FARGO PLANNING COMMISSION AGENDA
Tuesday, November 7, 2017 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of October 3, 2017

C: Brown Bag Luncheon - Wednesday, November 15, 2017

D: Public Hearing Items:

1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional, within the boundaries of the proposed **Grayland First Addition**. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk)

1b. Continued hearing on an application requesting a Plat of **Grayland First Addition** (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk)

2a. Continued hearing on an application requesting a zoning change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay within the boundaries of the proposed **Diamond Willow Addition**. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)

2b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Diamond Willow Addition**. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)

2c. Continued hearing on an application requesting a Plat of **Diamond Willow Addition** (Minor Subdivision) a replat of Lots 15 and 16, Block 15, Douglas Addition, to the City of Fargo, Cass County, North Dakota. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)

3. Continued hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, **Tyler's Addition**. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited) (an): WITHDRAWN – Re-advertised and approved at September 5, 2017 Planning Commission Meeting

4. Continued Hearing on an application requesting a Conditional Use Permit for household living in the LC, Limited Commercial Zone, on the proposed Lot 5, Block 1, **Urban Plains by Brandt Third Addition**. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.) (an): CONTINUED TO DECEMBER 5, 2017

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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.

5. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, within the boundaries of **The District of Fargo Third Addition**. (Located at 3751 53rd Avenue South) (Batis Development/Roers) (dk)

6. Hearing on an application requesting an LDC Text Amendment to amend Section 20-0402.R.1.b of the Fargo Municipal Code (Land Development Code) relating to the screening of outdoor storage areas. (Precision Lawn Care & Landscaping/Roers) (me)

7. Hearing on an application requesting a Plat of **Ekman Dakota View Second Addition** (Minor Subdivision) a replat of part of Lot 2 and all of Lot 3, Block 1, Ekman Addition, and Lot 1, Block 1, Ekman Dakota View Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4108 and 4162 17th Ave South and 1728 42nd Street South) (Blazing Wings Properties/Daryl Bachmeier) (me)

8. Hearing on an application requesting a Plat of **Cityscapes Business Park Addition** (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth) (dk): CONTINUED TO DECEMBER 5, 2017

9. Hearing on an application requesting a Plat of **Vista Village Sixth Addition** (Minor Subdivision) a replat of Lots 6-7, Block 4, Vista Village Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4318 and 4324 37th Avenue South) (EVI Fargo LLC/Nick Stattelman) (bv)

10. Hearing on an application requesting a Plat of **Vista Village Seventh Addition** (Minor Subdivision) a replat of Lots 8-9, Block 4, Vista Village Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4304 and 4312 37th Avenue South) (EVI Fargo LLC/Nick Stattelman) (bv)

11. Hearing on an application requesting a Plat of **Craigs Oak Grove Addition** (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig) (an): CONTINUED TO DECEMBER 5, 2017

E: Other Items:

1. 2018 Planning Commission Meeting Calendar (attachment)

2. Roosevelt Neighborhood Communications

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BOARD OF PLANNING COMMISSIONERS
MINUTES

Regular Meeting: Tuesday: October 3, 2017:

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, October 3, 2017.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Rocky Schneider, Kelly Steffes, Scott Stofferahn

Absent: Mary Scherling, Melissa Sobolik

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Member Brust 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 September 5, 2017

Member Morgan noted a correction to the minutes for Item No. 6 to reflect Member Sobolik voted nay. Member Stofferahn moved the minutes of the September 5, 2017 Planning Commission meeting be approved as amended. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, October 18, 2017 Brown Bag Luncheon

Topic: Case Status Reports

Item D: Public Hearing Items:

Item 1: Grayland First Addition

1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional of the proposed Grayland First Addition. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District): CONTINUED TO NOVEMBER 7, 2017

1b. Continued hearing on an application requesting a Plat of Grayland First Addition (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South)

(Ben Saucke/West Fargo Public School District): CONTINUED TO NOVEMBER 7, 2017
A Hearing had been set for July 6, 2017. At the July 6, 2017 meeting, the Hearing was continued to August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to November 7, 2017.

Member Steffes moved this item be continued to the November 7, 2017 Planning Commission Meeting. Second by Member Magelky. All Members present voted aye and the motion was declared carried.

Item 2: NSC Addition
2a. Hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO DECEMBER 5, 2017

2b. Hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO DECEMBER 5, 2017

2c. Hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO DECEMBER 5, 2017

2d. Hearing on an application requesting a Plat of NSC Addition (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO DECEMBER 5, 2017
A Hearing had been set for August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued to September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to December 5, 2017.

Member Brust moved this item be continued to December 5, 2017 Planning Commission Meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

Item 3: Diamond Willow Addition
3a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit

Development Overlay within the boundaries of the proposed Diamond Willow Addition. (Located at 622 and 624 10th Avenue North) (Nate Anderson): CONTINUED TO NOVEMBER 7, 2017

3b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed Diamond Willow Addition. (Located at 622 and 624 10th Avenue North) (Nate Anderson): CONTINUED TO NOVEMBER 7, 2017

3c. Hearing on an application requesting a Plat of Diamond Willow Addition (Minor Subdivision) a replat of Lots 15 and 16, Block 15, Douglas Addition, to the City of Fargo, Cass County, North Dakota. (Located at 622 and 624 10th Avenue North) (Nate Anderson): CONTINUED TO NOVEMBER 7, 2017
A Hearing had been set for September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to this date and time; however, the applicant has requested the application be continued to November 7, 2017.

Applicant Nate Anderson presented an update on the changes to the project.

Member Magelky moved this item be continued to the November 7, 2017 Planning Commission meeting. Second by Member Morgan. All Members present voted aye and the motion was declared carried.

Item 4: Urban Plains by Brandt Third Addition
4a. Hearing on an application requesting a Plat of Urban Plains by Brandt Third Addition (Major Subdivision) a replat of Lot 1, Block 4, Urban Plains by Brandt First Addition, and Lot 1, Block 3, Urban Plains by Brandt Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.): APPROVED

4b. Hearing on an application requesting a Conditional Use Permit for household living in the LC, Limited Commercial Zoning District, on the proposed Lot 5, Block 1, Urban Plains by Brandt Third Addition. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.): CONTINUED TO NOVEMBER 7, 2017
Member Brust declared a conflict of interest on this item and was excused from voting.

Planner Aaron Nelson presented the staff report noting Item 4b. requesting a Conditional Use Permit, has been continued to the November 7, 2017 Planning Commission meeting. Mr. Nelson stated all approval criteria for the submitted plat have been met and staff is recommending approval.

Brian Pattengale, Houston Engineering, spoke on behalf of the project.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City of Commission of the proposed Urban Plains by

Brandt Third Addition subdivision plat as presented; as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Article 20-06 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 Gunkelman, Stofferahn, Steffes, Magelky, Morgan, Schneider, and Fischer voted aye. Member Brust abstained from voting. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

Item 5: Rocking Horse Farm 2nd Addition
Hearing on an application requesting a Sidewalk Waiver on Lots 1-5, Block 7, Rocking Horse Farm 2nd Addition. (Located at 4824, 4838, 4852, 4876, and 4894 Rocking Horse Circle South) (Mike Love/Houston Engineering, Inc.): APPROVED
Member Brust declared a conflict of interest on this item and was excused from voting.

Planner Maegin Elshaug presented the staff report for the Sidewalk Waiver. Ms. Elshaug reviewed the requirements for sidewalks and stated based on guidelines set forth within the Land Development Code and policy within the Comprehensive Plan, staff is not in support of the application and is recommending denial.

Applicant Representative Mike Love, Houston Engineering, spoke on behalf of the application.

Ken Promersberger, developer and owner of Rocking Horse Farms LLC, spoke in support of the proposed waiver.

Jeremy Gordon, Traffic Engineer, spoke on behalf of the Engineering Department in opposition to the application.

Nicole Crutchfield, Planning Administrator, spoke on the infrastructure of pedestrian activity.

Ben Dow, Director of Public Works, spoke on behalf of the Public Works Department, noting concern with the application.

Board Discussion ensued regarding the intent of the office park, design of the proposed alternate sidewalk plan, and the purpose of sidewalk networks and infrastructure.

Member Gunkelman moved the findings and recommendations of staff be denied, and approval be recommended to the City Commission of the Sidewalk Waiver on the basis that the proposal is consistent with the GO2030 Fargo Comprehensive Plan and meets the requirements set forth within Section 20-0609.A (1-7) of the Land Development Code. Second by Member Schneider. On call of the roll Members Stofferahn, Steffes, Magelky, and Gunkelman voted aye. Members Morgan, Schneider, and Fischer voted nay. Member Brust abstained from voting. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

At 4:04 p.m., the Board took a five-minute recess.

After recess: All Members present except Scherling and Sobolik. Chair Fischer presiding.

Item 6: Timber Parkway Second Addition

6a. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, within the boundaries of the Timber Parkway Second Addition. (Located at 4801 and 4951 Timber Parkway South) (Nate Vollmuth/Paces Lodging): APPROVED

6b. Hearing on an application requesting a Plat of Timber Parkway Second Addition (Minor Subdivision) a replat of Lots 1 and 7, Block 1, Timber Parkway First Addition to the City of Fargo, Cass County, North Dakota. (Located at 4801 and 4951 Timber Parkway South) (Nate Vollmuth/Paces Lodging): APPROVED

Ms. Elshaug presented the staff report noting that an updated plat had been submitted to the board, and stated all approval criteria have been met and staff is recommending approval.

Applicant Nate Vollmuth, PACES Lodging, spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) repeal and reestablish a C-O, Conditional Overlay and 2) subdivision plat, Timber Parkway Second Addition as outlined in the staff report, on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Steffes, Magelky, Gunkelman, Morgan, Brust, Stofferahn, Schneider, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

Item 7: Brandt Crossing Thirteenth Addition

Hearing on an application requesting a Plat of Brandt Crossing Thirteenth Addition (Minor Subdivision) a replat of Lot 1, Block 1, Brandt Crossing Twelfth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3252 51st Street South) (Nate Vollmuth/Paces Lodging): APPROVED

Assistant Planner Kylie Murphy presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Brust moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Brandt Crossing Thirteenth Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Gunkelman, Morgan, Steffes, Brust,

Stofferahn, Schneider, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

Item 8: The District of Fargo Third Addition
Hearing on an application requesting a Plat of The District of Fargo Third Addition (Minor Subdivision) a replat of Lot 1, Block 6, The District of Fargo Addition, to the City of Fargo, Cass County, North Dakota, to include a Sidewalk Waiver on Lots 1-3, Block 1 of the proposed plat. (Located at 3751 53rd Avenue South) (Jeremy Easum/Roers Development): APPROVED
Senior Planner Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) The District of Fargo Third Addition subdivision plat; and 2) Sidewalk Waiver, as presented, as the proposal complies with the 2007 Growth 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 Gunkelman. On call of the roll Members Brust, Morgan, Gunkelman, Magelky, Schneider, Steffes, Stofferahn, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

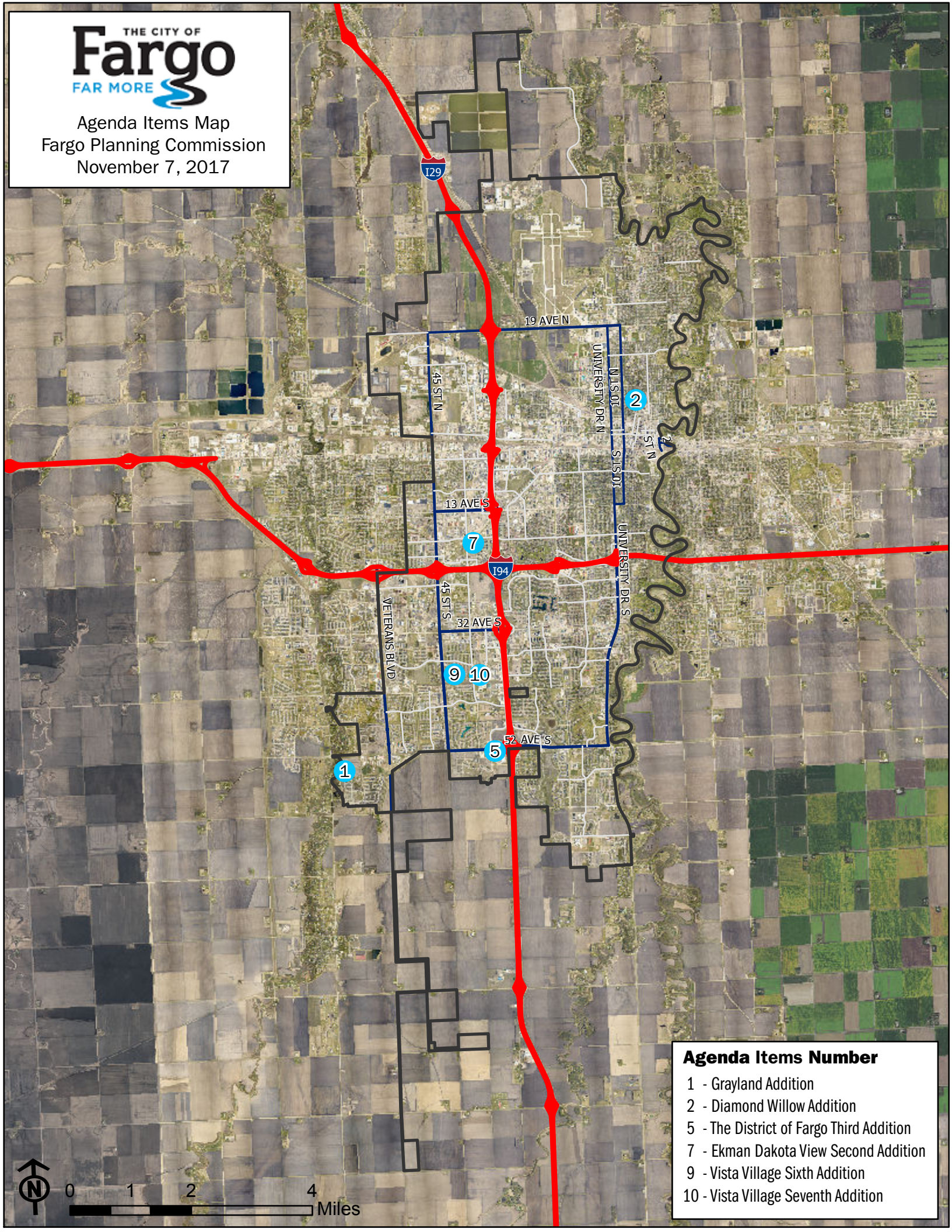
Item 9: Maple Valley Third Addition
Hearing on an application requesting a Plat of Maple Valley Third Addition (Minor Subdivision) a replat of Lots 19-27 and 29-31, Block 1, Maple Valley Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3325-3349 Maple Leaf Loop South) (John Holland/Wildstone Development): APPROVED
Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Maple Valley Third Addition subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Brust. On call of the roll Members Morgan, Magelky, Steffes, Gunkelman, Brust, Schneider, Stofferahn, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

Item E: Other Items:
Item 1: Presentation on the Downtown Master Plan

Scott Page and Kevin Hively, of the Interface Studio team, presented an overview of the proposed Downtown Master Plan.

The time at adjournment was 5:03 p.m.


THE CITY OF
Fargo
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Agenda Items Map
Fargo Planning Commission
November 7, 2017
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Agenda Items Number
1 - Grayland Addition
2 - Diamond Willow Addition
5 - The District of Fargo Third Addition
7 - Ekman Dakota View Second Addition
9 - Vista Village Sixth Addition
10 - Vista Village Seventh Addition
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Agenda Item #	1a, 1b

City of Fargo *Staff Report*			
Title:	Grayland First Addition	**Date:** **Updated:**	6/28/2017 7/26/2017 8/30/2017 9/27/2017 11/2/2017
Location:	5565 63rd Street South and 5414 68th Street South	**Staff Contact:**	Donald Kress, senior planner
Legal Description:	annexed part of Section 5, Township 138 North, Range 49 West,		
Owner(s)/Applicant:	Ben Saucke; West Fargo Public Schools / Lowry Engineering	**Engineer:**	Lowry Engineering
Entitlements Requested:	**Major Subdivision** (plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. **Zone Change** (from AG, Agriculture to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional)		
Status:	Planning Commission Public Hearing: November 7, 2017		

Existing		Proposed
Land Use: Undeveloped		**Land Use:** Residential and public elementary school
Zoning: AG, Agricultural		**Zoning:** SR-2, Single Dwelling Residential; SR-3, Single-Dwelling Residential and P/I, Public and Institutional
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		**Uses Allowed:** SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.

Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.		**Maximum Density Allowed (Residential):** SR-2: 5.4 dwelling units per acre; SR-3: 8.7 dwelling units per acre
		Maximum Lot Coverage Allowed: P/I has no maximum

Proposal:

Project History Note: This project was continued on the July 6, 2017 Planning Commission agenda at the request of the applicant. The ditch adjacent to the project site is part of the Red River Valley Water Supply Project. Engineering studies on this project have been conducted since this summer; the applicant has not been able to finalize his plat design until the results of these engineering studies have been evaluated by the Garrison Conservancy District and City of Fargo. This evaluation has now been completed.

The applicant requests two entitlements:

1. A major subdivision, entitled **Grayland First Addition,** which is a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota.
2. A zoning change from AG, Agriculture to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional.

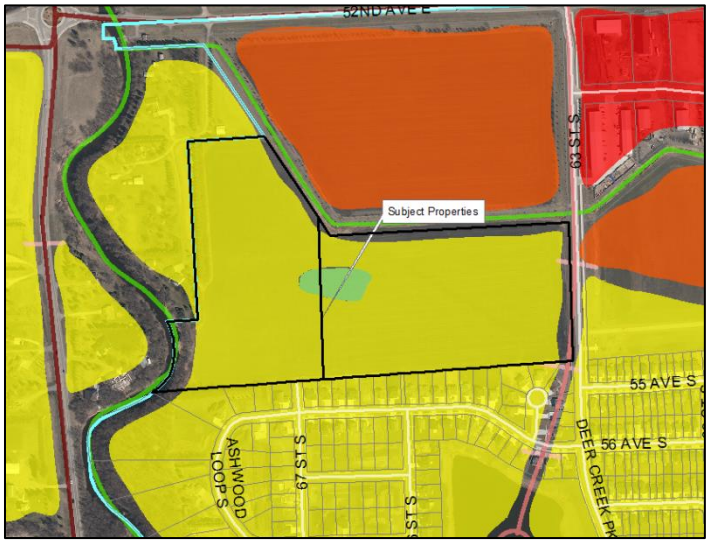
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; undeveloped
- East: P/I, Public/Institutional; city-owned water storage
- South: SR-2, Single-Dwelling Residential; residential use
- West: AG, Agricultural; residential use; Sheyenne River (area to the west is in the extra-territorial jurisdiction)

Area Plans:

The 2007 Tier 1 Southwest Land Use Growth Plan designates most the area of this project as "lower to medium density residential" and "proposed park" land uses.



Context:

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

Neighborhood: The subject property is located within Deer Creek neighborhood.

Parks: Deer Creek Park is located approximately 0.23 miles south of the project site and provides 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 located approximately 0.20 miles north of the project site and along 63rd Street South that are located adjacent to the east side of the project site. Both bike facilities are a component of the metro area bikeways system.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create 65 lots, with 62 single-dwelling lots, one lot for future West Fargo elementary school, one detention basin, and one lot that will be purchases by the City, zoned as shown in the chart below:

BLOCK	LOTS	ZONING	LAND USE
1	1-18; 20-26	SR-2	Single dwelling residential
1	19	P/I	Detention basin—to be dedicated
2	1-11	SR-2	Single dwelling residential
3	1	P/I	To be purchased by City of Fargo
3	2-18	SR-3	Single dwelling residential
4	1-9	SR-2	Single dwelling residential
4	10	P/I	Future West Fargo elementary school

The SR-2 zoned single-dwelling lots range in size from 11,700 square feet to 84,300 square feet, with most lots being in the 11,000 to 15,000 square foot range. All meet the minimum required lot area (8,000 square feet) of the SR-2 zone. The SR-3 zoned single-dwelling lots range in size from approximately 8,900 square feet to 9,900 square feet. All meet the minimum required lot area (5,000 square feet) of the SR-3 zone.

DENSITY: The project provides a gross density of 1.5 dwelling units per acre, which does not exceed the maximum density of 5.4 dwelling units per acre allowed in the SR-2 zone or 8.7 dwelling units per acre allowed in the SR-3 zone.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat. 66th Street South is configured to provide a crossing of the adjacent ditch in the future. This ditch is not a designated Cass County drain.

AMENITIES PLAN: The applicant has provided a draft amenities plan providing details of the project's street, stormwater, trails, and property owner association responsibility for certain facilities within the project. A copy of this plan is attached.

PARKS AND TRAILS: No park dedication is required. Trail connection to the existing trail in Deer Creek to the south will be provided by an easement on the west side of the school property. A 10-foot wide shared use path will be installed within the public right of way on the south side of 54th Avenue South, on the east side of 66th Street South north of 54th Street South (to provide for connection to the future drain crossing). The developer shall dedicate five feet of additional right of way along 63rd Street South to allow for the construction of a 10-foot wide shared use path along the west side of 63rd. This path will eventually be continued on adjacent properties to the north and south.

SCHOOL: Lot 10, Block 4 is intended for a future West Fargo Public Schools elementary school. West Fargo School District administration has advised staff that the intended construction start date for this school is May 1, 2018.

STORMWATER: The detention basin that will be created on Lot 19, Block 1, will be a regional facility, serving this property and adjacent property to the north when that property is developed.

SPOILAGE EASEMENT: An existing spoilage easement is depicted on the plat. The applicant intends to vacate this easement prior to final plat approval, pending negotiations with the City.

GROWTH PLAN DESIGNATION

The 2007 Tier 1 Southwest Land Use Growth Plan designates most the area of this project as "lower to medium density residential." That plan states that the proposed SR-2, SR-3, and P/I zones are included within the land use designation. Elementary schools are specifically noted in the plan as being a facility appropriate to be included in this land use designation. The remaining area of the project site is designated as "proposed park."

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. The proposed zoning of SR-2, SR-3 and P/I is consistent with the 2007 Growth Plan designation of "lower to medium density residential" and "proposed park."

(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 one phone inquiry 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 Growth Plan; this plan designates this property as appropriate for lower to medium density residential development, which would include the SR-2. SR-3, and P/I zones. The project provides a gross density of 1.5 dwelling units per acre, which does not exceed the maximum density of 5.4 dwelling units per acre allowed in the SR-2 zone or 8.7

dwelling units per acre allowed in the SR-3 zone. 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 zoning for the residential development on this property is SR-2 and SR-3 (both Single Dwelling Residential) and P/I, Public/Institutional. The SR-2 and SR-3 zoning will accommodate the proposed single-family development. The P/I zoning will accommodate the elementary school and detention basin. The SR-2, SR-3, and P/I zoning designations are consistent with the lower to medium density designation for this property in the 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry 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 is SR-2, SR-3, and P/I. This zoning is consistent with the 2007 Growth Plan which designates this property for lower to medium density residential development. 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 has been reviewed by staff and will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.
   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to SR-2, Single Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional on the annexed part of Section 5, Township 138 North, Range 49 West; and 2) **Grayland First Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive 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: November 7, 2017

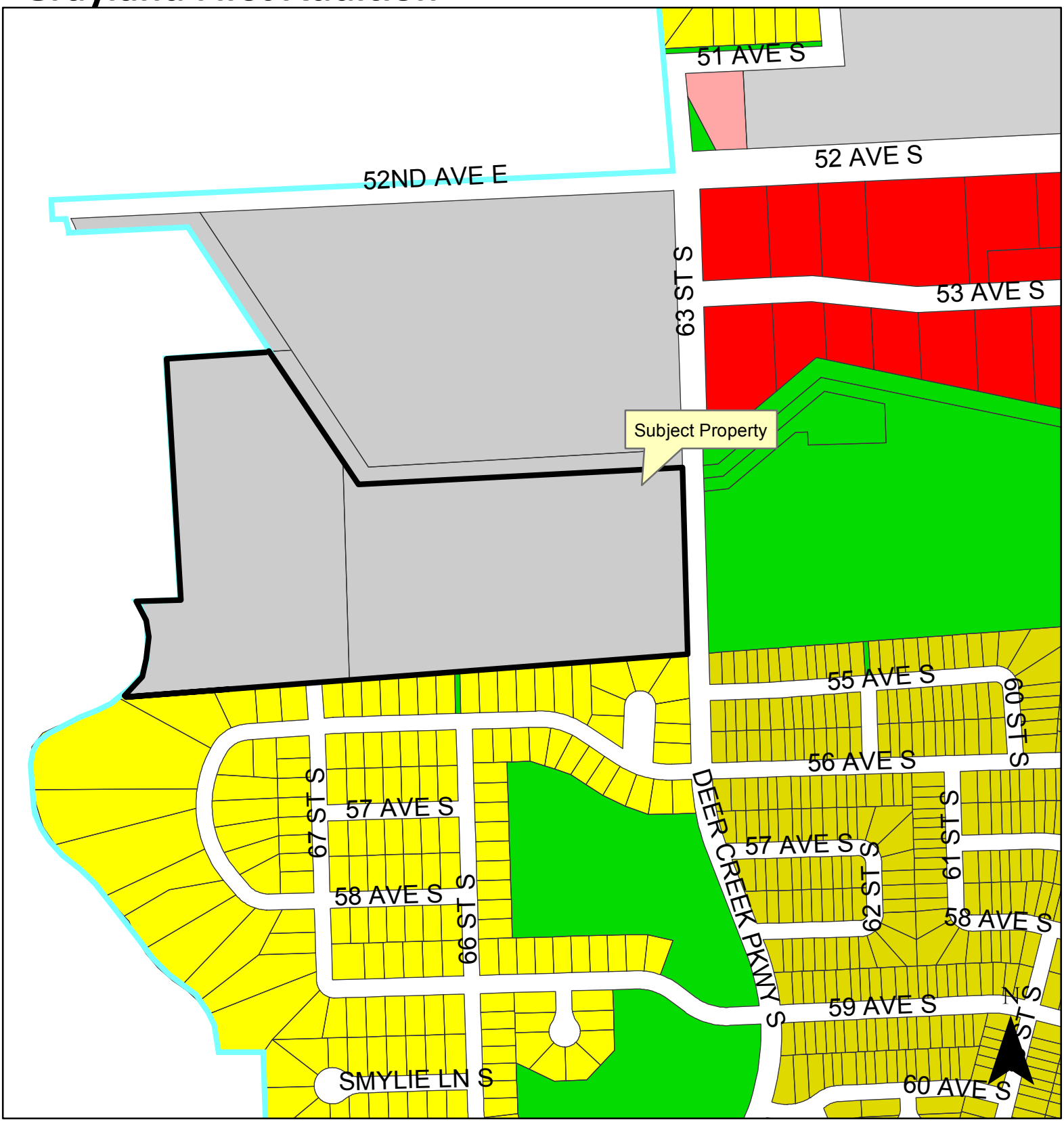
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Zoning Exhibit
5. Draft Amenities Plan

Plat (Major Subdivision) and Zone Change (AG to SR-3 and P/I)

Grayland First Addition

5565 63rd Street South



CITY OF Fargo

300 Feet

Fargo Planning Commission
July 6, 2017

Plat (Major Subdivision) and Zone Change (AG to SR-3 and P/I)

Grayland First Addition

5565 63rd Street South

CITY OF Fargo

300 Feet

Fargo Planning Commission
July 6, 2017

A MAJOR SUBDIVISION PLAT OF

GRAYLAND FIRST ADDITION

PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

BLOCK 1		
LOT #	SQUARE FEET	ACRES
1	84,334	1.94
2	56,985	1.31
3	51,218	1.18
4	23,389	0.54
5	18,563	0.43
6	15,755	0.36
7	14,782	0.34
8	14,734	0.34
9	14,733	0.34
10	14,732	0.34
11	13,183	0.30
12	20,879	0.48
13	21,019	0.48

BLOCK 1		
LOT #	SQUARE FEET	ACRES
14	24,963	0.57
15	17,480	0.40
16	14,488	0.33
17	14,850	0.34
18	14,850	0.34
19	103,285	2.37
20	14,561	0.33
21	11,675	0.27
22	11,661	0.27
23	11,722	0.27
24	12,253	0.28
25	12,598	0.29
26	13,360	0.31

BLOCK 2		
LOT #	SQUARE FEET	ACRES
1	15,121	0.35
2	12,710	0.29
3	12,648	0.29
4	12,105	0.28
5	11,765	0.27
6	13,020	0.30
7	13,468	0.31
8	12,376	0.28
9	12,376	0.28
10	12,376	0.28
11	14,042	0.32

BLOCK 3		
LOT #	SQUARE FEET	ACRES
1	21,078	0.48
2	9,945	0.23
3	8,990	0.21
4	8,981	0.21
5	8,972	0.21
6	8,962	0.21
7	8,953	0.21
8	8,943	0.21
9	8,934	0.21
10	8,924	0.20
11	8,915	0.20
12	8,905	0.20
13	8,896	0.20
14	8,886	0.20
15	8,877	0.20
16	8,868	0.20
17	8,858	0.20
18	10,032	0.23

BLOCK 4		
LOT #	SQUARE FEET	ACRES
1	13,936	0.32
2	13,010	0.30
3	12,906	0.30
4	12,975	0.30
5	25,443	0.58
6	16,309	0.37
7	12,862	0.30
8	13,049	0.30
9	14,027	0.32
10	431,736	9.91

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	90.90'	70.00'	74°24'19"
C2	54.36'	70.00'	44°29'53"
C3	54.36'	70.00'	44°29'53"
C4	54.36'	70.00'	44°29'53"
C5	85.89'	70.00'	70°18'06"
C6	35.71'	70.00'	29°13'35"
C7	49.58'	431.00'	6°34'52"
C8	92.44'	431.00'	12°17'21"
C9	90.66'	431.00'	12°03'06"
C10	232.60'	431.00'	30°55'18"
C11	114.43'	369.00'	17°46'06"
C12	22.62'	369.00'	3°30'45"
C13	37.25'	69.04'	30°55'01"
C14	21.63'	90.00'	13°46'08"
C15	52.58'	90.00'	33°28'20"
C16	67.14'	90.00'	42°44'24"
C17	141.34'	90.00'	89°58'51"
C18	70.69'	131.00'	30°55'01"
C19	43.97'	28.00'	89°58'51"

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C20	46.85'	90.00'	29°49'34"
C21	34.43'	90.00'	21°55'15"
C22	39.92'	90.00'	25°24'47"
C23	141.37'	90.00'	90°00'00"
C24	20.17'	90.00'	12°50'23"
C25	43.98'	28.00'	90°00'00"
C26	25.47'	531.00'	2°44'54"
C27	25.56'	531.00'	2°45'30"
C28	51.03'	531.00'	5°30'24"
C29	24.06'	469.00'	2°56'20"
C30	21.02'	469.00'	2°34'04"
C31	45.08'	469.00'	5°30'24"
C32	45.08'	469.00'	5°30'24"
C33	51.03'	531.00'	5°30'24"
C34	59.16'	160.00'	21°11'10"
C35	26.97'	222.00'	6°57'42"
C36	55.11'	222.00'	14°13'28"
C37	82.09'	222.00'	21°11'10"

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	29.76'	S65°29'16"W
L2	28.25'	N65°29'16"E
L3	23.46'	N3°20'43"W
L4	23.46'	S3°20'43"E
L5	59.18'	N86°40'26"E
L6	69.82'	S87°49'10"E
L7	69.82'	N87°49'10"W
L8	145.01'	N1°42'00"W
L9	48.07'	N86°40'26"E

LEGEND

- ● MONUMENT SET
- ○ MONUMENT FOUND
- P.O.B. POINT OF BEGINNING
- R/W RIGHT OF WAY
- EX. EASEMENT
- EX. PROPERTY LINE
- SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT
- SETBACK LINE

NOTES

1. UTILITY & DRAINAGE EASEMENTS ARE 10' IN WIDTH (5' EACH SIDE OF SHARED LOT LINES) UNLESS OTHERWISE NOTED.
2. WITHIN THE MINIMUM AND LIMITED DISTURBANCE ZONE SETBACK, THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF SOIL AND/OR NATIVE VEGETATION EXCEPT AS PERMITTED BY ORDINANCES OF THE CITY OF FARGO.
3. ANY MINIMUM OR LIMITED DISTURBANCE ZONE SETBACK SHOWN HEREON ARE SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER FOR CASS COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
4. THE AREA INCLUDED IN THE PLAT OF "GRAYLAND FIRST ADDITION" IS ENTIRELY WITHIN FLOOD ZONES X AS DESIGNATED ON FLOOD INSURANCE RATE MAP NUMBER: 38017C0767G, EFFECTIVE JANUARY 16, 2015.
5. THIS AREA IS SHOWN AS BEING PROTECTED FROM THE ONE PERCENT ANNUAL CHANCE OR GREATER FLOOD HAZARD BY A LEVEE SYSTEM. OVERTOPPING OR FAILURE OF ANY LEVEE SYSTEM IS POSSIBLE.

0 100 200

SHEET 1 OF 2

LOWRY ENGINEERING
1111 WESTRAC DRIVE - SUITE 108
FARGO, NORTH DAKOTA 58103

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A MAJOR SUBDIVISION PLAT OF

GRAYLAND FIRST ADDITION

PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT GRAYLAND HOLDING COMPANY, LLC AND WEST FARGO PUBLIC SCHOOL DISTRICT #6, ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF GRAYLAND FIRST ADDITION, A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN CASS COUNTY, NORTH DAKOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 20, BLOCK 9 OF DEER CREEK ADDITION; THENCE S85°44'40"W ALONG THE NORTH LINE OF DEER CREEK ADDITION AND ASHWOOD 4TH ADDITION, AS RECORDED IN THE CASS COUNTY RECORDER'S OFFICE FOR A DISTANCE OF 2,202 FEET MORE OR LESS TO THE CENTERLINE OF THE SHEYENNE RIVER; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID SHEYENNE RIVER FOR A DISTANCE 421 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF AUDITOR'S LOT 4 AS RECORDED IN THE CASS COUNTY RECORDER'S OFFICE; THENCE N87°23'08"E FOR A DISTANCE OF 165 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID AUDITOR'S LOT 4; THENCE N03°18'59"W ALONG THE EAST LINE OF AUDITOR'S LOTS 4 AND 3 FOR A DISTANCE OF 932.55 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SOUTH HALF OF GOVERNMENT LOT 4 OF SECTION 5; THENCE N86°22'08"E ALONG SAID NORTH LINE OF THE SOUTH HALF OF GOVERNMENT LOT 4 FOR A DISTANCE OF 400.29 FEET; THENCE S33°33'49"E FOR A DISTANCE OF 619.65 FEET; THENCE N86°49'10"E FOR A DISTANCE OF 1245.91 FEET TO THE WESTERLY RIGHT OF WAY OF 63RD STREET SOUTH; THENCE S01°42'00"E ALONG SAID 63RD STREET SOUTH RIGHT OF WAY FOR A DISTANCE OF 719.96 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 41.10 ACRES, MORE OR LESS, TOGETHER WITH EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED AND PLATTED AS GRAYLAND FIRST ADDITION TO THE CITY OF FARGO, NORTH DAKOTA, AND DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, ALL EASEMENTS AND RIGHTS OF WAY SHOWN ON THIS PLAT.

GRAYLAND HOLDING COMPANY, LLC

_____
GRAYLAND HOLDING COMPANY, LLC
BY: BEN SAUCKE
ITS: PRESIDENT

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BEN SAUCKE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, COUNTY:__CASS_____STATE: NORTH DAKOTA___
MY COMMISSION EXPIRES:_____

BLACK RIDGE BANK

_____
BLACK RIDGE BANK
BY: KYLE HAUGLAND
ITS: ASSISTANT VICE PRESIDENT

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KYLE HAUGLAND, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, COUNTY:__CASS_____STATE: NORTH DAKOTA___
MY COMMISSION EXPIRES:_____

WEST FARGO PUBLIC SCHOOL DISTRICT #6

_____
WEST FARGO PUBLIC SCHOOL DISTRICT #6
BY: KARA GRAVLEY–STACK
ITS: PRESIDENT

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KARA GRAVLEY–STACK, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, COUNTY:__CASS_____STATE: NORTH DAKOTA___
MY COMMISSION EXPIRES:_____

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS GRAYLAND FIRST ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS_____DAY OF_____, 2017.

_____
COLE A. NESET,
REGISTERED LAND SURVEYOR
ND REG. NO. 7513

STATE OF_____)
)SS
COUNTY OF_____)

ON THIS_____DAY OF_____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, COUNTY:_____STATE:_____
MY COMMISSION EXPIRES:_____

CITY OF FARGO ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED ON THIS_____DAY OF_____2017.

_____
MARK H. BITTNER
CITY ENGINEER

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: MARK H. BITTNER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES:_____

CITY OF FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS_____DAY OF_____2017.

_____
SHARA FISCHER, CHAIR
FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: SHARA FISCHER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES:_____

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS THIS _____ DAY OF _____2017.

_____
TIMOTHY J. MAHONEY
MAYOR

_____
STEVE SPRAGUE
CITY AUDITOR

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2017, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSON'S DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES:_____

LOWRY ENGINEERING
1111 WESTRAC DRIVE - SUITE 108
FARGO, NORTH DAKOTA 58103

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ZONING MAP

GRAYLAND FIRST ADDITION

PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

UNPLATTED
UNPLATTED
UNPLATTED
UNPLATTED
UNPLATTED
AUD. LOT 3
AUD. LOT 1
AUD. LOT 4
SHEYENNE RIVER
GRAYLAND DRIVE
62' R/W
54TH AVE SOUTH
55TH AVE SOUTH
56TH AVE SOUTH
65TH STREET SOUTH
67TH STREET SOUTH
63RD ALLEY SOUTH
70' R/W
80' R/W
90°
20'
5' R/W
SETBACK ZONE
DISTURBANCE
MINIMUM
LIMITED
DEER CREEK ADDITION BLOCK 9
ASHWOOD 4TH ADDITION BLOCK 1
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22

ZONING AREAS

- SR-2 – SINGLE DWELLING
- SR-3 – SINGLE DWELLING
- P/I – PUBLIC AND INSTITUTIONAL
- TYPICAL SECTION "1"
- TYPICAL SECTION "2"
- TYPICAL SECTION "3"

N

0 100 200

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT
- EX. CONTOUR
- SETBACK LINE

NOTES

1. UTILITY & DRAINAGE EASEMENTS ARE 10' IN WIDTH (5' EACH SIDE OF SHARED LOT LINES) UNLESS OTHERWISE NOTED.

SHEET 1 OF 1

LOWRY ENGINEERING
1111 WESTRAC DRIVE - SUITE 108
FARGO, NORTH DAKOTA 58103

Site Amenities and Project Plan

Grayland First Addition

10/16/2017

Location: The project covers two separate parcels owned by Grayland Holding Company, LLC and West Fargo Public School District #6. The properties are located between the Sheyenne River and 63rd Street South, on the south side of 52nd Ave S. The properties are legally referenced as the annexed part of Section 5, Township 138 North, Range 49 West at 5414 68th St S (Grayland Holding Company, LLC) and 5565 63rd St S (West Fargo Public School District #6), City of Fargo, Cass County, North Dakota totaling approximately 41.13 acres. It will be legally referenced as "Grayland First Addition" once the plat is approved.

Details: The project includes sixty-five (65) lots on four (4) blocks. Lots 1-26 Block 1, Lots 1-11 Block 2, Lots 1-18 Block 3, and Lots 1-10 Block 4. All of the land is currently in the AG zoning district. Lots 1-18, and Lots 20-26 Block 1, Lots 1-11 Block 2, and Lots 1-9 Block 4 will be rezoned to SR-2. Lot 19 Block 1, Lot 1 Block 3, and Lot 10 Block 4 will be rezoned to P/I. Lots 2-18 Block 3 will be rezoned to SR-3. See attached zoning map. Lot 1 Block 3 will be sold to the City for future improvements. See below for more details.

Right of Way (ROW): The project accommodates right of way dedications for public roadways and utilities, with specific details outlined below:

66th St S north of 54th Ave S: This segment of 66th St S has been designated as a *local* roadway pursuant to §20.0702

- ROW dedication for 66th St S shall be 70 feet;
- Street widths shall be 28 feet with parking allowed on one side of the street, with appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards;
- A 4.5-foot sidewalk shall be incorporated into the east boulevard as required by §20.0611-1.
- A 10-foot sidewalk shall be incorporated into the west boulevard

66th St S between 54th Ave S and 55th Ave S, 54th Ave S between 66th St S and Grayland Drive, 55th Ave S between Grayland Drive and 66th St S, 67th St S between 55th Ave S and 56th Ave S, and Grayland Drive: These segments of 66th St S, 54th Ave S, 55th Ave S, 67th St S, and Grayland Drive have been designated as *local* roadways pursuant to §20.0702

- ROW dedication for 66th St S, 54th Ave S, 55th Ave S, 67th St S, and Grayland Drive shall be 62 feet;
- ROW dedication for the cul-de-sac shall be 140 feet in diameter
- Street widths shall be 28 feet with parking allowed on one side of the street, with appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards;
- 4.5-foot sidewalks shall be incorporated into the boulevards as required by §20.0611-1.

<u>54th Ave S between 63rd St S and 66th St S:</u> This segment of 54th Ave S has been designated as a *local* roadway pursuant to §20.0702

- ROW dedication for 54th Ave S shall be 80 feet;
- Street widths shall be 40 feet with a center turn lane and parking allowed on one side of the street, with appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards;
- A 4.5-foot sidewalk shall be incorporated into the north boulevard as required by §20.0611-1.
- A 10-foot sidewalk shall be incorporated into the south boulevard

<u>63rd St S:</u> This segment of 63rd St S has been designated as a *local* roadway pursuant to §20.0702

- ROW dedication for 54th Ave S shall be an additional 5 feet

<u>Other:</u>

- Developer shall be responsible for coordinating the placement of a group mailbox, parking signage and street light locations with the City of Fargo Engineering Department. These details shall be determined prior to construction of any public improvements. Consideration to maintenance and snow removal for a group mailbox shall be outlined within restrictive covenants for the project.
- Snow removal of sidewalks and all boulevard turf maintenance shall be the responsibility of the adjacent property owner.

Drain Setback: The proposed project is buffered on the east and northeast sides by a City of Fargo parcel containing a drainage ditch required for water supply from the Sheyenne River. The City initially required a building setback of 175' from the centerline of this ditch. A Geotechnical Engineering Report on Slope Stability prepared by Terracon Consultants, Inc for both Grayland Holding Company, LLC and West Fargo Public School District #6's properties advise that a setback of 50' from the centerline of the drain be used for placement of future residential housing units. This correlates to a 15' building setback

into the rear yard of Lot 14 of Block 1, and Lots 2 through 18 of Block 3. No additional drain setback will be required on the plat.

City Water Utility Land Acquisition: The City Water Utility is requiring additional land for proposed improvements to the adjacent City owned parcel. Lot 1 of Block 3 was created with a 20' width to sell to the City for the proposed improvements.

Parks and Trails: The project will include open space on Lot 19 Block 1 as well as a 20' wide space for an access path to the detention pond/pedestrian trail connecting Grayland Drive to 66th Street South. It is the owner's intention that the trail on Lot 19 Block 1 will be maintained by City of Fargo Public Works.

Additionally, a Joint Use Agreement shall be executed between the property owner and the Fargo Park District for a meandering sidewalk that shall be placed within 50' of the property line on the west and south sides of Lot 11 Block 4. This sidewalk shall be installed at the same time as the improvements for 54th Ave South from 66th St South to 63rd St South.

Storm Water Management: The project will accommodate all storm water quantity and quality in a regional detention pond located on Lot 19 of Block 1 of the attached preliminary plat for all of Grayland First Addition.

To appropriately size the lot, preliminary stormwater calculations were completed. Using the City of Fargo Retention Requirements for Sites 25-100 Acres Calculator, with 65% impervious area, a total estimated 100-year pond volume of 201,055 CF will be required. Preliminary sizing was completed showing sufficient capacity in the land provided that anticipates the pond bottom elevation of 897' with the top of pond elevation of 904'. One foot of freeboard will also be required for the pond up to the 905' contour.

Based on conversations with City Engineering, it is anticipated that Lot 19 of Block 1 will be dedicated for use as a regional pond in combination with land dedicated from the property owner to the north.

The final design, installation, and any maintenance related to the pond or stormwater facilities will be the responsibility of the City. These facilities shall be designed in accordance with City of Fargo requirements.

Flood Protection: Grayland First Addition will be protected from flooding with the following measures:

Internal Flooding – rainfall of spring event included:

1. Storm Sewer systems designed and installed to City standards;
2. Storm water detention facilities within the project

FEMA Floodplain Expansion: All building construction shall meet the following flood proofing requirements:

- The point of risk on the lowest opening shall be 1.2 feet above the 41-foot Water Surface Elevation Inundation Area (WSEIA) for single family structures outside the 41-

foot WSEIA. With these criteria, the minimum finished floor elevation for this site is 908.5 (NAVD 88). (907.3' + 1.2' = 908.5')

- Fill around the building shall be 0.7' above the 41'foot WSEIA. (907.3'+0.7' = 908.0' (NAVD 88))
- The property is protected by the Sheyenne Diversion.
- The foundations shall have no special requirements.

City Utilities: The City of Fargo shall design, own, and operate the water main, storm sewer, and sanitary sewer.

Sump Pump Discharge: Lots 14-18 and 20-26 Block 1 and Lots 2-18 Block 2 are required to have all sump pump discharges to the front yard. Furthermore, these lots will be responsible for maintenance of the City/Park District owned property between their rear lot line and the edge of the wet pond behind their property. These essentially become double fronted lots with a front and rear "boulevard" between their property and a piece of public infrastructure – a street and sidewalk in the front, and stormwater detention facility in the back.

Engineering and Construction Improvements: The owner shall rely upon and collaborate with City Engineering for construction of all public improvements and any private improvements, inclusive of stormwater detention facilities as applicable.

Funding of Improvements: Public improvements shall be assessed to the benefitting property, pursuant to city policy. The developer is responsible for providing a sidewalk. If one is not provided the City may order one in and assess the installation back to the property per the infrastructure funding policy. If the City determines that additional width of sidewalk is desired it will be installed and assessed to the benefitting area per the infrastructure policy, which may include the subject property.

Future Access to Lot 10 Block 4: It is anticipated that Lot 10 Block 4 will be used for an elementary school in the future and will require a one-way access onto 63rd St S. See attached site plan.

Phasing: It is the intention of the owner to develop Grayland First Addition in two phases as determined by market conditions.

The amenity plan is hereby approved:

Ben Saucke, Grayland Holding Company, LLC	Date
Kara Gravley-Stack, West Fargo Public School District #6	Date

Mark H. Bittner, City Engineer

Date

Agenda Item #	2a, 2b, 2c

City of Fargo Staff Report			
Title:	Diamond Willow Addition	**Date:**	8/30/2017 9/27/2017 11/2/2017
Location:	622 and 624 10th Avenue North	**Staff Contact:**	Donald Kress, senior planner
Legal Description:	Lots 15 and 16, Block 15, Douglas Addition		
Owner(s)/Applicant:	Vanderson Properties / Nathan Anderson	**Engineer:**	LJA
Entitlements Requested:	**Minor Plat** (replat of Lots 15 and 16, Block 15, Douglas Addition) **Zoning Change** (From MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay) and a **PUD Master Land Use Plan**		
Status:	Planning Commission Public Hearing: November 7, 2017		

Existing		**Proposed**
Land Use: Single Dwelling Residential		**Land Use:** Attached residential development.
Zoning: MR-3, Multi-Dwelling Residential		**Zoning:** MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.		**Uses Allowed:** Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.
Maximum Density Allowed: 24 dwelling units per acre		**Maximum Density Allowed:** No change

Proposal:

Project History Note: *This project was heard at the September 5, 2017 Planning Commission meeting but was continued to the October 3rd, 2017 Planning Commission meeting to allow the applicant time to redesign the project based on recommendations of staff and comments from the public. At that October 3rd meeting, staff and the applicant updated the Planning Commission on continuing revisions, and requested the project be continued to the November 7th, 2017 Planning Commission.*

The applicant requests approval of three entitlements:

1. A zoning change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; and
2. PUD Master Land Use Plan within the boundaries of the proposed Diamond Willow Addition;
3. A plat of the **Diamond Willow Addition,** a replat of Lots 15 and 16, Douglas Addition, to create six residential lots for attached residential development as shown in the table below.

BLOCK	LOT	AREA (square feet)	ZONING
1	1	1682	MR-3 with PUD
1	2	1290	MR-3 with PUD
1	3	1633	MR-3 with PUD
1	4	2538	MR-3 with PUD
1	5	2068	MR-3 with PUD
1	6	2538	MR-3 with PUD

The subject property is located at 622 and 624 10th Avenue North. The applicant, Nathan Anderson, intends to build an attached home development with a total of six units, in two groups of three units. One group will face 7th Street and one group will face 10th Avenue.

Zoning Change and PUD Overlay

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. The only modifications to the development standards of the underlying MR-3 zone are to the front, rear, and street side setbacks. In addition, this project applies Alternative Residential Development Options—Attached Housing (LDC Section 20-0506 B) that exempts attached housing from lot width, lot area, and building coverage requirements. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right but the application is confirmed for compliance with the subdivision process.

	Current LDC Development Standards for the MR-3 Zone	**PUD Modifications to MR-3 Development Standards**
Lot Area	5,000 square feet	*Exempt per Alternative Development Options*
Setbacks	Front—25' Rear—20' Street side—12.5' Interior side—10'	Front—*decrease to 8'* Rear—*decrease to 8'* Street side—*decrease to 8'* Interior side- *Exempt per Alternative Development Options*
Building Coverage	35%	*Exempt per Alternative Development Options*

NOTE: The setbacks noted in the chart apply to the overall project site, not the individual lots within the site.

PUD Master Land Use Plan

The applicant has submitted a project narrative and PUD Master Land Use which further describe the proposed development. These documents are attached.

Additional Information:

It is important to note that pursuant to Section 20-0302.F, unless otherwise expressly approved, access to a PUD must be from a collector and higher classification of street. The roadway that is adjacent to the property, 10th Avenue North, is a local street.

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.

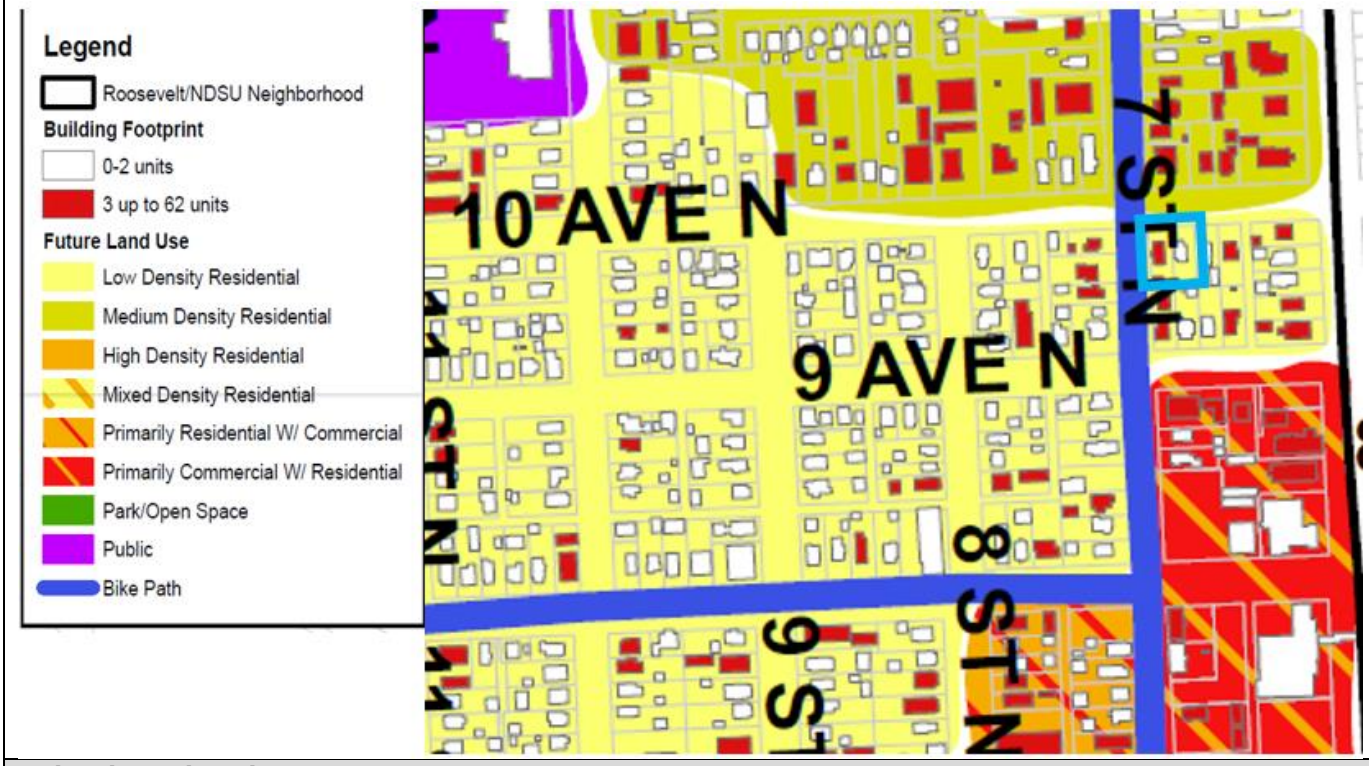
Surrounding Land Uses and Zoning Districts:

- North: Across 10th Avenue North, MR-3 with multi-dwelling use
- East: MR-3 with multi-dwelling use

- South: MR-3 with multi-dwelling use
- West: MR-3 with multi-dwelling use

Area Plans:

This subject properties are outlined in blue in the graphic below, within the Roosevelt—NDSU Neighborhood Plan. The future land use map of that plan plan designates the subject property as "Low Density Residential" land use. Please see findings below for further discussion of this item—Zoning finding no. 4, Master Land Use finding no. 4, and Subdivision finding no. 1.



Schools and Parks:

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

Parks: Mickelson Park & Softball Fields (901 Oak Street N) is located approximately a 0.50 miles east of the subject property and provides baseball/softball, concessions, playground, recreational trails, restroom, and sledding hill amenities.

Pedestrian / Bicycle: There is an on-road bike facility located along 7th Street North. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

Neighborhood Association Comments

The applicant has met with both the Neighborhood Coalition and the Roosevelt Neighborhood Association (RNA). The RNA's comments included:

- "It is just too much density for not much of a space." The proposed number of units (seven) is too great for this site; the RNA would prefer four units
- Existing properties have become run down over the past 15 years and neighbors are concerned about how well the new properties would be maintained.

- The units should be sold, not rented.
- Opposed to the 5-foot setbacks in the fronts and think that needs to be more.
- Site has insufficient green space.
- More of a buffer between neighbors (fencing, hedging, landscaping) is necessary.
- Developer's desire to "cash flow" the property compromises neighborhood integrity.

Since the time that those comments were made, the applicant has revised the project design. The revised project design differs from the one heard at the September 5, 2017 Planning Commission in several ways:

- The need for a separate driveway access lot has been eliminated. All lots now directly access a public street.
- Residential lots are larger than in the earlier design.
- The total number of lots has been reduced from seven to six, meaning the PUD no longer has to modify the open space requirement and density maximum of the underlying MR-3 zone.
- Residential units on the south side of the project are not facing the backyard of the adjacent property.

At the October 3, 2017 Planning Commission meeting, staff recommended that the project be continued to the November 7, 2017 Planning Commission meeting based on the following comments on the project design:

1. The throat depth of the driveway—the distance between the sidewalk crossing plate and the closed garage door—needs to be 18 feet, in order to accommodate a vehicle parked in the driveway. The throat depth of the driveways along 10th Avenue is only eight feet.

2. The driveway cannot be wider than 50 percent of the lot width at the sidewalk crossing plate. The driveways depicted on the Master Land Use Plan appear to be considerably wider.

3. Overall, due to the dimensional requirements noted above, it seems this project would work best if there were five lots oriented to facing 7th Street North, with the driveway in the rear (east side) accessing off 10th Avenue that serves all the units. That is, they all would have garages in the rear. This configuration resolves the front driveway setback and driveway width situation.

As the attached master land use plan shows, the applicant has resolved comment 2 above by narrowing the driveways at the crossing plate. The applicant has not modified the project design related to comments 1 and 3 above.

Zoning

Section 20-0906. 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. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The applicant intends to demolish the two existing single-family residences. The applicant owns both of these residences, which are currently used as rental housing. The proposed PUD Overlay zoning district is intended to accommodate the redevelopment of this property. **(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 property fronts on existing developed public rights-of-way which provide access and public utilities to serve the property. The applicant's utility plan indicates that each residence can be individually served with public water and sewer. **(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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has not directly received any inquiries into the application. However, the applicant has been in contact with the Roosevelt Neighborhood and the Neighborhood Coalition. Roosevelt Neighborhood comments are summarized above. 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 purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities. The subject property is located within the Roosevelt—NDSU Neighborhood Plan and included within that neighborhood's future land use plan. While that plan designates the subject property as "Low Density Residential" land use, the property is already zoned MR-3, Multi-Dwelling Residential, and the project has been designed to be within the existing density maximum of the MR-3 zone. The future land use plan states that "stabilization and growth of owner occupied housing is encouraged in order to support the schools and community services located within the neighborhood." This project is designed as attached housing with each residential unit on its own individual lot, with each lot directly accessing the street and having its own direct utility (water and sewer) connections. Thus, though the density of this project may be greater than the density of a single-dwelling zoning district, the residences in the project are configured to be owner occupied and offer a new type of housing project in the neighborhood. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, neighborhood plan, and other adopted policies of the City. **(Criteria Satisfied)**

Master Land Use Plan: The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan.

1. **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**
   The plan represents an improvement over what could have been accomplished through strict application of the base zoning district. This PUD allows for flexibility in terms of building placement and will allow for construction of attached housing on the project site. **(Criteria Satisfied)**

2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;** Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies the front, rear, and street side setbacks as outlined in Section 20-0501. All other standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**

3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, 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 property fronts on existing developed public rights-of-way which provide access and public utilities to serve the property. The applicant's utility plan indicates that each residence can be individually served with public water and sewer. **(Criteria satisfied)**

4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;** The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities. The subject property is located within the Roosevelt—NDSU Neighborhood Plan and included within that neighborhood's future land use plan. While that plan designates the subject property as "Low Density Residential" land use, the property is already zoned MR-3, Multi-Dwelling Residential, and the project has been designed to be within the existing density maximum of the MR-3 zone. The future land use plan states that "stabilization and growth of owner occupied housing is encouraged in order to support the schools and community services located within the neighborhood." This project is designed as attached housing with each residential unit on its own individual lot, with each lot directly accessing the street and having its own direct utility (water and sewer) connections. Thus, though the density of this project may be greater than the density of a single-dwelling zoning district, the residences in the project are configured to be owner occupied and offer a new type of housing project in the neighborhood. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, area plan, and other adopted policies of the City. **(Criteria Satisfied)**

5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.** The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by construction of attached housing in this neighborhood which is already zoned for multi-dwelling residential. **(Criteria Satisfied**)

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The subject property is located within the Roosevelt—NDSU Neighborhood Plan and included within that neighborhood's future land use plan. While that plan designates the subject property

as “Low Density Residential” land use, the property is already zoned MR-3, Multi-Dwelling Residential, and the project has been designed to be within the existing density maximum of the MR-3 zone. The future land use plan states that “stabilization and growth of owner occupied housing is encouraged in order to support the schools and community services located within the neighborhood.” This project is designed as attached housing with each residential unit on its own individual lot, with each lot directly accessing the street and having its own direct utility (water and sewer) connections. Thus, though the density of this project may be greater than the density of a single-dwelling zoning district, the residences in the project are configured to be owner occupied and offer a new type of housing project in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not directly received any inquiries into the application. However, the applicant has been in contact with the Roosevelt Neighborhood and the Neighborhood Coalition. Roosevelt Neighborhood comments are summarized above. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of adopted area plan, Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan; and 3) a plat of the **Diamond Willow Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, the Roosevelt-NDSU Neighborhood Plan, Standards of Article 20-06, Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: November 7, 2017

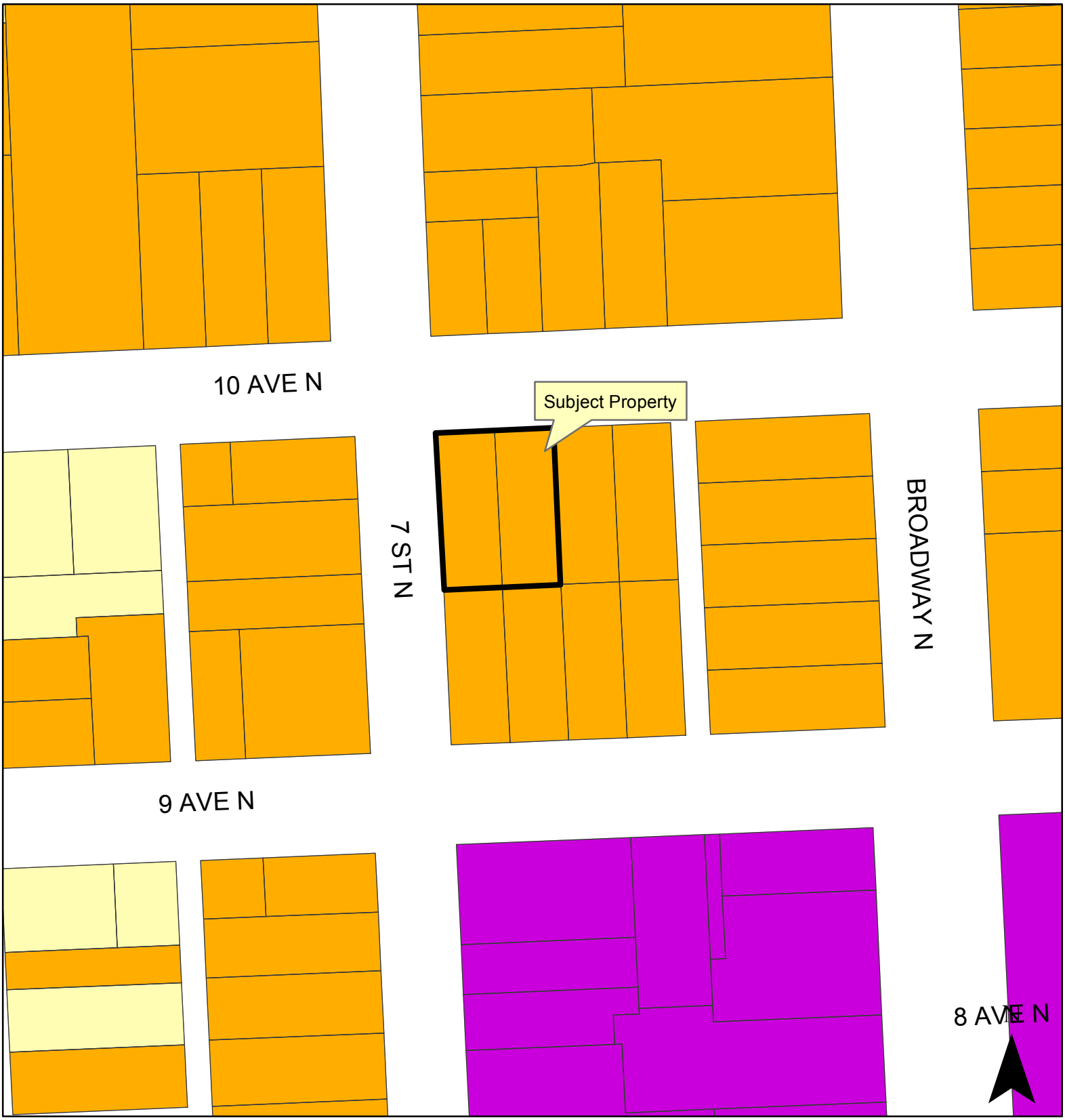
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. PUD Master Land Use Plan (site plan)
5. Proposed building elevations
6. PUD narrative

Plat (Minor), Zone Change and PUD Master Land Use Plan

Diamond Willow Addition

624 & 622 10 Ave N



THE CITY OF Fargo FAR MORE

Legend

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

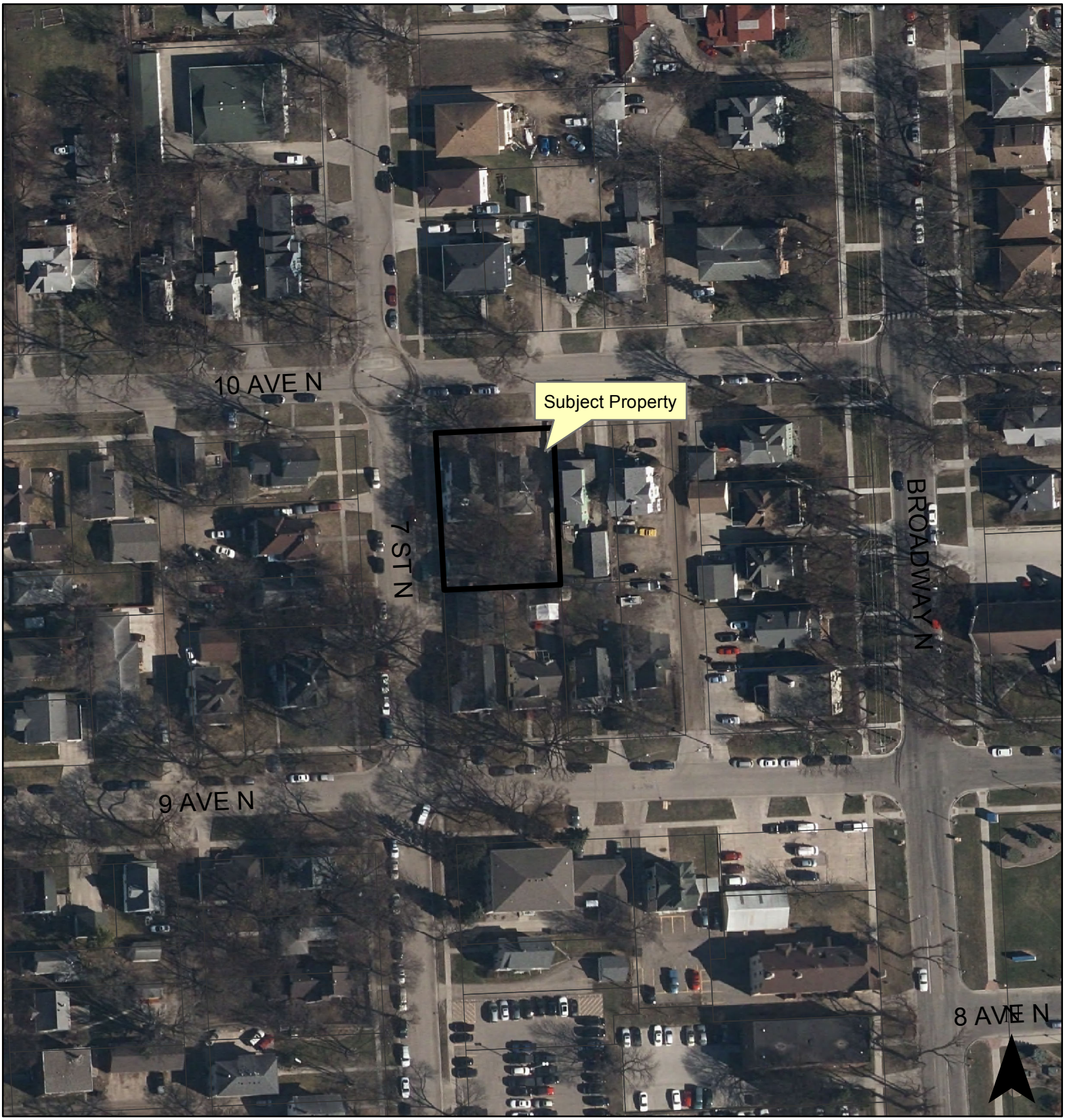
Fargo Planning Commission
September 5, 2017

300 Feet

Plat (Minor), Zone Change and PUD Master Land Use Plan

Diamond Willow Addition

624 & 622 10 Ave N



THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
September 5, 2017

DIAMOND WILLOW ADDITION

A REPLAT OF LOTS 15 AND 16, BLOCK 15, DOUGLAS ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA (A MINOR SUBDIVISION)

OWNERS' CERTIFICATE

Lots 15 and 16, Block 15, DOUGLAS ADDITION, City of Fargo, County of Cass, State of North Dakota, containing 11,750 square feet, more or less, subject to rights of way and easements of sight and record.

Said owner has caused the above described tract of land to be surveyed and platted as DIAMOND WILLOW ADDITION to the City of Fargo, North Dakota, containing 1 Block and 8 Lots and do hereby dedicate to the public, for public use, all utility easements as shown on this plat.

_____
Keith Van Hoorn, Vice President
VANDERSON PROPERTIES, LLC

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Keith Van Hoorn, Vice President of VANDERSON PROPERTIES, LLC, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

_____
Notary Public, Cass County, ND

My Commission Expires_____,

SURVEYORS CERTIFICATE AND ACKNOWLEDGMENT

I, Nathan G. Anderson, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that I have surveyed and platted the property described on this plat as DIAMOND WILLOW ADDITION to the City of Fargo, Cass County, North Dakota; that this plat is a correct representation of said survey; that all distances are shown correctly on said plat in feet and hundredths of a foot; that all monuments are or will be installed correctly in the ground as shown; and that the exterior boundary lines are correctly designated.

Dated this_____day of_____, 20__.

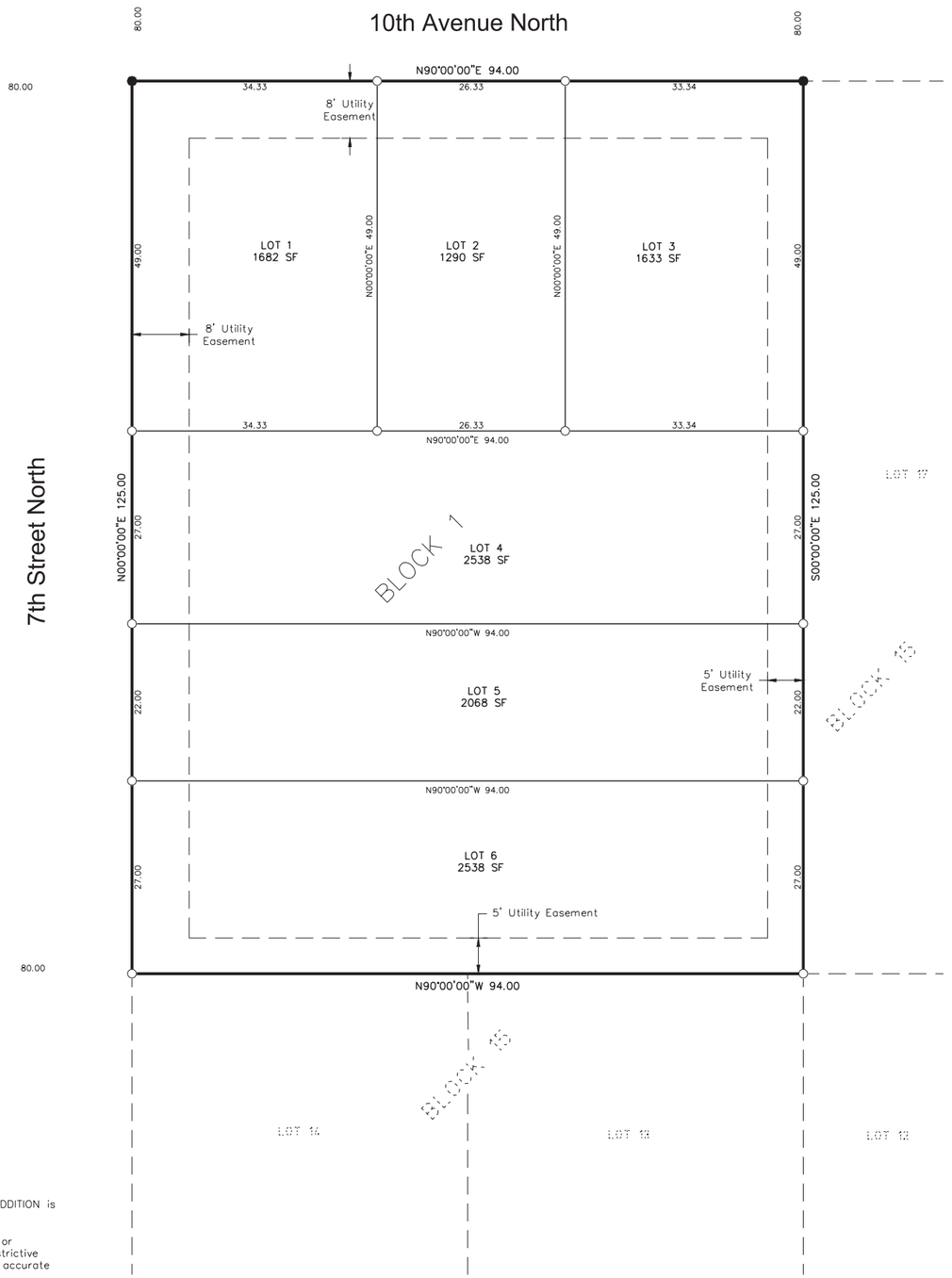
_____
Nathan G. Anderson
Professional Land Surveyor
ND Reg, No, LS-8064

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Nathan G. Anderson, Professional Land Surveyor, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

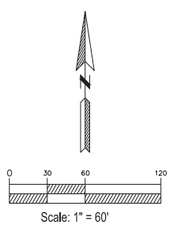
_____
Notary Public, Cass County, ND

My Commission Expires_____,



LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES 5/8" REBAR SET AND MARKED LS-8064
- DENOTES BOUNDARY LINE
- DENOTES LOT LINE
- DENOTES ADJACENT LOT LINE
- DENOTES UTILITY EASEMENT



SURVEYOR'S NOTES:

1. Basis of Bearing: The northerly line of Block 15, DOUGLAS ADDITION is assumed to bear N90°00'00"E

2. Lightowler, Johnson & Associates has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

LJA Architecture Engineering Planning Land Surveying
FARGO, ND 701.566.1555
WILLISTON, ND 701.577.8005
www.LJA-1.com
LJA Project No. Diamond Willow

CITY OF FARGO PLANNING COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____day of_____, 20__.

_____
Shara Fischer, Chairperson
Fargo Planning Commission

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Shara Fischer, Chairperson, Fargo Planning Commission, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

_____
Notary Public, Cass County, ND

My Commission Expires_____,

FARGO CITY ENGINEERS APPROVAL

This plat in the City of Fargo is hereby approved this _____day of_____, 20__.

_____
Mark Bittner, City Engineer

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Mark Bittner, City Engineer, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

_____
Notary Public, Cass County, ND

My Commission Expires_____,

FARGO CITY COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____day of_____, 20__.

_____ _____
Timothy J. Mahoney, Mayor — Steven Sprague, City Auditor

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

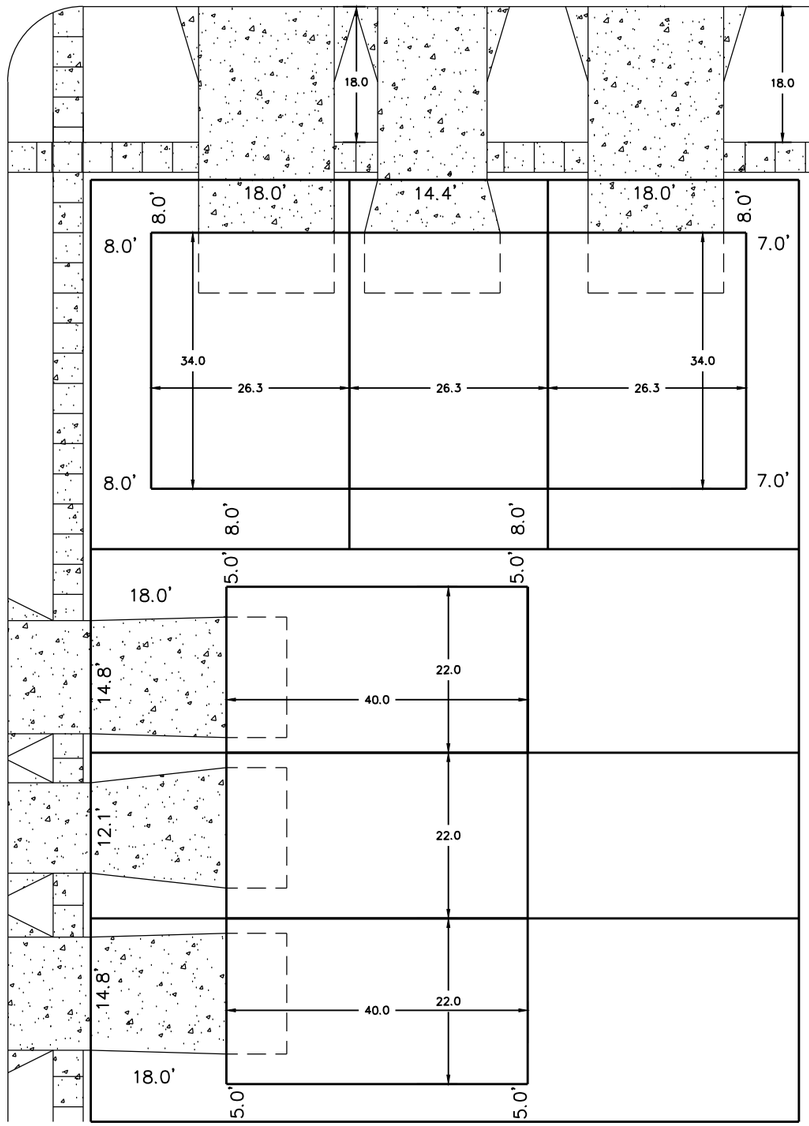
_____
Notary Public, Cass County, ND

My Commission Expires_____,

10th Avenue North

MASTER LAND USE PLAN
November 2, 2017

7th Street North



0 50 100 200
Scale: 1" = 100'

Area Of Property = 11,750 SF
Building Coverage = 5,325 SF(45.3%)
Open Space = 4,791 SF(40.8%)

3 Unit Building - Exterior Elevation

DIAMOND WILLOW PUD NARRATIVE

DEVELOPER'S STATEMENT OF INTENT: Our goals with this development are to fortify the historic integrity of the Downtown residential neighborhoods by providing exterior architectural features that closely match structures adjacent to our project. In addition, we would like to be able to provide an affordable housing option in the Downtown area that may attract younger families to fill the schools, parks, and playgrounds.

Agenda Item #	5

City of Fargo *Staff Report*			
Title:	District of Fargo 3rd Addition	**Date:**	11/2/2017
Location:	3751 53rd Avenue South	**Staff Contact:**	Donald Kress, senior planner
Legal Description:	Lots 1 through 3, Block 1, District of Fargo 3rd Addition		
Owner(s)/Applicant:	Batis Properties / Elissa Novotny Leino (Roers)	**Engineer:**	Roers
Entitlements Requested:	**Zoning Change** (repeal and re-establish a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: November 7, 2017		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Proposed for restaurant and retail development
Zoning: LC, Limited Commercial with C-O, Conditional Overlay no. 4634		**Zoning:** LC, Limited Commercial with revised C-O, Conditional Overlay
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. .		**Uses Allowed:** No change.
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 3, Block 1, The District of Fargo Third Addition. The subject properties are located at 3751 53rd Avenue South and encompass approximately 3.7 acres*. (NOTE: The District of Fargo Third Addition replat was recommended for approval by the Planning Commission on October 3, 2017. The re-established C-O will not become effective until this plat records. The District of Fargo Third Addition replats Lot 1, Block 6 of The District of Fargo Addition.)*

The applicant is proposing modifications in the C-O to accommodate national retail brands as well as to broaden the sign regulations to be more in keeping with the current sign code. (The original C-O was drafted prior to the adoption of the current sign code). In addition to the modifications to the C-O requested by the applicant, Planning staff has worked with the applicant to include additional modifications of the C-O intended to make certain sections of the C-O conform with typical language now used in C-O's since the original C-O was created in 2007 and was one of the first design districts created in the southwest section of Fargo.

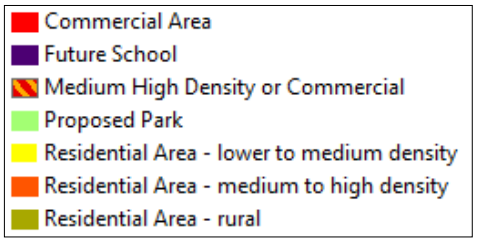
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

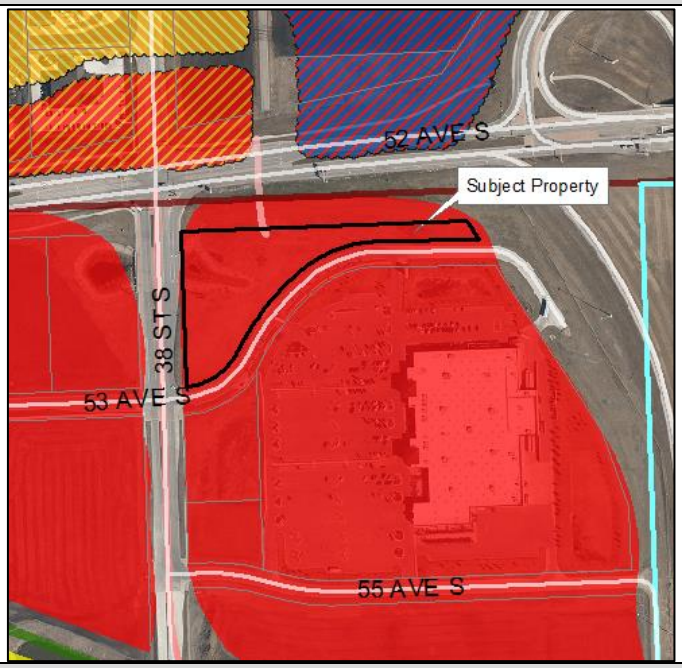
Surrounding Land Uses and Zoning Districts:

- North: Across 52nd Avenue South, GC, General Commercial, with agricultural and vacant land uses
- East: North Dakota Department of Transportation right of way. No zoning designation. Interstate 29 highway use
- South: Across 53rd Avenue South, LC, Limited Commercial, with retail and vacant land uses.
- West: Across 38th Street South, LC, Limited Commercial, with vacant land use

Area Plans:

The subject property is located within the 2007 Tier 1 Southwest Land Use Growth Plan. This plan designates the subject property as the most suitable for "Commercial Area" use.





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 District neighborhood.

Parks: The Pines Park (5371 42nd Street S) is located approximately 0.24 miles southwest of the subject property and offers the amenities of baseball, softball, playgrounds, recreational trails, and shelters.

Pedestrian / Bicycle: An off-road bike facility is located along 38th Street South and is a component of the metro area trail system.

Staff Analysis:

PROJECT OBJECTIVE

The proposed modifications to the current C-O, Ordinance 4634, include changes in the following sections of that ordinance in order to accommodate franchise chain stores design considerations. Except for the section regarding sign design, the existing language is presented, as well as the proposed amendment, with language to be added indicated by underline and language to be deleted indicated by ~~strikethrough.~~ A copy of Ordinance 4634 is attached for the Commission's reference; page numbers for each amended section are noted below. A staff comment follows each approved amendment.

Architectural Design

Building Exterior Materials

Approved Materials

(pages 2-3 of the attached ordinance)

(Existing language and proposed amendment both shown on the list below)

- Natural stone
- Synthetic stone products (bottom of stone 6: above grade minimum) Village Shops only
- Integrally colored ground face or split face concrete block
- Brick Masonry (clay fired or concrete cured)
- Wood
- EIFS ~~(above 6'-0" above grade)~~
- Accent architectural metal panel (not to exceed 5% of building elevation)
- Architectural steel
- Standing seam metal roofing
- Storefront or curtain wall glazing systems
- Tilt up/precast concrete panels (with brick/masonry and/or ceramic cladding and/or architecturally detailed finish
- Wood or synthetic siding (note to exceed 10% of building elevation.
- Masonry coated with elastomeric finish

Prohibited Materials and Treatments

- Metal wall panels exceeding ~~5%~~ 25% of building elevation
- ~~Painted concrete masonry units~~
- Full ceramic tile walls
- Highly reflective wall treatments
- The use of reflective glazing with over 65% reflectivity
- Exposed neon or color tubing (except with Developer & City of Fargo approval)
- Untextured concrete or untreated CMU or plain/untextured tilt up/precast concrete panels.

STAFF COMMENT: This amendment removes the requirement to install EIFS no lower on the building than six feet above grade, thus allowing EIFS to cover the full height of the building wall. The requirement to have EIFS no lower than six feet above grade is based on the fact that EIFS is not a durable material, and keeping EIFS at least six feet above the ground (grade) will limit exposure of this material to incidental damage from pedestrians, snow removal, and vehicles.

This amendment also broadens the allowable materials to include painted CMU block and to increase the allowable metal materials.

Staff is not opposed to these amendments but cautions that the perception and creation of the original CO established design standards that surrounding property owners also comply with. By relaxing these standards it could be perceived as unfair by neighboring properties. In addition, new housing developments, including single family developments, are within ¼ mile of this development. The savy property owner researched their surrounding zoning prior to investing in building a new house.

Architectural Features

(page 3 of the attached ordinance)

EXISTING LANGUAGE: Architectural features, which project over the sidewalk, must be a minimum of nine (9) feet above the sidewalk. These include balconies, eaves, decorative roofs, entry features, trellises, canopies, and fabric awnings. Internally lit awnings should not be used. No such improvements shall encroach into bike or street travel lanes.

PROPOSED AMENDMENT: Architectural features, which project over the sidewalk, must be a minimum of ~~nine (9) feet above the sidewalk. These include balconies, eaves, decorative roofs, entry features, trellises, canopies, and fabric awnings. Internally lit awnings should not be used~~ 7'-0" or as required to meet the International Building Code adopted by the City of Fargo, whichever minimum is greater shall prevail. No such improvements shall encroach into bike or street travel lanes

STAFF COMMENT: Staff has no concerns on this amendment, and the resulting visible difference in the construction will not be significant to the pedestrian or people frequenting the property.

Rooftop Screening
(page 3 of the attached ordinance)
EXISTING LANGUAGE: Parapets shall conceal flat roofs and rooftop equipment such as HVAC units from public view, from the interior of the site, from a distance of 200 feet. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall.

PROPOSED AMENDMENT : ~~Parapets shall conceal flat roofs and rooftop equipment such as HVAC units from public view, from the interior of the site, from a distance of 200 feet. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall.~~ Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other enclosures.

STAFF COMMENT: Staff agrees that the proposed edits will allow for clarity during permit review and on-site enforcement.

Building Entrances
(page 4, lines 17-22 of the attached ordinance)
EXISTING LANGUAGE: Architectural articulation shall be evident at primary entrances. These shall feature gable or hip roof forms clad in standing seam metal with an accent lighted fascia. Textural and massing changes are required for visual interest as well as reinforcing "human scale." Maximum entry feature height and maximum parapet height is as follows:

Major Building	45'-0"/35'-0"
Sub-Major Building	43'-0"/30'-0"
In-Line Shop Building	NA/24'-0" w/Architectural Tower not to exceed 35'-0"
Village Building	30'-0"/24'-0" w/Architectural Tower not to exceed 45'-0"

PROPOSED AMENDMENT :~~Architectural articulation shall be evident at primary entrances. These shall feature gable or hip roof forms clad in standing seam metal with an accent lighted fascia. Textural and massing changes are required for visual interest as well as reinforcing "human scale/"~~ Architectural articulation shall be evident and primary entrances with material or massing changes to provide visual interest as well as reinforcing "human scale". Maximum entry feature height and maximum parapet height is as follows:

Major Building	45'-0"/35'-0"
Sub-Major Building	43'-0"/30'-0"
In-Line Shop Building	NA/24'-0" w/Architectural Tower not to exceed 35'-0"
Village Building	30'-0"/24'-0" w/Architectural Tower not to exceed 45'-0"
Pad Site Building	26'-0"/20'-0"

STAFF COMMENT: The addition of the pad site language is necessary due to this proposed development as pad site development was not in the original development plans. The edits also for more flexibility for the project designers. The original drafting was controlled and suggested by the developer's of the Wal-Mart site.

Signage Design:
(pages 6, line 9 through page 12 of the attached ordinance)
Note: The "Signage Design" section of the current C-O includes six-and-a-half pages of sign standards (pages 6 through 12 of the attached ordinance), including

- *Sign area calculation*
- *Types of signs,*
- *Prohibited signs*
- *Maximum sign area*
- *Maximum number of signs of each type within the development*
- *Maximum height of signs*
- *Illumination restrictions*
- *Special requirements*

Of particular concern to staff are the following items.

- *The current C-O prohibits off-premise signs*
- *The maximum tenant pylon sign height is 34'-2"*

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.
The applicant proposes to eliminate the entire "Signage Design" section and replace and instead have signage regulated by the Fargo Sign Code, which would allow off-premise signs as well as tenant pylon signs higher than 34'-2", thus largely defeating the concept of the "design district."

STAFF COMMENT: Counter to the applicant's proposal to remove all sign ordinance controls within the Conditional Overlay ordinance, staff suggests limiting the on-premise signage height to 25'. One pylon to be shared with all three businesses is allowed for proximity next to the interstate with height limit of 60'.

Building Perimeter and Pad Site Foundations
(page 19, lines 1 through 3 of the attached ordinance)
EXISTING LANGUAGE: Building foundations shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs and perennials, and ground covers. Landscaping should also include benches.

Regularly maintained turf areas are acceptable.

In lieu of foundation plantings and/or turf areas adjacent to the building entryways and areas bordering public parking; raised landscape planters and/or plaza like treatment of the ground plan will be considered pending review by the City.

PROPOSED AMENDMENT: Building foundations shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs and perennials, and ground covers. ~~Landscaping should also include benches.~~

Regularly maintained turf areas are acceptable.

In lieu of foundation plantings and/or turf areas adjacent to the building entryways and areas bordering public parking; raised landscape planters and/or plaza like treatment of the ground plan will be considered pending review by the City.

STAFF COMMENT: Staff has no concerns with this edit.

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 LC: Limited Commercial. The modification to the C-O, conditional overlay, is considered by the developer based on considerations of the national retailers. The original Condiitonal Overlay was drafted in tandem with staff for a design aesthetic and standards that would apply to the entire shopping center. Now that pad sites are being created the applicant is wanting to modify these standards to make them more universal for individual buyers/business owners. **(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 intersesection 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. One emphasis of both design standards and quality development is walkabillty. Even though the development proposed on this site is largely auto-oriented, that does not mean that elements of walkability should be dismissed. Likewise, amendments to design standards should be minimized in order to keep with the original vision of The District of Fargo, which is to "set a high quality of design compatibility throughout The District and establish a sense of commercial destination demonstrating a clearly defined district." The intent statement that accompanies the original District of Fargo plan advocates that the architectural design standards will establish "an attractive, comfortable environment where people can shop and work in a stimulating community atmosphere." With the above commentary in mind, staff does find that this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. At the same time, staff is respectful of the Planning Commission and City Commission who may desire to provide commentary and guidance related to design standards as they are applied along key locations at the city as the positions stated as part of this case review could be precedent setting to other design districts/ conditional overlays along the 52nd Avenue corridor. **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: zone change to repeal and re-establish a C-O, Conditional Overlay on Lots 1 through 3, Block 1, The District of Fargo Third 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: November 7, 2017

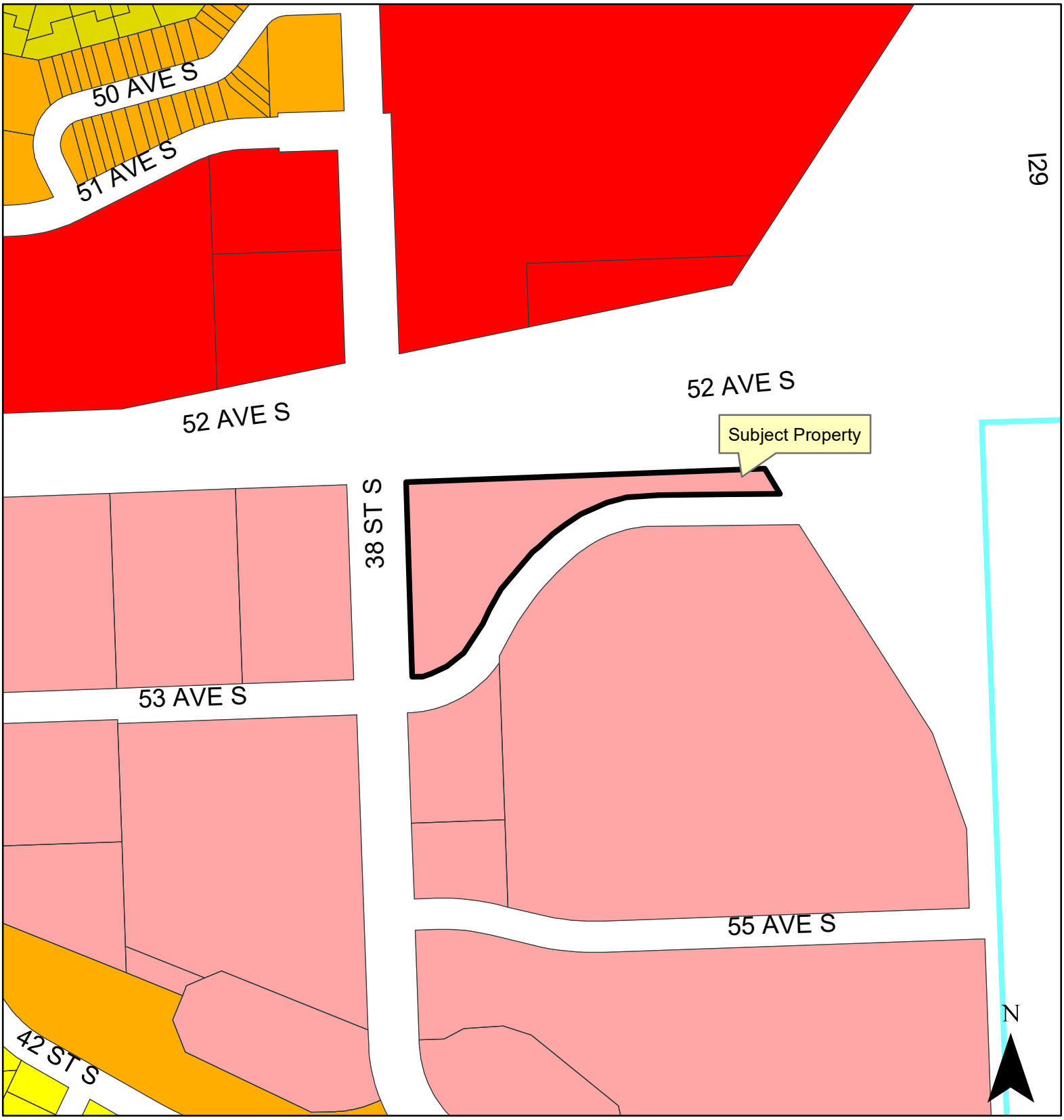
Attachments:

1. Zoning Map
2. Location Map
3. Current C-O (Ordinance 4634)

Zone Change (Repeal and Reestablish C-O)

The District of Fargo 3rd Addition

3751 53rd Avenue South



THE CITY OF Fargo FAR MORE

Legend

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

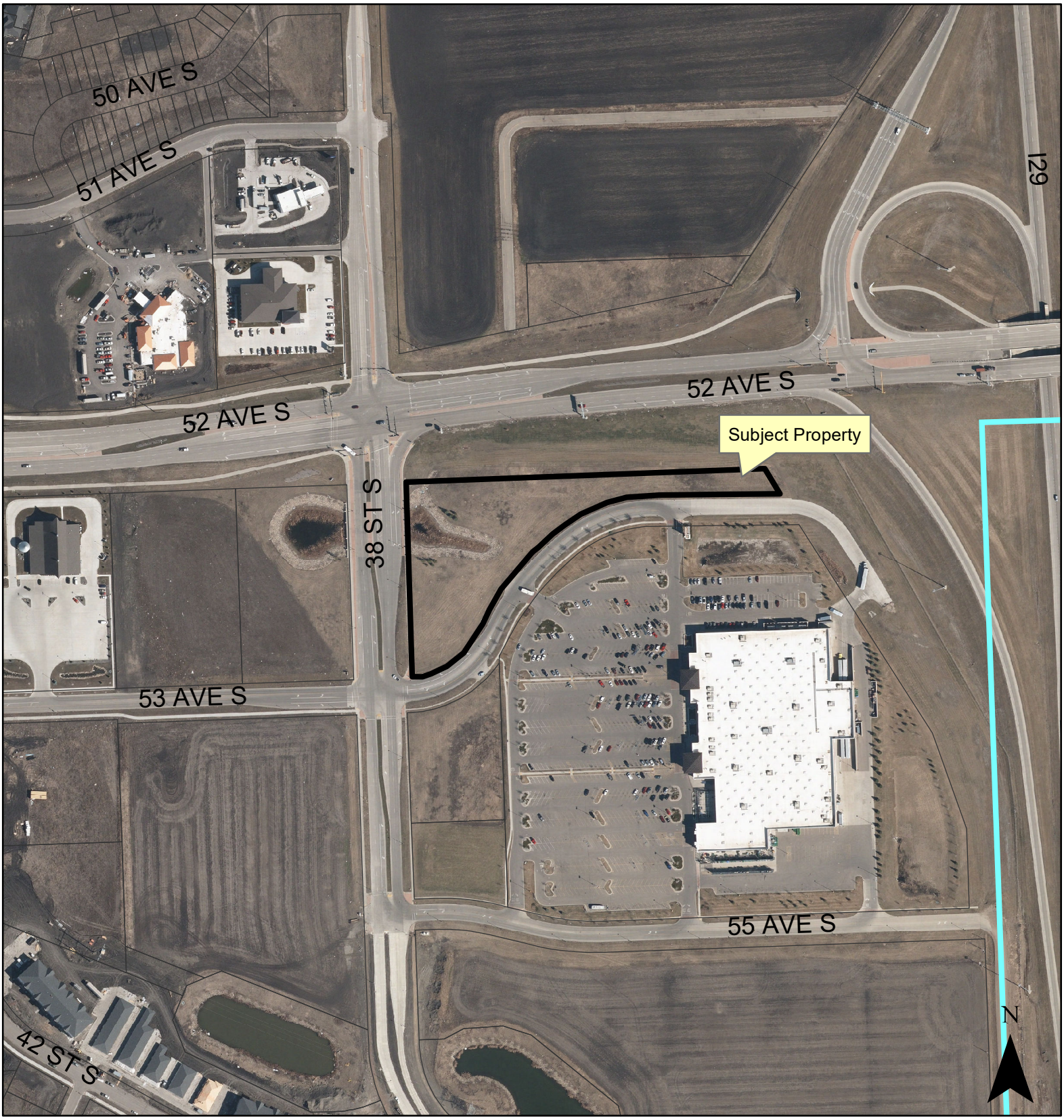
300 Feet

Fargo Planning Commission
November 7, 2017

Zone Change (Repeal and Reestablish C-O)

The District of Fargo 3rd Addition

3751 53rd Avenue South



THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
November 7, 2017

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4634

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN THE DISTRICT OF FARGO ADDITION TO THE CITY OF FARGO

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of certain parcels of land lying in the proposed The District of Fargo Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on August 8, 2007; and,

WHEREAS, the rezoning changes were approved by the City Commission on September 24, 2007,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Lots One (1) and Three (3), Block Five (5) of The District of Fargo Addition to the City of Fargo, County of Cass and State of North Dakota,

is hereby rezoned to place a "C-O", Conditional Overlay, District upon said property over the existing base zoning of "LC", Limited Commercial, the terms and conditions of such C-O District are as set forth on the site plan and elevations attached hereto as Attachment A.

Section 2. The following described property:

Block One (1) through Four (4); Lot Two (2), Block Five (5); and Block Six (6) of The District of Fargo Addition to the City of Fargo, County of Cass and State of North Dakota,

is hereby rezoned to place a "C-O", Conditional Overlay, District upon said property over the existing base zoning of "LC", Limited Commercial, the terms and conditions of such C-O District are as follows:

Conflicting Provisions

In the event of conflict between these standards with provisions found in other adopted codes, ordinances, or regulations of the City of Fargo, the more stringent and/or restrictive provisions shall control.

Definitions

Major Tenant/Buildings: Major Tenants are defined as single tenants or buildings larger than 80,000 SF.

Sub-Major Tenant/Buildings: Sub-Major Tenants are defined as tenants or buildings larger than 10,000 SF and less than 80,000 SF.

In-Line Shop Buildings: In-Line Shop Buildings are defined as common depth in-line buildings that can accommodate a variety of tenants in varying width storefronts. Shop buildings are typically less than 16,000 SF.

Village Buildings: Village buildings are situated in the Village area of the project. They are thematically connected with plazas, hardscape, design, and common outdoor seating areas. Village buildings are defined as individual buildings or tenants typically greater than 6,000 SF and less than 8,000 SF.

Pad Site Buildings: Pad Site Buildings are defined as individual tenants or buildings typically less than 8,000 SF with dedicated parking. Free standing Restaurants and Banks are representative tenants of this group.

Architectural Design

Building Exterior Materials

Approved Materials:

- Natural stone
- Synthetic stone products (bottom of stone 6" above grade minimum) Village Shops only
- Integrally colored ground face or split face concrete block
- Brick Masonry (clay fired or concrete cured)
- Wood
- EIFS (above 6'-0" above grade)
- Accent architectural metal panel (not to exceed 5% of building elevation)

- Architectural steel
- Standing seam metal roofing
- Storefront or curtain wall glazing systems
- Tilt up/precast concrete panels (with brick/masonry and/or ceramic cladding and/or architecturally detailed finish)
- Wood or synthetic siding (not to exceed 10% of building elevation)

Prohibited Materials and Treatments:

- Metal wall panels exceeding 5% of building elevation.
- Painted concrete masonry units
- Full ceramic tile walls
- Highly reflective wall treatments
- The use of reflective glazing, with over 65% reflectivity
- Exposed neon or color tubing (except with Developer & City of Fargo approval.)
- Untextured concrete or untreated CMU or plain/untextured tilt up/precast concrete panels

Architectural Features

Architectural features, which project over the sidewalk, must be a minimum of nine (9) feet above the sidewalk. These include balconies, eaves, decorative roofs, entry features, trellises, canopies and fabric awnings. Internally lit awnings shall not be used. No such improvements shall encroach into bike or street travel lanes.

Roof Top Screening

Parapets shall conceal flat roofs and rooftop equipment such as HVAC units from public view, from the interior of the site, from a distance of 200 feet. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall.

Truck Docks/Trash Enclosures

All truck docks must be fully screened with materials to match the adjacent building. The screen walls shall be a minimum height of 8'-0" above grade. Trash enclosures must be

constructed out of a masonry material. Doors must fully screen the interior of the trash enclosure. Trash compactors can be incorporated into Truck Docks. Trash enclosure walls shall be a minimum of 8'-0" above grade.

Building Entrances

Each primary building on a site, regardless of size, shall have clearly-defined, highly-visible public entrances featuring no fewer than two (2) of the following:

Canopies, awnings or porticos
Recesses/projections varying the facade
Arcades
Raised corniced parapets over the door
Peaked roof forms
Arches
Entry courts
Planter and wing walls integrated with building
Outdoor patios
Display windows

Each development shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following which have direct access to the public sidewalk network and such features shall not be constructed of materials are inferior to the principal materials of the building and landscape.

Patio/seating area
Pedestrian plaza with benches and planters
Bike parking areas
Window shopping walkway
Outdoor playground
Water feature

Architectural articulation shall be evident at primary entrances. These shall feature gable or hip roof forms clad in standing seam metal with an accent lighted fascia Textural and massing changes are required for visual interest as well as reinforcing "human scale." Maximum entry feature height and maximum parapet height is as follows:

Major Building:	45'-0"/35'-0"
Sub- Major Building:	42'-0"/30'-0"
In-Line Shop Building:	NA/24'-0" w/ Architectural Tower not to exceed 35'-0"
Village Building:	30'-0"/24'-0" w/ Architectural Tower not to exceed 40'-0"

Scored concrete patterns and textured concrete (non slip) and/or unit pavers at entrances are required. Sidewalk paving patterns at entries must extend from the storefront to the back of curb, or to the established line, or edge, of the street, or vehicle access route, and be at least as wide as the glazing system at the entry.

Building Elevations

Break down building massing to a human scale eliminating uninterrupted flat facades by articulating a wall plane with the following architectural elements:

- Change in plane at change of material
- Change in color, texture or material
- Windows
- Trellises, awnings or canopies
- Cast stone detailing in horizontal bands
- Raised planters
- Pilasters or over framed elements
- Brick type material (20% of elevation)

Use the above architectural elements to limit uninterrupted wall planes to no more than 75 feet.

All buildings shall be designed to incorporate no fewer than four (4) of the architectural elements from the list below. Buildings over 10,000 square feet must include a minimum of six (6) and buildings over 80,000 square feet must include a minimum of seven (7) of the referenced architectural elements:

- Canopies, awnings or porticos
- Recesses/projections
- Arcades
- Peaked roof forms
- Outdoor patios
- Display Windows
- Architectural details (such as tile work and moldings) integrated into the building façade
- Articulated cornice line
- Integrated planters or wing walls that incorporate landscape and sitting areas

- Offsets, reveals or projecting rib used to express architectural/structural bays
- Accent materials (minimum 15% of exterior façade)
- Varied roof heights
- Other architectural features approved by the City

Specific Convenience Store and Gas Station Standards

Canopies shall not exceed twenty four (24) feet in height
The maximum illumination at grade under the canopy shall not exceed twenty (20) foot candles.
The minimum distance between parallel fuel pump islands shall be twenty-five (25) feet.
The minimum distance from the outside edge of the fuel pump island and a required drive lane shall be no less than twelve (12) feet.
The minimum distance from the end of a fuel pump island and a required drive land shall be no less than fifteen (15) feet.

Signage Design

Sign Area

Sign area shall be measured for all types of signs as follows:

1. Signs with backing shall include, but not limited to, cabinet signs or signs that are outlined or framed. The area of a cabinet sign or sign enclosed by a box, outlined or framed, shall be measured by determining the smallest possible area of any rectilinear geometric shape that utilizes eight or fewer lines that join each other at right angles that enclose the extreme limits of the display surface or face of the sign; including all frames, backing, face plated, nonstructural trim or other component parts not otherwise used for support.
2. Signs without backing. If the sign is composed of individual letters or symbols that are mounted against a surface that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area of the sign shall be measured by determining the area of the smallest possible area of a rectilinear geometric shape that utilizes eight or fewer lines that join each other at right angles that enclose the extreme limits of each message.
3. Multi-faced signs. Sign area for signs which have two parallel sign faces assembled in such a way that the faces cannot be viewed from any one point at the same time shall be calculated using only the larger of the two sign faces. Sign area for signs which have multiple sign faces not being parallel, which can be

viewed from any one point at the same time, such as a v-shaped, triangles or cubes, shall be calculated using the total of all faces.

4. When a sign is spherical, free form, sculptural or other non-planar form, the sign area is measured as the sum of the area of the four vertical sides of the smallest polyhedron that will encompass the sign structure.
5. An illuminated canopy, awning, or architectural feature of a building is not considered a distinctive background for the purposes of measuring the sign area.
6. Neon or other outdoor building background for the purposes of measuring the sign area. Neon or other outdoor building illumination, which does not identify or convey information, is not considered in the calculation of sign area. All neon lighting must be approved by the Landlord and the City of Fargo.
7. Works of art, architectural features and building decoration, which contain or portray a commercial message suggestive of the on-site business shall be interpreted to constitute a sign, and the area shall be included in the calculation for determining the allowable sign area.

Sign Type Descriptions

The Master plan Project signage includes the following:

Tenant Highway Monument/Pylon Sign (Sign Type A):
Signs are located along I-29. Monuments are allowed for Major tenants 1, 2,. Maximum height is 34'-2".
Single Tenant Monument (Sign Type B):
Signs are located at interior access points. Maximum height 6'-9".
Project Identity/City Gateway Monument (Sign Type C):
Sign is placed on the islands located inside the ponds at the intersection of 38th Street and 52nd Avenue.
Entry Tower Multi Tenant Monument (Sign Type D):
Tower is located at the site entry along 38th Street. Stores under 80,000 SF are permitted (1) one-2'-1" x 10'-8" panel each side. Stores over 80,000 SF are permitted (1) one-4'-2" x 10'-8" panel each side. Maximum height 45'-0".

Prohibited Signage

Animated Sign means a sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except variations required for

displaying time or temperature information.

Awning sign means a sign attached to an awning.

Billboards mean a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.

Fence Signs means a sign affixed in any way to or painted on a fence.

Off Site Sign means a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located. Off site signs are not permitted except as indicated in the Signage Master plan.

Pennant means a flag tapering to a point usually strung together by line or rope.

Portable Sign means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Roof Sign means a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof.

Vehicular Sign means a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories.

Exterior Window Sign means any sign painted or applied to the interior/exterior of the window of a tenant.

Sign Requirements

Wall Signs

Sign Criteria	
Maximum Sign Area	**Major and Sub-Major Tenants:** • 90 square feet or 17.5% of the square footage of the largest elevation of a single user building on a zone lot or the end cap of a Sub Major bar, whichever is greater shall be used to determine the maximum sign area. • The maximum percentage on any one face is not to exceed 8% of the largest elevation • If the building is a joint use building with 2 elevations available for signage, 60 square feet or 12% of the square footage of the largest leased exterior wall of a leased space shall be used to determine the maximum sign area.
Maximum Number of Signs:	No limit
Maximum Height:	Determined by the wall the sign is attached to
Illumination:	Only concealed illumination
Special Requirements:	

Sign Criteria	
Maximum Sign Area	**Village and In-Line Shop Tenants:** • 6% of the square footage of the front building elevation of a single tenant of a Village shop or In-Line shop shall be used to determine the maximum sign area for the front of the building. Maximum sign height is 2'-0" • 5% of the square footage of the rear building elevation of a single tenant of a Village shop of In-Line shop shall be used to determine the maximum sign area for the rear of the shop. Maximum sign height is 2'-0". 3% of the square footage of the side building elevation of a single tenant end cap of a Village shop or In-Line shop shall be used to determine the maximum sign area for the exposed side of the shop. Maximum sign height is 2'-0".
Maximum Number of Signs:	No limit
Maximum Height:	Determined by the wall the sign is attached to
Illumination:	Only concealed illumination
Special Requirements:	If there are continuous Village or In-Line shops sign faces for the different spaces must be centered in the sign band and have a minimum of 5'-0" separating the signs.

Highway Monument/Pylon Signs

Sign Criteria	
Maximum Sign Area	Refer to Sign Type A
Maximum Number of Signs:	2
Maximum Height:	34'-2"
Illumination:	Concealed illumination or up lights with shielded fixtures
Special Requirements:	

Monument Signs

Sign Criteria	
Maximum Sign Area	Refer to Sign Type B Entry Single Tenant Identity Monument:
Maximum Number of Signs:	Refer to Signage Location Plan
Maximum Height:	6'-9" Sign Type B
Illumination:	Concealed illumination or up lights with shielded fixtures
Special Requirements:	

Canopy Signs (Gas Station)

Sign Criteria	
Maximum Sign Area	60 square feet
Maximum Number of Signs:	2 per canopy
Maximum Height:	Below top of canopy
Illumination:	Only concealed illumination. Illuminated sign(s) on canopy. Canopy fascia not to be illuminated.
Special Requirements:	

Menu Signs

Sign Criteria	
Maximum Sign Area	30 square feet
Maximum Number of Signs:	2 per drive through
Maximum Height:	6'-0"
Illumination:	Only concealed illumination
Special Requirements:	

Construction Signs

Sign Criteria	
Maximum Sign Area	32 square feet
Maximum Number of Signs:	1 per Major, Sub-Major or Pad Site tenant only
Maximum Height:	6'-0"
Illumination:	Not Permitted
Special Requirements:	

Future Use Identification Signs

Sign Criteria	
Maximum Sign Area	32 square feet
Maximum Number of Signs:	1 per Major, Sub-Major or Pad Site tenant only
Maximum Height:	6'-0"
Illumination:	Not Permitted
Special Requirements:	

Landscape Design

Access and Circulation

Separate vehicular and pedestrian circulation systems should be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- the primary entrance or entrances to each commercial building, including pad site buildings.
- any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
- parking areas or structures that serve such primary buildings.
- connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
- any public sidewalk system along the perimeter streets adjacent to the commercial development.
- where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.

Walkways or sidewalks shall be a minimum of five (5) feet in width. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in paving materials distinguished by their color, texture or height, such as brick, concrete pavers, scored or patterned colored concrete.
Provide "mid-block" pedestrian corridors on long blocks.

Continuous pedestrian walkways of eight feet (8') wide should be provided along the full length of a primary building along any façade featuring a customer entrance and along any façade abutting customer parking areas. Such walkways should be located at least six feet (6') from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.

Public Rights-of-Way

The following landscape requirements shall be applicable for all areas within public rights-of-way.

At last one (1) street tree is required for every 35 feet of local street frontage unless the City Forester determines that additional space between trees is necessary to address specific siting or other conditions. All areas of right-of-way for streets and utilities not covered by concrete, asphalt or such other material for vehicular, bicycle or pedestrian travel shall be covered by grass or groundcover, unless otherwise approved by the Zoning Administrator.

At least one (1) street tree is required for every 50 feet of collector and arterial street frontage unless the City Forester determines that additional space between trees is necessary to address specific siting or other conditions. All areas of right-of-way for streets and utilities not covered by concrete, asphalt or such other material for vehicular, bicycle or pedestrian travel shall be covered by grass, unless otherwise approved by the Zoning Administrator.

Required street trees shall be installed within the street right-of-way or within ten (10) feet of the street right-of-way. If street trees are to be located outside of the right-of-way, the City shall be authorized to require the establishment of a 15-foot landscape easement. The proposed location of street trees must be shown on the Amenities Plan that accompanies the subdivision plat.

Street trees need not be placed exactly at 35 or 50 foot intervals, but they must be placed fairly evenly along the street frontage. The City Forester shall have the authority to determine the final location of street trees, based on site factors such as the location of utilities and driveways, intersection visibility requirements and other factors.

Street trees must comply with the following minimum size standards (all sizes to be measured in accordance with American Standards for Nursery Stock published by the American Association of Nurserymen.)

- Street trees planted adjacent to local streets must be a minimum size of 3 1/2-inch caliper.
- Street trees planted adjacent to collector streets must be a minimum size of 3 1/2-inch caliper.
- Street trees planted adjacent to arterial streets must be a minimum size of 4-inch caliper.

Organic mulch (woodchips) shall be installed to a minimum coverage thickness of 2 inches around street tree plantings within a radius to 3 feet of the trunk base.

Views into parking lots shall be screened from all public and private right of ways.

Plant materials must be located such that a minimum two-foot clear zone behind the back of curb allows for car bumper overhang unless curb stops are utilized.

Shrubs shall be massed in order to strengthen street edges and buffer parking lots.

Medians in public rights-of-way shall be landscaped City of Fargo Land Development Code or as approved in the Development Permit process.

Open Area Landscaping

The following landscape requirements shall be applicable for all landscape open areas.

Landscaping provided to meet the Site Perimeter and Parking Lot Landscaping standards may not be counted towards meeting a projects Open Space Landscaping requirements. Landscaping provided in excess of either of these standards may count to Open Space Landscaping requirements.

All developments are required to provide at least five (5) plant units for each 1,000 square feet of lot area or fraction thereof based on the following table, and ten (10) square feet per plant unit shall be provided.

Type of Plant Material	Size	Equivalent Plant Units
Large, Mature Deciduous Tree	2 to 3.5-inch caliper >30 foot mature height	10
Large, Mature Evergreen Tree	8/10 foot height >30 foot mature height	10
Small, Mature Deciduous Tree	1.5 to 3-inch caliper 12 to 30 foot mature height	5
Small, Mature Evergreen Tree	4 to 5 foot height 12 to 30 foot mature height	5
Mature Shrub	2 gallon	1
Perennial Plants	2 gallon 1 gallon	1 0.5

A minimum of 70 percent of the plant units required shall be installed in required front or street side setback areas.

A maximum of 50% of the total landscape area of each property may be planted with approved turf.

Parking

All developments shall meet the Off-Street Parking Schedules in Section 20-0701 B of the Land Development Code. All developments shall be allowed to have a maximum of 20% more spaces than the required minimum. Any additional spaces above the required 20% shall be allowed only through a conditional use permit. The conditional use permit shall be granted in accordance with Section 20-0909 upon the finding that additional spaces are needed. The applicant and City shall agree to a specified amount of additional plant units to be provided for the increased amount of parking starting at a base of 5% additional plant units provided for each 5% increase in parking.

All developments seeking to provide fewer off-street parking spaces than required in the Off-Street Parking Schedule of Sec. 20-0701-B, shall secure approval of an Alternative Access Plan in accordance with Sec. 20-0701-E. Shared parking between adjacent businesses and/or developments is highly encouraged whenever practical.

Off-street parking must be provided within 500 feet from the principal use and must not be located where crossing of a roadway classified as a collector or higher is required.

In order to reduce the scale of parking areas, the total amount of parking provided shall be broken up into parking blocks containing no more than 90 spaces which:

- Are separated from each other by landscaping, access drives or public streets, pedestrian walkways or buildings.
- Have a consistent design angles for all parking within the block.
- Are oriented to buildings to allow pedestrian movement down and not across rows so that they are walking parallel to moving cars and the need to cross parking aisles and landscaped areas is minimized.

Where parking blocks are not easily defined, there shall be no more than fifteen (15) spaces without an intervening, landscaped island at least nine (9) feet wide. A minimum of 25% of the islands shall have a tree.

All parking plans shall identify areas for snow storage in the winter months.

As applicable, shopping cart return stations shall be evenly distributed within and between separate parking blocks and be identified on the final plan.

Required off-street parking areas are to be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

Parking Lot Landscaping

The following additional landscape requirements shall be applicable for all landscaped parking lots

Landscaping provided to meet Site Perimeter and Open Space Landscaping standards shall not be counted toward meeting the Parking Lot Landscaping standards.

Parking lot perimeter buffers shall be required for any off-street parking area containing more than six (6) parking spaces that is within 100 feet (100') of a public street or within 50 feet (50') of an adjoining residential use or zoning district. Parking lot screening shall be required to be:

- Provided within ten feet (10') of the perimeter of the parking lot or driveway to be screened.
- At least three feet (3') in height above the adjacent finished surface of the parking area.
- Encompass a minimum of 100% of the linear distance of the parking area and/or driveway(s). The maximum distance between screening shall be fifteen feet (15').
- Of one of the following materials:
  i. Plant material screen – a compact shrub of evergreen or densely twigged deciduous shrubs planted at three feet (3') on center in one row or at six feet (6') on center in two (2) staggered rows.
  ii. An architecturally compatible solid wall or solid fence.
  iii. A berm. Berms shall have a minimum crown width of two feet (2') and shall be planted with vegetation. The height, slope and area required for the berm shall be appropriate to the prevention of erosion and to facilitate safe maintenance of the berm. The maximum slope for any berm shall be 3:1.
  iv. Plant materials architecturally compatible walls and berms may be used in combination to screen.

Each parking block shall be separated from other parking blocks by a landscaped median or berm that is at least eight feet (8') wide, or by a landscaped median with a pedestrian walkway or sidewalk that is at least ten feet (10') wide, or by a low decorative fence or wall that has a maximum height of three feet (3') bordered by landscaping on at least one side.

The primary landscaping material to be used within a parking lot shall be trees which provide shade or are capable of proving shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping

Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lot, trees should be located in planters that are bounded on at least three (3) sides by parking area paving.

Within parking lot islands and medians, trees shall be a minimum of four feet (4') from any curb edge. All parking lot islands shall maintain an eighteen inch (18") clear zone from any curb edge. In no circumstance shall any shrub, perennial or ornamental grass have a mature height of more than three feet (3')).

Plant materials must be located such that a minimum two-foot clear zone behind the back of curb allows for car bumper overhang unless curb stops are utilized.

Shrubs shall be massed in order to strengthen street edges and buffer parking lots.

At 18' and wider islands, a 3' wide band of 3" to 6" diameter cobble mulch over filter fabric shall be provided behind the curb. Top of cobble shall not be higher than the adjacent top of curb. All cobble shall be hand laid with flat sides down. Interior to the cobble mulch shall be Shredded Hardwood mulch.

At 9' and up to 18' wide islands, a 2' wide band of 3" to 6" diameter cobble mulch or river rock over filter fabric shall be provided behind the curb. Top of cobble/river rock shall not be higher than adjacent top of curb. All cobble/river rock shall be hand laid with flat sides down. Interior to the cobble/river rock mulch shall be Shredded Hardwood mulch

Parking lot islands in front of all buildings shall be a minimum 18 feet wide and 18 feet long and contain a minimum of 3 TE per island or as approved in the Development Permit process.

Building Perimeter and Pad Site Foundations

Building foundations shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs and perennials, and ground covers. Landscaping should also include benches.

Regularly maintained turf areas are acceptable.

In lieu of foundation plantings and/or turf areas adjacent to the building entryways and areas bordering public parking; raised landscape planters and/or plaza like treatment of the ground plane will be considered pending review of the City.

Service Area, Loading Dock and Utility Device Screening

Service, loading and utility areas shall be screened by fences, walls, landscaping, berms, or any combination thereof.

Service areas must double (2x) the open space landscaping requirements

See requirements of Plant Material Standards &Upgrades.

Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising or combination, in addition to landscape requirements.

Detention, Retention, Water Quality Ponds and Bio-Swales

Detention, retention and water quality ponds shall be integrated physically, functionally, and aesthetically into the adjacent landscape design. Vegetated slopes shall not exceed 4:1 and all pond turf areas shall be properly drained. Water quality enhancement areas within the bottom of the pond shall be planted with vegetation that is appropriate with the presence of saturated soils and fluctuating water levels.

Pond depth should be limited to not more than ten feet. Pond grading should be designed to accommodate access for maintenance equipment. Rock-scaped or riprap slopes are prohibited except when necessary for erosion control and when approved by the City of

Fargo. Ponds shall be designed with natural sides and bottoms and shrub beds adjacent to the top for transition to traditional, cultivated landscapes. Wetland plantings in low spots will be encouraged.

Additional landscaped requirements for areas surrounding detention, retention and water quality ponds are as follows:

- The area within the tract surround the pond(s) shall be double (2x) the requirements of open space landscaping.
- All natural seeded areas shall be watered by a permanent automatic irrigation system

Bio Swales are encouraged in lieu of underground storm sewer whenever practical. The use of Bio Swales will allow the reduction of parking lot landscaping by 50%.

Plant Material Standards & Upgrades

Plant material standards shall be upgraded at Service Areas, Loading Docks and Utility Device areas. To provide a more immediate screening of these areas. Other locations, as identified during the Development Permit process shall meet the "Upgraded" provisions as noted below:

Plant material for all landscape areas utilized as Service Areas, Loading Docks, and Utility Device areas shall be installed in the following minimum sizes:

- Deciduous and Ornamental trees – B&B or tree spade, 3" caliper or 10' height clump.
- Evergreen Trees – B&B or tree spade, 10' to 12' height
- Deciduous and evergreen shrubs - #5 container
- 50% of evergreen trees to have 12' height minimum
- 75% of all trees to be evergreen

Plant material for all landscape areas identified as Upgraded Landscape Areas, shall be installed in the following minimum sizes:

- Deciduous and Ornamental trees – B&B or tree spade, 3" caliper or 10' height clump.
- Evergreen Trees – B&B or tree spade, 8' to 12' height
- Groundcover - #1 container
- Deciduous and evergreen shrubs - #5 container
- 50% of evergreen trees to have 12' height minimum
- 50% of all trees to be evergreen

Plant material for all landscape areas shall be installed in the minimum sizes established in

the Open Space Landscaping requirements of these Standards

Organic and Inorganic Mulches and Landscape Materials

The following mulches shall be used as described below:

Perennial, groundcover and ornamental grass shrub beds shall include 3" depth Shredded Hardwood mulch over filter fabric. Re-apply wood mulch as necessary due to settlement.

Landscape parking lot islands shall include a band of 3" to 6" diameter cobble mulch or river rock behind the curb over filter fabric. Cobble mulch shall be keyed-in with brown breeze crusher fines. Interior to the cobble mulch/river rock shall be 3" depth Shredded Hardwood mulch.

Remaining planting beds shall include 1-1/2" diameter river rock mulch with filter fabric, as approved in the Development Permit process.

Mulches shall match development type and samples shall be provided to Developer's Landscape Architect for review and approval prior to installation.

Landscape Design Requirements

Tree diversity requirements shall be met as follows: 10-19 trees (no more than 50% of any one species), 20 and over trees (no more than 33% of any one species).

Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4634

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Dennis R. Walaker, Mayor

(SEAL)
Attest:

Steven Sprague, City Auditor

First Reading: 09-24-2007
Second Reading: 10-08-2007
Final Passage: 10-08-2007

Item #	6

City of Fargo *Planning and Development Staff Report*			
Title:	LDC Text Amendment	**Date:**	11/1/2017
Location:	Citywide	**Staff Contact:**	Maegin Elshaug
Owner(s)/Applicant:	Roers / Precision Lawn Care & Landscaping	**Engineer:**	None
Reason for Request:	LDC Text Amendment (Amending Section 20-0402.R.1.b of Article 20-04, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to screening of outdoor storage areas.		
Status:	Planning Commission Public Hearing: November 7, 2017		

Proposed Text Amendment:

The applicant is seeking approval of a text amendment of Section 20-0402.R.1.b of the Land Development Code relating to the screening of outdoor storage areas. Section 20-0402.R applies to industrial uses located within the GC, General Commercial zoning districts, that have been approved by the Planning Commission as a conditional use (Conditional Use Permit). The requirements of Section 20-0402.R must be met for approved industrial uses, along with any conditions with the approval.

The current Section 20-0402.R.1.b is:

> *b. All outdoor storage areas must be fenced with a 6 foot high opaque fence.*

The applicant is proposing the following changes to Section 20-0402.R.1.b:

> *b. All outdoor storage areas must be screened ~~fenced~~ with an ~~6 foot high~~ opaque fence, building, wall, berm or landscape buffer, that is at least six feet tall.*

The proposed revision would be:

> *b. All outdoor storage areas must be screened with an opaque fence, building, wall, berm or landscape buffer, that is at least six feet tall.*

In accordance with §20-0904.E Review Criteria of the Land Development Code, proposed text amendments that satisfy all of the following criteria may be approved.

1. **The amendment must be consistent with the purpose of this Land Development Code;**
   Section 20-0104 of the LDC stipulates that the purpose and intent of the Land Development Code 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. The proposed amendment seeks add options to screen outdoor storage areas. The proposed amendment is consistent with the intent and purpose of the LDC. **(Criteria Satisfied)**

2. **The amendment must not adversely affect the public health, safety, or general welfare;**
   Staff contends that the amendment does not adversely affect the public health, safety, or general welfare. **(Criteria Satisfied)**

3. **The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected.**
   Staff suggests that the proposed amendment is necessary because of changing social and economic conditions. The proposed amendment provides additional options for screening of outdoor storage areas. **(Criteria Satisfied)**

Staff Recommendation:
Suggested Motion **"**To accept the findings and recommendations of staff and hereby recommend approval to the City Commission the proposed text amendment to amend Section 20-0402.R.1.b of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of §20-0904(E)(1-4) of the LDC."
Planning Commission Recommendation: November 7, 2017
Attachments:
1. Draft LDC Text Amendment Ordinance of Section 20-0402.R

R. Industrial Uses in General Commercial Zoning

1. Within GC zoning districts, Industrial Service, Manufacturing and Production, Warehouse and Freight Movement, and Wholesale Sales shall be allowed uses under the following conditions:

    a. The proposed facility may not be within 300 feet of any residentially zoned property, measured from proposed industrial development to the property line of the residentially zoned property.

    b. All outdoor storage areas must be screened ~~fenced~~ with an ~~6 foot high~~ opaque fence, building, wall, berm or landscape buffer, that is at least six feet tall.

        (1) Outdoor storage areas shall not cover more than 50 percent of the open space of the development.

        (2) Outdoor storage areas shall not be located within the front setback area of the development.

    c. No truck parking will be allowed in the front setback area, or on any side of the development directly visible from residentially zoned property. Truck parking areas directly visible from rights-of-way shall be buffered with an opaque fence or continuous hedge and large tree species placed 35 feet on center. Trees shall be a minimum of 1.5 inch caliper at the time of installation and do not count toward open space or parking lot buffer requirements.

    d. No truck docks or unloading areas will be allowed in the front, or any side of the development directly visible from residentially zoned property or street rights-of-way. Unloading and docking areas visible from rights-of-way shall be buffered with an opaque fence or continuous hedge and large tree species placed 35 feet on center. Trees shall be a minimum of 1.5 inch caliper at the time of installation and do not count toward open space or parking lot buffer requirements.

    e. Residential protection standards for landscaping buffers shall apply to any side of the development within 600 feet of residential zoning districts, or within 600 feet of vacant land illustrated as residential in the Growth Plan.

    f. These standards do not apply to aggregate or soil and/or construction debris storage, concrete batching, or asphalt mixing uses listed under industrial service. Therefore, aggregate storage, concrete batching, and asphalt mixing are prohibited in the GC zoning district.

Item #	7

City of Fargo Staff Report			
Title:	Ekman Dakota View Second Addition	**Date:**	11/2/17
Location:	4108 and 4162 17th Ave South and 1728 42nd Street South	**Staff Contact:**	Maegin Elshaug
Owner(s)/Applicant:	Blazing Wings Properties LLC / Daryl Bachmeier	**Engineer:**	LJA
Reason for Request:	Minor Subdivision (Replat of part of Lot 2, all of Lot 3, Block 1, Ekman Addition, and Lot 1, Block 1, Ekman Dakota View Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: November 7, 2017		

Existing	**Proposed**
Land Use: Vacant Land	**Land Use:** Commercial
Zoning: GC, General Commercial	**Zoning:** Unchanged
Uses Allowed: GC 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:** Unchanged
Maximum Density Allowed: Maximum 85% building coverage	**Maximum Density Allowed:** Unchanged

Proposal:

The applicant is seeking approval of a minor subdivision, **Ekman Dakota View Second Addition,** which would replat a part of Lot 2, all of Lot 3, Block 1, Ekman Addition, and Lot 1, Block 1, Ekman Dakota View Addition into a one (1) block, one (1) lot subdivision. The subject properties are located at 4108 and 4162 17th Ave South and 1728 42nd Street South, and encompasses approximately 4.03 acres.

Surrounding Zoning and Land Uses:

- North: Across 17th Avenue South are restaurants and a theater zoned GC, General Commercial;
- East: GC, General Commercial with hotel use and MR-3, Multi-Dwelling with an apartment complex;
- South: MR-3, Multi-Dwelling Residential with multi-dwelling use;
- West: GC, General Commercial with office space and across 42nd Street South is MR-3, Multi-Dwelling Residential and P/I, Public and Institutional with multi-dwelling and park uses.

Area Plans:

No area plans apply

Schools and Parks:

Schools: The subject property is located within the West Fargo School District and is served by Westside II

Elementary, Cheney Middle, and West Fargo High schools.

Neighborhood: The subject property is located in the West Acres neighborhood.

Parks: The subject property is within a quarter-mile of The Fargo Project at Rabanus Park (4315 18 Ave S) with amenities of sports recreation facilities, playground, recreational trails, and community gardens, and future amenities of natural play area, welcome garden, and ecological restoration.

Pedestrian / Bicycle: There are off bike road paths located along 42nd Street South and 17th Avenue South which abut the subject property and connect to the metro area trail system.

Staff Analysis:

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   This subdivision is intended to replat the existing three lots into one lot. The proposed use is consistent with the existing zoning. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received two inquiries with no concern noted. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals. **(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 subdivision plat, **Ekman Dakota View Second Addition** as outlined within the staff report, as the proposal complies with the, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: November 7, 2017

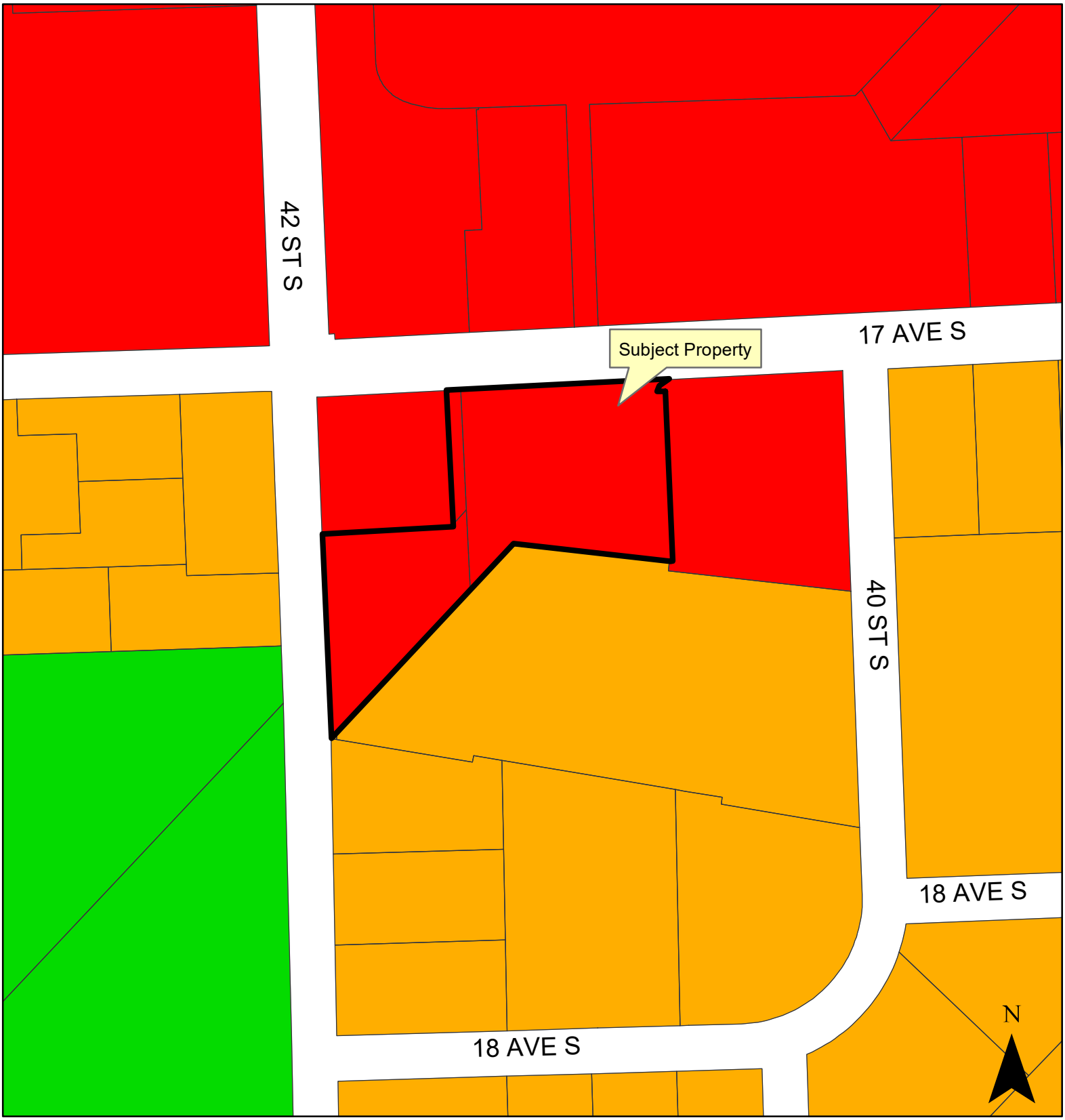
Attachments:

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

Plat (Minor)

Ekman Dakota View Second Addition

1728 42nd Street South &
4108 and 4162 17th Avenue South



THE CITY OF Fargo
FAR MORE

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

300
Feet

Fargo Planning Commission
November 7, 2017

Plat (Minor)

Ekman Dakota View Second Addition

1728 42nd Street South &
4108 and 4162 17th Avenue South

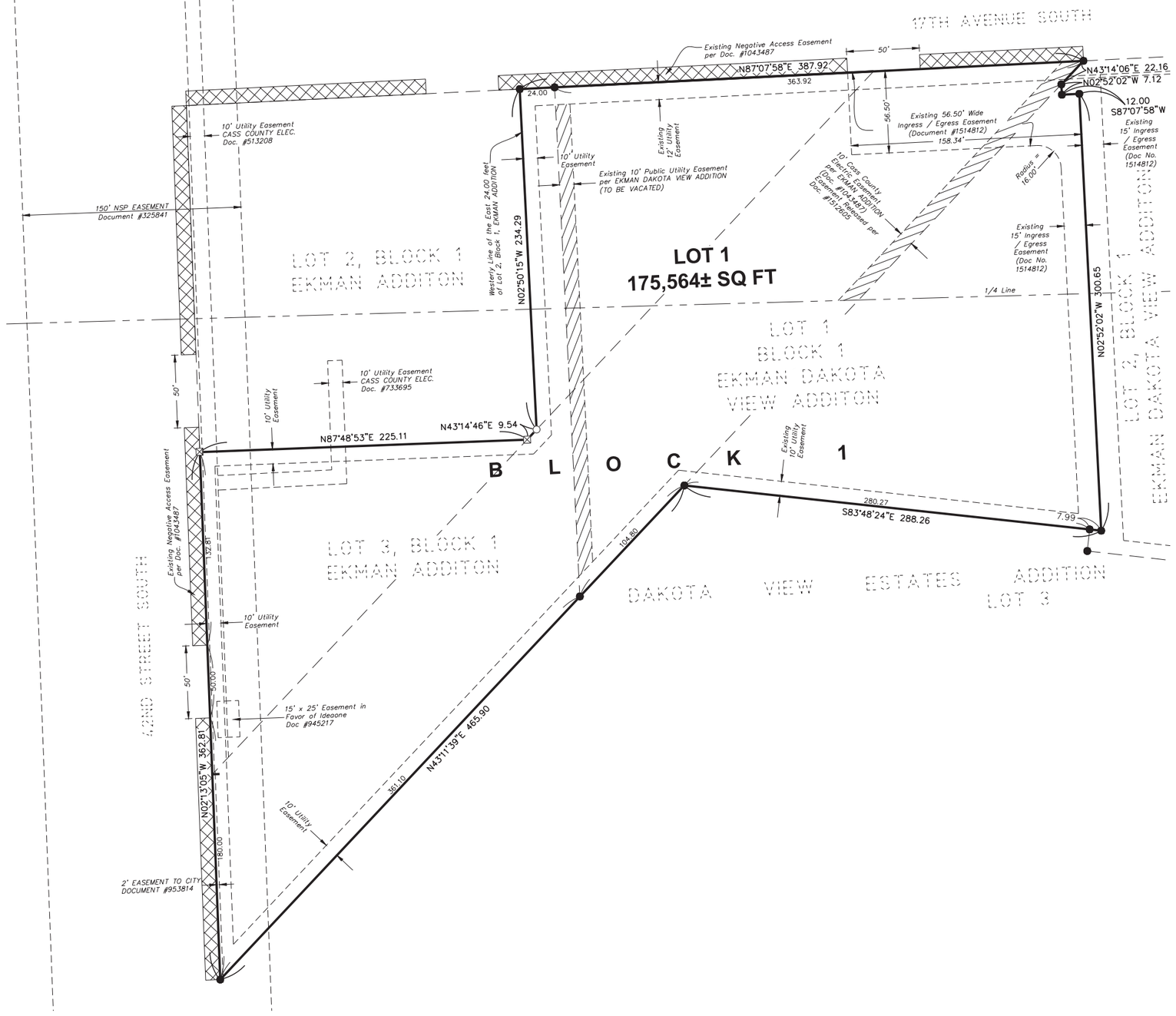
THE CITY OF Fargo
FAR MORE

300
Feet

Fargo Planning Commission
November 7, 2017

EKMAN DAKOTA VIEW SECOND ADDITION

A REPLAT OF LOT 1, BLOCK 1, EKMAN DAKOTA VIEW ADDITION,
LOT 3, BLOCK 1, EKMAN ADDITION AND PART OF LOT 2, BLOCK 1, EKMAN ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



BASIS OF BEARING

The northerly line of Block 1, EKMAN DAKOTA VIEW ADDITION is assumed to bear N87°07'58"E

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED SURVEY MONUMENT MARKED LS-8064
- FOUND 'X' IN CONCRETE
- ADJACENT PROPERTY LINE
- BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- SECTION LINE
- EASEMENT VACATED OR TO BE VACATED AS NOTED
- EXISTING NEGATIVE ACCESS EASEMENT

NOTE: The Negative Access Easement, as noted on this plat, is an easement dedicated as a part of the right of way dedication of which the 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.

NOTE: The Easement described in Document #778346 appears to be ambiguous and open to interpretation and therefor is not shown on this plat. Said easement may affect the subject property.

N

0 20 40 80

Scale: 1" = 40'

LJA ARCHITECTURE ENGINEERING PLANNING LAND SURVEYING
FARGO, ND 701.293.1359
WILLISTON, ND 701.577.8888
www.LJA-1.com

LJA Project No. 17108

SHEET 1 OF 2

EKMAN DAKOTA VIEW SECOND ADDITION

A REPLAT OF LOT 1, BLOCK 1, EKMAN DAKOTA VIEW ADDITION, LOT 3, BLOCK 1, EKMAN ADDITION AND PART OF LOT 2, BLOCK 1, EKMAN ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)

OWNERS' CERTIFICATE

Lots One (1) Block One (1) of EKMAN DAKOTA VIEW ADDITION

AND

Lot Three (3), Block One (1) of EKMAN ADDITION

AND

The Eastern-most 24' of Lot 2, Block 1, of EKMAN ADDITION

containing 4.03 acres, more or less.

Said owner has caused the above described tract of land to be surveyed and platted as EKMAN DAKOTA VIEW SECOND ADDITION to the City of Fargo, North Dakota, containing 1 Block and 1 Lots and do hereby dedicate to the public, for public use, all utility easements as shown on this plat.

NAME
COMAPANY

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared NAME, COMPANY, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

CITY OF FARGO PLANNING COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____day of_____, 20__.

Shara Fischer, Chairperson
Fargo Planning Commission

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Shara Fischer, Chairperson, Fargo Planning Commission, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Nathan G. Anderson, Registered Land Surveyor under the laws of the State of North Dakota, do hereby certify that I have surveyed and platted the property described on this plat as EKMAN DAKOTA VIEW SECOND ADDITION to the City of Fargo, Cass County, North Dakota; that this plat is a correct representation of said survey; that all distances are shown correctly on said plat in feet and hundredths of a foot; that all monuments are or will be installed correctly in the ground as shown; and that the exterior boundary lines are correctly designated.

Dated this_____day of_____, 20__.

Nathan G. Anderson
Registered Land Surveyor
ND Reg, No, LS-8064

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Nathan G. Anderson, Registered Land Surveyor, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

COLLETTE O. JERSTAD
Notary Public
State of North Dakota
My Commission Expires Sept. 9, 2018

FARGO CITY ENGINEERS APPROVAL

This plat in the City of Fargo is hereby approved this _____day of_____, 20__.

Mark Bittner, City Engineer

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Mark Bittner, City Engineer, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

FARGO CITY COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____day of_____, 20__.

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20__, before me, a Notary Public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND

My Commission Expires_____.

LJA
ARCHITECTURE ENGINEERING
PLANNING LAND SURVEYING
FARGO, ND 701.293.1359
WILLISTON, ND 701.577.9999
WWW.LJA-1.COM

LJA Project No. 17108

Item #	9

City of Fargo Staff Report			
Title:	Vista Village Sixth Addition	**Date:**	10/30/2017
Location:	4318 and 4324 37th Avenue South	**Staff Contact:**	Barrett Voigt
Legal Description:	Lots 6-7, Block 4, Vista Village Addition		
Owner(s)/Applicant:	EVI Fargo LLC/Nick Stattelman	**Engineer:**	AE2S
Entitlements Requested:	**Minor Subdivision** (Replat Lots 6-7, Block 4, Vista Village Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: November 7, 2017		

Existing
Land Use: Detached Housing Units
Zoning: SR-3, Single-Dwelling Residential
Uses Allowed: Detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: 8.7 units per acre

Proposed
Land Use: No Change
Zoning: No Change
Uses Allowed: No Change
Maximum Density Allowed: No Change

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Vista Village Sixth Addition,** which is a replat of Lot 6 and 7, Block 4, Vista Village Addition. The subject properties are located at 4318 and 4324 37th Avenue South and encompass approximately .248 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision to adjust interior lot lines and bring interior-side setbacks into conformance with the Land Development Code (LDC) for financial purposes.

According to the applicant, the subject properties were reviewed as a unified development during the building permit review process in the past and the space between the residences were not considered interior-side setbacks as part of that review. In order to satisfy financial requirements for the sale of the properties, the applicant would like to bring Lot 7 into conformance with interior-side setbacks of the LDC. The proposed minor subdivision replat would shift the lot line between Lots 6 and 7 four (4) feet west so that the interior-side setback for Lot 7 would be adjusted from 3.25 feet to 7.25 feet.

The subject property is located in a SR-3, Single-Dwelling Residential zoning district. The interior-side setback requirement for SR-3 zoned properties is the lesser of 5 feet or 10% of the lot width. If the proposed width for Lot 7 were allowed, the width of the property would be 64 feet and would require an interior-side setback of 5 feet. As a result of the proposed interior-side line adjustment, Lot 7 of the subject property would conform to the LDC dimensional standard requirements and satisfy the interior-side setback requirement.

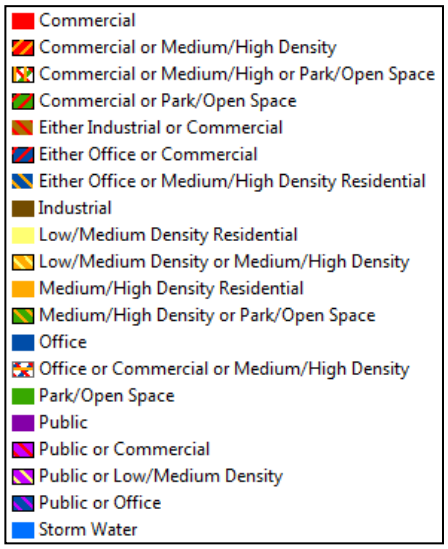
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

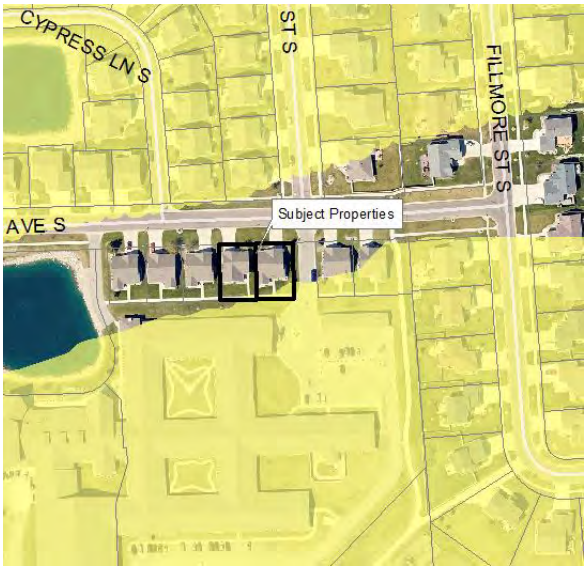
Surrounding Land Uses and Zoning Districts:

- North: Across 37th Avenue South, SR-2, Single-Dwelling Residential and SR-4, Single-Dwelling Residential with detached housing use
- East: SR-2, Single-Dwelling Residential with detached housing use
- South: MR-1, Multi-Dwelling Residential with assisted living facility use
- West: SR-3, Single-Dwelling Residential with detached housing use

Area Plans:

The subject properties are located within the bounds of the 2003 Southwest Future Land Use Plan. The plan designates portions of the subject area as suitable for Low/Medium Density Residential land use.





Schools and Parks:

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

Neighborhood: The subject property is located in the Pointe West Neighborhood.

Parks: Vista Village Park (3750 45th Street South) is located less than 700 feet west of the subject property with recreational trail amenities.

Pedestrian / Bicycle: There is an off-road bike facility located along 37th Avenue South less than 700 feet west of the subject property. This bike route is a component of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is**

located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The subdivision is intended to replat Lots 6 and 7, Block 4, Vista Village Addition into two lots and one block so that the properties meet the dimensional standards of the LDC. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Vista Village Sixth Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: November 7, 2017

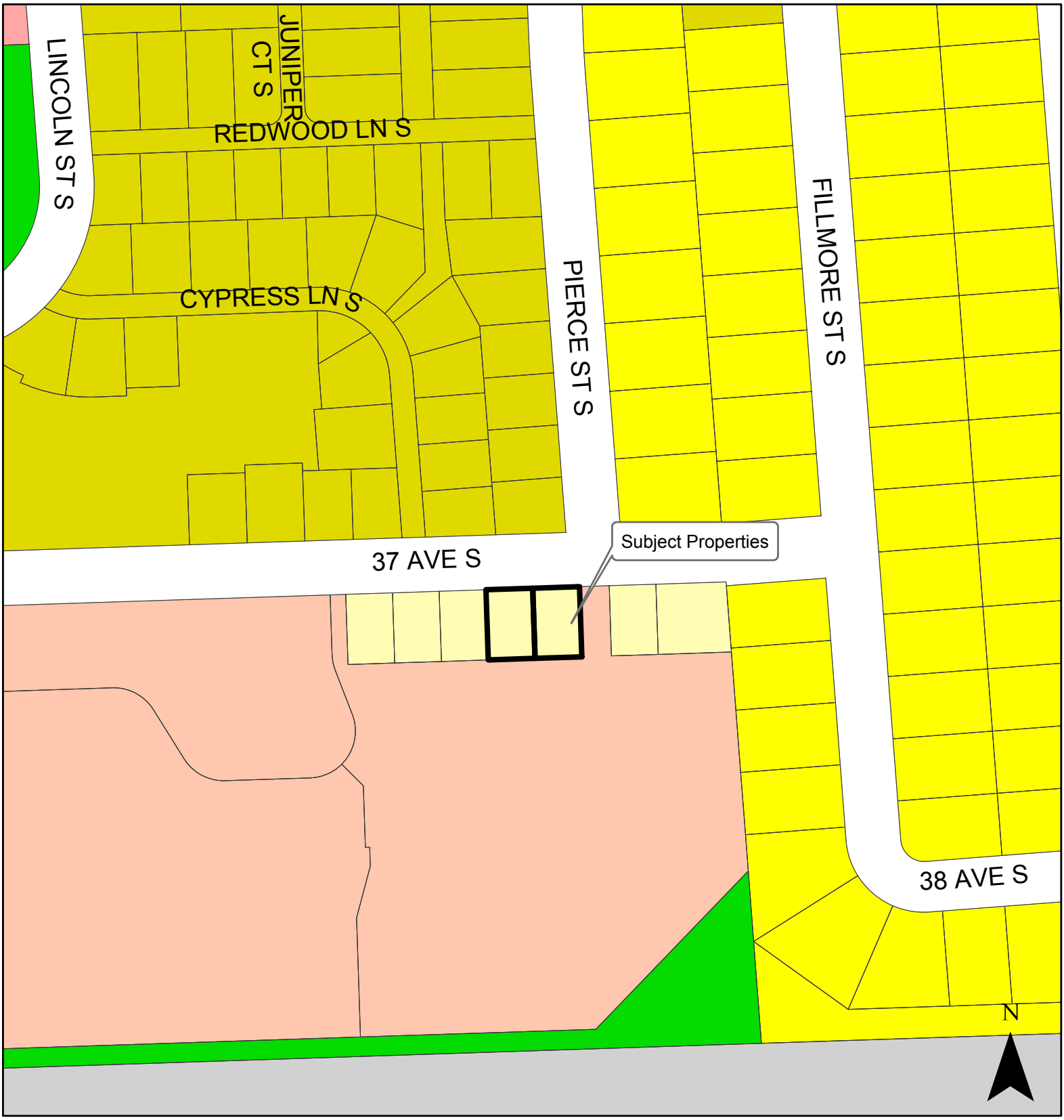
Attachments:

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

Plat (Minor)

Vista Village Sixth Addition

4318 & 4324 37th Avenue South



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

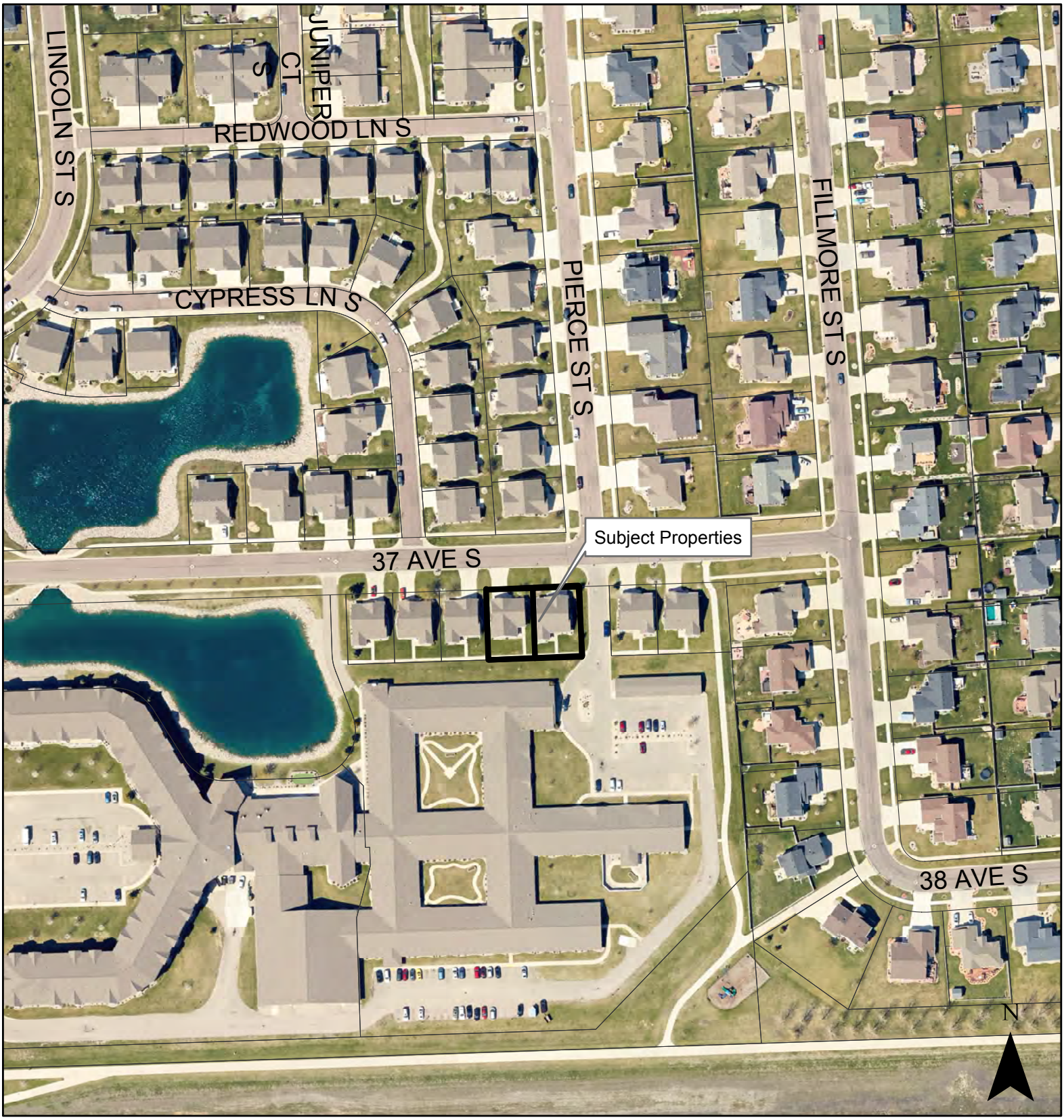
300 Feet

Fargo Planning Commission
November 7, 2017

Plat (Minor)

Vista Village Sixth Addition

4318 & 4324 37th Avenue South



THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
November 7, 2017

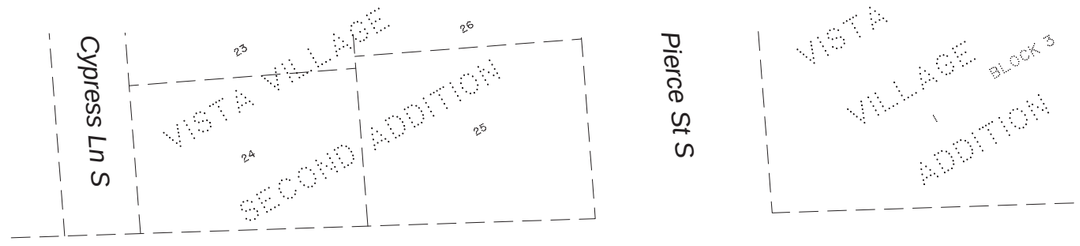
VISTA VILLAGE SIXTH ADDITION

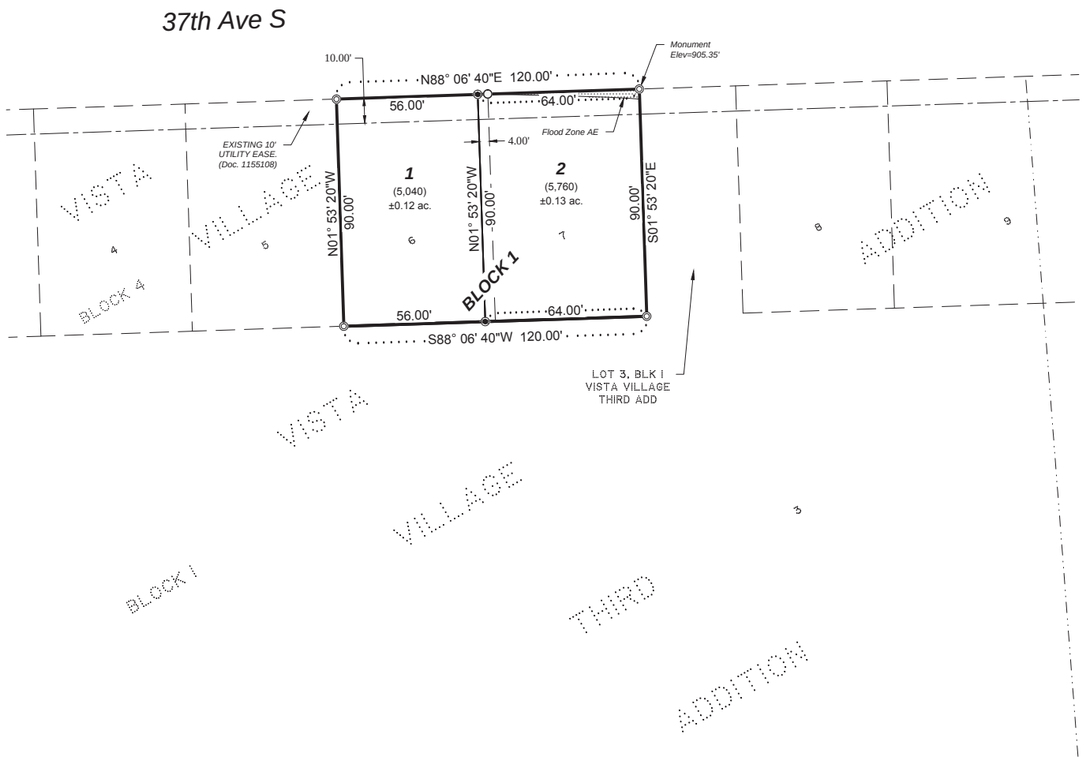
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)
BEING A REPLAT OF LOTS 6 & 7, BLOCK 4, VISTA VILLAGE ADDITION

DESCRIPTION OF PLAT BOUNDARY

All of Lots 6 & 7, Block 4, Vista Village Addition to the City of Fargo, Cass County, North Dakota.

Said plat contains 10,800 square feet or 0.248 acres, more or less, and is subject to all easements and rights-of-way of record.





CERTIFICATE OF SURVEYOR

I, Nicholas R. Stattelman, Registered Professional Land Surveyor in the State of North Dakota, hereby certify that this map is a true and correct representation of a survey performed by me or under my direct supervision on or before September 19, 2017. All distances and measurements are true and correct to the best of my knowledge and belief, and all monuments will be placed in the ground as shown.

_____
Nicholas R. Stattelman, North Dakota Registered Professional Land Surveyor No. LS-8218

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Nicholas R. Stattelman, known to me to be the person described in the within instrument, and acknowledged to me that he executed the same.

_____
Notary Public:
State of North Dakota
My commission expires: _____

OWNER'S CERTIFICATE & DEDICATION

We, the undersigned, being all the owners and proprietors of the land platted herein, do hereby consent to the execution of this plat to be known as "VISTA VILLAGE SIXTH ADDITION" to the City of Fargo, Cass County, North Dakota and hereby dedicate and convey to the public, for public use, all streets and easements as shown on the plat.

_____
Rex Carlson, Treasurer
EVI Fargo, LLC

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Rex Carlson of EVI Fargo, LLC, known to me to be the person described in the within instrument, and acknowledged to me that he executed the same.

_____
Notary Public:
State of South Dakota
My commission expires: _____

CITY ENGINEER APPROVAL

This plat is approved by the Fargo City Engineer on this _____ day of _____, 20____.

_____
Mark H. Bittner, City Engineer

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Mark H. Bittner, Fargo City Engineer, known to me to be the person described in the within instrument, and acknowledged to me that he executed the same.

_____
State of North Dakota
My commission expires: _____

CITY COMMISSION APPROVAL

This plat is approved by the Fargo City Commission on this _____ day of _____, 20____.

_____ _____
Tim Mahoney, Mayor Steve Sprague, City Auditor

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Tim Mahoney, Mayor, and Steve Sprague, City Auditor, known to me to be the persons described in the within instrument, and acknowledged to me that they executed the same.

_____
State of North Dakota
My commission expires: _____

CITY PLANNING COMMISSION APPROVAL

This plat is approved by the Fargo Planning Commission on this _____ day of _____, 20____.

_____
Shara Fischer, Chair

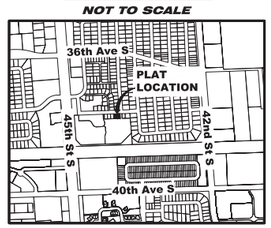
STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Shara Fischer, Fargo Planning Commission Chair, known to me to be the person described in the within instrument, and acknowledged to me that she executed the same.

_____
State of North Dakota
My commission expires: _____

VICINITY MAP

NOT TO SCALE



LEGEND

- EXISTING LOT LINE
- PLAT BOUNDARY
- NEW LOT LINE
- UTILITY EASEMENT
- EASEMENT
- NEGATIVE ACCESS EASEMENT
- SECTION LINE
- QUARTER SECTION LINE
- FOUND IRON MONUMENT
- FOUND IRON MONUMENT w/ PLASTIC CAP
- MONUMENT PLACED THIS SURVEY: 5/8" Ø X 18" LONG REBAR WITH PLASTIC CAP MARKED N.R.S. LS-8218
- 3 EXISTING LOT NUMBER
- 1 LOT NUMBER
- (5,040) LOT AREA (SQUARE FEET)
- ±0.12 ac. LOT AREA (ACRES)
- ZONE AE FEMA SPECIAL FLOOD HAZARD AREA

NOTES

1. **BASIS OF BEARINGS:** DISTANCES AND BEARINGS ARE BASED ON THE CITY OF FARGO COORDINATE SYSTEM. ALL DISTANCES SHOWN ARE GROUND DISTANCES IN U.S. SURVEY FEET. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT. ALL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE DETERMINED BY GPS OBSERVATIONS FROM THE CITY OF FARGO BASE STATION.
2. **EXISTING EASEMENTS:** PLAT IS SUBJECT TO ALL PRIOR EASEMENTS OF RECORD, INCLUDING A CABLE ONE INC. UTILITY EASEMENT (Doc. No. 1211618).
3. **FLOOD ZONE CLASSIFICATION:** THIS AREA FALLS ENTIRELY WITHIN ZONE 'X' FLOOD AREA PER FEMA FIRM NUMBER 38017C0778G, CASS COUNTY, NORTH DAKOTA, EFFECTIVE DATE: JANUARY 16, 2015. ZONE 'X' AREAS ARE AREAS OF 0.2% CHANCE ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. **BASE FLOOD ELEVATION (BFE) = 905.7'.** BFE OBTAINED FROM CITY OF FARGO 41' INUNDATION AREA MAPPING (Sheet 11).

AE2S

SHEET 1 of 1

Item #	10

City of Fargo Staff Report			
Title:	Vista Village Seventh Addition	**Date:**	10/30/2017
Location:	4304 and 4312 37th Avenue South	**Staff Contact:**	Barrett Voigt
Legal Description:	Lots 8-9, Block 4, Vista Village Addition		
Owner(s)/Applicant:	EVI Fargo LLC/Nick Stattelman	**Engineer:**	AE2S
Entitlements Requested:	**Minor Subdivision** (Replat of Lots 8-9, Block 4, Vista Village Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: November 7, 2017		

Existing
Land Use: Detached Housing Units
Zoning: SR-3, Single-Dwelling Residential
Uses Allowed: Detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: 8.7 units per acre

Proposed
Land Use: No Change
Zoning: No Change
Uses Allowed: No Change
Maximum Density Allowed: No Change

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Vista Village Seventh Addition,** which is a replat of Lots 8 and 9, Block 4, Vista Village Addition. The subject properties are located at 4304 and 4312 37th Avenue South and encompass approximately .314 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision to adjust interior lot lines and bring interior-side setbacks into conformance with the Land Development Code (LDC) for financial purposes.

According to the applicant, the subject properties were reviewed as a unified development during the building permit review process in the past and the space between the residences were not considered interior-side setbacks as part of that review. In order to satisfy financial requirements for the sale of the properties, the applicant would like to bring Lot 8 into conformance with interior-side setbacks of the LDC. The proposed minor subdivision replat would shift the lot line between Lots 8 and 9 two (2) feet east so that the interior setback for Lot 8 would be adjusted from 4.32 feet to 6.32 feet.

The subject property is located in an SR-3, Single-Dwelling Residential zoning district. The interior-side setback requirement for SR-3 zoned properties is the lesser of 5 feet or 10% of the lot width. If the proposed width for Lot 8 were allowed, the width of the property would be 62 feet and would require an interior-side setback of 5 feet. As a result of the proposed interior-side line adjustment, Lot 8 of the subject property would conform to the LDC dimensional standard requirements and satisfy the interior-side setback requirement.

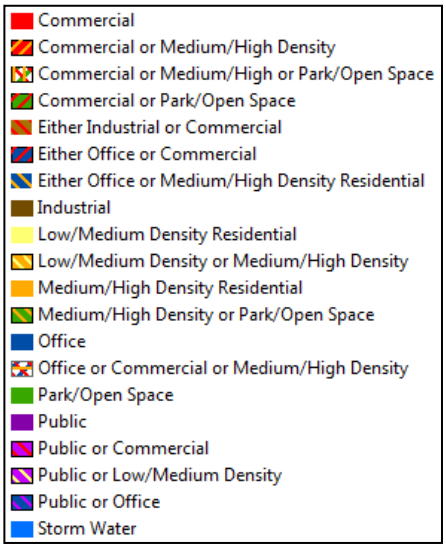
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 37th Avenue South, SR-2, Single-Dwelling Residential and SR-4, Single-Dwelling Residential with detached housing use
- East: SR-2, Single-Dwelling Residential with detached housing use
- South: MR-1, Multi-Dwelling Residential with assisted living facility use
- West: SR-3, Single-Dwelling Residential with detached housing use

Area Plans:

The subject properties are located within the bounds of the 2003 Southwest Future Land Use Plan. The plan designates portions of the subject area as suitable for Low/Medium Density Residential land use.



Schools and Parks:

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

Neighborhood: The subject property is located in the Pointe West Neighborhood.

Parks: Vista Village Park (3750 45th Street South) is located less than 700 feet west of the subject property with recreational trail amenities.

Pedestrian / Bicycle: There is an off-road bike facility located along 37th Avenue South less than 700 feet west of the subject property. This bike route is a component of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is**

located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The subdivision is intended to replat Lots 8-9, Block 4, Vista Village Addition into two lots and one block so that the properties meet the dimensional standards of the LDC. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff received one phone call inquiry from a nearby property. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Vista Village Seventh Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: November 7, 2017

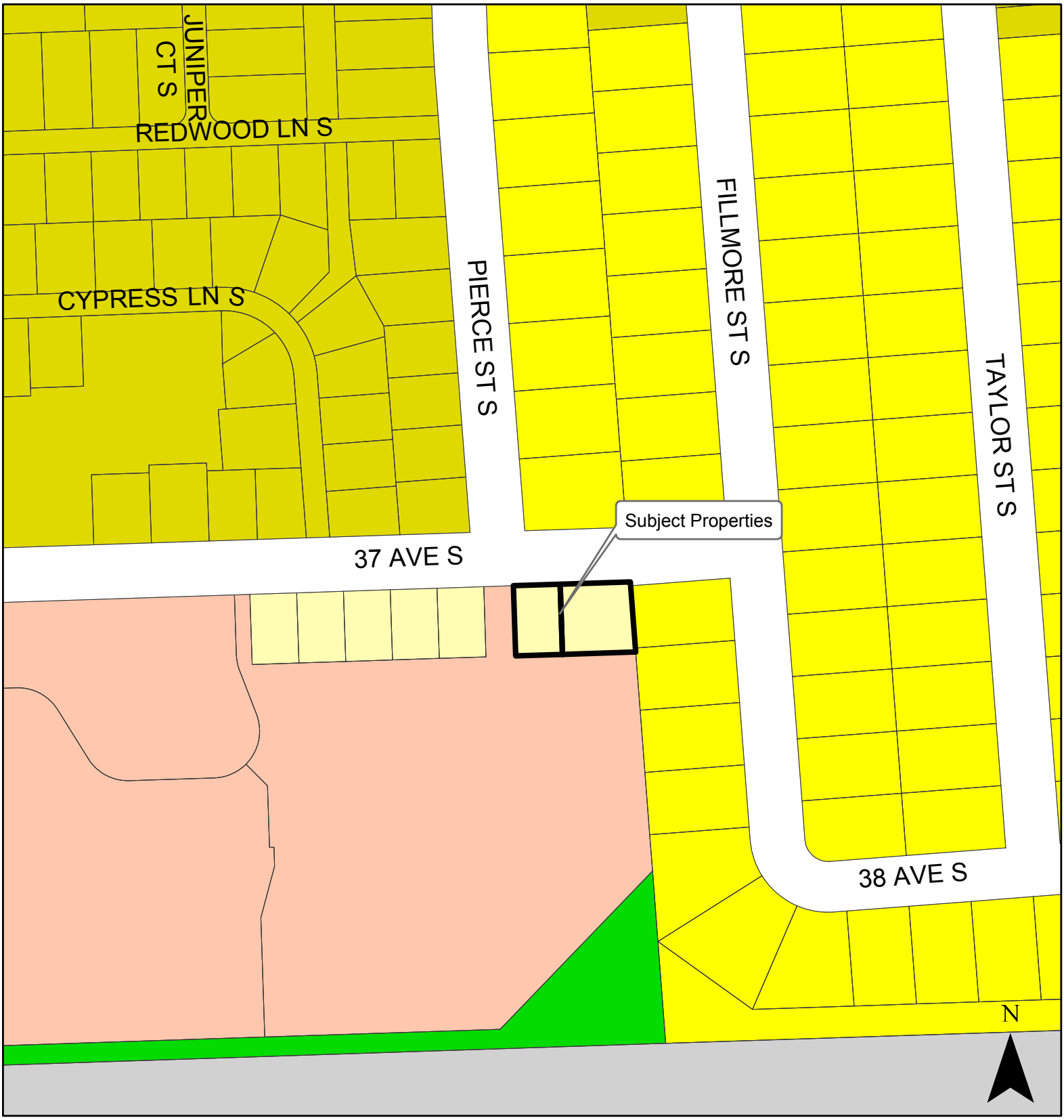
Attachments:

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

Plat (Minor)

Vista Village Seventh Addition

4312 & 4304 37th Avenue South



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

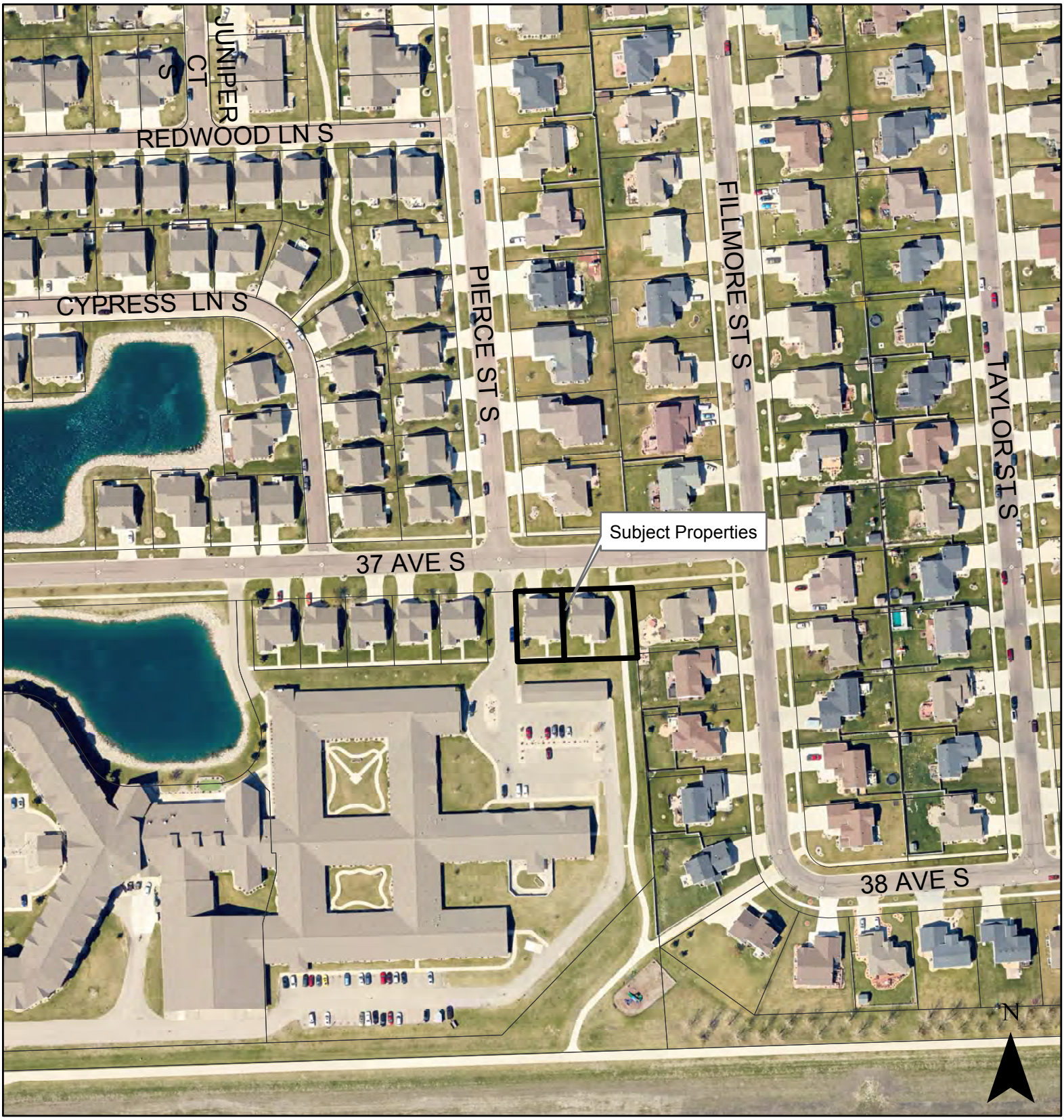
300 Feet

Fargo Planning Commission
November 7, 2017

Plat (Minor)

Vista Village Seventh Addition

4312 & 4304 37th Avenue South



THE CITY OF Fargo FAR MORE

300 Feet

Fargo Planning Commission
November 7, 2017

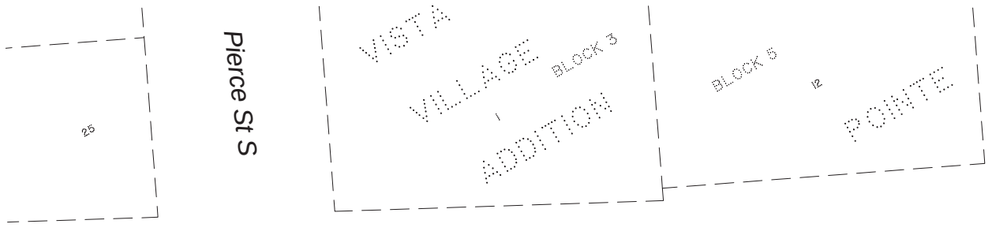
VISTA VILLAGE SEVENTH ADDITION

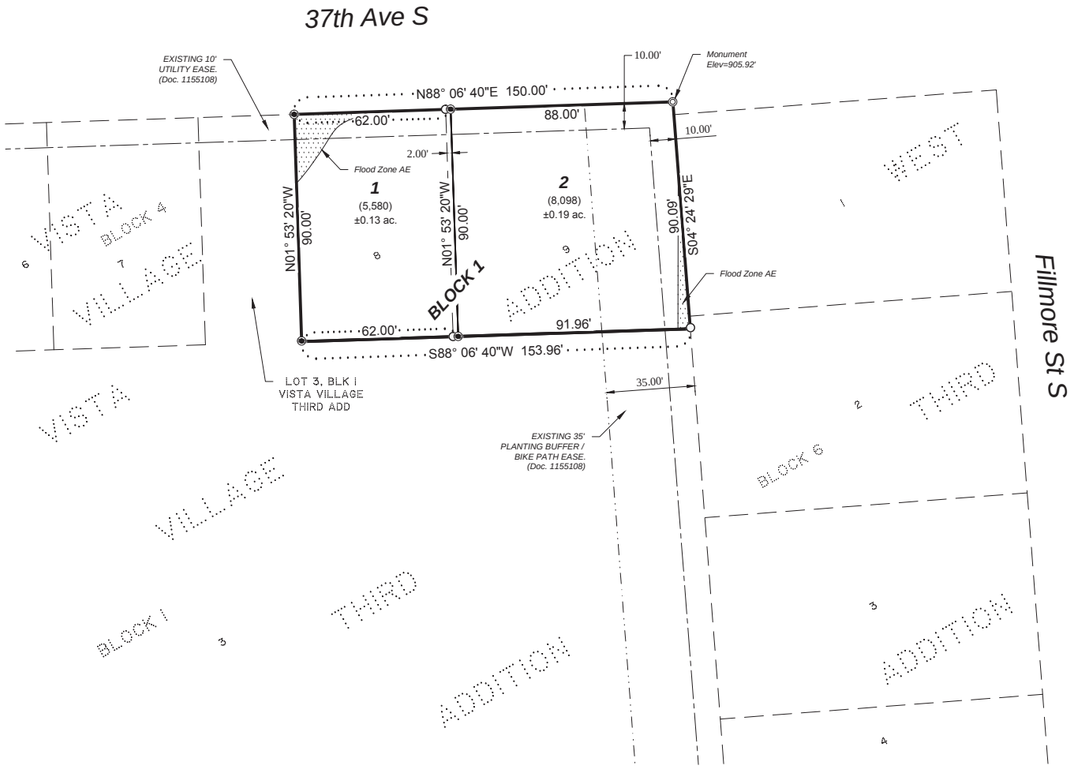
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)
BEING A REPLAT OF LOTS 8 & 9, BLOCK 4, VISTA VILLAGE ADDITION

DESCRIPTION OF PLAT BOUNDARY

All of Lots 8 & 9, Block 4, Vista Village Addition to the City of Fargo, Cass County, North Dakota.

Said plat contains 13,678 square feet or 0.314 acres, more or less, and is subject to all easements and rights-of-way of record.





CERTIFICATE OF SURVEYOR

I, Nicholas R. Stattelman, Registered Professional Land Surveyor in the State of North Dakota, hereby certify that this map is a true and correct representation of a survey performed by me or under my direct supervision on or before September 19, 2017. All distances and measurements are true and correct to the best of my knowledge and belief, and all monuments will be placed in the ground as shown.

_____
Nicholas R. Stattelman, North Dakota Registered Professional Land Surveyor No. LS-8218

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Nicholas R. Stattelman, known to me to be the person described in the within instrument, and acknowledged to me that he executed the same.

_____
Notary Public:
State of North Dakota
My commission expires: _____

OWNER'S CERTIFICATE & DEDICATION

We, the undersigned, being all the owners and proprietors of the land platted herein, do hereby consent to the execution of this plat to be known as "VISTA VILLAGE SEVENTH ADDITION" to the City of Fargo, Cass County, North Dakota and hereby dedicate and convey to the public, for public use, all streets and easements as shown on the plat.

_____
Rex Carlson, Treasurer
EVI Fargo, LLC

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Rex Carlson of EVI Fargo, LLC, known to me to be the person described in the within instrument, and acknowledged to me that he executed the same.

_____
Notary Public:
State of South Dakota
My commission expires: _____

CITY ENGINEER APPROVAL

This plat is approved by the Fargo City Engineer on this _____ day of _____, 20____.

_____
Mark H. Bittner, City Engineer

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Mark H. Bittner, Fargo City Engineer, known to me to be the person described in the within instrument, and acknowledged to me that he executed the same.

_____
State of North Dakota
My commission expires: _____

CITY COMMISSION APPROVAL

This plat is approved by the Fargo City Commission on this _____ day of _____, 20____.

_____ _____
Tim Mahoney, Mayor Steve Sprague, City Auditor

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Tim Mahoney, Mayor, and Steve Sprague, City Auditor, known to me to be the persons described in the within instrument, and acknowledged to me that they executed the same.

_____
State of North Dakota
My commission expires: _____

CITY PLANNING COMMISSION APPROVAL

This plat is approved by the Fargo Planning Commission on this _____ day of _____, 20____.

_____
Shara Fischer, Chair

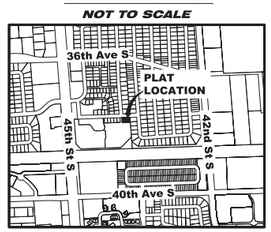
STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Shara Fischer, Fargo Planning Commission Chair, known to me to be the person described in the within instrument, and acknowledged to me that she executed the same.

_____
State of North Dakota
My commission expires: _____

VICINITY MAP

NOT TO SCALE



LEGEND

- EXISTING LOT LINE
- PLAT BOUNDARY
- NEW LOT LINE
- UTILITY EASEMENT
- EASEMENT
- NEGATIVE ACCESS EASEMENT
- SECTION LINE
- QUARTER SECTION LINE

- FOUND IRON MONUMENT
- FOUND IRON MONUMENT w/ PLASTIC CAP
- MONUMENT PLACED THIS SURVEY: 5/8" Ø X 18" LONG REBAR WITH PLASTIC CAP MARKED N.R.S. LS-8218
- 3 EXISTING LOT NUMBER
- 1 LOT NUMBER
- (5,040) LOT AREA (SQUARE FEET)
- ±0.12 ac. LOT AREA (ACRES)
- ZONE AE FEMA SPECIAL FLOOD HAZARD AREA

NOTES

1. **BASIS OF BEARINGS:** DISTANCES AND BEARINGS ARE BASED ON THE CITY OF FARGO COORDINATE SYSTEM. ALL DISTANCES SHOWN ARE GROUND DISTANCES IN U.S. SURVEY FEET. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT. ALL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND WERE DETERMINED BY GPS OBSERVATIONS FROM THE CITY OF FARGO BASE STATION.

2. **EXISTING EASEMENTS:** PLAT IS SUBJECT TO ALL PRIOR EASEMENTS OF RECORD, INCLUDING A CABLE ONE INC. UTILITY EASEMENT (Doc. No. 1211618).

3. **FLOOD ZONE CLASSIFICATION:** THIS AREA FALLS ENTIRELY WITHIN ZONE 'X' FLOOD AREA PER FEMA FIRM NUMBER 38017C0778G, CASS COUNTY, NORTH DAKOTA, EFFECTIVE DATE: JANUARY 16, 2015. ZONE 'X' AREAS ARE AREAS OF 0.2% CHANCE ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. **BASE FLOOD ELEVATION (BFE) = 905.7'.** BFE OBTAINED FROM CITY OF FARGO 41' INUNDATION AREA MAPPING (Sheet 11).

AE2S

MEMORANDUM

TO: Planning Commission

FROM: Donald Kress, Senior Planner

DATE: November 1, 2017

RE: 2018 Calendar---meeting and Brown Bag dates

Please see the attached draft 2018 Planning Commission meeting and Brown Bag calendar.

Planning Commission meetings are regularly scheduled for the first Tuesday of the month at 3:00 p.m. Please note the changes on the attached calendar:

- The January Planning Commission meeting is scheduled for Thursday, January 4 at 3:00 p.m. to avoid overlapping with the re-scheduled City Commission meeting, which will be on Tuesday, January 2.

Brown Bag meetings are regularly scheduled for the third Wednesday of each month at 11:30 a.m. Please note the changes on the attached calendar:

- Brown Bag meetings are not scheduled in July or December.

- The November Brown Bag meeting will be held the second Wednesday of November.

Planning staff recommends the Commission adopt the 2018 Planning Commission meeting and Brown Bag calendar as proposed.

CITY OF Fargo

PLANNING AND DEVELOPMENT
200 Third Street North
Fargo, North Dakota 58102
Phone: (701) 241-1474
Fax: (701) 241-1526
E-Mail: planning@FargoND.gov
www.FargoND.gov

MEMORANDUM

TO: ALL DEPARTMENTS

FROM: ALBERT GIBSON, PLANNING AND DEVELOPMENT DEPARTMENT

DATE: OCTOBER 26, 2017

SUBJECT: 2018 PLANNING COMMISSION MEETING SCHEDULE

Listed below are the Planning Commission meeting dates as well as the Brown Bag meeting dates for calendar year 2018.

2018 Meeting Schedule

Planning Commission Meetings	Brown Bag Meetings
* January 4	January 17
February 6	February 21
March 6	March 21
April 3	April 18
May 1	May 16
June 5	June 20
July 3	* July – No Meeting
August 7	August 22
September 4	September 19
October 2	October 17
November 6	November 14
December 4	* December – No Meeting
Planning Commission meetings will be held at 3:00 p.m. in the City Commission Room at City Hall. *** Please Note: The 2018 Planning Commission meeting for January will be held as follows due to Holiday schedules: Thursday, January 4.**	Brown Bag meetings will be held from 11:30 a.m. to 1:00 p.m. in the City Commission Room at City Hall. *** Please Note: There will not be a Brown Bag meeting held in July or December.**

EQUAL HOUSING OPPORTUNITY

Printed on Recycled paper.