said CEDAR CREST FIRST ADDITION; thence South 87 degrees 47 minutes 23 seconds West a distance of 51.46 feet to the point of beginning.

Containing 17.77 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights–of–Way of record.

Said owners of the above described property, have caused the same to be surveyed and platted as "WESTRAC THIRD ADDITION" to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public for public use all streets, drives, and access and utility easements shown on this plat for purposes specified and to the City of Fargo the Pond Easement.

OWNER: PARCEL (BOOK 402, PAGE 404 DOCUMENT NO. 500663)

City of Fargo
By:

Timothy J. Mahoney, Mayor

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20____, appeared before me, Timothy J. Mahoney, Mayor, City of Fargo, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

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

SURVEYOR’S CERTIFICATE AND ACKNOWLEDGEMENT

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

Dated this ____day of _____, 20____.

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

State of North Dakota)
) SS
County of Cass)

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

Notary Public: _____

OWNER: UNPLATTED PORTION OF THE SOUTHWEST QUARTER

JWPT, LLC
By: Joel W. Peterson

Joel W. Peterson

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20____, appeared before me, Joel W. Peterson, JWPT, LLC, a North Dakota limited liability company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

OWNER: UNPLATTED PORTION OF THE SOUTHWEST QUARTER

Sofar Properties, LLP
By: Brent C. Dietrich

Brent C. Dietrich

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20____, appeared before me, Brent C. Dietrich, Sofar Properties, LLP, a North Dakota limited liability partnership, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney
Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

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

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

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

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

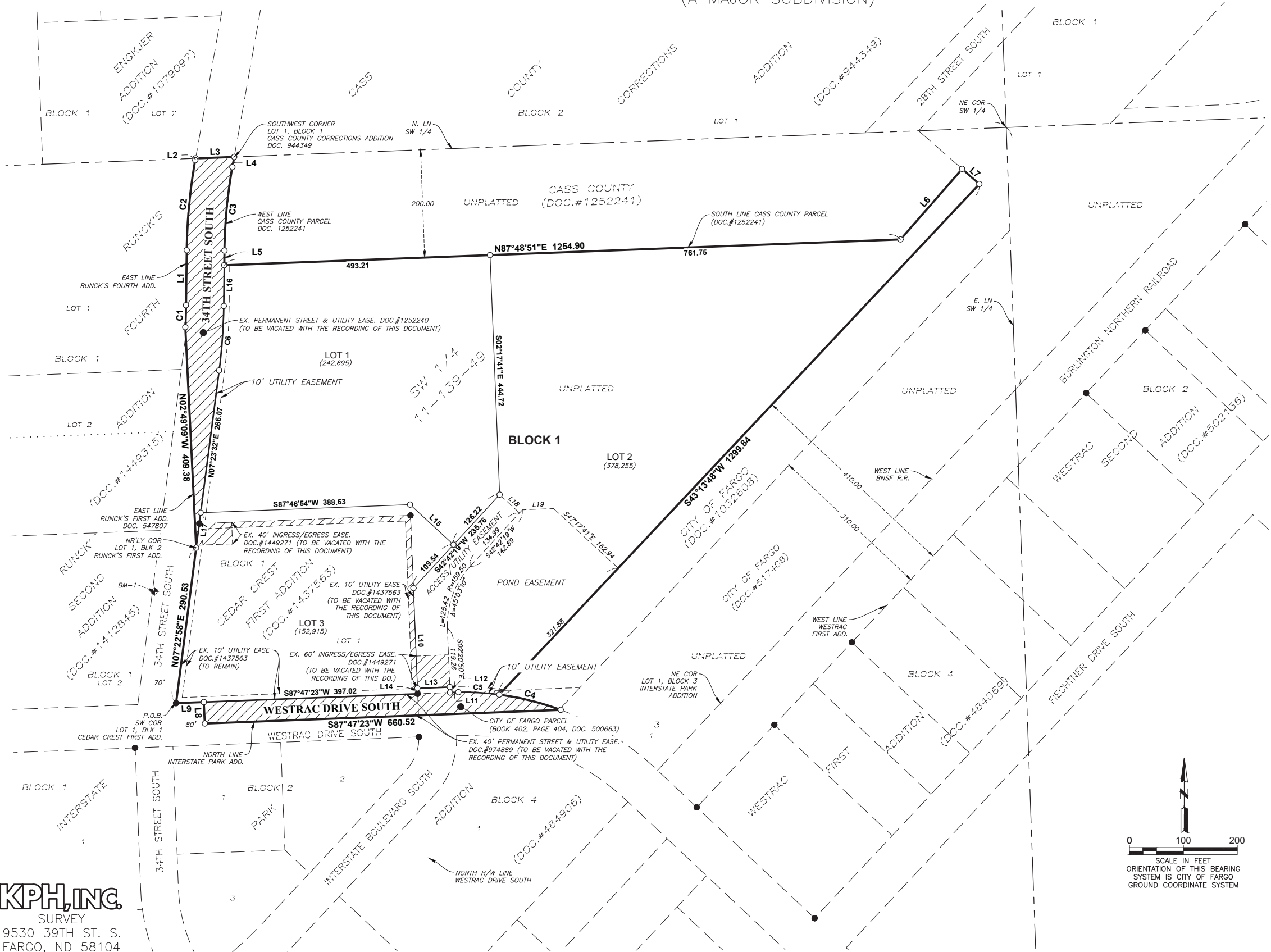
On this ____ day of _____ 20____, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

S:\SURVEY\01_P\Projects\2021\201-509 MBH District Westrac Third Addition Plat - REV.dwg Plot Date & Time: 25 January 2022 4:34 PM

WESTRAC THIRD ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF LOT 1, BLOCK 1 OF CEDAR CREST FIRST ADDITION TO THE CITY OF FARGO, AND A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
AND A VACATION OF STREET, UTILITY, AND INGRESS/EGRESS EASEMENTS LYING AND BEING WITH THE BOUNDARY OF THE PLAT AS DESCRIBED HEREIN
(A MAJOR SUBDIVISION)



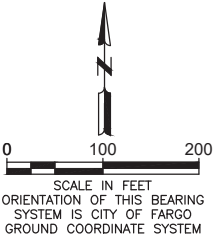
LEGEND

- SET MONUMENT (5/8" REBAR CAPPED LS-27292)
- FOUND MONUMENT
- (5,000) PLAT LOT AREAS IN SQUARE FEET
- EXISTING PROPERTY LINE
- UNDERLYING LOT LINES
- EXISTING EASEMENT LINE
- PLAT OVERALL BOUNDARY
- NEW BLOCK LINES
- NEW LOT LINES
- NEW EASEMENT LINE
- 899 EXISTING GROUND CONTOUR
- XXXXXX EXISTING EASEMENTS TO BE VACATED WITH THE RECORDING OF THIS DOCUMENT
- XXXXXX NEGATIVE ACCESS EASEMENT
- (R) RECORDED BEARING/DISTANCE
- (M) MEASURED BEARING/DISTANCE

- NOTES**
- BEARINGS ARE BASED UPON CITY OF FARGO GROUND CONTROL SYSTEM AND GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF WESTRAC THIRD ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	41.10	965.00	2°26'26"	41.10	N01°58'18"E
C2	167.75	1035.00	9°17'12"	167.57	N05°23'38"E
C3	156.41	965.00	9°17'12"	156.24	S05°23'38"W
C4	117.62	524.29	12°51'14"	117.37	S76°04'00"E
C5	76.10	524.29	8°18'59"	76.03	N86°39'07"W
C6	119.94	1035.00	6°38'23"	119.87	N04°04'34"E

LINE TABLE		
LINE #	LENGTH	BEARING
L1	102.03	N00°45'03"E
L2	3.38	N10°02'13"E
L3	71.62	N87°48'51"E
L4	18.54	S10°02'13"W
L5	27.04	S00°45'03"W
L6	173.67	N41°10'41"E
L7	42.36	S48°49'19"E
L8	40.00	N02°49'09"W
L9	51.46	S87°47'23"W
L11	15.50	S87°47'23"W
L12	10.11	S02°20'50"E
L13	59.99	N87°46'22"E
L14	10.10	N02°17'41"W
L16	75.66	N00°47'55"E
L17	65.49	S07°24'41"W
L18	50.00	S47°17'41"E
L19	57.99	N87°42'19"E

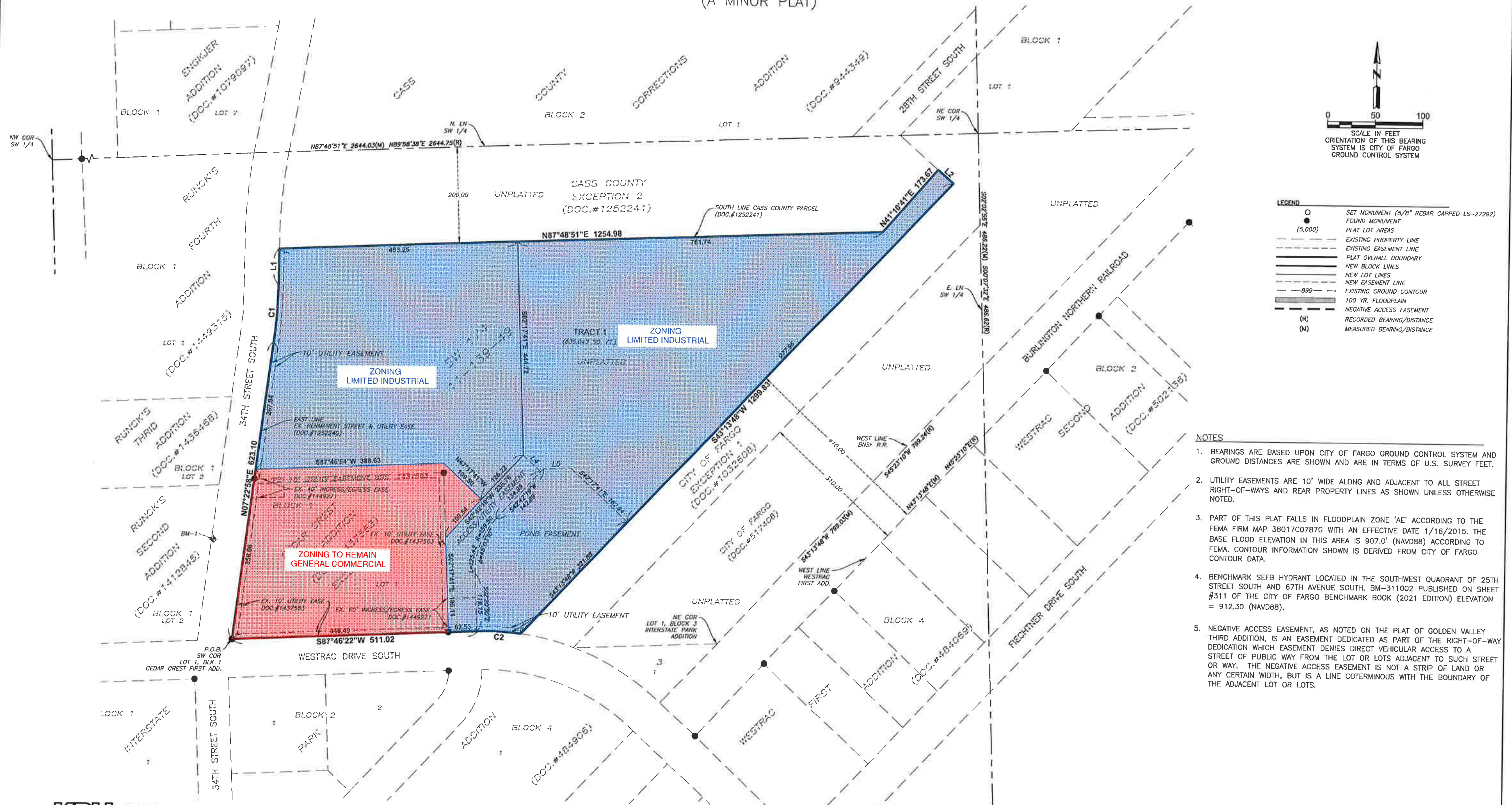


KPH, INC.
SURVEY
9530 39TH ST. S.
FARGO, ND 58104
701-499-7979

WESTRAC THIRD ADDITION

Exhibit - Proposed Zoning Map

BEING A REPLAT OF LOT 1, BLOCK 1 OF CEDAR CREST FIRST ADDITION TO THE CITY OF FARGO, AND
BEING A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 139 NORTH, RANGE
49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MINOR PLAT)



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

Westrac Third Addition

Draft Conditional Overlay

January 26, 2022

Applies to Lots 1 and 2 of Westrac Third Addition, zoned LI, Limited Industrial

1. Prohibited Uses

- Detention Facilities
- Adult Entertainment Centers
- Event – Major
- Mining
- Aviation/Surface Transportation
- Aggregate Storage, Concrete Batching and Asphalt Mixing

2. Outdoor Storage

- Outdoor storage areas shall be screened by a 6-foot-high opaque fence if directly visible from ground level of Lot 3, Block 1.
- Outdoor storage areas shall not be located in the front setback area of the development (ok)
- Outdoor storage areas shall not cover more than sixty (60) percent of the open space of the development

3. Gravel surfaces for outdoor storage, parking, and vehicle circulation are not allowed within 50 feet of the property line of Lot 3, Block 1.

4. No heavy truck parking will be allowed in the front setback area, or on any side of the development directly visible when viewed from ground level, -from Lot 3, Block 1. Heavy truck parking on the south side when viewed from ground level, within 50 feet of the property line of Lot 3, Block 1, is prohibited

5. No truck docks or unloading areas will be allowed in the front setback area. Shop bays with south facing overhead doors visible from ground level within 150 feet from Lot 3, Block 1 are prohibited.

7. Residential Protections Standards outlined in LDC 20-0704 apply to the development. For the purposes of this conditional overlay:

- a. Lot 3, Block 1 of Westrac Third Addition shall be considered an MR zoned lot.
- b. A landscape buffer of evergreen trees spaced 20 feet apart, without a requirement for shrubs, is an acceptable buffer for residential protection.

NOTE: This is a draft document. If any wording changes are made prior to Planning Commission, staff will provide an updated document and note the changes.

City of Fargo Staff Report			
Title:	Rocking Horse Farm Sixth Addition	Date:	1/26/2022
Location:	5801 52 nd Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West		
Owner(s)/Applicant:	Rocking Horse Farm, LLC; Jetland Properties, LLC / Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Zoning Change (from AG, Agricultural to P/I, Public/Institutional); Growth Plan Amendment (amend the 2003 Growth Plan from “Commercial” to “Public and Institutional” for the subject property) Major Subdivision (plat of Rocking Horse Farms Sixth Addition , a plat of part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West)		
Status:	Planning Commission Public Hearing: February 1st, 2022		

Existing	Proposed
Land Use: Undeveloped	Land Use: Public elementary school
Zoning: AG, Agricultural	Zoning: P/I, Public/Institutional
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production.	Uses Allowed: P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres	Maximum Building Coverage Allowed: P/I has no maximum building coverage.

Proposal:

The applicant requests three entitlements:

1. A **zoning change** from AG, Agricultural to P/I, Public/Institutional;
2. A **growth plan amendment** to amend the 2003 Growth Plan from “Commercial” to “Public and Institutional” for the subject property; and
3. A **major subdivision** to be known as **Rocking Horse Farm Sixth Addition**, a plat of part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West

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: P/I, Public and Institutional; Fargo Park District Park;
- East: across Veterans Boulevard is GC, General Commercial with commercial uses and SR-4, Single-Dwelling Residential with twinhomes;

- South: AG; undeveloped (property between the subject property and 52nd Avenue South);;
- West: AG; Undeveloped (property between 59th Street dedicated by this plat and 61st Street South) and GC, General Commercial with Commercial uses and undeveloped (property west across Rocking Horse Circle South from the subject property).

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan designates the subject property as "Commercial." This property is undeveloped and currently zoned AG, Agricultural. The applicant proposes to amend this plan to designate the subject property as "Public and Institutional," which includes the proposed P/I, Public/Institutional zoning and is the appropriate land use designation and zoning for a public school. Findings for the proposed growth plan amendment are below.



2003 Southwest Future Land Use Plan

Commercial	Residential Area - lower to medium density	Park, Open Space and Trails
Commercial or Medium/High Density	Residential Area - lower to high density	Public/Institutional
Either Office or Commercial	Residential Area - medium to high density	Public or Low/Medium Density
		Storm Water

Context:

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

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

Parks: Rocking Horse Park, 4848 Bluebell Loop South, is located adjacent to the north of the subject property, and provides the amenities of a 2-5 year old playground, a 5-12 year old playground, walking trail, landscaping and a few covered picnic tables.

Pedestrian / Bicycle: The right of way of proposed 51st Street South is intended to accommodate a multi-use trail. This trail will connect with the existing trail that runs through Rocking Horse Park, adjacent to the north of the subject property, and to the multi-use trail within the public right of way of Veterans Boulevard.

Bus Route: The subject property is not near a MATBUS route.

Staff Analysis:

PLAT NAME HISTORY NOTE: A minor subdivision titled "Rocking Horse Farm Sixth Addition" was submitted to the Planning Department in July, 2018. This was a proposed subdivision of a different area of Rocking Horse Farm than the current plat. That plat was never heard by the Planning Commission and was withdrawn by the applicant. Thus, the name "Rocking Horse Farm Sixth Addition" can be used for this plat.

PLAT

The subdivision plat creates a single lot of approximately 10 acres in area intended for development of a West Fargo Public Schools elementary school. The plat also dedicates public right of way for 51st Avenue South, 59th Street South, and Rocking Horse Road South.

ZONE CHANGE

The property is currently undeveloped and zoned AG, Agricultural. The proposed zoning of P/I, Public/Institutional, is the appropriate zoning for a public elementary school and is consistent with the proposed land use designation of Public and Institutional.

GROWTH PLAN AMENDMENT:

A public school was not originally contemplated in the development plan for the Rocking Horse Farm area. The Rocking Horse Farm area included designated land uses of Commercial and various densities of Residential. A growth plan amendment to Public and Institutional, which is the appropriate land use designation for a public school, provides a way to evaluate the suitability of this location for such a school. Findings for the growth plan amendment are below.

GROWTH PLAN AMENDMENT NEIGHBORHOOD MEETING

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. The intent of this open house is to allow residents and property owners in the area an opportunity to meet with the developer to review and comment on this proposed growth plan amendment. This meeting was held on Thursday, January 20th, 2022 at Osgood Elementary School media center. Property owners within a 300 foot radius of the subject property were notified by mail of this meeting. No residents or property owners attended this meeting.

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

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

- 1. Is the proposed change consistent with surrounding land uses, both existing and future?**
The plat subdivides an approximately 10-acre lot out of a larger 51-acre undeveloped parcel that is surrounded by commercial, public park, and single-dwelling residential land uses. The West Fargo Public School District has determined another elementary school is necessary to serve the growing student population of that district. This location meets their criteria of location and accessibility. At this time, there is no definite plan for development of the remaining approximately 41 acres of the undeveloped parcel; this area is designated for commercial land uses and current zoned AG, Agricultural pending a development plan.
(Criteria Satisfied)
- 2. Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.**
The plat dedicates public rights of way that connects to the existing Veterans Boulevard, 52nd Avenue South, and Rocking Horse Circle South, as directed by the City Engineer. These rights of

way will provide access to the proposed elementary school as well as the remaining undeveloped property to the south of the school.

(Criteria Satisfied)

- 3. How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?**

A portion of the city of Fargo is within the West Fargo Public School District, rather than the Fargo Public School District, which results from a change in the way school boundaries are determined by state statute that occurred in the 1980's. Approximately 32% of all West Fargo Public School students reside within the Fargo city limits. For all grades, just under 4,000 West Fargo students have a Fargo address. Currently three elementary schools and one middle school of the West Fargo district are located within the city of Fargo. The growth in the West Fargo's Freedom Elementary and Independence Elementary attendance areas is producing more students than those building can accommodate. The solution to solve this issue is to create more classrooms for those students. By adding a school in the Rocking Horse Farm neighborhood, the West Fargo District will be able to adjust attendance boundaries so that Freedom and Independence Schools have attendance areas that do not overfill those schools. The subject property is undeveloped. Though a public school was not a use originally contemplated in the Rocking Horse Farms development, such a school would not be out of place in this location which has considerable residential development to the north, northeast, and west. There are no uses surrounding this area that would have negative impacts on a school here.

(Criteria Satisfied)

- 4. How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?**

Due to the growth of the student population within the West Fargo district, an additional elementary school is required to serve this area. The proposed location meets the district's qualifications of site size—a minimum of 10 acres—and accessibility from multiple entry points—this site is accessible from the west, east, and south. The West Fargo district emphasizes neighborhood schools; an additional such school would contribute to the walkability and livability of the city and relieve the student pressure on Freedom and Independence schools.

(Criteria Satisfied)

NOTE: Some information in the above section provided by West Fargo Public Schools.

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

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

There is no error in the zoning map. The subject property is currently unplatted and zone AG, Agricultural. The property must be rezoned in order to accommodate any development other than uses allowed in the AG zone. The demand for an elementary school in this area has led the West Fargo Public School District to propose a school in this location. The Public/Institutional zone is the appropriate zone for a public elementary school.

(Criteria Satisfied)

- 2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

Yes. The project site fronts on public rights of way, and the plat will dedicate additional public rights of way, that provide access and utility services.

(Criteria Satisfied)

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

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

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo."

The project meets some of the goals of infill development stated in the Go2030 Comprehensive Plan:

- the subject property is already served by supporting infrastructure;
- the project will increase the mix of uses and amenities in the area; and,
- the project includes connections to existing multi-use trails, which will increase walkability.

The growth plan states that the designation of "Public Institutional" is used for "property that has already been selected for a school site, or some other institutional or public use."

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 plat creates one lot in one block, intended for the development of a public elementary school. The growth plan is proposed to be amended from the current "Commercial" land use designation to the "Public and Institutional" land use designation, and the zoning to be changed to "P/I, Public Institutional" as part of this project, as these are the appropriate land use designation and zone for a public elementary school. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any public comment. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

The property is proposed to be zoned P/I, Public/Institutional, a zoning that is consistent with the proposed land use designation of "Public and Institutional" in the 2003 Growth Plan. The configuration of the plat, including the widths of rights of way to be dedicated by the plat, is consistent with the requirements of Article 20-06. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

3. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are

subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zoning change from AG, Agricultural to P/I, Public/Institutional; 2) growth plan amendment to amend the 2003 Growth Plan from "Commercial Area" to "Public and Institutional" for the subject property; and 3) major subdivision **Rocking Horse Farm Sixth Addition** as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Growth Plan, Section 20-0906.F (1-4), 20-0905.H, the standards of Article 20-06, and all other applicable requirements of the LDC."

Planning Commission Recommendation: February 1st, 2022

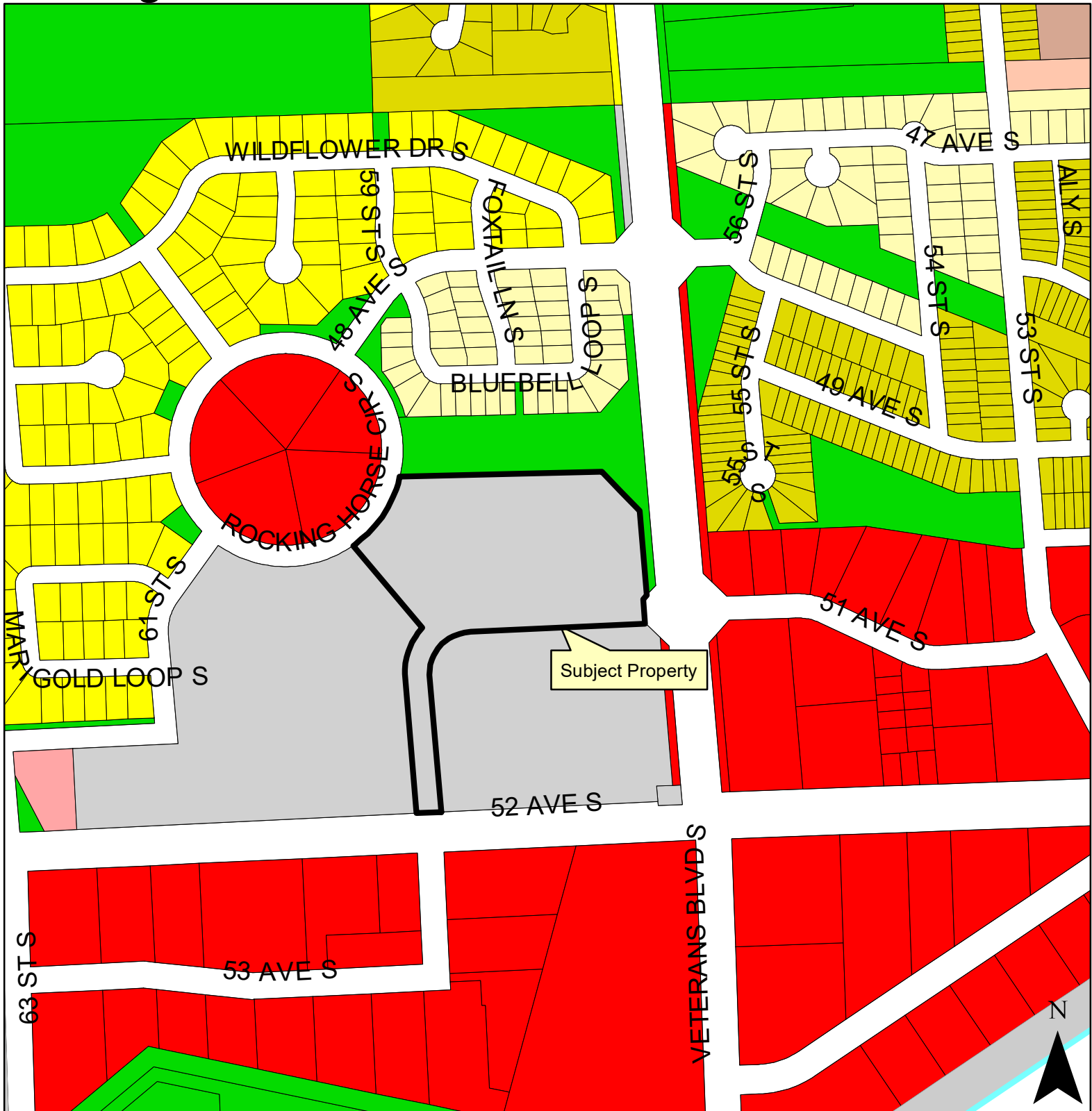
Attachments:

1. Zoning map
2. Growth Plan Map
3. Location map
4. Preliminary plat

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

Rocking Horse Farm 6th Addition

5801 52nd Avenue South



Legend

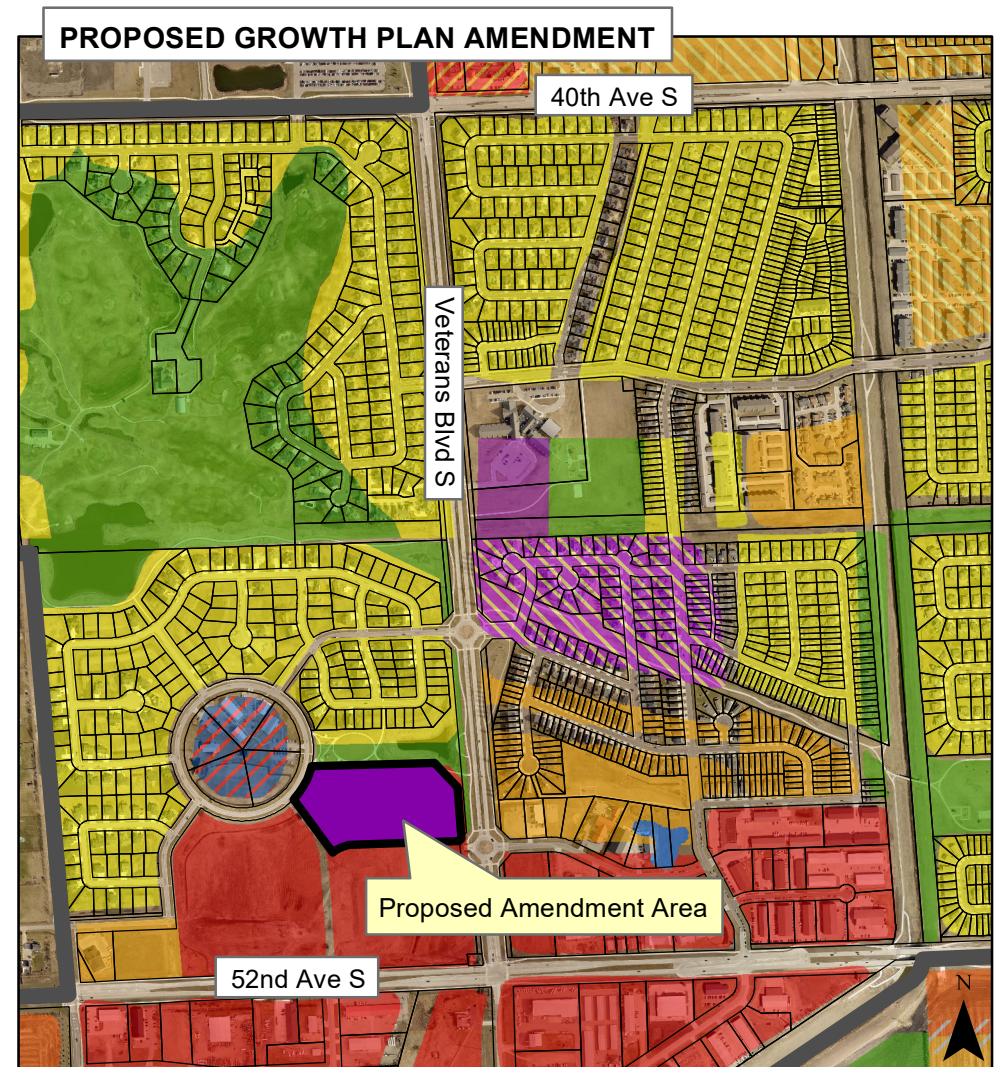
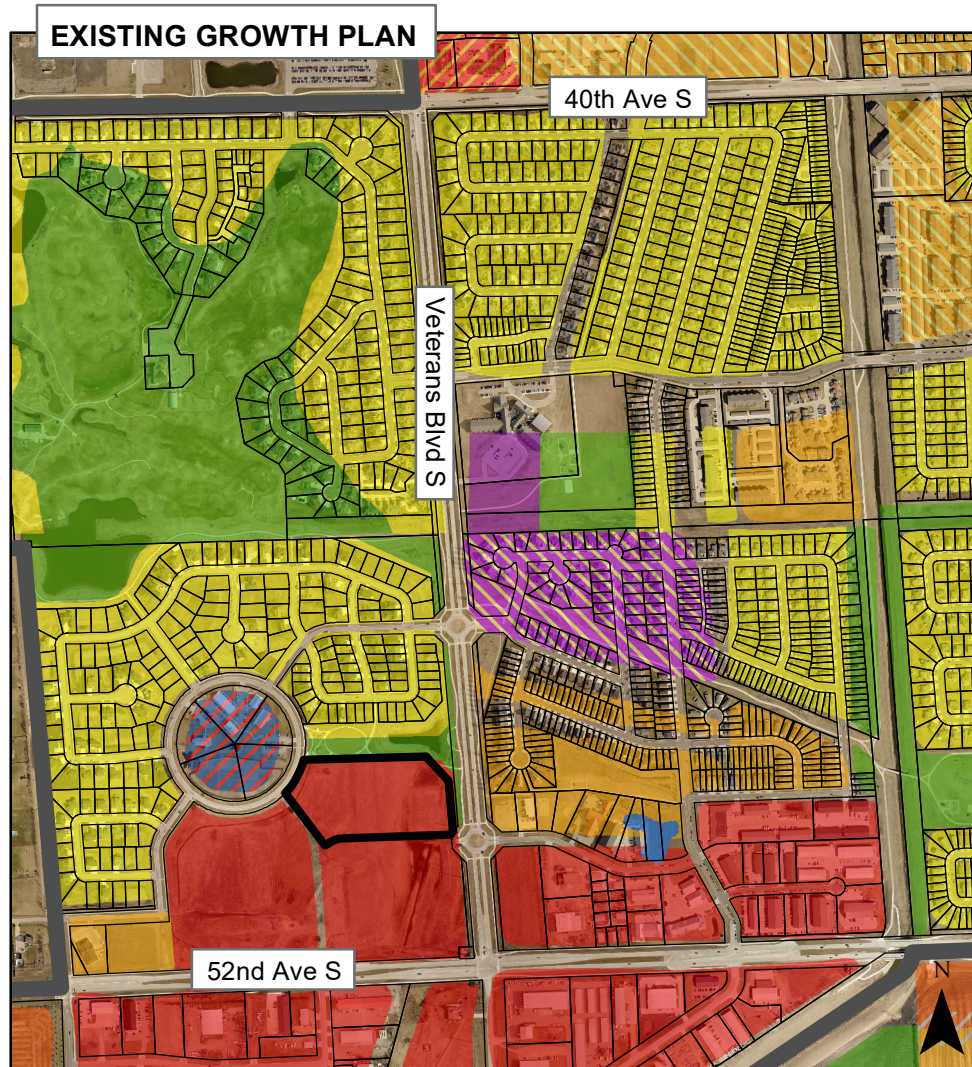
AG	DMU	LC	MHP	SP
GC	GO	MR-1	MNO	SR-2
GO	MR-2	MR-3	P/I	SR-3
			UMU	SR-4
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Feet

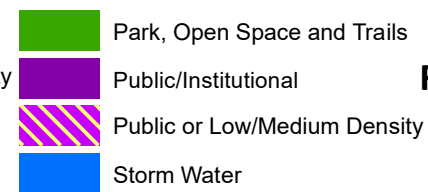
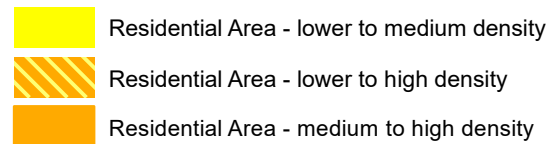
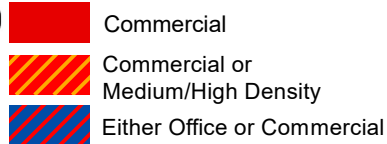
Growth Plan Amendment (Commercial to Public/Institutional)

Rocking Horse Farm 6th Addition

5801 52nd Avenue South



2003 Southwest Future Land Use Plan



Fargo Planning Commission
February 1, 2022

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

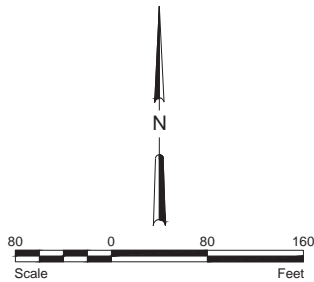
Rocking Horse Farm 6th Addition

5801 52nd Avenue South



ROCKING HORSE FARM 6TH ADDITION

A MAJOR PLAT
BEING A PLAT OF PART OF THE SOUTHEAST
QUARTER OF SECTION 32, T. 139 N., R. 49 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

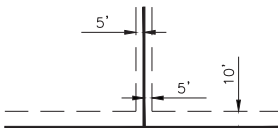
IRON MONUMENT FOUND ●
1/2" I.D. PIPE SET ○
EXISTING NEGATIVE ACCESS [Pattern]
NEGATIVE ACCESS [Pattern]

100YR FLOOD PLAIN
(ZONE AE - ELEV. 905.7') [Pattern]

2' CONTOUR LINES FROM
2011 FARGO LIDAR —905—

BEARINGS SHOWN ARE BASED ON
FARGO GIS HORIZONTAL DATUM.

NEGATIVE ACCESS EASEMENT, AS NOTED ON
THIS PLAT, IS AN EASEMENT DEDICATED AS
PART OF THE RIGHT-OF-WAY DEDICATION
WHICH EASEMENT DENIES DIRECT VEHICULAR
ACCESS TO A STREET OR PUBLIC WAY FROM
THE LOT OR LOTS ADJACENT TO SUCH STREET
OR WAY. THE NEGATIVE ACCESS EASEMENT IS
NOT A STRIP OF LAND OF ANY CERTAIN WIDTH,
BUT IS A LINE COTERMINOUS WITH THE
BOUNDARY OF THE ADJACENT LOT OR LOTS.



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

UTILITY EASEMENTS ARE SHOWN THUS

NOTES

- PROPERTY IS PARTIALLY SITUATED IN ZONE AE
AS DEPICTED ON FEMA PANEL 38017C0767G,
HAVING AN EFFECTIVE DATE OF JANUARY 16,
2015.
- ZONE AE BASE FLOOD ELEVATION = 905.7'
(NAVD 1988)

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	249.28	155.00	92°08'50"	N41°10'23"E	223.27
C2	311.96	435.00	41°05'21"	S33°59'53"W	305.31
C3	200.55	245.00	46°54'03"	S18°32'59"W	195.00
C4	231.79	435.00	30°31'47"	S28°43'06"W	229.05
C5	80.17	435.00	10°33'34"	S49°15'47"W	80.06
C6	113.12	245.00	26°27'12"	N74°01'11"E	112.11

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H:\JUN620\6250\6250_0005\CAD\Plat\PRE PLAT Rocking Horse Farm 6th Add.dwg-SHT 2-1/26/2022 11:20 AM-(dbudtholz)

OWNER:

Rocking Horse Farm, LLC

Kenneth L. Promersberger, President

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Kenneth L. Promersberger, President of Rocking Horse Farm, 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 said Limited Liability Company.

Notary Public: _____

CONTRACT FOR DEED VENDEE:

Jetland Properties, LLC

Janice L. Promersberger, President

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Janice L. Promersberger, President of Jetland Properties, LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the said Limited Liability Company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Rocky Schneider, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

ROCKING HORSE FARM 6TH ADDITION

A MAJOR PLAT

BEING A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 32, T. 139 N., R. 49 W., 5th P.M. TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Rocking Horse Farm, LLC, a North Dakota Limited Liability Company, is the owner and proprietor and Jetland Properties, LLC, a North Dakota Limited Liability Company, is the Contract for Deed Vendee, of that part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Section 32; thence South 87°14'48" West, along the southerly line of said Section 32, for a distance of 972.13 feet; thence North 04°54'02" West for a distance of 75.05 feet to a point of intersection with the northerly line of the South 75.00 feet of said Section 32, and the true point of beginning; thence North 04°54'02" West for a distance of 501.72 feet to a point of tangential curve to the right, having a radius of 155.00 feet; thence northeasterly, along said curve, for a distance of 249.28 feet, through a central angle of 92°08'50"; thence North 87°14'48" East for a distance of 656.14 feet to a point of intersection with the westerly line of Veterans Boulevard, as dedicated on the plat of Rocking Horse East Second Addition, said plat being on file at the Cass County Recorder's Office; thence North 46°04'23" West, along the westerly line of said Veterans Boulevard, for a distance of 0.06 feet to an angle point along the westerly line of said Veterans Boulevard; thence North 04°54'02" West, along the westerly line of said Veterans Boulevard, for a distance of 89.98 feet to an angle point along the westerly line of said Veterans Boulevard; thence North 41°31'00" East, along the westerly line of said Veterans Boulevard, for a distance of 20.70 feet to an angle point on the southerly line of Lot 13, Block 1, Rocking Horse Farm 5th Addition, said plat being on file at the Cass County Recorder's Office; thence North 04°53'46" West, along the southerly line of said Lot 13, for a distance of 311.24 feet to an angle point along the southerly line of said Lot 13; thence North 43°21'47" West, along the southerly line of said Lot 13, for a distance of 203.36 feet to an angle point along the southerly line of said Lot 13; thence South 88°32'14" West, along the southerly line of said Lot 13, for a distance of 749.49 feet to a point of intersection with the easterly boundary of Rocking Horse Farm 2nd Addition, said plat being on file at the Cass County Recorder's Office, and said point lying on a non-tangential curve, concave to the northwest, having a radius of 435.00 feet; thence southerly and southwesterly, along said easterly boundary and along said curve, for a distance of 311.96 feet, through a central angle of 41°05'21", having a chord bearing of South 33°59'53" West; thence South 38°36'30" East for a distance of 400.91 feet to a point of non-tangential curve having a radius of 245.00 feet, concave to the southeast; thence southwesterly and southerly, along said curve, for a distance of 200.55 feet, through a central angle of 46°54'03", having a chord bearing of South 18°32'59" West; thence South 04°54'02" East for a distance of 498.35 feet to a point of intersection with the northerly line of the South 75.00 feet of said Section 32; thence North 87°14'48" East, along the northerly line of the South 75.00 feet of said Section 32, for a distance of 90.06 feet to the true point of beginning.

Said tract of land contains 13.769 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **Rocking Horse Farm 6th Addition** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate and convey to the public, for public use, the streets, avenues and utility easements shown on the plat.



City of Fargo Staff Report			
Title:	Industrial Subdivision Number 5	Date:	1/26/2022
Location:	1405 43 rd Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 4 and 5, Block 12, Industrial Subdivision Number 2		
Owner(s)/Applicant:	Kelmar Properties 8 / Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lots 4 and 5, Block 12, Industrial Subdivision Number 2)		
Status:	Planning Commission Public Hearing: February 1, 2022		

Existing	Proposed
Land Use: Industrial and undeveloped	Land Use: Industrial
Zoning: GI, General Industrial	Zoning: No change
Uses Allowed: GI - General Industrial. Allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.	Uses Allowed: No change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No change

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A minor subdivision, entitled Industrial Subdivision Number 5, which is a replat of Lots 4 and 5, Block 12, Industrial Subdivision Number 2 <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: GI; industrial uses • East: GI; industrial uses • South: GI; industrial uses • West: GI; industrial uses <p>Area Plans:</p> <p>The subject property is not located within a growth plan, area plan, or neighborhood plan.</p> <p>Context:</p> <p>Schools: The subject property is located within the West Fargo School District and is served by Westside Elementary, Cheney Middle and West Fargo High schools.</p> <p>Neighborhood: The subject property is not located in a designated neighborhood.</p> <p>Parks: No parks are located within a mile of the subject property.</p>

Pedestrian / Bicycle: There are no bicycle or pedestrian trails adjacent to the subject property.

Bus Route: The subject property is not located along at MATBUS route.

Staff Analysis:

The applicant proposes to replat Lots 4 and 5, Block 12, Industrial Subdivision Number 2 to create a two-lot, one block subdivision to be known as Industrial Subdivision Number 5. The property is zoned GI, General Industrial. No zone change is proposed.

Lot 1, Block 1 will include the existing structures. Lot 2, Block 1 will include the undeveloped portion of the property. The plat is configured so that the required interior side yard setback is met for the existing building.

The proposed plat name, "Industrial Subdivision No. 5," differs from the City's usual plat naming standards. However, this plat name continues an existing series of replats which began in 1981, with the most recent replat, Industrial Subdivision No. 4, getting recorded in 2013. After reviewing the plat name with the Cass County Recorder's office, staff determined that this plat name was acceptable in this case.

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 property is currently zoned GI, General Industrial. No zone change is proposed. There is industrial development on the property at this time, on the area of what will become Lot 1; further industrial development is intended for the undeveloped area that will become Lot 2. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

- 2. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed **Industrial Subdivision Number 5** subdivision plat as presented; as the proposal complies with the Standards of Article 20-06 and all other applicable requirements of the LDC;

Planning Commission Recommendation: February 1, 2022

Attachments:

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

Plat (Minor)

Industrial Subdivision No. 5

1405 43rd Street N



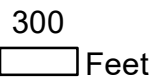
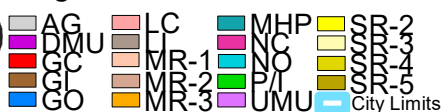
Plat (Minor)

Industrial Subdivision No. 5

1405 43rd Street N



Legend

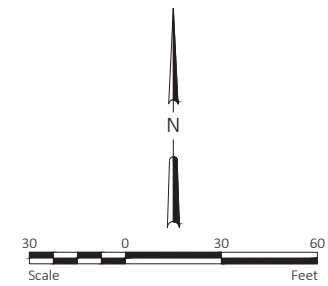


INDUSTRIAL SUBDIVISION NO. 5

A MINOR SUBDIVISION

BEING A REPLAT OF LOTS 4 & 5, BLOCK 12, INDUSTRIAL SUBDIVISION NO. 2

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

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

43RD ST. N.

80.00'

80.00'

14TH AVE. N.

BLOCK 1

BLOCK 12

BLOCK 13

INDUSTRIAL

BLOCK 8

SUBDIVISION

NO. 1

NO. 2



H:\BNA\10550\10577_0002\CAD\preliminary_Plat.dwg-Layout1-12/17/2021 11:21 AM-(dbuchholtz)

INDUSTRIAL SUBDIVISION NO. 5
A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 4 & 5, BLOCK 12, INDUSTRIAL SUBDIVISION NO. 2
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Kelmar Property 8, LLC., a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

Lots 4 and 5, Block 12, Industrial Subdivision No. 2 to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 4.355 acres, more or less.

And that said party has caused the same to be surveyed and platted as **INDUSTRIAL SUBDIVISION NO. 5** to the City of Fargo, Cass County, North Dakota.

OWNER:

Kelmar Property 8, LLC.

Nathan Everson, Managing Partner

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Nathan Everson, Managing partner of Kelmar Property 8, LLC., a North Dakota corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said corporation.

Notary Public: _____

SURVEYOR'S CERTIFICATE:

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

Dated this _____ day of _____, 20____.

Curtis A. Skarphol,
Professional Land Surveyor No. 4723

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Rocky Schneider, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____