

FARGO PLANNING COMMISSION AGENDA
Tuesday, May 7, 2019 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of April 2, 2019
- C: Brown Bag Luncheon combined with the Community Development Committee
- Wednesday, May 15, 2019
- D: Public Hearing Items:
1. Continued hearing on an application requesting a Conditional Use Permit to allow for non-farm commercial uses in the Agricultural zoning district on a portion of the West half of the Southeast quarter of **Section 14, Township 138 North, Range 49 West**. (Located at 2805 88th Avenue South) (Eric Baker) (dk): CONTINUED TO JUNE 4, 2019
 2. Continued hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 3-4, Block 1, **Timber Parkway Third Addition**. (Located at 4801 and 5081 Timber Parkway South) (PLC Investments, LLC/Mike Dragosavich) (me)
 3. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to P/I, Public and Institutional on Lot 24, Block 13, **Huntington's Addition**. (Located at 1406 7th Street South) (Fargo Public Schools District 1/Obermiller Nelson Engineering) (an)
 4. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 1-7, Block 1, **Fitzsimonds Addition**. (Located at 3716, 3740, 3750, 3760, and 3780 51st Avenue South; 5120 and 5168 38th Street South) (Fred M. Hector Revocable Trust/Nate Vollmuth) (dk)
 - 5a. Hearing on an application requesting a Zoning Change from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential, SR-4, Single-Dwelling Residential, GC, General Commercial, and P/I, Public and Institutional on the proposed **Selkirk Place First Addition**. (2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South) (Earlyne Hector/R. Scott Carey) (dk)
 - 5b. Hearing on an application requesting a Plat of **Selkirk Place First Addition** (Major Subdivision) in the Northwest Quarter and Northeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, including Auditors Lot 1 of said Northeast Quarter and a portion of Auditors Lot 2 of said Northeast

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People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

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

Quarter and Lots 1, 2, 3, 17, 18, and 19, South Haven Subdivision. (Located at 2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South) (Earlyne Hector/R. Scott Carey) (dk)

E: Other Items:

1. Annexation of approximately 171.972 acres of Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota and part of the Northwest Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota, that lies East of the East right of way line of Interstate Highway 29. (Earlyne Hector) (dk)
2. Amendments to Community Development Block Grant (CDBG) 5-Year Consolidated Plan and 2018 Annual Action Plan

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, April 2, 2019

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, April 2, 2019.

The Planning Commissioners present or absent were as follows:

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

Absent: None

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following Agenda items:

- Items 1a and 1b have been withdrawn
- Item 7 has been continued to May 7, 2019

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

Item B: Minutes: Regular Meeting of March 5, 2019

Member Sobolik moved the minutes of the March 5, 2019 Planning Commission meeting be approved. Second by Member Tasa. All Members present voted aye and the motion was declared carried.

Item C: April Brown Bag Luncheon – No meeting schedule for April

Item D: Public Hearing Items:

Item 1: Timber Creek Ninth Addition

**1a. Continued hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on the proposed Timber Creek Ninth Addition. (Located at 4726, 4736, 4746, 4756, 4766, 4776, and 4786 34th Street South) (Nate Vollmuth/PLC Investments):
WITHDRAWN**

1b. Continued hearing on an application requesting a Plat of Timber Creek Ninth Addition (Minor Subdivision) a replat of Lots 16-22, Block 3, Timber Creek

First Addition, City of Fargo, Cass County, North Dakota. (Located at 4726, 4736, 4746, 4756, 4766, 4776, and 4786 34th Street South) (Nate Vollmuth/PLC Investments): WITHDRAWN

A Hearing had been set for January 3, 2019. At the January 3, 2019 meeting, the Hearing was continued to February 5, 2019. At the February 5, 2019 meeting, the Hearing was continued to March 5, 2019. At the March 5, 2019 meeting, the meeting was continued to this date and time; however, the applicant has requested this item be withdrawn.

**Item 2: Inland Truck Parts Company Second Addition
Hearing on an application requesting a Plat of Inland Truck Parts Company Second Addition (Minor Subdivision) a replat of Lot 1, Block 1, Inland Truck Parts Company Addition, City of Fargo, Cass County, North Dakota. (Located at 3525 and 3545 38th Street South) (Houston Engineering/Inland Truck Parts Company): APPROVED**

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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat, Inland Truck Parks Company Second Addition as outlined within the staff report as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Magelky, Schneider, Holtz, Sobolik, Stofferahn, Morgan, Bachmeier, Gunkelman, Tasa, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Member Scherling present.

**Item 3: BLU Water Creek Third Addition
Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lot 1, Block 1, BLU Water Creek Third Addition. (Located at 4504 32nd Avenue South) (KT Properties/Mike Dragosavich): DENIED**

Planning Coordinator Maegin Elshaug gave a brief overview of Items 3, 4, 5, and 6 sharing the similarities in the applications and that the current C-O, Conditional Overlays on all the applications prohibit off-premise advertising. An additional map was presented to the Board.

Ms. Elshaug presented the staff report stating that approval criteria have not been met and staff is recommending denial. She additionally noted that the original application proposed the sign to front 45th Street South, and has been modified for the sign to front 32nd Avenue South.

Discussion was held regarding a nearby off-premise sign in the Urban Plains development.

Planning Director Nicole Crutchfield noted that the sign in question was approved as a wayfinding for the development and the Scheels Arena through a Conditional Use Permit process. She noted the Conditional Use Permit was limited to very tight design standards.

Applicants Kyle Freier, Property Resource Group, and Mike Dragosavich, Spotlight Media, spoke on behalf of the application.

Discussion was held regarding the meaning of a walkable neighborhood, safety concerns of distracted driving, and who is able to advertise.

Ms. Crutchfield provided an overview of action options for this item.

Member Stofferahn moved to table action on this item until after Items 4, 5, and 6 have been heard. Second by Member Holtz. All Members present voted aye and the motion was declared carried.

Item 4: Bentley Place First Addition

Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lot 4, Block 1, Bentley Place First Addition and Lot 1, Block 1, Bentley Place Second Addition. (Located at 5570 32nd Avenue South and 3240 Veterans Boulevard) (Brandt Crossing, LLC/Mike Dragosavich): DENIED

Planning Coordinator Maegin Elshaug presented the staff report stating that approval criteria have not been met and staff is recommending denial. She noted that the original application was for an off-premise sign at two locations, but the proposed off-premise sign at 3240 Veteran's Boulevard has been withdrawn.

Ms. Elshaug noted the similar unsatisfied criteria as Item 3 and also noted the proximity of this application to the City of West Fargo. She stated that she has received two comments against the application

Applicants Mr. Freier, Property Resource Group, and Mr. Dragosavich, Spotlight Media, spoke on behalf of the application.

Discussion was held regarding static versus digital signs and the frequency of changing content on the digital signs.

Jordan Weir, Vogel Law Firm, and Vance Reinbold, President/CEO of Capitol Credit Union spoke in opposition to the application stating the following concerns: decreasing the value and visibility of Lot 3 owned by Capitol Credit Union, the long-standing C-O, Conditional Overlay for the area, and setting a precedence for other billboards in the area.

Member Stofferahn moved to table action on this item until after Items 5, and 6 have been heard. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item 5: Timber Parkway Third Addition

Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 3-4, Block 1, Timber Parkway Third Addition. (Located at 4801 and 5081 Timber Parkway South) (PLC Investments, LLC/Mike Dragosavich): CONTINUED TO MAY 7, 2019

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

Applicants Mr. Freier, Property Resource Group, and Mr. Dragosavich, Spotlight Media, spoke on behalf of the application.

Board discussion was held regarding the large lot size of this application; the proposed billboard location in proximity to Interstate 29, residential housing, and the City of Frontier; limiting location options for the proposed sign; and spacing requirements.

Member Stofferahn moved to table action on this item until after Item 6 has been heard. Second by Member Bachmeier. All Members present voted aye and the motion was declared carried.

Item 6: Timber Creek Eighth Addition

Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lot 2, Block 1, Timber Creek Eighth Addition. (Located at 5131 Prosperity Way South) (Midwest Restaurant Holdings, LLC/Mike Dragosavich): DENIED

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

Applicants Mr. Freier, Property Resource Group, and Mr. Dragosavich, Spotlight Media, spoke on behalf of the application.

Discussion was held on the brightness of the digital signs during the daytime versus night.

Member Sobolik noted that the City put in many working hours to develop the GO2030 Fargo Comprehensive Plan and the Current Sign Code. She stated that the work was intentional and this Commission should consider that when making a decision.

Member Schneider moved the findings and recommendations of staff be accepted and denial be recommended to the City Commission of the proposed Zoning Change to repeal and reestablish a C-O, Conditional Overlay on the basis that it does not comply with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4) or other applicable requirements of the Land Development Code. Second by Member

Bachmeier. On call of the roll Members Holtz, Sobolik, Magelky, Gunkelman, Scherling, Morgan, Schneider, Stofferahn, Tasa, Bachmeier, and Fischer voted aye. The motion was declared carried.

Chair Fischer called for action on Item 3, *BLU Water Creek Third Addition*.

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

Chair Fischer called for action on Item 4, *Bentley Place First Addition*.

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

Chair Fischer called for action on Item 5, *Timber Parkway Third Addition*.

Ms. Crutchfield noted that with the City's current sign code, there is no way to limit the billboard to the proposed location, noting staff's concern of not knowing the future land use for this property.

Member Schneider moved to continue this Item to the May 7, 2019 Planning Commission meeting to allow the applicant additional time to work with staff. Second by Member Magelky. On call of the roll Members Bachmeier, Gunkelman, Magelky, Scherling, Schneider, Stofferahn, and Tasa voted aye. Members Morgan, Sobolik, Holtz, and Fischer voted nay. The motion was declared carried.

At 4:06 p.m., the Board took a ten-minute recess.

After recess: All Members present. Chair Fischer presiding.

Item 7: Section 14, Township 138 North, Range 49 West
Hearing on an application requesting a Conditional Use Permit to allow for non-farm commercial uses in the Agricultural zoning district on a portion of the West half of the Southeast Quarter of Section 14, Township 138 North, Range 49 West.

(Located at 2805 88th Avenue South) (Eric Baker) (dk): CONTINUED TO MAY 7, 2019

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to May 7, 2019.

Item 8: Fred C. Hagen Addition

Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential and AG, Agricultural to P/I, Public and Institutional on the Fred C. Hagen Addition and a portion of the unplatted Northeast Quarter of Section 7, Township 139 North, Range 48 West. (Located at 200, 310, and 430 4th Street South): APPROVED

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

Discussion was held on the history of the site, current and future allowed uses, and the perimeters of the Downtown area identified in the Downtown InFocus Master Plan.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from SR-2, Single-Dwelling Residential and AG, Agriculture to P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Downtown InFocus Master 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 Gunkelman. On call of the roll Members Tasa, Stofferahn, Magelky, Sobolik, Schneider, Scherling, Morgan, Holtz, Gunkelman, Bachmeier, and Fischer voted aye. The motion was declared carried.

Item 9: Roberts Addition

Hearing on an application requesting a Right of Way Vacation of the alley between Lots A, B, C, D, E, F, T, and U, the vacated 10 foot alley adjacent to Lots T and U, Hagaman's Subdivision of part of Block 2, Roberts Addition. (Located at 624 2nd Avenue North and 613, 617, and 621 1st Avenue North): APPROVED

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

City Engineer Brenda Derrig spoke on behalf of the Engineering department noting there are private utilities in the alley, and the City is working with the developer to relocate them.

Member Morgan moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Alley Vacation in Hagaman's Subdivision of a portion of Block 2 of Roberts Addition as outlined within the staff report, as the proposal complies with the Downtown InFocus Master Plan, and Standards of Chapter 40-39 of the North Dakota Century Code. Second by Member Sobolik. On call of the roll Members Morgan, Magelky, Holtz, Scherling, Gunkelman,

Sobolik, Tasa, Bachmeier, Schneider, Stofferahn, and Fischer voted aye. The motion was declared carried.

Item E: Other Items:

Item 1: Development proposals for City-owned property at Main Avenue and 2nd Street South

Director of Strategic Planning and Development Jim Gilmour presented a brief history of the property noting that three proposals have been submitted for redevelopment of this area.

Mr. Gilmour presented an overview of each of the proposals from Beyond Shelter, Enclave Development, and the Fargo Housing Authority. He noted that the Finance Committee will meet with all three developers and make a recommendation to the City Commission.

Austin Morris spoke on behalf of the Enclave Development proposal.

Steve Eickhoff spoke on behalf of the Fargo Housing Authority proposal.

Discussion was held regarding the current high rise housing building, its tenants, and future plans.

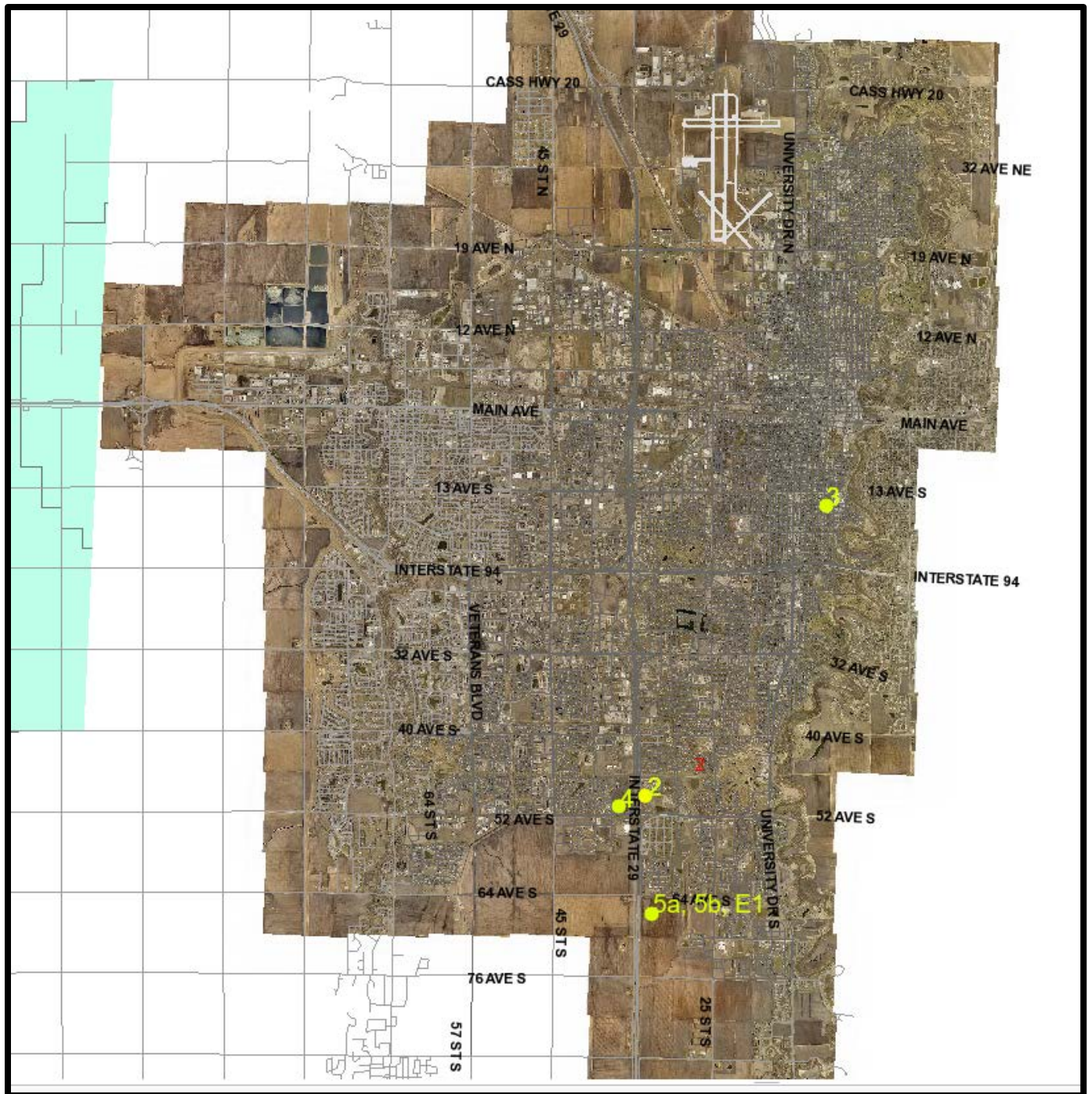
Christopher Miller spoke on behalf of the Beyond Shelter proposal.

City Commissioner Tony Grindberg shared that it is good to have a public presentation of these proposals before they are brought to a City Commission meeting. He noted that this is an important area as it serves as a gateway into the City and North Dakota.

The Board further discussed the three proposals.

The time at adjournment was 4:55 p.m.

MAP OF AGENDA ITEM LOCATIONS—Item 1 continued



**City of Fargo
Staff Report**

Title:	Timber Parkway Third Addition	Date:	3/28/2019
		Update:	5/2/2019
Location:	4801 and 5081 Timber Parkway South <i>*Note: See update below</i>	Staff Contact:	Maegin Elshaug
Legal Description:	Lots 3-4, Block 1, Timber Parkway Third Addition		
Owner(s)/Applicant:	PLC Investments, LLC/Mike Dragosavich	Engineer:	N/A
Entitlements Requested:	Zoning Change (to repeal and reestablish a C-O, Conditional Overlay on Lots 3-4, Block 1, Timber Parkway Third Addition) <i>*Note: See update below</i>		
Status:	Planning Commission Public Hearing: April 2, 2019		

Existing	Proposed
Land Use: Vacant	Land Use: Commercial
Zoning: GC, Limited Commercial, with C-O, Conditional Overlay, ordinance 5130	Zoning: GC, Limited Commercial, with C-O, Conditional Overlay
Uses Allowed: 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 and digital billboards , commercial parking, outdoor recreation and entertainment, retail sales and service, self storage , vehicle repair , limited vehicle service, aviation , surface transportation , and major entertainment events.	Uses Allowed: 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, <u>off-premise advertising and digital billboards</u> , commercial parking, outdoor recreation and entertainment, retail sales and service, self storage , vehicle repair , limited vehicle service, aviation , surface transportation , and major entertainment events.
Maximum Lot Coverage Allowed: 85% building coverage	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant is seeking a zoning change to repeal and reestablish a C-O, Conditional Overlay on Lots 3-4, Block 1, Timber Parkway Third Addition. The subject property is located at 4801 and 5081 Timber Parkway South.

Application update: On April 29, the applicant made several modifications to the application, including removal of the request for 5081 Lot 3, Block 1, Timber Parkway Third Addition. The applicant also requested modification of the application for up to a 600 square foot sign (originally 300 square feet) in the west 100 feet of 4801 Timber Parkway South, directly adjacent to Interstate 29.

The applicant is requesting to repeal and reestablish a C-O in order to allow off-premise advertising signs, which are currently prohibited by the existing Conditional Overlay, ordinance 5130, which was established in 2018. Ordinance 4908 was the original Conditional Overlay on the property as part of the Timber Creek development, which prohibits off-premise advertising and digital billboards. Ordinance 5130 prohibits off-premise advertising and digital billboards. The application proposes one sign on the property, with a sign face of up to 600 square feet and height of 40 feet. The sign would have two digital sign faces, facing north and south, directly adjacent to Interstate 29.

The applicant is proposing one billboard at this time, adjacent to Interstate 29. However, if spacing requirements of off-

premise advertising allow, additional billboards may be located along 52nd Avenue South on these properties.

Note that if approved, the proposed signs will be reviewed against requirements of the sign code for compliance at the time a permit application is received.

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.

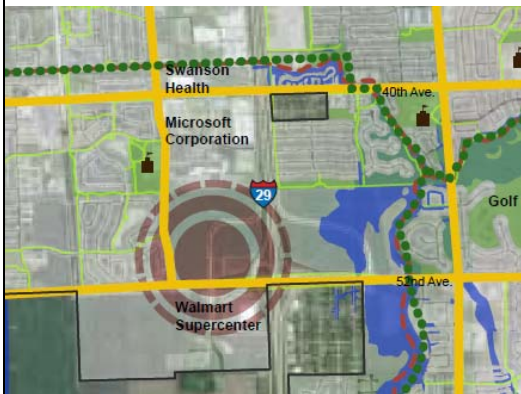
Surrounding Land Uses and Zoning Districts:

- North: Directly north and across from Timber Parkway South is MR-3, Multi-Dwelling Residential, SR-2, Single-Dwelling Residential, SR-4, Single-Dwelling Residential, and P/I, Public and Institutional with uses of multi-dwelling residential, attached and detached residential, and a park;
- East: GC, General Commercial with a C-O, Conditional Overlay with commercial use and vacant land;
- South: Across 52nd Avenue South is the City of Frontier;
- West: Interstate 29.

Area Plans:

The subject property is located within the 2007 Tier 2 South Land Use Plan. In March of 2014, a growth plan amendment was approved that added additional commercial acreage within the subject property. Pursuant to the growth plan amendment, the area is deemed appropriate for commercial uses.

- Commercial
- Future School
- Industrial
- Low Med Res
- Med High Res
- Proposed Park
- Rural Res



Go2030 identifies 52nd Avenue South as an Active Living Street (see exhibit to left). Active Living Streets are key corridors that prioritize mobility for all modes of travel with an improved streetscape that enhances the quality and visual appearance of neighborhoods.

Context:

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

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

Parks: Located across Timber Parkway South is Timber Creek Park (3300 47 Avenue South), with trails, playground, basketball and a shelter.

Pedestrian / Bicycle: Off road bike facilities are located along Timber Parkway South and 52nd Avenue South. These facilities are a component of the metro area trail system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regard to the subject properties. The applicant proposes the zoning amendment to repeal and reestablish the Conditional Overlay in order to allow off-premise advertising to construct a 300 square foot billboard with two digital faces. Staff finds that the requested zone change is not justified by a change in conditions since the previous zoning classification was established. The original zoning of the property in 2014 via the Conditional Overlay, ordinance 4908 prohibited off-premise advertising on the property and established the intent of the development.

The City of Fargo has many Conditional Overlays along arterial roadways south of Interstate 29 that prohibit off-premise advertising. As development along corridors in the southwest area of Fargo began, including corridors of 45th Street S, 32nd and 52nd Avenues South, and Veterans Boulevard, many of the areas intended for commercial or mixed-use development were zoned with a Conditional Overlay that established design standards for the development, among other things, and also prohibit off-premise advertising entirely. The intent of this prohibition along the corridors was to not replicate the many off-premise advertising billboards that are found on Main Avenue and University Drive South.

Approving this application would establish a precedent of how these corridors will development, and it is likely additional applications will be submitted to make a similar request.

The Inspections Department states there has been 13 off-premise advertising signs that have been permitted and constructed since the Fargo Sign Code was adopted in November 2011. This averages to approximately 1.7 per year. The fact that signs have been permitted and constructed since the adoption of the sign code suggests other areas of the City are more appropriate for off-premise advertising, outside of the corridors with Conditional Overlays that prohibit off-premise advertising.

Staff finds there the requested zoning change is not justified by a change in conditions since the previous zoning classification was established. **(Criteria NOT Satisfied)**

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

City Staff and other applicable review agencies have reviewed this proposal. No deficiencies have been noted in the ability to provide all of the necessary services to the site. The subject property abuts public right-of-way. **(Criteria Satisfied)**

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

Staff finds that the application could cause injury to the value of the other property within the neighborhood. Section 20-1301.B.4 of the Fargo Sign Code states that:

Signs can also threaten the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation or proliferation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas.

Staff finds that the proposed sign is of a size and scale that could create aesthetic concerns which could lead to injury of property value. As context, the conditional overlays along arterial roadways create a cohesive corridor and gateway approach in the city.

As referenced throughout this staff report, the area in which the sign would be located is a walkable mixed-use development and is located within an existing Conditional Overlay zoning district which seeks to advance design standards for human-scale walkable development. Staff contends that the proposed billboard scale sign is not compatible with the intended development pattern of the area and removes the predictability other developers in the surrounding area have invested in; therefore, the change in zoning could cause injury to the value of the neighboring properties and would remove encouragement to develop in accordance with the principles of walkable mixed-use centers.

Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff finds that the approval may adversely affect the condition or value of the property in the vicinity. **(Criteria NOT Satisfied)**

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

According to Section 20-0104 of the LDC, the purpose of the LDC is 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. Although the Timber Creek Development is not specifically identified as a walkable mixed-use center in the Go2030 Comprehensive Plan, it has developed as a walkable mixed-use development that aligns with the principles outlined in the plan, including:

- 1. Pedestrian oriented, mixed use streetscape;*
- 4. Building and parking development patterns that create people oriented spaces and street frontage which encourages a walkable environment;*
- 6. Neighborhood park or other prominent neighborhood feature; and*
- 7. High quality construction. [Emphasis added]*

The original zoning of the property in 2014 via the Conditional Overlay, ordinance 4908 prohibited off-premise advertising on the property and established the intent of the development as a mixed-use development. Staff finds that billboard-style off-premise advertising does not align with the intent of the mixed-use development, set forth by the design requirements of the Conditional Overlay due to the anti-pedestrian nature of such billboards. That this type of signage is intended to grab the attention of the motoring public at a distance and at high speeds, and does not help create a people-oriented environment or encourage walkability. Staff contends that billboard-style signage has the opposite effect, creating environments in which pedestrians can feel out of place. **(Criteria NOT Satisfied)**

Update 5/2/2019: Staff would like to expand on several items and address additional items from the Planning Commission meeting in April.

EXISTING MASTER PLAN AND VISION

As noted earlier in this staff report, the applicant has updated the application to only include 4801 Timber Parkway South, which is the nearly 40-acre undeveloped lot at the northeast corner of Interstate 29 and 52nd Avenue South. This property has remained vacant while much of the Timber Creek development has been built. Because this land is undeveloped, the use of the property for the future is unknown. If the application is approved and a sign is built in this location, the sign is likely to remain for decades and could not be removed. Issues could arise if the development was ever built as mixed use with residential located on this property, which furthers the concern of residential in proximity to large, off-premise advertising signs. When the zoning district and conditional overlay was adopted at this location, a master plan and vision for this site was adopted. This is the same master plan and vision that the current owner conveyed to the surrounding neighborhood, public and elected officials. Allowing the zoning change to permit this new use, modifies this original vision considerably. Staff seeks input on identifying the new conditions that warrant this change in vision. And if such vision is warranted for change, staff seeks input and guidance on establishing that new vision.

Staff contends that allowing a billboard at this location prior to establishing a revised master plan and vision for this site, would be premature and limit the flexibility for adapting a vision that could be universally applied to the whole 40 acre site.

The applicant has modified the application to restrict the location to within 100 feet of the west property line, directly adjacent to the Interstate 29, which means their off-premise advertising would still be prohibited along 52nd Avenue South. The originally proposed sign would still be located in proximity of existing residences. If the applicant proposed the sign at the very southern point of that west property line, the sign would still be located slightly over 1,200 feet from residentially zoned property. Although through strict application of the Sign Code this location would be permitted as it would meet the setback from residential, it is the exact intent of the restriction through the conditional overlay that requires high quality design, including maintaining views for residents and pedestrians within and around the development. Staff indicates that a buffer and separation of land uses is needed between residential and off-premise signage. Staff does not want to define an ambiguous buffer or overly restricted buffer until a master plan for the site is established or confirmed.

PRECEDENT AND THE CITY'S GATEWAY

Additionally, this site is on the south side and one of the southern gateways into the City. Fargo's primary area of growth is south and is continuing to be developed as high quality, walkable, mixed use developments. Approval of the sign would make it the first off-premise advertising sign within City limits on the south side along Interstate 29, and would ultimately set the tone of Fargo as prioritizing advertising and large scale signs within one of the city's premier locations of high quality development. In the GO2030 planning process and through other visioning planning processes, previous commissioners have indicated their request for more attractive entryways into the city. While staff doesn't contend that off-premise signs are unattractive, the existing codes provide for design protection to potentially obtain a higher aesthetic development for one of the city's gateways, on par with Microsoft campus to the west.

There is concern from staff over the precedence setting if the application is approved. As noted, this property is located across the Interstate from the Microsoft campus, the second largest campus, which is highly regarded for their design and aesthetics of the property. Staff has already received inquiries in proximity for off-premise advertising on property that currently have Conditional Overlays that prohibit them, and feels that if this application is approved, similar applications would be forthcoming.

FAIRNESS

Since the application first came to the Planning Department, Planning staff has received and approved an application for a 672 square foot billboard along Interstate 94. This confirms that there are areas more appropriate for large, off-premise signs in the City other than this location of a walkable mixed use development. While there was discussion at the previous Planning Commission hearing about equal treatment with other property owners who may have off-premise signs already in existence along the interstate, staff contends that the current owner sought and requested this initial zoning district. The current owner advocated for this existing zoning district, overlay, and protections and provided commitments to the community. Staff does not believe there is a due process or property rights issues related to this request. Staff would have a different opinion if we saw evidence of conditions or market changes in the community.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend denial to the City Commission of the proposed zoning change to repeal and reestablish a C-O, Conditional Overlay on the basis that it does not comply with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) or other applicable requirements of the LDC."

Planning Commission Recommendation: April 2, 2019

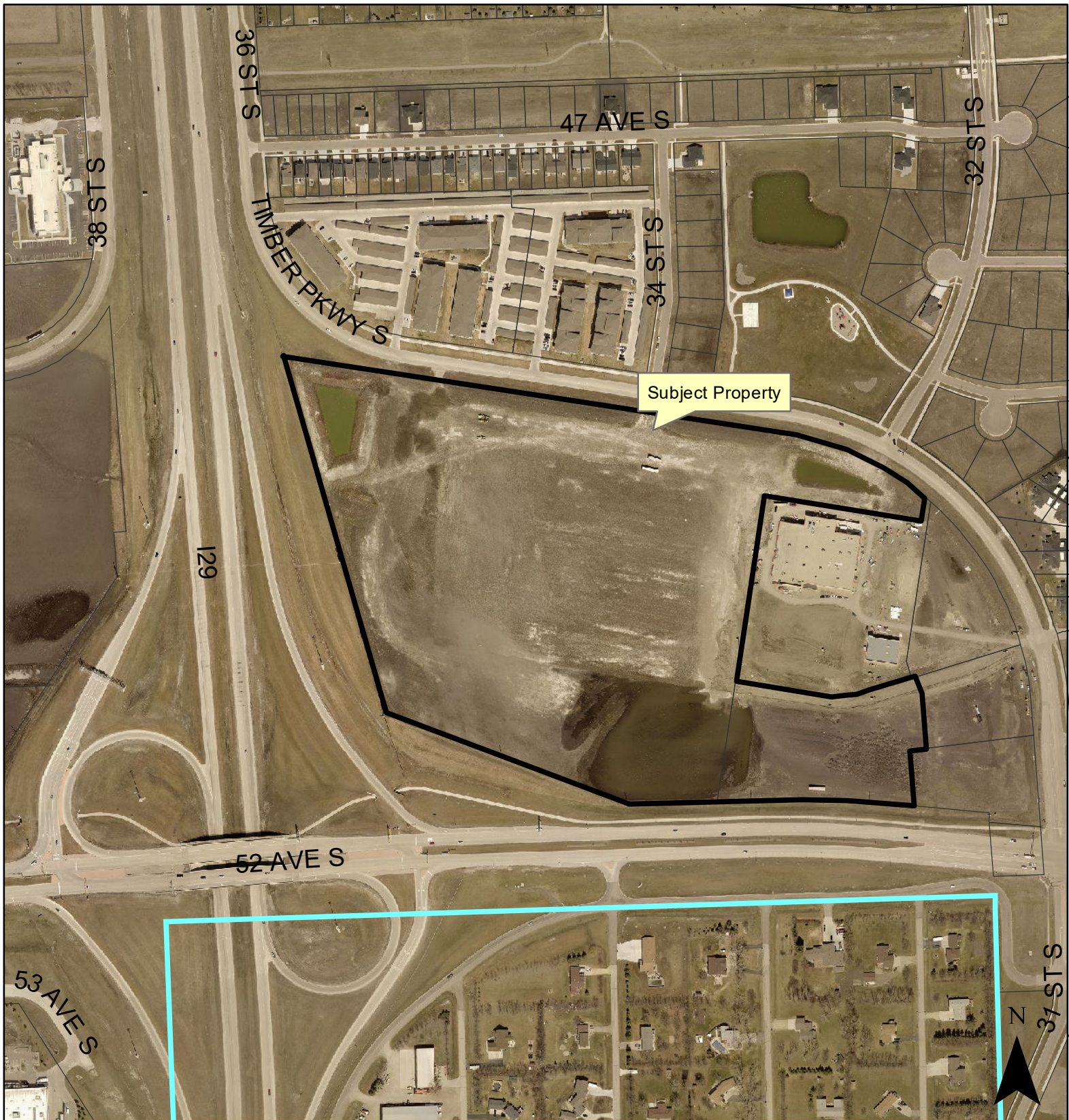
Attachments:

1. Zoning Map
2. Location Map
3. Materials submitted by Applicant

Zone Change (Repeal and Reestablish C-O)

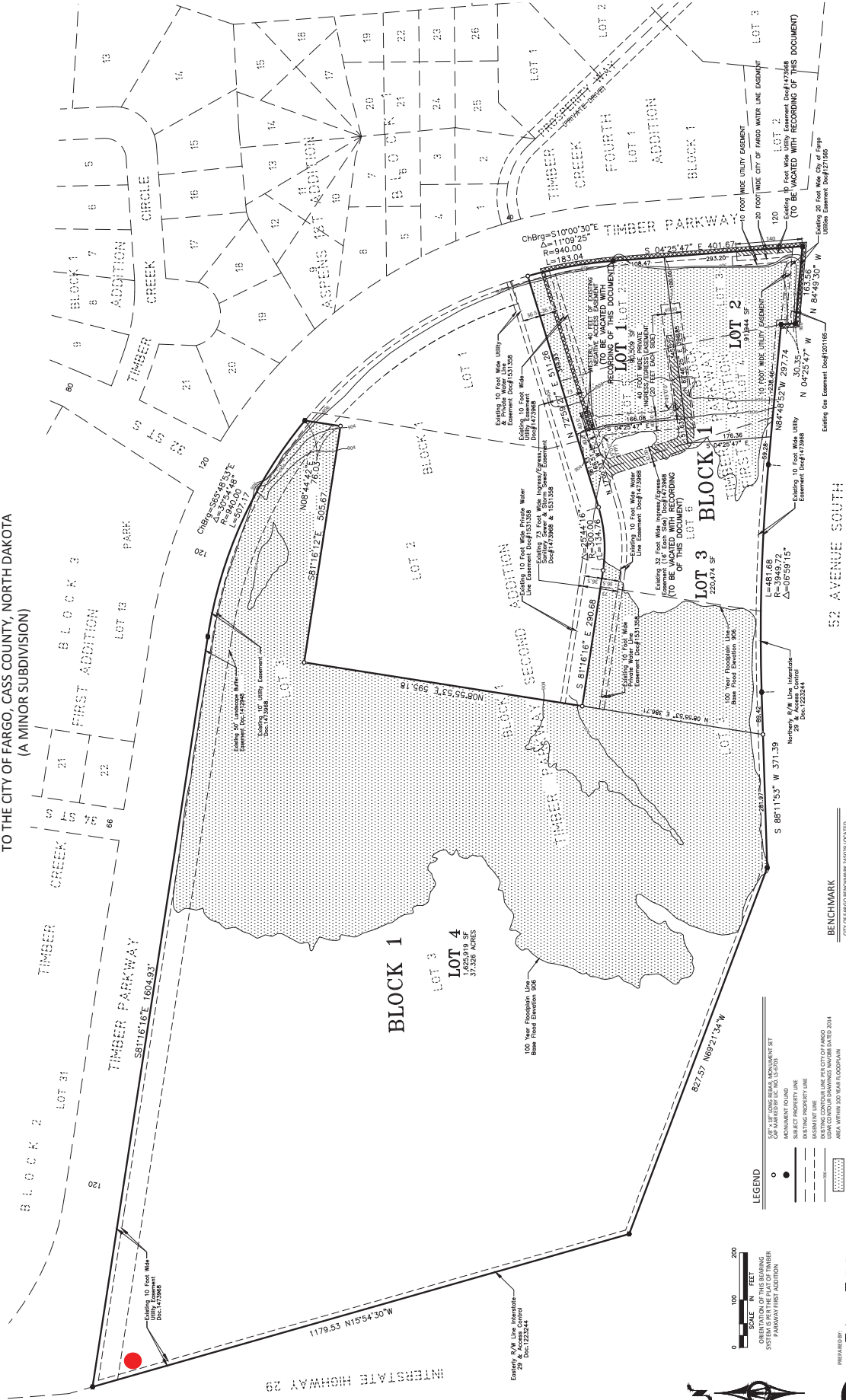
Timber Parkway 3rd Addition

5081 & 4801 Timber Parkway South



TIMBER PARKWAY THIRD ADDITION

A REPLAT OF PART OF LOT 3, BLOCK 1 OF TIMBER PARKWAY SECOND ADDITION AND LOTS 2, 3, 4, 5 & 6, BLOCK 1 OF TIMBER PARKWAY FIRST ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

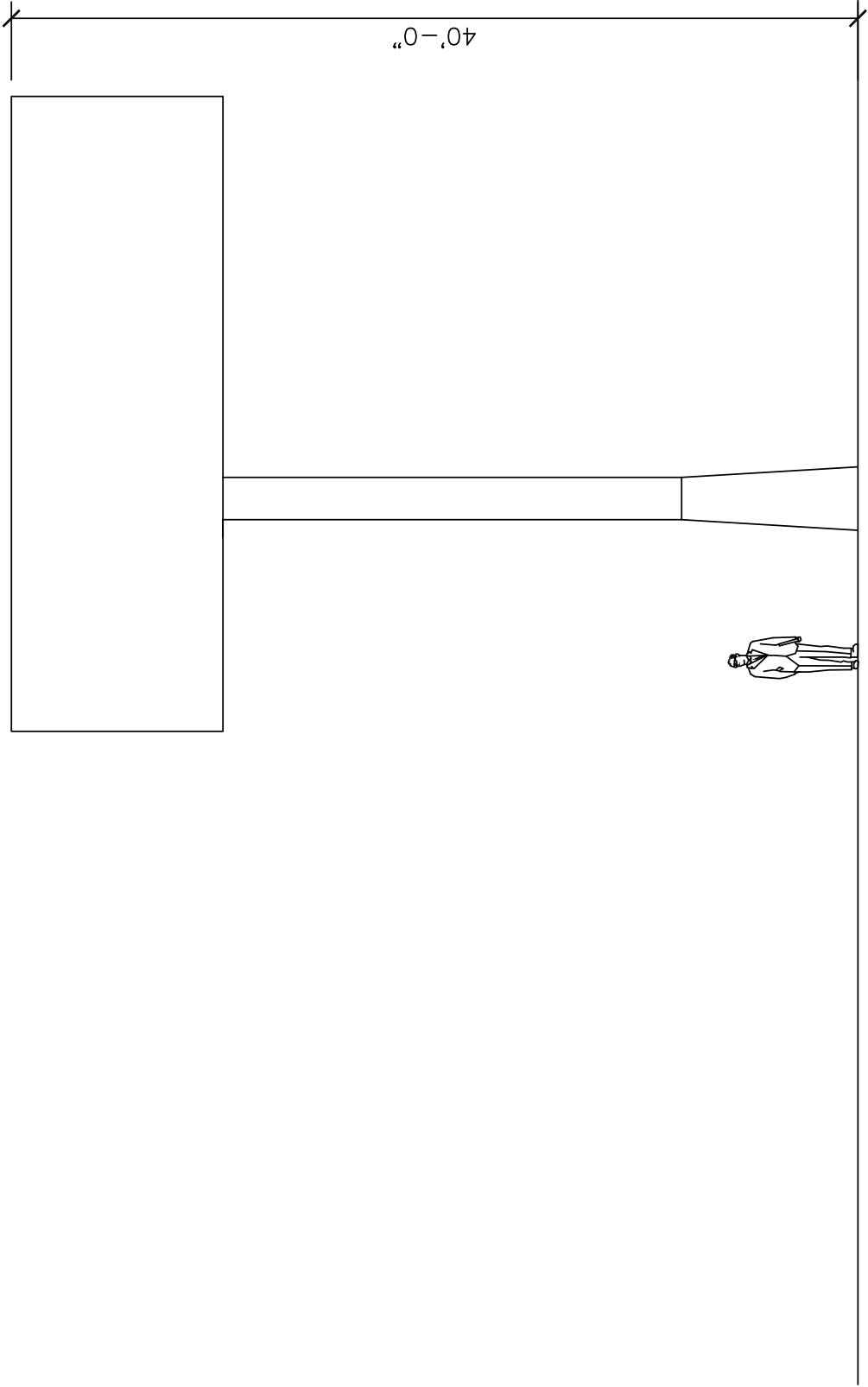


40' Height - Double Side Digital - 10' x 30'



I-29 Frontage Rd

29





City of Fargo Staff Report			
Title:	Huntington's Addition	Date: Updated:	4/29/2019
Location:	1406 7 th Street South	Staff Contact:	Aaron Nelson
Legal Description	Lot 24, Block 13, Huntington's Addition		
Owner(s)/Applicant:	Fargo Public School District/Obermiller Nelson Engineering	Engineer:	Obermiller Nelson Engineering
Entitlements Requested:	Zone Change (from SR-2, Single Dwelling Residential to P/I, Public & Institutional)		
Status:	Planning Commission Public Hearing: May 7, 2019		

Existing	Proposed
Land Use: School	Land Use: No change
Zoning: SR-2, Single Dwelling Residential	Zoning: P/I, Public/Institutional
Uses Allowed: detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: 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 5.7 dwelling units per acre	Maximum Density N/A

Proposal:

The applicant is seeking City approval of a zoning map amendment for the subject property from SR-2, Single Dwelling Residential, to P/I, Public & Institutional. The subject property is owned by the Fargo Public School District and is a portion of the Clara Barton Elementary School site. The subject property is currently within the SR-2 zoning district whereas the majority of the Clara Barton Elementary School site is within the P/I zoning district. While elementary schools are permitted by right in both of these zoning districts, the intent of this zoning map amendment is to establish a single zoning district (P/I) for the entire school site, for ease of zoning administration.

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: SR-2, Single-Dwelling Residential, with household uses
- East: P/I, Public & Institutional, with school uses
- South: P/I, Public & Institutional, with school uses
- West: SR-2, Single-Dwelling Residential, with household uses

Area Plans:
No area plans or growth plans apply
Context:
<p>Schools: The subject property is located within the Fargo School District and is served by Clara Barton/Hawthorne Elementary, Carl Ben Middle and South High schools.</p> <p>Neighborhood: The subject property is located within Clara Barton neighborhood.</p> <p>Parks: The subject property is located about 0.5 miles northwest of Lindenwood Park.</p> <p>Pedestrian / Bicycle: The subject property is located about 0.3 miles from a shared use path along the Red River, which is a component of the metro area bikeways system.</p>
Staff Analysis:
<p>Zoning</p> <p>Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:</p> <ol style="list-style-type: none"> <p>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?</p> <p>Staff is unaware of any zoning map error in regard to the subject property. The subject property was originally the site of a single-dwelling house. Since then, the property was acquired by the School District and the house was demolished in 1997. Staff finds that the requested zone change is justified by a change in conditions since the previous zoning classification was established. (Criteria Satisfied)</p> <p>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?</p> <p>City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. (Criteria satisfied)</p> <p>3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?</p> <p>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. As of the writing of this staff report, Planning staff has received two comments regarding this application. One commenter noted that they would like to see additional off-street parking at Clara Barton Elementary School, due to a perceived over-use of on-street parking. The other commenter noted that they would like to see the greenspace at the subject property remain as greenspace, in order to continue to provide a green buffer between the school parking lot and the adjacent houses on the block. Staff would note that the approval of a zoning map amendment does not involve the review or approval of specific construction plans or changes to the school property, and that the use of the property for a school is permitted by right in both the SR-2 and P/I zoning districts. 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)</p> <p>4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?</p> <p>The purpose of the LDC is 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. Staff finds</p>

that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed zone change from SR-2, Single Dwelling Residential, to P/I, Public / Institutional, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: May 7, 2019

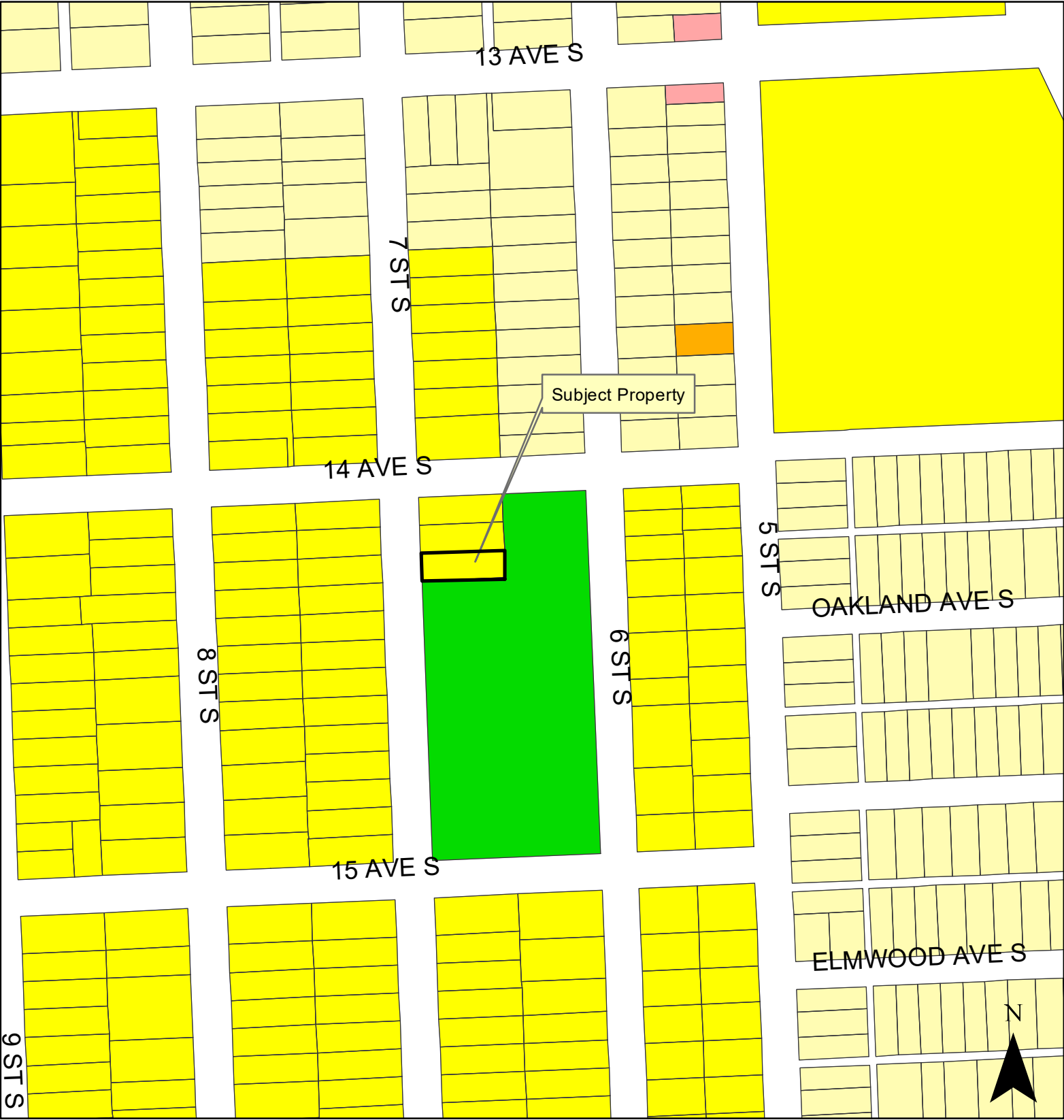
Attachments:

1. Zoning Map
2. Location Map

Zone Change (SR-2 to P/I)

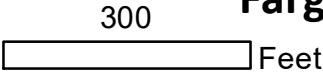
Huntington's Addition

1406 7th Street South



Legend

AG	LC	MHP	SR-2
DMU	LI	NMC	SR-3
GC	MR-1	NOC	SR-4
GO	MR-2	P/I	SR-5
	MR-3	UML	City Limits



Fargo Planning Commission
May 7, 2019

Zone Change (SR-2 to P/I)

Huntington's Addition

1406 7th Street South



**City of Fargo
Staff Report**

Title:	Fitzsimonds Addition	Date:	5/2/2019
Location:	3716, 3740, 3750, 3760, and 3780 51st Avenue South; 5120 and 5168 38th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 1 through 7, Block 1, Fitzsimonds Addition		
Owner(s)/Applicant:	Fred M. Hector Revocable Trust/Nate Vollmuth	Engineer:	None
Entitlements Requested:	Zoning Change (repeal and re-establish a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: May 7, 2019		

Existing	Proposed
Land Use: Undeveloped	Land Use: Proposed for commercial development
Zoning: GC, General Commercial with C-O, Conditional Overlay no. 4636	Zoning: GC, General Commercial with revised C-O, Conditional Overlay
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair , limited vehicle service, aviation , surface transportation , and major entertainment events; additionally, the CO prohibits industrial service, manufacturing and production, and warehouse and freight movement as conditionally permitted uses.	Uses Allowed: No change; the proposed modifications to the CO do not affect the uses allowed or prohibited.
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: 85%

Proposal:

The applicant is requesting a zoning amendment to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 through 7, Block 1, Fitzsimonds Addition. The subject properties are located at 3716, 3740, 3750, 3760, and 3780 51st Avenue South and 5120 and 5168 38th Street South and encompass approximately 11.71 acres. The current conditional overlay is Ordinance 4636, was adopted in 2007.

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:

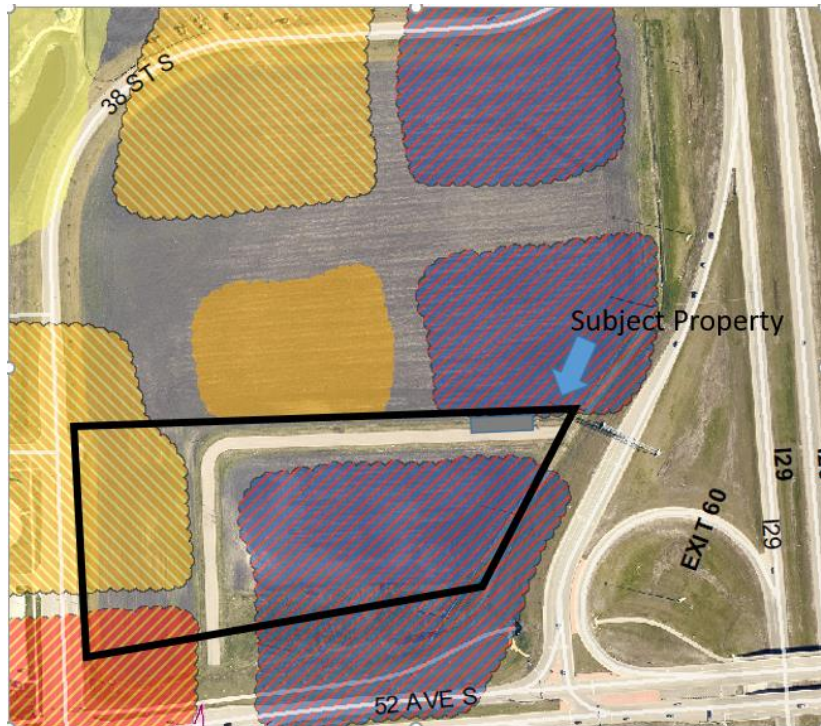
- North: GC, undeveloped (the remaining part of this parcel)
- East: North Dakota Department of Transportation right of way. No zoning designation. Interstate 29 highway use

- South: LC, Limited Commercial with a C-O, Conditional Overlay with three commercial establishments
- West: GC, with a C-O, with a credit union and a bank.

Area Plans:

The 2003 Southwest Future Land Use Plan designates the area of this project as “Either office or Commercial” land use. The existing GC, General Commercial zoning is consistent with this land use designation. No change to the GC zoning is proposed..

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



Schools and Parks:

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

Neighborhood: The subject property is located within the Woodhaven Neighborhood.

Parks: Cottagewood Park is located approximately 700 feet northwest of the project site and provides the amenities of playgrounds for ages 2-5 and 5-12 and a shelter.

Pedestrian / Bicycle: There are off-road bike facilities along 52nd Avenue South that are a component of the metro area bikeways system.

Staff Analysis:

PROJECT OBJECTIVE

The proposed modifications to the current C-O, Ordinance 4636, present the existing language and the language of the proposed amendment, with language to be added indicated by underline and language to be deleted indicated by ~~strike through~~. A staff recommendation follows each amendment.

(continued on next page)

Building Facades and Articulation (item 4)

EXISTING LANGUAGE: All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade, and extending at least 20 percent of the façade. No uninterrupted length of façade shall exceed 150 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch, or height.

PROPOSED AMENDMENT : All building facades greater than ~~150~~ 200 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade, and extending at least 20 percent of the façade. No uninterrupted length of façade shall exceed ~~150~~ 200 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch, or height.

STAFF RECOMMENDATION: Modify the proposed amendment. In the interest of keeping consistent with modifications to a similar conditional overlay (5084) that were granted for the Timber Parkway Addition of increasing the building length from 150 to 200 feet for which articulation is required, staff recommends the amendment to CO read as follows:

- i. All buildings shall have architectural interest and variety to avoid the effect of a single, long or massive wall; buildings shall include a variation in size and shape.*
- ii. All building elevations or facades facing or viewable from right-of-ways or parking lots that are greater than 200 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five feet, and the cumulative horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet. Attached or adjacent permanent wall projections that screen maintenance/loading/delivery/ dumpsters that exceed 9 feet in height shall count as projections and recesses.*
- iii. Ground floor facades that are within 200 feet of the right-of-way, measured from the exterior wall, shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 60% of its horizontal length.*
- iv. All building elevations or facades facing or viewable from the rights-of-way or parking lots shall be designed with a similar level of design detail, respective to building massing and building materials.*

(Timber Parkway Addition Ordinance 5130, approved in February, 2018.)

Rooftop Screening (item 6)

EXISTING LANGUAGE: Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets will not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.

PROPOSED AMENDMENT : Flat roofs and rooftop equipment, such as HVAC units, ~~shall be concealed from public view shall be screened to a minimum of half the height of the unit by parapets and/or screens, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.~~

STAFF RECOMMENDATION: Accept the proposed amendment. A similar reduction in the rooftop screening height was granted for developments in the BLU Water Creek 4th Addition, along 32nd Avenue

and 45th Street South. (Ordinance 5128, approved in January 2018 modified by Ordinance 5197, approved in March 2018.)

On-Premise Signs (item 10(m))

EXISTING LANGUAGE

- a. Every structure and complex should be designed with a precise concept for adequate signing, Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept.
- b. Signage size, color, and form should complement the architecture of the building and should not complete or become the focal point of the building form.
- c. Signage must not extend horizontally or vertically past the building.
- d. Signage text should be legible from arterial streets, use of recognizable imagery may can be substituted for legibility of text. Sign should not be larger than necessary to achieve this legibility from the street.
- e. Sign surface must be less than 10% of the building surface.
- f. Signs should be mounted horizontally about first floor doors and windows, on awnings, or adjacent building entrances if mounted on a wall.
- g. Corporate logos should be appropriately scaled.
- h. Separate pedestrian oriented signs should be provided when pedestrians cannot see the façade sign which is oriented to the street.
- i. Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking, and other special areas.
- j. Multi-tenant buildings or developments may have one monument or ground mounted sign per street frontage listing all of the tenants. Monument or ground mounted signs for individual businesses in multi-tenant buildings or developments are prohibited. Monument-type signs are the preferred alternative for business identification whenever possible.
- k. Signs should advertise a specific building or business, not products, trademarks, or special events.
- l. Window signs used for shop fronts or mixed use buildings are permitted provided that the aggregate total of all window signs for each business shall not exceed 25% of its respective window area.
- m. No on-premise sign shall exceed 45 feet in height.

PROPOSED LANGUAGE

- a. Every structure and complex should be designed with a precise concept for adequate signing, Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept.
- b. Signage size, color, and form should complement the architecture of the building and should not complete or become the focal point of the building form.
- c. Signage must not extend horizontally or vertically past the building.
- d. Signage text should be legible from arterial streets, use of recognizable imagery may can be substituted for legibility of text. Sign should not be larger than necessary to achieve this legibility from the street.
- e. Sign surface must be less than 10% of the building surface.
- f. Signs should be mounted horizontally about first floor doors and windows, on awnings, or adjacent building entrances if mounted on a wall.
- g. Corporate logos should be appropriately scaled.
- h. Separate pedestrian oriented signs should be provided when pedestrians cannot see the façade sign which is oriented to the street.
- i. Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking, and other special areas.

- j. Multi-tenant buildings or developments may have one monument or ground mounted sign per street frontage listing all of the tenants. Monument or ground mounted signs for individual businesses in multi-tenant buildings or developments are prohibited. Monument-type signs are the preferred alternative for business identification whenever possible.
- k. Signs should advertise a specific building or business, not products, trademarks, or special events.
- l. Window signs used for shop fronts or mixed use buildings are permitted provided that the aggregate total of all window signs for each business shall not exceed 25% of its respective window area.
- m. No on-premise sign shall exceed ~~45~~ 60 feet in height.

(These particular items were part of a concept of a “design district” at the intersection of 52nd Avenue south and Interstate 29, seeking to avoid the common highway interchange area look of ever-taller signs competing for the motorist’s attention.)

STAFF RECOMMENDATION: **Modify the proposed amendment.** In the interest of keeping consistent with modifications to a similar conditional overlay that were granted for the property south across 52nd Avenue South (The District of Fargo Third Addition), staff recommends revising section 10(m) to state
m. “One on-premise, static, multi-tenant sign, positioned to be visible from Interstate 29, may be up to 60 feet in height.”

The applicant has provided graphics of the proposed sign and its location (see attachment)

Landscaping (item 11)

EXISTING LANGUAGE: A minimum of 4.5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each lot shall consist of at least 15% of the lot.

PROPOSED AMENDMENT; A minimum of 4.5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each lot shall consist of at least ~~15%~~ 10% of the lot.

STAFF RECOMMENDATION: **Deny the proposed amendment.** Staff finds no similar modifications of other recent C-O’s or reason to support this modification.

SUMMARY OF PROPOSED AMENDMENTS:

Planning staff recommends accepting the proposed amendment to Item 6, Rooftop Screening, based on the fact that similar modifications to other conditional overlays have been made recently.

Planning staff recommends modifying the proposed amendment to Item 10(m), On-Premise Signs, and Item 4, Building Facades and Articulation, as stated in the “Staff Recommendation” for those amendments.

Planning staff recommends denying the proposed amendment to Item 11, Landscaping, for the reasons stated in the “Staff Recommendation” on that amendment.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The properties are currently zoned GC: General Commercial. The original conditional overlay was drafted when the development intended for this location was a big-box store. That project is no longer going forward, and the subject property has been platted and intended for seven smaller scale developments.

(Criteria Satisfied)

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject properties front on existing, developed public rights-of-way which provide access and public utilities to serve the development.

(Criteria satisfied)

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

While 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; staff is mindful that the surrounding property owners, including nearby residential property developers considered the existing zoning and design standards when purchasing and developing their land. In addition the existing standards are somewhat representative of the direction and vision adopted by previous commissions and can be seen as similar ordinance language on the other intersections of the interstate exchange. Each interchange intersection has been customized per design standards relative to the entire 52nd Ave corridor in addition to reflection of the abutting residential neighborhoods.

Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any comments. 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 project site is included within the 2007 Tier 1 Southwest Land Use Growth Plan. This plan designates the subject properties as "Commercial" land use. The existing zoning, C-O, and proposed development are consistent with that land use designation. 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."

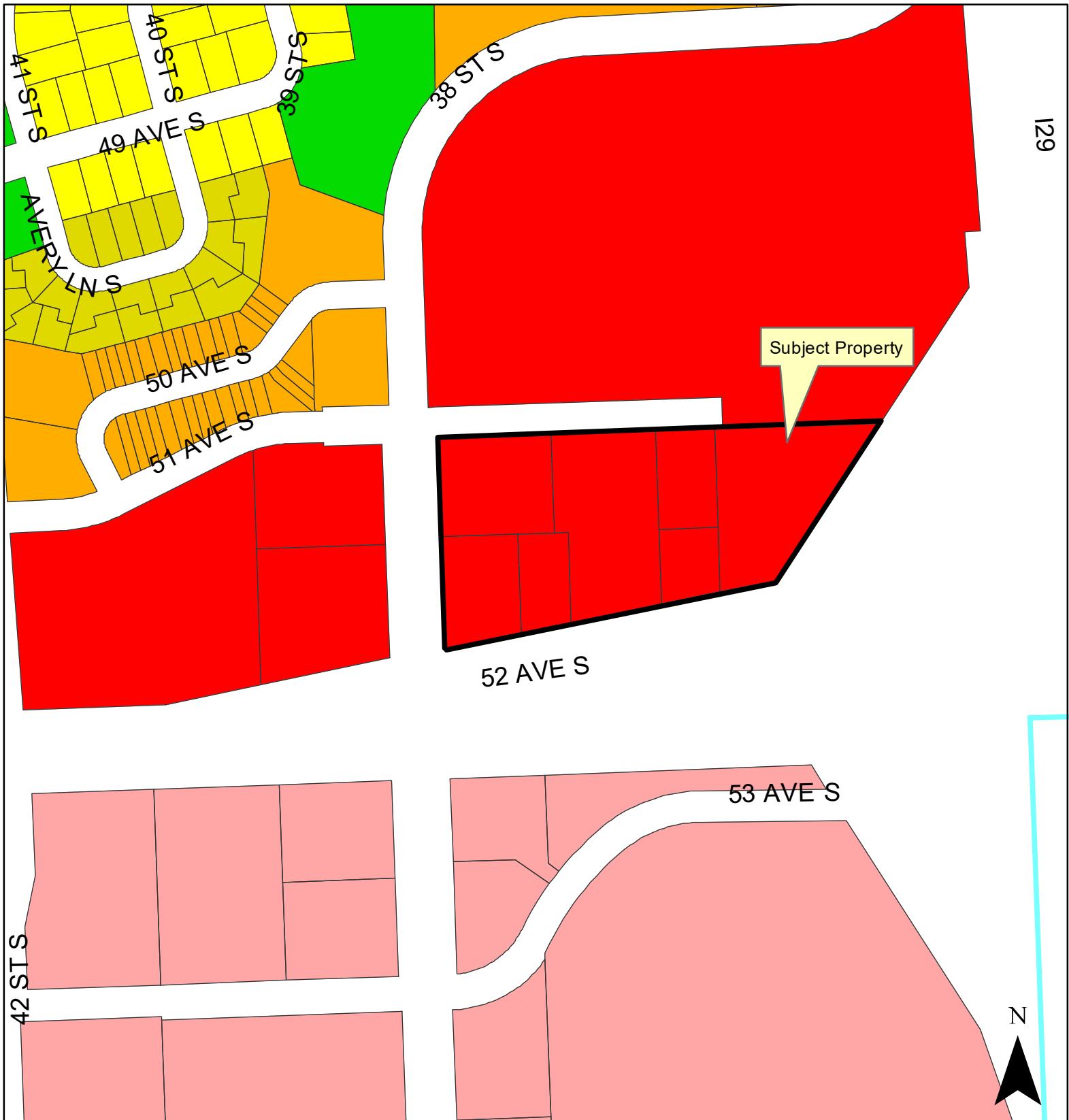
Though the applicant's request is to amend certain design standards, staff recommends that these amendments be kept to a minimum, as staff does not wish to lose sight of the direction of Fargo's comprehensive plan, Go2030. This plan sets "design standards" and "quality development" among its goals necessary "to create the Fargo desired by the community in 2030," and notes that "it is critical that every project be thought about over the course of its entire lifecycle," and not just be considered as what will sell in the short term. Quality development allows the larger community to get lasting value out of a project. Though Go2030 does not specify particular design standards, it makes clear that design standards back up quality development by not only improving the appearance of the city but also improving the health and safety of residents. **(Criteria satisfied only with "staff recommendation" for each amendment as noted above)**

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: zone change to repeal and re-establish a C-O, Conditional Overlay consistent with the "staff recommendations" for each amendment noted above, on Lots 1 through 7, Block 1, Fitzsimonds Addition, as presented; as the proposal complies with the LDC Sections 20-0906.F (1-4) and all other applicable requirements of the LDC."
Planning Commission Recommendation: May 7, 2019
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Sign graphics

Zone Change (Repeal and Re-establish C-O)

Fitzsimonds Addition

5120 & 5168 38th Street South &
3716, 3740, 3750, 3760 & 3780 51st Avenue South



Legend



300

Feet

Fargo Planning Commission

May 7, 2019

Zone Change (Repeal and Re-establish C-O)

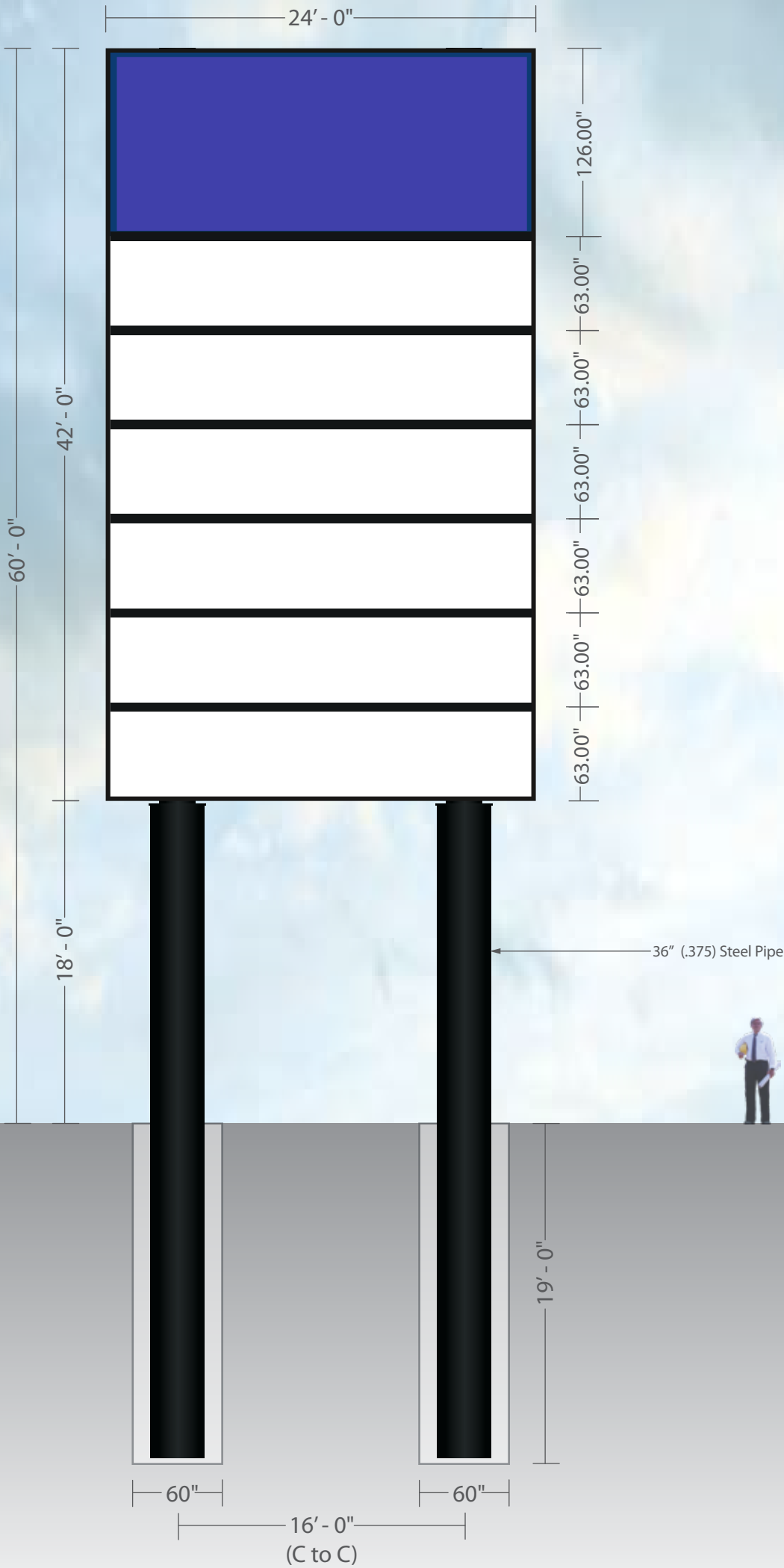
Fitzsimonds Addition

5120 & 5168 38th Street South &
3716, 3740, 3750, 3760 & 3780 51st Avenue South



Proposed location of sign (blue) on Fitzsimonds Addition property





PROPOSED 60-FOOT TALL MULTI-TENANT SIGN CONFIGURATION

INDIGO SIGNWORKS

fargo | alexandria | bismarck | grand forks | minot | st. cloud

The ideas and designs contained in this original and unpublished drawing are the property of Indigo Signworks, Inc. and may not be used or reproduced in whole or part without written permission from Indigo Signworks, Inc.

File location: G:\H\Hardy, Rob\Working Sketch Files\Fargo_Pylon_51318-1

Rob Hardy

Fargo, ND
Quote # 51318-1

Date: 04/12/2018
Revised Date: 07/12/2018 07/13/2018

Sales Representative:
Jill Gustofson

Drawn by: GAN

Page Scale: 1/8" = 1'-0"
Page Size: 11x17

X

View of proposed sign (blue) in relation to existing sign on the property on the south side of 52nd Avenue South (red)



Proposed location of the sign on the Fitzsimonds Addition property



City of Fargo Staff Report			
Title:	Selkirk Place First Addition	Date:	5/2/2019
Location:	2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the Northeast Quarter and the Northwest Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota, including Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11 and Lots 1, 2, 3, 17,18, and 19, South Haven Subdivision.		
Owner(s)/Applicant:	Earlyne Hector; City of Fargo; SE Cass Water Resources District/ R.Scott Carey	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (plat of a portion of the Northeast Quarter and the Northwest Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota, including Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11 and Lots 1, 2, 3, 17,18, and 19, South Haven Subdivision) Zone Change (from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential; SR-4, Single Dwelling Residential; GC, General Commercial; and P/I, Public and Institutional)		
Status:	Planning Commission Public Hearing: May 7, 2019		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential, commercial, public—fire station, detention basin, County drain and levee
Zoning: AG, Agricultural and GC, General Commercial	Zoning: SR-2, Single Dwelling Residential; SR-4, Single Dwelling Residential; GC, General Commercial; P/I, Public/Institutional
Uses Allowed: <u>AG – Agricultural.</u> Allows detached houses, parks and open space, safety services, basic utilities, and crop production <u>GC, General Commercial.</u> 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.	Uses Allowed: <u>GC, General Commercial</u> No change <u>SR-2, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities <u>SR-4, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities; <u>P/I – Public and Institutional.</u> 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 (Residential): AG allows a maximum of 1 dwelling unit per 10 acres. Maximum Lot Coverage: GC allows 85%	Maximum Density Allowed: SR-2 allows 5.4 dwelling units per acre; SR-4 allows 12.1 dwelling units per acre; Maximum Lot Coverage: GC allows 85%; P/I has no density standard or maximum lot coverage.

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Selkirk Place First Addition**, a plat of a portion of the Northeast Quarter and the Northwest Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota, including Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11 and Lots 1, 2, 3, 17, 18, and 19, South Haven Subdivision; and
2. A zone change from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential; SR-4, Single Dwelling Residential; GC, General Commercial; and P/I, Public and Institutional

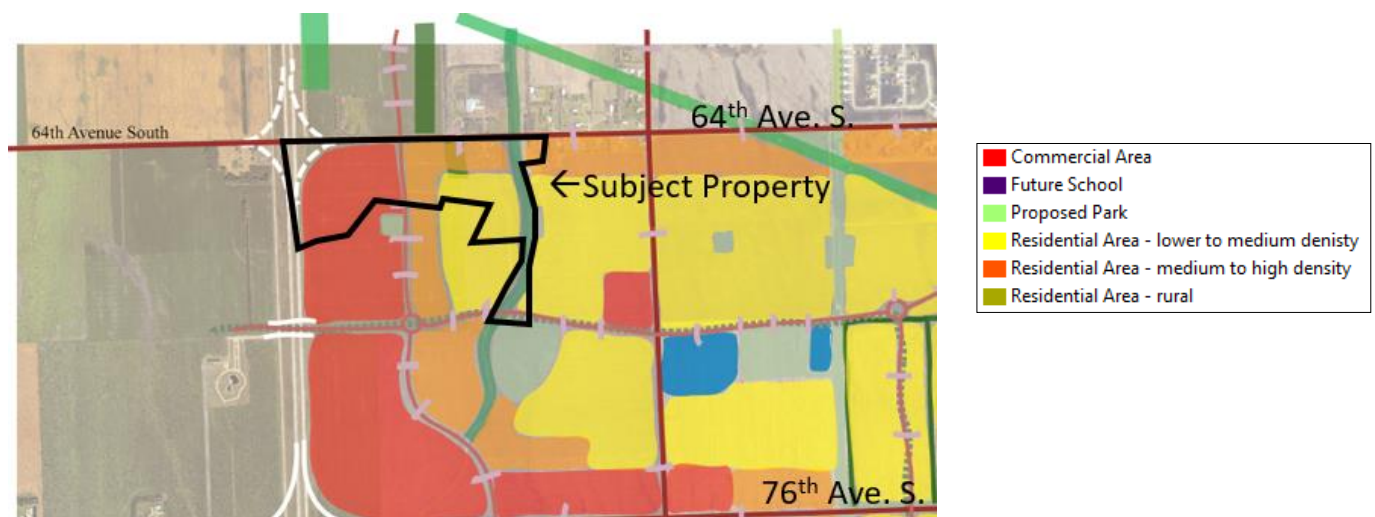
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: P/I, Public/Institutional--right of way for 64th Avenue South crossover, Drain 53: SR-4 and SR-2, Single-Dwelling Residential; AG with one residence
- East: County Drain 53; AG—undeveloped; SR-4--Golden Valley Addition
- South: AG, agricultural
- West: Not zoned--Interstate 29 right of way

Area Plans:

The 2007 Growth Plan, South Fargo Tier 1 East, designates the area of this project as "commercial," "residential area—lower to medium density," and "residential area—medium to high density" land uses. Per that plan, the proposed SR-2, SR-4 and GC zonings are consistent with these land use designations. The P/I zoning is appropriate for any government-owned drainage, levee, or other public facility.



Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to

the commercial. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity. The land use plan has not been officially adopted by the Planning Commission (This land use plan is Figure 5.1 of the SWMTP)

Context:

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

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

Parks: Golden Valley Park (6977 Golden Valley Parkway) is adjacent to the southeast portion of this development. This park provides courts for basketball, playgrounds for ages 2-5 and 5-12, and a shelter.

Pedestrian / Bicycle: There are no off-road bike facilities along 64th Avenue South or Interstate 29. An off-road bike facility is intended along Drain 53.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create a total of 52 lots for residential, commercial, and public use development. Lots will be zoned as shown in the chart below.

BLOCK	LOTS	ZONING	LAND USE
1	1-10	SR-2	Single-Dwelling Residential
1	11-16	P/I	Public/Institutional
2	1-8	SR-2	Single-Dwelling Residential
2	9-11	SR-4	Single-Dwelling Residential—may be future townhomes
3	1-14	SR-2	Single-Dwelling Residential
4	1-2	SR-2	Single-Dwelling Residential
5	1-4	SR-2	Single-Dwelling Residential
5	5	SR-4	Single-Dwelling Residential—may be future townhomes
6	1 and 3	P/I	Public/Institutional
6	2	GC	Commercial

ZONING—RESIDENTIAL AND COMMERCIAL LOTS: The SR-2 zoned lots range in size from 13,471 square feet to 30,235 square feet. The developer intends these for detached single dwelling residences. All SR-2 zoned lots meet the minimum required lot area of the SR-2 zone of 8,000 square feet.

The SR-4 zoned single-dwelling lots range in size from 20,295 square feet to 31,718 square feet. The developer may, in the future, replat these lots into townhomes or twinhomes. All SR-4 zoned lots meet the minimum required lot area of the SR-4 zone of 3,600 square feet. As the developer intends to replat these into smaller lots, it is the developer's responsibility to provide for additional water and sewer connections in the adjacent streets, as future townhome lots would each require their own direct water and sewer connections to the mains in the streets. Normally, only one water and sewer connection would be provided per lot. The developer shall refer to this requirement for additional water and sewer connections in the amenities plan; the City may also require an additional agreement.

All the lots in Block 2 are double-fronting. The owners of the lots that have frontage on 31st Street South will be responsible for snow removal on the public sidewalk and mowing of the boulevard along 31st Street, and this is specified in the amenities plan. The City is responsible for snow removal along 64th Avenue South, an arterial street, but the individual property owners are responsible for mowing the boulevard.

The GC zoned lot is intended for commercial development. There is no minimum required lot area in the GC zone.

ZONING AND OWNERSHIP—P/I LOTS: The P/I zoned lots are intended for individual purposes, as noted in the chart below

BLOCK	LOT	INTENDED OWNERSHIP	USE
1	11	City of Fargo	Detention basin
1	12	City of Fargo	Levee and 64 th Avenue Pedestrian underpass
1	13	SE Cass Water Resources District (WRD)	Drain 53
1	14	City of Fargo	Levee
1	15	City of Fargo	Probably convey to Fargo Park District
1	16	SE Cass WRD and City of Fargo	Drain 53 setback and Levee
6	1	City of Fargo	Fire station
6	3	City of Fargo	Right of way for crossover

OUTLOT “A”: Staff has advised the developer to renumber “Outlot “A” as a lot in Block 1. It will be zoned SR-2, with the intent that this 2.11 acre lot will be further subdivided into smaller SR-2 lots in the future.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat.

LAND SWAP: The City of Fargo is currently finalizing with the developer a land swap of City-owned property currently described as part of Auditor’s Lot 1 on the east side of the project site for future Lot 1, Block 6 for a fire station. The agreement for this land swap is intended to be completed prior to the plat going to City Commission for final approval.

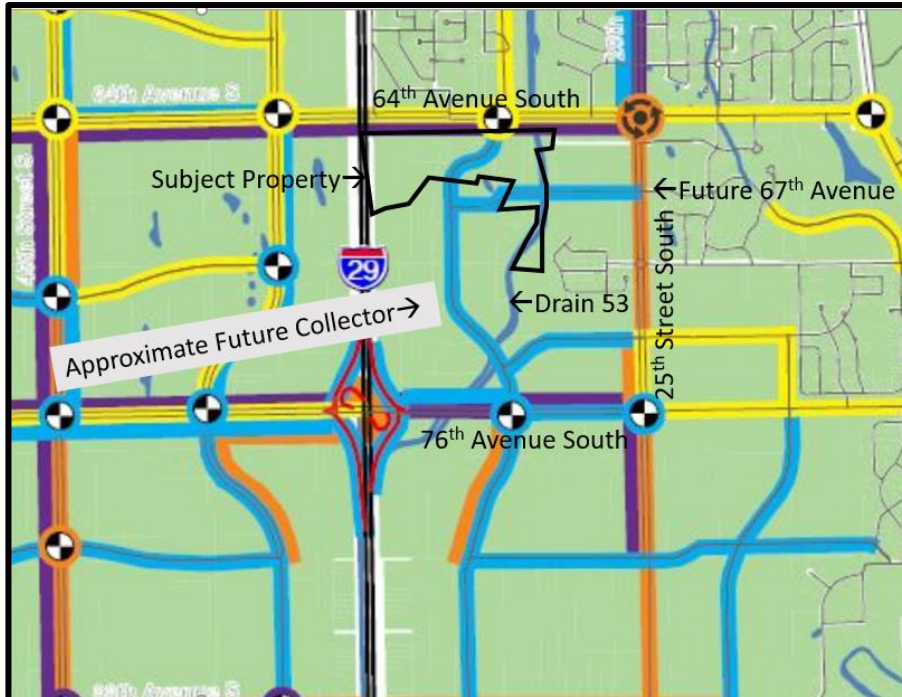
PEDESTRIAN CROSSOVER: The City of Fargo has acquired additional right of way for 64th Avenue South to provide room for a pedestrian tunnel under 64th on the easterly side of the property. This area is included in Block 1, Lot 12.

LANDSCAPE EASEMENTS: The landscape and sign easements noted on the plat along 64th Avenue South will be maintained by a homeowners association.

STREET CONNECTIVITY: The street connectivity in this area is based on the Southwest Metro Transportation Plan, adopted in 2016. The graphic below, an excerpt from that plan, shows the subject property and planned major streets. The current plat dedicates right of way for part of future 67th Avenue South, which will connect across Drain 53 when the property on the east side of that drain is platted. The route of the “approximate future collector” illustrated on the plan has, in fact, moved to the west, and is accounted for on the plat by the land dedicated for 33rd Street South.

(continued on next page)

EXCERPT FROM SOUTHWEST METRO TRANSPORTATION PLAN



CONCURRENT ANNEXATION

This property is outside of the Fargo city limits. The applicant has requested annexation through an owner-initiated petition. The proposed annexation area is depicted on the 2007 Tier 1 Southeast Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo. Note that the annexation area is larger than the area being platted at this time; the additional area is depicted on the applicant’s conceptual master plan (see item below). The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan in item E(1) of the May 6, 2018 Planning Commission agenda. A hearing is intended to be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing.

CONCEPTUAL MASTER PLAN: The applicant has provided a conceptual master plan (copy attached) for a larger area than is being platted at this time. The master plan illustrates future development, lots, and parks with street connectivity as indicated in the Southwest Metro Transportation Plan.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural and GC, General Commercial. The proposed zoning of SR-2, SR-4 and GC is consistent with the land use designations of this the area as “commercial,” “residential area—lower to medium density,” and “residential area—medium to high density” land uses. The P/I zoning is appropriate for any government-owned drainage, levee, or other public facility. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(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 comments or inquiries about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Tier 1 Southeast Growth Plan, part of the 2007 Growth Plan. The property is currently zoned AG, Agricultural and GC, General Commercial. The proposed zoning of SR-2, SR-4 and GC is consistent with the land use designations of this the area as "commercial," "residential area—lower to medium density," and "residential area—medium to high density" land uses. The P/I zoning is appropriate for any government-owned drainage, levee, or other public facility. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

1. Section 20-0907(C)(1)(Development Review Procedures—Subdivisions—Major Subdivisions) 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 proposed zoning designations for the development on this property are SR-2, SR-4, GC, and P/I. These zones will accommodate the proposed single-family development, commercial development, and government-owned drain, stormwater, fire station, and right of way facilities, and are consistent with the "commercial," "residential area—lower to medium density," and "residential area—medium to high density" designations for this property in the 2007 Tier 1 Southeast Growth Plan. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. 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 about the project. **(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 proposed zoning designations for the development on this property of SR-2, SR-4, GC, and P/I are consistent with the “commercial,” “residential area—lower to medium density,” and “residential area—medium to high density” designations for this property in the 2007 Tier 1 Southeast Growth Plan. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

3. 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.

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. The City’s standard policy is 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. It is staff’s understanding that the developer’s engineer will undertake the design of the infrastructure.

(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) from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential, SR-4, Single Dwelling Residential, GC, General Commercial, and P/I, Public and Institutional; and 2) **Selkirk Place First Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: May 7, 2019

Attachments:

1. Location Map
2. Preliminary Plat
3. Conceptual Master Plan

SELKIRK PLACE FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE NORTH HALF OF SECTION 11, T138N, R49W
(A MAJOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Earlyene L. Hector, an individual AND The City of Fargo, a North Dakota Municipal Corporation AND Southeast Cass Water Resource District as owners of a parcel of land located in that part of the Northwest Quarter and Northeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, including Auditors Lot 1 and Auditors Lot 2 of said Northeast Quarter, being more particularly described as follows:

Commencing at the northwest corner of said Section 11; thence North 89 degrees 03 minutes 24 seconds East, assumed bearing, along the north line of said Northwest Quarter, 445.73 feet to the easterly right of way line of Interstate Highway 29 and the point of beginning of the land to be described; thence continuing North 89 degrees 03 minutes 24 seconds East, along said north line, 2147.34 feet to the northwest corner of said Northeast Quarter; thence North 89 degrees 11 minutes 11 seconds East, along the north line of said Northeast Quarter, 671.49 feet to the northeast corner of said Auditors Lot 2 and the northwest corner of SOUTH HAVEN SUBVISION, according to the plat thereof, on file and of record in the Office of the County Recorder, Cass County, North Dakota; thence South 02 degrees 16 minutes 07 seconds East, along the east line of said Auditors Lot 2 and the west line of said SOUTH HAVEN SUBDIVISION, 40.01 feet to the northwest corner of Lot 1, said SOUTH HAVEN SUBDIVISION; thence North 89 degrees 11 minutes 11 seconds East, along the north lines of Lots 1, 2 and 3 of said SOUTH HAVEN SUBDIVISION, 387.25 feet to the northeast corner of said Lot 3; thence South 02 degrees 16 minutes 06 seconds East, along the east line of Lot 3 and Lot 19 said SOUTH HAVEN SUBDIVISION, 449.98 feet to the southeast corner of said Lot 19 and the northeast corner of Block 2, GOLDEN VALLEY ADDITION, according to the plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota; thence South 89 degrees 11 minutes 07 seconds West, along the south line of said SOUTH HAVEN SUBDIVISION and the north line of said Block 2, a distance of 215.49 feet to the northwest corner of said Block 2; thence South 12 degrees 40 minutes 41 seconds East, along the west line of said Block 2, a distance of 371.70 feet; thence southeasterly, continuing along said west line and along a tangential curve concave to the west having a radius of 622.96 feet and a central angle of 10 degrees 30 minutes 00 seconds 114.16 feet; thence South 02 degrees 10 minutes 41 seconds East, continuing along said west line, tangent to said curve 858.50 feet; thence southwesterly continuing along said west line and along a tangential concave to the northwest having a radius of 431.97 feet and a central angle of 44 degrees 30 minutes 00 seconds 335.50 feet; thence South 42 degrees 19 minutes 19 seconds West, continuing along said west line, tangent to said curve 178.50 feet to a corner of said Block 2, thence South 02 degrees 16 minutes 07 seconds East, continuing along the west line of said Block 2, a distance of 390.43 feet to the south line of said Northeast Quarter, thence South 89 degrees 05 minutes 55 seconds West, along said south line, 657.17 feet to a line drawn parallel with and 185.00 feet northwesterly of, as measured at a right angle to the westerly right of way line of said Cass County Drain No. 53; thence northeasterly along said parallel line and along a non-tangential curve concave to the southeast, having a radius 807.96 feet and a central angle of 25 degrees 44 minutes 54 seconds a distance of 363.09 feet, the chord of said curve bears North 29 degrees 26 minutes 52 seconds East and has a chord length of 360.04 feet; thence North 42 degrees 19 minutes 19 seconds East, continuing along said parallel line and tangent to said curve, 552.90 feet; thence northerly continuing along said parallel line and along a tangential curve having a radius of 146.97 feet and a central angle of 44 degrees 30 minutes 00 seconds 114.15 feet; thence North 02 degrees 10 minutes 41 seconds West, continuing along said parallel line and tangent to said curve, 433.29 feet; thence South 87 degrees 59 minutes 22 seconds West 841.07 feet; thence North 06 degrees 43 minutes 24 seconds East 80.94 feet; thence northeasterly along a nontangential curve concave to the east having a radius of 770.00 feet and a central angle of 21 degrees 12 minutes 15 seconds 284.96 feet, the chord of said curve bears North 17 degrees 46 minutes 25 seconds East and has a length of 283.34 feet; thence North 28 degrees 22 minutes 32 seconds East, tangent to said curve, 188.85 feet; thence North 76 degrees 15 minutes 56 seconds West 193.56 feet; thence South 24 degrees 11 minutes 37 seconds West 21.25 feet; thence North 84 degrees 56 minutes 48 seconds West 253.69 feet; thence South 13 degrees 23 minutes 37 seconds West, 22.11 feet; thence South 23 degrees 09 minutes 58 seconds West 78.06 feet; thence North 71 degrees 17 minutes 02 seconds West 198.64 feet; thence North 59 degrees 12 minutes 05 seconds West 364.74 feet; thence southwesterly along a nontangential curve concave to the north having a central angle of 13 degrees 40 minutes 04 seconds a distance of 85.88 feet, the chord of said curve bears South 72 degrees 57 minutes 42 seconds West and has a length of 85.67 feet; thence southwesterly along a reverse curve concave to the south having a radius of 520.00 feet and a central angle of 51 degrees 42 minutes 59 seconds a distance of 469.36 feet; thence South 28 degrees 04 minutes 45 seconds West, tangent to said curve, 185.60 feet; thence North 59 degrees 12 minutes 05 seconds West 80.09 feet; thence North 62 degrees 46 minutes 07 seconds West 350.04 feet; thence South 28 degrees 04 minutes 45 seconds West 498.34 feet to the easterly right of way line of Interstate Highway 29; thence North 01 degree 54 minutes 38 seconds West, along said right of way line, 1355.85 feet to the point of beginning.

Containing 87.820 acres, more or less.

Said owners have caused the above described parcel of land to be surveyed and platted as "SELKIRK PLACE FIRST ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the streets, avenues and utility easements as shown on this plat and do hereby dedicate to Lots 1 through 11, Block 2, a 40 foot wide landscape easement as shown on this plat for the purposes so stated and do hereby dedicate to Lots 11 and 12, Block 1, Lots 1 and 9, Block 2 and Lot 1, Block 6, a Landscape and sign easement as shown on this plat for the purposes so stated.

OWNER: Earlyene L. Hector

By: Earlyene L. Hector, an individual

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2019 before me personally appeared Earlyene L. Hector, an individual, 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 a free act and deed.

Notary Public

OWNER: LOTS 12, 14, 15 and 16, BLOCK 1, Lot 1 and 3, BLOCK 6
City of Fargo

By: Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

County of Cass }
State of North Dakota }SS

On this ____ day of _____, in the year 2019 before me 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

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2019.

Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2019 before me 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.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Gregg Stroeing, 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.

Gregg Stroeing, Professional Land Surveyor
North Dakota License Number LS-6703

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2019 before me personally appeared Gregg Stroeing, 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

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this ____ day of _____, 2019.

Shara Fischer, Planning Commission Chair

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2019 before me personally appeared Shara Fischer, 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 she 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 _____, 2019.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

County of Cass }
State of North Dakota }SS

On this ____ day of _____, in the year 2019 before me 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

LEGEND

○ 5/8" x 18" LONG REBAR, MONUMENT SET
CAP MARKED BY U.C. NO. 15-6703

● MONUMENT FOUND

— SUBJECT PROPERTY LINE

- - - EXISTING PROPERTY LINE

- - - EASEMENT LINE

90° EXISTING CONTOUR LINE PER CITY OF FARGO
LIDAR CONTOUR DRAWINGS NAVD83 DATED 2014

AREA NOT WITHIN 100 YEAR FLOODPLAIN

NEGATIVE ACCESS EASEMENT

"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 conforming with the boundary of the adjacent Lot or Lots."

0 200 400
SCALE IN FEET
ORIENTATION OF THIS BEARING
SYSTEM IS BASED ON THE CITY OF
FARGO GROUND CONTROL SYSTEM
THE NORTH LINE OF THE NORTHWEST
QUARTER OF SECTION 11
IS ASSUMED TO BEAR
NORTH 89°03'24" EAST

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
1	39.30	397.96	05°39'31"	39.29	S39°29'34"W
2	55.32	400.00	07°55'24"	55.27	N24°24'50"E
3	92.10	300.00	17°35'25"		
4	85.88	360.00	13°40'04"	85.67	S72°57'42"W

PRELIMINARY

BENCHMARK

CITY OF FARGO BENCHMARK 306001, THE NORTHEAST
FLANGE BOLT OF FIRE HYDRANT LOCATED AT THE
INTERSECTION OF BISHOPS BOULEVARD/21ST STREET
SOUTH AND 58TH AVENUE SOUTH
ELEVATION=906.69 NAVD88

PREPARED BY:

BOLTON & MENK

APRIL 15, 2019

SHEET 2 OF 3

JSZ 4/15/19 D15.115894 V PROP N1-PLAT.dwg

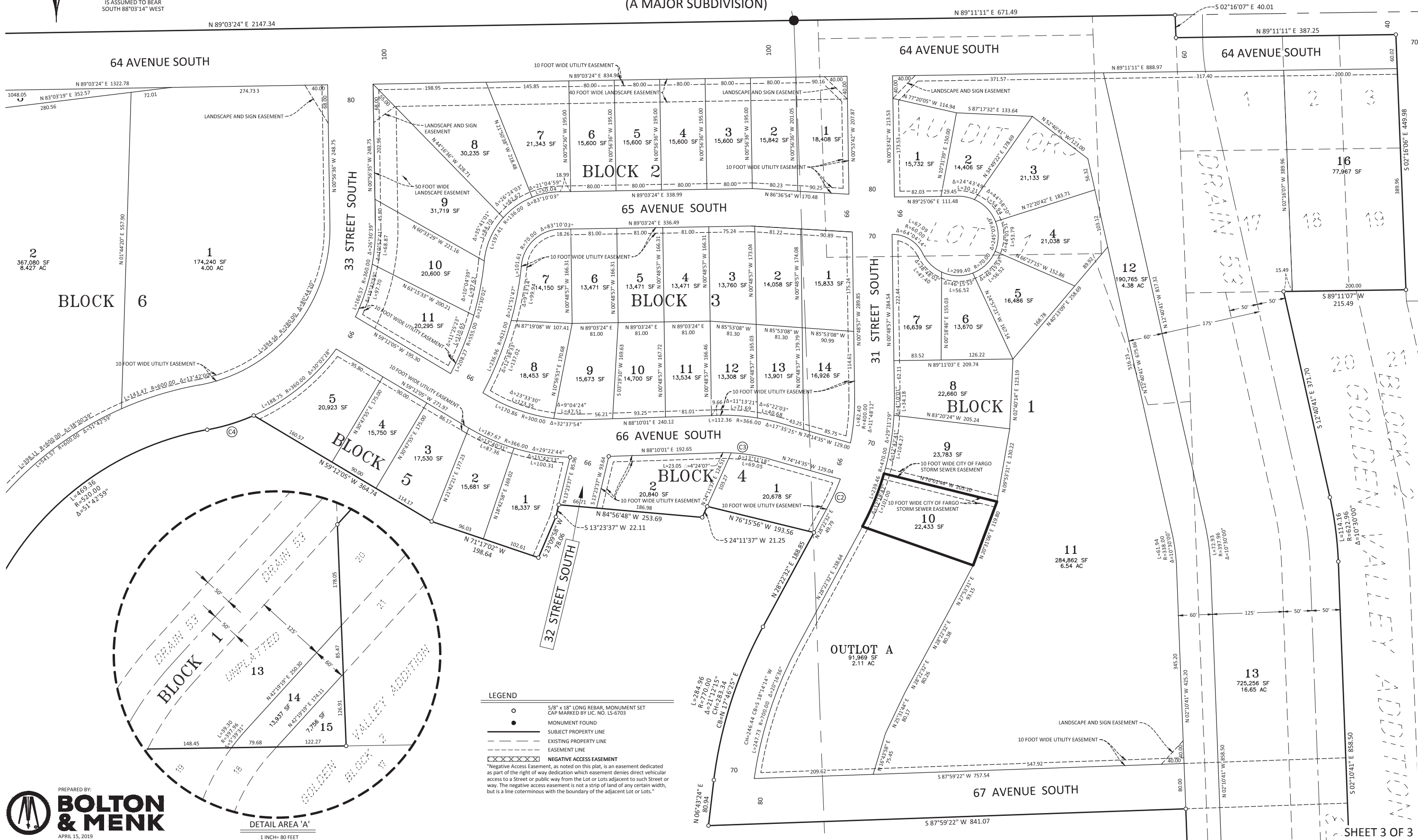


0 60 120
SCALE IN FEET
ORIENTATION OF THIS BEARING
SYSTEM IS BASED ON THE CITY OF
FARGO GROUND CONTROL SYSTEM
THE SOUTH LINE OF BLOCK 1,
TIMBER CREEK THIRD ADDITION
IS ASSUMED TO BEAR
SOUTH 88°03'14" WEST

SELKIRK PLACE FIRST ADDITION

PRELIMINARY

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE NORTH HALF OF SECTION 11, T138N, R49W
(A MAJOR SUBDIVISION)





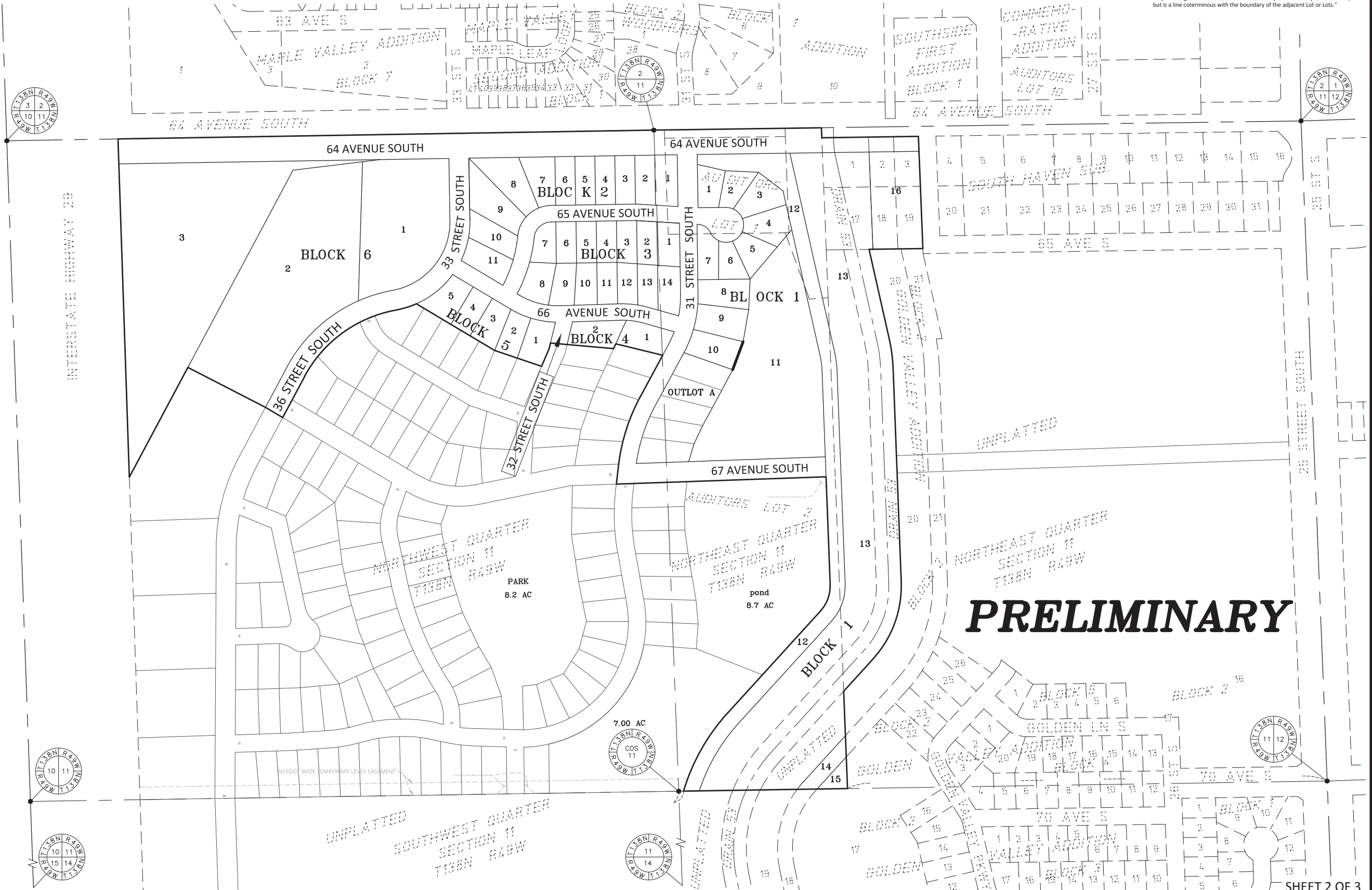
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ORIENTATION OF THIS BEARING
SYSTEM IS BASED ON THE CITY OF
FARGO GROUND CONTROL SYSTEM
THE NORTH LINE OF THE NORTHWEST
QUARTER OF SECTION 11
IS ASSUMED TO BEAR
NORTH 89°03'24" EAST

SELKIRK PLACE FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE NORTH HALF OF SECTION 11, T138N, R49W
(A MAJOR SUBDIVISION)

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
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3	92.10	300.00	17°35'25"		
4	85.88	360.00	13°40'04"	85.67	S72°57'42"W

LEGEND	
	5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC. NO. 15-6703
	MONUMENT FOUND
	SUBJECT PROPERTY LINE
	EXISTING PROPERTY LINE
	EASEMENT LINE
	EXISTING CONTOUR LINE PER CITY OF FARGO LIDAR CONTOUR DRAWINGS NAVD88 DATED 2014
	AREA NOT WITHIN 100 YEAR FLOODPLAIN
	NEGATIVE ACCESS EASEMENT
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.	



BENCHMARK

CITY OF FARGO BENCHMARK 306001, THE NORTHEAST
FLANGE BOLT OF FIRE HYDRANT LOCATED AT THE
INTERSECTION OF BISHOPS BOULEVARD/21ST STREET
SOUTH AND 58TH AVENUE SOUTH
ELEVATION=906.69 NAVD88



**City of Fargo
Staff Report**

Title:	Annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.	Date:	5/2/2019
Location:	South of 64 th Avenue South; east of Interstate 29; generally west of Cass County Drain 53	Staff Contact:	Donald Kress, Planning Coordinator
Legal Description:	Annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.		
Owner(s)/Applicant:	Earlyne Hector; City of Fargo; SE Cass Water Resources District/ R.Scott Carey	Engineer:	Bolton & Menk
Entitlements Requested:	Planning Commission review of consistency with 2007 Growth Plan		
Status:	Planning Commission review May 7, 2018		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Residential, commercial, public—fire station, detention basin, County drain and levee	
Zoning: AG, Agricultural and GC, General Commercial		Zoning: SR-2, Single Dwelling Residential; SR-4, Single Dwelling Residential; GC, General Commercial; P/I, Public/Institutional	
Uses Allowed: <u>AG – Agricultural.</u> Allows detached houses, parks and open space, safety services, basic utilities, and crop production <u>GC, General Commercial.</u> 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.		Uses Allowed: <u>GC, General Commercial</u> no change <u>SR-2, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities <u>SR-4, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities; <u>P/I – Public and Institutional.</u> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions,	

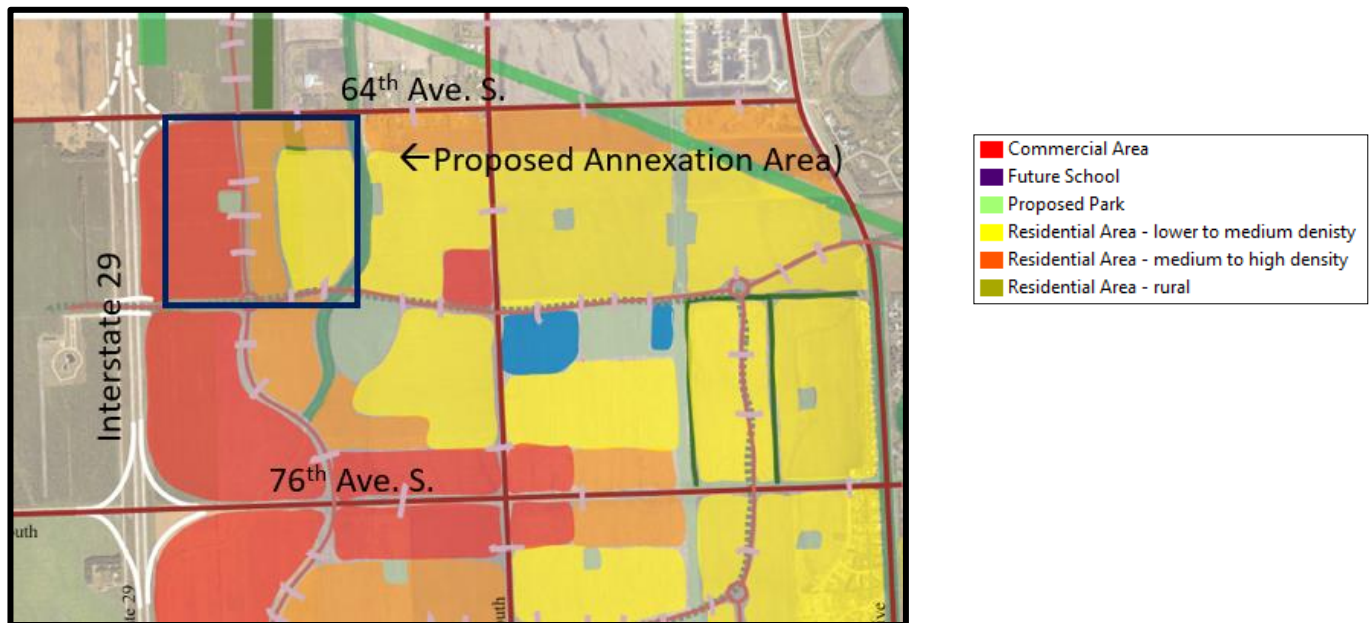
	safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres. Maximum Lot Coverage: GC allows 85%	Maximum Density Allowed: SR-2 allows 5.4 dwelling units per acre; SR-4 allows 12.1 dwelling units per acre; Maximum Lot Coverage: GC allows 85%; P/I has no density standard or maximum lot coverage.

Proposal:

The applicant has petitioned the City to annex approximately 171.22 acres of land that is currently within the city's four-mile extra-territorial jurisdiction. Note that this is an owner-initiated, **not** a city-initiated, annexation. This area is undeveloped. A map of the proposed annexation area is attached.

Area Plans:

The 2007 Growth Plan, South Fargo Tier 1 East, designates the area of this project as "commercial," "residential area—lower to medium density," and "residential area—medium to high density" land uses. Per that plan, the proposed SR-2, SR-4 and GC zonings are consistent with these land use designations. The P/I zoning is appropriate for any government-owned drainage, levee, or other public facility.



Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity. The land use plan has not been officially adopted by the Planning Commission (This land use plan is Figure 5.1 of the SWMTP)

Staff Analysis:

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff").

CONCURRENT PLATTING

The annexed area is intended to be developed with residential and commercial development. The first portion to be platted—the Selkirk Place First Addition plat and zone change—appear as items 5a and 5b on the May 6, 2018 Planning Commission agenda. The area of this plat is less than the total area of the annexation. Future phases of platting for this annexed area are intended for the future (see “Conceptual Master Plan” below).

OWNERSHIP

Over three-fourths of the property in the annexation area is owned by Earlyne Hector, with some areas owned by the City of Fargo and the Southeast Cass Water Resources District. These two government entities have agreed to annexation, as the platting that will be done concurrent with this annexation will benefit both entities by platting the area adjacent to County Drain 53.

PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 Tier 1 Southeast Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo.

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that “Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]” and that “Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development.” (page 55, 2007 Growth Plan). The proposed development is adjacent existing residential development to the east and across 64th Avenue South from existing residential and limited commercial development to the north. The location of this development adjacent to existing residential development and an arterial street (64th Avenue South) also corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development:

- Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services; and
- Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property. (page 56, 2007 Growth Plan)

The proposed development is consistent with the land use designations of the 2007 Growth Plan; no growth plan amendment is necessary for this project.

Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial.

Note that the annexation area is larger than the area being platted at this time; the additional area is depicted on the applicant’s conceptual master plan (see item below).

CONCEPTUAL MASTER PLAN: The applicant has provided a conceptual master plan (copy attached) for a larger area than is being platted at this time. The master plan illustrates future development, lots, and parks with street connectivity as indicated in the Southwest Metro Transportation Plan.

PROCESS

The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan in item E(1) of the May 6, 2018 Planning Commission agenda. A hearing is intended to be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing for the Selkirk Place First Addition.

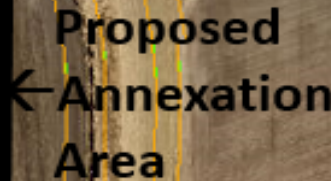
Staff Recommendation: May 7, 2019

Staff recommends the Planning Commission find that the proposed annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.to be consistent with the 2007 Growth Plan.

Attachments:

1. Location map
2. Annexation plat
3. Annexation petition
4. Conceptual master plan

and Auditor's Lots 1 and 2



ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

ANNEXATION PLAT OF:

Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th/ Principal Meridian, Cass County North Dakota.

AND

That part of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th/ Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29.

Containing 171.972 acres, more or less.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Gregg Stroeing, 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 area annexed; that said plat shows the City of Fargo Corporate limits contiguous to the annexed property.

Gregg Stroeing, Professional Land Surveyor
North Dakota License Number LS-6703

State of North Dakota
County of Cass

On this _____ day of _____, in the year 2019 before me personally appeared Gregg Stroeing, 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

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2019.

Brenda E. Derrig, City Engineer

State of North Dakota
County of Cass

On this _____ day of _____, in the year 2019 before me 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.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2019.

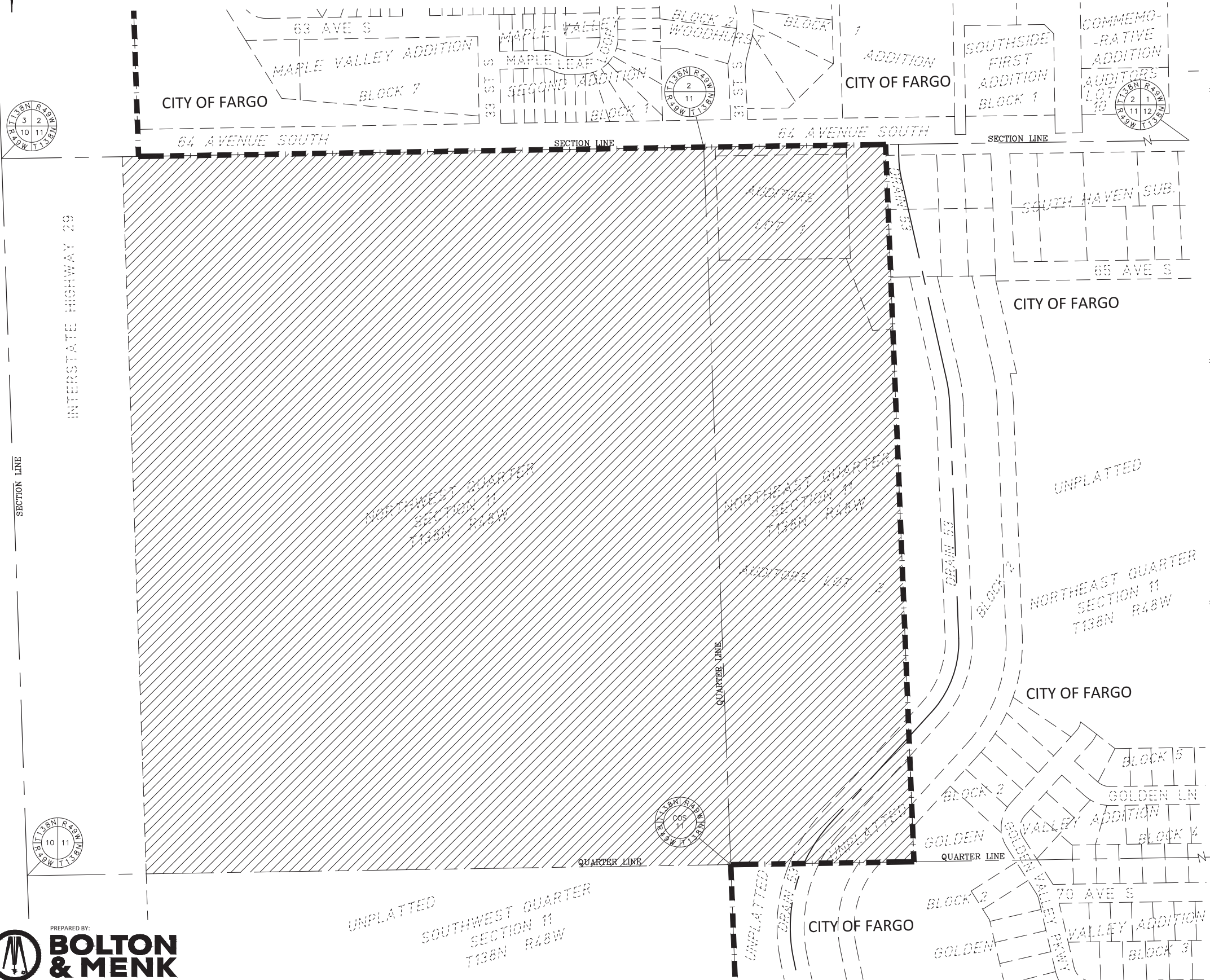
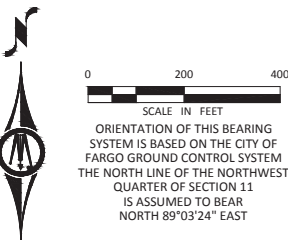
Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

County of Cass
State of North Dakota

On this _____ day of _____, in the year 2019 before me 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



Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: Planning@FargoND.gov
www.FargoND.gov

PETITION FOR ANNEXATION

To: City of Fargo

The undersigned, being the owner of not less than three-fourths in assessed value of the following described property, hereby petitions the City of Fargo to annex said property pursuant to Section 40-51.2-03 NDCC. The following is a description of the property to be annexed:

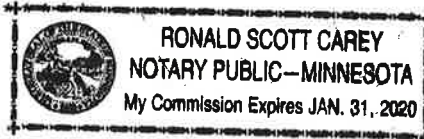
SEE ATTACHED DESCRIPTION

The undersigned further certifies that EARL W. H. NECKOR is the owner of at least three-fourths in assessed value of the property hereinabove described.


Dated this 19th day of February, in the year 2019

Signature Earlyne L Hester

STATE OF ~~NORTH DAKOTA~~)
) ss.
COUNTY OF CASS)



On this 19th day of February, in the year 2019, before me, a notary public in and for said County and State, personally appeared EARLYNE L. Hecvor, who executed to foregoing instrument, and acknowledged to me that he/she executed the same.


 Notary Public
 Cass County, North Dakota ~~Minnesota~~
 My Commission Expires:

ANNEXATION LEGAL DESCRIPTION

Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.

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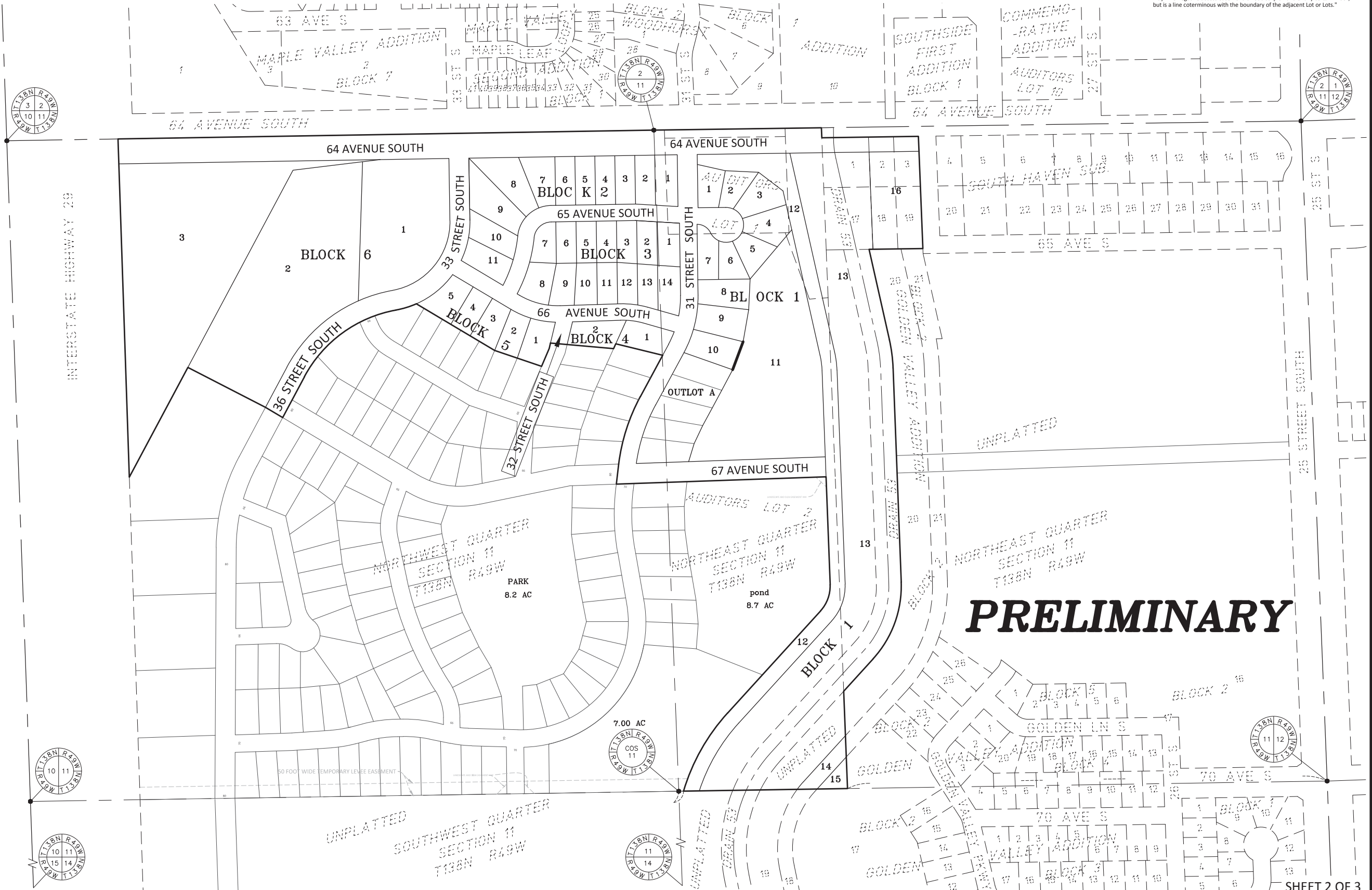
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LEGEND

- 5/8" x 18" LONG REBAR, MONUMENT SET
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- - - EASEMENT LINE
- - - EXISTING CONTOUR LINE PER CITY OF FARGO
- - - LIDAR CONTOUR DRAWINGS NAVD88 DATED 2014
- AREA NOT WITHIN 100 YEAR FLOODPLAIN
- XXXXXX **NEGATIVE ACCESS EASEMENT**

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CITY OF FARGO BENCHMARK 306001, THE NORTHEAST
FLANGE BOLT OF FIRE HYDRANT LOCATED AT THE
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SOUTH AND 58TH AVENUE SOUTH
ELEVATION=906.69 NAVD88



MEMORANDUM

TO: PLANNING COMMISSION

**FROM: TIA BRASETH, COMMUNITY DEVELOPMENT PLANNING COORDINATOR ^{TB}
NICOLE CRUTCHFIELD, PLANNING DIRECTOR**

DATE: APRIL 30, 2019

RE: HUD PROGRAM UPDATES, ACTIVITIES, AND AMENDMENTS

As a brief update, a presentation will be given on the 2019 Annual Action Plan, the final year of the City of Fargo's 5-Year Consolidated Plan (2015-2019). Focus for the 2019 Annual Action Plan has narrowed in on large projects (\$150,000+) and homelessness prevention. The intent is to concentrate efforts on larger projects that will quickly and correctly spend down HUD funds (e.g., public facilities and infrastructure improvements, property acquisition, and affordable housing development).

Additionally, the Department of Planning & Development would like to amend the City of Fargo's 5-Year Consolidated Plan (2015-2019), and 2018 Annual Action Plan. Proposed amendments include:

- Cancelling two 2018 Action Plan projects that did not come to fruition
- Adding a 2019 Annual Action Plan Affordable Housing Development project by reallocating funds from the 2018 Annual Action Plan Slum & Blight Abatement/Hazardous Property Clearance budget

The proposed 2019 Annual Action Plan and amendments are detailed in the attached public notice, which will be published in the May 13, 2019 Forum newspaper. Per the adopted Citizen Participation Plan, this proposal is being presented to you today, and to the City Commission on May 20, 2019 as a Public Hearing. The timeline for these amendments, including the 30-day public comment period, is outlined in the attached public notice. Once approved by citizens and the City, the 2019 Annual Action Plan and amendments will be submitted to HUD for approval.

It is part of the City's adopted Citizen Participation Plan to take all substantial amendments to the Community Development Committee, Planning Commission, and City Commission as part of the review and approval process.

Recommended Motion: Proceed with the CDBG/HOME amendments grant administration as presented.

**Notice of Public Hearing & Public Comment Period
Community Development Block Grant (CDBG) & HOME Programs
2019 Action Plan and Budget**

**&
Amendments to:
2018 Action Plan Activities and Budget/5-Year Consolidated Plan Activity**

2019 Action Plan & Budget Proposal

The City of Fargo has prepared a draft version of the 2019 Annual Action Plan for Housing and Community Development for the Community Development Block Grant (CDBG) and HOME Programs. The priorities established within the draft plan result from citizen participation in the development of the 2015-2019 Consolidated Plan and a January 8, 2019 community meeting. The City's 5-Year priorities include affordable housing, activities to end homelessness, neighborhood revitalization, and poverty reduction.

Estimated Resources

During the 2019 program year, the City of Fargo estimates the following resources to be available:

- **\$760,623** – 2019 Community Development Block Grant (CDBG) allocation from HUD
- **\$82,000** – 2019 CDBG Program Income (estimated)
- **\$347,426** – 2018 Unobligated or Reallocated CDBG Funds at 2018 Year-End (estimated)
- **\$454,741** – 2019 HOME PJ allocation from HUD
- **\$38,600** – 2018 HOME PJ Program Income (actual)
- **\$331,944** – 2018 Unobligated HOME PJ Funds at 2018 Year-End (estimated)
- **\$127,501** – 2017 Unobligated HOME PJ Program Income at 2018 Year-End (estimated)
- **\$75,314** – 2017 Unobligated HOME PJ Funds at 2018 Year-End (estimated)

Total = \$2,218,149 (estimated)

Activity & Budget Summary Chart

Activity	Description	Budget
Planning, Administration, and Fair Housing	Staff support for planning, implementation, reporting, and monitoring of CDBG and HOME resources. <i>National Objective: Not applicable for administration. CDBG Matrix Code: 21A General Program Administration. Eligibility 24 CFR Part 570.206.</i> <i>High Plains Fair Housing Center: Budget \$5,000. Part of requirement to affirmatively further fair housing under the Fair Housing Act (42 U.S.C. 3601-20). CDBG Matrix Code: 21D Fair Housing Activities (subject to 20% Admin. Cap). Eligibility 24 CFR Part 570.206(c).</i>	\$152,000 CDBG \$45,474 HOME
Property Acquisition	<i>Beyond Shelter, Inc.: Budget \$345,000. Acquisition for affordable housing development. National Objective: Low-Mod Housing Benefit [24 CFR Part 570.208(a)(3)]. CDBG Matrix Code: 01 Acquisition of Real Property. Eligibility 24 CFR Part 570.201(a).</i> <i>Youthworks: Budget \$350,000. Acquisition for a homeless youth runaway shelter (adds 2 homeless beds in Fargo). National Objective: Low-Mod Clientele Benefit [24 CFR Part 570.208(a)(2)]. CDBG Matrix Code: 03C Homeless Facilities (not operating costs). Eligibility 24 CFR Part 570.201(c).</i>	\$695,000 CDBG
Affordable Housing Development	Activities resulting in affordable housing may include acquisition, demolition, rehabilitation, or relocation in partnership with Habitat for Humanity or other similar housing organizations. Funds for this activity would be reallocated from the Slum & Blight Abatement/Hazardous Property Clearance activity budget (\$620,585 reduced to \$370,585). For more information, see Summary of Proposed Amendments in this notice. <i>National Objective: Low-Mod Housing Benefit [24 CFR Part 570.208(a)(3)]. Associated CDBG Matrix Codes include: 01 Acquisition; 02 Disposition of Real Property; 04 Clearance and Demolition; 08 Relocation; most 14 rehabilitation codes including A, B, C, D, F, G, H, and I. Associated eligibility categories include: 24 CFR Part 570.201(a), (b), (d) and/or (i); 24 CFR Part 570.202(a)(1-5) and/or (f).</i>	\$284,049 CDBG
Public Services (Homelessness Prevention & Direct Care)	<i>Gladys Ray Shelter Homeless Initiatives: Budget \$19,000. Operational support (e.g., homeless initiatives, outreach, harm reduction, etc.)</i> <i>For both activities – National Objective: Low-Mod Clientele Benefit [24 CFR Part 570.208(a)(2)]. CDBG Matrix Code: 03T Operating Costs of Homeless/Aids Patient Programs. Eligibility 24 CFR Part 570.201(e).</i> <i>FM Coalition to End Homelessness: Budget \$30,000. Operational support (e.g., homelessness prevention, coordinated entry, data collection, research, etc.).</i>	\$49,000 CDBG
Housing Rehabilitation Loan Program (6 projects + emergency	Citywide housing rehabilitation program assisting owner-occupants of single-family homes whose income falls below 80% of area median income, based upon income, assets, and family size. Homes must be at least 40 years old and have a value of less than	\$180,000 HOME

projects)	\$175,000. Funds are provided in the form of a 0% interest, deferred payment loan up to \$25,000. The assistance must be repaid upon sale, title transfer, or owner vacancy of the property within 10-years of the mortgage date, following a 4-10 year forgiveness schedule. Applications from interested individuals are accepted by the City on a first come, first served basis with priority for life and major health safety emergencies. Emergency-related improvements may be done immediately based on inspection (e.g., furnace or water heater failure, major leaks or flooding, etc.). <i>National Objective: Low-Mod Housing Benefit [24 CFR Part 570.208(3)]. Eligibility 24 CFR 92.254(b)(1) and (2).</i>	
Community Development Housing Organization (CHDO) Project	HOME "set-aside" funds used for construction of affordable housing.	\$100,000 HOME
Affordable Senior Housing Development	Increase affordable senior housing within Fargo city limits (1-3 projects). Activities resulting in affordable housing may include acquisition, demolition, rehabilitation, or relocation in partnership with local housing developers (public or private).	\$692,626 HOME
Contingency Funds	Funds held in contingency for issues that may arise during the program year.	\$10,000 CDBG \$10,000 HOME

Contingency Provisions/Potential Adjustments to 2019 Activities & Budget:

- Budget adjustments transferring amounts greater than \$50,000 are considered substantial amendments and will be implemented in accordance with Fargo's Citizen Participation Plan
- Unanticipated program income may result in a substantial amendment to amend activities and budgets in accordance with Fargo's Citizen Participation Plan
- To match actual 2019 allocation amounts, any increase or decrease in funding will be applied to the Affordable Housing Development or Home Rehabilitation activities
- All funding levels indicated above are estimated amounts

Summary of Proposed Amendments

A. Amendments to 2018 Annual Action Plan

- 1. Canceled Activities:** Funds from canceled activities are reallocated to activities as described above in this notice.
 - **Special Assessments Assistance Program: \$15,000 budget (CDBG)**
Due to a City of Fargo Administration determination, this program was funded with non-CDBG dollars.
 - **Rape and Abuse Crisis Center Public Facilities Improvements Project: \$15,000 budget (CDBG)**
CDBG funds were designated to support a facility upgrade at the Rape and Abuse Crisis Center. Due to changes in the agency's needs from the time of application, the Rape and Abuse Crisis Center has declined the 2018 Annual Action Plan award.
- 2. Revised Activity**
 - **Slum & Blight Abatement/Hazardous Property Clearance: -\$250,000 budget (CDBG)**
This amendment to the 2018 Annual Action Plan would reduce the budget for the Slum & Blight Abatement/Hazardous Property Clearance activity by \$250,000 to be redirected to Affordable Housing Development project(s) within the 2019 Annual Action Plan. Amendment would revise 2018 Annual Action Plan.

B. Amendments to 5-Year Consolidated Plan

- 1. New Activity:**
 - **Affordable Housing Development: +\$284,049 budget (CDBG)**
This amendment to the 2015-2019 5-Year Consolidated Plan would create an Affordable Housing Development activity. This new activity will be funded with redirected dollars from the above-mentioned 2018 Annual Action Plan Slum & Blight Abatement/Hazardous Property Clearance activity.

Comments & Suggestions

The 2019 draft plan and activity amendment is available online at <http://fargond.gov/> or by contacting the Planning and Development Department at the address below.

Comments and suggestions from the public are encouraged through a public comment period and/or at the public hearing (schedule below). Alternative formats of this information or reasonable accommodations for persons with disabilities or limited English proficiency, including the availability of interpretation and translation services, will be made upon request (48 hours notice is required). Anyone who requires an auxiliary aid or service to fully participate in the hearing should contact the Planning and

Development Department at 701.241.1474/Planning@FargoND.gov, or the City of Fargo's interim Section 504/ADA Coordinator Michael Redlinger at 701.476.4135 to arrange for services. To access TDD/Relay service dial 701.241.8258. It is the policy of the City of Fargo to provide services without regard to race, color, national origin, ancestry, age, sex, familial status, physical handicap, or disability. The City is an equal employment/equal housing opportunity agency.

30-Day Public Comment period: May 13 through June 12, 2019

Send written comments or phone: City of Fargo
Planning and Development Department
Attn: Community Development Planning Coordinator
225 4th Street North, Fargo ND 58102
701.476.4144

Electronic Comments: planning@FargoND.gov

Public Hearing: Monday, May 20, 2019 - 5:15 pm
Fargo City Commission Chambers
225 4th Street North, Fargo, ND 58102

Final City Commission Consideration: Monday, June 17, 2019 – 5:15 pm