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BOARD OF ADJUSTMENT
Tuesday, October 26, 2021 | 9:00AM
City Commission Chambers
AGENDA

1. Approve Minutes of July 27, 2021 Meeting
2. New Business

    a. Variance Request – 1425 Main Avenue
    Request for a variance of Section 20-0502 of the LDC and request for a variance of the City's Floodproofing Code. The requested variances are to allow a building to encroach into the required rear setback in the GC, General Commercial zoning district, and have a lowest opening/finish floor below what would otherwise be required by the City's Floodproofing Code.
3. Other Business
4. Adjournment

Board of Adjustment meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on www.FargoND.gov/streaming. They are rebroadcast each Tuesday at 9:00 a.m. for one month following the meeting.

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.

BOARD OF ADJUSTMENT
MINUTES

Regular Meeting: Tuesday, July 27, 2021

The Regular Meeting of the Board of Adjustment of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 9:00 a.m., Tuesday, July 27, 2021.

The Members present or absent were as follows:

Present: Deb Wendel-Daub, Matthew Boreen, Jared Heller, Michael Love, Mike Mitchell

Absent: None

Chair Love called the meeting to order.

Item 1: Approval of Minutes: Regular Meeting of March 23, 2021

Member Boreen moved the minutes of the March 23, 2021 Board of Adjustment meeting be approved. Second by Member Mitchell. All Members present voted aye and the motion was declared carried.

Item 2: New Business

a) Appeal of Administrative Decision:

Appellant claims staff erred in its determination that Sign Permit No. SG20080664, dated November 28, 2008, is expired and that the proposed sign can no longer be constructed under the terms of that sign permit.

Planning Coordinator Aaron Nelson presented the staff report, a background of the project, and reviewed the process for appeals of administrative decisions. Mr. Nelson stated the question before the Board is, did staff err in its determination that Sign Permit No. SG20080664, dated November 28, 2008, is expired and that the proposed sign can no longer be constructed under the terms of that sign permit.

Discussion was held on the proposed size of the sign, past and current ownership of the property and the current code sign requirements.

Appellant Josh Gilleland spoke on behalf of the application.

Further discussion was held on the notarized document from Dave Currier included in the packet, if the City Building code distinguishes between temporary or permanent permits, and the extension process for permits.

Inspections Director Bruce Taralson and Melissa Gaulrapp spoke on behalf of the Inspections Department.

Chair Love inquired if this issue has previously occurred when work has begun, and was not completed.

Ms. Gaulrapp stated this is the first where the foundation has been done and then a period of time passed before coming back.

Mr. Taralson provided a hand out to the Board of communication from former City Employees regarding sign permit expiration.

Discussion continued regarding the sign code, International Building Code, and permitting process.

Member Boreen moved the findings of staff be accepted and to affirm staff's decision that Sign Permit No. SG20080664, dated November 28, 2008, is expired and that the proposed sign can no longer be constructed under the terms of that sign permit. Second by Member Wendel-Daub. Upon call of the roll Members Wendel-Daub, Boreen, Heller, Mitchell, and Love voted aye. The motion was declared carried.

Item 3: Other Business

a) Board Membership Update (*Informational Item*)

Mr. Nelson introduced the Board's new Alternate Member Michael Orth, and new Assistant Planner Adam Martin.

b) Annual Nomination and Election of Officers

-Chairperson

Member Boreen moved Michael Love be nominated as the Board of Adjustment Chairperson. Second by Member Heller. All Members present voted aye and the motion was declared carried.

-Vice-Chairperson

Member Boreen moved Deb Wendel-Daub be nominated as the Board of Adjustment Vice-Chairperson. Second by Member Love. All Members present voted aye and the motion was declared carried.

Item 4: Adjournment:

Member Heller moved to adjourn the meeting at 9:46 a.m. Second by Member Boreen. All Members present voted aye and the motion was declared carried.

CITY OF FARGO - Board of Adjustment
Variance Staff Report

Item No: 2.a	**Date:** October 21, 2021
Address: 1425 Main Avenue	
Legal Description: Lot 1, Block 1, Huynh Kha Addition	

Owner(s)/Applicants: Huynh Kha Property LLC, John & Sarah Huynh/Representative Elissa Novotny (Dovetail Development LLC)

Reason For Request: To construct a new building that would result in a reduced rearyard setback as required by the Land Development Code, and the lowest opening/finish floor at a lower elevation than as required by the City's Floodproofing Code.

Zoning District: GC: General Commercial

Status: Board of Adjustment Public Hearing: October 26, 2021

GC Dimensional Standards		Proposed Structure	
Setbacks:		**Setbacks:**	
Front (south):	20'	**Front (south):**	20'
Interior-Side (east):	5'	**Interior-Side (east):**	44'-8"
Interior-Side (west):	5'	**Interior-Side (west):**	225'-6"
Rear (north):	15'	**Rear (north):**	**10'**

Floodproofing Code Standards		Proposed Structure	
Elevations:		**Elevations:**	
Lowest opening:	FEMA BFE plus 2'	**Lowest opening:** **903.2**	**Meets** (FEMA BFE 901.2 plus 2.0')
Adjacent fill:	FEMA BFE plus 0.7'	**Adjacent fill:** **901.9**	**Meets** (FEMA BFE 901.2 plus 0.7')
Fill within 15':	At or above FEMA BFE	**Fill within 15':** **901.2**	**Meets** (FEMA BFE 901.2)
41' WSEIA Elevation:	41' plus 1.2'	**Finish Floor:** **904.5**	**FF 1.3' low** (41' WSEIA 903.3 plus 1.2')

Background:
The applicant has proposed to construct a new building and is requesting two variances: to reduce the rearyard setback and for the lowest opening (finished floor) to be below the floodproofing construction requirement.

Up until recently, existing buildings stood on the subject property. With the redevelopment project, there was confusion in the communication during the entitlement and permit processes as to which buildings would stay and whether an addition would be built, or if a new building entirely was proposed. Due to the confusion, existing buildings were demolished in order for a new building to be proposed, as such the City received the applications for variances.

The proposed building would encroach into the required rear setback in the GC, General Commercial zoning district. Section 20-0502 of the Land Development Code requires primary structures to be located at least 15 feet from the rear property line. The proposed plan is to construct a 19,530 square foot grocery store. Accordingly, the applicant is requesting a variance to allow the new building to encroach into the required rear setback in the GC zoning district by 5 feet.

In addition to the variance to the setback, the proposed building would have a lowest opening (finished floor) below the requirements of the City's Floodproofing Code. The property and proposed building are within the

41-foot water surface elevation inundation area (WSEIA). At this location, the FEMA base floodplain elevation (BFE) is 901.2 feet and the 41-foot WSEIA is at an elevation of 904.5 feet with additive. The 41' WSEIA was developed for totally new construction and is not used for additions to existing structures. This proposed building must meet the Floodproofing Code requirements are as follows:

1. The lowest opening in a building is required to be at or above an elevation that is 2 feet above the FEMA BFE elevation. (901.2-foot FEMA BFE elevation plus 2 feet = 903.2')
2. The fill adjacent to the building is required to be at or above an elevation that is 0.7 feet above the FEMA BFE elevation. (901.2-foot FEMA BFE elevation plus 0.7 feet = 901.9')
3. The fill within 15 feet of the building must be at or above the FEMA BFE (901.2')
4. The finish floor elevation for the 41' WSEIA is 903.3 plus 1.2' = 904.5'

The lowest opening of the proposed structure would be at an elevation of 903.2 feet, which meets the requirement for the lowest opening elevation (BFE+2'). Additionally, the fill adjacent to the building would be at an elevation of approximately 903.0 feet, which is 1 foot higher than required. The fill within 15 feet of the building would be above 901.2 feet, which meets the elevation requirement. Accordingly, the applicant is requesting a variance in order to construct the finished floor of the building below the 41' inundation area elevation requirement of 904.5.

According to the applicant, the proposed variance is necessary to construct the building to the FEMA elevation requirements but below the 41' WSEIA area elevation. Additional details are provided by the applicant within the attached application materials.

Floodproofing Codes Background:
The rationale behind the development of the City's 41-foot WSEIA is in anticipation for future increases to the FEMA Special Flood Hazard Area (1% annual chance/100-year flood plain). While mapping flood elevations as part of the FM Diversion Feasibility Study, it was found by the Army Corps of Engineers that the hydrology used by FEMA to establish the Special Flood Hazard Area was obsolete. It was based on a study that did not include the period of record for the Red River events after 1979. It is the practice of FEMA to review communities every 5 years to determine if a new map is warranted. Based on information contained in the FM Diversion Feasibility Study of Fargo which accounts for recent flood events, including the flood of record in 2009, the updated hydrology and hydraulics is readily available and FEMA will have cause to remap Fargo. When this update occurs, it is anticipated FEMA will raise the elevation of the Special Flood Hazard Area, resulting in additional areas of the City being located within this flood plain and subject to additional flood insurance requirements or increases. As such, the purpose of the 41-foot WSEIA is to prevent non-floodproof construction within areas that will potentially be located within Special Flood Hazard Area in the future. It should also be noted that the state rules require elevation on fill to the BFE +1 foot. In an attempt to keep **new** construction compliant with this state requirement into the future, we are requiring the additional 1.2 feet.

The determination was made during the development of the 41' WSEIA that additions to existing structures would only be required to adhere to the FEMA elevation requirements if the existing structure and/or the proposed addition is within the FEMA 1% chance flood zone. If the structure and addition are only identified in the 41' WESIA area, the addition may match the finished floor elevation of the original structure.

Another caveat of floodproofing and protection has to do with localized flooding versus flooding from the Red River. Many areas of the City are at risk of flooding due to the stormwater infrastructure not being able to handle significant rainfall events. In this aspect the City's floodproofing requirements and policies are

intended for emergency protection from both the Red River and from overland flooding or storm sewer overflows.

Criteria for Approval:
§20-0914.E.1 of the LDC states that, "A variance may be granted by the Board of Adjustment upon an affirmative finding that all of the following conditions exist."

a. The requested variance arises from conditions that are unique to the subject property not ordinarily found in the same zoning district and are not a result of the owner's intentional action;

b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

c. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;

d. The variance desired will not adversely affect the public health, safety or general welfare;

e. The variance is the minimum variance that will overcome the hardship;

The Floodproofing Code was enacted by reference within Article 21-06 (Flood Plain Management) of the Fargo Municipal Code. Appeals from Article 21-06 are heard and decided upon by the Board of Adjustment as outlined within Section 21-0603 of the Municipal Code.

§21-0603.G.5 of the Municipal Code states that, *In determining appeals or requests for variances, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:*

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with the existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program or that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

§21-0603.H.1 of the Municipal Code includes additional considerations for variances:

1. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (a-k) in subsection (G)(5) above have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

2. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or any state or local inventory or register of historic places without regard to the procedures set forth in the remainder of this section.*
3. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*
4. *Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
5. *Variances shall be issued only upon:*
    a. *A showing of good and sufficient cause;*
    b. *A determination that failure to grant the variance would result in exceptional hardship to the applicant; and*
    c. *A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
6. *Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.*

§20-0914.E.1 of the LDC:

a. The requested variance arises from conditions that are unique to the subject property not ordinarily found in the same zoning district and are not a result of the owner's intentional action;

The subject property is legally described as Lot 1, Block 1, Huynh Kha Addition. The property was platted for the first time in January of 2021 and is approximately 53,550 square feet in area. At the time of platting, 5 feet was dedicated as right-of-way for the future reconstruction of Main Avenue. Approximately 450 feet along the rear of the property contains a retaining wall, which is part of the BNSF Railroad property to the north. The retaining wall distance varies and is up to 10 feet from the rear property line.

b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

Staff has no data that would identify an adverse impact to adjacent neighbors with this variance. In accordance with the notification requirements of the LDC, neighboring property owners were provided notice of the variance request. To date, staff has not received any inquiries on this application.

c. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;

The variance is being requested in order for the applicant to construct a new building to be used as a grocery store, which is permitted by right in the GC zoning district. Ultimately, staff suggests that the strict application of the applicable standards should not constitute an unnecessary physical hardship because the subject property can be used for an allowed use without conflict with the LDC.

d. The variance desired will not adversely affect the public health, safety or general welfare;

Staff has no data that would identify an adverse effect on public health, safety, or general welfare. No public health, safety, or general welfare issues have been identified.

e. The variance is the minimum variance that will overcome the hardship;

As mentioned above, staff suggests that there is no hardship to overcome due to the fact that the property can be used for an allowed use without coming into conflict with applicable site development standards. However, if a hardship were found to exist as part of the public hearing due to the unique site constraints and permitting confusion, the requested variance from the applicant would be the maximum setback needed for the applicant to construct the addition as proposed.

As an additional note separate from Section 20-0914.E.1 of the LDC, due to the placement of the loading dock being within the front 20 foot setback, staff anticipates that the four-foot landscaping buffer, which is required by the LDC for vehicular circulation within the front setback, will be damaged due to truck circulation turning radius needs. The property owner must maintain the parking lot buffer, including width and plantings, to be in compliance with the LDC. Staff brings this up in order to bring clarity to property owner expectations of the built environment if the variance is granted.

§21-0603.G.5 of the Municipal Code:

The danger that materials may be swept onto other lands to the injury of others;
Minimal probability

a. The danger to life and property due to flooding or erosion damage;
Minimal probability

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
Minimal probability

c. The importance of the services provided by the proposed facility to the community;
The facility provides grocery services to the community. In a flood situation, it would not be important to the critical stability of the city infrastructure.

d. The necessity to the facility of a waterfront location, where applicable;
Not applicable. The proposed improvement is not in the MDZS or the LDZS river setback zones.

e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
There are vacant properties outside of the 41-foot WSEIA and 100-year floodplain within this lot's identified zoning district within city limits.

f. The compatibility of the proposed use with the existing and anticipated development;
The use is compatible with existing and anticipated development at this location with some access constraints being on an arterial.

g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
No inconsistencies have been identified in relation to the comprehensive plan. Floodplain management is related to the City's floodproofing policies as part of the FEMA BFE and the 41' WSEIA elevation requirements.

h. The safety of access to the property in times of flood for ordinary and emergency vehicles;

Access may be questionable as servicing roadways may become inundated during storm sewer overflows or heavy rainfall events. The applicant will need to understand this potential risk as staff has no data to suggest that the requested variance would result in an increased or decreased safety of access.

i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
Staff has no data to confirm the effects of flooding as a result of overland flooding or storm sewer overflows.

j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
Costs associated with government services during or after flood conditions will not change due to this variance.

Since this is a variance request to the adopted flood proofing construction elevation requirements, the Zoning Administrator defers to the Building Official/Flood Plain Administrator as well as the City Engineer for current and future floodplain management. This application was reviewed by the City's Planning and Development, Engineering, and Building Inspections Departments ("staff"), whose comments are included in this report.

Staff finds that the proposed flood proofing variance is unique in that the proposed variance would violate elevation standards established by the City of Fargo, specifically the 41' inundation elevation requirement. Staff feels that this variance will not affect the City of Fargo's basement exemption due to the higher elevation standards required by the city for the 41' inundation area. Due to the lot location and property dimensions, this lot is restricted by Main Avenue and the BNSF Railroad, limiting developable area with the elevation constraints. An approved variance will also allow for greater engineering design flexibility for the reconstruction of Main Avenue as it occurs in the next few years, by allowing elevation modifications to be utilized in our roadway design.

Ultimately, staff is in support of this requested flood proofing variance. Engineering finds that with the elevating of the proposed building above the FEMA BFE and meeting the state requirement of BFE plus 1 foot, the structure is reasonably safe from flooding.

Staff recommends that any granting of a flood proofing variance be conditioned upon the applicant agreeing to a waiver of liability against the City. Engineering staff would work with the City Attorney's Office to draft an acknowledgment form that would outline the owner's decision to not follow the City's floodproof construction requirements. The purpose of this document would be to provide additional protection to the City from unforeseen issues that may arise as a result of the variance.

The staff recommendation below is in reference to the variance request of the City's Floodproofing Code. Staff does not have a recommendation for the variance request for the rear setback as application and permit processes caused communication issues between applicant, owner and staff.

Staff Recommendation: "To accept the findings of staff and hereby approve the requested flood proof variance on the basis that the review considerations of Section 21-0603 have been satisfied, with the condition that the applicant sign and submit a waiver of liability against the City."

THE CITY OF Fargo FAR MORE

APPLICATION FOR VARIANCE

The Board of Adjustment is authorized to grant variances from the zoning district dimensional standards and off-street parking and loading standards of the Land Development Code (LDC) that will not be contrary to the public interest or the spirit of the LDC, where owing to special conditions, a literal enforcement of the provisions of this LDC would result in **unnecessary physical (not economic) hardship** to the property owner.

Property Owner Information:

Name (printed): Huynh Kha Property, LLC

Address: [redacted]

Primary Phone: [redacted]

Alternative Phone: [redacted]

Fax: [redacted]

Email: [redacted]

Representation Information: *(if applicable)*

Name (printed): Elissa Novotny
Dovetail Development, LLC

Address: [redacted]

Primary Phone: [redacted]

Alternative Phone: [redacted]

Fax: [redacted]

Email: [redacted]

Location of property requesting a variance:

Address: 1425 Main Avenue

Zoning District: General Commercial

Legal Description: Lot 1 Block 1 Huynh Kha Addition

Proposed Variance Information:

What Land Development Code Standard are you seeking a variance? (e.g. setback, lot coverage, height)

Rear yard building setback and finished floor WSEIA elevation requirement.

Please describe difference between the standard and the proposed (e.g. the standard is 10 ft. and my project would propose a 7' setback).

See project explanation below:

Please explain your project, describing why you are requesting a variance and why you believe a variance is justified. Along with your project description, please include a site plan/diagram with dimensions. (Attach additional pages, if needed.)

*Reduce rear yard setback along railroad track from 15' to 10' to construct a new 60' deep building further back from Main Avenue, replacing the existing 60' deep building that had a portion of the building that was 2.4' from the new right of way. This will allow us to provide a new building front yard setback of 20' from the new Main Avenue right of way to further buffer pedestrians from truck movements on site.
*Reduce the finished floor elevation to 903.2' that is 2' above the base flood elevation of 901.2, but .1' less than the 41' WSEIA of 903.3' in lieu of the 904.5' elevation required to be 1.2' above the 41' WSEIA. This will allow for a more subtle transition from the existing Main Ave curb elevation that is at ~901'. See attached 'Preliminary Plat_Building Exhibit' provided during the platting process for reference of existing building setbacks and also proposed redevelopment site layout for the new grocery store building.

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Criteria for Approval:

Please explain how your requested variance meets the following five criteria for approval, pursuant to Section 20-0914 of the Land Development Code: (Attach additional pages, if needed.)

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;

*The property was platted providing a 5' ROW for Main Avenue anticipating the future Main Ave redevelopment project currently under design that reduced the existing lot depth from 94.74' to 89.74' depth that in a General Commercial zoning provides only a 54.74' depth buildable depth on a 595' long linear site while still needing to provide accessible parking, pedestrian access, minimum finished floor elevation of approximately 48" above the existing Main Ave curb elevation to meet WSEIA elevation requirement and parking and delivery to serve the intended use. The previous existing warehouse building met the minimum floor elevation requirement, but had existing enclosed dock receiving area that required trucks to cross opposing traffic directions that is not allowed on Main Avenue for a new use and the building encroached into the required building setbacks on the north by 11.5' and south side of the building by 17.6'. The railroad property to the north is elevated and defined by a high retaining wall that eliminates option to acquire additional land to deepen the lot.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

*Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents as it will provide for a more accessible site by giving a greater distance between the street curb and building and lowering the grades for a more accessible gradual slope up to the finish floor elevation in a site that does not offer a typical depth to easily make the elevation transition.

3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;

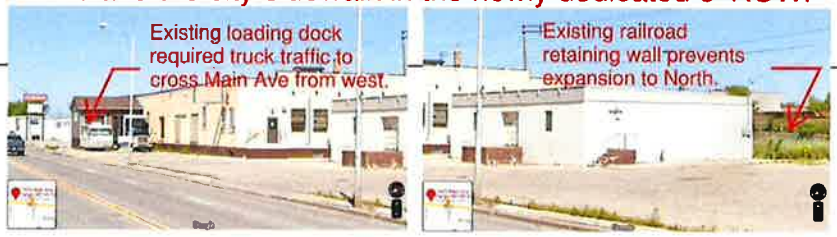
*The strict application of the applicable standards constitutes an unnecessary physical hardship because the buildable property depth of 89.74' and a length of 595' is challenging for redeveloping distressed sites where General Commercial zoned sites have common depths from 140'-180' and often greater that dimensionally. The railroad property to the north is elevated and defined by a high retaining wall that eliminates option to acquire additional land to deepen the lot. Sites with greater depth gives more latitude to transition required finish floor elevation requirements and site planning requirements meeting accessible site access, open space landscaping, and parking and loading requirements, although this site is restricted to the north by the railroad and to the South by Main Avenue.

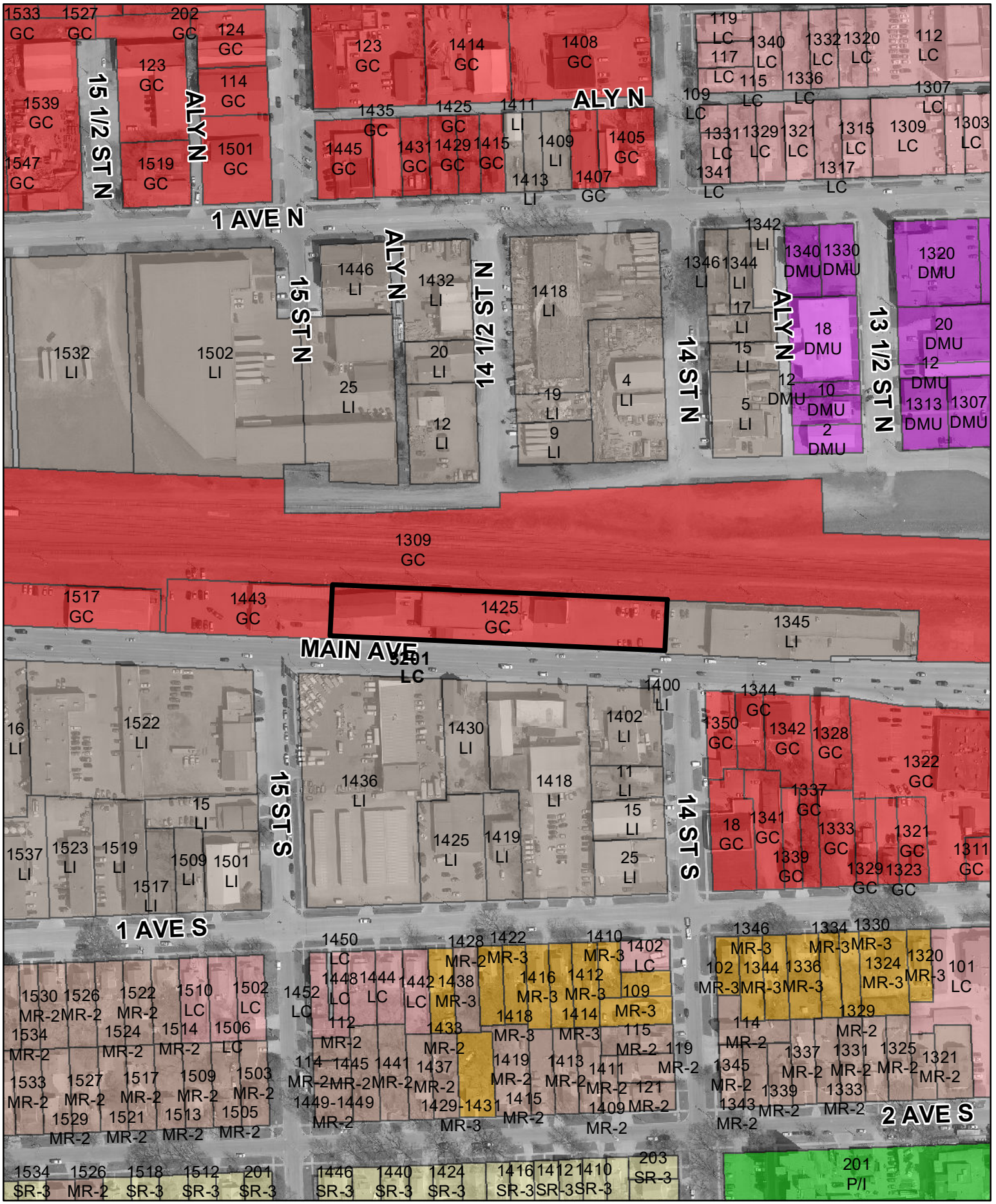
4. The variance desired will not adversely affect the public health, safety, or general welfare; and

*Granting of the permit for the variance will not adversely affect the the public health, safety, or general welfare, but increases safety by moving the truck movements further away from the pedestrian sidewalk along Main Avenue.

5. The variance is the minimum variance that will overcome the hardship.

*The variance is the minimum variance that will overcome the hardship with reducing floor elevation just enough to make the site more accessible and still maintaining a high enough elevation for positive site drainage as well allowing enough setback for a planting buffer between truck movements and the city sidewalk in the newly dedicated 5' ROW.




1425 Main Avenue
THE CITY OF Fargo FAR MORE
AG LC MHP SR-1
DMU LI NCI SR-2
GC MR-1 NO SR-3
GI MR-2 P/I SR-4
GO MR-3 UMU SR-5
Feet
0 130 260
N
MAIN AVE
1 AVE N
1 AVE S
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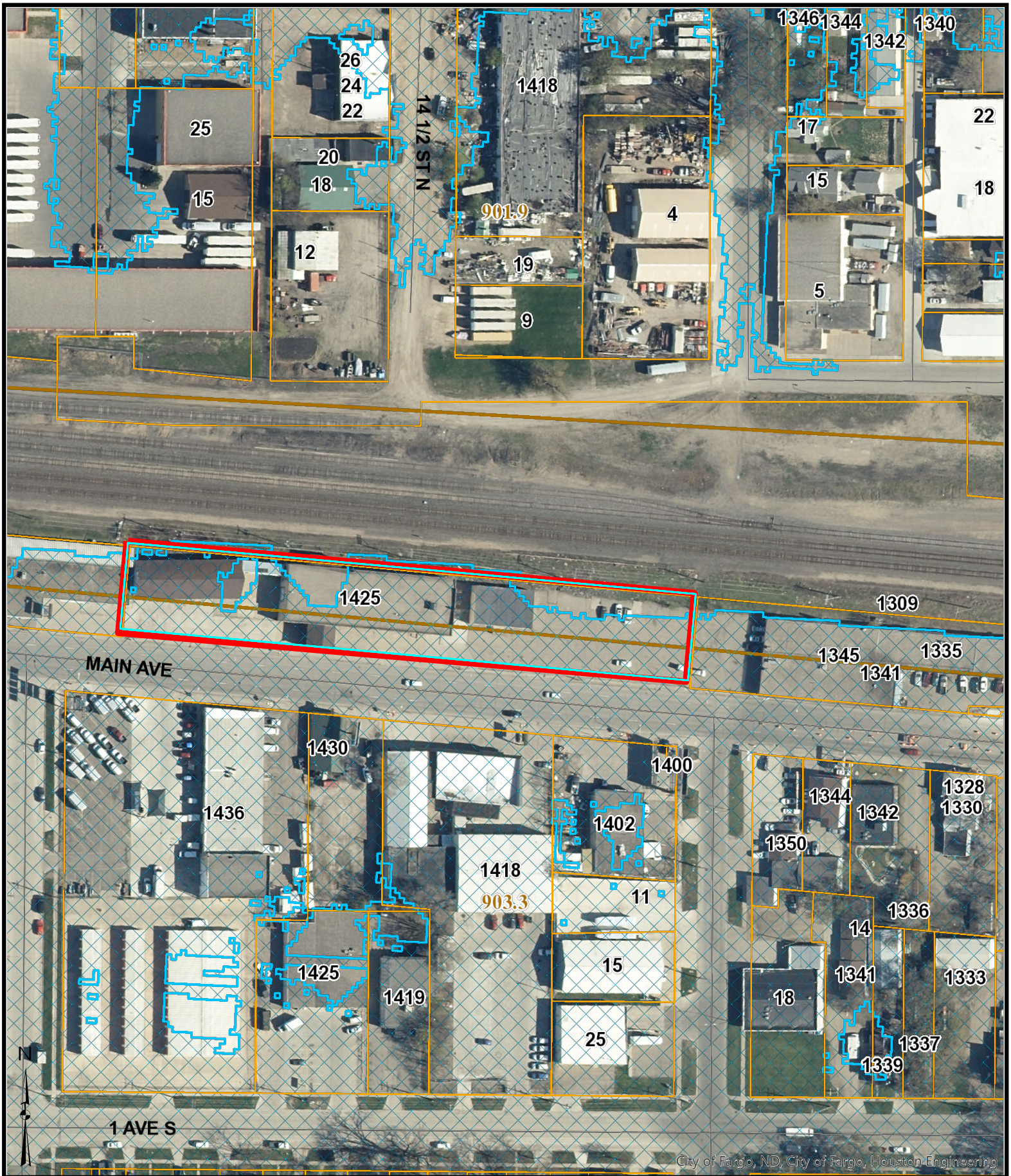

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

41' WSEIA

1:2,257

10/18/2021 12:57 PM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

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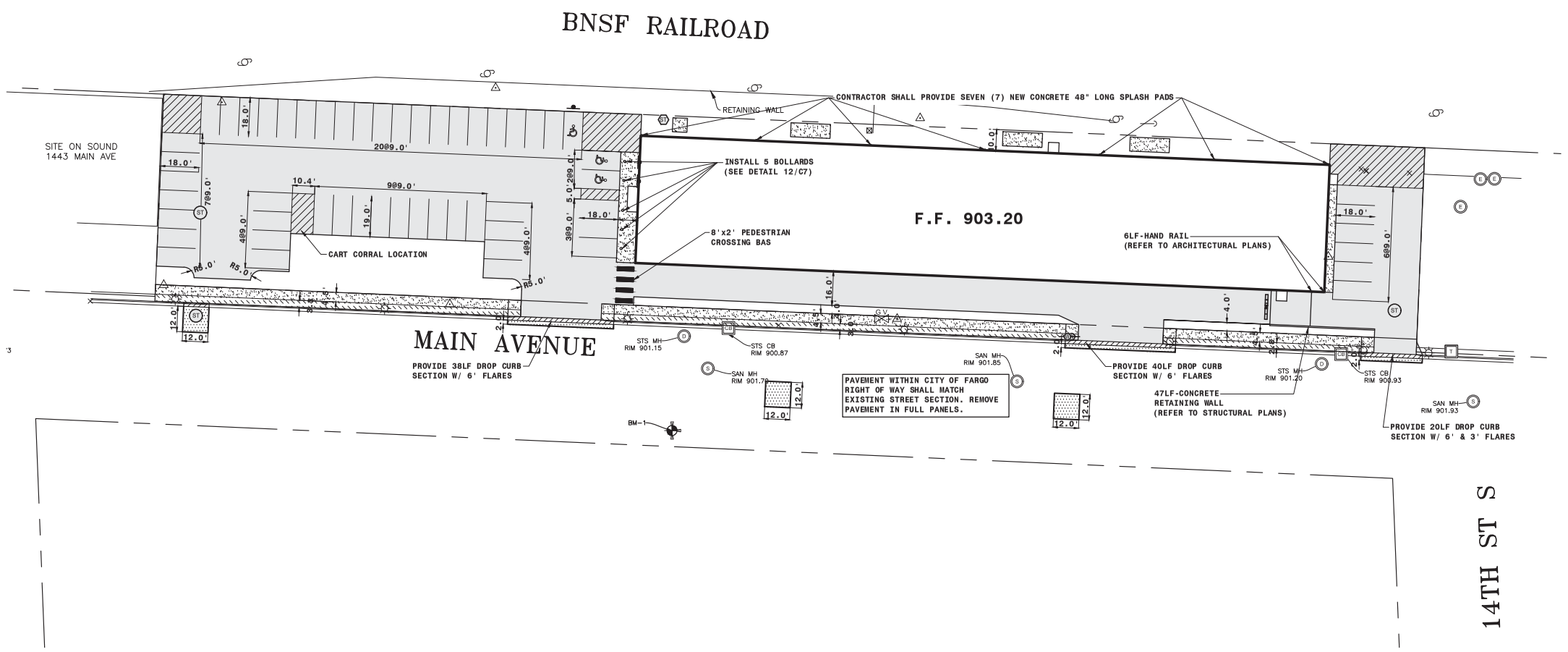

N
W E
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0 15 30 60
SCALE: 1 INCH = 30 FEET

SYMBOL LEGEND:

- EXISTING PROPERTY LINE
- EXISTING POWER POLE
- EXISTING LIGHT POLE
- EXISTING GAS METER
- EXISTING SANITARY MANHOLE
- EXISTING STORM MANHOLE
- EXISTING CATCH BASIN
- EXISTING TELEPHONE PEDESTAL
- EXISTING TELEPHONE VAULT
- EXISTING GAS GATE VALVE
- EXISTING WATER CURB STOP
- EXISTING ELECTRICAL MANHOLE
- EXISTING CONTROL POINT
- EXISTING BOLLARD
- EXISTING HYDRANT/BENCHMARK
- EXISTING DECIDUOUS TREE
- NEW PVC STORM INLET
- NEW STORM MANHOLE
- NEW 4" REINFORCED CONCRETE SIDEWALK
- NEW 4" REINFORCED CONCRETE BOULEVARD
- NEW 6" REINFORCED CONCRETE PAVEMENT
- MATCH EXISTING ASPHALT PAVEMENT SECTION
- NEW TYPE 1 STANDARD CONCRETE CURB & GUTTER
- NEW SIGN

PLAN NOTES:

1. ALL WORK SHALL COMPLY WITH THE MOST RECENT CITY OF FARGO STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC UTILITIES.
2. CONTRACTOR SHALL NOTIFY UTILITY COMPANIES FOR UNDERGROUND LOCATIONS 48 HOURS PRIOR TO BEGINNING CONSTRUCTION. NORTH DAKOTA ONE CALL PHONE NUMBER: 1-800-795-0555.
3. CONTRACTOR SHALL PROTECT ALL PROPERTY PINS. PROPERTY PINS DESTROYED OR DISTURBED SHALL BE REPLACED AT CONTRACTORS EXPENSE.
4. IF THE LAND BOUNDARY DENOTED ON THE PLANS ENCOMPASSES MORE THAN ONE (1) ACRE OR IS LESS THAN ONE (1) ACRE, BUT IS PART OF A LARGER DEVELOPMENT PLAN, A NOTICE OF INTENT TO OBTAIN A STORM WATER POLLUTION PERMIT SHALL BE ACQUIRED BY THE CONTRACTOR AND OWNER FROM THE NORTH DAKOTA STATE HEALTH DEPARTMENT SEVEN (7) DAYS PRIOR TO CONSTRUCTION.
5. CONTRACTOR SHALL MAINTAIN TEMPORARY EROSION CONTROL UNTIL PERMANENT EROSION CONTROL IS ESTABLISHED.
6. CONTRACTOR SHALL ACQUIRE AN EROSION SEDIMENT CONTROL (ESC) PERMIT FROM THE CITY OF FARGO PRIOR TO START OF CONSTRUCTION.
7. ALL PAVEMENT MARKED FOR DEMOLITION SHALL BE FULL DEPTH SAW CUT PRIOR TO REMOVAL.
8. CONTRACTOR SHALL COORDINATE TAPPING OF THE EXISTING WATERMAIN WITH THE CITY OF FARGO MAINS AND HYDRANTS DEPARTMENT. CALL (701)241-1453
9. ALL GRASSED AREAS DISTURBED BY CONSTRUCTION SHALL BE TOPSOILED (6" DEPTH), GRADED, SEEDED, AND HYDRO-MULCHED.
10. EXCAVATION OR OTHER WORK IN THE RIGHT-OF-WAY SHALL REQUIRE A TRAFFIC CONTROL PLAN THAT MEETS ALL MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REQUIREMENTS. THIS PLAN IS REQUIRED BEFORE ANY PERMITS TO WORK IN THE RIGHT-OF-WAY WILL BE ISSUED.
11. THE CITY OF FARGO INSPECTIONS DEPARTMENT MUST BE NOTIFIED TO INSPECT THE CONNECTION OF THE SITE STORMWATER SYSTEM TO THE CITY STORMWATER SYSTEM. ENSURE THE EXCAVATION IS KEPT OPEN FOR THIS INSPECTION.

BENCHMARKS:

BM-1: TOP NUT OF HYDRANT LOCATED APPROXIMATELY 340 FEET EAST OF INTERSECTION OF 15TH STREET AND MAIN AVENUE ON SOUTH SIDE OF MAIN.
ELEVATION = 905.13

MBN ENGINEERING
MECHANICAL * ELECTRICAL * CIVIL
503 7TH ST. N , SUITE 200
FARGO, ND 58102
PHONE: 701.478.6336
FAX: 701.478.6340

REVISIONS:

NO.	DATE	DESCRIPTION
1	5/18/21	CITY REVISIONS

DOVETAIL DEVELOPMENT

ASIAN MARKET

1425 MAIN AVE,
FARGO, NORTH DAKOTA

REGISTERED PROFESSIONAL ENGINEER
JOSHUA D. SKY
PE-9838
DATE 04-08-21
NORTH DAKOTA

MBN JOB #: 20-158 DATE: 04-08-21

PAVING PLAN

C4