

FARGO PLANNING COMMISSION AGENDA
Tuesday, February 6, 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 21, 2018
- D: Public Hearing Items:
- 1a. Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO MAY 1, 2018
 - 1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO MAY 1, 2018
 - 1c. Continued hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO MAY 1, 2018
 - 1d. Continued hearing on an application requesting a Plat of **NSC Addition** (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO MAY 1, 2018
 2. Continued hearing on an application requesting a Plat of **Craigs Oak Grove Addition** (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig) (an): CONTINUED TO APRIL 3, 2018
 3. Continued hearing on an application requesting a Plat of **Cityscapes Business Park Addition** (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian to the City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain

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setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth) (dk)

- 4a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, within the boundaries of the proposed **Madelyn's Meadows Addition**. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness) (dk): CONTINUED TO APRIL 3, 2018
- 4b. Continued hearing on an application requesting a Plat of **Madelyn's Meadows Addition** (Major Subdivision) a replat of a portion of the Northeast 1/4 of the Southeast 1/4 of Section 11, T138N, R49W, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness) (dk): CONTINUED TO APRIL 3, 2018
5. Continued hearing on an application requesting a Plat of **MVM Addition** (Minor Subdivision) a replat of Lot 1, Block 5, Southwood Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3502 36th Street South) (J&J Investments/Brendan Muldoon) (dk): CONTINUED TO MARCH 6, 2018
- 6a. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay within the boundaries of the proposed **Simonson First Addition**. (Located at 3825 53rd Avenue South) (Arch Simonson/Lowry Engineering) (bv)
- 6b. Continued hearing on an application requesting a Plat of **Simonson First Addition** (Minor Subdivision) a replat of Lot 2, Block 1, The District of Fargo Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3825 53rd Avenue South) (Arch Simonson/Lowry Engineering) (bv)
7. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay on Lot 1, Block 1, **PTP Addition**. (Located at 2856 Brandt Drive South) (David Schultz) (me)
- 8a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay within the boundaries of the proposed **Villas at Shadow Crest Addition**. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): CONTINUED TO MARCH 6, 2018
- 8b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Villas at Shadow Crest Addition**. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): CONTINUED TO MARCH 6, 2018
- 8c. Hearing on an application requesting a Plat of **Villas at Shadow Crest Addition** (Major Subdivision) a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County,

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North Dakota. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): CONTINUED TO MARCH 6, 2018

9. Hearing on an application requesting a Plat of **Collins Fourth Addition** (Minor Subdivision) a replat of part of Lot 2, Block 1, Collins Third Subdivision to the City of Fargo, Cass County, North Dakota and vacated portions of 36th Avenue South and 39th Street South. (Located at 3949 37th Avenue South and 3600 39th Street South) (Larkin Properties LLP/Houston Engineering, Inc.) (an)
10. Hearing on an application requesting a Plat of **The Edge Addition** (Minor Subdivision) a replat of Lots 1-9 and 19-24, Block 6 and a portion of a vacated alley in said Block 6, and a portion of vacated 6th Avenue North in Reeves Addition to the City of Fargo, Cass County, North Dakota. (Located at 1321 5th Avenue North and 502 University Drive North) (DFI A, LLC/Erin Anderson - Commonwealth Development Corporation) (kb)

E: Other Items

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Thursday, January 4, 2018

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., Thursday, January 4, 2018.

The Planning Commissioners present or absent were as follows:

Present: Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Rocky Schneider, Melissa Sobolik, Kelly Steffes, Scott Stofferahn, Maranda Tasa

Absent: Mary Scherling

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following Agenda items:

- Items 1a, 1b, 1c, 1d, 2, 3, 9, and 10 are continued to the February 6, 2018 Planning Commission Meeting.

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

Item B: Minutes: Regular Meeting of December 5, 2017

Member Steffes moved the minutes of the December 5, 2017 Planning Commission meeting be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, January 17, 2018 Brown Bag Luncheon

Topic: Transportation

Item D: Public Hearing Items:

Item 1: NSC Addition

1a. Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO FEBRUARY 6, 2018

1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of

the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO FEBRUARY 6, 2018

1c. Continued hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO FEBRUARY 6, 2018

1d. Continued hearing on an application requesting a Plat of NSC Addition (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO FEBRUARY 6, 2018

A Hearing had been set for August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued to September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to February 6, 2018

Item 2: Craigs Oak Grove Addition

Continued hearing on an application requesting a Plat of Craigs Oak Grove Addition (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig): CONTINUED TO FEBRUARY 6, 2018

A Hearing had been set for November 7, 2017. At the November 7, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to February 6, 2018.

Item 3: Cityscapes Business Park Addition

Continued hearing on an application requesting a Plat of Cityscapes Business Park Addition (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth): CONTINUED TO FEBRUARY 6, 2018

A Hearing had been set for November 7, 2017. At the November 7, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the

Hearing was continued to this date and time; however, the applicant has requested this item be continued to February 6, 2018.

Item 4: Rocking Horse Farm 5th Addition

4a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-3, Single-Dwelling Residential and P/I, Public and Institutional within the boundaries of the proposed Rocking Horse Farm 5th Addition. (Located at 5801 52nd Avenue South and 4901 Veterans Boulevard South) (Rocking Horse Farms, LLC/Mike Love, Houston Engineering, Inc.): APPROVED

4b. Hearing on an application requesting a Plat of Rocking Horse Farm 5th Addition (Major Subdivision) a replat of a portion of the Southeast Quarter of Section 32, Township 139 North, Range 49 West, of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota and Lot 1, Block 4, Rocking Horse East Second Addition. (Located at 5801 52nd Avenue South and 4901 Veterans Boulevard South) (Rocking Horse Farms, LLC/Mike Love, Houston Engineering, Inc.): APPROVED

Senior Planner Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted a revised amenities plan has been submitted to the board.

Member Stofferahn present.

Applicant Mike Love, Houston Engineering, Inc., 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: 1) Zoning Change from AG, Agricultural to SR-3, Single-Dwelling Residential and P/I, Public and Institutional; and 2) Rocking Horse Farm 5th Addition subdivision plat as presented as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Southwest Future Land Use Plan as amended in 2014, the Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Gunkelman, Sobolik, Stofferahn, Steffes, Magelky, Tasa, Morgan, Schneider, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 5: Valley View Second Addition

Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential on Lot 1, Block 1, Valley View Second Addition. (Located at 3900 56th Street South) (Arbor Courts, LLC/Brian Kounovsky): APPROVED

Assistant Planner Kylie Bagley 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 Zoning Change from MR-1, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential as outlined within the staff report on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Stofferahn, Sobolik, Morgan, Tasa, Schneider, Magelky, Gunkelman, Steffes, and Fisher voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 6: Valley View Eighth Addition

6a. Hearing on an application requesting a Conditional Use Permit for an alternative access plan for all of the proposed Valley View Eighth Addition. (Located at 3650 Veterans Boulevard South) (K Square Development/Lowry Engineering): APROVED WITH CONDITIONS

6b. Hearing on an application requesting a Plat of Valley View Eighth Addition (Minor Subdivision) a replat of Lot 2, Block 1, Valley View Seventh Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3650 Veterans Boulevard South) (K Square Development/Lowry Engineering): APPROVED

Ms. Bagley presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Jon Lowry spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Valley View Eighth Addition subdivision plat as outlined within the staff report, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all applicable requirements of the Land Development Code, and 2) the Conditional Use Permit to allow for an Alternative Access Plan 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) Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on site.
- 2) The Conditional Use Permit will cease if the land use changes from commercial, restaurant, fast food, or residence.

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

Item 7: Timber Creek Seventh Addition

7a. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential within the boundaries of the proposed Timber Creek Seventh Addition. (Located at 3559, 3571, and 3583 47th Avenue South) (PLC Investments, LLC/Nate Vollmuth): APPROVED

7b. Hearing on an application requesting a Plat of Timber Creek Seventh Addition (Minor Subdivision) a replat of Lots 11-13, Block 1, Timber Creek Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3559, 3571, and 3583 47th Avenue South) (PLC Investments, LLC/Nate Vollmuth): APPROVED

Planner Maegin Elshaug presented the staff report noting an updated plat has been submitted to the board, and stated 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: 1) Zoning Change from SR-2 Single-Dwelling Residential to SR-4, Single-Dwelling Residential and 2) Timber Creek Seventh Addition subdivision plat 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 Gunkelman, Sobolik, Steffes, Tasa, Magelky, Morgan, Stofferahn, Schneider, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 8: Timber Creek Eighth Addition

8a. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 and 2, Block 1, of the proposed Timber Creek Eighth Addition. (Located at 5050 Timber Parkway South and 5131 Prosperity Way South) (PLC Investments, LLC/Nate Vollmuth): APPROVED

8b. Hearing on an application requesting a Plat of Timber Creek Eighth Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Timber Creek Fourth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5050 Timber Parkway South and 5131 Prosperity Way South) (PLC Investments, LLC/Nate Vollmuth): APPROVED

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

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 and 2, Block 1, of the proposed Timber Creek Eighth Addition and 2) Timber Creek Eighth Addition subdivision plat 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 Magelky. On call of the roll Members Tasa, Morgan, Gunkelman, Magelky, Schneider, Sobolik, Steffes, Stofferahn, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 9: MVM Addition

Hearing on an application requesting a Plat of MVM Addition (Minor Subdivision) a replat of Lot 1, Block 5, Southwood Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3502 36th Street South) (J&J Investments/Brendan Muldoon): CONTINUED TO FEBRUARY 6, 2018

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to February 6, 2018.

Item 10: Simonson First Addition

Hearing on an application requesting a Plat of Simonson First Addition (Minor Subdivision) a replat of Lot 2, Block 1, The District of Fargo Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3825 53rd Avenue South) (Arch Simonson/Lowry Engineering): CONTINUED TO FEBRUARY 6, 2018

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to February 6, 2018.

Item 11: Brunsdale First Addition

Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on a portion of Lots 4, 5, and 8 and all of Lots 6-7, Block 1, Brunsdale First Addition. (Located at 2829 South University Drive) (University Medical Center, LLP/Zerr Berg Architects): APPROVED WITH CONDITIONS

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

Applicant Representative Leah Fagerland, Zerr Berg Architects, spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an Alternative Access Plan be approved as outlined in the staff report, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

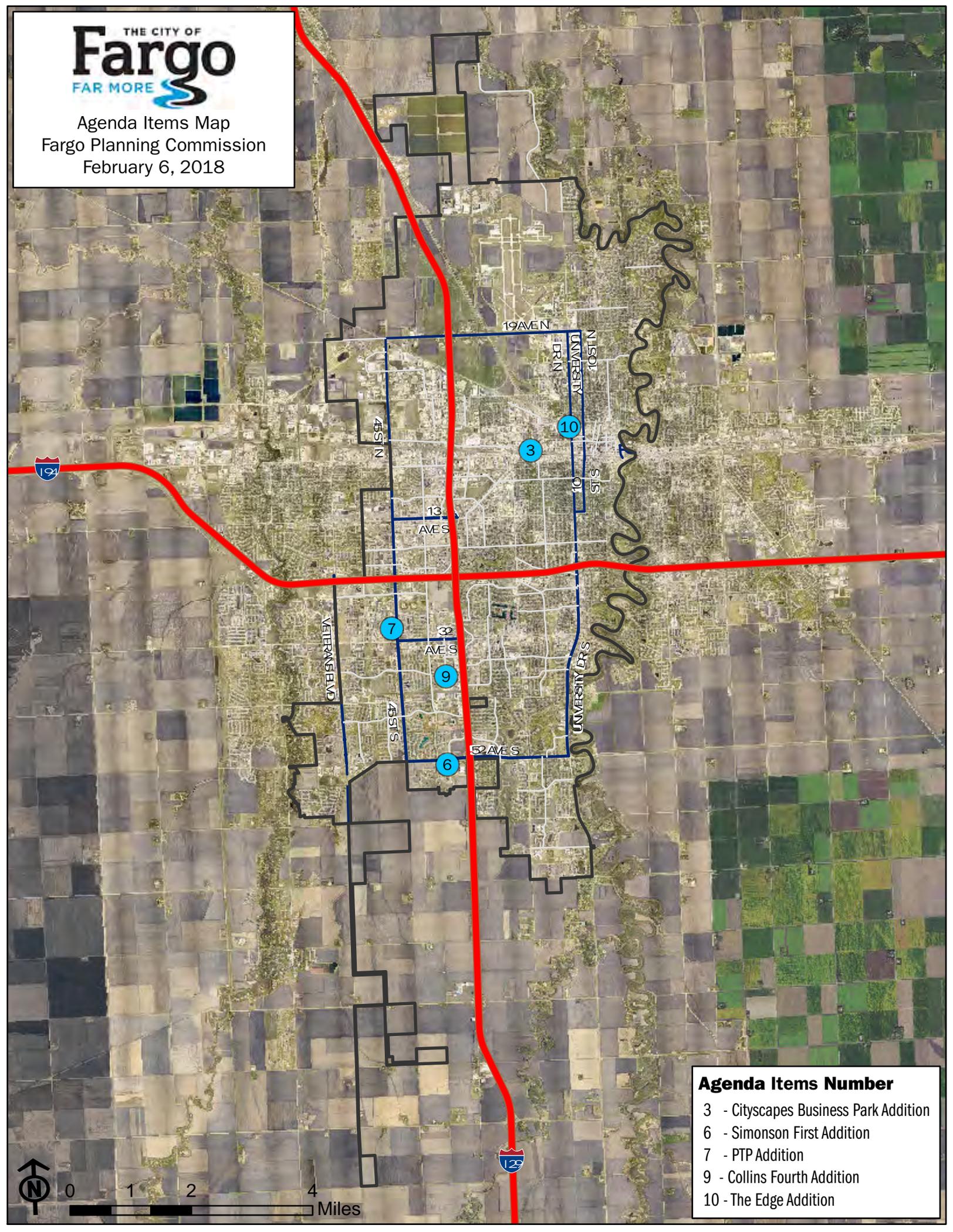
- 1) A fixed parking ratio of 1 space per each 350 square feet shall apply for all medical office and health care facility uses on site.
- 2) All proposals for development shall have storm water plans approved by the Engineering Department before a building permit is issued.
- 3) The Conditional Use Permit shall cease if the land use changes and is no longer a medical office or health care facility use.

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

Item E: Other Items:

Chair Fischer introduced and welcomed new Planning Commissioner Maranda Tasa to the Board.

The time at adjournment was 3:35 p.m.



- Agenda Items Number**
- 3 - Cityscapes Business Park Addition
 - 6 - Simonson First Addition
 - 7 - PTP Addition
 - 9 - Collins Fourth Addition
 - 10 - The Edge Addition



City of Fargo Staff Report			
Title:	Cityscapes Business Park	Date: Updated:	11/1/2017 11/29/2017 2/1/2018
Location:	1910, 1968, and 2068 1st Avenue North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W		
Owner(s)/Applicant:	Bullinger Enterprises/ Rick Flacksbarth	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W and Subdivision Waiver for drain setback on Lot 1, Block 1 of the proposed plat)		
Status:	Planning Commission Public Hearing: February 6, 2018		

Existing	Proposed
Land Use: Former Cretex concrete facility; now warehouse and outdoor storage	Land Use: Business park
Zoning: LI, Limited Industrial	Zoning: No change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.	Uses Allowed: No change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No change

Proposal:

Project History Note: This project was continued from the November 7 and December 4, 2017 and January 4, 2018 Planning Commission agendas..

The applicant requests a minor subdivision, entitled **Cityscapes Business Park Addition** which is a replat of Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W into a one lot, one block subdivision. The applicant also requests a Subdivision Waiver to waive the requirements of the drain setback and dedication from the legal drain that crosses the property and reduce the setback from 175 feet on either side of the drain centerline to 20 feet on

either side of the drain centerline (40' total width). This is in reference to Section 20-0610 of the LDC (referenced below). **The city engineer has determined that the 40 foot setback from the centerline of the drain (80' total) is the minimum necessary for future maintenance of the pipes in this underground drain.**

A site plan depicting possible development of this property is attached in order to understand how the legal drain relates to the proposed development.

The property is zoned LI, Limited Industrial. No zone change is proposed.

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 1st Avenue North, LI, Limited Industrial and GC, General Commercial, with warehouse and office uses
- East: LI, Limited Industrial and GC, General Commercial, with warehouse and vacant land uses
- South: GC, General Commercial, with Burlington Northern Santa Fe railroad use.
- West: LI, Limited Industrial with warehouse, light manufacturing, and vacant land uses

Area Plans:

No area plans apply.

Schools and Parks:

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

Neighborhood: The subject property is located within the Madison neighborhood.

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1,000 feet northeast of the subject property and offers the amenities of basketball, grill, multipurpose field, picnic table, playgrounds, and recreational trails.

Pedestrian / Bicycle: An off-road bike facility is located along 1st Avenue North and is a component of the metro area trail system.

Staff Analysis:

ACCESS: The lot will take access from 1st Avenue North, an existing dedicated public street.

PUBLIC WATER AND SEWER: Public water and sewer are available in 1st Avenue North.

SUBDIVISION WAIVER FOR DRAIN SETBACK: Cass County Drain No. 3 passes through the eastern portion of the subject property underground. As this is a legal drain, a 175 foot setback from either side of the centerline of the drain would be required pursuant to Section 20-0610 of the Land Development Code (LDC). The subdivision waiver is for modification of this drain setback requirement; specifically, that the requirement for the 175 foot setback from the centerline of the drain be reduced to a setback of 20 feet on either side of the drain centerline, for a total of 40 feet.

APPLICANT'S AND CITY DISCUSSION ON THE POSITION OF THE REQUIRED DRAIN SETBACK: Based on the applicant's request, the City Engineering department reviewed the need to be able to

access the legal drain. The drain is physically two 72-inch wide pipes approximately 15 feet deep. While the drain is part of the legal storm water requirements and governed by the Southeast Cass Water Resource District, the pipes are within the city limits. Thus, the City of Fargo is required to maintain access and also be prepared to maintain and replace the pipe if needed. As such, the City Engineer reviewed the proposed development and contends that a reduction of the 175' setback is reasonable and has determined that 80' total width is needed for safe and secure access. Upon reviewing the proposed site plan layout, the City Engineering office agrees to be able to modify the alignment of the easement as it relates to the northeast corner of the northern most building in order to accommodate the development as proposed. The applicant contends that even the reduced drain setback of 40 feet on either side of the drain setback impedes his plan to develop the property in certain ways and reduces the value of his property and as such contends that the City should purchase the rights to maintain and access the drain. The applicant is willing to dedicate a total 40-foot wide easement without additional compensation. The applicant also contends that the drain access easement width is not consistent across the city and therefore does not believe the 80-foot total easement width is logical specific to this site.

The attached plat depicts a drain setback of only 20 feet on either side of the drain setback, for a total setback of 40 feet—that is, half of the amount the city engineer determined is necessary for future maintenance of this underground drain. For reference, the site plan is included in the staff report materials. Staff will have additional materials at the public hearing in regards to the detail of the pipes and legal drain.

TITLE INFORMATION:

In the review of the plat and application materials, the title opinion review discovered parcels within the boundary of this proposed plat that are owned by the City of Fargo. In research, it is believed the property came back to the City for unpaid taxes in the 1960's. At some point later, property taxes were paid. The County and City Auditor and Assessor files do not provide clarity in this issue. At the time of writing this report, the City Attorney is coordinating with the County Auditor to learn more about the parcel history. A potential outcome may be a quitclaim deed from City to the current property owner. At the writing of this report however, the title history and confirmation on solution can not be presented and confirmed as part of the staff review.

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

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

The subject property is not located within an area plan. The zoning for the project site is LI, Limited Industrial. This zoning will accommodate the proposed business park 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 received one phone call from the public regarding this property. The caller asked for information and did not oppose the project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that, while the plat otherwise meets the standards of Article 20-06 and other applicable requirements of the Land Development Code, it fails to depict the reduced drain setback requirement of a 40-foot setback on either side of the drain centerline established by the city engineer.

In addition to the drain setback, there is parcel title coordination and research that is still occurring. As referenced above the plat boundary needs to include properties that are owned by the applicant. At the time of this writing, there is a tax parcel within the boundaries of the plat that is owned by the City of Fargo due to delinquent tax payment history. This issue will need to be resolved before the plat can continue to the City Commission hearing and the Engineering final technical review can occur.

(Criteria Not Satisfied)

- 2. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

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

The LDC stipulates that the following criteria are met before a subdivision waiver can be approved:

- 1. Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**

The City Engineer has determined that the 40 foot setback on either side of the drain centerline is sufficient to provide access for maintenance to this underground drain. The City Engineer has directed that there be no utility crossings of the drain setback except at the north and south ends. Paving of parking areas or roadways can be done over the setback area. However, the applicant's plat does not meet the setback distance requirement established by the city engineer, and provides only a 20 foot setback on either side of the drain centerline.

(Criteria Not Satisfied)

- 2. Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

As this is an underground drain, the City Engineer has determined that the 40-foot wide setback on either side of the drain centerline, to provide access for maintenance, is sufficient; the full 175 foot setback on either side of the drain centerline is not necessary in this case. However, the applicant's plat does not meet the setback distance requirement established by the city engineer, and provides only a 20 foot setback on either side of the drain centerline.

(Criteria Not Satisfied)

- 3. Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**

This subdivision waiver applies only to the drain setback requirements of Section 20-0610 of the LDC for this particular property

(Criteria Satisfied)

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend **denial** to the City Commission of the proposed 1) **Cityscapes Business Park Addition** subdivision plat; and 2) Subdivision Waiver for drain setback, as presented, as the proposal plat does not meet all of the required criteria for approval of the plat and subdivision waiver for drain setback as noted above."

Planning Commission Recommendation: February 6, 2018

Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Site plan

Plat (Minor)

Cityscapes Business Park Addition

1910, 1968 & 2068 1st Avenue North



Legend

AG	LC	MHP	SR-2
DMU	MR-1	NO	SR-3
GC	MR-2	P/T	SR-4
GO	MR-3	UML	SR-5
			City Limits

300

Feet

Fargo Planning Commission

November 7, 2017

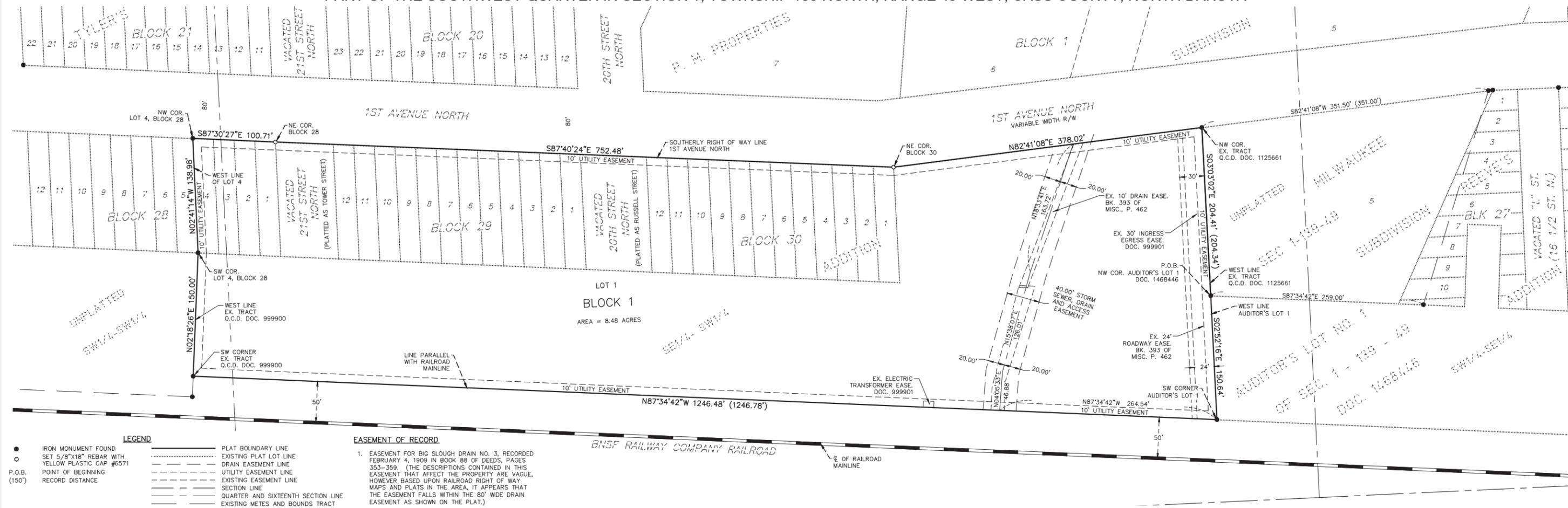
Plat (Minor)

Cityscapes Business Park Addition 1910, 1968 & 2068 1st Avenue North



PLAT OF CITYSCAPES BUSINESS PARK ADDITION (A MINOR SUBDIVISION)

TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA



LEGEND		EASEMENT OF RECORD	
●	IRON MONUMENT FOUND	—	PLAT BOUNDARY LINE
○	SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #6571	—	EXISTING PLAT LOT LINE
P.O.B.	POINT OF BEGINNING (150')	—	DRAIN EASEMENT LINE
	RECORD DISTANCE	—	UTILITY EASEMENT LINE
		—	EXISTING EASEMENT LINE
		—	SECTION LINE
		—	QUARTER AND SIXTEENTH SECTION LINE
		—	EXISTING METES AND BOUNDS TRACT
		1. —	EASEMENT FOR BIG SLOUGH DRAIN NO. 3, RECORDED FEBRUARY 4, 1909 IN BOOK 88 OF DEEDS, PAGES 353-359. (THE DESCRIPTIONS CONTAINED IN THIS EASEMENT THAT AFFECT THE PROPERTY ARE VAGUE, HOWEVER BASED UPON RAILROAD RIGHT OF WAY MAPS AND PLATS IN THE AREA, IT APPEARS THAT THE EASEMENT FALLS WITHIN THE 80' WIDE DRAIN EASEMENT AS SHOWN ON THE PLAT.)

CERTIFICATE
STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "CITYSCAPES BUSINESS PARK ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOTS 1, 2, 3 AND 4 IN BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS, ALL IN TYLER'S ADDITION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA AND THAT PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS:
BEGINNING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE NORTHWEST CORNER OF AUDITOR'S LOT NO. 1 OF THE SOUTH HALF OF SAID SECTION 1, ACCORDING TO DOCUMENT NO. 1468446, RECORDED JANUARY 20, 2016, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 02 DEGREES 52 MINUTES 16 SECONDS EAST ON A RECORD BEARING ALONG THE WEST LINE OF SAID AUDITOR'S LOT NO. 1 FOR A DISTANCE OF 150.64 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF SAID AUDITOR'S LOT NO. 1, ALSO BEING A POINT ON A LINE WHICH IS 50.00 FEET NORTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH, THE CENTERLINE OF THE MAINLINE OF THE BNSF RAILWAY COMPANY'S RAILROAD; THENCE NORTH 87 DEGREES 34 MINUTES 42 SECONDS WEST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 1246.48 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO. 999900, RECORDED NOVEMBER 29, 2001, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE NORTH 02 DEGREES 18 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 150.00 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 28, SAID TYLER'S ADDITION; THENCE NORTH 02 DEGREES 41 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 FOR A DISTANCE OF 138.98 FEET TO A FOUND IRON MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 4, ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 1ST AVENUE NORTH; THENCE SOUTH 87 DEGREES 30 MINUTES 27 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF SAID BLOCK 28 FOR A DISTANCE OF 100.71 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF SAID BLOCK 28; THENCE SOUTH 87 DEGREES 40 MINUTES 24 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF BLOCKS 29 AND 30 IN SAID TYLER'S ADDITION FOR A DISTANCE OF 752.48 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF SAID BLOCK 30; THENCE NORTH 82 DEGREES 41 MINUTES 08 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 378.02 FEET TO A FOUND IRON MONUMENT AT THE NORTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO. 1125661, RECORDED DECEMBER 28, 2004, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 03 DEGREES 03 MINUTES 02 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 204.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 8.48 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571
STATE OF NORTH DAKOTA
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

FARGO PLANNING COMMISSION APPROVAL
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.

SHARA FISCHER, CHAIR
STATE OF NORTH DAKOTA
COUNTY OF CASS
ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.

TIMOTHY J. MAHONEY, MAYOR
STEVEN SPRAGUE, CITY AUDITOR
STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION
WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "CITYSCAPES BUSINESS PARK ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY EASEMENTS AND DRAIN EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: BULLINGER ENTERPRISES, L.L.P.
BY: _____
TITLE: _____
STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF BULLINGER ENTERPRISES, L.L.P.

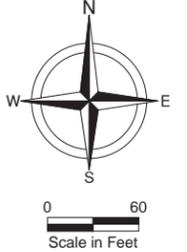
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.

MARK H. BITTNER, CITY ENGINEER
STATE OF NORTH DAKOTA
COUNTY OF CASS

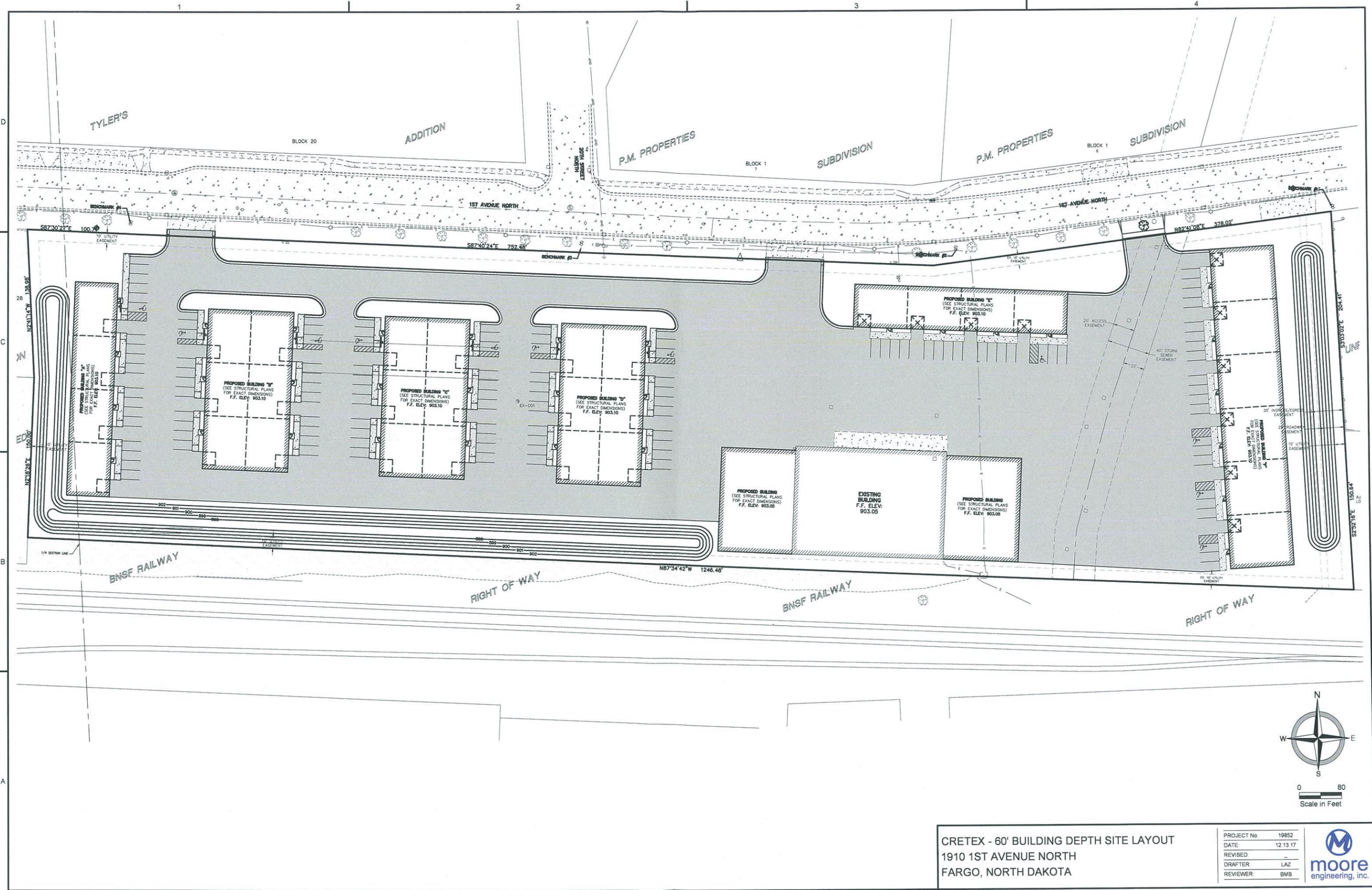
ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK H. BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
THE WEST LINE OF AUDITOR'S LOT NO. 1 OF THE S1/2 OF SECTION 1-139-49 HAS A RECORD BEARING OF S02°52'16"E, ACCORDING TO DOCUMENT NO. 1468446, ON FILE AND OF RECORD IN THE OFFICE OF THE CASS COUNTY RECORDER.

FILE LOCATION: P:\Civil 3D\Projects\19852\DRAWINGS\DESIGN\19852_SITE.dwg



CRETEX - 60' BUILDING DEPTH SITE LAYOUT
 1910 1ST AVENUE NORTH
 FARGO, NORTH DAKOTA

PROJECT No.	19852
DATE	12.13.17
REVISED	
DRAFTER	LAZ
REVIEWER	BMB



From Rick Flacksbarth 21 Dec 17

City of Fargo Staff Report			
Title:	Simonson First Addition	Date:	1/31/18
Location:	3825 53rd Avenue South	Staff Contact:	Barrett Voigt
Legal Description:	Lot 2, Block 1, The District of Fargo Addition		
Owner(s)/Applicant:	Arch Simonson/Lowry Engineering	Engineer:	Lowry Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lot 2, Block 1, The District of Fargo Addition, to the City of Fargo, Cass County, North Dakota) and Zoning Change (To repeal and re-establish a C-O, Conditional Overlay, Lots 1 and 2, Block 1, of the proposed Simonson Addition)		
Status:	Planning Commission Public Hearing: February 6, 2018		

Existing
Land Use: Vacant Land
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay (4634)
Uses Allowed: 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
Maximum Lot Coverage Allowed: 55% building coverage

Proposed
Land Use: Retail, Sales, and Service
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay
Uses Allowed: No Change
Maximum Lot Coverage Allowed: No Change

Proposal:
The applicant is seeking approval of a minor subdivision, entitled Simonson First Addition , and a zoning map amendment to repeal the existing C-O, Conditional Overlay and re-establish a new C-O, Conditional Overlay on the subject property.

Simonson First Addition is a replat of Lot 2, Block 1, The District of Fargo Addition. The subject property is located at 3825 53rd Avenue South and encompasses approximately 3.28 acres. The applicant is proposing a two (2) Lot, one (1) Block minor subdivision to accommodate for two (2) future developments.

The applicant is seeking approval of a zoning change to repeal the existing C-O, Conditional Overlay and re-establish a new C-O, Conditional Overlay on the subject property. A draft of the new C-O utilizes the existing language of C-O ordinance number 4634, however text edits are proposed. For a summary of the changes proposed, please see the summary table below.

PROPOSED CONDITIONAL OVERLAY TEXT MODIFICATION SUMMARY

1. Remove landscape requirements that are not possible to evaluate or already found in LDC
2. Remove all sign requirements, except for prohibited signs
3. Modify 20% parking maximum requirement
4. Remove foot candle requirements for gas station canopy

Summary Table

The applicant proposes text edits to modify the C-O so that it is similar to the language of the zoning change C-O modification that was made across the street at 3751 53rd Avenue South, The District of Fargo 3rd Addition. In addition, the applicant also proposes additional modifications to the C-O language to remove landscape requirements, sign requirements, the 20% parking maximum requirement, and the gas station canopy foot candle illumination requirements. The applicant had the following reasons for the proposed changes:

- The applicant states that the landscape requirements in the C-O are similar to the landscape requirements of the Land Development Code (LDC) and that the removal of the requirements would make the building permit process less cumbersome in the future.
- The applicant stated that the sign requirements of the C-O are not necessary because of the existence of the City of Fargo Sign Code and that the removal of the requirements would simplify the building permit process as well.
- The applicant wishes to remove the 20% parking maximum requirement because future development plans would provide more than 20% of the parking maximum.
- Lastly, the applicant requested modifications to the gas station canopy foot candle illumination requirements for beneficial reasons recommended by their consultant.

In response to the request of the applicant to make the C-O modifications, staff wanted to preserve the original intent of the C-O and proposed the following C-O modifications:

- Landscape requirements that are found in the LDC or impossible to evaluate during the building permit review process were eliminated.
- Sign requirements would be removed, however prohibited signs would remain. In addition,

modifications were made to the prohibited sign language text. Signs already prohibited by the City of Fargo Sign Code were removed, temporary signs were added, a 60-foot pylon sign was not granted for this site as it was for The District of Fargo 3rd Addition, and new language modifications were proposed for Electronic Messaging Centers. Staff verified that the proposed site did not have the same grade challenges as The District of Fargo 3rd Addition and did not see the need for a 60-foot pylon sign as necessary for the site.

- The 20% parking maximum requirement language was modified so that each additional 5% increase in parking would require a 5% increase in additional plant units. This modification would allow the applicant to increase parking without going through a formal application process for a Conditional Use Permit.
- The gas station foot candle illumination requirement is proposed to be deleted because staff verified that there was no way to evaluate this requirement during the building permit review process.

Staff has notified the applicant of the proposed text edits, the applicant has reviewed the edits, and has agreed to the proposed changes.

For more information about the text edits proposed, please find a copy of the draft Conditional Overlay document attached with the staff report.

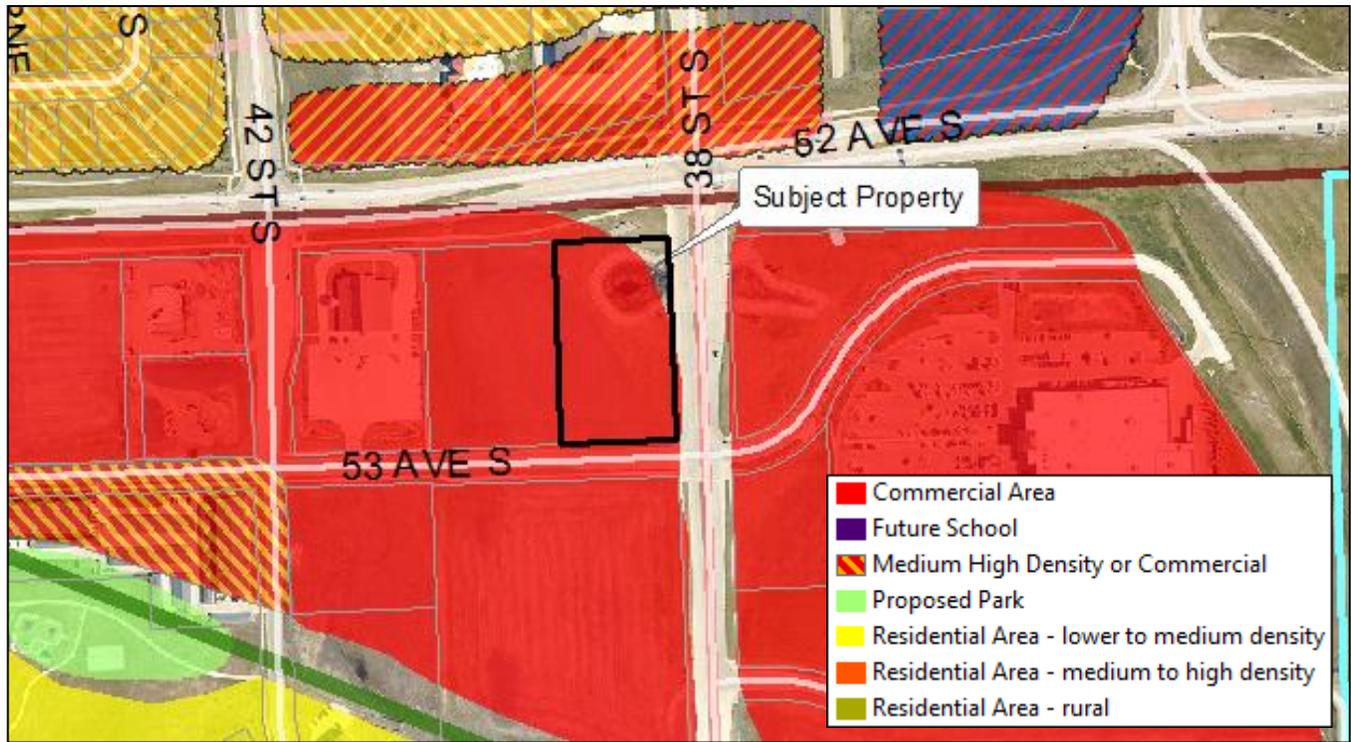
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 52nd Avenue South; GC, General Commercial with financial services use
- East: Across 38th Street South; LC, Limited Commercial with anticipated retail, sales, and service use
- South: Across 53rd Street South; LC, Limited Commercial with vacant land use
- West: LC, Limited Commercial with vacant land use

Area Plans:

The 2007 Tier 1 Southwest Land Use Plan designates the area of this project as "Commercial Area."



Schools and Parks:

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

Neighborhood: The subject property is located in The District Neighborhood.

Parks: The Pines Park (5371 42nd Street S) is located less than a quarter (.25) mile southwest of the subject property and offers the amenities of baseball/softball field, playground, recreational trails, and a shelter.

Pedestrian / Bicycle: There are off-road bike facilities located along 52nd Avenue South that are a component of the metro area bikeway 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. The requested zoning change resulted from a change in conditions with new ownership of the property.

(Criteria Satisfied)

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

City staff and other applicable review agencies have reviewed the 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 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 that the text edits will maintain the intent of the zoning overlay to promote quality new development.

In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received one phone call inquiry. 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. The proposed edits will improve the implementation of the overlay and maintain the intent of the language to promote quality development.

(Criteria Satisfied)

Minor Subdivision

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

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

The subdivision is intended to replat Lot 2, Block 1, The District of Fargo Addition into two Lots

and one Block to accommodate future 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 received one phone call inquiry. 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 allocated by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Subdivision Plat, **Simonson First Addition**, and 2) Zoning Change to repeal and re-establish a C-O, Conditional Overlay, Lots 1 and 2, Block 1, of the proposed Simonson Addition as outlined within the staff report, as the proposal complies with the adopted Area Plan, Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4), Standards of Article 20-06, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: February 6, 2018

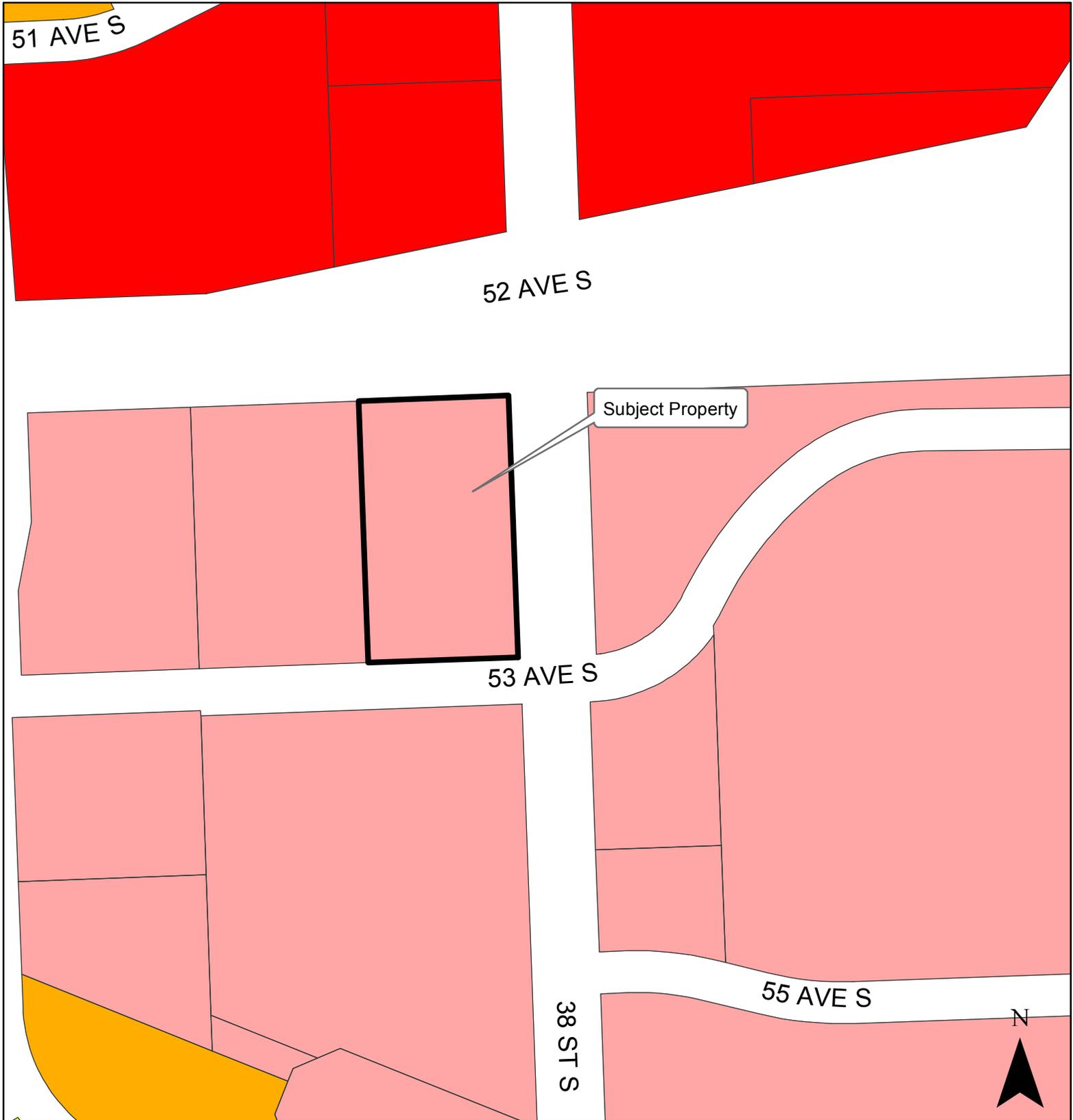
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft Conditional Overlay Document

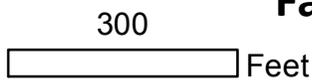
Plat (Minor) and Zone Change

Simonson First Addition

3825 53rd Avenue South



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



Fargo Planning Commission
February 6, 2018

Plat (Minor) and Zone Change

Simonson First Addition

3825 53rd Avenue South



A MINOR SUBDIVISION PLAT OF
SIMONSON FIRST ADDITION
 A REPLAT OF LOT 2, BLOCK 1, THE DISTRICT OF FARGO ADDITION
 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT SIMONSON COMPANIES, LLC ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF SIMONSON FIRST ADDITION, A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN CASS COUNTY, NORTH DAKOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A REPLAT OF LOT 2, BLOCK 1 OF THE DISTRICT OF FARGO ADDITION.
 SAID TRACT OF LAND CONTAINS 3.28 ACRES, MORE OR LESS, TOGETHER WITH EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED AND REPLATTED AS SIMONSON FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

SIMONSON COMPANIES, LLC

SIMONSON COMPANIES, LLC
 BY: ARCH R. SIMONSON
 ITS: PRESIDENT

STATE OF NORTH DAKOTA)
)ss
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ARCH R. SIMONSON, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS SIMONSON FIRST ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2018.

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

STATE OF _____)
)ss
 COUNTY OF _____)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

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

CITY OF FARGO ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED ON THIS _____ DAY OF _____, 2018.

MARK H. BITTNER
 CITY ENGINEER

STATE OF NORTH DAKOTA)
)ss
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: MARK H. BITTNER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

CITY OF FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

SHARA FISCHER, CHAIR
 FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA)
)ss
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: SHARA FISCHER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS THIS _____ DAY OF _____, 2018.

TIMOTHY J. MAHONEY
 MAYOR

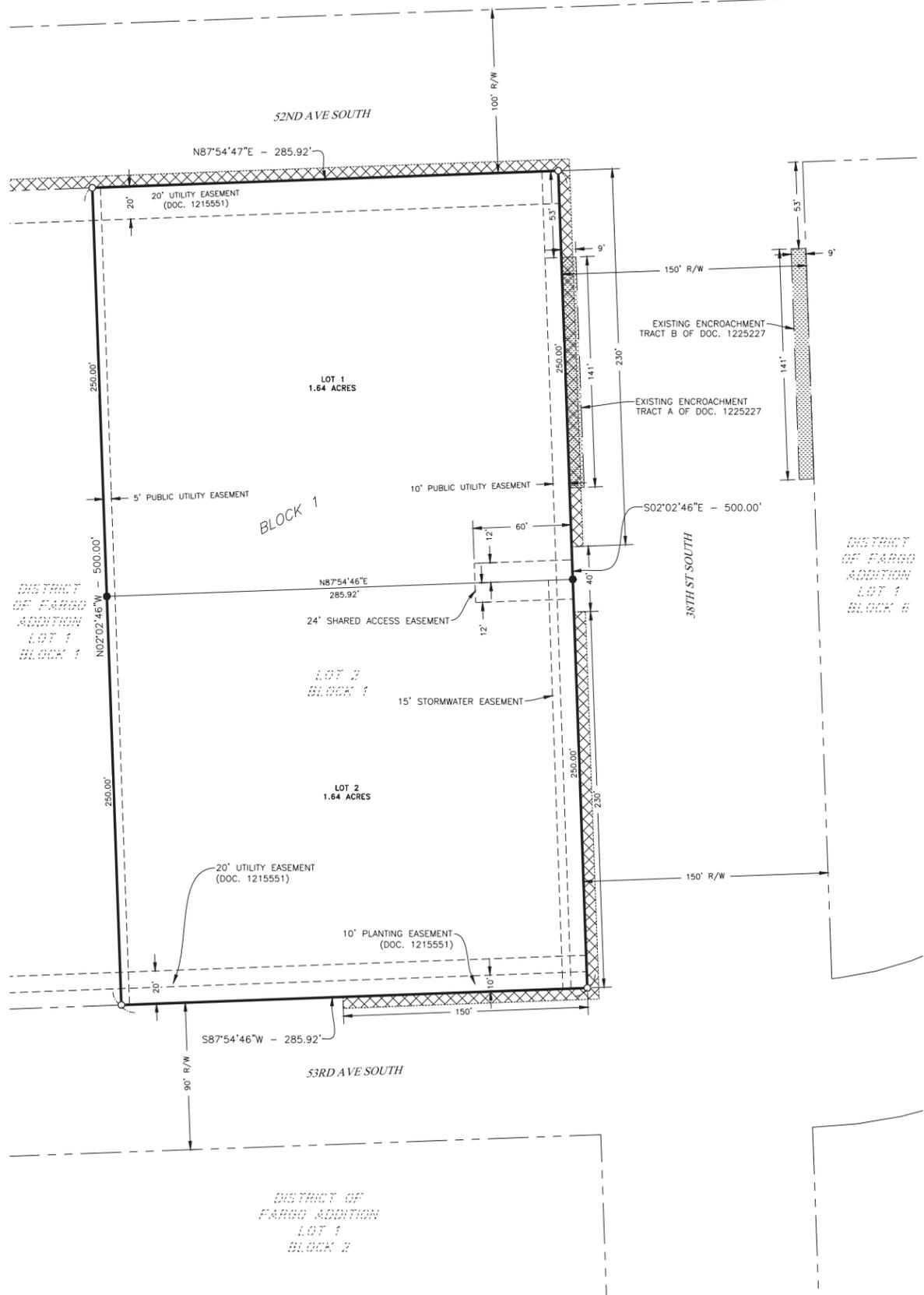
STEVE SPRAGUE
 CITY AUDITOR

STATE OF NORTH DAKOTA)
)ss
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

A NEGATIVE ACCESS EASEMENT IS AN EASEMENT WHICH DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY; THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

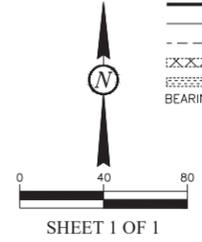


DISTRICT OF FARGO
 ADDITION
 LOT 1
 BLOCK 1

DISTRICT OF FARGO
 ADDITION
 LOT 2
 BLOCK 2

LEGEND

- MONUMENT SET
 - MONUMENT FOUND
 - P.O.B. POINT OF BEGINNING
 - R/W RIGHT OF WAY
 - - - - - EX. EASEMENT
 - - - - - EX. PROPERTY LINE
 - - - - - SECTION LINE
 - PROPERTY BOUNDARY LINE
 - NEW ROW/PROPERTY LINE
 - - - - - NEW EASEMENT
 - XXXXXX NEGATIVE ACCESS EASEMENT
 - XXXXXX EXISTING ENCROACHMENT
- BEARING SHOWN BASED ON PLAT OF THE DISTRICT OF FARGO.



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

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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4634

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

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

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

9 WHEREAS, the rezoning changes were approved by the City Commission on September
10 24, 2007,

11 NOW, THEREFORE,

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

13 Section 1. The following described property:

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

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

19 Section 2. The following described property:

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

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

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ORDINANCE NO. 4634

1 **Conflicting Provisions**

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

5 **Definitions**

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

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

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

13 ~~**Village Buildings:** Village buildings are situated in the Village area of the project. They
14 are thematically connected with plazas, hardscape, design, and common outdoor seating
15 areas. Village buildings are defined as individual buildings or tenants typically greater than
16 6,000 SF and less than 8,000 SF.~~

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

20 **Architectural Design**

21 **Building Exterior Materials**

22 Approved Materials:

- 23
- Natural stone
 - Synthetic stone products (bottom of stone 6" above grade minimum) Village Shops only
 - Integrally colored ground face or split face concrete block
 - Brick Masonry (clay fired or concrete cured)
 - Wood
 - EIFS (~~above 6'-0" above grade~~)
 - Accent architectural metal panel (not to exceed 5% of building elevation)

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

Prohibited Materials and Treatments:

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

Architectural Features

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

Roof Top Screening

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

Truck Docks/Trash Enclosures

3

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

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

Building Entrances

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

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

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

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

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

Major Building:	45'-0"/35'-0"
Sub- Major Building:	42'-0"/30'-0"
In-Line Shop Building:	NA/24'-0" w/ Architectural Tower not to exceed 35'-0"
Village Building:	30'-0"/24'-0" w/ Architectural Tower not to exceed 40'-0"
Pad Site Building:	26'-0"/20'-0"

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

5 **Building Elevations**

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

- 8 • Change in plane at change of material
- 9 • Change in color, texture or material
- 10 • Windows
- 11 • Trellises, awnings or canopies
- 12 • Cast stone detailing in horizontal bands
- 13 • Raised planters
- 14 • Pilasters or over framed elements
- 15 • Brick type material (20% of elevation)

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

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

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

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

Specific Convenience Store and Gas Station Standards

Canopies shall not exceed twenty four (24) feet in height

~~The maximum illumination at grade under the canopy shall not exceed twenty (20) foot candles.~~

The minimum distance between parallel fuel pump islands shall be twenty-five (25) feet.

~~The minimum distance from the outside edge of the fuel pump island and a required drive lane shall be no less than twelve (12) feet.~~

~~The minimum distance from the end of a fuel pump island and a required drive land shall be no less than fifteen (15) feet.~~

Signage Design

Sign Area

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

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

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

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

~~Sign Type Descriptions~~

The Master plan Project signage includes the following:

~~Tenant Highway Monument/Pylon Sign (Sign Type A):~~

~~Signs are located along I-29. Monuments are allowed for Major tenants 1, 2, Maximum height is 34'-2".~~

~~Single Tenant Monument (Sign Type B):~~

~~Signs are located at interior access points. Maximum height 6'-9".~~

~~Project Identity/City Gateway Monument (Sign Type C):~~

~~Sign is placed on the islands located inside the ponds at the intersection of 38th Street and 52nd Avenue.~~

~~Entry Tower Multi Tenant Monument (Sign Type D):~~

~~Tower is located at the site entry along 38th Street. Stores under 80,000 SF are permitted (1) one 2'-1" x 10'-8" panel each side. Stores over 80,000 SF are permitted (1) one 4'-2" x 10'-8" panel each side. Maximum height 45'-0".~~

~~Prohibited Signage~~

~~Animated Sign: A sign having an intermittent or continuing variation in the illumination or physical position of any part of the device that does not adhere to the design standards found in "Attachment B." Animated signs that adhere to the design standards of "Attachment B" may not exceed 25 feet in height, must be a monument sign, may not have Electronic Messaging Boards that exceed 50% of the sign face, and must meet all of the other requirements of the City of Fargo Sign Code.~~

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1 ~~Animated Sign: means a sign having an intermittent or continuing variation in the~~
2 ~~illumination or physical position of any part of the device, except variations required for~~
3 ~~displaying time or temperature information.~~

4 ~~Awning sign means a sign attached to an awning.~~

5 **Billboards:** means a sign advertising products not made, sold, used or served on the
6 premises displaying the sign or that conveys an informational or ideological message.

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

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

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

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

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

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

20 **Exterior Window Sign:** means a sign, painted or applied to the interior/exterior, that
21 occupies more than 50% of the surface area of a window or door of a tenant.

22 **Temporary Sign:** Any sign for temporary use supported by or affixed to a utility, light, or sign
23 pole.

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Sign Requirements

Wall Signs

Sign Criteria	
Maximum Sign Area	Major and Sub-Major Tenants: <ul style="list-style-type: none">• 90 square feet or 17.5% of the square footage of the largest elevation of a single user building on a zone lot or the end cap of a Sub Major bar, whichever is greater shall be used to determine the maximum sign area.• The maximum percentage on any one face is not to exceed 8% of the largest elevation• If the building is a joint use building with 2 elevations available for signage, 60 square feet or 12% of the square footage of the largest leased exterior wall of a leased space shall be used to determine the maximum sign area.
Maximum Number of Signs:	No limit
Maximum Height:	Determined by the wall the sign is attached to
Illumination:	Only concealed illumination
Special Requirements:	

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Sign Criteria	
Maximum Sign Area	<p>Village and In-Line Shop Tenants:</p> <ul style="list-style-type: none"> • 6% of the square footage of the front building elevation of a single tenant of a Village shop or In-Line shop shall be used to determine the maximum sign area for the front of the building. Maximum sign height is 2'-0" • 5% of the square footage of the rear building elevation of a single tenant of a Village shop or In-Line shop shall be used to determine the maximum sign area for the rear of the shop. Maximum sign height is 2'-0" <p>3% of the square footage of the side building elevation of a single tenant end cap of a Village shop or In-Line shop shall be used to determine the maximum sign area for the exposed side of the shop. Maximum sign height is 2'-0"</p>
Maximum Number of Signs:	No limit
Maximum Height:	Determined by the wall the sign is attached to
Illumination:	Only concealed illumination
Special Requirements:	If there are continuous Village or In-Line shops sign faces for the different spaces must be centered in the sign band and have a minimum of 5'-0" separating the signs.

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~~Highway Monument/Pylon Signs~~

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

~~Monument Signs~~

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

~~Canopy Signs (Gas Station)~~

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

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~~Menu Signs~~

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

~~Construction Signs~~

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

~~Future Use Identification Signs~~

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

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Landscape Design

Access and Circulation

1
2 Separate vehicular and pedestrian circulation systems should be provided. An on-site system
3 of pedestrian walkways shall be designed to provide direct access and connections to and
4 between the following:

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

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

23 Provide "mid-block" pedestrian corridors on long blocks.

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

Public Rights-of-Way

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

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

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

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

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

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

- 23 ~~• Street trees planted adjacent to local streets must be a minimum size of 3 1/2 inch~~
24 ~~caliper.~~
- 25 ~~• Street trees planted adjacent to collector streets must be a minimum size of 3 1/2-~~
26 ~~inch caliper.~~
- 27 ~~• Street trees planted adjacent to arterial streets must be a minimum size of 4-inch~~
28 ~~caliper.~~

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

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

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

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

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

Open Area Landscaping

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

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

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

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

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

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

3 **Parking**

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

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

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

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

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

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

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

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

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

Parking Lot Landscaping

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

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

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

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

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

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

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

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

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

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

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

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

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

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Building Perimeter and Pad Site Foundations

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

3 Regularly maintained turf areas are acceptable.

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

7 **Service Area, Loading Dock and Utility Device Screening**

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

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

11 See requirements of Plant Material Standards &Upgrades.

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

14
15
16 **Detention, Retention, Water Quality Ponds and Bio-Swales**

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

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

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

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

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

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

~~**Plant Material Standards & Upgrades**~~

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

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

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

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

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

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

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the Open Space Landscaping requirements of these Standards

~~**Organic and Inorganic Mulches and Landscape Materials**~~

~~The following mulches shall be used as described below:~~

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

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

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

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

Landscape Design Requirements

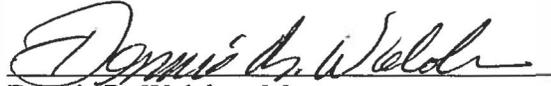
Tree diversity requirements shall be met as follows: 10-19 trees (no more than 50% of any one species), 20 and over trees (no more than 33% of any one species).

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

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FARGO, NORTH DAKOTA

ORDINANCE NO. 4634

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


Dennis R. Walaker, Mayor

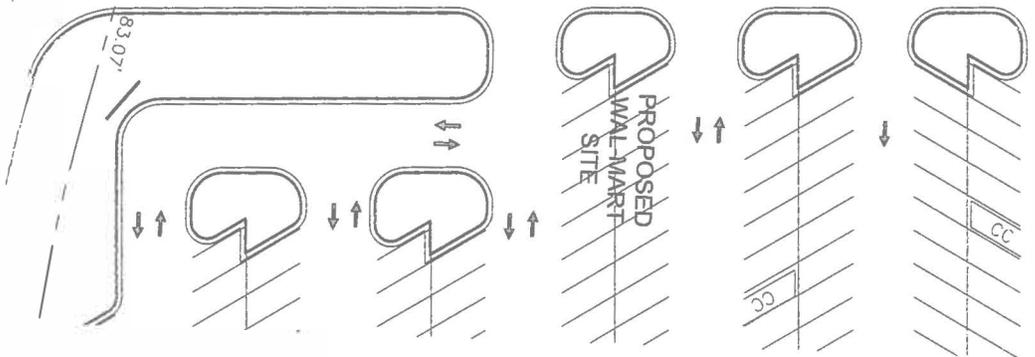
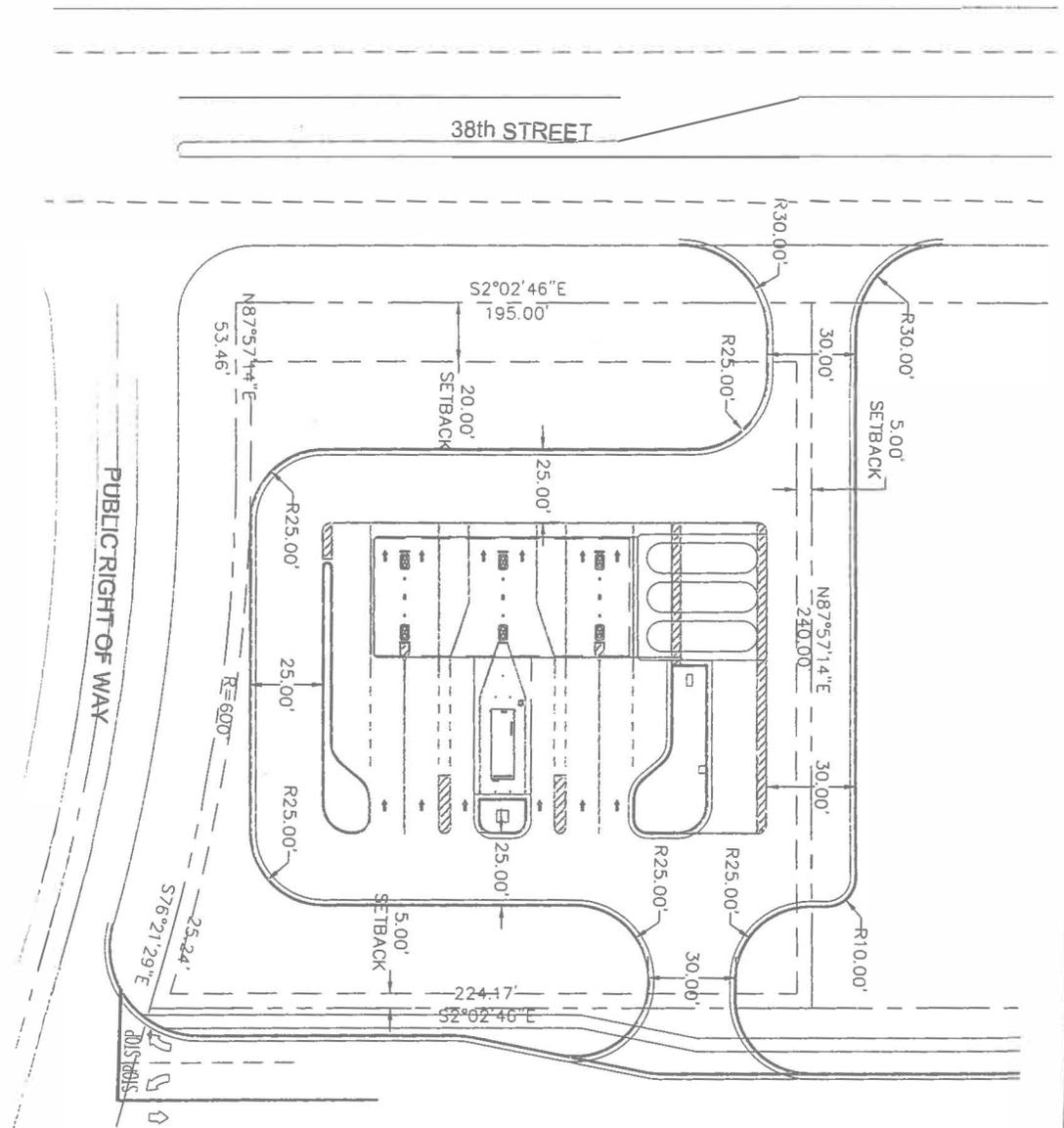
3 (SEAL)

4 Attest:

5 
6 Steven Sprague, City Auditor

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

ATTACHMENT A



DWG: DATE: PROJECT NO: 2006-2046
 USER: cmc/orland
 REF: ggs-jol-base
 REF: ggs-jol-base
 F:\Projects\20062046\LAND\ggs-jol-base.dwg
 Jul 25, 2007 7:54am
 ggs-jol-base
 ggs-jol-base
 ggs-jol-base
 ggs-jol-base

PROJECT NO: 2006-2046
 DRAWN BY: CLM
 DATE: 07/24/2007

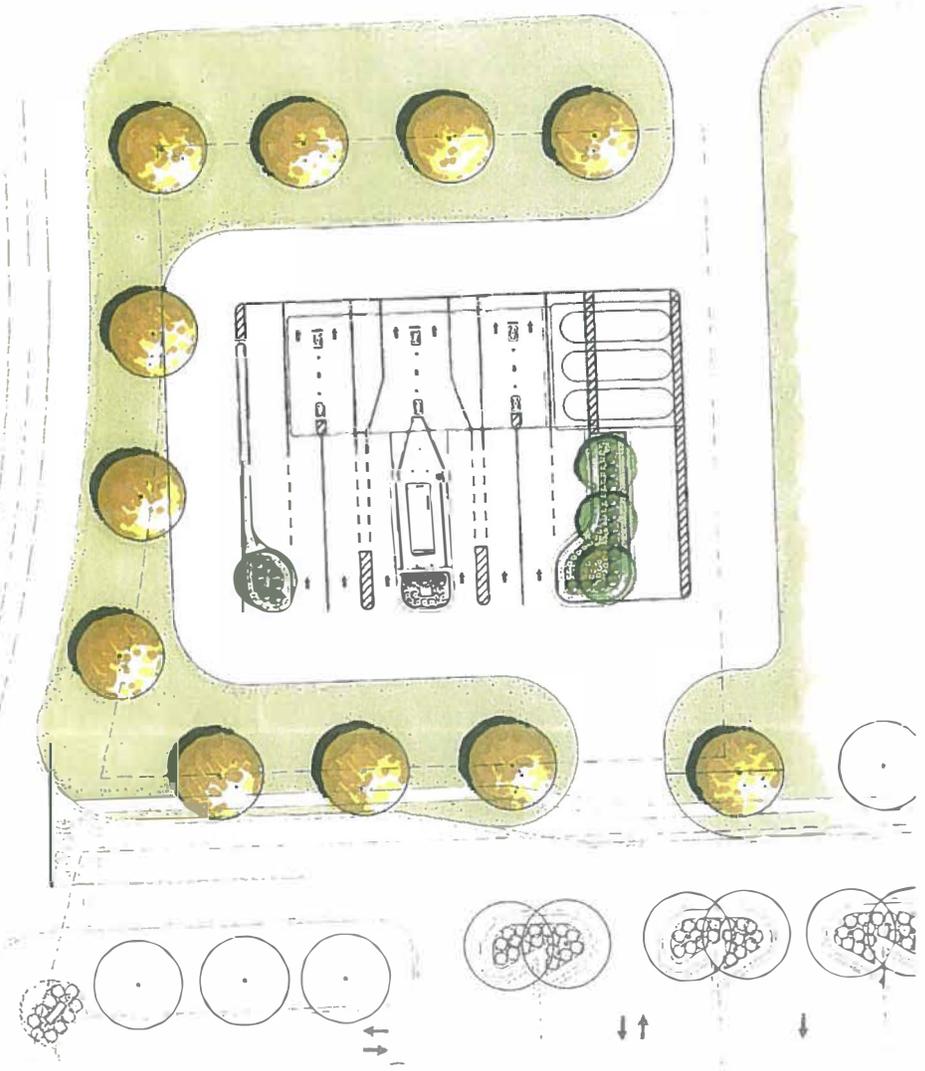
Approved Site Plan 9-24-07
 Lot 1 Block 5

OLSSON
 ASSOCIATES

2120 South 72nd Street
 Suite 1400
 Omaha, NE 68124-6316
 TEL 402.341.1116
 FAX 402.341.5953

EXHIBIT

Approved Site Plan 9-24-07
Lot 1 Block 5



SITE LANDSCAPE PLAN

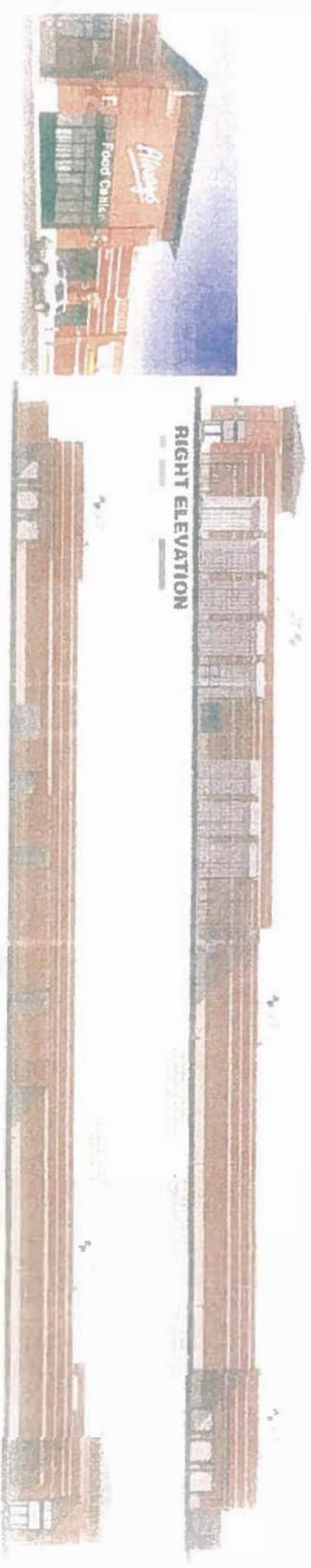
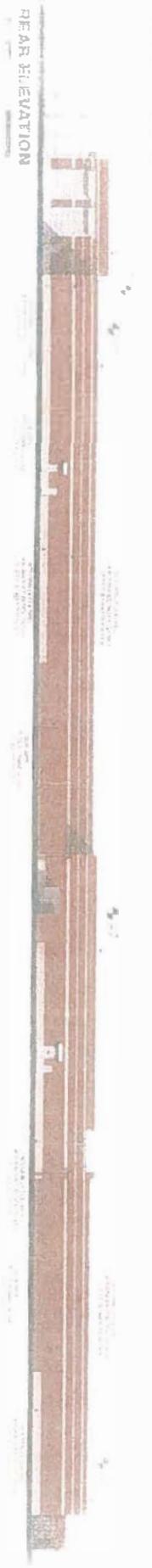
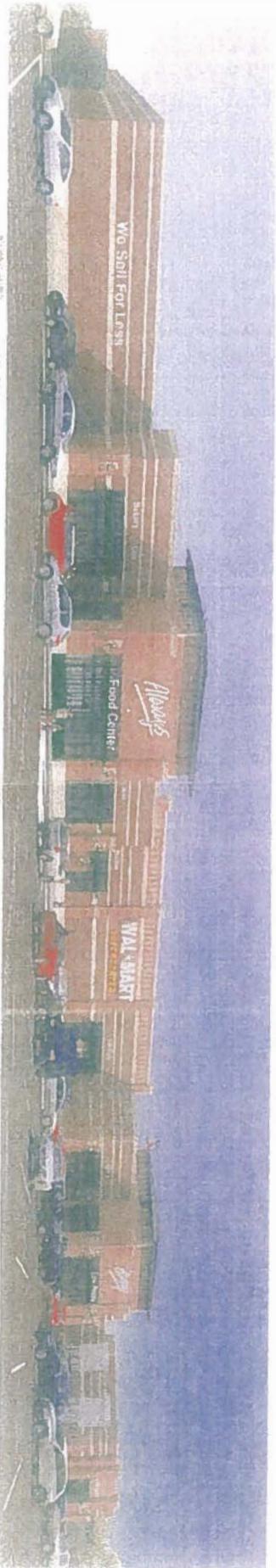
THE DISTRICT AT FARGO WAL-MART GAS STATION

FARGO, NORTH DAKOTA

JULY 2007

OLSSON
ASSOCIATES

ZONE REGULATIONS: CITY OF FARGO
1400 14TH AVENUE, SUITE 200
FARGO, ND 58103
TEL: 701.785.1100
WWW.OLSSONASSOCIATES.COM



BENHAM

WAL-MART

FRONT

City of Fargo Staff Report			
Title:	PTP Addition	Date:	1/31/18
Location:	2856 Brandt Drive South	Staff Contact:	Maegin Elshaug
Legal Description:	Lot 1, Block 1, PTP Addition		
Owner(s)/Applicant:	Franklin and Mary Jo Larson / David Schultz, Shultz + Associates	Engineer:	N/A
Entitlements Requested:	Zoning Change (To repeal and re-establish a C-O, Conditional Overlay, on Lot 1, Block 1, PTP Addition)		
Status:	Planning Commission Public Hearing: February 6, 2018		

Existing
Land Use: Vacant Land Use
Zoning: LC, Limited Commercial with a C-O, Conditional Overlay
Uses Allowed: LC 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
Maximum Lot Coverage Allowed: 55% Maximum

Proposed
Land Use: Medical Office
Zoning: LC, Limited Commercial with a C-O, Conditional Overlay
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.
Maximum Lot Coverage Allowed: No change

Proposal:
<p>The applicant is seeking approval of a zoning map amendment in order to repeal the existing C-O, Conditional Overlay (Ordinance 4978) and reestablish a new C-O, Conditional Overlay on the subject property. The proposed C-O would effectively result in two modifications to the existing C-O:</p> <p>Part A) Section 2.6 is proposed to be modified as follows:</p> <p style="margin-left: 40px;"><i>2.6 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade <u>facing public right-of-way and private driveways, and 25 percent for all other building facades.</u></i></p> <p>And Part A) Section 3.1 is proposed to be removed in its entirety:</p> <p style="margin-left: 40px;"><i>3.1 Parking shall be located in the side yard or rear yard of the buildings so as not to be located between the building and the street right of way.</i></p>

It is staff's understanding that the modifications to the Conditional Overlay proposed by the applicant are intended to allow greater flexibility of design for future development. It should be noted that this property has one right-of-way touch, on the north side, which is Brandt Drive South. The east and west sides of the property are private driveways.

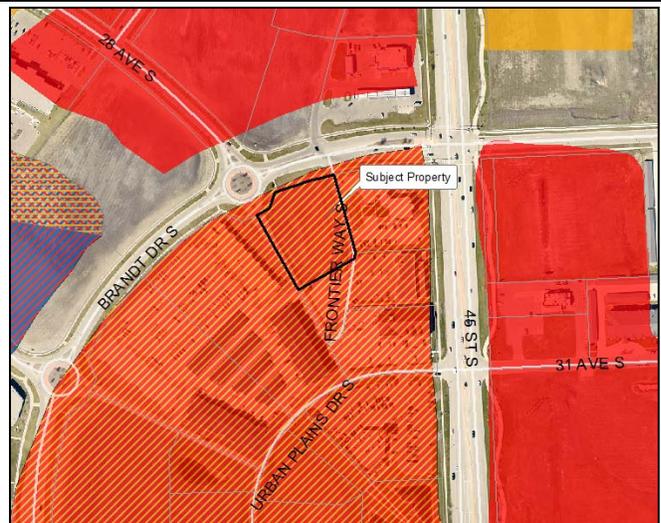
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across Brandt Drive South; LC, Limited Commercial with C-O, Conditional Overlay, vacant property;
- East: LC, Limited Commercial with C-O, Conditional Overlay, with a financial institution use;
- South: LC, Limited Commercial with C-O, Conditional Overlay, with Office use;
- West: LC, Limited Commercial with C-O, Conditional Overlay and CUP, Conditional Use Permit, with Multi-Dwelling Residential use.

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan with the designation of "Commercial or Medium/High Density."



Schools and Parks:

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

Neighborhood: The subject property is located in the Urban Plains Neighborhood.

Parks: Brandt Crossing Park (5009 33rd Avenue South) is located approximately less than one half (.5) miles west of the subject property and provides the amenities of basketball, dog park, playground, recreational trails, and shelter.

Pedestrian / Bicycle: Off-road bike facilities run along Brandt Drive South and is a component of the metro area trail system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regard to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established, as the applicant would like to allow for greater flexibility in design. **(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 is 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 regarding the proposed overlay zoning change. 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 hereby recommend approval to the City Commission of the proposed Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lot 1, Block 1, PTP 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 6, 2018

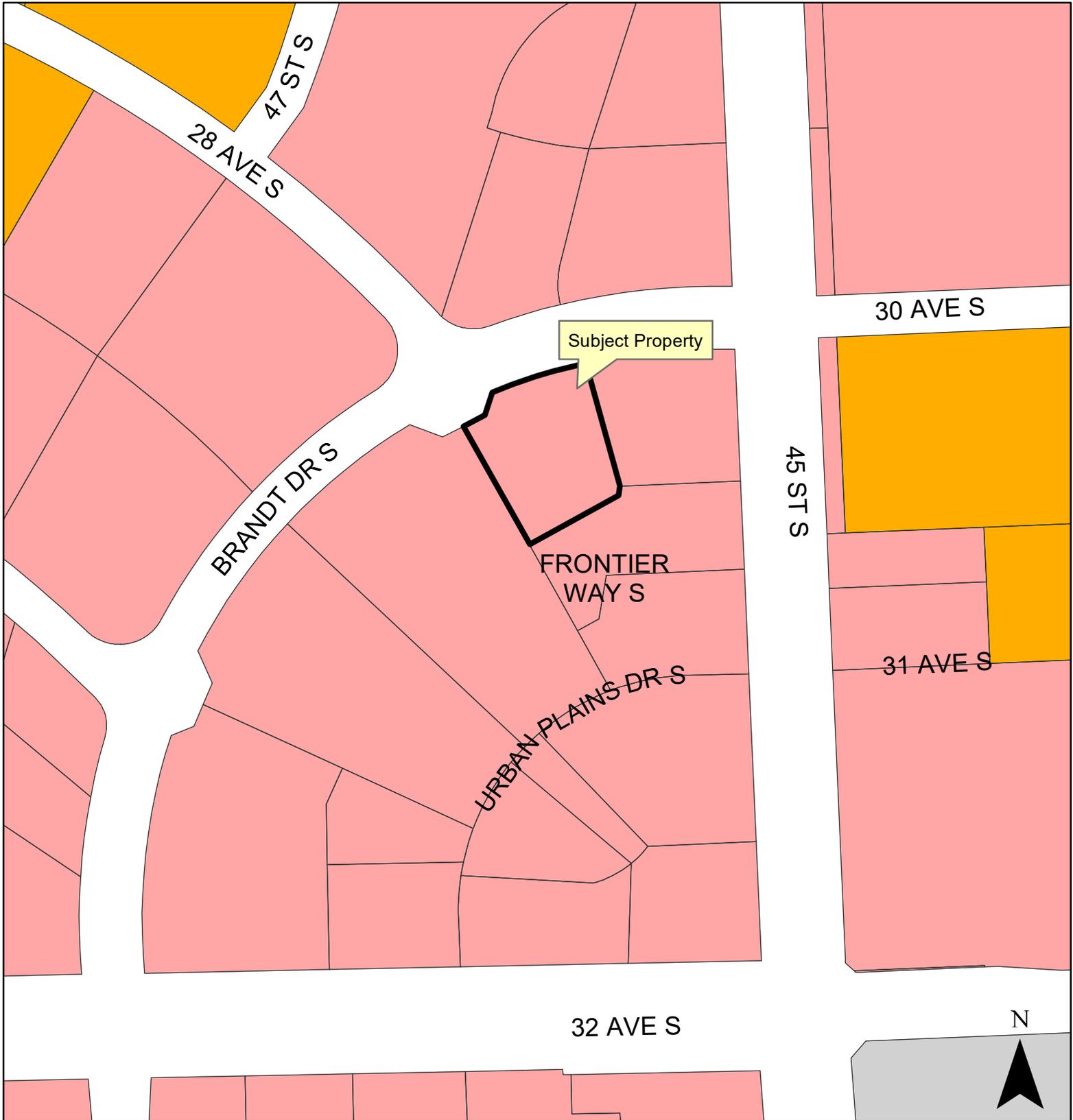
Attachments:

1. Zoning Map
2. Location Map
3. Conditional Overlay Draft
4. Materials submitted by Applicant

Zone Change (Repeal & Reestablish C-O)

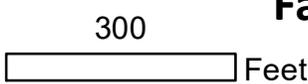
PTP Addition

2856 Brandt Drive South



Legend

AG	DMU	GL	GO	LC	MLR-1	MR-2	MR-3	MHP	NC	NO	PT	UML	SSR-2	SSR-3	SSR-4	SSR-5	City Limits



Fargo Planning Commission
February 6, 2018

Zone Change (Repeal & Reestablish C-O)

PTP Addition

2856 Brandt Drive South



Part A): The following requirements apply to all mixed-use and non-residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

- 2.1 Entrances and pedestrian walkway features leading to entrances shall be provided from both the parking areas and the street right-of-way.
- 2.2 All building elevations/façades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.
- 2.3 Ground floor façades of non-residential buildings that face public right-of-way shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of its horizontal length.
- 2.4 All buildings, regardless of size, shall have clearly-defined, highly-visible, public entrances that connect to public spaces, streets, pedestrian paths and plazas with no fewer than two of the following:
 - i. Canopies, awnings or porticos
 - ii. Recesses/projections varying the façade
 - iii. Raised corniced parapets over the door
 - iv. Peaked roof forms
 - v. Arches or arcades
 - vi. Entry courts
 - vii. Raised landscape planters and/or wing walls integrated with the building
- 2.5 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior

insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span.

- 2.6 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade facing public right-of-way and private driveways, and 25 percent for all other building facades.
- 2.7 Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other enclosures. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall.
- 2.8 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.
- 2.9 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

3) Site Design

- ~~3.1 Parking shall be located in the side yard or rear yard of the buildings so as not to be located between the building and the street right of way.~~
- 3.2 A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 3.3 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
 - i. Parking lots or parking structures
 - ii. Any public sidewalk or multi-use path along the perimeter of the lot
 - iii. Entrances of other buildings on the site
 - iv. Any public sidewalk system along the perimeter streets adjacent to the development

- v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator

4) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

4.1 Portable advertising signs

4.2 Detention facilities

4.3 Self-service storage

4.4 Vehicle repair

4.5 Vehicle service, limited

4.6 Industrial uses

4.7 Adult entertainment center

5) Conditional Uses

For the purposes of this Conditional Overlay, the following uses require approval of a Conditional Use Permit in accordance with Section 20-0909 of the LDC:

5.1 Off-premise advertising

6) Definitions

For the purposes of this Conditional Overlay, the following terms shall have the meanings ascribed to them:

6.1 *Façade*: Any exterior side of a building as viewed from a single direction. Said direction is typically perpendicular to the exterior side of the building being viewed.

6.2 *Depth*: A horizontal distance that is perpendicular to a building façade.

6.3 *Elevation*: A horizontal orthographic projection of a building on to a vertical plane, the vertical plane being parallel to one side of the building

Part B): The following requirements apply to all residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no

relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

- 2.1 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Horizontal metal lap siding and vertical metal batten shall be allowed on residential structures but should not exceed 75% of the building elevation.
- 2.2 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.
- 2.3 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

3) Site Design

- 3.1 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
- vi. Parking lots or parking structures
 - vii. Any public sidewalk or multi-use path along the perimeter of the lot
 - viii. Entrances of other buildings on the site
 - ix. Any public sidewalk system along the perimeter streets adjacent to the development
 - x. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator.

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.



SHULTZ+ASSOCIATES
ARCHITECTS

612 1/2 Main Avenue
Fargo, ND 58103

January 24, 2018

Mr. Donald Kress, Senior Planner
City of Fargo, Department Planning and Development
200 North 3rd Street
Fargo, ND 58102

Re: 2856 Brandt Drive
The Facial and Oral Surgery Center
Request for Conditional Overlay Modification

Dear Mr. Kress,

We write to formally request rezoning of the Conditional Overlay for the parcel noted above.

Dr. Michael Noffze is proposing to build a new state-of-the-art facility on the parcel addressed as 2856 Brandt Drive. The facility has a unique architectural design to bring natural light into the interior environment for the comfort and wellbeing of the patients and staff. The resulting exterior architecture benefits from these forms with bold rooflines, clerestory glazing and a variety of materials. Visibility to the front of the building is a strong priority in the design, as well as a separate covered pick-up area for patients following surgical procedures. This results in two distinct the parking areas.

The site at 2856 Brandt Drive is unique with public Rights of Way on three sides of the site, in spite of being less than two acres in size. The Brandt Drive has been designated as the primary public right-of-way, as the other adjacent streets are privately developed rights-of-way. The site's visual orientation is to the northeast corner versus the Brandt Frontage as one arrives on the site off of 45th Street onto Brandt Drive.

The requested changes to the Conditional Overlay from the current C_O are as follows:

1. Increase allowable accent materials up to 25% on facades on elevations that do not face a public right-of-way. (Part A, 2.6)
2. Allow parking in the front of the building – between Brandt Drive and the building entrance. (Part A, 3.1)
 - a. Parking adjacency to the front door is critical for patient access.
 - b. There is strong precedent for omitting this requirement on other C-Os in the subdivision.
 - c. Site/building design that places the parking on a secondary right-of-way impacts the opportunity for future building expansion for additional exam or operating spaces.

Attached please find the following:

1. Illustrations of the proposed site and building configuration.

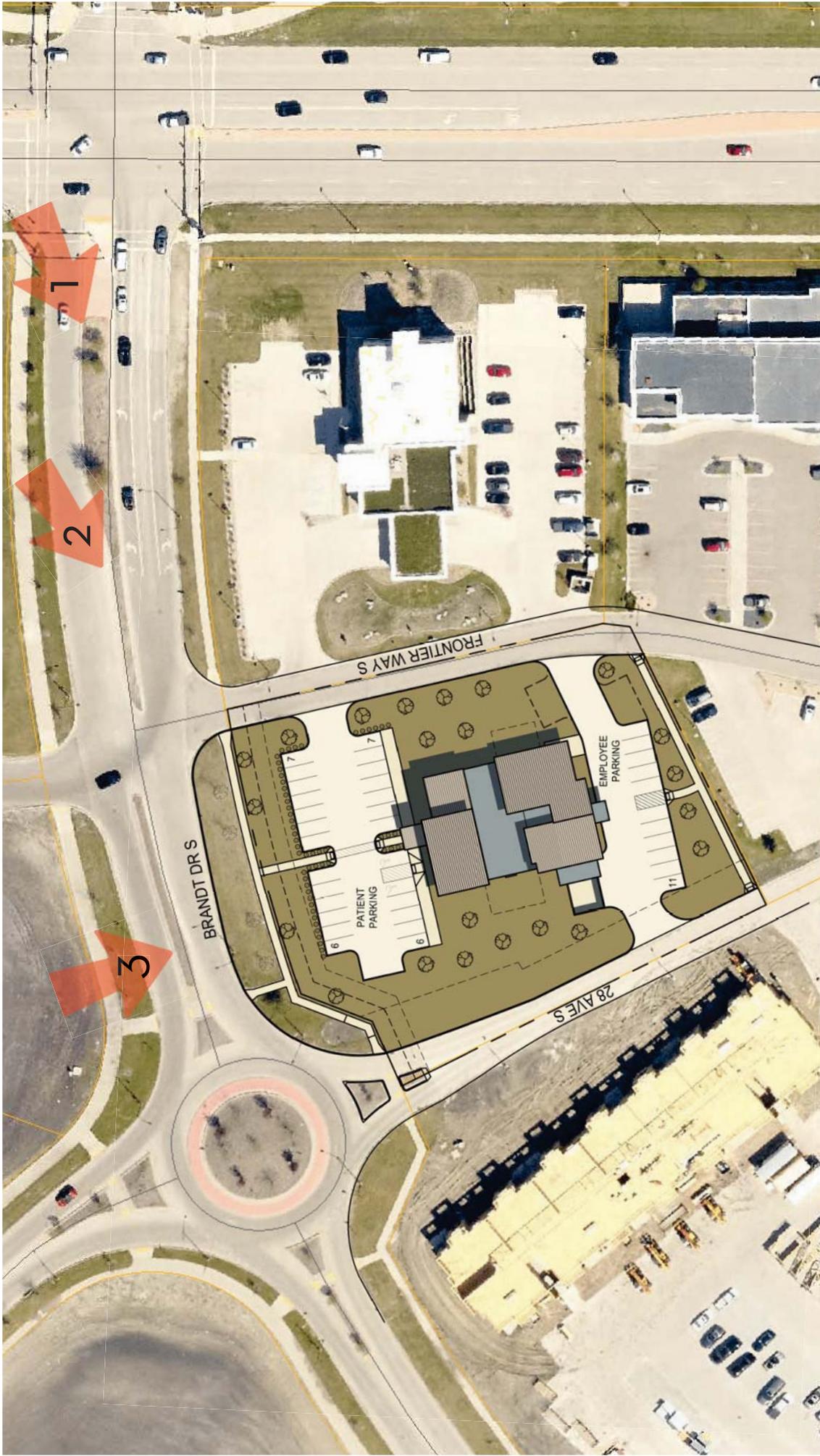
- a. Site Plan
- b. Contextual Building Illustrations.

Thank you for consideration of the proposed change to the Conditional Overlay for this property. The Facial and Oral Surgery Center is well suited for the development of this location. The design of the facility is a reflection of the commitment Dr. Noffze has to expanding state-of-the-art medical services to the community.

Sincerely,



David R. Shultz, AIA
Shultz + Associates Architects



Parking Calculation:
Medical Office: 7358 sq ft (1/200 sq ft)= 37 spaces

Total Required Parking Spaces: 37
Actual Number of Parking Spaces: 38



1723: FACIAL AND ORAL SURGERY CENTER
2856 Brandt Drive S-Site Plan
SHULTZ+ASSOCIATES
ARCHITECTS
Dec 18, 2017

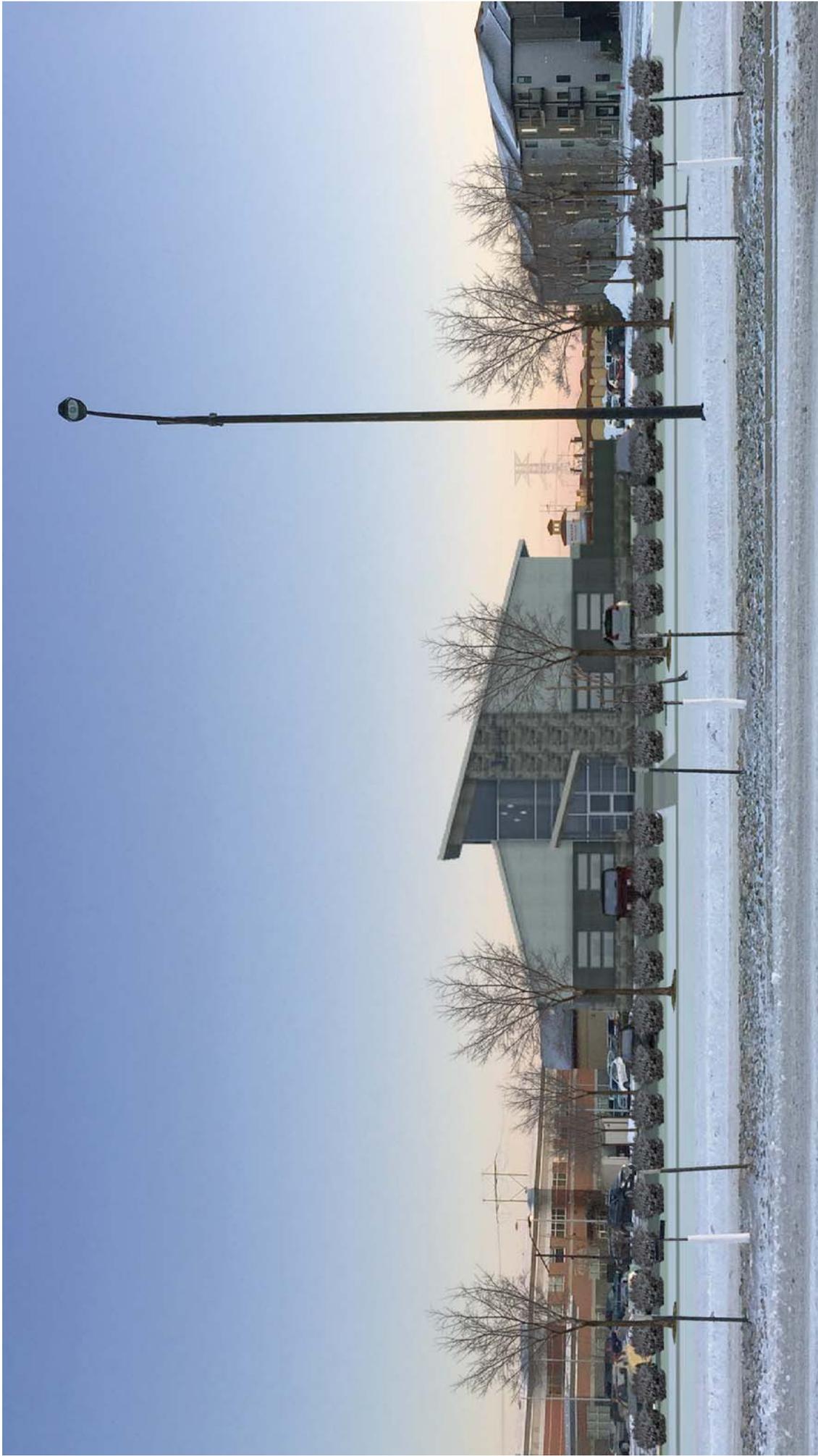


1723: FACIAL AND ORAL SURGERY CENTER
2856 Brandt Drive S-View 1
SHULTZ+ASSOCIATES
ARCHITECTS
Dec 18, 2017



SHULTZ+ASSOCIATES
ARCHITECTS

1723: FACIAL AND ORAL SURGERY CENTER
2856 Brandt Drive S-View 2
Dec 18, 2017



1723: FACIAL AND ORAL SURGERY CENTER
2856 Brandt Drive S-View 3
SHULTZ+ASSOCIATES
ARCHITECTS
Dec 18, 2017

City of Fargo Staff Report			
Title:	Collins Fourth Addition	Date:	1/29/18
Location:	3949 37th Avenue South & 3600 39th Street South	Staff Contact:	Aaron Nelson
Legal Description:	Lot 2, Block 1, Collins Third Addition		
Owner(s)/Applicant:	Larkin Properties LLP/Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of part of Lot 2, Block 1, Collins Third Subdivision, and vacated portions of 36th Avenue S and 39th Street S, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: February 6, 2018		

Existing
Land Use: Warehouse
Zoning: LI, Limited Industrial
Uses Allowed: 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.
Maximum Lot Coverage Allowed: 85% building coverage

Proposed
Land Use: No Change
Zoning: No Change
Uses Allowed: No Change
Maximum Lot Coverage Allowed: No Change

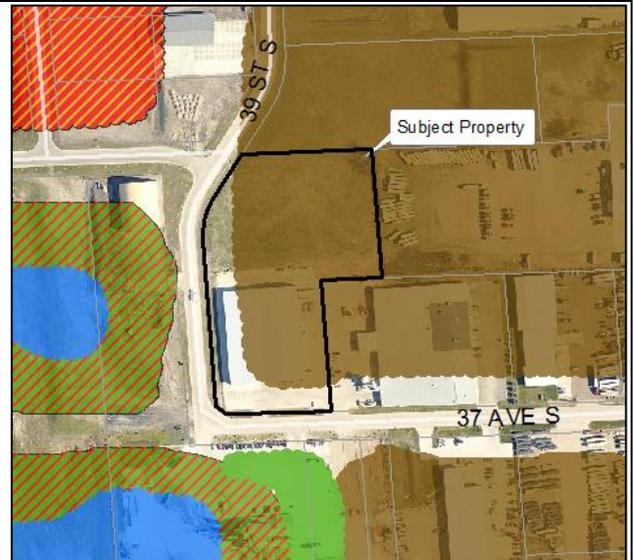
Proposal:
<p>The applicant is seeking approval of a minor subdivision, entitled Collins Fourth Addition, which is a replat of part of Lot 2, Block 1, Collins Third Addition, and vacated portions of 36th Avenue South and 39th Street South. The subject property is located at 3949 37th Avenue South & 3600 39th Street South and encompasses approximately 5.9 acres.</p> <p>The subject property is the location of a furniture manufacturing facility. The owner plans to expand the facility by constructing a new warehouse building on Lot 1 of the proposed subdivision. The building would be designed and constructed so that it could be separated from the larger facility and sold independently. The applicant is proposing the subdivision to divide the property into two lots, in order to establish the ability to sell one or both of the lots individually in the future, if so desired.</p> <p>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.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, Agricultural with vacant land • East: LI, Limited Industrial with Manufacturing and Production use

- South: Across 37th Avenue South; LI, Limited Industrial with Manufacturing and Production and Industrial Services uses.
- West: Across 39th Street South; LI, Limited Industrial with Industrial Services use.

Area Plans:

The 2003 Southwest Future Land Use Plan designates the area of this project as “Industrial.”

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



Schools and Parks:

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

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

Parks: Pointe West Park (3331 42nd Street S) is located less than a half (0.5) miles northwest of the subject property and offers the amenities picnic table and playground.

Pedestrian / Bicycle: There are off-road bike facilities located along 42nd Street South less than a quarter (0.25) mile west of the subject property that are a component of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to replat the subject property into two lots to accommodate future 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, **Collins Fourth 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 6, 2018

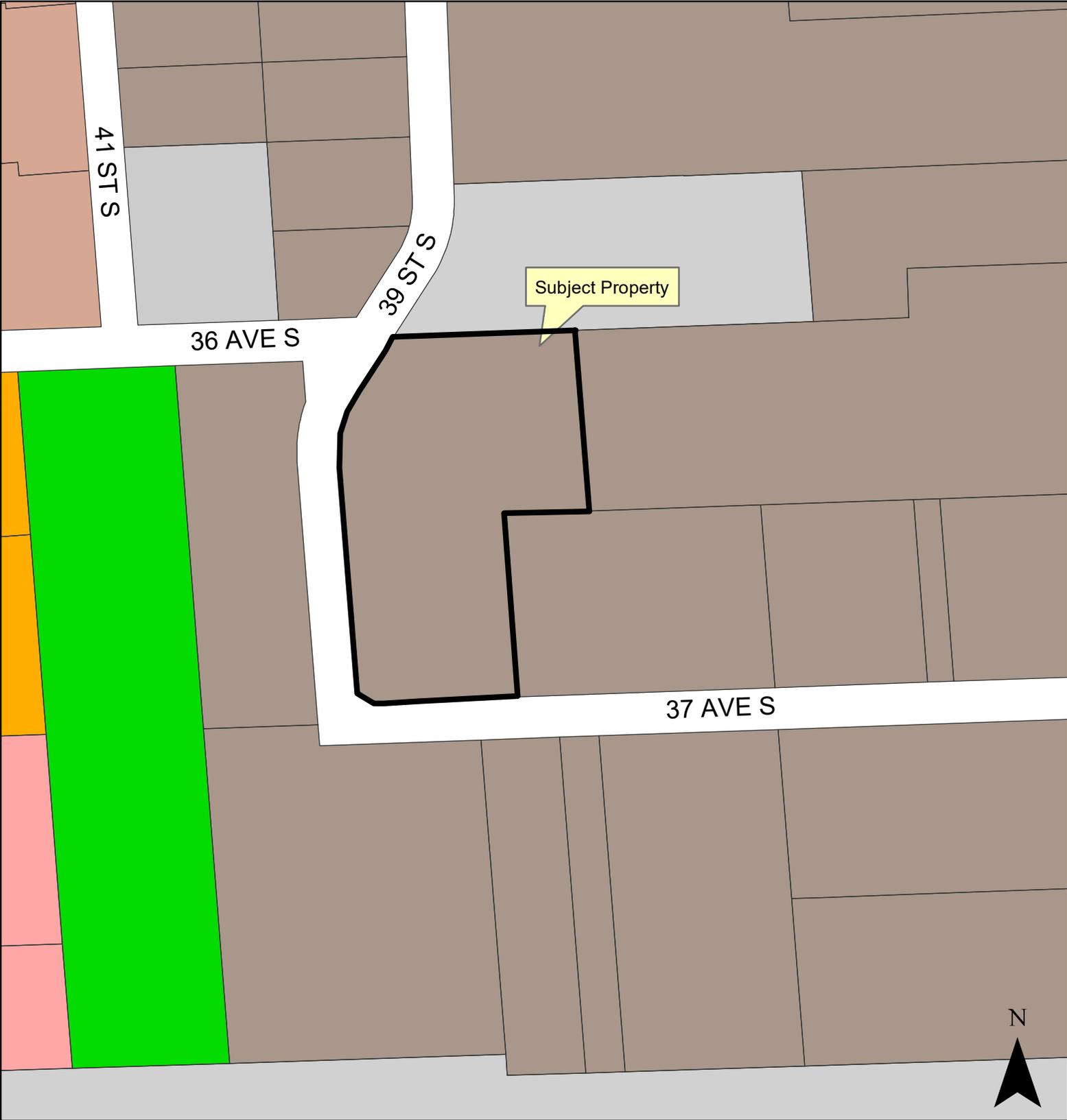
Attachments:

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

Plat (Minor)

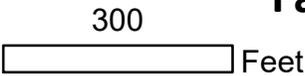
Collins Fourth Addition

3949 37th Avenue South &
3600 39th Street South



Legend

AG	LC	MHP	RR-1
DMU	ML	NCO	RR-2
GC	MR-1	P/T	RR-3
GO	MR-2	UML	RR-4
	MR-3		RR-5
			City Limits



Fargo Planning Commission
February 6, 2018

Plat (Minor)

Collins Fourth Addition

3949 37th Avenue South &
3600 39th Street South



COLLINS FOURTH ADDITION

**A MINOR SUBDIVISION
BEING A REPLAT OF PART OF LOT 2, BLOCK 1,
COLLINS THIRD ADDITION, AND VACATED PORTIONS
OF 36TH AVENUE SOUTH AND 39TH STREET SOUTH
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA**

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Larkin Properties LLP, a North Dakota limited liability partnership, is the owner and proprietor, and that Bell State Bank & Trust (now doing business as Bell Bank), a North Dakota corporation, is a mortgagee, of that part of Lot 2, Block 1, Collins Third Subdivision, in the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of said Lot 2; thence North 49°30'40" West along the easterly line of 39th Street South, for a distance of 35.36 feet to an angle point along the easterly line of said 39th Street South, thence North 04°29'17" West along the easterly line of said 39th Street South and along said curve, for a distance of 444.23 feet to the beginning of a tangential curve, concave to the southeast, having a radius of 180.00 feet; thence northeasterly, along the easterly line of said 39th Street South and along said curve, for a distance of 116.41 feet, through a central angle of 37°03'16"; thence North 32°34'00" East along the easterly line of said 39th Street South, for a distance of 142.51 feet to a point of intersection with the northerly line of vacated 36th Avenue Southwest as shown on Document No. 870213, on file at the Cass County Recorder's Office; thence North 87°54'52" East along the northerly line of said vacated 36th Avenue Southwest, for a distance of 347.83 feet to the northeast corner of said Lot 2; thence South 04°25'16" East along the easterly line of said Lot 2, for a distance of 346.00 feet to an angle point along the easterly line of said Lot 2; thence South 87°58'53" West, parallel with the southerly line of said Lot 2, for a distance of 164.59 feet; thence South 04°27'45" East for a distance of 350.00 feet to a point of intersection with the southerly line of said Lot 2; thence South 87°58'53" West, along the southerly line of said Lot 2, for a distance of 280.00 feet to the point of beginning.

Said tract contains 5.926 acres, more or less.

And that said parties have caused the same to be surveyed and platted as COLLINS FOURTH ADDITION to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the utility easements shown on the plat.

OWNER:
Larkin Properties, LLP, a North Dakota limited liability partnership

State of _____)
County of _____) ss

Rick Laliberte, Chief Financial Officer

On this _____ day of _____, 20____ before me personally appeared Rick Laliberte, Chief Financial Officer of Larkin Properties, LLP, a North Dakota limited liability company, 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 on behalf of said limited liability partnership.

MORTGAGEE:
Bell State Bank & Trust, a North Dakota corporation
d/b/a Bell Bank, a North Dakota corporation

Notary Public: _____

Shelly Kegley
Senior Vice President/Commercial Lender

State of _____)
County of _____) ss

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, James A. Schlieman, 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 subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

On this _____ day of _____, 20____ before me personally appeared Shelly Kegley, Senior Vice President/Commercial Lender for Bell Bank, a North Dakota corporation, 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 on behalf of said corporation.

Dated this _____ day of _____, 20____.

Notary Public: _____

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
County of Cass) ss

CITY ENGINEER'S APPROVAL:
Approved by the Fargo City Engineer this _____ day of _____, 20____.

On this _____ day of _____, 20____ before me personally appeared James A. Schlieman, Professional Land Surveyor, 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 as his free act and deed.

Mark H. Bittner, City Engineer

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:
Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

State of North Dakota)
County of Cass) ss

Shara Fischer, Chair
Fargo Planning Commission

On this _____ day of _____, 20____ before me personally appeared Mark H. Bittner, Fargo City Engineer, 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 as his free act and deed.

FARGO CITY COMMISSION APPROVAL:
Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

Notary Public: _____

Timothy J. Mahoney, Mayor

State of North Dakota)
County of Cass) ss

Attest:

Steven Sprague, City Auditor

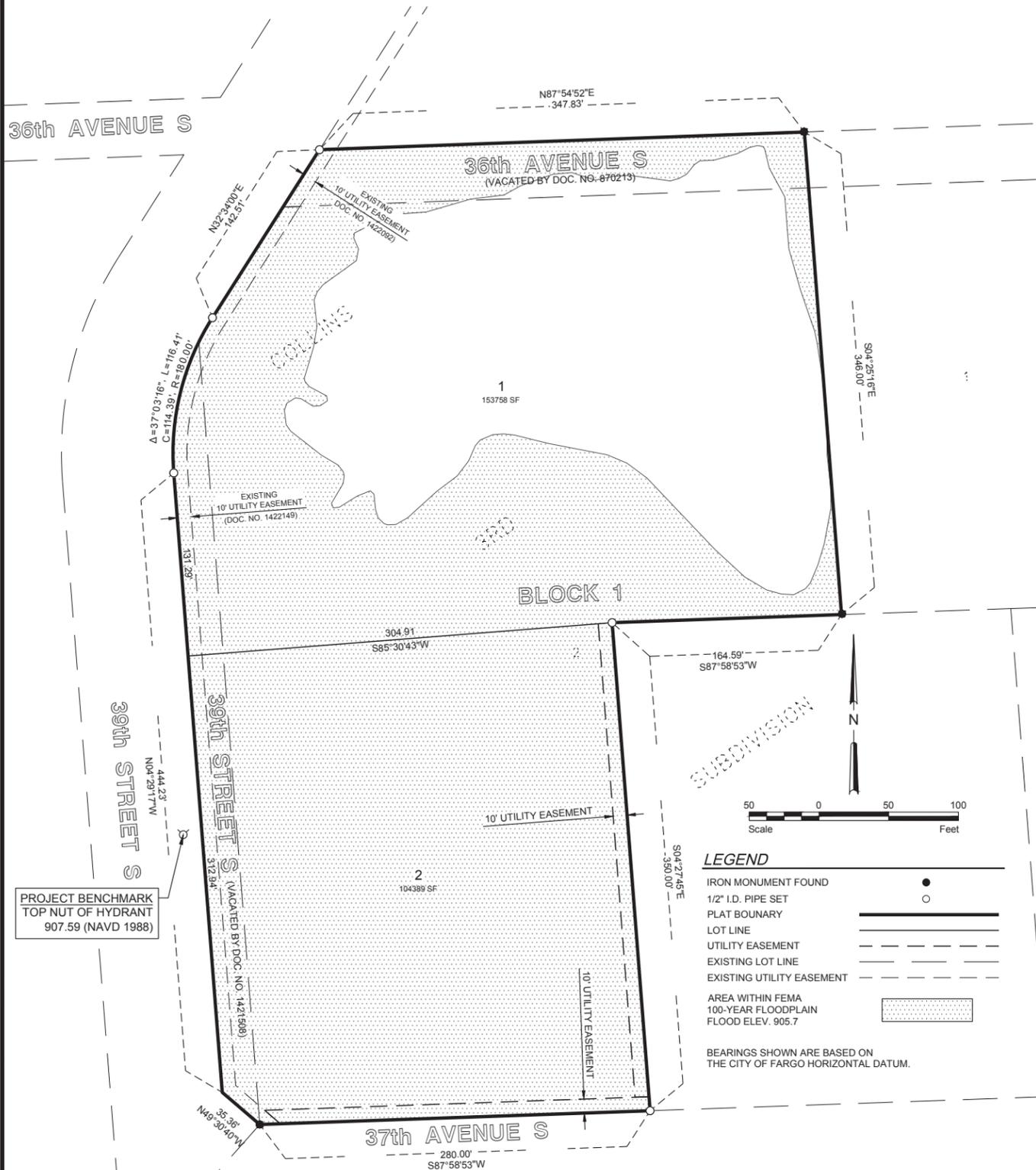
On this _____ day of _____, 20____ before me personally appeared Shara Fischer, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____ before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: _____

Notary Public: _____



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City of Fargo Staff Report			
Title:	The Edge Addition	Date:	1/28/18
Location:	1321 5th Avenue North & 502 University Drive North	Staff Contact:	Kylie Bagley
Legal Description:	Lots 1-9 and 19-24, Block 6 and a portion of a vacated alley in said Block 6, and a portion of vacated 6th Avenue North in Reeves Addition		
Owner(s)/Applicant:	DFI AU, LLC/Erin Anderson - Commonwealth Development	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 1-9 and 19-24, Block 6 and a portion of a vacated alley in said Block 6, and a portion of vacated 6th Avenue North in Reeves Addition)		
Status:	Planning Commission Public Hearing: February 6, 2018		

Existing
Land Use: Vacant
Zoning: DMU, Downtown Mixed-Use with a C-O, Conditional Overlay
Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events. C-O: Later determination of the east setback through structural analysis and site accommodations to provide on-site storm water retention.
Maximum Building Coverage Allowed: No maximum

Proposed
Land Use: Multi-Dwelling Residential
Zoning: No Change
Uses Allowed: No Change
Maximum Building Coverage Allowed: No Change

Proposal:
<p>The applicant is seeking approval of a minor subdivision, entitled The Edge Addition, which is a replat of Lots 1-9 and 19-24, Block 6 and a portion of a vacated alley in said Block 6, and a portion of vacated 6th Avenue North in Reeves Addition. The applicant is proposing a two (2) lot, one (1) block subdivision. The subject property is located at 1321 5th Avenue North and 502 University Drive North and encompasses approximately 2.52 acres.</p> <p>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.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: GC, General Commercial with vacant land and BNSF Railroad uses; • East: Across University Avenue North, LI, Limited Industrial with light manufacturing use; • West: GC, General Commercial with warehouse and office uses; • South: Across 5th Avenue North, GC, General Commercial and LC, Limited Commercial with restaurant and warehouse uses.

Area Plans:
No area plans apply to the subject location.
Schools and Parks:
<p>Schools: The subject properties are located within the Fargo School District and is served by Roosevelt Elementary, Ben Franklin Middle and North High schools.</p> <p>Neighborhood: The subject property is located within the bounds of the Madison/Unicorn Park neighborhood.</p> <p>Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1/4 mile west of the subject property and offers multipurpose field, grill, basketball, picnic table, playground, and recreational trails amenities.</p> <p>Pedestrian / Bicycle: On road bike facilities are located along University Drive North. These facilities are a component of the metro area trail system.</p>
Staff Analysis:
<p>Minor Subdivision</p> <p>The LDC stipulates that the following criteria is met before a minor plat can be approved:</p> <ol style="list-style-type: none"> <p>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.</p> <p>The subdivision is intended to replat in order to accommodate future low income housing 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.</p> <p>(Criteria Satisfied)</p> <p>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.</p> <p>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.</p> <p>(Criteria Satisfied)</p>
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, The Edge Addition , as outlined within the staff report, as the proposal complies the standards of Article 20-06, and all other applicable requirements of the Land Development Code."
Planning Commission Recommendation: February 6, 2018
Attachments:
<ol style="list-style-type: none"> Zoning Map Location Map Preliminary Plat

Plat (Minor)

The Edge Addition

502 University Dr N &
1321 5th Ave N



Plat (Minor)

The Edge

502 University Dr N &
1321 5th Ave N



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	M	NO	SR-4
GL	MR-1	P/I	SR-5
GO	MR-2	UML	City Limits
	MR-3		

300

Feet

A MINOR PLAT OF THE EDGE ADDITION

TO THE CITY OF FARGO, A REPLAT OF LOTS 1 THROUGH 9 AND 19 THROUGH 24, BLOCK 6 AND
A PART OF A VACATED ALLEY IN SAID BLOCK 6, AND A PART OF VACATED 6TH AVENUE
NORTH ALL IN "REEVE'S ADDITION" TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "THE EDGE ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1 THROUGH 9 AND 19 THROUGH 24, BLOCK 6, A PART OF THE ALLEY IN SAID BLOCK 6 NOW VACATED, AND THAT PART OF VACATED 6TH AVENUE NORTH, ALL IN "REEVE'S ADDITION" TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOTS NINETEEN, TWENTY, TWENTY-ONE, TWENTY-TWO, TWENTY-THREE AND TWENTY-FOUR, INCLUSIVE, AND THE SOUTHERLY 40.0 FEET OF LOTS ONE, TWO, THREE, FOUR, FIVE AND SIX, IN BLOCK SIX, OF REEVE'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, TOGETHER WITH ALL OF THE 20 FOOT WIDE EAST-WEST ALLEY IN SAID BLOCK SIX LYING CONTIGUOUS TO SAID LOTS.

AND THAT PART OF LOTS 1, 2, 3, 4, 5 AND 6, ALL OF LOTS 7, 8 AND 9 AND THAT PART OF THE VACATED ALLEY, ALL IN BLOCK 6, REEVE'S ADDITION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA, AND THAT PART OF VACATED 6TH AVENUE NORTH LYING NORTH OF SAID BLOCK 6, DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF SAID BLOCK 6; THENCE NORTH 02 DEGREES 25 MINUTES 39 SECONDS WEST ON AN ASSUMED BEARING ALONG THE EAST LINE OF SAID BLOCK 6 FOR A DISTANCE OF 200.00 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NUMBER 964352, RECORDED SEPTEMBER 6, 2000, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER, THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING NORTH 02 DEGREES 25 MINUTES 39 SECONDS WEST ALONG THE EAST LINE OF SAID BLOCK 6 FOR A DISTANCE OF 11.85 FEET TO AN IRON MONUMENT; THENCE NORTH 89 DEGREES 59 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 60.49 FEET TO AN IRON MONUMENT; THENCE NORTH 02 DEGREES 26 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 50.40 FEET TO AN IRON MONUMENT ON A LINE 50.00 FEET SOUTHERLY OF THE CENTERLINE OF THE RAILROAD TRACKS OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH SAID RAILROAD TRACKS; THENCE NORTH 80 DEGREES 17 MINUTES 53 SECONDS WEST ALONG SAID LINE 50.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID RAILROAD TRACKS FOR A DISTANCE OF 282.72 FEET TO AN IRON MONUMENT; THENCE CONTINUING NORTHWESTERLY ALONG SAID LINE 50.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID RAILROAD TRACKS, ON A TANGENTIAL CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2814.93 FEET AND A CENTRAL ANGLE OF 02 DEGREES 41 MINUTES 28 SECONDS FOR AN ARC DISTANCE OF 136.91 FEET TO AN IRON MONUMENT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 9; THENCE SOUTH 02 DEGREES 21 MINUTES 15 SECONDS EAST ALONG SAID NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 9 FOR A DISTANCE OF 201.30 FEET TO AN IRON MONUMENT ON THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 9; THENCE SOUTH 02 DEGREES 21 MINUTES 15 SECONDS EAST ALONG SAID NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 9 FOR A DISTANCE OF 50.00 FEET TO AN IRON MONUMENT AT THE SOUTHERLY EXTENSION OF THE VACATED ALLEY IN SAID BLOCK 6; THENCE NORTH 87 DEGREES 39 MINUTES 03 SECONDS EAST ALONG THE CENTERLINE OF SAID VACATED ALLEY FOR A DISTANCE OF 150.23 FEET TO AN IRON MONUMENT ON THE WEST LINE OF SAID TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NUMBER 964352; THENCE NORTH 02 DEGREES 22 MINUTES 43 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT OF LAND FOR A DISTANCE OF 50.00 FEET TO AN IRON MONUMENT AT THE NORTHERLY CORNER OF SAID TRACT OF LAND; THENCE NORTH 87 DEGREES 39 MINUTES 03 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT OF LAND FOR A DISTANCE OF 300.42 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.63 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTION OF RECORD.

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571
STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "THE EDGE ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1 THROUGH 9 AND 19 THROUGH 24, BLOCK 6, A PART OF THE ALLEY IN SAID BLOCK 6 NOW VACATED, AND THAT PART OF VACATED 6TH AVENUE NORTH, ALL IN "REEVE'S ADDITION" TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY EASEMENTS AND CROSS ACCESS EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: DFI AU, LLC;

BY: _____
ITS: _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF DFI AU, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

SHARA FISCHER, CHAIR
STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

TIMOTHY J. MAHONEY, MAYOR
STEVEN SPRAGUE, CITY AUDITOR
STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

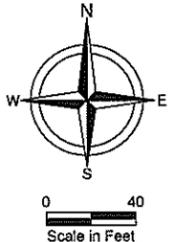
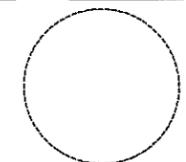
CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

MARK H. BITTNER, CITY ENGINEER
STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK H. BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x10" REBAR WITH YELLOW PLASTIC CAP #6571
 - (370.00') RECORD DISTANCE
 - QUARTER SECTION LINE
 - ==== PLAT BOUNDARY LINE
 - ==== LOT LINE
 - ==== EXISTING LOT LINE
 - ==== EXISTING PARCEL LINE
 - EXISTING UTILITY EASEMENT LINE

BASIS OF BEARINGS: THE EAST LINE OF BLOCK 6, REEVE'S ADDITION HAS AN ASSIGNED BEARING OF N02°25'39"W.