FARGO PLANNING COMMISSION AGENDA
Tuesday, October 4, 2016 at 3:00 P.M.

A: Approve Order of Agenda.

B: Minutes: Regular Meeting of September 6, 2016.

C: Brown Bag Luncheon - Wednesday, October 19, 2016.

D: Public Hearing Items:

1a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial within the boundaries of the proposed **Interstate Business Park Addition.** (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC) (dk): CONTINUED TO NOVEMBER 1, 2016

1b. Continued Hearing on an application requesting a Plat of **Interstate Business Park Addition** (Major Subdivision) a replat of Lot 1, Block 1, Adams 7th Addition, and part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West to the City of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC) (dk): CONTINUED TO NOVEMBER 1, 2016

2. Hearing on an application requesting a Plat of **Kostman Addition** (Minor Subdivision) a replat of part of Lots 15-17, Block 1, Schultz & Williams Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3481 and 3487 University Drive South) (PACES Lodging) (km):

3. Hearing on an application requesting a Conditional Use Permit to allow a modification of the existing Conditional Use Permit for Household Living in a GC, General Commercial zoning district to increase the allowed number of units to six on Lot 1, Block 1, **Pladson Addition**. (Located at 508 Oak Street North) (Diamond Rock Properties, LLC) (dk):

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

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 241-1474 or TDD at 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.cityoffargo.com/planningcommission.

BOARD OF PLANNING COMMISSIONERS
MINUTES

Regular Meeting: Tuesday: September 6, 2016:

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, September 6, 2016.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Melissa Sobolik, Scott Stofferahn

Absent: Mary Scherling, Rocky Schneider, Kelly Steffes, Jan Ulferts Stewart

Vice Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda
Member Sobolik moved the Order of Agenda be approved as presented. Second by Member Brust. All Members present voted aye and the motion was declared carried.

Item B: Minutes: Regular Meeting of August 2, 2016
Member Stofferahn moved the minutes of the August 2, 2016 Planning Commission meeting be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, September 21, 2016 Brown Bag Luncheon
Topic: Discussion with Commissioner Grindberg.

Item D: Public Hearing Items:

Item 1: Brandt Crossing Eleventh Addition
Hearing on an application requesting a Plat of Brandt Crossing Eleventh Addition (Minor Subdivision) a replat of Lot 3, Block 1, Brandt Crossing Sixth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3270 51st Street South) (PACES Lodging): APPROVED
Planner Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat Brandt Crossing Eleventh 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. Second by Member Brust. On call of the roll Members Sobolik, Brust, Fischer, Stofferahn, Magelky, and Gunkelman voted aye. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion was declared carried.

Item 2: Beardsley's Addition

Hearing on an application requesting a Conditional Use Permit to allow an alternative design standard in the UMU, University Mixed-Use zoning district on Lot 12, Block 4, Beardsley's Addition. (Located at 1817 and 1819 11th Avenue North) (Design-7 P.C.): APPROVED WITH CONDITIONS

Planner Aaron Nelson presented the staff report. He noted the applicant is requesting to deviate from the building offset requirements as it relates to the third floor and rear building elevation walls. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

Applicant representative Ron Dick, Design-7 P.C., spoke on behalf of the application.

Martha Berryhill, 1354 12th Street North, spoke in favor of the proposal.

Member Brust moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an alternative design standard in the UMU, University Mixed-Use zoning district be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. Open Space Landscaping: At least nine (9) plant units shall be provided for each 1,000 square feet of lot area or fraction thereof, and eight (8) square feet per plant unit shall be provided.

2. Open Space: At least 25% of the lot area shall remain as open space.

3. Off-Street Parking: At least 2 parking spaces shall be provided per unit.

4. Density: The minimum required density shall be 37 units per acre.

5. Building Coverage: The maximum building coverage shall be 60% of the lot area.

6. Building Design: The following architectural features shall be provided:
   a. Dormers will be provided on the south-facing side of the roof;
   b. Balconies shall be provided along the south building elevation; and
   c. Primary entrances shall be recessed from the exterior walls by at least 3 feet.

Second by Member Gunkelman. On call of the roll Members Brust, Stofferahn, Fischer, Sobolik, Magelky, and Gunkelman voted aye. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion was declared carried.

Item 3: Golden Valley Second Addition

a. Continued Hearing on an application requesting a Growth Plan Amendment within the boundaries of the proposed Golden Valley Second Addition. (Located at 6737 25th Street South) (Eagle Ridge Development): NO ACTION TAKEN

b. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay and MR-1, Multi-Dwelling Residential, within the boundaries of the proposed Golden Valley Second Addition. (Located at 6737 25th Street South) (Eagle Ridge Development): APPROVED

c. Continued Hearing on an application requesting a Plat of Golden Valley Second Addition (Major Subdivision) of part of the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 6737 25th Street South) (Eagle Ridge Development): DENIED

A Hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to this date and time.

Senior Planner Donald Kress presented the staff report and noted staff held an open house on July 26, 2016. Mr. Kress summarized staff's recommendations stating: 1) staff recommends approval of the Growth Plan Amendment as it has been found to be consistent with and serves to implement adopted plans and policies of the City; 2) staff recommends approval of the Zoning Change as it has been found to be consistent with the purpose of the Land Development Code, the Growth Plan, and other adopted policies of the City, contingent on City Commission approval of the proposed Growth Plan; and 3) staff recommends denial of the Subdivision Plat, Golden Valley Second Addition, as the plat fails to comply with the adopted Area Plan and the Standards of Article 20-06.

Board discussion ensued regarding a future street crossing at County Drain No. 53 at 67th Avenue South that is depicted in the Southwest Metro Transportation Plan; the importance of street connectivity; and adequate emergency access.

Applicant Jim Bullis, President of Eagle Ridge Development, spoke on behalf of the application.

City Fire Marshal Ryan Erickson spoke, reaffirming the importance of street connectivity.

Vice Chair Fischer noted that each item will be voted on separately.

GROWTH PLAN AMENDMENT **MOTION**: Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Growth Plan Amendment to change approximately nine acres of the project site from "Commercial" to "Low to Medium Residential", as it has

been found to be consistent with and serves to implement adopted plans and policies of the City. Second by Member Magelky. On call of the roll Members Gunkelman, Sobolik, and Magelky voted aye. Members Fischer, Brust, and Stofferahn voted nay. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion failed for lack of a majority.

ZONING CHANGE **MOTION**: Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from AG, Agricultural to SR-4, Single-Dwelling Residential with a Conditional Overlay (145 lots) and MR-1, Multi-Dwelling Residential (1 lot), as it has been found to be consistent with the purpose of the Land Development Code and other adopted policies of the City, contingent on City Commission approval of the proposed Growth Plan Amendment. Second by Member Magelky. On call of the roll Members Stofferahn, Fischer, Gunkelman, Sobolik, and Magelky voted aye. Member Brust voted nay. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion was declared carried.

MAJOR SUBDIVISION PLAT **MOTION**: Member Sobolik moved the findings and recommendations of staff be accepted and denial be recommended to the City Commission of the proposed Subdivision Plat, Golden Valley Second Addition, as the plat fails to comply with the adopted Area Plan and the Standards of Article 20-06. Second by Member Magelky. On call of the roll Members Fischer, Magelky, Gunkelman, Sobolik, Brust, and Stofferahn voted aye. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion was declared carried.

Item 4: Interstate Business Park Addition

a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial within the boundaries of the proposed Interstate Business Park Addition. (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC): CONTINUED TO OCTOBER 4, 2016

b. Continued Hearing on an application requesting a Plat of Interstate Business Park Addition (Major Subdivision) a replat of Lot 1, Block 1, Adams 7th Addition, and part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West to the City of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC): CONTINUED TO OCTOBER 4, 2016

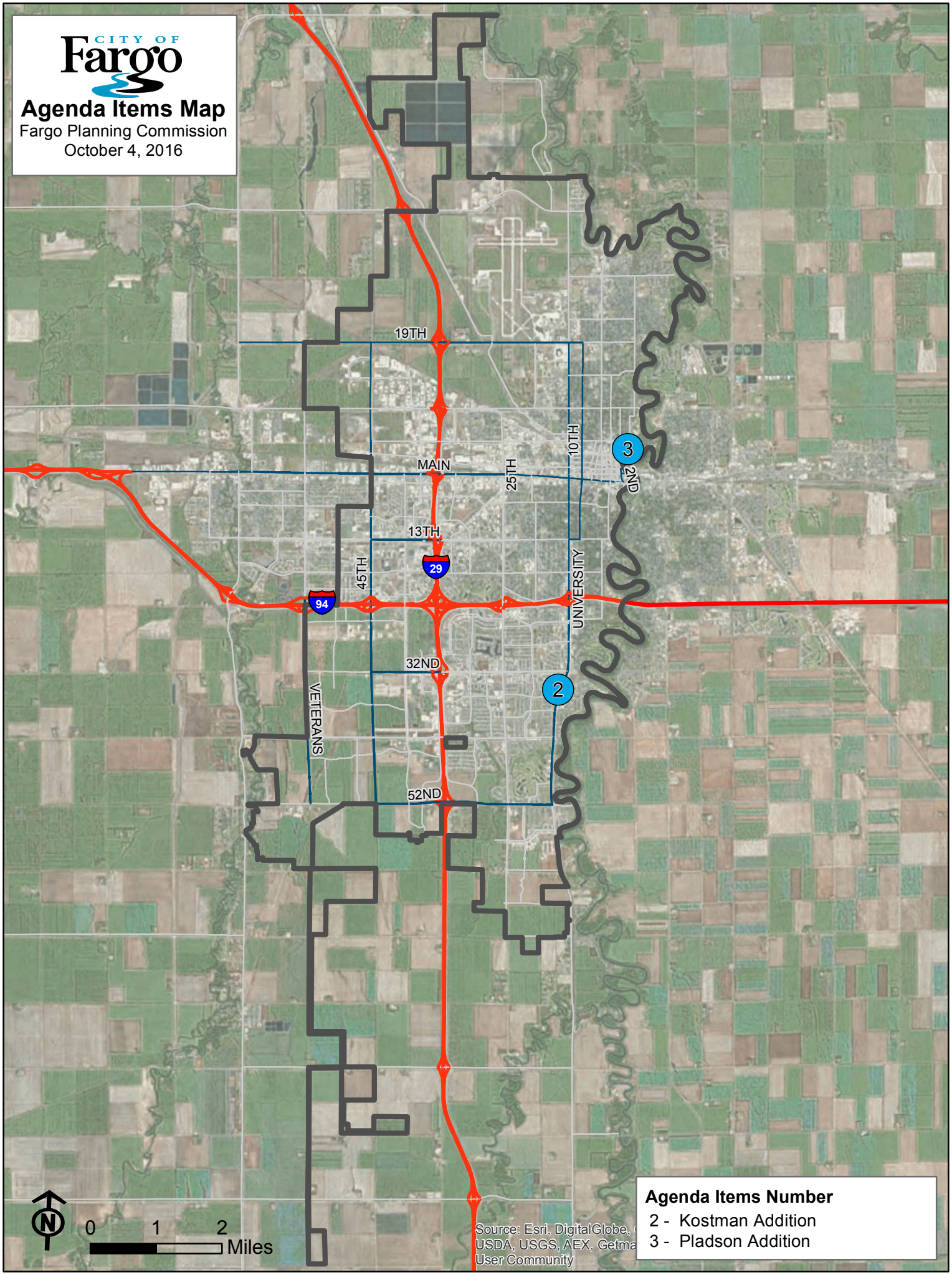
A Hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to October 4, 2016.

Member Stofferahn moved this item be continued to the October 4, 2016 Planning Commission meeting. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

Item 5: Tyler's Addition
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): CONTINUED TO NOVEMBER 1, 2016
A Hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to November 1, 2016.

Member Sobolik moved this item be continued to the November 1, 2016 Planning Commission meeting. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

The time at adjournment was 3:56 p.m.


CITY OF Fargo
Agenda Items Map
Fargo Planning Commission
October 4, 2016
19TH
MAIN
25TH
10TH
2ND
13TH
45TH
29
94
UNIVERSITY
32ND
VETERANS
52ND
3
2
N
0
1
2
Miles
Agenda Items Number
2 - Kostman Addition
3 - Pladson Addition
Source: Esri, DigitalGlobe,
USDA, USGS, AEX, Getma
User Community

Agenda Item #	2

City of Fargo Staff Report			
Title:	Kostman Addition	**Date:**	9/19/16
Location:	3481 and 3487 University Drive South	**Staff Contact:**	Kylie Murphy
Legal Description:	Lots 15-17, Block 1, Schultz & Williams Addition, to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Kostman/PACES Lodging	**Engineer:**	Ulteig
Entitlements Requested:	**Minor Subdivision** (Replat of part of Lots 15-17, Block 1, Schultz & Williams Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: October 4, 2016		

Existing		**Proposed**
Land Use: Commercial		**Land Use:** Unchanged
Zoning: GC, General Commercial		**Zoning:** Unchanged
Uses Allowed: General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, 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 Lot Coverage Allowed:** Unchanged

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Kostman Addition,** which is a replat of Lots 15-17, Block 1, Schultz & Williams Addition. The subject properties are located at 3481 and 3487 University Drive South and encompasses approximately 1.234 acres. The applicant is proposing to replat the existing three (3) lots into two (2) lots. The applicant has also proposed a shared access easement.

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

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial with warehouse and office use
- East: MR-3, Multi-Dwelling Residential across University Drive South with apartment and assisted living facility use
- South: GC, General Commercial with park and utility use
- West: GC, General Commercial with warehouse, office, and utility use (City of Fargo water tower)

Area Plans:

No area plans apply

Schools and Parks:

Schools: The subject property is located within the Fargo School District and is served by Eagles Elementary, CarlBen Middle and South High schools.

Parks: Courts Plus Community Fitness (3491 South University Drive) is located approximately 150 feet southwest of the subject property. Courts Plus Community Fitness provides basketball, concessions, fitness center, indoor exercise equipment, indoor volleyball, restroom, tennis and track amenities.

Pedestrian / Bicycle: Off road bike facilities are located east of the subject property across the street on University Avenue South. These facilities are a component of 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.**
   The subdivision is intended to replat three existing legal lot into two new lots. The property is currently zoned GC, General Commercial which allows for the proposed development and complies with the adopted Area 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 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, **Kostman 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: October 4, 2016

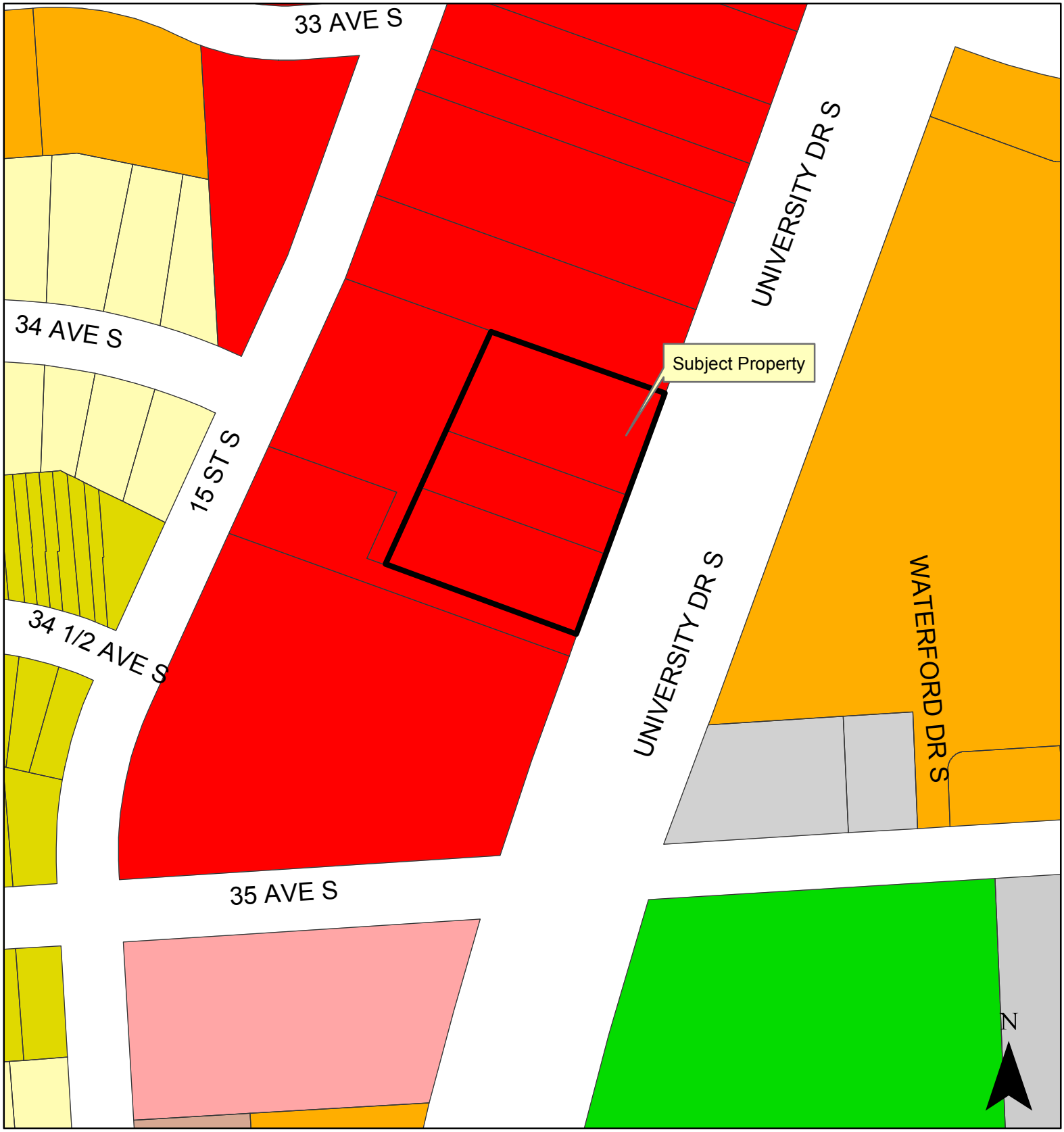
Attachments:

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

Plat (Minor Subdivision)

Kostman Addition

3487 and 3481 University Drive



CITY OF Fargo

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

October 4, 2016

Plat (Minor Subdivision)

Kostman Addition

3487 and 3481 University Drive

CITY OF Fargo

300 Feet

Fargo Planning Commission
October 4, 2016

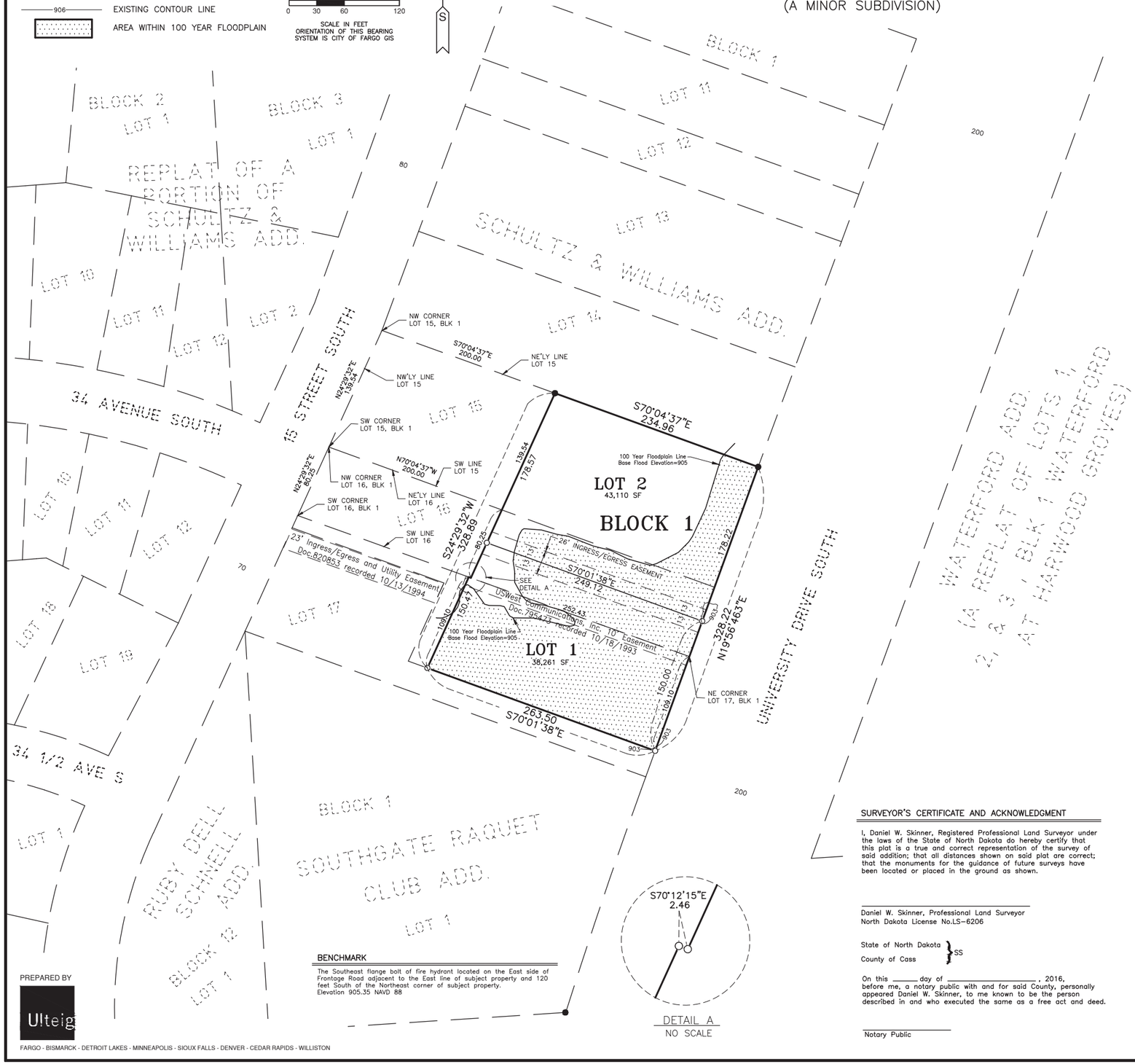
KOSTMAN ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF PART OF LOTS 15, 16, & 17 SCHULTZ & WILLIAMS ADD
(A MINOR SUBDIVISION)

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-6206"
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- 906 EXISTING CONTOUR LINE
- AREA WITHIN 100 YEAR FLOODPLAIN

0 30 60 120
SCALE IN FEET
ORIENTATION OF THIS BEARING SYSTEM IS CITY OF FARGO GIS



DETAIL A
NO SCALE

BENCHMARK

The Southeast flange bolt of fire hydrant located on the East side of Frontage Road adjacent to the East line of subject property and 120 feet South of the Northeast corner of subject property.
Elevation 905.35 NAVD 88

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Karl A. Kostman whose address is Horace, North Dakota as owner of a parcel of land located in the Northeast Quarter of Section 25, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot Fifteen, in Block One, of Schultz and Williams Addition to the City of Fargo, Cass County, North Dakota, excepting therefrom the following described tract, to-wit: Commencing at the Southwest corner of said Lot Fifteen, Block One, thence Northeast along the Northwesterly line of said Lot Fifteen, a distance of 139.54 feet, more or less, to the Northwest corner of said Lot Fifteen, thence Southeast along the Northeasterly line of said Lot Fifteen, a distance of 200 feet to a point, thence Southwest parallel to the Northwest line of said Lot Fifteen, a distance of 139.54 feet, more or less, to a point where it intersects with the Southwest line of said Lot Fifteen, thence Northwest 200 feet, more or less, along the Southwest line of said Lot Fifteen, to the point of beginning;

AND

Lot Sixteen, in Block One, of Schultz and Williams Addition to the City of Fargo, Cass County, North Dakota, excepting therefrom the following described tract, to-wit: Commencing at the Southwest corner of said Lot Sixteen, thence Northeast along the Northwesterly line of said Lot Sixteen, a distance of 80.25 feet, more or less, to the Northwest corner of said Lot Sixteen, thence Southeast along the Northeasterly line of said Lot Sixteen, a distance of 200 feet to a point, thence Southwest parallel to the Northwest line of said Lot Sixteen, a distance of 80.25 feet, more or less, to a point where it intersects with the Southwest line of said Lot Sixteen, thence Northwest 200 feet, more or less, to the Southwest corner of said Lot Sixteen, the point of beginning;

AND

That part of Lot Seventeen, in Block One, of Schultz and Williams Addition, to the City of Fargo, Cass County, North Dakota, more fully described as follows: Commencing at the Northeast corner of Lot Seventeen; thence Southwesterly along the Easterly lot line of said Lot Seventeen, a distance of 109.10 feet; thence Northwesterly 263.5 feet to a point which is 109.10 feet South of the Northerly lot line which is 252.43 feet Northwesterly of the point of beginning; thence Southeasterly 252.43 feet to the point of beginning.

Containing 1.868 acres or 81,371 square feet more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "KOSTMAN ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate to Lots 1 and 2 the ingress/egress easement as shown for the purpose so stated.

OWNER: Karl A. Kostman

By: _____
Karl A. Kostman, an individual

State of North Dakota } SS
County of Cass }

On this _____ day of _____, in the year of 2016, before me, a notary public with and for said County, personally appeared Karl A. Kostman, an individual known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

_____
Notary Public

MORTGAGEE:
American Federal Bank

By: _____
(Name), (Title)

State of North Dakota } SS
County of Cass }

On this_____day of_____, in the year of 2016, before me, a notary public with and for said County, personally appeared (Name), (Title), American Federal Bank known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

_____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Daniel W. Skinner, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

_____
Daniel W. Skinner, Professional Land Surveyor
North Dakota License No.LS-6206

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared Daniel W. Skinner, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____day of _____, 2016.

_____
April E. Walker, City Engineer

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared April E. Walker, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2016.

_____
Jan Ulferts Stewart, Planning Commission Chair

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared Jan Ulferts Stewart, Planning Commission Chairman, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2016.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

_____
Notary Public

PREPARED BY

Ulteig

FARGO - BISMARCK - DETROIT LAKES - MINNEAPOLIS - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON

preliminary

SWO/JSZ 9/14/16 R16-00953-P.DWG

Agenda Item #	3

City of Fargo Staff Report			
Title:	Pladson Addition	**Date:**	9/28/16
Location:	508 Oak Street North	**Staff Contact:**	Donald Kress, senior planner
Legal Description:	Lot 1, Block 1, Pladson Addition		
Owner(s)/Applicant:	Riley Rude / Diamond Rock Properties, LLC	**Engineer:**	None
Entitlements Requested:	**Conditional Use Permit** to allow a modification of the existing Conditional Use Permit for Household Living in a GC, General Commercial zoning district to increase the allowed number of units to six		
Status:	Planning Commission Public Hearing: October 4, 2016		

Existing		**Proposed**
Land Use: Commercial		**Land Use:** Unchanged
Zoning: GC, General Commercial		**Zoning:** GC, General Commercial with a Conditional Use Permit (CUP)
Uses Allowed: General Commercial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.		**Uses Allowed:** General Commercial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, 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. **Plus a CUP to allow a modification of the existing Conditional Use Permit for Household Living in a GC, General Commercial zoning district to increase the allowed number of units to six on Lot 1, Block 1, Pladson Addition.**
Maximum Lot Coverage Allowed: Maximum 85% building coverage		**Maximum Lot Coverage Allowed:** Unchanged

Proposal:

The applicant is seeking approval of a Conditional Use Permit to allow a modification of the existing Conditional Use Permit for Household Living in a GC, General Commercial zoning district to increase the allowed number of units to six on Lot 1, Block 1, Pladson Addition. The subject property is located at 508 Oak Street North and encompasses approximately 0.63 acres.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments

("staff"), whose comments are included in this report.

Surrounding Zoning and Land Uses Include:

- North: MR-2, Multi-Dwelling across an alley with apartment and single family residential use
- East: MR-2, Multi-Dwelling across Oak Street North with apartment and single family residential use
- South: DMU, Downtown Mixed-Use with Burlington Northern Santa Fe Railroad utility use
- West: GC, General Commercial across 1st Street North with mini-storage and single family residential use

Area Plans:

No area plans apply.

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: Wildflower Grove Park (9 Lower Terrace N) is located approximately 0.1 miles east of the subject property and provides picnic table and recreational trails amenities.

Pedestrian / Bicycle: On road bike facilities are provided along 6th Avenue North Drive that are a component of the metro area trail system.

Staff Analysis:

The applicant proposes to develop a four-unit housing structure on the property at 508 Oak Street. This property is zoned GC: General Commercial and is developed with a detached single family residence on the east side of the property (501 1st Avenue North) and a commercial building with a single dwelling unit on the second story. Both of these structures will remain (see graphic below).

HOUSING UNIT DESIGN

The applicant proposes to build the units as IRC townhomes with two hour walls and a one-inch air space between the units, floor to roof deck. They will each have their own water and sewer lines that run outside of

the building footprint with their own curb stops and connect to one private branch line that connects to the city mains.

ACCESS AND UTILIIES

The units will take access from the alley. As the alley provides the access to this project, it will be a condition of the CUP that the alley shall be paved. Per City infrastructure policy, the applicant will need to develop a petition to pave the alley, and coordinate special assessments. It should be noted that the special assessment policy spreads 100% of the paving costs of the alley to the abutting property owners. Water and sewer connections will be from mains in Oak Street

DENSITY

The existing CUP on this property, approved in April, 2015, allows two residential units on his property. As noted above, the single-family residence and the apartment are the two residential units. The proposed CUP would modify the existing one to allow four additional dwelling units, for a total of six dwelling units, on this property.

The GC zone does not have an established density. For comparison, six dwelling units on this 0.63 acre property would yield a density of 9.5 dwelling units per acre (du/ac). This density is less than the density allowed by the adjacent properties to the north, which are zoned MR-2 and would allow a density of 20 du/ac. For comparison, the 9.5 du/ac would be a density allowed in an SR-4: Single Family Residential zone.

FLOOD PROTECTION

This property is in danger of flooding due to the fact that a primary line of protection does not exist. The City has no plan to provide a primary line for this area. If the City were to provide a primary line this property would be internal to the logical placement of such a line. The City does currently provide for emergency measures when necessary. These emergency measures tie into the railroad right of way. We have been unsuccessful at obtaining permission to create a permanent tie back to the railroad property. No primary line shall be required as this property is not adjacent to a river drainage ditch or other flooding source. The structure will be required to build in compliance with the floodproof construction requirements including elevation.

SEPTEMBER 23, 2016 OPEN HOUSE

On September 23, 2016, the Planning Department held an “open house” style meeting which provided neighborhood residents the opportunity to meet with the applicant and review the project. On resident from an adjacent neighborhood attended and heard a description of the project from the applicant.

COMMUNICATION FROM NEIGHBORS

As of September 27, 2016 Planning staff had one e-mail exchange with a neighbor inquiring about the project. The neighbor did not oppose the project.

Conditional Use Permit Approval Criteria (Section 20-0909.D)

The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
   Regarding compliance with the applicable provisions of the LDC, Table 20-0401 of the LDC states that household living is allowed in the GC zone with a conditional use permit. Zoning, fire, and building code requirements for siting of the residences and required inspections will be met at the time the building permit

and site plan for the residences are submitted by the applicant and reviewed by city departments. Staff finds this proposal is consistent with the applicable provisions of the LDC with the condition stated below.

Regarding compliance with the intent of the LDC, the LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan [Go2030 Plan] and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." Staff finds that the proposed housing implements Fargo Comprehensive Plan,particularly the recommendation to "continue to support development of downtown and surrounding downtown neighborhoods" (page 218).

(Criteria Satisfied)

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
   Staff finds that this proposed conditional use permit to allow a modification of the existing Conditional Use Permit for Household Living in a GC, General Commercial zoning district to increase the allowed number of units to six will contribute to and promote the convenience of the public by providing additional housing options in the downtown core neighborhoods.
   (Criteria Satisfied)

3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
   Staff has no evidence to suggest that the proposed conditional use will cause substantial injury to the value of the other properties in the neighborhood. Per the notice requirements of the LDC, notice of the proposed conditional use permit was provided to neighboring property owners. To date, staff has received no concerns related to the proposed CUP. Staff finds that the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood. **(Criteria Satisfied)**

4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**
   Staff finds that the proposed residential building will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. Though the property is zoned GC: General Commercial, the building height will not exceed the height limit of the surrounding MR-2: Multi Dwelling Residential zone. Setbacks will be as required in the GC zone. The property is located toward the end of a dead-end street.

   (Criteria Satisfied)

5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**
   The applicant shall connect the residences to city water and sewer mains, available in Oak Street, pursuant to city policy. **(Criteria Satisfied)**

6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**
   The residences will take vehicular access from the east/west alley on the north side of the property. The applicant shall petition for paving of this alley, and the certificate of occupancy for the residences shall not be granted until the alley is paved. **(Criteria Satisfied)**

Recommended Conditions:

1) Applicant shall petition the city for paving the east/west alley between Oak Street and 1st Avenue North prior to submitting a building permit. The north/south portion of alley that "T's" into this alley and connects to 6th Street North will not need to be paved as part of this project.
2) The residential density allowed on Lot 1, Block 1, Pladson addition shall not exceed six dwelling units.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow a modification of the existing Conditional Use Permit for Household Living in a GC, General Commercial zoning district to increase the allowed number of units to six on Lot 1, Block 1, Pladson Addition as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

3) Applicant shall petition the city for paving the east/west alley between Oak Street and 1st Avenue North prior to submitting a building permit. The north/south portion of alley that "T's" into this alley and connects to 6th Street North will not need to be paved as part of this project.
4) The residential density allowed on Lot 1, Block 1, Pladson addition shall not exceed six dwelling units.

Planning Commission Recommendation: October 4, 2016

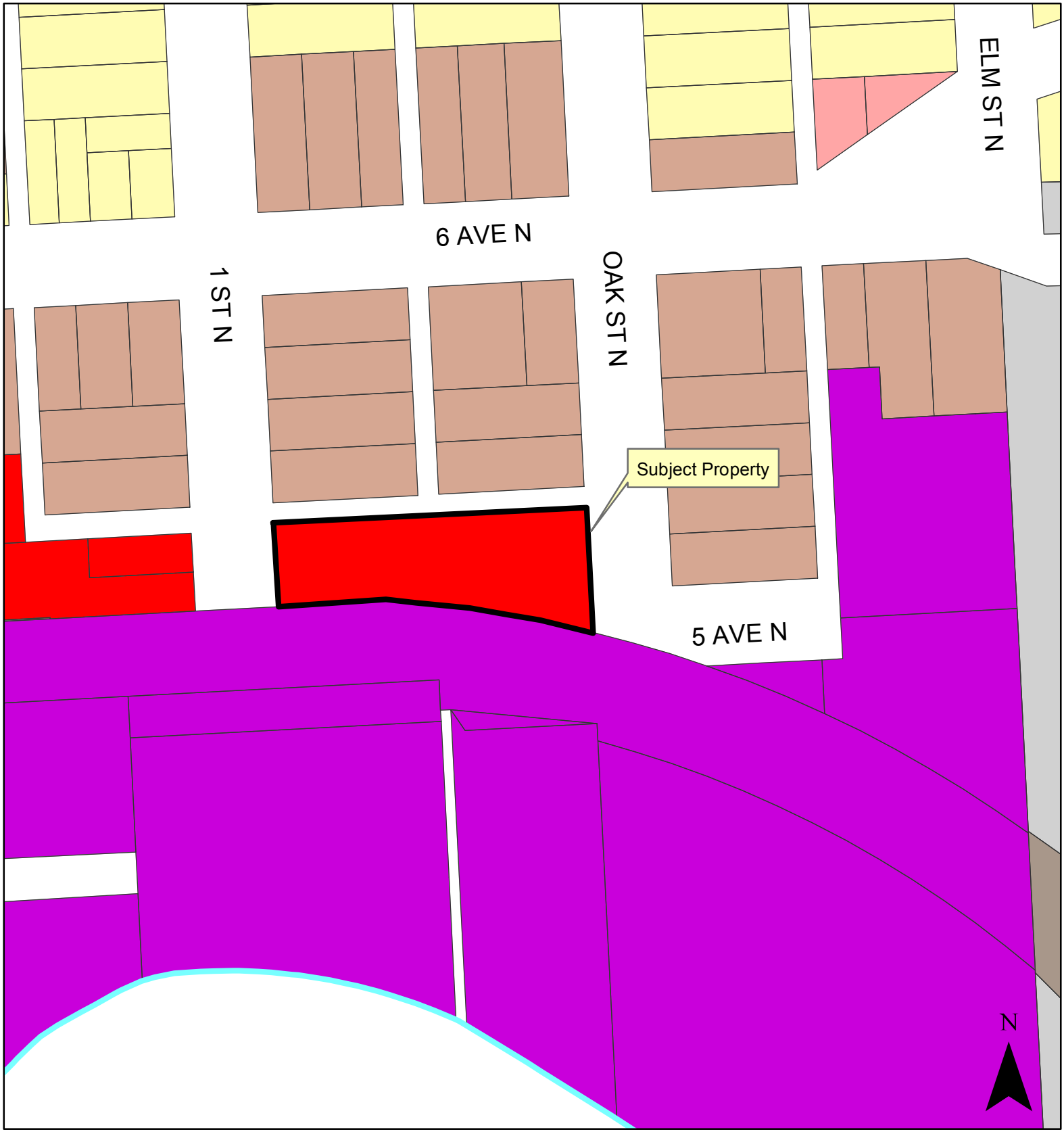
Attachments:

1. Zoning Map
2. Location Map
3. Site Plan
4. Example building elevation drawings

CUP (Increase Density in GC Zoning District)

Pladson Addition

508 Oak Street North



CITY OF Fargo

Legend

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

300 Feet

Fargo Planning Commission
October 4, 2016

CUP (Increase Density in GC Zoning District)

Pladson Addition

508 Oak Street North

CITY OF Fargo

300

Feet

Fargo Planning Commission

October 4, 2016

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

1:564

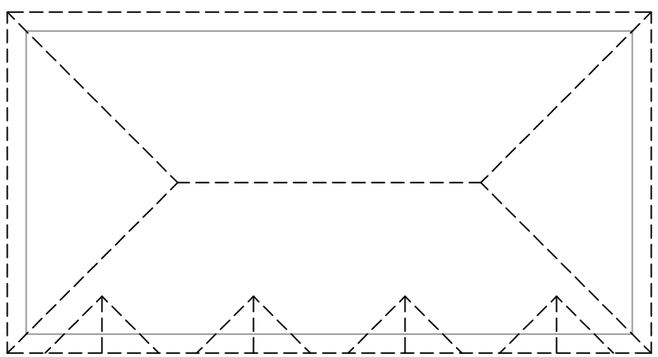
8/15/2016 7:12:32 PM

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

CITY OF Fargo

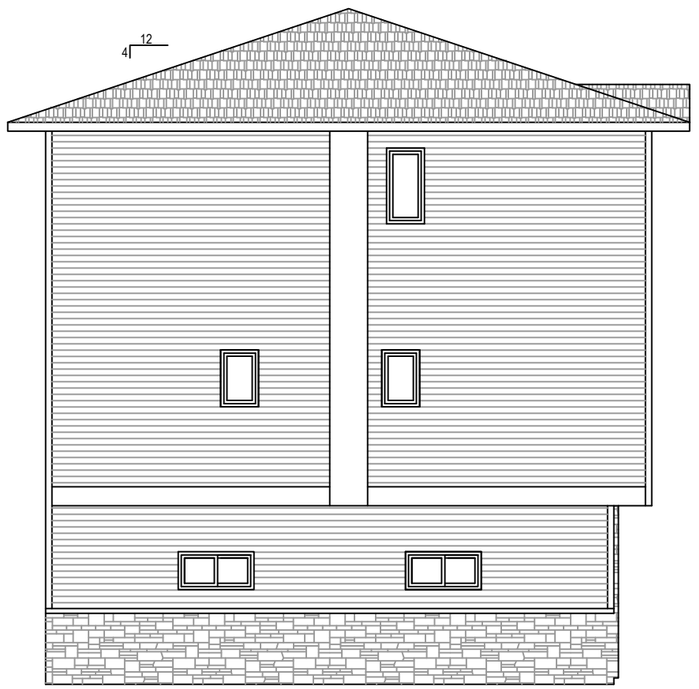
PRELIMINARY DRAWINGS
(NOT FOR CONSTRUCTION USE)

FRONT ELEVATION
Scale 1/8" = 1'-0"



NOTE: ALL PITCHES AT 4:12 UNLESS OTHERWISE NOTED

ROOF PLAN
Scale 1/16" = 1'-0"



LEFT ELEVATION
Scale 1/8" = 1'-0"

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PRELIMINARY DRAWINGS
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I ACCEPT THIS PLAN AS DRAWN
Name_____
Date_____

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Fargo, ND 58103
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(Fax): 701-492-0591
www.lampertlumber.com

JEM PROPERTIES

REVISIONS
08.12.16

RILEY RUDE TOWNHOMES

Sheet 1
Date 08.08.16
Job 107-16
Salesperson Bill

PRELIMINARY DRAWINGS
(NOT FOR CONSTRUCTION USE)

REAR ELEVATION
Scale 1/8" = 1'-0"

RIGHT ELEVATION
Scale 1/8" = 1'-0"

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JEM PROPERTIES

RILEY RUDE TOWNHOMES

REVISIONS

08.12.16				

Sheet	Date	Job	Salesperson
2	08.08.16	107-16	Bill