FARGO PLANNING COMMISSION AGENDA
Tuesday, February 7, 2017 at 3:00 P.M.

A: Approve Order of Agenda.

B: Minutes: Regular Meeting of January 4, 2017.

C: Brown Bag Luncheon - Wednesday, February 22, 2017.

D: Public Hearing Items:

1. 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): CONTINUED TO MARCH 7, 2017

2a. Continued Hearing on an application requesting a Zoning Change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Development Overlay on Lots 7-8, and the East 10 feet of Lot 9, Block 34, **Beardsleys Addition**. (Located at 2105 7th Avenue North) (Accel Mechanical, LLC) (an): CONTINUED TO APRIL 4, 2017

2b. Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan on Lots 7-8, and the East 10 feet of Lot 9, Block 34, **Beardsleys Addition**. (Located at 2105 7th Avenue North) (Accel Mechanical, LLC) (an): CONTINUED TO APRIL 4, 2017

3a. 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Business Park Addition.** (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC) (dk): WITHDRAWN

3b. 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, City of Fargo, Cass County, North Dakota. (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC) (dk): WITHDRAWN

4a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential and P/I, Public and Institutional, on all of **Bison Meadows Second Addition**. (Located North of 70th Avenue South and West of University Drive South) (Jon Youness/Eagle Ridge Company) (dk):

4b. Hearing on an application requesting a Plat of **Bison Meadows Second Addition** (Major Plat), a replat of Lots 1-10, Block 1; Lots 3-78, Block 2; Lots 1-15, Block 3; Lots 1-44, Block 4;

Lots 1-42, Block 5; Lots 1-35, Block 6; Lots 1-28, Block 7; Lots 1-47, Block 8, the extinguishment of the zoning conditional overlay on those lots and blocks, and a vacation of portions of the public right of way for 68th Avenue South, 69th Avenue South, 14th Street South, 15th Street South, 16th Street South, 17th Street South, all of the public right of way for Bison Meadows Parkway and Championship Loop, and certain easements within Bison Meadows Addition to the City of Fargo, Cass County, North Dakota. (Located North of 70th Avenue South and West of University Drive South) (Jon Youness/Eagle Ridge Company) (dk):

5. Hearing on an application requesting a Plat of **The Pines at The District Fourth Addition** (Minor Plat), a replat of Lot 1, Block 1, The Pines at The District 3rd Addition and Lot 1, Block 1, The District of Fargo 2nd Addition to the City of Fargo, Cass, County, North Dakota. (Located at 5461 38th Street South and 4000 53rd Avenue South) (Patrick Vesey/Goldmark) (dk):

6. Hearing on an application requesting a Plat of **BLU Water Creek Second Addition** (Minor Plat), a replat of Lot 1, Block 1, BLU Water Creek Addition to the City of Fargo, Cass, County, North Dakota. (Located at the Southwest corner of 32nd Avenue South and 47th Street South) (Nate Vollmuth/PACES Lodging) (km):

7. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential on Lots 1-8, Block 14, **The Pines at the District Addition**. (Located at 5651, 5659, 5663, 5667, 5673, 5679, 5685, and 5691 43rd Street South) (City of Fargo) (dl):

8. Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial with a C-O, Conditional Overlay on Lot 4, Block 1, **Virgil Montplaisier 2nd Addition**. (Located at 3030 36th Street South) (Jon Youness/Eagle Ridge Company) (dl):

9. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential with H-O, Historic Overlay, to SR-5, Single-Dwelling Residential with H-O, Historic Overlay, on a portion of Lot 22, Block 3, **Island Park Addition**. (Located at 389 8th Avenue South) (Chris Hawley/Hawley Architects) (an):

10. Hearing on an application requesting a Conditional Use Permit to allow Household Living in a GC, General Commercial zoning district on Lots 3-5, Block 5, **West Acres 4th Addition** and Lot 2, Block 1, **T Sloan Addition**. (Located at 1825, 1833, 1841, and 1855 38th Street South) (Austin Morris/Enclave Company) (dk):

E: Other Items:

1. FM MetroCog Presentation: Bicycle-Pedestrian Master Plan

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: Wednesday: January 4, 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., Wednesday, January 4, 2017.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Rocky Schneider, Melissa Sobolik, Jan Ulferts Stewart

Absent: Mary Scherling, Kelly Steffes, Scott Stofferahn

Chair Ulferts Stewart called the meeting to order.

Business Items:

Item A: Approve Order of Agenda
Chair Ulferts Stewart noted the following Agenda items:

- Items 1a, 1b, and 1c are continued to the March 7, 2017 Planning Commission Meeting.
- Items 2, 3a, 3b, 4a and 4b are continued to the February 7, 2017 Planning Commission Meeting.

Member Fischer 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 December 6, 2016
Member Magelky moved the minutes of the December 6, 2016 Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item C: Wednesday January 18, 2017 Brown Bag Luncheon
Topics will include: Code Advisory Committee Update, and the Food Advisory Committee's Text Amendment Proposals regarding chickens kept within the city limits.

Item D: Public Hearing Items:

Item 1: Kirkham's Second Addition
a. Continued Hearing on an application requesting a Growth Plan Amendment on Lots 7-11, Block 14, Kirkham's Second Addition. (Located at 1128, 1132, and 1136

14th Street North; 1404 12th Avenue North) (L2H Development, LLC): CONTINUED TO MARCH 7, 2017

b. Continued Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential, MR-2, Multi-Dwelling Residential, and LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a PUD, Planned Unit Development Overlay and extinguishment of the existing C-O, Conditional Overlay on Lots 7-11, Block 14, Kirkham's Second Addition. (Located at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North) (L2H Development, LLC): CONTINUED TO MARCH 7, 2017

c. Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan for Commercial and Residential Development on Lots 7-11, Block 14, Kirkham's Second Addition. (Located at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North) (L2H Development, LLC): CONTINUED TO MARCH 7, 2017

A hearing had been set for February 2, 2016. At the February 2, 2016 meeting the Hearing was continued to March 1, 2016. At the March 1, 2016 meeting the Hearing was continued to April 5, 2016. At the April 5, 2016 meeting the Hearing was continued to June 7, 2016. At the June 7, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to March 7, 2017.

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

Item 2: 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 FEBRUARY 7, 2017

A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to September 6, 2016. At the September 6, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to February 7, 2017.

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

Item 3: Beardsleys Addition

a. Continued Hearing on an application requesting a Zoning Change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Development

Overlay on Lots 7-8, and the East 10 feet of Lot 9, Block 34, Beardsleys Addition. (Located at 2105 7th Avenue North) (Accel Mechanical, LLC): CONTINUED TO FEBRUARY 7, 2017

b. Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan on Lots 7-8, and the East 10 feet of Lot 9, Block 34, Beardsleys Addition. (Located at 2105 7th Avenue North) (Accel Mechanical, LLC): CONTINUED TO FEBRUARY 7, 2017
A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to October 4, 2016. At the October 4, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to February 7, 2017.

Member Magelky moved this item be continued to the February 7, 2017 Planning Commission Meeting. Second by Member Brust. All Members present voted aye and 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 FEBRUARY 7, 2017

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, City of Fargo, Cass County, North Dakota. (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC): CONTINUED TO FEBRUARY 7, 2017
A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to September 6, 2016. At the September 6, 2016 meeting the Hearing was continued to October 4, 2016. At the October 4, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to December 6, 2016. At the December 6, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to February 7, 2017.

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

Item 5: Reeves Addition
Continued Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on part of Lot 19 and all of Lots 20

and 21, Block 18, Reeves Addition. (Located at 1409, 1411, and 1413 1st Avenue North) (Wade Wolf Properties LLC): APPROVED WITH CONDITIONS
A hearing had been set for December 6, 2016. At the December 6, 2016 meeting, the Hearing was continued to this date and time.

Senior Planner Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval with conditions.

Applicant Victor Wade Wolf, Wade Wolf Properties LLC, spoke on behalf of the application.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zone change from GC, General Commercial to LI, Limited Industrial, for part of Lot 19 and all of Lots 20 and 21, Block 18, Reeves Addition as presented, as the proposal complies with the Land Development Code Sections 20-0906.F (1-4) and all other applicable requirements of the Land Development Code, with the following conditions:

1. The applicant agrees to a waiver of protest for future paving of the alley that abuts the north side of the subject property.

2. The previously granted conditional use permit number 2014-010 for household living residential use in the GC, General Commercial zoning district, dated December 2, 2014, is considered void.

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

Item 6: St. John's Addition
Hearing on an application requesting a Conditional Use Permit to allow for a Healthcare Facility in the MR-3, Multi-Residential zoning district on Lot 1, Block 1, St. John's Addition. (Located at 510 4th Street South) (Prairie St. John's): APPROVED
Donald Kress presented the staff report and noted staff did receive a brief background on the Prairie St. John's facility. He noted staff did receive several phone calls from area property owners, and one email staff submitted to the Board today. Mr. Kress stated all approval criteria have been met and staff is recommending approval.

Project Architect David Shultz of Shultz Associates Architects spoke on behalf of the application.

Member Brust moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Healthcare Facility in the MR-3, Multi-Dwelling Residential zoning district on Lot 1, Block 1, St. John's Addition be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land

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

Item 7: Noridian Center 3rd Addition
Hearing on an application requesting a Plat of Noridian Center 3rd Addition (Minor Subdivision), a replat of Lots 1-10, Block 2, Noridian Center Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4814, 4830, 4908, and 4920 14th Avenue South; 4809, 4825, 4905, and 4917 15th Avenue South; and 1403 and 1441 48th Street South) (West Fargo Public Schools): APPROVED
Planner Aaron Nelson presented the staff report. He noted the application also includes an alternative sidewalk plan that is to be approved at the time of the subdivision. Mr. Nelson stated 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, Noridian Center 3rd Addition, along with the proposed alternative sidewalk plan as outlined within the staff report, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, Section 20-0609, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Gunkelman, Sobolik, Fischer, Magelky, Brust, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Scherling, Steffes, and Stofferahn. The motion was declared carried.

Item 8: Osgood Townsite Fourteenth Addition
a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to MR-3, Multi-Dwelling Residential of the proposed Osgood Townsite Fourteenth Addition, a replat of Lot 1, Block 1, Osgood Townsite Thirteenth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4550 49th Avenue South) (PACES Lodging): APPROVED

b. Hearing on an application requesting a Plat of Osgood Townsite Fourteenth Addition (Minor Subdivision), a replat of Lot 1, Block 1, Osgood Townsite Thirteenth Addition and Lot 3, Block 5, Osgood Townsite 7th Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4550 49th Avenue South and 5050 47th Street South) (PACES Lodging): APPROVED
Assistant Planner Kylie Murphy 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) Zoning Change from LC, Limited Commercial to MR-3, Multi-Dwelling Residential and 2) the Subdivision Plat, Osgood Townsite Fourteenth 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 Gunkelman. On call of the roll Members Fischer, Gunkelman, Sobolik, Schneider, Brust, Magelky, and Ulferts Stewart voted aye. Absent and not voting: Members Scherling, Steffes, and Stofferahn. The motion was declared carried.

Item 9: Commerce on I-29 Second Addition
Hearing on an application requesting a Plat of Commerce on I-29 Second Addition (Minor Subdivision), a replat of Lots 1, 4 and 5, Block 2, Commerce on I-29 Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4001 and 4101 98th Avenue South) (PACES Lodging): APPROVED
Donald Kress 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 Commerce on I-29 Second Addition subdivision plat as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Fischer, Magelky, Gunkelman, Sobolik, Brust, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Scherling, Steffes, and Stofferahn. The motion was declared carried.

Item 10: Timber Parkway First Addition
Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay Lot 7, Block 1, Timber Parkway First Addition. (Located at 4801 Timber Parkway South) (PACES Lodging): APPROVED
Planner Derrick LaPoint presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from GC, General Commercial with a C-O, conditional overlay to GC, General Commercial with a C-O, Conditional Overlay, 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 Sobolik. On call of the roll Members Gunkelman, Sobolik, Fischer, Magelky, Brust, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Scherling, Steffes, and Stofferahn. The motion was declared carried.

Item 11: Reeves Addition
a. Hearing on an application requesting a Zoning Change from LI, Limited Industrial to GC, General Commercial on Blocks 26 and 27, Reeves Addition, and adjacent vacated right-of-way, and Auditor's Lot No. 1 of the South Half of Section 1, Township 139 North, Range 49 West, of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1620, 1630, and 1632 1st Avenue North) (MBA Investments LLC): APPROVED

b. Hearing on an application requesting a Conditional Use Permit to allow Residential and Industrial Uses on Blocks 26 and 27, Reeves Addition, and adjacent vacated right-of-way, and Auditor's Lot No. 1 of the South Half of Section 1, Township 139 North, Range 49 West, of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1620, 1630, and 1632 1st Avenue North) (MBA Investments LLC): APPROVED WITH CONDITIONS

Assistant Planner Barrett Voigt presented the staff report stating all approval criteria have been met and staff is recommending approval with conditions.

Kevin Bartram, representing MBA Investments LLC, spoke on behalf of application.

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 LI, Limited Industrial to GC, General Commercial 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; and 2) the Conditional Use Permit to allow Residential and Industrial Uses in a GC, General Commercial 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. There shall be no more than one residential dwelling unit.

2. The minimum open space required for the subject property shall be 15% of the lot area.

3. Bicycle parking facilities, such as bike rack or bike lockers, shall be provided on-site.

4. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
    a. The primary entrance or entrances to each commercial building
    b. Parking areas that serve such commercial buildings
    c. The public sidewalk or walkway within the 1st Avenue North right-of-way

5. Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as defined by the Land Development Code (Outdoor Yard as delineated on the site plan as referenced in this staff report is exempt).

6. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage

containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.

7. The only outdoor storage of equipment or supplies will be contained within the "Outdoor Yard" as delineated on the site plan (as provided for in the staff report). This is generally an area 100' immediately east of the southeast face of the brick building. This outdoor yard will be completely fenced and located near the railroad and away from adjacent properties.

8. The manufacturing, production, or processing of food and/or animal products shall not be permitted.

9. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.

10. Any expansion of the manufacturing and production, or industrial service use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.

11. No loading or unloading operations may be conducted between the hours of 10:00 p.m. and 6:00 a.m.

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

Item 12: Text Amendment
Hearing on an application requesting an LDC Text Amendment, to amend Sections within Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to Telecommunications Facilities. (City of Fargo): APPROVED
Aaron Nelson reviewed the background of this item, which staff introduced to the Board at the December 6, 2016 Planning Commission meeting. He noted an updated copy of the staff report submitted to the Board, shows the changes made to the proposed timeline regarding the overall process of the small cell ordinance change.

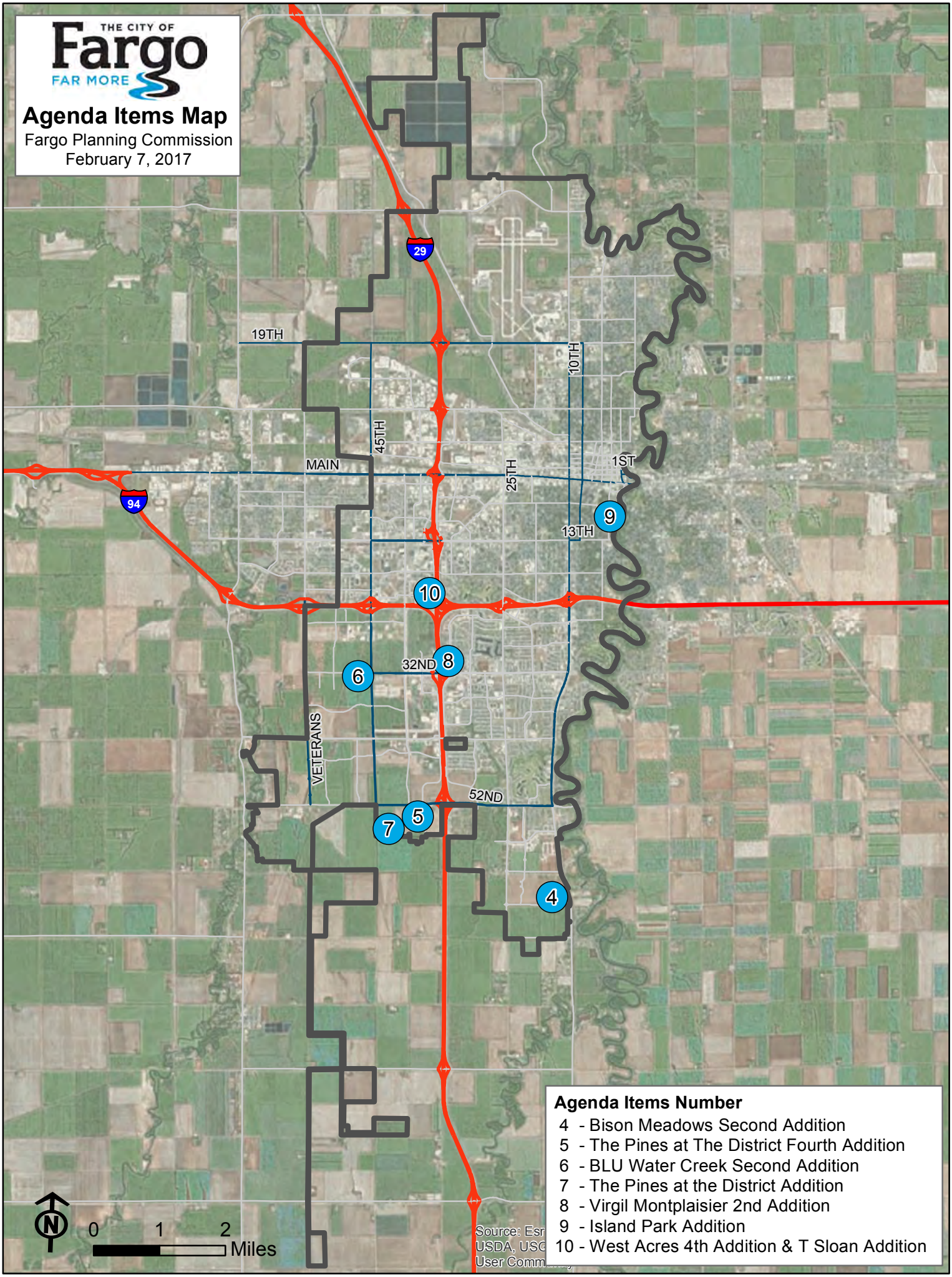
Mr. Nelson proceeded with the staff report for the proposed Land Development Code (LDC) Text Amendment stating all approval criteria have been met and staff is recommending approval.

Division Engineer Brenda Derrig shared with the Board her department's progress, along with the City Attorney's Office, on the small cell ordinance. Ms. Derrig noted the ordinance will be presented at the City Commission meeting for the first reading on January 17, 2017, and presented for the second reading on January 30, 2017.

Member Brust moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed text amendment to

Sections 20-0401 and 20-0402 of Chapter 20 of the Fargo Municipal Code (Land Development Code), relating to Telecommunications Facilities, as the proposal meets the approval criteria of Subsection 20-0904.E(1-3) of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Fischer, Magelky, Gunkelman, Sobolik, Brust, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Scherling, Steffes, and Stofferahn. The motion was declared carried.

The time at adjournment was 4:10 p.m.


THE CITY OF
Fargo
FAR MORE
Agenda Items Map
Fargo Planning Commission
February 7, 2017
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Agenda Items Number
4 - Bison Meadows Second Addition
5 - The Pines at The District Fourth Addition
6 - BLU Water Creek Second Addition
7 - The Pines at the District Addition
8 - Virgil Montplaisier 2nd Addition
9 - Island Park Addition
10 - West Acres 4th Addition & T Sloan Addition
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Agenda Item #	4a, 4b

City of Fargo Staff Report			
Title:	Bison Meadows Second Addition	**Date:**	2/1/2017
Location:	1368 70th Ave. S.; 1412-1490 69th Ave. S.; 1501-1694 Bison Meadows Pkwy.; 1750-1801 67th Ave. S.; 6723-6968 17th St. S.; 1505-1685 68th Ave.S.; 6721-6779 16th St. S.;6836-6990 Championship Loop S.; 6790-6980 15th St. S.; 1412-1490 69th Ave. S.; 6702-6973 14th St. S.; 6723-6868 15th St. S.	**Staff Contact:**	Donald Kress, senior planner
Legal Description:	Block 1 Lots1-10; Block 2 Lots 3-78; Block 3 Lots 1-15; Block 4 Lots 1-44; Block 5 Lots 1-42; Block 6 Lots 1-35; Block 7 Lots 1-28; Block 8 Lots 1-47, Bison Meadows Addition to the City of Fargo, Cass, County, North Dakota.		
Owner(s)/Applicant:	Eagle Ridge / Jon Youness	**Engineer:**	AE2S
Entitlements Requested:	**Major Subdivision** (Replat of Block 1 Lots1-10; Block 2 Lots 3-78; Block 3 Lots 1-15; Block 4 Lots 1-44; Block 5 Lots 1-42; Block 6 Lots 1-35; Block 7 Lots 1-28; Block 8 Lots 1-47, the extinguishment of the zoning conditional overlay on those lots and blocks, and a vacation of portions of the public right of way for 68th Avenue South, 69th Avenue South, 14th Street South, 15th Street South, 16th Street South, 17th Street South, all of the public right of way for Bison Meadows Parkway and Championship Loop, and certain easements within Bison Meadows Addition to the City of Fargo, Cass, County, North Dakota) and **Zone Change** (from SR-4, Single-Dwelling Residential and P/I, Public Institutional to SR-4, Single-Dwelling Residential and P/I, Public Institutional zones within the boundaries of this plat)		
Status:	Planning Commission Public Hearing: February 7, 2017		

Existing		**Proposed**
Land Use: Platted but not developed		**Land Use:** Residential and Park
Zoning: SR-4, Single-Dwelling Residential and P/I, Public and Institutional		**Zoning:** SR-4, Single-Dwelling Residential and P/I, Public and Institutional
Uses Allowed: SR-4 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,		**Uses Allowed:** SR-4 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,

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.		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): SR-4, Maximum 12.1 units per acre		**Maximum Density Allowed (Residential):** SR-4, Maximum 12.1 units per acre
Maximum Lot Coverage Allowed: P/I has no maximum		**Maximum Lot Coverage Allowed:** P/I has no maximum

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Bison Meadows Second Addition,** which is a replat of Block 1 Lots1-10; Block 2 Lots 3-78; Block 3 Lots 1-15; Block 4 Lots 1-44; Block 5 Lots 1-42; Block 6 Lots 1-35; Block 7 Lots 1-28; Block 8 Lots 1-47, the extinguishment of the zoning conditional overlay on those lots and blocks, and a vacation of portions of the public right of way for 68th Avenue South, 69th Avenue South, 14th Street South, 15th Street South, 16th Street South, 17th Street South, all of the public right of way for Bison Meadows Parkway and Championship Loop, and certain easements within Bison Meadows Addition
2. A zoning change to revise the boundaries of the existing SR-4, Single-Dwelling Residential and P/I, Public Institutional zones within the boundaries of this plat.

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.

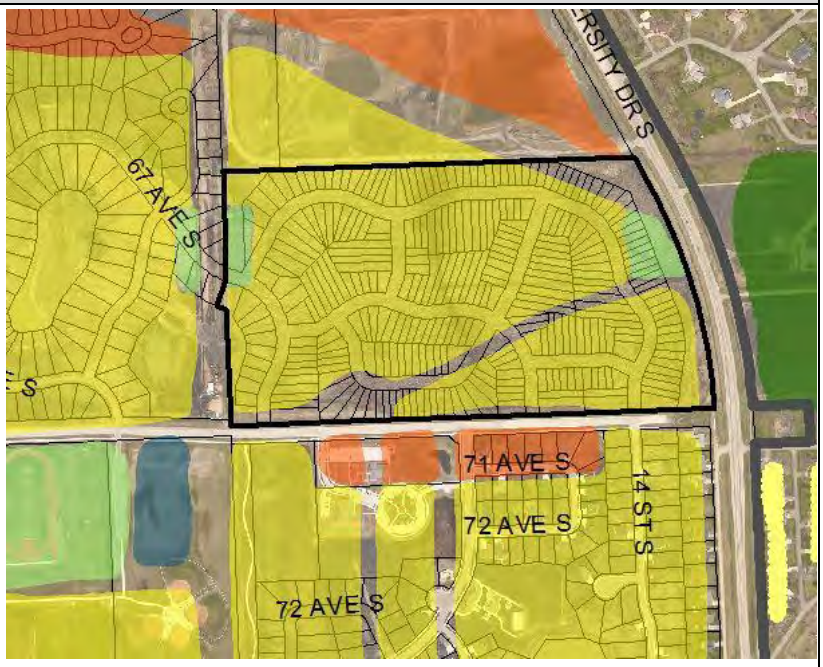
Surrounding Land Uses and Zoning Districts:

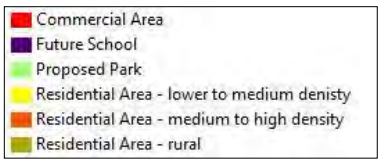
- North: AG, Agricultural; currently used as city of Fargo borrow pit
- East: Cass County; undeveloped land use
- South: MR-3, Multi-Dwelling Residential with private school use; MR-1, Multi-Dwelling Residential with vacant land use; and SR-2 Single-Dwelling Residential with vacant and single family residence use
- West: SR-4, Single-Dwelling Residential with vacant land and P/I Public and Institutional with Fargo Park District land ownership.

(continued on next page)

Area Plans:

The subject property is located within the 2007 Southeast Growth Plan. This plan designates the subject property as Proposed Residential Area—Lower to Medium Density and Proposed Park land.





Schools and Parks:

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

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.3 miles south of the subject property and offers baseball/softball amenities. Davies Recreational Pool (7150 25th Street S) is located approximately 0.41 south of the subject property and offers concessions, restrooms, and swimming pool amenities. Legacy Park (7150 25th Street S) is located approximately 0.28 miles northwest of the subject property and offers concessions, restrooms, and swimming pool amenities.

Pedestrian / Bicycle: West of the subject properties are pedestrian sidewalks that run along 67th and 70th Avenue South, which connects to the off street bike/pedestrian metro area trail system.

Staff Analysis:

PROJECT HISTORY

The Bison Meadows Addition and zone change were approved by the Planning Commission on August 1, 2016 and the City Commission on September 26, 2016. The plat was recorded on November 3, 2016. Since the time of recordation, the original developer sold the property to the current developer, who intends to replat it. The chart below shows the major differences between Bison Meadows Addition and Second Additions:

(continued on next page)

DIFFERENCES BETWEEN BISON MEADOWS ADDITION AND BISON MEADOWS SECOND ADDITIONS

	BISON MEADOWS ADD.	**BISON MEADOWS 2nd ADD.**	**NOTES**
Number of Residential Lots	297	395	2nd Addition eliminates large on-site detention basins and straightens the streets
Number of Park Lots	5	4	Total area is slightly larger in 2nd Addition; location of some park lots changed
Location of Stormwater Detention	Mostly within residential blocks	In one open space lot (Lot 65, Block 2) and offsite to regional facility to the north	On-site detention basins within residential blocks of original plat have been replaced with detention in one greenspace lot and offsite detention to regional facility north of the site.
Conditional Overlay (C-O)	Lots larger than twice the required area for the zone could only have one single-family residence	Existing C-O extinguished by rezoning	Planning staff determined that, due to lot sizes in the 2nd Addition, this C-O was no longer necessary.
Residential Density	3.9 dwelling units per acre	5.5 dwelling units per acre	SR-4 zoning allows 12.1 dwelling units per acre

The applicant also notes that straightening the streets is intended to result in lower street installation costs and, thus, reduced special assessments per lot.

The original Bison Meadows Addition was zoned SR-4 for the residential lots and P/I for the park lots. As the Bison Meadows Second Addition changes the configuration of all the lots and, thus, the location of park lots, the zone change does not actually change the zones for the project; it just changes the location of the lots with the SR-4 and P/I zoning to match the current configuration.

There has been no earth work, development or installation of infrastructure on the project site. There has been no sale of individual lots.

PLAT AND ZONE CHANGE

The Bison Meadows 2nd Addition Plat will vacate the lot lines and dedicated public rights of way, as well as easements dedicated by the Bison Meadows Addition for public utilities, as specified in the plat title. The city easement for storm sewer along the east side of the property, which was in place prior to platting Bison Meadows, will remain.

The plat will create 399 lots, with 395 single family lots and four park / public lots, zoned as shown in the chart below:

(continued on next page)

BLOCK	LOTS	ZONING
1	21	P/I
1	1-20	SR-4
2	32, 65, 82	P/I
2	1-31, 33-64, 66-81	SR-4
3	1-60	SR-4
4	1-51	SR-4
5	1-25	SR-4
6	1-30	SR-4
7	1-30	SR-4
8	1-24	SR-4
9	1-36	SR-4
10	1-38	SR-4

The single-family lots range in size from approximately 4,320 square feet to 12,066 square feet, with most lots being in the 4,320 to 5,000 square foot range. All meet the minimum required lot area (3,600 square feet) of the SR-4 zone.

DENSITY: The project provides a gross density of 5.5 dwelling units per acre, which does not exceed the maximum density of 12.1 dwelling units per acre allowed in the SR-4 zone.

HOUSING PRODUCT TYPE: The applicant proposes detached single family residences on the residentially-zoned lots.

ACCESS: The Bison Meadows Addition will take access from 70th Avenue South to the south and 67th Avenue South to the west. All internal streets are dedicated public streets of a 70-foot wide ROW, which will provide a 32-foot wide paved area with parking on both sides of the street. No street connection is provided to the north as such as connection is not required. This area, currently owned by the City of Fargo as a borrow pit, is intended to become a Fargo Park District park in the future. Pedestrian connections are provided to this park by way of Lot 65, Block 2.

PUBLIC WATER AND SEWER: Public water and sewer will be provided in the dedicated public streets, with connection to existing mains in 70th Avenue South and the adjacent Crofton Coves Addition.

FLOOD PROTECTION: The project site is within the 41-foot inundation area. The city will construct a levee along University Drive to 70th Avenue South that will tie into the existing levee to the north, providing a primary line of protection. The developer will be responsible for the cost of this levee. The developer must also raise the height of the development to the level determined by the Engineering Department prior to start of construction.

STORMWATER: Stormwater will be accommodated on a detention facility on Lot 65, Block 2 as well as offsite regional detention facilities to the north. Regarding stormwater drainage for Lots 40 to 64, Block 2, the developer shall designate an area on the plat to handle the storm sewer on this plat, such as having a storm sewer easement about halfway through this area (about Lot 52) so that drainage from these lots can be served by storm sewer within the plat and not have any drainage on the adjacent property to the north. The adjacent property to the north is city-owned. *[NOTE: The developer is working with Engineering to resolve this item.]*

AMENITIES PLAN: The applicant has provided a draft amenities plan providing details of the project's street, stormwater, park dedications, levee easement, sign easements, and property owner association responsibility for certain facilities within the project. The amenities plan includes the provision that owners of double-frontage lots along 70th Avenue South maintain their portion of sidewalk along 70th Avenue. A copy of the draft amenities plan is attached.

LEVEE EASEMENT: City staff are developing a separate easement document regarding the future city-owned levee on Lot 32, Block 2. This easement document will go along with the plat to the City Commission.

DEVELOPER'S AGREEMENT: As the developer is intending to design his own infrastructure, staff is working with the developer to create a developer's agreement that specifies the developer's responsibilities in this situation.

PARKS

The applicant has entered an agreement with the Parks Department for these park lots. Lot 65, Block 2 will provide access to the future park to the north, which is currently a city-owned borrow pit. An access is also provided to the park in Crofton Coves 2nd Addition through Lot 21, Block 1, which is contiguous with the park in Crofton Coves 2nd. Addition.

GROWTH PLAN DESIGNATION

The 2007 Growth Plan designates most the area of this project as "low to medium density residential." That plan states that the SR-4 zone is included within the land use designation. The remaining area of the project site is designated as "proposed park." The project, in fact, provides slightly more park area than indicated on the Growth Plan. No amendment to the 2007 Growth Plan is required.

PUBLIC COMMENT

Planning staff has received two personal visits and one phone call requesting information on the project, and two e-mails expressing concern about increased traffic this this development would create in this neighborhood. Copies of the e-mails are attached.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-4: Single Dwelling Residential and P/I: Public Institutional. These zonings result from the original Bison Meadows Addition. As the Bison Meadows Second Addition reconfigures almost all the lots of the original, and changes the location of the park lots, the rezone on the Second Addition accounts for the reconfiguration of the lots of the original Bison Meadows Addition. This zoning is consistent with the 2007 Growth Plan.

(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 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 two personal visits and one phone call requesting information on the project, and two e-mails expressing concern about increased traffic this this development would create in this neighborhood. Copies of the e-mails are attached. 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-4 zone. This zone provides a density of 12.1 dwelling units per acre. The project will have a density of 5.5 dwelling units per acre. 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 is 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-4: Single Dwelling Residential. The SR-4 zoning will accommodate the proposed single-family development. The SR-4 zoning designation is 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 two personal visits and one phone call requesting information on the project, and two e-mails expressing concern about increased traffic this this development would create in this neighborhood. Copies of these e-mail are attached.
   (Criteria Satisfied)

2. **Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The property is zoned SR-4, single-dwelling residential. 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 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 SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential and P/I, Public and Institutional and 2) **Bison Meadows Second 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: February 7, 2017

Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Public Comment E-mails
5. Draft Amenities Plan

Plat (Major Subdivision) and Zone Change (SR-4 & P/I to SR-4 & P/I)

1368 70 Ave S; 1412 -1490 69 Ave S; 1501-1694 Bison Meadows Pkwy; 1750-1801 67 Ave S; 6723-6968 17 St S; 1505-1685 68 Ave S; 6721-6779 16 St S; 6836-6990 Championship Loop S; 6790-6980 15 St S; 1412-1490 69 Ave S; 6702-6973 14 St S; 6723-6868 15 St S

Bison Meadows 2nd Addition

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
February 7, 2017

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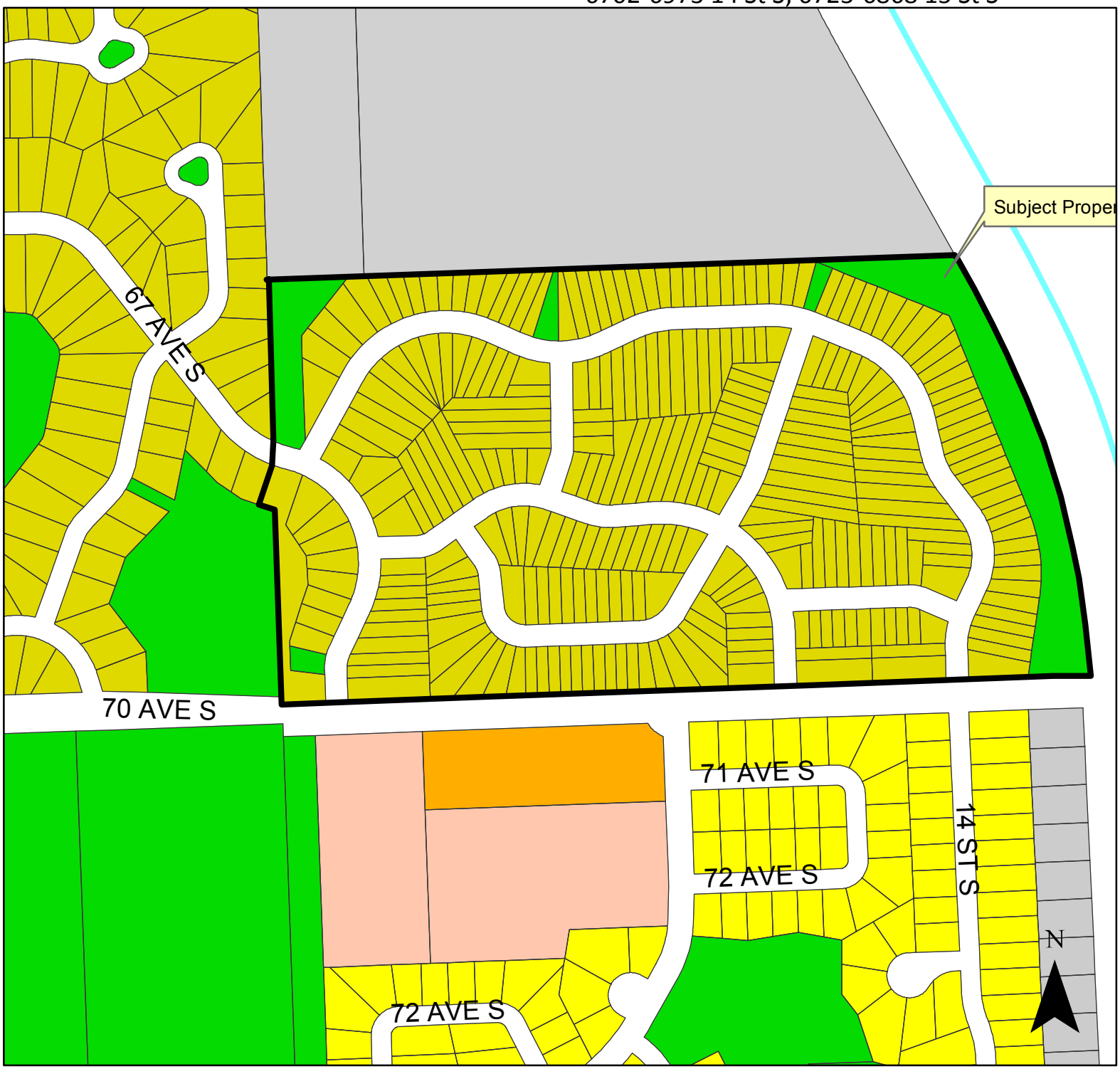


Legend

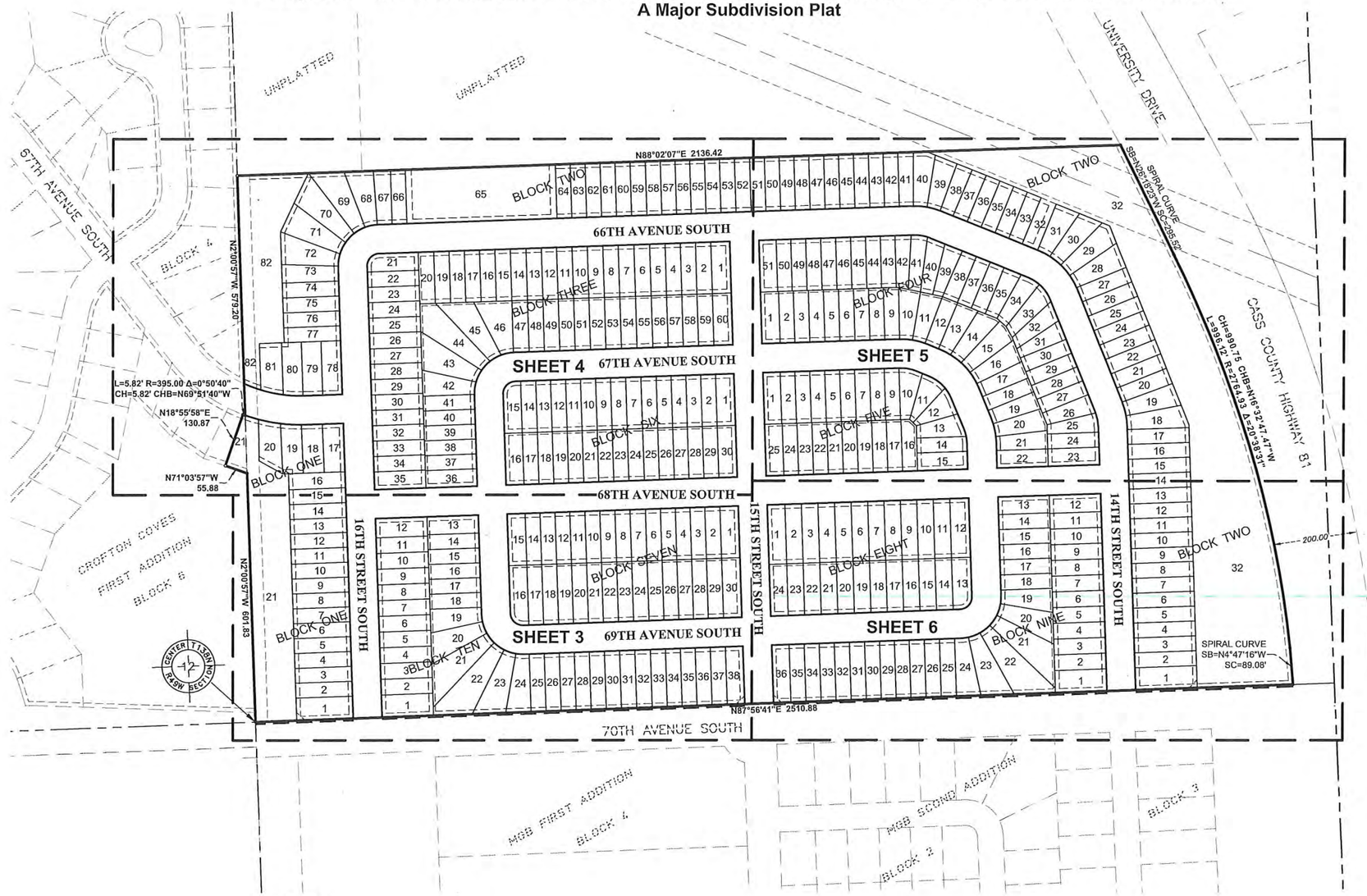
AG, LC, MHP, SR-2, DMU, LI, NC, SR-3, GC, MR-1, NO, SR-4, GI, MR-2, P/I, SR-5, GO, MR-3, UMU, City Limits

300 Feet

Fargo Planning Commission
February 7, 2017

BISON MEADOWS SECOND ADDITION

A Replat of Lots 1-10, Block 1; Lots 3-78, Block 2; Lots 1-15, Block 3; Lots 1-45, Block 4; Lots 1-42, Block 5; Lots 1-35, Block 6; Lots 1-28, Block 7; and Lots 1-47, Block 8, the extinguishment of the zoning conditional overlay on those lots and blocks, and a vacation of portions of the public right of way for 68th Avenue South, 69th Avenue South, 14th Street South, 15th Street South, 16th Street South, 17th Street South, all of the public right of way for Bison Meadows Parkway and Championship Loop, and certain easements within Bison Meadows Addition to the City of Fargo, being part of the South Half of the Northeast Quarter of Section 12, Township 138 North, Range 49 West, Cass County, North Dakota;
A Major Subdivision Plat



PLAT INDEX

SHEET 1 OF 8 – PLAT OVERVIEW
SHEET 2 OF 8 – BISON MEADOWS ADDITION OF RECORD BACKGROUND
SHEET 3 OF 8 – SOUTHWEST PORTION OF BISON MEADOWS SECOND ADDITION
SHEET 4 OF 8 – NORTHWEST PORTION OF BISON MEADOWS SECOND ADDITION
SHEET 5 OF 8 – NORTHEAST PORTION OF BISON MEADOWS SECOND ADDITION
SHEET 6 OF 8 – SOUTHEAST PORTION OF BISON MEADOWS SECOND ADDITION
SHEET 7 OF 8 – FLOOD PLAIN EXHIBIT
SHEET 8 OF 8 – PLAT DEDICATION

LEGEND

- SET 5/8"x18" REBAR W/ ORANGE PLASTIC CAP # LS-6498
- FOUND IRON MONUMENT
- PLAT BOUNDARY
- BLOCK LINE
- LOT LINE
- NEGATIVE ACCESS EASEMENT
- PROPOSED EASEMENT
- EXISTING LOT LINE
- EXISTING EASEMENT
- QUARTER LINE
- SECTION LINE

N

0 150 300

PLAT NOTES:

1. BASIS OF BEARINGS: BISON MEADOWS ADDITION SOUTH LINE OF THE NORTHEAST QUARTER SECTION 12, TO THE CITY OF FARGO ACCORDING TO THE RECORDED PLAT THEREOF.
2. UTILITY EASEMENTS ARE 10' WIDE LYING ALONG STREET RIGHT-OF-WAY LINES AND ARE 5' WIDE ALONG REAR LOT LINES AS SHOWN UNLESS OTHERWISE NOTED. UTILITY AND STORM SEWER EASEMENTS ARE 10' WIDE ON REAR LOT LINES AS SHOWN UNLESS OTHERWISE NOTED.
3. NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF BISON MEADOWS SECOND ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
4. THE ACCESS/MAINTENANCE/PERMANENT LEVEE EASEMENT SHOWN ON THE PLAT PROVIDES PUBLIC ACCESS TO THE CITY OF FARGO FOR MAINTENANCE OF THE PERMANENT LEVEE DURING FLOOD EVENTS.
5. FLOOD PLAIN INFORMATION CAN BE FOUND ON SHEET 7 OF 8.

PRELIMINARY

WENCK ASSOCIATES
Responsive partner. Exceptional outcomes.
3303 Fiechtner Drive
Fargo, ND 58103
Ph: 701-297-9600
Fax: 701-297-9601

Plot Date & Time: 31 January 2017 2:05 PM
J:\EDS_PROJECTS\6426 - Thomas Homes\SURVEY\DRAWINGS\6426-0001_BISON MEADOWS 2ND ADD.dwg

BISON MEADOWS SECOND ADDITION

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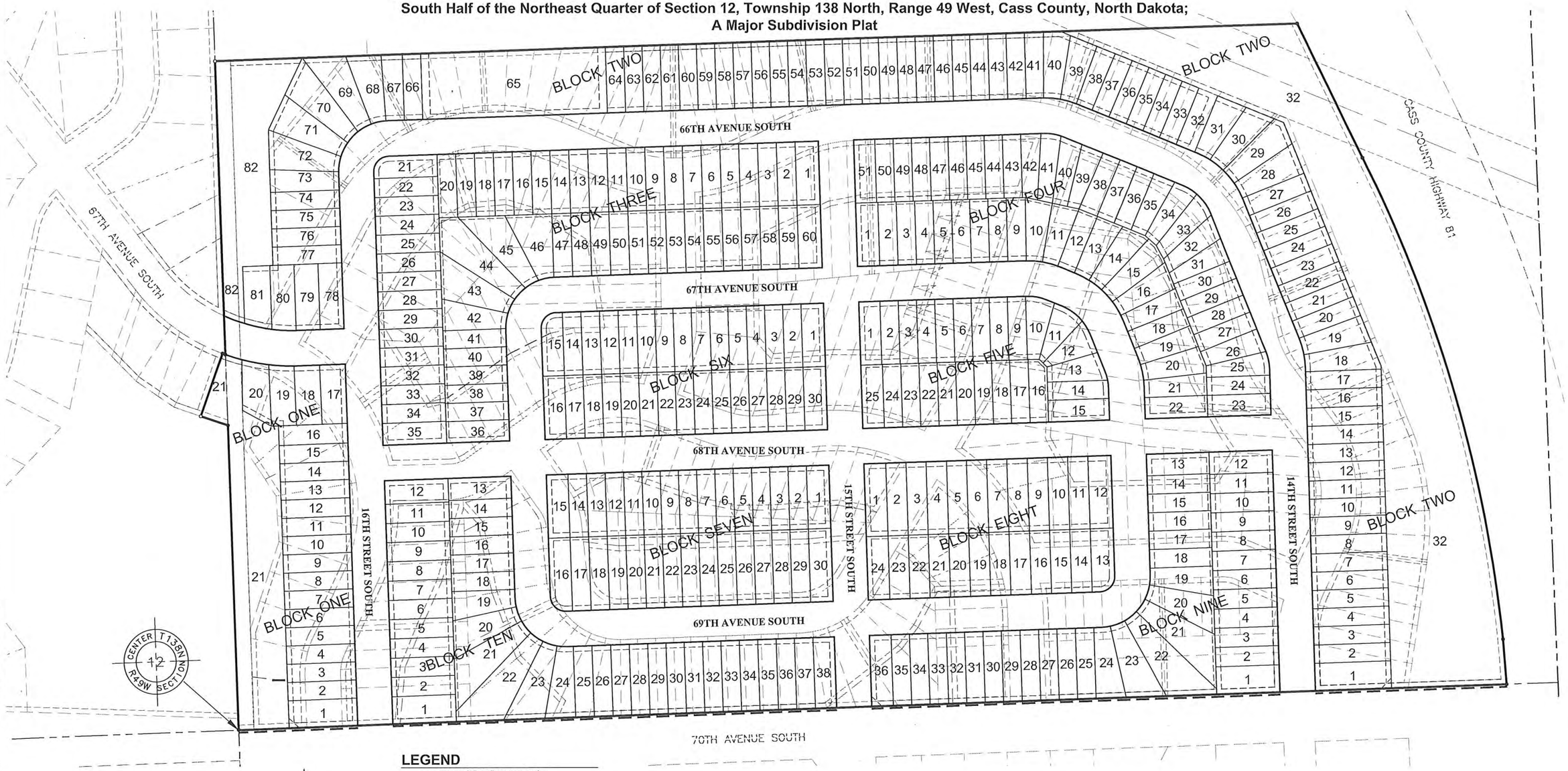
A Major Subdivision Plat



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- PROPOSED EASEMENT
- EXISTING LOT LINE
- EXISTING EASEMENT
- QUARTER LINE
- SECTION LINE

N

0 100 200
SCALE IN FEET

PRELIMINARY

WENCK ASSOCIATES

Responsive partner. Exceptional outcomes.

3303 Fiechtner Drive
Fargo, ND 58103

Ph: 701-297-9600
Fax: 701-297-9601

PLAT NOTES:

1. *THE UNDERLYING EXISTING LOT LINES AND PLAT SHOWN ON THIS SHEET REPRESENTS THE RECORD PLAT OF BISON MEADOWS ADDITION TO THE CITY OF FARGO, RECORDED NOVEMBER 3, 2016 AT 11:38 A.M. AS DOCUMENT NO. 1494732, BEING PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.*
2. *FLOOD PLAIN INFORMATION CAN BE FOUND ON SHEET 7 OF 8.*

Plot Date & Time: 31 January 2017 2:05 PM
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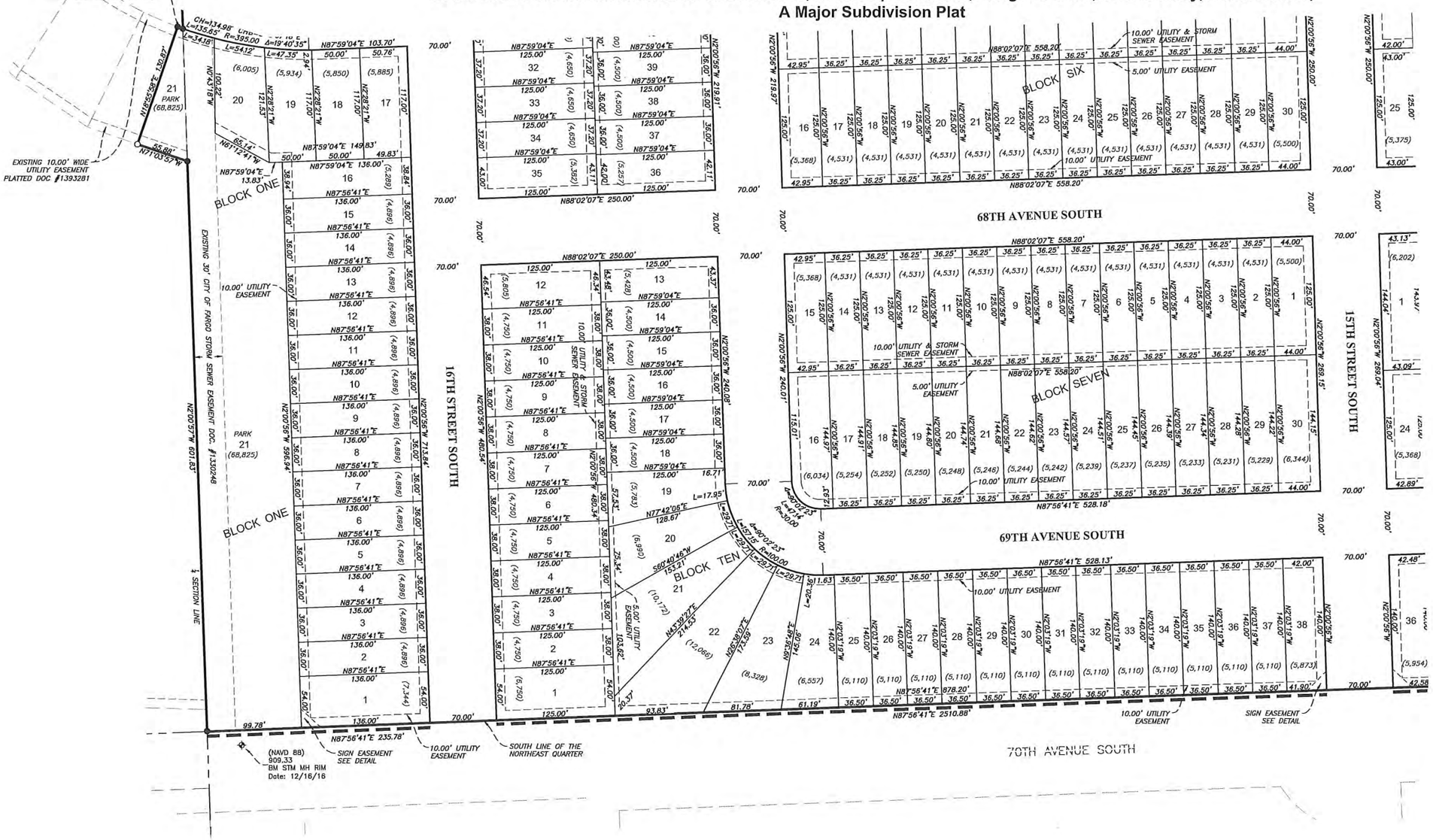
A Major Subdivision Plat


68TH AVENUE SOUTH
69TH AVENUE SOUTH
70TH AVENUE SOUTH
14TH STREET SOUTH
15TH STREET SOUTH
16TH STREET SOUTH
BLOCK ONE
BLOCK SIX
BLOCK SEVEN
BLOCK TEN
PARK 21 (68,825)
EXISTING 10.00' WIDE UTILITY EASEMENT PLATTED DOC #1393281
EXISTING 30' CITY OF FARGO STORM SEWER EASEMENT DOC. #1330248
N2°00'56"W 601.63'
N2°00'56"W 480.54'
N2°00'56"W 713.84'
N2°00'56"W 596.94'
N87°56'41"E 235.78'
N87°56'41"E 2510.88'
N87°56'41"E 878.20'
N87°56'41"E 528.18'
N87°56'41"E 528.13'
N88°02'07"E 558.20'
N88°02'07"E 250.00'
N2°00'56"W 219.97'
N2°00'56"W 219.91'
N2°00'56"W 250.00'
N2°00'56"W 269.04'
N2°00'56"W 269.15'
N2°00'56"W 240.01'
N2°00'56"W 240.00'
N2°00'56"W 460.34'
N2°00'56"W 460.00'
N2°00'56"W 140.00'
N2°00'56"W 140.00'
N2°00'56"W 140

BISON MEADOWS SECOND ADDITION

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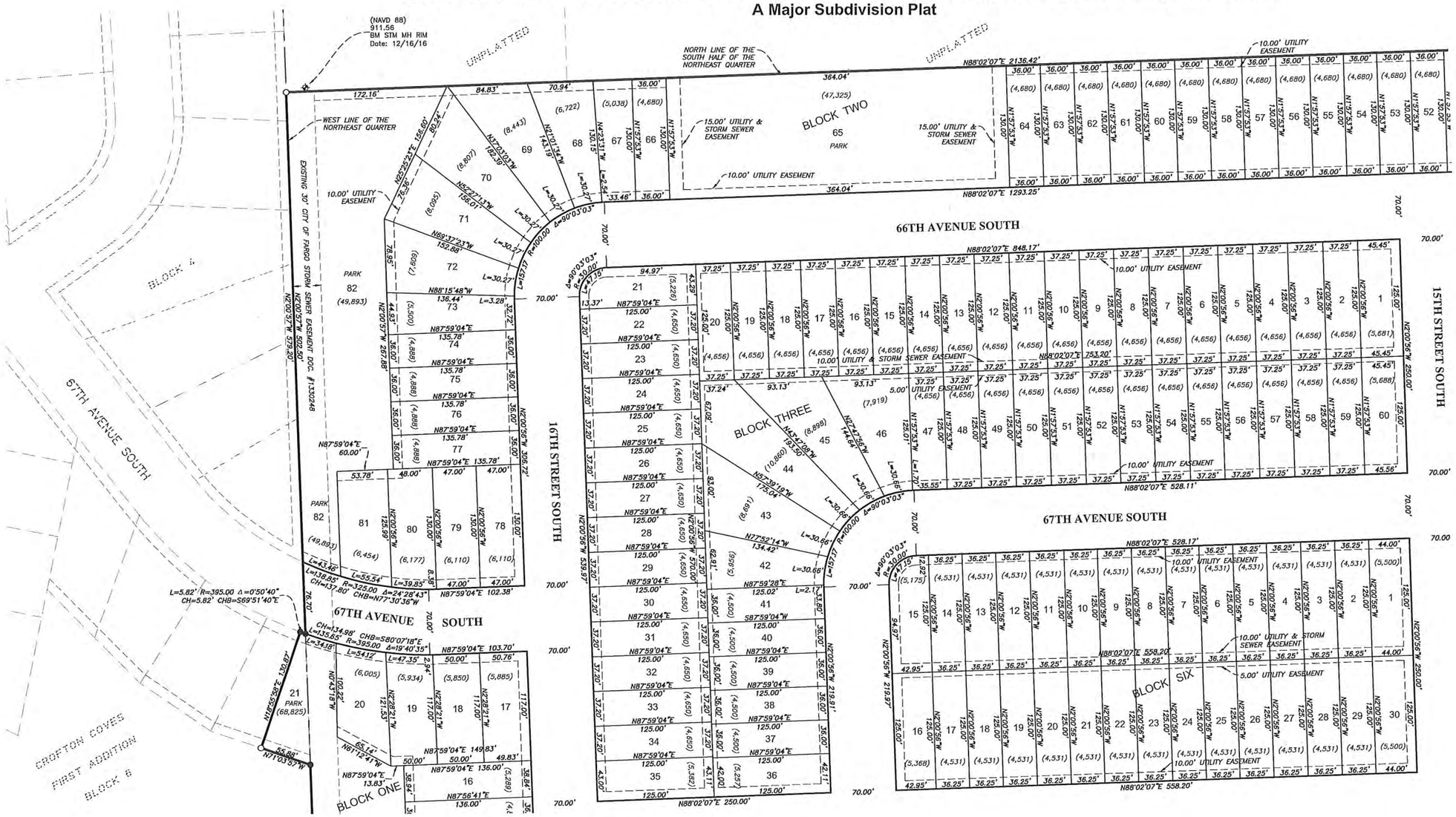
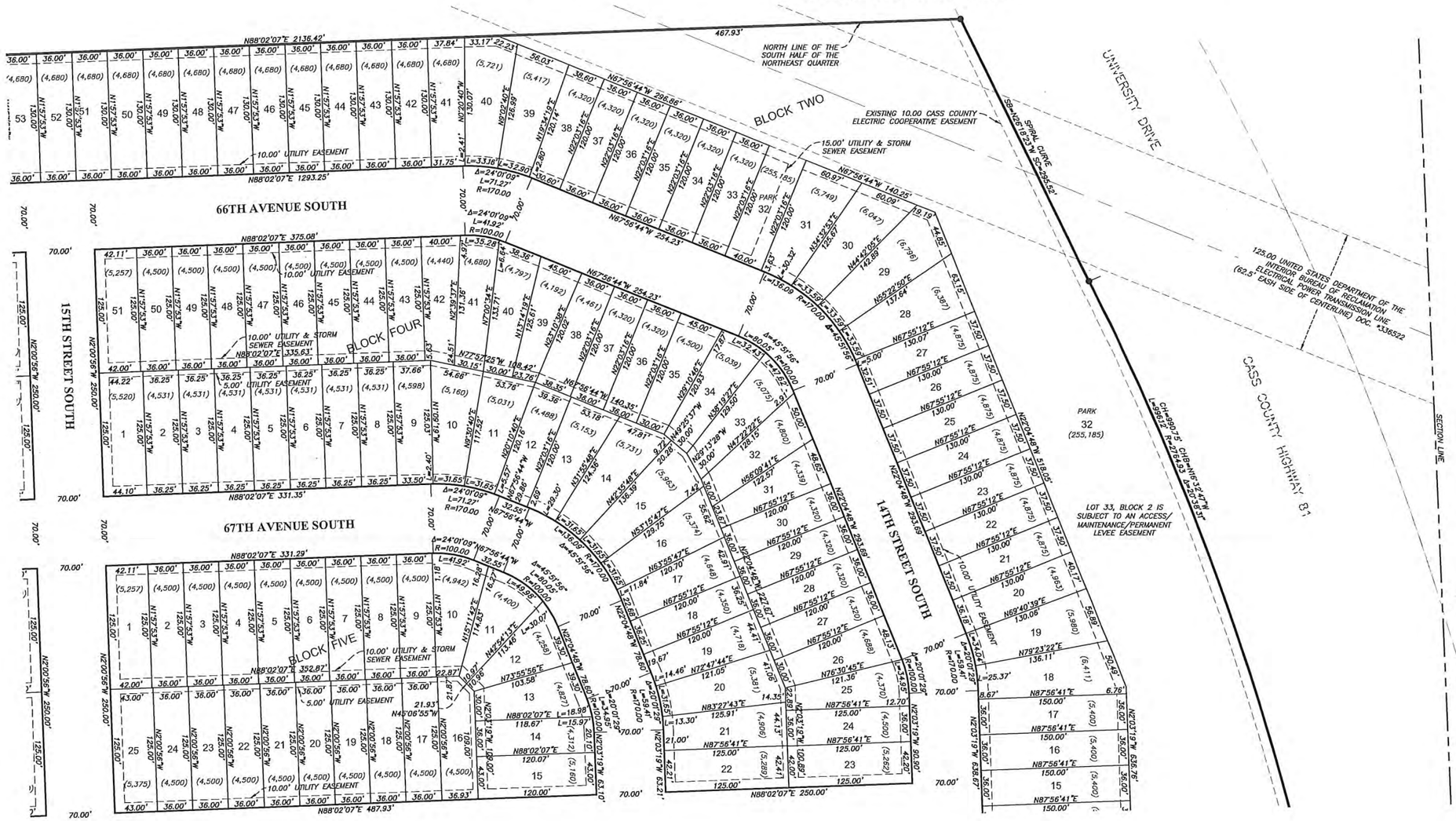

(NAVD 88)
911.56
BM STM MH RIM
Date: 12/16/16
UNPLATTED
NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER
WEST LINE OF THE NORTHEAST QUARTER
BLOCK TWO
BLOCK THREE
BLOCK SIX
BLOCK ONE
BLOCK 4
BLOCK 6
CROFTON COVES FIRST ADDITION
66TH AVENUE SOUTH
67TH AVENUE SOUTH
68TH AVENUE SOUTH
15TH STREET SOUTH
16TH STREET SOUTH
EXISTING 30' CITY OF FARGO STORM SEWER EASEMENT DOC. #1330248
10.00' UTILITY EASEMENT
15.00' UTILITY & STORM SEWER EASEMENT
10.00' UTILITY & STORM SEWER EASEMENT
5.00' UTILITY EASEMENT
PARK
N88°02'07"E 2136.42'
N88°02'07"E 1293.25'
N88°02'07"E 848.17'
N88°02'07"E 528.11'
N88°02'07"E 528.17'
N88°02'07"E 558.20'
N88°02'07"E 250.00'
N87°59'04"E 103.70'
N87°59'04"E 136.00'
N87°56'41"E 136.00'
N87°59'04"E 149.83'
N87°59'04"E 102.38'
N87°59'04"E 60.00'
N87°59'04"E 13.83'
N87°59'04"E 135.78'
N87°59'04"E 125.00'
N87°59'04"E 528.11'
N88°15'48"W 136.44'
N89°37'53"W 152.88'
N87°52'14"W 134.42'
N87°39'19"W 175.04'
N87°47'08"W 193.50'
N87°59'28"E 125.02'
S87°59'04"W 125.00'
N00°56'36"W 558.97'
N00°56'36"W 219.91'
N00°56'36"W 250.00'
N00°56'36"W 579.20'
N00°57'36"W 502.50'
N00°56'36"W 396.22'
N00°56'36"W 267.88'
N00°56'36"W 125.00'
N00°56'36"W 125.01'
N00°56'36"W 125.00'
N00°56'36"W 125.00'
N00°56'36"W 125.00

BISON MEADOWS SECOND ADDITION

A Replat of Lots 1-10, Block 1; Lots 3-78, Block 2; Lots 1-15, Block 3; Lots 1-45, Block 4; Lots 1-42, Block 5; Lots 1-35, Block 6; Lots 1-28, Block 7; and Lots 1-47, Block 8, the extinguishment of the zoning conditional overlay on those lots and blocks, and a vacation of portions of the public right of way for 68th Avenue South, 69th Avenue South, 14th Street South, 15th Street South, 16th Street South, 17th Street South, all of the public right of way for Bison Meadows Parkway and Championship Loop, and certain easements within Bison Meadows Addition to the City of Fargo, being part of the South Half of the Northeast Quarter of Section 12, Township 138 North, Range 49 West, Cass County, North Dakota; A Major Subdivision Plat



LEGEND

- ○ SET 5/8"x18" REBAR W/ ORANGE PLASTIC CAP # LS-6498
- ● FOUND IRON MONUMENT
- PLAT BOUNDARY
- BLOCK LINE
- LOT LINE
- NEGATIVE ACCESS EASEMENT
- PROPOSED EASEMENT
- EXISTING LOT LINE
- EXISTING EASEMENT
- QUARTER LINE
- SECTION LINE
- (5,805) LOT AREAS IN SQ. FT.

PRELIMINARY

WENCK ASSOCIATES

Responsive partner. Exceptional outcomes.

3303 Fiechtner Drive
Fargo, ND 58103

Ph: 701-297-9600
Fax: 701-297-9601

PLAT NOTES:

1. *BASIS OF BEARINGS: BISON MEADOWS ADDITION SOUTH LINE OF THE NORTHEAST QUARTER SECTION 12, TO THE CITY OF FARGO ACCORDING TO THE RECORDED PLAT THEREOF.*
2. *UTILITY EASEMENTS ARE 10' WIDE LYING ALONG STREET RIGHT-OF-WAY LINES AND ARE 5' WIDE ALONG REAR LOT LINES AS SHOWN UNLESS OTHERWISE NOTED. UTILITY AND STORM SEWER EASEMENTS ARE 10' WIDE ON REAR LOT LINES AS SHOWN UNLESS OTHERWISE NOTED.*
3. *NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF BISON MEADOWS SECOND ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.*
4. *THE ACCESS/MAINTENANCE/PERMANENT LEVEE EASEMENT SHOWN ON THE PLAT PROVIDES PUBLIC ACCESS TO THE CITY OF FARGO FOR MAINTENANCE OF THE PERMANENT LEVEE DURING FLOOD EVENTS.*
5. *FLOOD PLAIN INFORMATION CAN BE FOUND ON SHEET 7 OF 8.*

Plot Date & Time: 31 January 2017 2:05 PM
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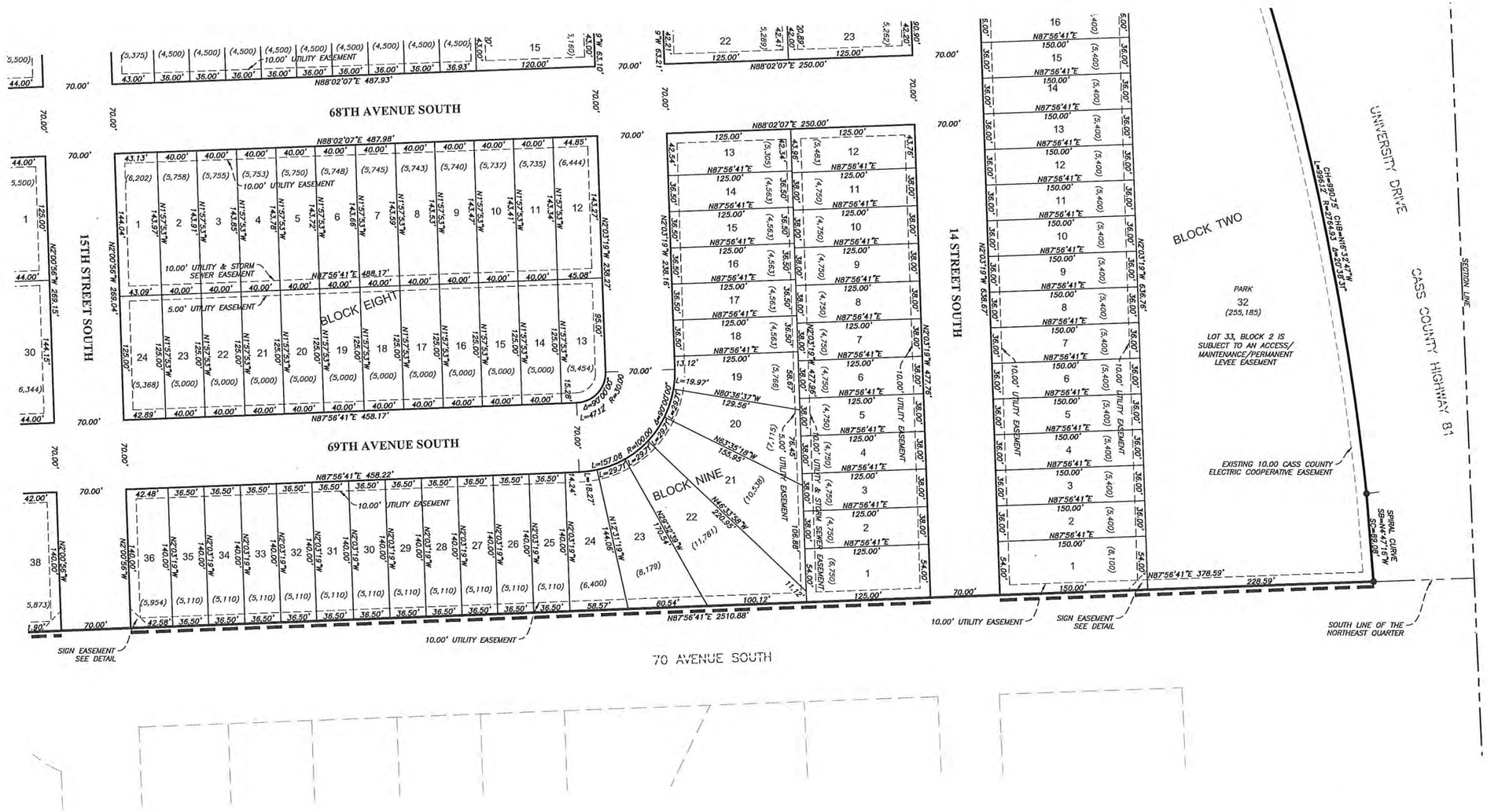
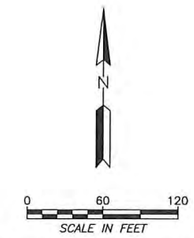
BISON MEADOWS SECOND ADDITION

A Replat of Lots 1-10, Block 1; Lots 3-78, Block 2; Lots 1-15, Block 3; Lots 1-45, Block 4; Lots 1-42, Block 5; Lots 1-35, Block 6; Lots 1-28, Block 7; and Lots 1-47, Block 8, the extinguishment of the zoning conditional overlay on those lots and blocks, and a vacation of portions of the public right of way for 68th Avenue South, 69th Avenue South, 14th Street South, 15th Street South, 16th Street South, 17th Street South, all of the public right of way for Bison Meadows Parkway and Championship Loop, and certain easements within Bison Meadows Addition to the City of Fargo, being part of the South Half of the Northeast Quarter of Section 12, Township 138 North, Range 49 West, Cass County, North Dakota;
A Major Subdivision Plat





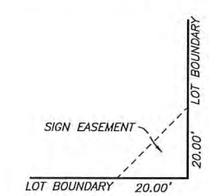
BEARINGS ARE BASED ON THE CITY OF FARGO COORDINATE SYSTEM

LEGEND

- SET 5/8"x18" REBAR W/ ORANGE PLASTIC CAP # LS-6498
- FOUND IRON MONUMENT
- PLAT BOUNDARY
- BLOCK LINE
- LOT LINE
- NEGATIVE ACCESS EASEMENT
- PROPOSED EASEMENT
- EXISTING LOT LINE
- EXISTING EASEMENT
- QUARTER LINE
- SECTION LINE
- (5,805) LOT AREAS IN SQ. FT.

SIGN EASEMENT DETAIL

LOT 1 BLOCK ONE, LOT 1 BLOCK TWO, LOT 36 BLOCK NINE, LOT 3B BLOCK TEN



PRELIMINARY

WENCK ASSOCIATES

Responsive partner. Exceptional outcomes.

3303 Fiechtner Drive
Fargo, ND 58103

Ph: 701-297-9600
Fax: 701-297-9601

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5. *FLOOD PLAIN INFORMATION CAN BE FOUND ON SHEET 7 OF 8.*

Plot Date & Time: 31 January 2017 2:05 PM
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BISON MEADOWS SECOND ADDITION

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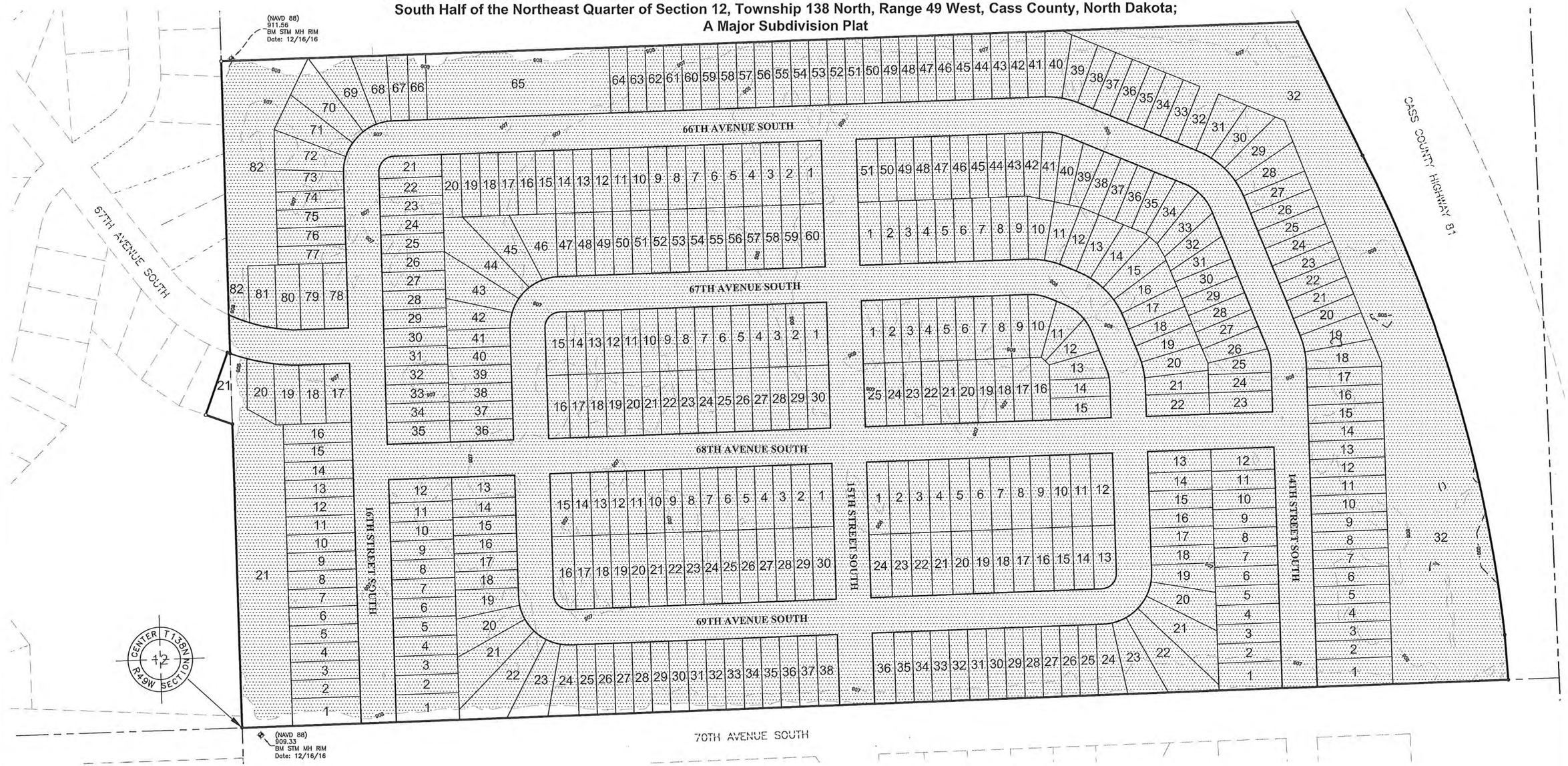
A Major Subdivision Plat



PRELIMINARY

WENCK ASSOCIATES

Responsive partner. Exceptional outcomes.

3303 Fiechtner Drive
Fargo, ND 58103

Ph: 701-297-9600
Fax: 701-297-9601

0 100 200
SCALE IN FEET

N

LEGEND

- 100YR FLOOD PLAIN
- 900 CONTOURS
- BASE FLOOD LINE 908

PLAT NOTE:

1. *VERTICAL DATUM NAVD 88*
2. *BASE FLOOD ELEVATION = 908 FEET.*
3. *THE MAJORITY OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO FEMA FIRM MAP 38017C0791G WITH AN EFFECTIVE DATE OF 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 908.00' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY.*

Plot Date & Time: 31 January 2017 2:05 PM
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BISON MEADOWS SECOND ADDITION

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PLAT BOUNDARY DESCRIPTION

Lots 10 through 13 inclusive Block 1, Lots 3 through 78 inclusive Block 2, Lots 1 through 15 inclusive Block 3, Lots 1 through 44 inclusive Block 4, Lots 1 through 42 inclusive Block 5, Lots 1 through 35 inclusive Block 6, Lots 1 through 28 inclusive Block 7, Lots 1 through 47 inclusive Block 8, Bison Meadows Addition to the City of Fargo, recorded November 3, 2016 at 11:38 a.m. as Document No. 1494732. being part of the South Half of the Northeast Quarter of Section 12, Township 138 North, Range 49 West, Cass County, North Dakota. And the vacated portions of 14TH ST. S., 15TH ST. S., 16TH ST. S., 17TH ST. S., 68TH AVE. S., 69TH AVE. S., Bison Meadows Parkway and Championship Loop S. within the boundary of said Bison Meadows Addition.

Said plat contains 72.03 Acres, more or less, and is subject to Easements, Reservations and Restrictions and Right of Ways of record.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That Thomsen Homes LLC, owner, and BlackRidge Bank, Mortgagee, of the above described property have caused the same to be surveyed and platted as "Bison Meadows Second Addition" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use all Streets, Avenues, and Easements shown on the plat for purpose specified and herby vacate all Utility easements dedicated on the plat of Bison Meadows Addition contained in the boundary of Bison Meadows Second Addition, except those easements on said plat shown as "Existing".

_____

OWNER:
Thomsen Homes LLC
By: Chris Thomsen, President

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 2017, appeared before me, Chris Thomsen, President, Thomsen Homes LLC, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

_____

Notary Public, Cass County, North Dakota

My commission expires: _____

_____

MORTGAGEE:
BlackRidge Bank
By: Marc Knutson, Vice-President and Commercial Loan Officer

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 2017, appeared before me, Marc Knutson, Vice-President and Commercial Loan Officer, BlackRidge Bank, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

_____

Notary Public, Cass County, North Dakota

My commission expires: _____

SURVEYOR'S CERTIFICATE

I, David S. Landecker, 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 plat; that all distances shown on said plat are correct; and that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

_____

David S. Landecker
Professional Land Surveyor
N.D. Registration No. LS-6498

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 2017, appeared before me, David S. Landecker, Professional Land Surveyor, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

_____

Notary Public, Cass County, North Dakota

My commission expires: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this _____ day of _____ 2017.

_____

April E. Walker, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 2017, before me, a notary public in and for said county, personally appeared April E. Walker, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

_____

Notary Public, Cass County, North Dakota

My commission expires: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____ 2017.

_____

Jan Ulferts Stewart
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 2017, before me, a notary public in and for said county, personally appeared Jan Ulferts Stewart, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

_____

Notary Public, Cass County, North Dakota

My commission expires: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this _____ day of _____ 2017.

_____

Timothy J. Mahoney
Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 2017, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

_____

Notary Public, Cass County, North Dakota

My commission expires: _____

PRELIMINARY

WENCK ASSOCIATES
Responsive partner. Exceptional outcomes.
3303 Fiechtner Drive
Fargo, ND 58103
Ph: 701-297-9600
Fax: 701-297-9601

Plot Date & Time: 31 January 2017 2:05 PM
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Debra Ensrud

From: Thorson, Tyrel <TThorson@siteone.com>
Sent: Wednesday, January 25, 2017 9:19 AM
To: Planning E-mails
Subject: Bison Meadows

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello,

To whom it may concern. Davies Second Addition has recently found out what has officially been approved for this development. We do not agree with what has been approved. Nor do we agree with the new proposal plan either. The original concept drawing was the better of the three options. Traffic is bad enough in this area with the school in the mornings and afternoons. We do not need to add another 400 homes to bottle neck traffic down worse.

Thanks,

Tyrel Thorson
SiteOne Landscape Supply
Outside Sales Representative
3019 Thunder Road S, Fargo, ND
Office: 701-281-7034
Mobile: 701-429-3651
Fax: 701-281-7988
E-mail: TThorson@SiteOne.com

SiteOne™
LANDSCAPE SUPPLY
Stronger Together

Debra Ensrud

From: Eric Walter <ericwalter11@gmail.com>
Sent: Wednesday, January 25, 2017 10:03 AM
To: Planning E-mails
Subject: South Fargo developments

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello,

I'm a resident in the Davies 2nd Addition development and recently my neighbors have been speaking about concerns regarding proposed Bison Meadows and Golden Valley 2nd Addition. I don't share some of the concerns because I understand and agree with the need for more affordable housing, but I am very concerned about the traffic impact which has already become a problem. You only need to see the current traffic on 25th Street S to/from Davies, especially at the intersection of 52nd Avenue and heading to either I-29 or 32nd Ave. It's bumper to bumper and backed up in the morning and evening as is and I can't imagine what it would be like after all those additional homes are added. Not to mention what that Fargo Outlet would do to the area. I really hope that it also being addressed when discussing these housing developments because its fast becoming a big problem.

Thank you,

Eric Walter

Site Amenities and
Project Plan
Bison Meadows Second Addition

Location: The subject property is legally referenced as a replat of Bison Meadows Addition excluding Lots 11-13 of Block 1 and excluding Lots 1-2 of Block 2, a part of the South ½ of the Northeast Quarter of Section 12, Township 138 North, Range 49 West, Cass County, North Dakota. The property comprises approximately 72.03 acres

Details: The project includes 397 lots on ten (10) blocks and is generally located between 64th Avenue South and 70th Avenue South; just north of Eagle Pointe Additions and east of Crofton Coves. As approved, the project is intended to be developed as single family residential units, pursuant to the LDC. The overall gross density calculates to approximately 5.45 units per acre.

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

67th Avenue S between Crofton Lane and 16th Street South: This segment of 67th Avenue S has been designated as a *local* roadway pursuant to §20.0702.

- ROW dedication for 67th Avenue S shall be 70 feet;
- Street widths shall be 32 feet with parking allowed on both sides 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.

14th Street South, 15th Street South, and 16th Street South between 66th Avenue South and 70th Avenue South: These segments of 14th Street S, 15th Street S, and 16th Street S have been designated as a local roadways pursuant to §20.0702.

- ROW dedication for 14th Street S, 15th Street S, and 16th Street S shall be 70 feet;
- Street widths shall be 32 feet with parking allowed on both sides 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.

66th Avenue South and 68th Avenue South between 14th Street South and 16th Street South: These segments have been designated as a *local* roadway pursuant to §20.0702.

- ROW dedication for 66th Avenue S and 68th Avenue S shall be 70 feet;
- Street widths shall be 32 feet with parking allowed on both sides of the street with appropriate signage to be installed by the City of Fargo at the 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.

DRAFT for review 31 Jan 17

67th Avenue South and 69th Avenue South both connecting to 68th Avenue South: These segments have been designated as a *local* roadway pursuant to §20.0702.

- ROW dedication for 67th Avenue S and 69th Avenue S shall be 70 feet;
- Street widths shall be 32 feet with parking allowed on both sides of the street with appropriate signage to be installed by the City of Fargo at the 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.

Other:

- 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.
- Individual property owners of the lots immediately north of 70th Avenue South shall be responsible for the snow removal and boulevard turf maintenance for 70th Avenue South.

Storm Water Management:

Storm Water Detention Facilities: All storm water quantity and quality will be met with the expansion of the westerly pond located on parcel 01-3523-00100-000. The pond shall be expanded as necessary into Lot 65, Block 2 of this plat.

Regarding stormwater drainage for Lots 40 to 64, Block 2, developer to designate an area on the plat to handle the storm sewer on this plat, such as having a storm sewer easement about halfway through this area (about Lot 52) so drainage from these lots can be served by storm sewer within the plat and not have any drainage on the adjacent property to the north. *[NOTE: The developer is working with Engineering to resolve this item.]*

Flood Protection: Bison Meadows Addition will be protected from flooding with the following measures:

Internal Flooding – rainfall or spring event induced:

1. Storm sewer systems designed and installed to city standards;

FEMA Floodplain Expansion: Building construction, except detached structures, shall meet all Fargo Flood Proofing Code Requirements with the following:

- Point of risk on the lowest opening shall be BFE (908.2) + 2.0 feet (910.2 feet NAVD 88) or 41' WSEIA (909.6 + 1.2 = 910.8), whichever is greater;
- The adjacent shall be at 41' + 0.7 = 910.3 or BFE + 1.5 = 909.7, whichever is greater;
- Fill 15' away from building must be at or above BFE = 908.2;
- Sewer service back up valves shall be installed;

DRAFT for review 31 Jan 17

- Material shall be placed on each lot in a manner that conforms with the City of Fargo standards for compaction and FEMA regulations for Letter of Map Revisions by Fill (LOMR-F). The developer shall prepare a LOMR-F on behalf of the entire development, detailing the portions of the lot that are to be removed.
- A permanent, certifiable levee will be constructed on Lot 32 Block 2 in conjunction with the first phase infrastructure improvement district associated with this development.
- Floodproof foundations are required.

Detached structures must be at BFE + 1 = 909.2. and otherwise meet the floodproofing requirements listed above.

Water Supply: Potable water shall be provided by Cass Rural Water District.

Engineering and Construction Improvements: The developer shall rely upon and collaborate with the City of Fargo Engineering Department on the design and construction of all public improvements, inclusive of storm water facilities and boulevards, as applicable.

Funding of Improvements: The following shall apply respective to assessed public improvements:

- Public improvements shall be assessed to the benefitting properties, pursuant to city policy;

Property Owner Association: Restrictive covenants shall provide for maintenance of entry signage, private storm water facilities, landscaping, any fencing installed by the developer and any other non-public improvements or appurtenances not commonly associated with individual lot maintenance responsibilities, as applicable. Permanent development signage is currently planned for the southwest corner of Lot 1 Block 1, the southeast corner of Lot 1 Block 2, the southwest corner of Lot 36 Block 9, and the southeast corner of Lot 38 Block 10 as shown on the Bison Meadows Second Addition plat. All permanent signage shall meet LDC requirements.

Bike Trails: Dedications are included on the plat to accommodate connections to the borrow pit park path in Lots 32 and 65 in Block 2 and also extension of the Milwaukee Trail through this area in Lot 21 Block 1 and Lot 82 Block 2.

Park Dedication: The Bison Meadows Second Addition plat establishes a 1.58 acre lot (Lot 21 Block 1) contiguous with the neighborhood park dedicated with Crofton Coves First Addition, and a 1.15 acre lot (Lot 82, Block 2) to facilitate connectivity to the Milwaukee Trail system. Two connections to Borrow Pit Park (Lots 32 and 65 Block 2, 5.86 and 1.09 acres respectively) are also dedicated with the intent that these properties will be conveyed to the Fargo Park District following plat recordation. Lot 32 Block 2 is also dedicated to the Fargo Park District and will maintain the levee constructed on this lot. The developer shall provide a fee simple warranty deed after recordation of the plat to the Fargo Park District. At which point property conveyance is complete, the Fargo Park District shall assume all maintenance responsibilities as agreed to by the Fargo Park District.

This Amenities Plan is hereby approved

_____ _____
Chris Thomsen, Thomsen Homes LLC date

DRAFT for review 31 Jan 17

_____ _____
April Walker, City Engineer date

DRAFT for review 31 Jan 17

Agenda Item #	5

City of Fargo Staff Report			
Title:	The Pines at the District 4th Addition	**Date:**	2/1/2017
Location:	4000 53rd Avenue South and 5461 38th Street South	**Staff Contact:**	Donald Kress, senior planner
Legal Description:	Lot 1, Block 1, Pines at The District Third Addition and Lot 1, Block 1 of The District of Fargo Second Addition		
Owner(s)/Applicant:	Landco Fargo LTD / Patrick Vesey	**Engineer:**	Ulteig
Entitlements Requested:	**Minor Subdivision** (Replat of Lot 1, Block 1, The Pines at The District Third Addition and Lot 1, Block 1 of The District of Fargo Second Addition)		
Status:	Planning Commission Public Hearing: February 7, 2017		

Existing		Proposed
Land Use: Undeveloped		**Land Use:** Commercial development
Zoning: LC: Limited Commercial		**Zoning:** LC: Limited Commercial
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:** Same as existing
Maximum Lot Coverage Allowed: 55%		**Maximum Lot Coverage Allowed:** No change

Proposal:

The applicant requests a minor subdivision to replat of Lot 1, Block 1, Pines at The District Third Addition and Lot 1, Block 1 of The District of Fargo Second Addition into three lots. The project site is zoned LC: Limited Commercial; no zone change is proposed. The lots range in size from 2.58 to 9.90 acres. All the lots are within a single block.

Lot Number	Area (acres)
1	2.58
2	2.11
3	9.90

The project site takes access from 53rd Avenue South, 38th Street South, and 42nd Street South.

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.

On December 28, 2016, the applicant was granted a "lot split" by the city Assessor's Department on the existing Lot 1, Block 1, The Pines at The District Third Addition. This split divides this lot into two lots. The proposed platted lots follow this same configuration.

AMENITIES PLAN
This plat combines lots from The Pines at The District Third Addition and The District of Fargo Second Addition. Each of these additions has an individual amenities plan. Planning staff is working with the applicant to prepare an amenities plan for this plat the recognizes the applicability of both of these existing amenities plans. Planning staff notes that most requirements of both amenities plans have been completed. The amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to going forward with the plat to City Commission.

Surrounding Land Uses and Zoning Districts:

- North: Commercial and undeveloped; zoned LC, Limited Commercial
- East: Undeveloped and Wal-Mart; zoned LI, Limited Commercial
- South: Multi-dwelling buildings, stormwater detention pond; zoned MR-3, Multi-Dwelling Residential; and LC
- West: Multi-dwelling residences, single-dwelling residences, public park; zoned MR-3; P/I, Public/Institutional; and SR-2, Single-Dwelling Residential

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.

Parks: The subject property is across 42nd Street South from The Pines Park, a public park which is developed with a playground and bike trails.

Pedestrian / Bicycle: Off-road bike facilities are located along 38th Street South and 52nd Avenue South and are a component of the metro area trail system.

Staff Analysis:

Subdivision Findings

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

1. **Section 20-0907(B)(3)(Development Review Procedures—Subdivisions—Minor Subdivisions) 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 (Subdivision Design and Improvements) and all other applicable requirements of the Land Development Code. Section 20-0907(B)(4) (Development Review Procedures—Subdivision—Minor Subdivisions) of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The property is zoned LC: Limited Commercial. This zone will accommodate the proposed limited commercial development. This zoning is consistent with the 2007 Growth Plan which designates the project site as "commercial." In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received two inquiries from nearby property owners. 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)

2. **Section 20-907.C.4.f (Development Review Procedures—Subdivisions—Final Review and Action) 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 move to recommend approval to the City Commission of the proposed **The Pines at The District Fourth Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, and all other applicable requirements of the LDC."

Planning Commission Recommendation: February 7, 2017

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

Plat (Minor Subdivision)

The Pines at the District 4th Addition

4000 53rd Ave S &
5461 38th St S

CITY OF Fargo

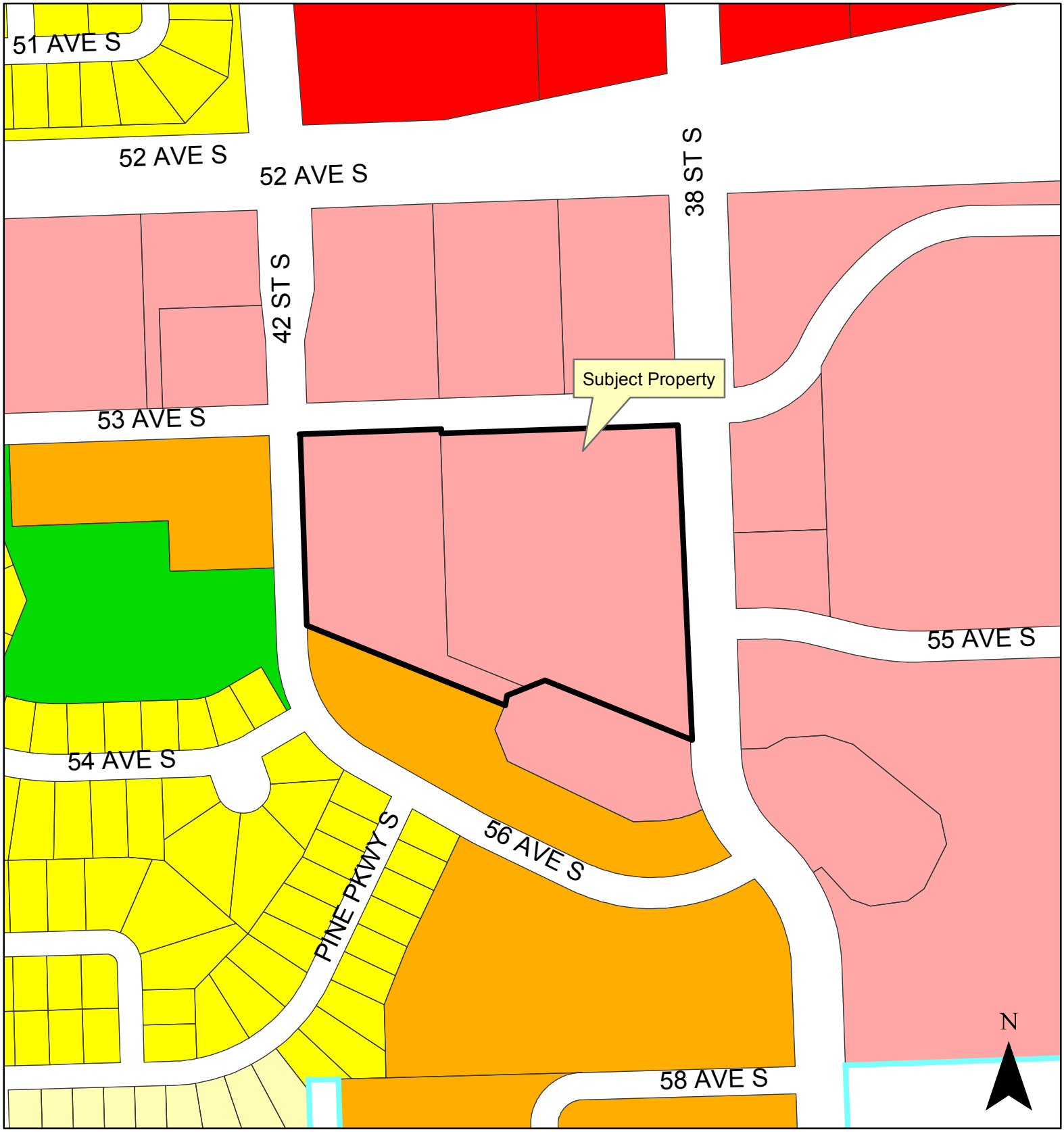
300 Feet

Fargo Planning Commission
February 7, 2017

Plat (Minor Subdivision)

The Pines at the District 4th Addition

4000 53rd Ave S &
5461 38th St S



CITY OF Fargo

Legend

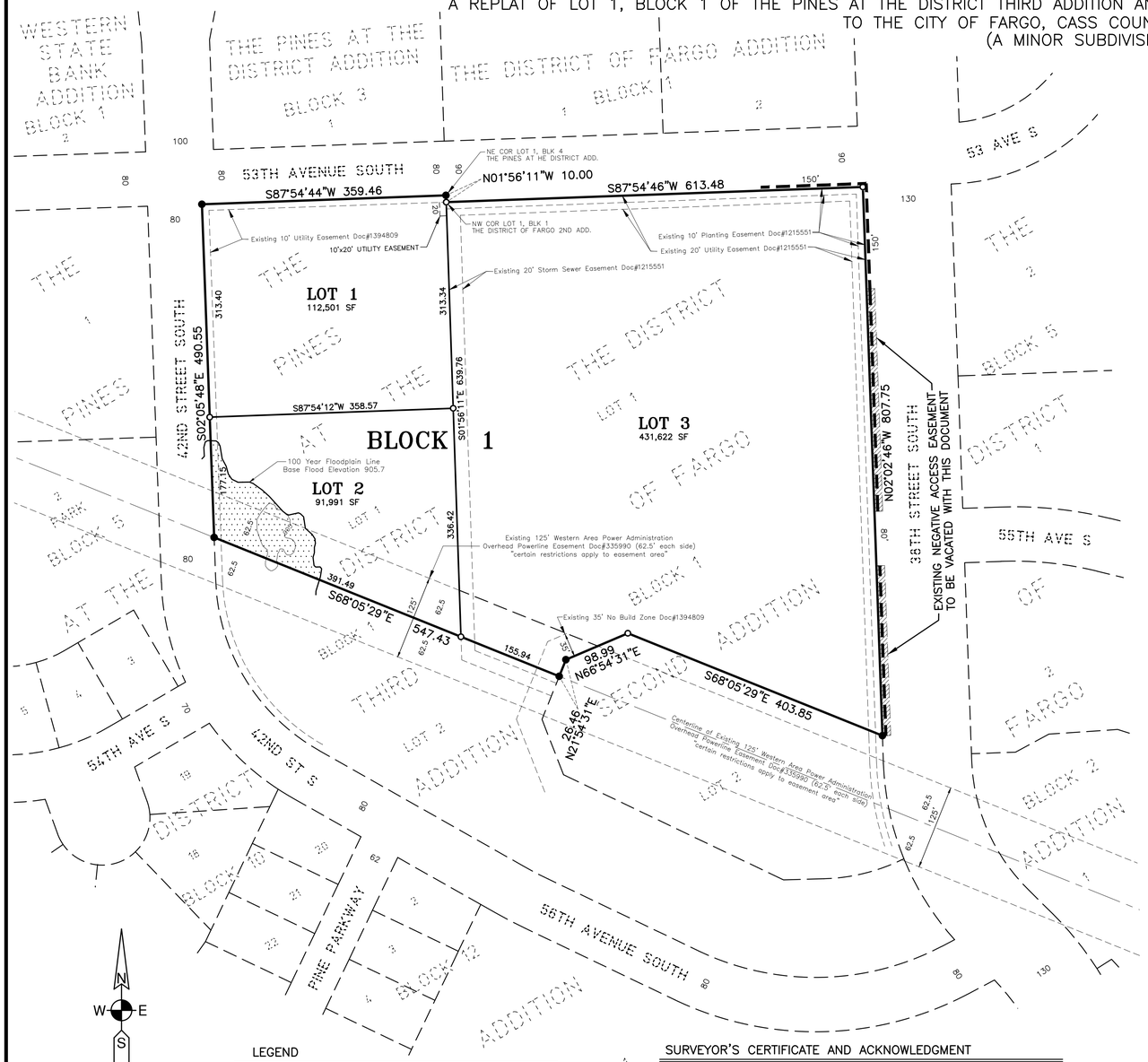
AG, DMU, GC, GI, GO, LC, LI, MR-1, MR-2, MR-3, MHP, NC, NO, P/I, UMU, SR-2, SR-3, SR-4, SR-5, City Limits

300 Feet

Fargo Planning Commission
February 7, 2017

THE PINES AT THE DISTRICT FOURTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF THE PINES AT THE DISTRICT THIRD ADDITION AND LOT 1, BLOCK 1 OF THE DISTRICT OF FARGO SECOND ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



LEGEND

- MONUMENT FOUND
- MONUMENT SET. 5/8" REBAR, CAPPED LS-6206
- PLAT BOUNDARY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1215551
- EXISTING NEGATIVE ACCESS EASEMENT TO BE VACATED WITH THIS DOCUMENT
- 904 EXISTING CONTOUR LINE
- AREA WITHIN 100 YEAR FLOODPLAIN

BENCHMARK

A chiseled 'X' on the Northwest wing wall of Drain #27 bridge. Located on 52 Avenue South approximately 1 mile West Northwest of subject property. Elevation 908.61 NAVD 88 DATUM

PREPARED BY

Ulteig

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

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Devco Fargo, Inc., a Nevada corporation as owner of a parcel of land located in that part of the Northeast Quarter of Section 3, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 1, Block 1 of THE PINES AT THE DISTRICT THIRD ADDITION to the City of Fargo according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota LESS AND EXCEPT the following described parcel:

Beginning at the southwest corner of said Lot 1; thence North 02 degrees 05 minutes 48 seconds West on an assumed bearing along the west line of said Lot 1 for a distance of 177.15 feet; thence North 87 degrees 54 minutes 12 seconds East for a distance of 358.57 feet to the east line of said Lot 1; thence South 01 degrees 56 minutes 11 seconds East along said east line for a distance of 336.42 feet to the south line of said Lot 1; thence North 68 degrees 05 minutes 29 seconds West along said south line for a distance of 391.49 feet to the point of beginning.

AND

Lot 1, Block 1 of THE DISTRICT OF FARGO SECOND ADDITION to the City of Fargo according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota

And that KK&O Properties, LLC, a North Dakota limited liability company as owner and BlackRidge Bank as Mortgagee of a parcel of land located in that part of the Northeast Quarter of Section 3, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

That part of Lot 1, Block 1 of THE PINES AT THE DISTRICT THIRD ADDITION to the City of Fargo, according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota described as follows:

Beginning at the southwest corner of said Lot 1; thence North 02 degrees 05 minutes 48 seconds West on an assumed bearing along the west line of said Lot 1 for a distance of 177.15 feet; thence North 87 degrees 54 minutes 12 seconds East for a distance of 358.57 feet to the east line of said Lot 1; thence South 01 degrees 56 minutes 11 seconds East along said east line for a distance of 336.42 feet to the south line of said Lot 1; thence North 68 degrees 05 minutes 29 seconds West along said south line for a distance of 391.49 feet to the point of beginning.

Containing 636,114 square feet or 14.60 acres of land, more or less.

Said owner has caused the above described parcel of land to be surveyed and platted as "THE PINES AT THE DISTRICT FOURTH ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate to the public for public use the utility easement as shown on this plat.

OWNER: LOTS 1 & 3
Devco Fargo, Inc.

By: _____
Larry Scheffler, President

State of _____ }SS
County of _____

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Larry Scheffler, President, 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 in the name of Devco Fargo, Inc.

_____
Notary Public

OWNER: LOT 2
KK&O Properties, LLC

By: _____
Pamela Kriz, Member

State of North Dakota }SS
County of Cass

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Pamela Kriz, Member, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same in the name of KK&O Properties, LLC

_____
Notary Public

Mortgage Holder: BlackRidge Bank

By: _____
Kyle Haugland, Assistant Vice President

State of North Dakota }SS
County of Cass

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Kyle Haugland, Assistant Vice President 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 in the name of BlackRidge Bank

_____
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 _____, 2017, 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 _____, 2017.

_____
April E. Walker, City Engineer

State of North Dakota }SS
County of Cass

On this _____ day of _____, 2017, 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 _____, 2017.

_____
Jan Ulferts Stewart, Planning Commission Chair

State of North Dakota }SS
County of Cass

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Jan Ulferts Stewart, Planning Commission Chair, 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 _____, 2017.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }SS
County of Cass

On this _____ day of _____, 2017, 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

preliminary

JSZ 1/27/17 R16-01989-P.DWG

Agenda Item #	6

City of Fargo Staff Report			
Title:	BLU Water Creek Second Addition	**Date:**	1/20/2017
Location:	4265 45th Street South	**Staff Contact:**	Kylie Murphy
Legal Description:	Lot 1, Block 1, BLU Water Creek First Addition		
Owner(s)/Applicant:	Brandt Crossing LLC/PACES Lodging	**Engineer:**	Ulteig
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 1, BLU Water Creek First Addition)		
Status:	Planning Commission Public Hearing: February 7, 2017		

Existing		Proposed
Land Use: Vacant		**Land Use:** Commercial
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay		**Zoning:** Unchanged
Uses Allowed: LC – Limited Commercial. 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:** Unchanged
Maximum Lot Coverage Allowed: Maximum 55% building coverage		**Maximum Lot Coverage Allowed:** Unchanged

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **BLU Water Creek Second Addition,** which is a replat of Lot 1, Block 1, BLU Water Creek First Addition. The subject property is located at 4265 45th Street South and encompasses approximately 3.79 acres. The applicant is proposing a three (3) lot, one (1) block subdivision.

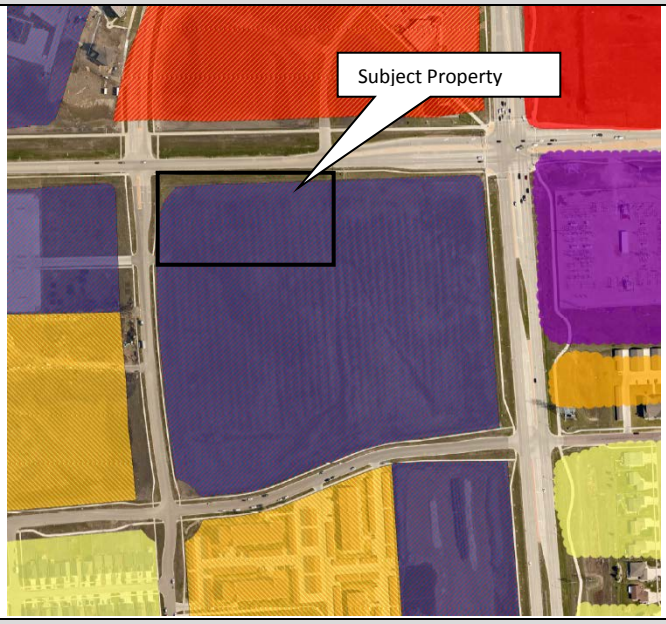
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Vacant Land with zoning of LC, Limited Commercial, with a C-O, Conditional Overlay;
- East: Vacant Land with zoning of LC, Limited Commercial, with a C-O, Conditional Overlay;
- South: Vacant Land with zoning of LC, Limited Commercial, with a C-O, Conditional Overlay;
- West: Day care facility, office, and vacant land with zoning of LC, Limited Commercial, with a C-O, Conditional Overlay.

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan designates the subject property as being appropriate for either Office or Commercial.



Schools and Parks:

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

Parks: Brandt Crossing Park (5009 33 Avenue South and 5050 33 Avenue South) is located approximately a quarter mile west of the subject property. Brandt Crossing Park provides basketball, dog park, playground, recreational trails, and shelter amenities.

Pedestrian / Bicycle: Off road bike facilities are located about a quarter mile west of the subject property. 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 split one existing lot into three new lots to accommodate future commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, 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, **BLU Water Creek Second 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: February 7, 2017

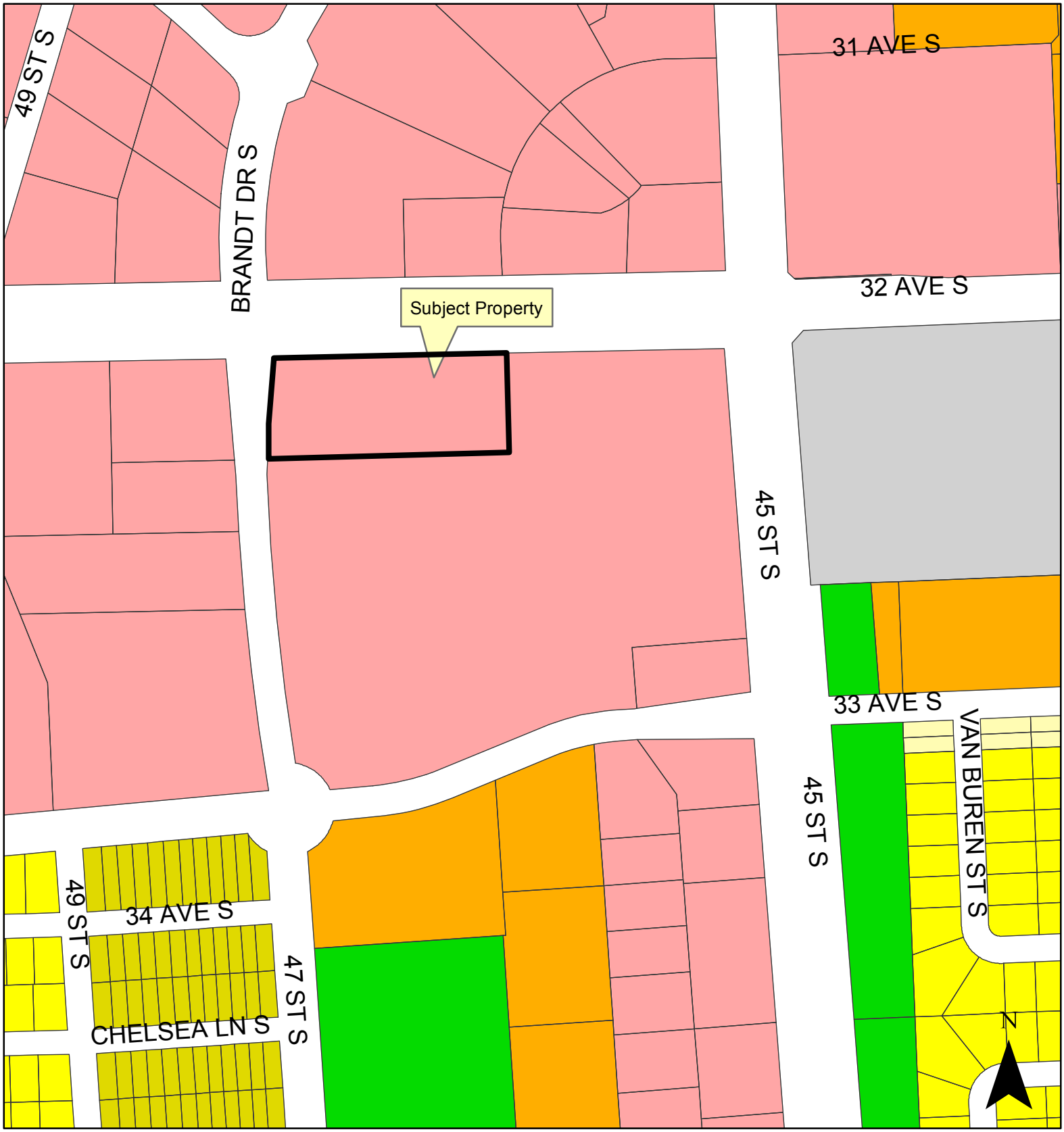
Attachments:

1. Zoning Map
2. Location Map
3. Plat

Plat (Minor Subdivision)

Blu Water Creek Second Addition

4609 33 Ave S



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
February 7, 2017

Plat (Minor Subdivision)

Blu Water Creek Second Addition

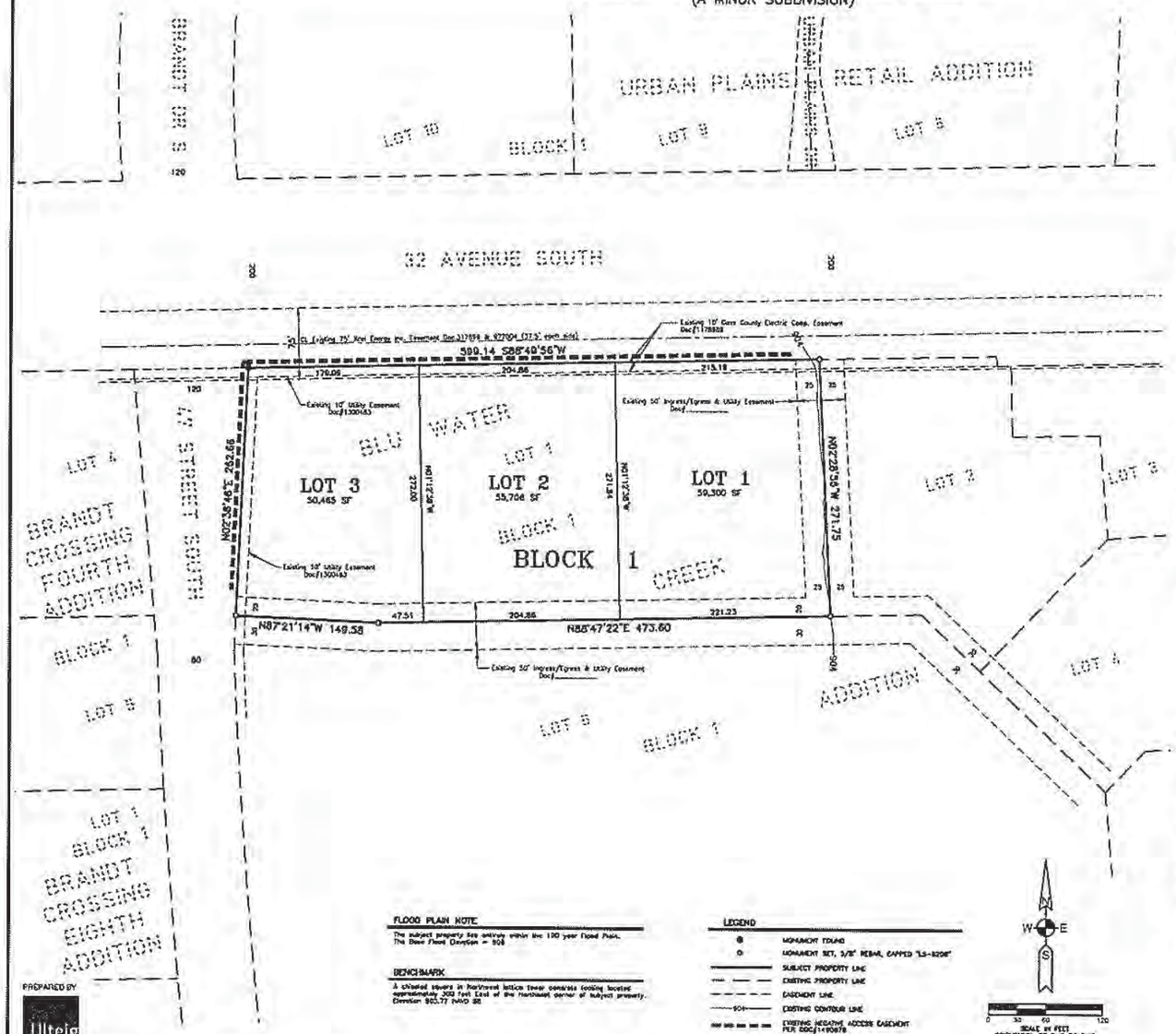
4609 33 Ave S

300 Feet

Fargo Planning Commission
February 7, 2017

BLU WATER CREEK SECOND ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF BLU WATER CREEK ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



PREPARED BY

Ulteig

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

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Brandt Crossing, LLC whose address is Fargo, North Dakota as owner of a parcel of land located in the Northwest Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 1, Block 1 of BLU WATER ADDITION to the City of Fargo according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Containing 163,471 square feet or 3.799 acres more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "BLU WATER CREEK SECOND ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:
Brandt Crossing, LLC

By: _____
Kevin Christenson, President

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Kevin Christenson, President, Brandt Crossing, LLC 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:
Cornerstone Bank

By: _____
Jim Hamerlick, Vice President

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Jim Hamerlick, Vice President, Cornerstone 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 correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

_____
Daniel W. Skinner, Professional Land Surveyor
North Dakota License No.LS-8208

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2017, 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 _____, 2017.

_____
April L. Walker, City Engineer

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared April L. 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 _____, 2017.

_____
Jon Urlaris Stewart, Planning Commission Chair

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Jon Urlaris Stewart, Planning Commission Chair, 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 _____, 2017.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2017, 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

FLOOD PLAIN NOTE

The subject property lies entirely within the 100 year flood Plain. The Base Flood Elevation = 928

BENCHMARK

A chiseled square in Northwest lattice tower concrete footing located approximately 300 feet East of the Northwest corner of subject property. Elevation 903.77 (NAVD 88

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-8208"
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING CONTOUR LINE
- EXISTING NEGATIVE ACCESS EASEMENT PER DOC#14-10878

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0 30 60 120
SCALE IN FEET
ORIENTATION OF THIS BEARING SYSTEM IS PER PLAT OF BLU WATER CREEK ADDITION

preliminary

JSZ 12/16/16 R16-02037-P.DWG

Agenda Item #	7

City of Fargo Staff Report			
Title:	The Pines at the District	**Date:**	1/31/2017
Location:	5651, 5659, 5663, 5667, 5673, 5679, 5685, and 5691 43rd Street South	**Staff Contact:**	Derrick LaPoint
Legal Description:	Lots 1-8, Block 14, The Pines at the District Addition		
Owner(s)/Applicant:	City of Fargo (staff initiated)	**Engineer:**	N/A
Entitlements Requested:	**Zoning Change** (from SR-2, Single-Dwelling Residential to SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential)		
Status:	Planning Commission Public Hearing: February 7, 2017		

Existing		**Proposed**
Land Use: Residential (detached homes) and vacant		**Land Use:** Residential
Zoning: SR-2, Single-Dwelling Residential		**Zoning:** SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential
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		**Uses Allowed:** 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 MR-3 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 (Residential): SR-2 allows 5.4 units per acre		**Maximum Density Allowed (Residential):** SR-3 is allows 8.7 units per acre MR-3 is allows a maximum of 24 units per acre

Proposal:

City of Fargo staff are seeking approval of a zoning change from SR-2, Single-Dwelling Residential to SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential on Lots 1-8, Block 14, The Pines at the District Addition. The subject properties are located at 5651, 5659, 5663, 5667, 5673, 5679, 5685, and 5691 43rd Street South.

The staff initiated rezone from SR-2 to SR-3 on Lots 2-8 are consistent with the surround zoning districts. Staff is requesting that the southernmost lot (Lot 1) be rezoned to MR-3 to match the zoning between the adjacent western lot. Bethany on 42nd is the owner of both lots and have future plans for an assisted living facility. Through discussion with Bethany on 42nd, their ownership stated that Lot 1 would be used for access only. The zoning change is necessary for the site plan review process.

There are three owners on Lots 1-8 and all of been contacted as a result of the staff initiated zoning change. There were no objections and all of the owners are in support of the zoning change.

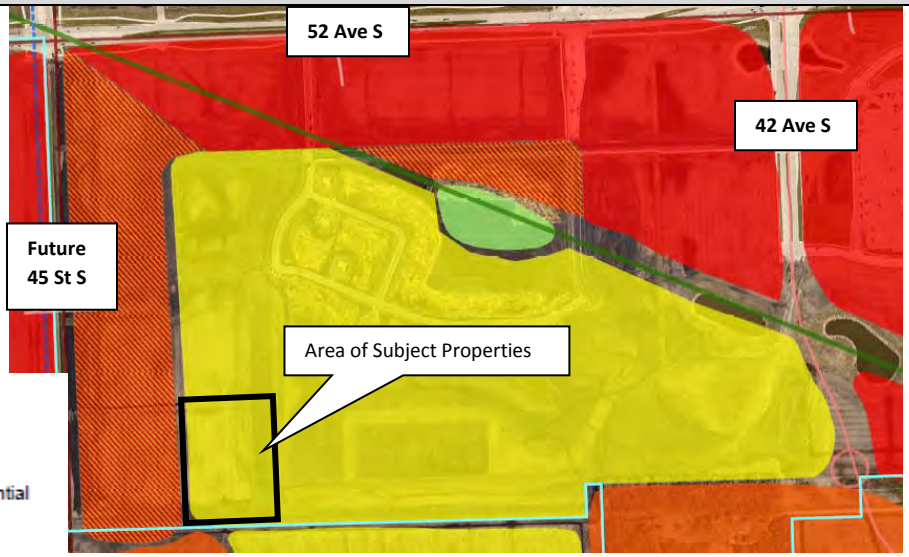
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 56 Avenue South is SR-2 with a detached home;
- East: Across 43 Street South is SR-2 and SR-3 with detached homes and vacant land;
- South: City Limits;
- West: MR-3, Multi-Dwelling Residential with vacant land.

Area Plans:

The subject property is located within the South Fargo 'Tier 1 West' sub-area plan as outlined within the 2007 Growth Plan. This portion of the plan was subject to a growth plan amendment which was approved in early 2013 as part of The Pines at the District Addition development proposal. This area is designated as appropriate for low-medium density residential.



Legend

- Parkland
- Low-Medium Density Residential
- Commercial or High-Medium Density Residential
- Commercial
- City Limits

Schools and Parks:

Schools: The subject property is located within the West Fargo school district, specifically within the bounds of Kennedy Elementary, Discovery Middle and Davies High schools.

Parks: The subject property is located with a quarter-mile of The Pines park, located at 5371 42 St S, with amenities of a playground, shelter, basketball courts and trails.

Pedestrian / Bicycle: There are shared use paths located within a quarter-mile of the subject property, which connect to the metro area trail system.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
   Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change resulted from a change in conditions on one of the residential lot. The new zoning districts will be consistent with the surround neighborhood. The MR-3 portion will create uniform zoning on the properties owned by Bethany on 42nd.
   (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?**

The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified.
(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 that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, 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 verbal concerns or written comments. Staff finds that the approval 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 and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City.
(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from SR-2, Single-Dwelling Residential, to SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential, 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 LDC."

Planning Commission Recommendation: February 7, 2017

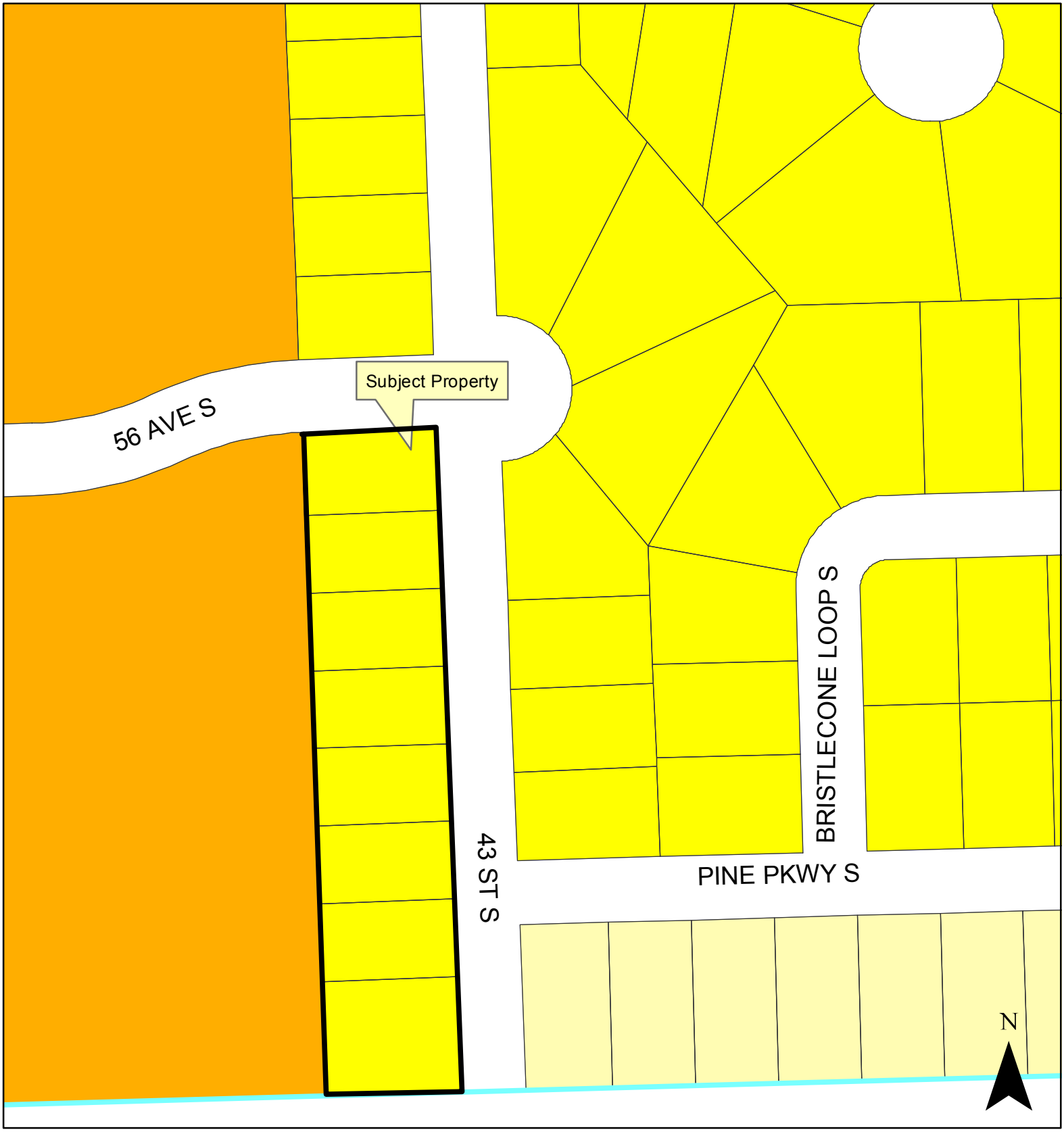
Attachments:

1. Zoning Map
2. Location Map

Zone Change (SR-2 to SR-3 and MR-3)

The Pines at the District Addition

5651-5691 43rd St S



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

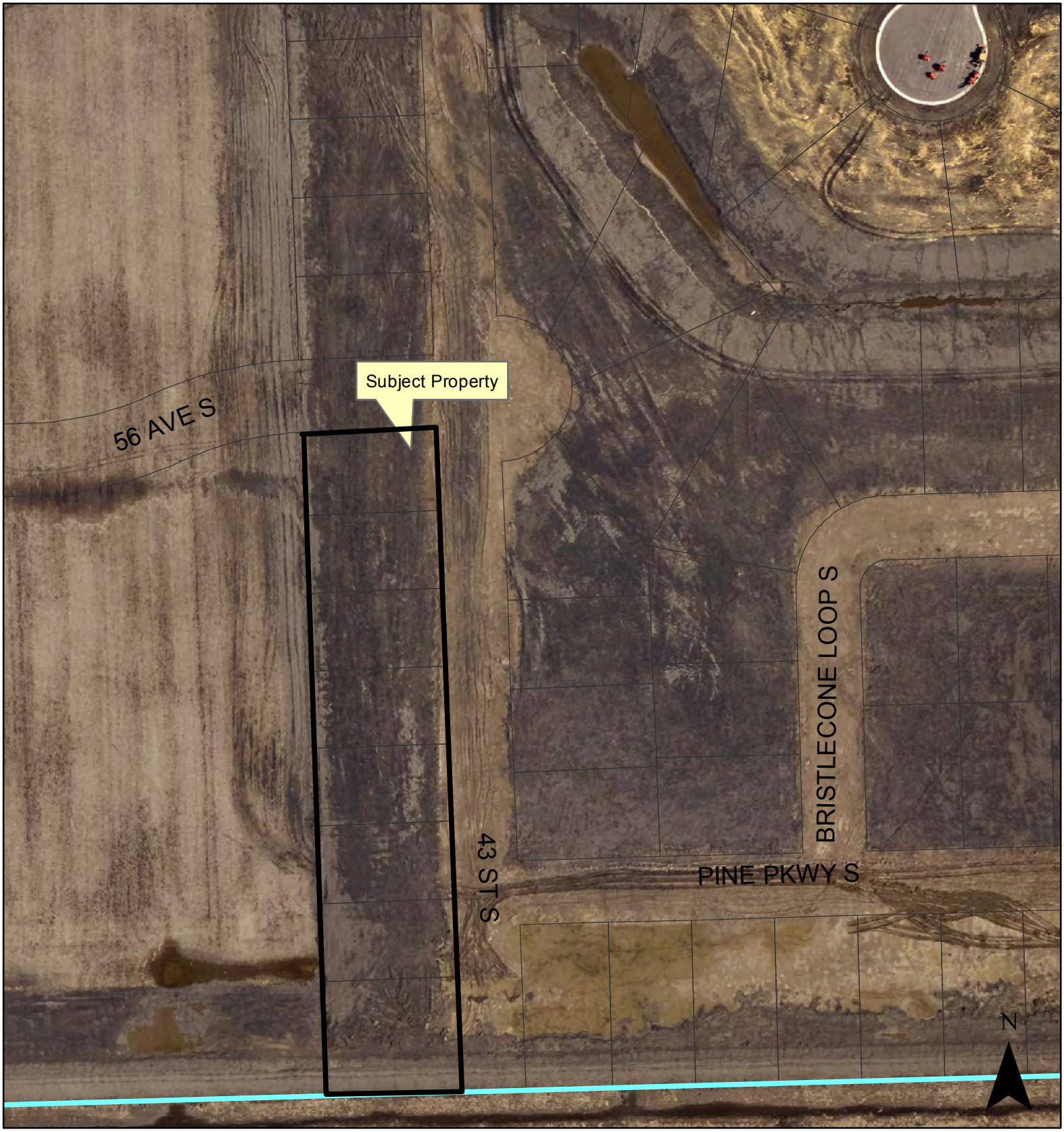
Fargo Planning Commission

February 7, 2017

Zone Change (SR-2 to SR-3 and MR-3)

The Pines at the District Addition

5651-5691 43rd St S



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

February 7, 2017

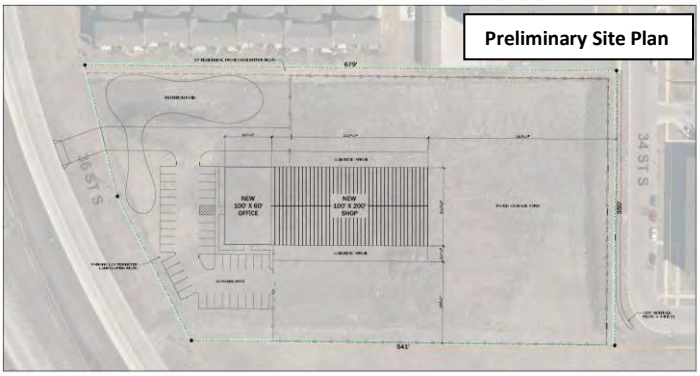
Agenda Item #	8

City of Fargo Staff Report			
Title:	Virgil Montplaisier Second Addition	**Date:**	1/31/2017
Location:	3030 36th Street South	**Staff Contact:**	Derrick LaPoint
Legal Description:	Lot 4, Block 1, Virgil Montplaisier Second Addition		
Owner(s)/Applicant:	TMH Properties LLC / Eagle Ridge Company (Jon Youness)	**Engineer:**	N/A
Entitlements Requested:	**Zoning Change** (from GC, General Commercial to LI, Limited Industrial with a C-O, Conditional Overlay		
Status:	Planning Commission Public Hearing: February 7, 2017		

Existing		Proposed
Land Use: Vacant		**Land Use:** Office and Industrial Uses
Zoning: GC, General Commercial		**Zoning:** LI, Limited Industrial with a C-O, Conditional Overlay
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:** LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, ~~adult entertainment centers~~, offices, ~~off-premise advertising,~~ commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, ~~aviation, surface transportation.~~ Conditional Overlay: See attached draft C-O for additional information
Maximum Lot Coverage Allowed: 85% building coverage		**Maximum Lot Coverage Allowed:** 85% building coverage

Proposal:

The applicant is seeking a zoning change from GC, General Commercial to LI, Limited Industrial with a C-O, Conditional Overlay on Lot 4, Block 1, Virgil Montplaisier Second Addition. The subject property is located at 3030 36th Street South. The applicant is proposing to develop an office and industrial use complex on the property. A preliminary site plan is to the right and attached.



The proposed Conditional Overlay is intended to protect the adjacent residential properties from adverse effects related to higher intensity industrial land uses. In short, the proposed overlay would restrict certain higher intensity industrial uses and require additional buffering that would otherwise be required for industrial type uses within a commercial zoning district. A draft version of the conditional

overlay is attached for reference.

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

Surrounding Land Uses and Zoning Districts:

- North: SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential, with attached homes and a multi-dwelling structure;
- East: Across 34th Street South is MR-3 with multi-dwelling structures;
- South: GC with vacant land;
- West: 36th Street South and Interstate 29.

Area Plans:

There are no area plans that apply directly to this subject property.

Schools and Parks:

Schools: The subject property is located within the Fargo School District, specifically within the boundaries of Ed Clapp Elementary (3131 28th St S).

Parks: Ed Clapp Park is located about a quarter mile east of the subject property. There are no other public parks within walking distance of this property.

Pedestrian / Bicycle: An existing bike path (widened sidewalk) is located on 32nd Avenue S (north-side). This path connects into a bike path located along 25th Street South and the Milwaukee Trail System.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
   Staff is unaware of any zoning map error in regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions, as the developer has a clearer picture of the type of development. The proposed C-O zoning is requested in order to keep the development compatible with the existing and emerging development in the area.
   (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. No deficiencies have been noted in the ability to provide all of the necessary services to the site. The subject property abuts public right-of-way along two streets.
   (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 evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. The conditional overlay is intended to protect the residential properties in proximity by limiting the intensity of use and required buffering from the property. 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 phone calls or comments in response to these notices. Staff finds that the approval 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 and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC and other adopted policies of the City.
   (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from GC, General Commercial to LI, Limited Industrial with a C-O, Conditional Overlay, 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 LDC."

Planning Commission Recommendation: February 7, 2017

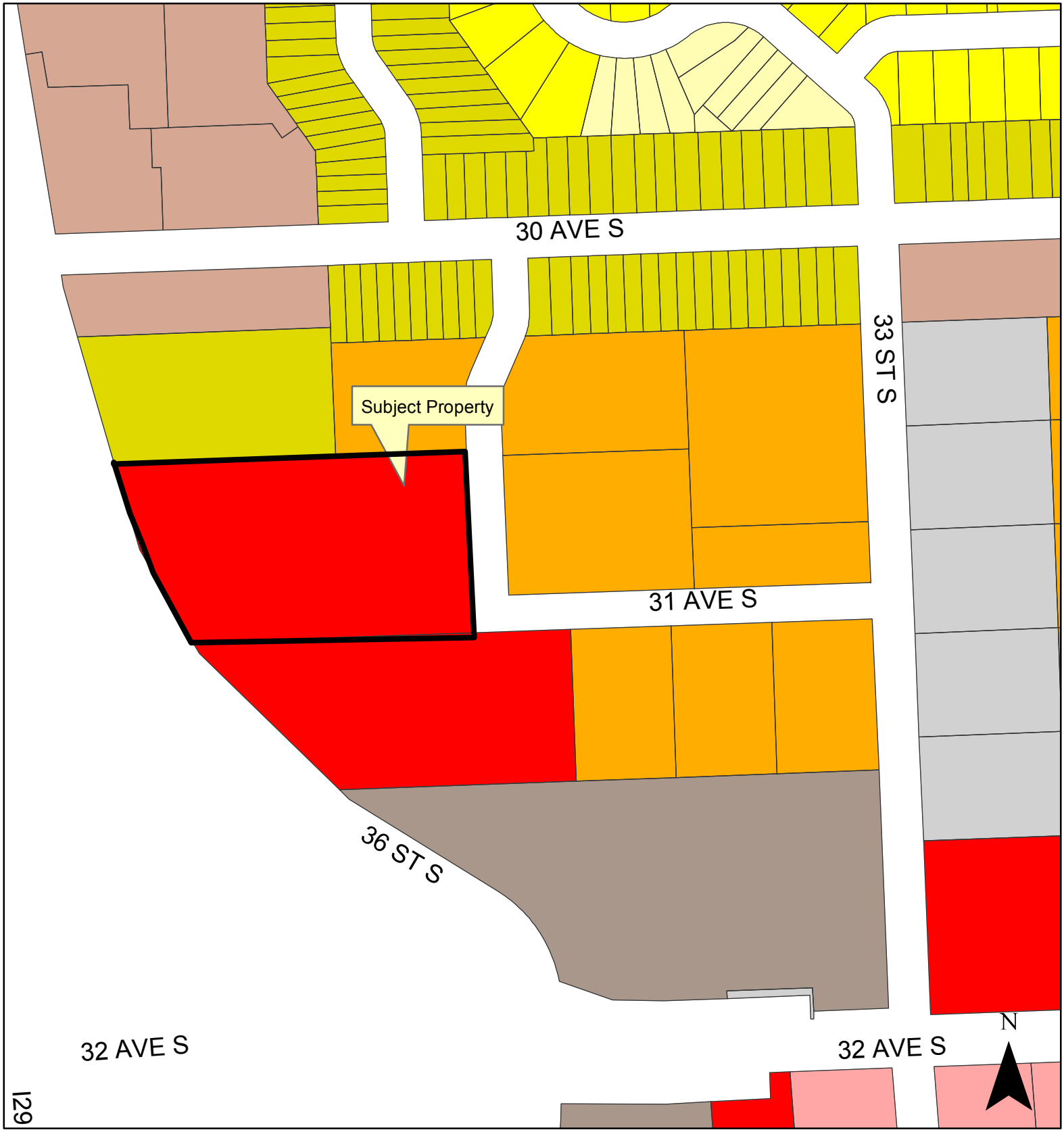
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Site Plan
4. Draft Conditional Overlay

Zone Change (GC to LI with a C-O)

Virgil Montplaisier 2nd Addition

3030 36th St S



129

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

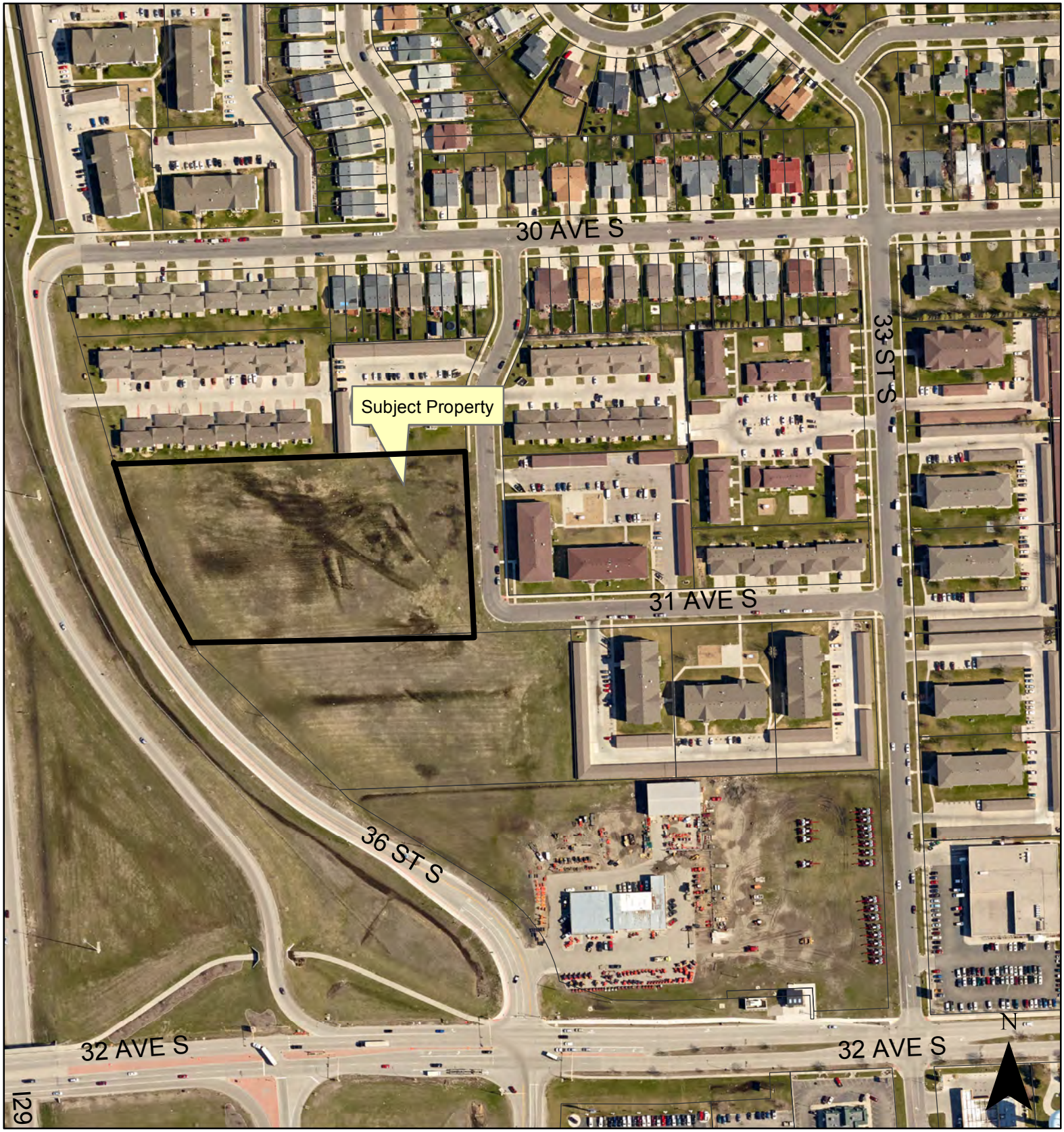
300 Feet

Fargo Planning Commission
February 7, 2017

Zone Change (GC to LI with a C-O)

Virgil Montplaisier 2nd Addition

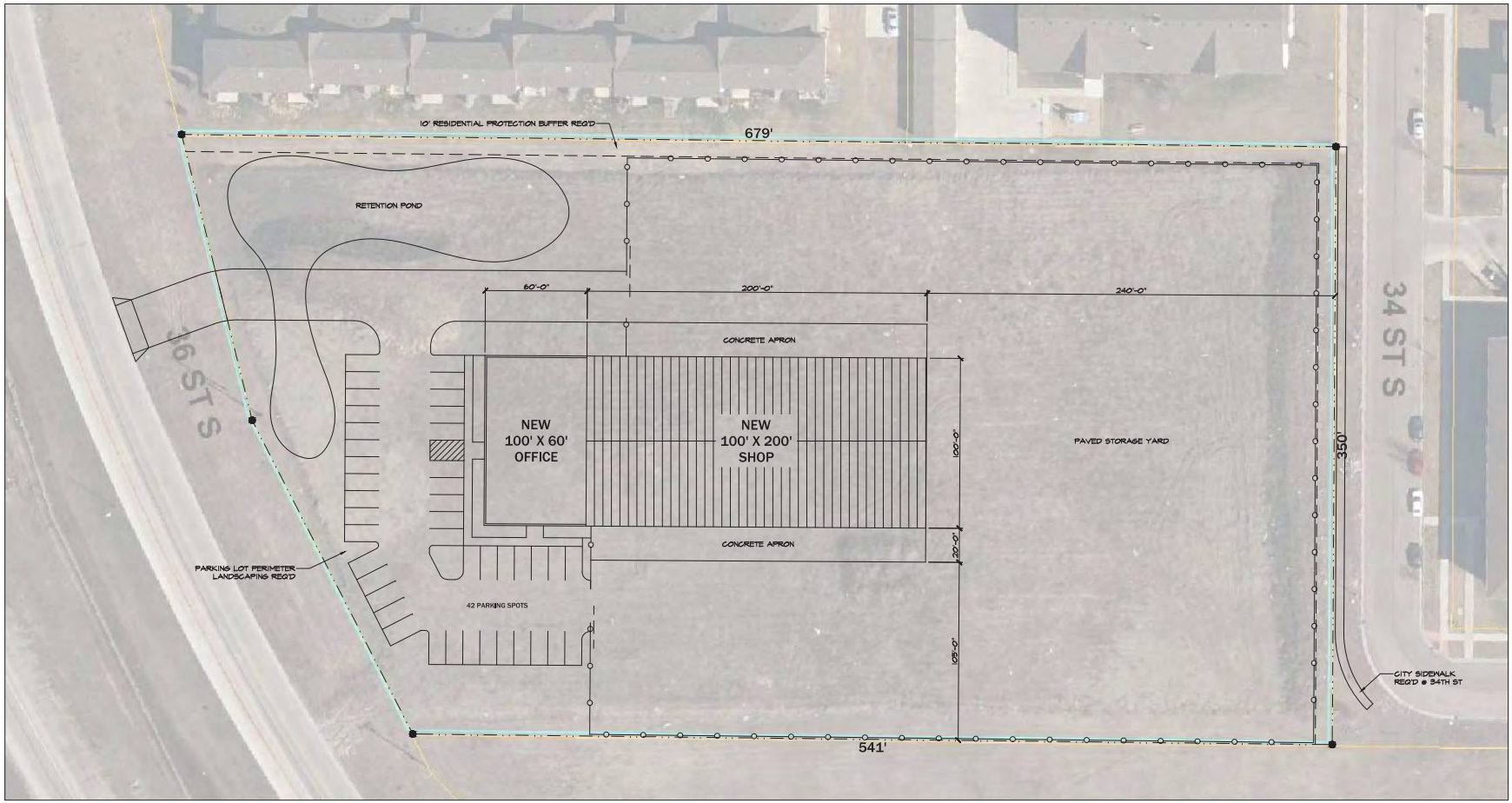
3030 36th St S



CITY OF Fargo

300 Feet

Fargo Planning Commission
February 7, 2017



PROPOSED SITE PLAN

SCALE 1" = 30'-0"

NORTH

PRELIMINARY DRAWING

Design Subject to Change Upon Review by Building Officials

OLAF ANDERSON
GENERAL CONTRACTORS
PHONE: 701.237.3605
FAX: 701.232.0562

This print is the exclusive property of Olaf Anderson & Son Construction Company and is to be returned upon request. It shall not be loaned or copied without written consent from Olaf Anderson & Son Construction Company. Failure to obtain permission may result in legal action.

STAMPS

Signature below indicates my understanding and acceptance of all content of this drawing.

Name

Title

Signature

DATE: 11-30-16

DRAWN BY: MSM

FILE NAME: 2016-088

REVISIONS:

1 -

2 -

PRECISION INC.

FARGO, ND

SITE PLAN

SP1

Section 1. The following described property:

All of Lot 4 Block 1 of the Virgil Montplaisier 2nd Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "CG", Agricultural, District to "LI", Limited Industrial, District with a "CO", Conditional Overlay, District as follows:

1. Uses: Permitted uses by right shall be in accordance with the Use Table of Section 20-0401 as set forth under LI, Limited Industrial, unless otherwise specified within this Ordinance. The intent of this CO District is to allow a broad range of commercial land uses; under a higher level of design standards than otherwise required by the base industrial zoning district.
    a. The following use categories shall be prohibited:
        i. Group Living;
        ii. Adult Entertainment;
        iii. Detention Facilities;
        iv. Self-Service Storage;
        v. Aviation/Surface Transportation;
        vi. Entertainment Event, Major;
        vii. Mining;
        viii. Off-premise Advertising;
        ix. With the Industrial Services use category, the following uses are prohibited:
            1. Aggregate storage, concrete batching and asphalt mixing.

2. Design Standards: The following design standards are intended to provide an improved aesthetic quality to development on this lot.
    a. Screening, Outdoor Storage Areas and Loading Areas:
        i. Outdoor storage areas shall not cover more than 65 percent of the open space of the development. For the purposes of determining allowable outdoor storage area, open space shall be defined as the total area of the lot minus the area of the sum of the area of all building footprints on the lot.
        ii. Outdoor storage areas shall be completely screened by an 8-foot tall opaque fence along the north and a 6-foot tall fence on the east and south.
        iii. Outdoor storage areas and fence shall be setback a minimum of 20-feet from the north property line for a distance of 430 feet as measured eastward starting from the northwest corner of the property. Outdoor storage areas and fence shall be setback a minimum of 10-feet from the remaining 250-feet of previously referenced north property line and the entire east property line.
        iv. Loading spaces or service areas/facilities shall be located within outdoor storage areas.

v. Loading spaces, services areas/facilities, and overhead doors shall not be located closer than 50 feet from residentially zoned property.
vi. A Residential Protection Buffer as outlined in Section 20-0704.E shall be required along the east property line.
vii. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.
viii. Off-street parking, loading and vehicular circulation areas (including circulation areas internal to storage yards), shall have an all-weather surface, as defined by the Land Development Code.

Agenda Item #	9

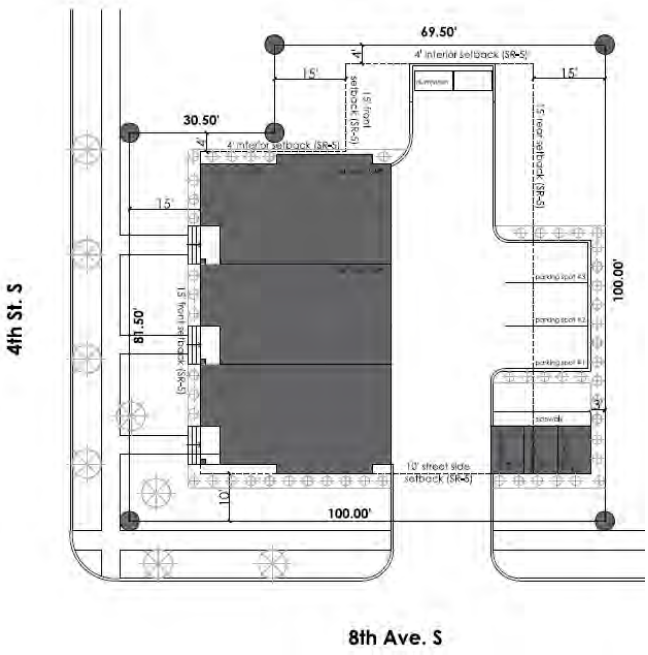
City of Fargo Staff Report			
Title:	Island Park Addition	**Date:**	1/16/2017
Location:	389 8th Avenue South	**Staff Contact:**	Aaron Nelson & Barrett Voigt
Legal Description:	Part of Lot 22, Block 3, Island Park Addition		
Owner(s)/Applicant:	Ginger Development LLC / Hawley Architects (Chris Hawley)	**Engineer:**	N/A
Entitlements Requested:	**Zoning Change** (from SR-3, Single-Dwelling Residential with a H-O, Historic Overlay to SR-5, Multi-Dwelling Residential, with a H-O, Historic Overlay)		
Status:	Planning Commission Public Hearing: February 7, 2017		

Existing		Proposed
Land Use: vacant		**Land Use:** Household Living—Attached Housing
Zoning: SR-3, Single-Dwelling Residential with H-O, Historic Overlay		**Zoning:** SR-5, Single-Dwelling Residential with H-O, Historic Overlay
Uses Allowed: 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		**Uses Allowed:** SR-5 Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
Maximum Density Allowed: 8.7 units per acre		**Maximum Density Allowed:** Maximum of 14.5 units per acre

Proposal:

The applicant is seeking approval of a zoning change from SR-3, Single-Dwelling Residential with a H-O, Historic Overlay, to SR-5, Single-Dwelling Residential with a H-O, Historic Overlay, on part of Lot 22, Block 3 of *Island Park Addition*. The subject property encompasses approximately 0.21 acres.

According to the applicant, the proposed zoning map amendment is being requested in order to allow the development of a three-unit townhouse (three attached housing units) on the subject property. The applicant has provided a conceptual site plan (to the right) to illustrate one possible development layout.



The current SR-3 zoning district allows a maximum density of 8.7 units per acre. This would allow for a maximum of one (1) dwelling unit on 0.21-acre subject property. The proposed SR-5 zoning district allows a maximum density of 14.5 units per acre; however, which would allow for a maximum of three (3) dwelling units on the subject property. In addition, the SR-5 zoning district setback requirements are less restrictive than the SR-3 zoning district. There would be no change in allowable uses between these two SR zoning districts.

The subject location is within the Island Park Historic Overlay District. As such, a Certificate of Appropriateness is required for any structure(s) proposed to be constructed on the subject property, upon review and approval by the Historic Preservation Commission.

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: MR-3, Multi-Dwelling Residential and H-O, Historic Overlay with a multi-dwelling structure;
- East: SR-3, Single-Dwelling Residential and H-O, Historic Overlay with a multi-dwelling structure;
- South: SR-3, Single-Dwelling Residential and H-O, Historic Overlay across 8th Avenue South with detached housing;
- West: MR-2, Multi-Dwelling Residential and H-O, Historic Overlay across 4th Street South with a duplex.

Area Plans:

The subject property is located within the boundaries of the Hawthorne Neighborhood and is subject to the Hawthorne Neightboorhood Plan that was adopted in 1999. The vision of the neighborhood is that Hawthorne is a well-maintained, diverse neighborhood that is family-friendly, has preserved its historic character, treasures its natural beauty and provides a multitude of recreational opportunities for neighborhood residents and the entire Fargo-Moorhead community. The plan goals also include sustaining a diverse mix of housing, maintaining the continued viability of Hawthorne Elementary, preserving the rich history and general quality of life of the neighborhood, and protecting the neighborhood's natural resources while enhancing the recreational capacity of both natural and tended park facilites.

Schools and Parks:

Schools: This property is located within the boundaries of the Fargo School District, specifically within the boundaries of Clara Barton and Hawthorne Elementary, Ben Franklin Middle and Fargo North High Schools.

Parks: Island Park (302 7th Street S) is located approximately a quarter mile northwest of the subject property. Island Park provides cross country ski trail, grill, handball, picnic table, playground, restroom, rental, recreational trials, tennis and wedding amenities.

Trails: An on-road bike facility is located west of the subject property, along 7th Street South, and an off-road bike trail located east of the subject location, along the Red River. Both facilities connect to the overall metro area trail system.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
   Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zone change is justified by a change in conditions since the previous zoning classification was established. Since the existing zoning was established, the primary structure has been completely destroyed by fire. As a result, the subject property is currently underutilized and ready for redevelopment. **(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 development. **(Criteria Satisfied)**

3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received about seven inquiries from neighboring property owners requesting additional information. Two of these neighbors expressed concern regarding the applicant's proposed development plans. In addition, staff has received three written letters of protest, which are attached.

Ultimately, 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 views the requested zoning change from SR-3 to SR-5 to be a relatively minor change in that there is no change in allowable land uses. The dimensional standards are the only differences that stand out between the SR-3 and SR-5 zoning districts. **(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 believes this proposal is in keeping with adopted plans and the existing zoning of adjacent properties. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed and are protected by a flood resiliency strategy. In addition, staff contends that the SR-5 zoning district is intended to provide for pockets of higher-density single-dwelling housing within neighborhoods, allowing for a broader mix of housing options and, in some cases, more opportunity for owner occupancy. Moreover, one of the 1999 Hawthorne Neighborhood Plan's primary goals is to "sustain the diverse mix of housing in the neighborhood." Staff finds that the proposed zoning map amendment is consistent with the purpose of the LDC, the applicable growth plans, and other adopted policies of the City. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from SR-3, Single-Dwelling Residential with H-O, Historic Overlay to SR-5, Single-Dwelling Residential with H-O, Historic Overlay, 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 LDC."

Planning Commission Recommendation: February 7, 2017

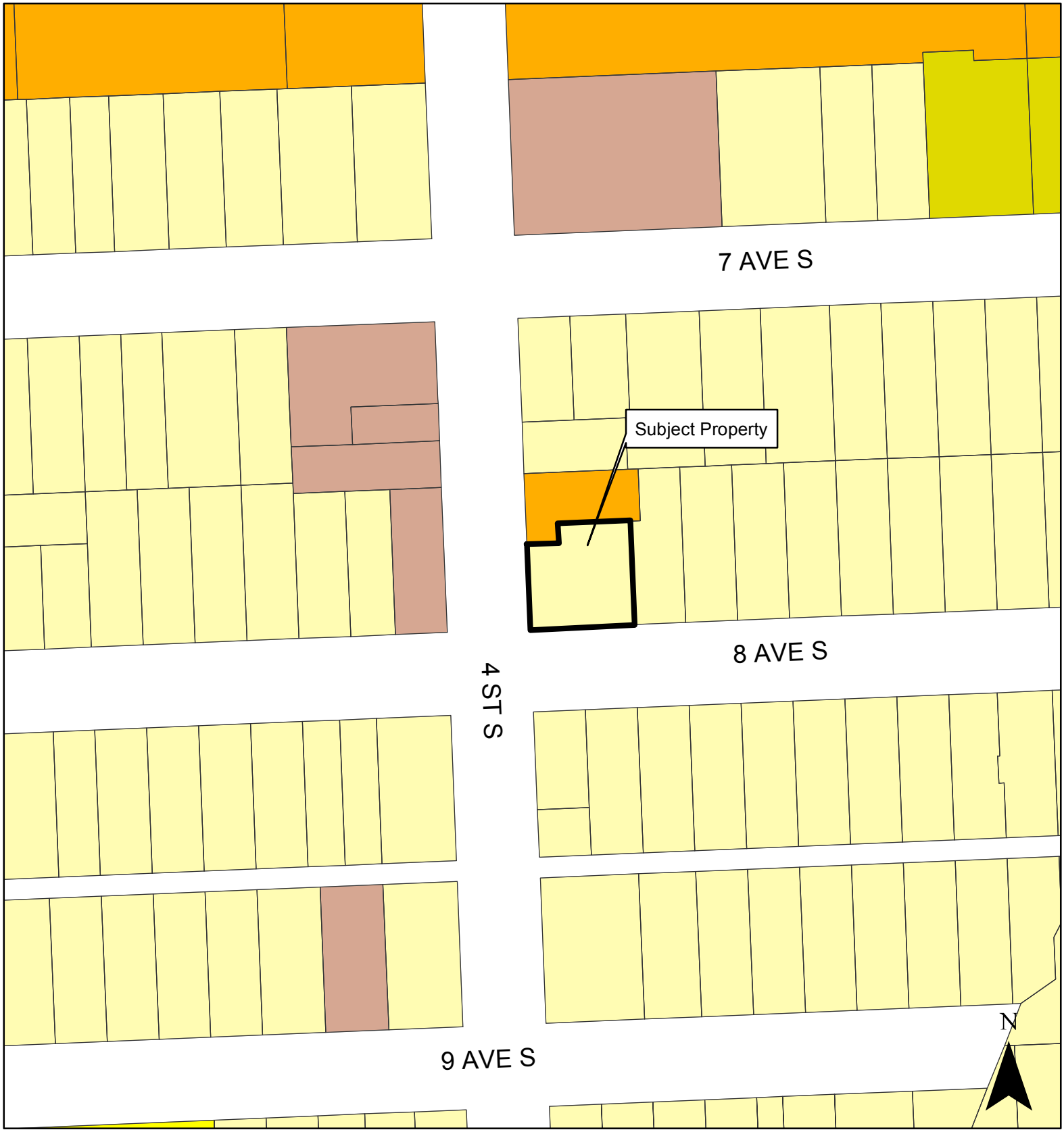
Attachments:

1. Zoning Map
2. Location Map
3. Public Comments

Zone Change (SR-3 w/ H-O to SR-5 w/ H-O)

Island Park Addition

389 8th Ave S



CITY OF Fargo

Legend

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
			City Limits

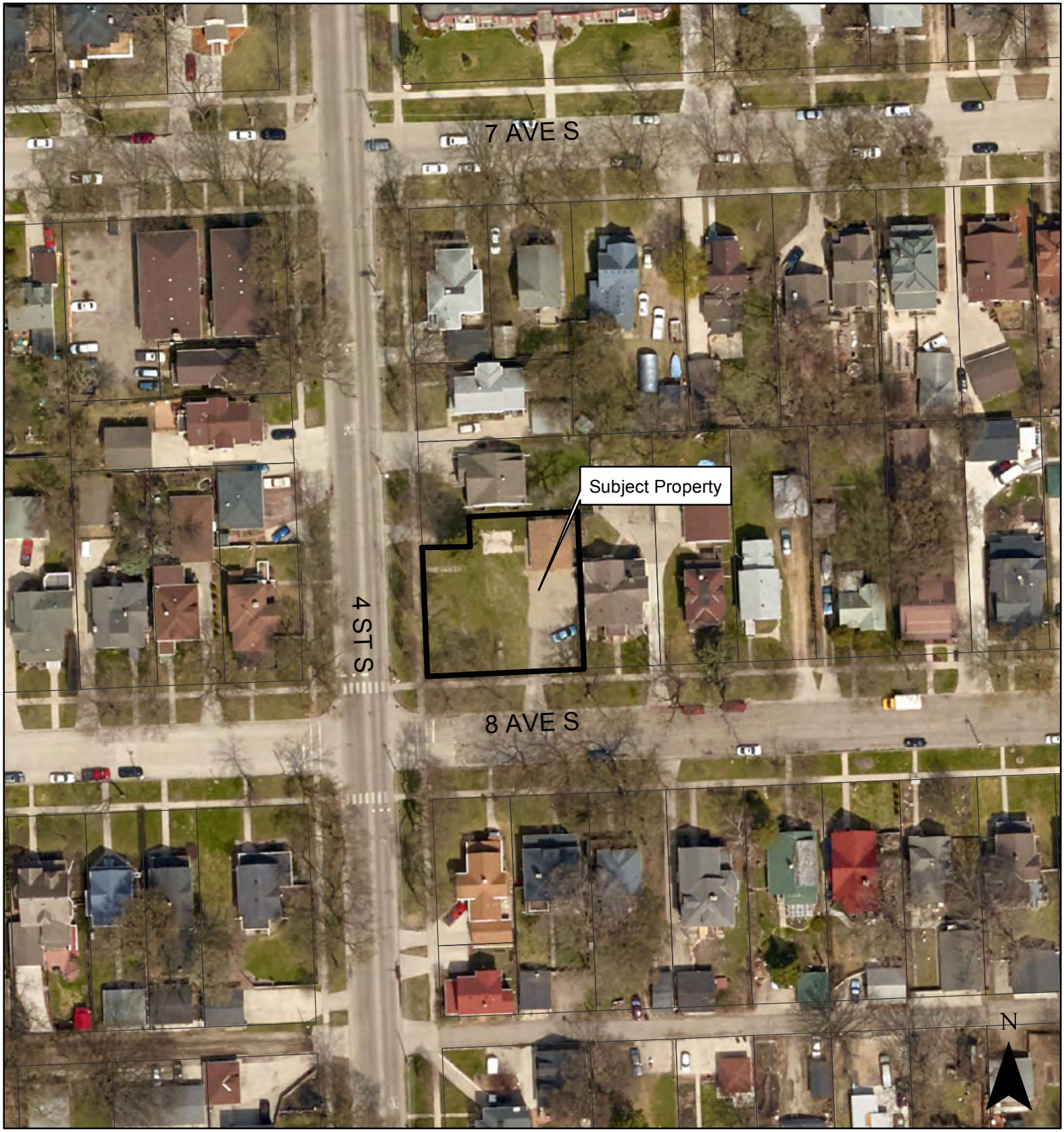
150 Feet

Fargo Planning Commission
February 7, 2017

Zone Change (SR-3 w/ H-O to SR-5 w/ H-O)

Island Park Addition

389 8th Ave S



150 Feet

Fargo Planning Commission
February 7, 2017

Fargo Planning & Development
200 Third Street North
Fargo, ND 58102

Dear Fargo Planning & Development,

Regarding the zoning change for 389 8th Avenue South, Fargo, ND:

The change from SR3 to SR5 does not conform with what we have been working for in the neighborhood, with the SR3 zoning and the Historic Overlay. Our desire is to maintain lower density, consistent SR3 setbacks in a single family historic neighborhood.

The rise in overall height on the East side of the drawing, presented in the email, raises the overall height relative to the surrounding buildings. The 35 foot height then starts at the increased elevation. Also, where does the water drain once this is raised and most of the property is a building on a slab and a cement driveway?

The density, setbacks, and concrete coverage of the lot do not conform with the rest of the neighborhood and the Overlay. The building attempts to address the Overlay in a cosmetic way. An example is the fake post to give the illusion of a porch. Structures should also face the Avenue, as I understand the Overlay.

I question whether the location has adequate Sewer, Water and Fire protection, for three 3 bedroom homes, since it replaces a single family house. We still await the upgraded water lines. The lack of a basement is another point where it does not fit into the neighborhood.

Therefore, I am against the change in zoning.

Sincerely,

Eric J. Dahlgren Jan. 31, 2017

Eric J. Dahlgren
347 9th Ave. S
Fargo, ND 58103

James T. Alger
330 Eighth Avenue South
Fargo, North Dakota 58103

1 February 2017

Fargo Planning Commission
200 North Third Street
Fargo, North Dakota 58102

Dear Planning Commission:

We have serious reservations about the proposed rezoning of the lot on 389 South Eighth Avenue in Fargo, North Dakota. We feel it is an invasion into the properties of a very good neighborhood, the invasion of a triplex that will offer an ugly facing onto Eighth Avenue.

The proposed property plan does not conform to the guidelines of the historical overlay that citizens and property owners worked so hard to establish to keep a beautiful historic neighborhood near to the center of our city. It is proposed on the lot on 389 that green space be sacrificed, set back be sacrificed, and that the concept of a single-family dwelling be sacrificed for the sake of an unsightly triplex to increase investors' profits.

We ask at the Planning Commission recommend the rejection of the proposed triplex plan for lot 389 on 8th Ave in South Fargo.

Telephone: (701) 237-6802

Thank you for your consideration.

Sincerely,

James T. Alger

jta

330 8th Ave
Feb 1- 2017

To: Fargo Planning Com.

I wish to express concern over the proposed building at 4th St & 8th Ave S.

1. The Hawthorne school
Due to the small size of the apartments' lack of no yard space full families with children would not be attracted to this. Our school needs to attract children. The school has been a priority for our neighborhood assoc.

2. Neighborhood fit
a. The lot size is too small for the size of the building not being a "home" type fitting for our historical neighborhood.
b. Facing the street does not fit with the other houses on 8th Ave which preserves our historic look
c. Traffic is always a concern on 4th St & in our neighborhood.
d. Have you checked water supply? It was not adequate to fight the fire on this lot.

Thank you— Jo Ann Alger

Agenda Item #	10

City of Fargo Staff Report			
Title:	West Acres 4th	**Date:**	2/1/17
Location:	1825, 1833, 1841, 1855 38th Street South	**Staff Contact:**	Donald Kress, senior planner
Legal Description:	Lots 3, 4, and 5, Block 5, West Acres 4th Addition and Lot 2, Block 1, T Sloan Addition		
Owner(s)/Applicant:	Atlas Capital / Enclave Companies (Austin Morris)	**Engineer:**	None
Entitlements Requested:	**Conditional Use Permit** to allow a household living in the GC, General Commercial Zone		
Status:	Planning Commission Public Hearing: February 7, 2017		

Existing		**Proposed**
Land Use: Undeveloped		**Land Use:** Mixed residential and commercial use
Zoning: GC: General Commercial		**Zoning:** No change
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:** No change **Plus conditional use permit to allow household living at a density of 24 dwelling units per acre.**
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 household living in the GC zone.

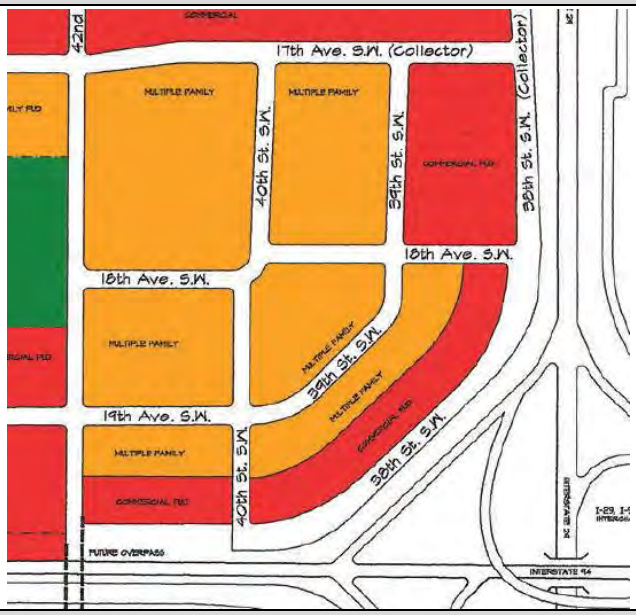
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Zoning and Land Uses Include:

- North: GC, General Commercial; office building
- East: MR-3, Multi-Dwelling Residential; multi-dwelling buildings
- South: GC with a CUP for household living; office building with some residential
- West: State-owned property (Interstate 29 and right of way)

Area Plans:

There are no recent growth plans which apply directly to this location. There is, however, an area plan that was put together for this area in the 1990's. This area plan designates the property adjacent to the interstate interchange as future commercial, while identifying areas further from the interchange as multi-family. Specifically where the subject property is located is shown as commercial.



Schools and Parks:

Schools: The subject property is located within the West Fargo School District, and is served by Westside Elementary School, Cheney Middle School and West Fargo High School.

Parks: Rabanus Park is located on the west side of 42nd Street South. The Red River Zoo and Anderson Park Complex are located south across Interstate 94.

Pedestrian / Bicycle: An off-road bike lane runs north and south along 42nd Street.

Staff Analysis:

The applicant requests a conditional use permit to allow household living in the GC, General Commercial zone to allow him to develop the project site as a mixed use (commercial/residential) development. The applicant has provided some conceptual graphics (attached) of possible configurations of this project. Note that these plans are conceptual; granting the CUP does not require the applicant to specifically follow these plans.

ACCESS AND UTILITIES
The lots will take access from 38th Street South. Public utilities are also available in this street.

DENSITY: The applicant has requested a density equivalent to MR-3 zoning, which is 24 units per acre. If the entire project site, approximately 4.9 acres, were developed at this density, the site could accommodate 1,176 dwelling units. Note that the applicant is planning a mixed use development.

FLOOD PROTECTION: These properties are outside of the current floodplain and 41-foot WSEIA.

PROPOSED CONDITIONS:
The applicant has proposed the following conditions for the CUP:

1. The requested density is 24 dwelling units per acre.
2. The property owner will retain a minimum of 35% of the property as open space.
3. The property, as developed, will include a landscaped buffer to mitigate the sound from vehicle traffic. The landscaped buffer shall be designed pursuant to criteria determined by the City including, but not limited to, plant spacing and plant type.
4. All residential buildings shall be set back at least 100 feet from the I-94 on-ramp and 300 feet from the I-29 right of way.

5. All residential buildings shall be constructed of noise-resistant materials as follows:
    a. East-facing exterior walls shall be construct to have a sound transmission class of 46
    b. East facing exterior windows and doors shall be constructed to have a sound transmission class of 26
6. All residential buildings shall not exceed four stories in height.

Planning staff would accept conditions 2 and 6, revise conditions 1, 3, 4, and 5, and add condition 7, as shown below (recommended changes in *italics*):

1. ~~The requested~~ *Residential* density ~~is~~ *shall not exceed* 24 dwelling units per acre.
2. The property owner will retain a minimum of 35% of the property as open space.
3. The property, as developed, will include a landscaped buffer ~~to mitigate the sound from vehicle traffic~~. ~~The landscaped buffer shall be designed pursuant to criteria determined by the City including, but not limited to, plant spacing and plant type.~~ *The landscaped buffer strip shall comply with the following standards:*
    a. The landscaped buffer strip shall be no less than forty (40) feet wide, as measured east-west.
    b. The landscaped buffer strip shall consist of at least three (3) rows of trees and shrubs planted to create a shelter belt or windbreak as typically planted in farmstead settings. The eastern row shall consist of large evergreen trees planted to greater than fourteen (14) feet apart. The western row shall consist of large deciduous trees planted no greater than seven (7) feet apart.
    c. For the purpose of this CUP, large evergreen trees have a mature height of at least 35 feet tall, large deciduous trees shall have a mature height of at least 35 feet tall, and large deciduous shrubs shall have a mature height of at least 15 feet tall.
4. All residential buildings shall be set back at least 100 feet *from the west edge of pavement* the I-94 on-ramp and 300 feet *from the west edge of pavement of I-29 southbound* ~~right of way~~.
5. All residential buildings shall be constructed of noise-resistant materials as follows:
    a. East-facing exterior walls shall be construct to have a sound transmission class of ~~46~~ *52*
    b. East facing exterior windows and doors shall be constructed to have a sound transmission class of ~~26~~ *31*
6. All residential buildings shall not exceed four stories in height.
7. *Pedestrian sidewalks shall be installed from the public sidewalk within the street right of way to the entrance of each primary building.*

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

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

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 future buildings and required inspections will be met at the time the building permits and site plans are submitted by the applicant and reviewed by city departments. Staff finds this proposal is consistent with the applicable provisions of the LDC.
   (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 household living in the GC, General Commercial zone, which will enable this property to be developed with mixed commercial and residential uses, will contribute to and promote the convenience of the public by providing implementing the Go2030's infill initiative, which states "Infill development should increase the mix of uses and amenities in an area." Mixed commercial and residential use is particularly suited to this project site as it is situated between properties developed as entirely commercial, entirely residential, and mixed commercial and residential.

   As this this project site is along the Interstate 94 corridor, the recommended conditions below are intended to mitigate negative impacts of the proximity to the Interstate.

(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 comments 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 use will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The property adjacent to the north is zoned and developed as commercial. The properties adjacent to the west are zoned and developed as MR-3, Multi-dwelling residential. The property adjacent to the south is zoned General Commercial, with a CUP for household living (the same as requested by this CUP). Thus, this project site developed as mixed residential/commercial is compatible with surrounding development.

5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**
   The applicant may connect to city water and sewer mains, available in 38th Street South, pursuant to city policy. Stormwater detention requirements will be addressed at the time of site plan review. Staff is not aware of any deficiencies regarding services and utilities that would limit the ability of the applicant to utilize the property as proposed. **(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 may take vehicular access from 38th Street South. Actual access will be determined as part of site plan review, pursuant to city policy. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow household living in the GC zone on Lots 3, 4, and 5, Block 5, West Acres 4th Addition and Lot 2, Block 1, T Sloan Addition as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. Residential density shall not exceed 24 dwelling units per acre.
2. The property owner will retain a minimum of 35% of the property as open space.
3. The property, as developed, will include a landscaped buffer. The landscaped buffer strip shall comply with the following standards:
   a. The landscaped buffer strip shall be no less than forty (40) feet wide, as measured east-west.
   b. The landscaped buffer strip shall consist of at least three (3) rows of trees and shrubs planted to create a shelter belt or windbreak as typically planted in farmstead settings. The eastern row shall consist of large evergreen trees planted to greater than fourteen (14) feet apart. The western row shall consist of large deciduous trees planted no greater than seven (7) feet apart.
   c. For the purpose of this CUP, large evergreen trees have a mature height of at least 35 feet tall, large deciduous trees shall have a mature height of at least 35 feet tall, and large deciduous shrubs shall have a mature height of at least 15 feet tall.
4. All residential buildings shall be set back at least 100 feet from the west edge of pavement the I-94 on-ramp and 300 feet from the west edge of pavement of I-29 southbound.

5. All residential buildings shall be constructed of noise-resistant materials as follows:
    a. East-facing exterior walls shall be constructed to have a sound transmission class of 52
    b. East facing exterior windows and doors shall be constructed to have a sound transmission class of 31
6. All residential buildings shall not exceed four stories in height.
7. Pedestrian sidewalks shall be installed from the public sidewalk within the street right of way to the entrance of each primary building.

Planning Commission Recommendation: February 7, 2017

Attachments:

1. Zoning Map
2. Location Map
3. Conceptual site plans

Conditional Use Permit (Household Living)

West Acres 4th Addition & T Sloan Addition

1825, 1833, 1841 and 1855 38th St S

CITY OF Fargo

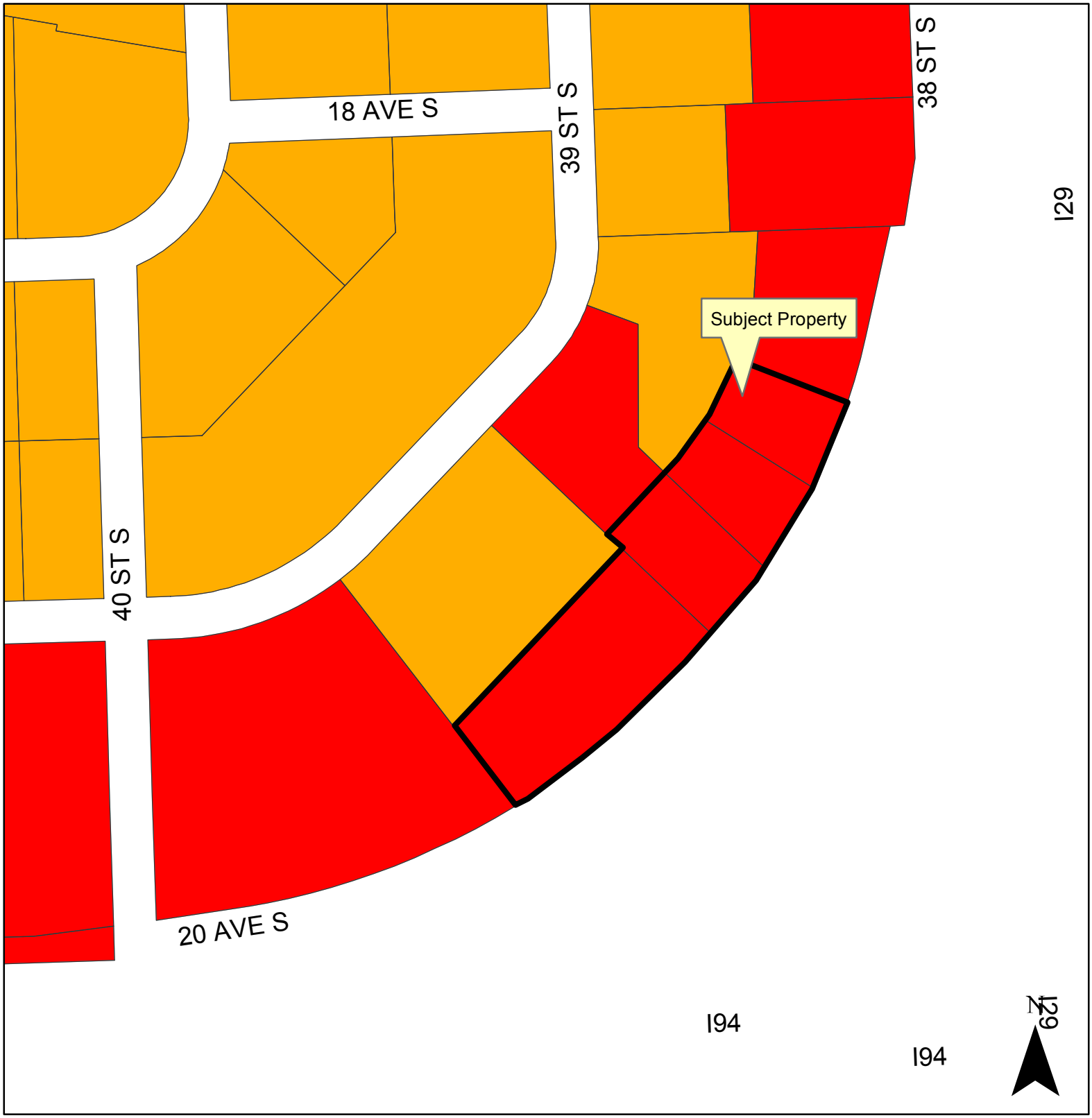
300 Feet

Fargo Planning Commission
February 7, 2017

Conditional Use Permit (Household Living)

West Acres 4th Addition & T Sloan Addition

1825, 1833, 1841 and 1855 38th St S



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
February 7, 2017

STEPPED SAWTOOTH A

OPTION A - SINGLE LARGE BUILDING

Gross Square Footage (GSF)

Total GSF		**382,464**
Residential	243,121	
Commercial	32,508	
Struct Parking	105,835	
Mech/Trash/etc	2,000	
NRSF Residential		**199,853**
GSF/Unit Total	1,494	
GSF/Unit No Park	1,076	

Residential

Total Units		**256**
Total Beds	325	

Resident Parking

Total Stalls		290
City Req'd		
Structured	235	
Surface	30	
Shared	25	
Stalls / Unit		1.13
Stalls / Bedroom		0.89

Amenity SF	8,000

Unit Mix	sf		
Studio	500	0%	0
Convert	580	25%	64
1 BR	690	50%	128
1 + Den	900	0%	0
2 BR	1150	23%	59
3 BR	1300	2%	5
4 BR	1400	0%	0
avg.	780.5		256

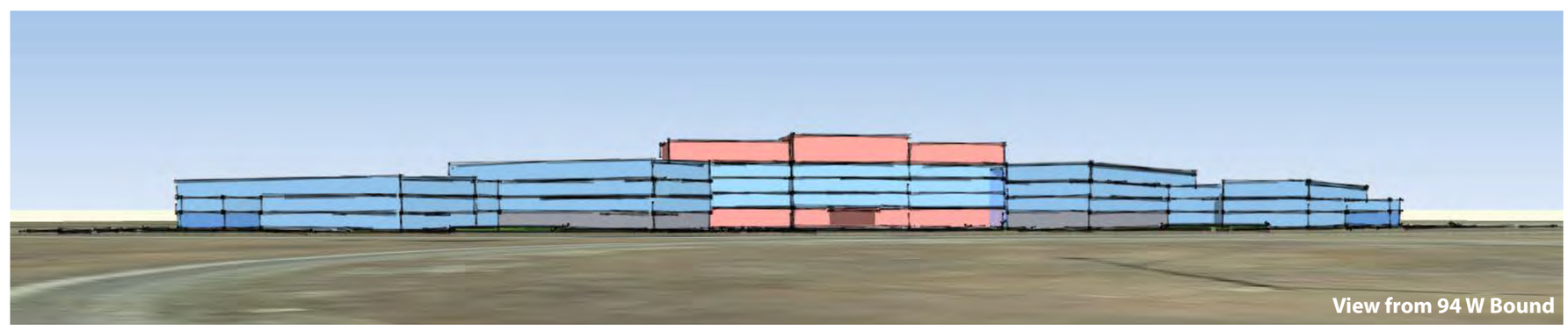
Commercial

Leasable SF	**32,508**

Parking

Total Stalls		131
City Req'd		*108*
Structured	81	
Surface	25	
Shared	25	

Aerial View



View from 94 W Bound

STEPPED SAWTOOTH A

OPTION A - SINGLE LARGE BUILDING

SUB GRADEPLAN

GRADE PLAN

SITE PLAN

STEPPED SAWTOOTH B

OPTION B - PARKING IN BACK

Gross Square Footage (GSF)

Total GSF		**382,464**
Residential	243,121	
Commercial	32,508	
Struct Parking	104,835	
Mech/Trash/etc	2,000	
NRSF Residential		**201,553**
GSF/Unit Total	1,481	
GSF/Unit No Park.	1,067	

Residential

Total Units		**258**
Total Beds	328	

Resident Parking

Total Stalls		306
City Req'd		
Structured	232	
Surface	30	
Shared	44	
Stalls / Unit		1.18
Stalls / Bedroom		0.93

Amenity SF	6,000

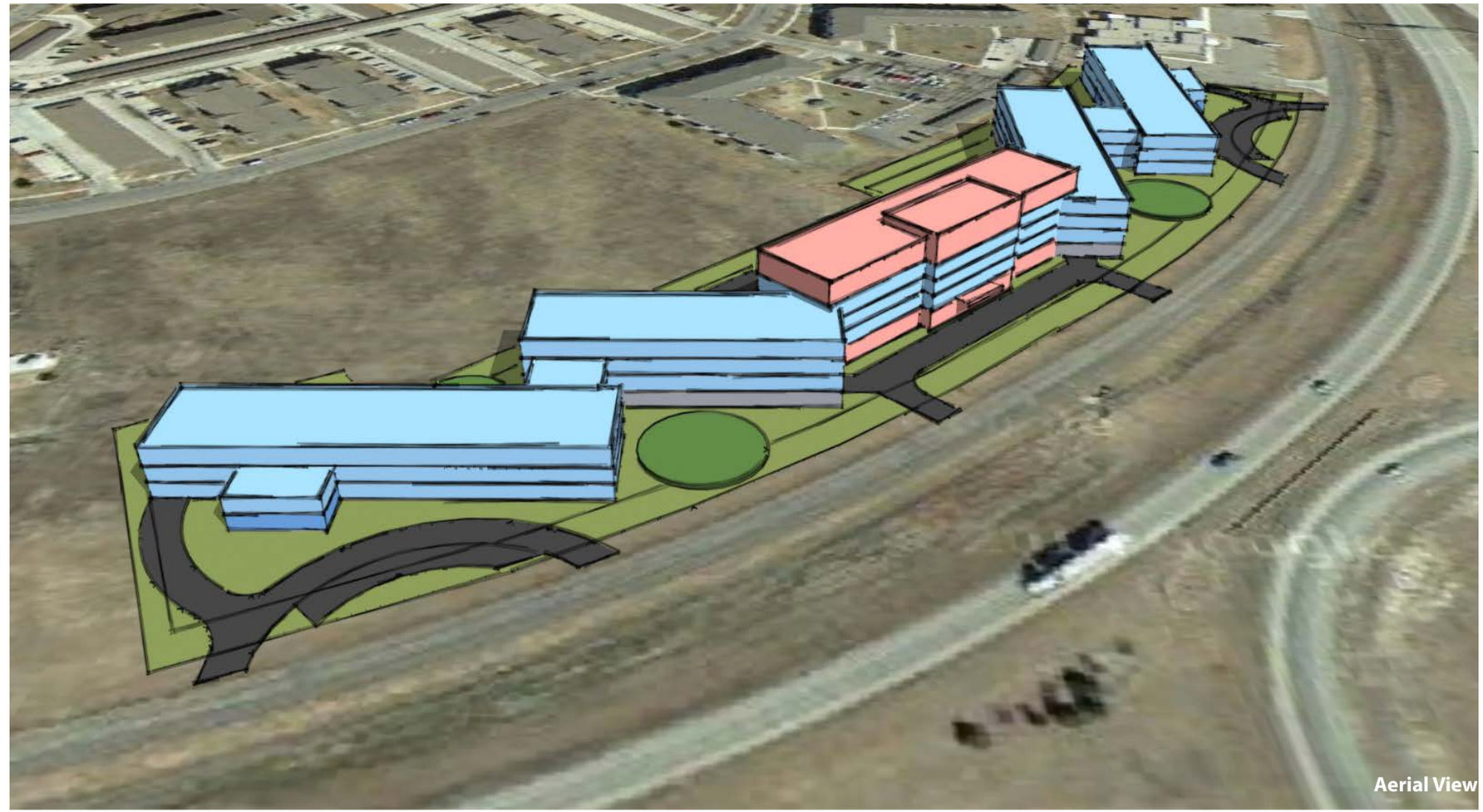
Unit Mix	sf		
Studio	500	0%	0
Convert	580	25%	65
1 BR	690	50%	129
1 + Den	900	0%	0
2 BR	1150	23%	59
3 BR	1300	2%	5
4 BR	1400	0%	0
avg.	780.5		258

Commercial

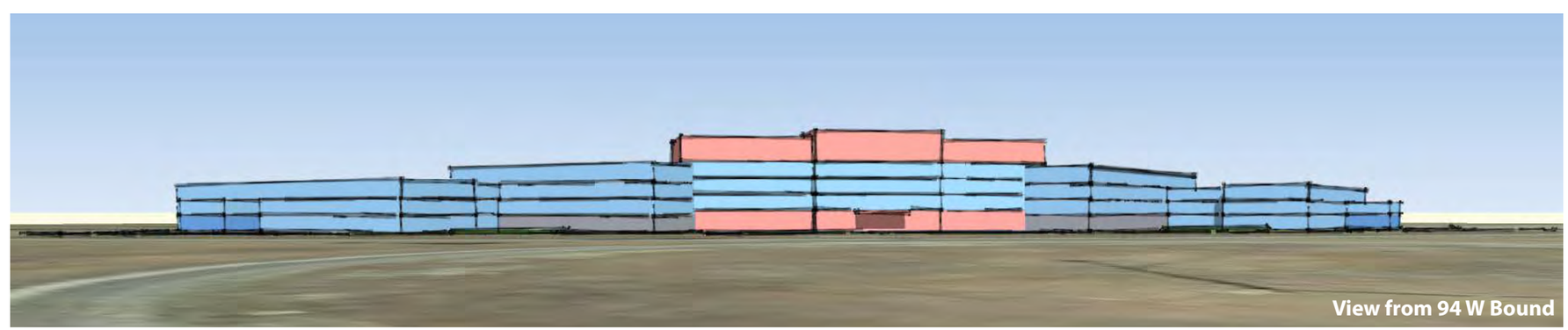
Leasable SF	**32,508**

Parking

Total Stalls		155
City Req'd		*108*
Structured	81	
Surface	30	
Shared	44	
Stalls / 1000 SF		4.78



Aerial View



View from 94 W Bound

STEPPED SAWTOOTH

OPTION B - PARKING IN BACK

SUB GRADEPLAN

GRADE PLAN

SITE PLAN

"TOWERS - UPDATED"

AERIAL VIEW

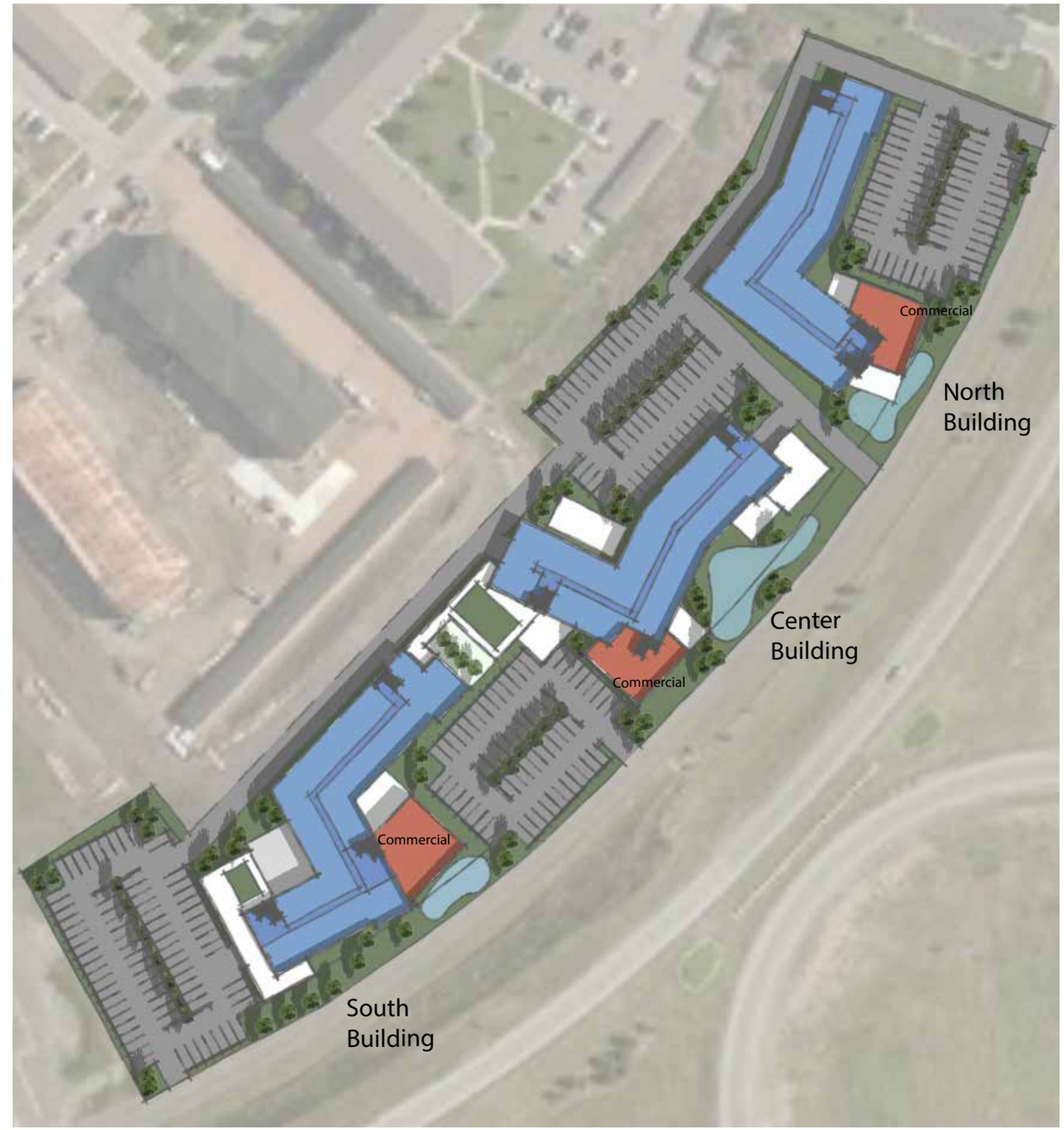
UPDATES FROM 5/13/2016

- Maintain the building massing concpet with "tower elements" and articulated forms.
- Reduce the amount of covered/structured parking.
- Reduce the amount of amenity plaza deck
- Try and make the commercial parking more front door convenient

"TOWERS-UPDATED"

GRADE PLAN

LEVEL 2



"TOWERS-UPDATED"

FULL MASTER PLAN

BUILDING METRICS

Gross Square Footage (GSF)

Total GSF		**265,106**
Residential	243,581	
Commercial	21,525	
Struct Parking	20,987	
NRSF Residential		**52,101**
GSF/Unit Total	1,755	
GSF/Unit No Park	1,626	

Residential

Total Units		**163**
Total Beds	261	

Resident Parking

Total Stalls		368
City Req'd		367
Structured	159	
Surface	142	
Shared*	67	
Stalls / Unit		2.26
Stalls / Bedroom		0.71

Amenity SF 11,321

Unit Mix	sf		
Studio	500	0%	0
Convert	580	20%	32
1 BR	690	30%	49
1 + Den	900	0%	0
2 BR	1150	40%	66
3 BR	1300	10%	16
4 BR	1400	0%	0
avg.	913		163

Commercial

Leasable SF		**21,525**

Commercial Parking

Total Stalls		**86**
City Req'd		65
Structured	0	
Surface	86	
Stalls / 1000 SF		4.01

MEMORANDUM
TO: Planning Commission
FROM: Donald Kress, senior planner
DATE: January 31, 2017
RE: Agenda item E(1): MetroCOG Bicycle and Pedestrian Plan

Item E(1) will be a presentation by MetroCOG transportation planner Dan Farnsworth of the recently completed 2016 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan. A short background memo from MetroCOG is attached.

Please note that, due to the size of the plan, it is not attached to this packet. However, this plan is available on the MetroCOG website at:

www.fmmetrocog.org -> Resources -> Plans & Programs -> Bicycle and Pedestrian Planning

Mr. Farnsworth will present a PowerPoint. He made a similar presentation to the City Commission on January 30, 2017.

Fargo-Moorhead Metropolitan Council of Governments
701.232.3242 • FAX 701.232.5043 • Case Plaza Suite 232 • One 2nd Street North • Fargo, North Dakota 58102-4807
Email: metrocog@fmmetrocog.org http://www.fmmetrocog.org

To: Fargo Planning Commission
From: Dan Farnsworth, Metro COG
Date: January 27, 2017
Re: **2016 Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is the designated Metropolitan Planning Organization (MPO) for the Fargo-Moorhead Metropolitan Area. Metro COG is responsible for carrying out the metropolitan transportation planning process and other planning issues of a regional nature.

Every five years Metro COG, in cooperation with local units of government, develops a new bicycle and pedestrian plan to address the latest bicycle and pedestrian-related needs. Public input was a key element in the Plan's development. Various public input opportunities were held in April and May of 2016. In addition, the public, along with local engineers, planners, and policy makers were recently given the opportunity to provide feedback on the draft version of the Plan. Since this opportunity, all comments have been addressed accordingly.

Attached is the final version of the 2016 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan. Metro COG will be bringing this Plan before the Fargo City Commission on January 30th and will be seeking a resolution of support from them at that time.

Metro COG has been asked to provide the Fargo Planning Commission with a brief presentation of the Plan so as to keep the Commission apprised of the latest efforts being taken regarding regional bicycle and pedestrian planning. The Plan includes 20 recommendations directed to both Metro COG and local jurisdictions on how we can take steps to address our bicycle and pedestrian needs. We encourage the Fargo Planning Commission to consider the recommendations that pertain to their field of expertise.

The full version of the Plan which includes the appendices can be viewed on Metro COG's website at www.fmmetrocog.org.