

March 22, 2019

Nate Vollmuth  
PACES Lodging  
4625 45th Street South  
Fargo, ND 58104

**Re: Fitzsimonds Addition – Zone Change (Zoning Map Amendment)—Amendment of Conditional Overlay**

Dear Mr. Vollmuth,

Thank you for your zone change application submitted on March 18, 2019. It is my understanding that you are seeking City approval to rezone the following properties to amend the conditional overlay (4908) on Lot 1 through 7, Block 1, Fitzsimonds Addition at 3716, 3740, 3750, 3780 51st Avenue South; and 5120 and 5168 38th Street South to allow increased sign height (60 feet) and reduced open space landscaping requirement.

Your applications are deemed **Complete**. However, please provide graphics of the increase height signs in the proposed location.

Your applications are tentatively scheduled to be heard at the May 7, 2019 Planning Commission public hearing.

The Planning Commission meeting is scheduled to be held in the Commission Chambers at the New City Hall, 225 4th Street North, Fargo, and begins at 3:00 PM. You and/or a representative of the application are required to attend the hearing.

Your case has been assigned to Donald Kress. I can be reached at [DKress@FargoND.gov](mailto:DKress@FargoND.gov) or by calling 701-241-1473. I will coordinate any comments from other city departments that will be reviewing your application. If you have any questions about your application, please contact me.

Respectfully,



Donald Kress  
Current Planning Coordinator

cc: Fred M. Hector Revocable Trust, ATTN: Keith Ernst, 932 40th Street NW, Fargo, ND 58102  
Project File

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. 4636

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
2 LYING IN PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-FOUR  
3 (34), TOWNSHIP ONE HUNDRED THIRTY-NINE (139) NORTH, RANGE FORTY-NINE (49)  
4 WEST, COUNTY OF CASS, STATE OF NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the  
5 City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of  
6 certain parcels of land lying in Part of the Southeast Quarter (SE1/4) of Section Thirty-four (34),  
7 Township One Hundred Thirty-nine (139) North, Range Forty-nine (49) West, Cass County, North  
8 Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended denial of the rezoning request  
9 on June 13, 2007; and,

9 WHEREAS, the rezoning change was approved by the City Commission on July 30, 2007,

10 NOW, THEREFORE,

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

12 Section 1. The following described property:

13 That part of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of  
14 the Fifth Principal Meridian, Cass County, North Dakota, being further described as  
15 follows:

16 Commencing at the southeast corner of said Southeast Quarter; thence South 87 degrees  
17 54 minutes 46 seconds West on the south line of said Southeast Quarter for a distance of  
18 1487.52 feet; thence North 01 degree 58 minutes 14 seconds West for a distance of  
19 230.62 feet to the point of beginning; thence continuing North 01 degree 58 minutes 14  
20 seconds West for a distance of 527.49 feet; thence North 14 degrees 29 minutes 58  
21 seconds West for a distance of 92.20 feet; thence North 01 degree 58 minutes 14 seconds  
22 West for a distance of 433.80 feet; thence northeasterly 698.66 feet on the arc of a curve  
23 concave to the southeast, said curve having a central angle of 88 degrees 57 minutes 20  
seconds and a radius of 450.00 feet; thence North 86 degrees 59 minutes 06 seconds East  
for a distance of 567.57 feet; thence northeasterly 468.94 feet on the arc of a curve  
concave to the northwest, said curve having a central angle of 59 degrees 42 minutes 26  
seconds and a radius of 450.00 feet; thence South 04 degrees 19 minutes 15 seconds East  
for a distance of 721.99 feet; thence South 85 degrees 35 minutes 32 seconds West for a

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1 distance of 40.50 feet; thence South 04 degrees 19 minutes 15 seconds East for a distance  
2 of 143.36 feet; thence South 33 degrees 02 minutes 39 seconds West for a distance of  
3 889.34 feet; thence South 78 degrees 19 minutes 08 seconds West for a distance of  
4 870.91 feet to the point of beginning,

5 containing 40.22 acres, more or less and

6 That part of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of  
7 the Fifth Principal Meridian, Cass County, North Dakota, being further described as  
8 follows:

9 Commencing at the southwest corner of said Southeast Quarter; thence North 04 degrees  
10 18 minutes 08 seconds West on the west line of said Southeast Quarter for a distance of  
11 100.08 feet; thence North 87 degrees 54 minutes 46 seconds East for a distance of 60.05  
12 feet to the point of beginning; thence North 04 degrees 18 minutes 08 seconds West for a  
13 distance of 461.98 feet; thence North 87 degrees 20 minutes 15 seconds East for a  
14 distance of 162.11 feet; thence northeasterly 167.60 feet on the arc of a curve concave to  
15 the northwest, said curve having a central angle of 24 degrees 00 minutes 24 seconds and  
16 a radius of 400.00 feet; thence North 63 degrees 19 minutes 51 seconds East for a  
17 distance of 315.60 feet; thence northeasterly 133.63 feet on the arc of a curve concave to  
18 the southeast, said curve having a central angle of 24 degrees 41 minutes 55 seconds and  
19 a radius of 310.00 feet; thence North 88 degrees 01 minute 46 seconds East for a distance  
20 of 236.94 feet; thence South 01 degree 58 minutes 14 seconds East for a distance of  
21 546.37 feet; thence South 80 degrees 29 minutes 35 seconds West for a distance of  
22 867.46 feet; thence South 87 degrees 54 minutes 46 seconds West for a distance of 98.84  
23 feet to the point of beginning,

containing 11.52 acres, more or less,

are hereby rezoned from "AG", Agricultural, District to "GC", General Commercial, District.

subject to a "C-O", Conditional Overlay, District as follows:

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding the future commercial development of McShane Development.
2. All primary buildings shall be constructed or clad with materials that are durable,

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1 economically-maintained, and of a quality that will retain their appearance over  
2 time, including but not limited to natural or synthetic stone; brick; stucco; integrally-  
3 colored, textured or glazed concrete masonry units; high-quality pre-stressed  
4 concrete systems; or glass. Natural wood or wood paneling shall not be used as a  
5 principal exterior wall material, but durable synthetic materials with the appearance  
6 of wood may be used.

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3. Color schemes shall tie building elements together, relate pad buildings within the  
same development to each other, and shall be used to enhance the architectural form  
of a building.

4. All building facades greater than <sup>200</sup>150 feet in length, measured horizontally, shall  
incorporate wall plane projections or recesses having a depth of at least three percent  
of the length of the facade, and extending at least 20 percent of the length of the  
facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An  
articulated facade would emphasize elements on the face of a wall including change  
in setback, materials, roof pitch or height.

5. Ground floor facades that face public streets shall have arcades, display windows,  
entry areas, awnings, or other such features along no less than 60 percent of their  
horizontal length. If the facade facing the street is not the front, it shall include the  
same features and/or landscaping in scale with the facade.

6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from  
public view by parapets, including but not limited to the back of the structure. The  
average height of such parapets shall not exceed one third of the height of the  
supporting wall, and such parapets shall not be of a constant height for a distance of  
greater than 150 feet.

*Same as  
BLU 412*

7. Loading facilities shall not be located at the front of structures where it is difficult to  
adequately screen them from view. All loading and service areas shall be screened  
from the view of adjacent public streets through a structure and/or landscaping.

8. Dumpsters and outdoor storage areas must be completely screened from view.  
Collection area enclosures shall contain permanent walls on three (3) 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  
dumpster or compactor.



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9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
- a. the primary entrance or entrances to each commercial building, including pad site buildings.
  - b. any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
  - c. parking areas or structures that serve such primary buildings.
  - d. connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
  - e. any public sidewalk system along the perimeter streets adjacent to the commercial development.
  - f. where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
10. On-premise signs
- a. Every structure and complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept.
  - b. Signage size, color and form should complement the architecture of the building and should not compete or become the focal point of the building form.
  - c. Signage must not extend horizontally or vertically past the building.
  - d. Signage text should be legible from arterial streets, use of recognizable imagery can be substituted for legibility of text. Sign should not be larger than necessary to achieve this legibility from the street.
  - e. Sign surface areas must be less than 10% of the building surface.
  - f. Signs should be located horizontally above first floor doors and windows, on awnings, or adjacent to building entrances if mounted on a wall.
  - g. Corporate logos should be appropriately scaled.
  - h. Separate pedestrian oriented signs should be provided when pedestrians

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- 1 cannot see the façade signage which is oriented to the street.  
2 i. Each development site should be appropriately signed to give directions to  
3 loading and receiving areas, visitor parking and other special areas.  
4 j. Multi-tenant buildings or developments may have one monument or ground  
5 mounted sign per street frontage listing all of the tenants. Monument or  
6 ground mounted signs for individual businesses in multi-tenant buildings or  
7 developments are prohibited. Monument-type signs are the preferred  
8 alternative for business identification whenever possible.  
9 k. Signs should advertise a specific building or business, not products,  
10 trademarks, or special events.  
11 l. Window signs used for shop fronts or mixed use building are permitted  
12 provided that the aggregate total of all window signs for each business  
13 shall not exceed 25% of its respective window area.  
14 m. No on premise sign shall exceed forty-five (45) feet in height.

15 11. A minimum of 4.5% of the internal surface area of the parking lot shall be  
16 landscaped. The cumulative open space (green space) of each lot shall consist of  
17 at least 15% of the lot.

- 18 12. The following use(s) are prohibited.  
19 a. Detention Facilities  
20 b. Adult Entertainment Center  
21 c. Off-Premise Advertising Signs (directional signs that are less than 50  
22 square feet in size are exempt for this prohibition)  
23 d. Portable Signs  
e. Vehicle Repair  
f. Industrial Service  
g. Manufacturing and Production  
h. Warehouse and Freight Movement  
i. Aviation/Surface Transportation

13. The Zoning Administrator shall review each applicable Site Plan to determine  
compliance with this Conditional Overlay and act to approve or deny the Site Plan  
application.

14. The decision of the Zoning Administrator may be appealed to the Planning  
Commission.

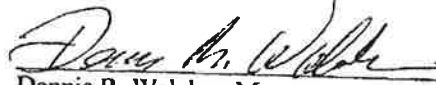
60' - INTERSTATE I-29

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1  
2 Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his  
3 office so as to conform with and carry out the provisions of this ordinance.

4 Section 3. This ordinance shall be in full force and effect from and after its passage and  
5 approval.

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Dennis R. Walaker, Mayor

7 (SEAL)

8 Attest:

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Steven Sprague, City Auditor

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First Reading: 10-08-2007  
Second Reading: 10-22-2007  
Final Passage: 10-22-2007



# Zone Change (Repeal and Re-establish C-O)

## Fitzsimonds Addition

5120 & 5168 38th Street South &  
3716, 3740, 3750, 3760 & 3780 51st Avenue South

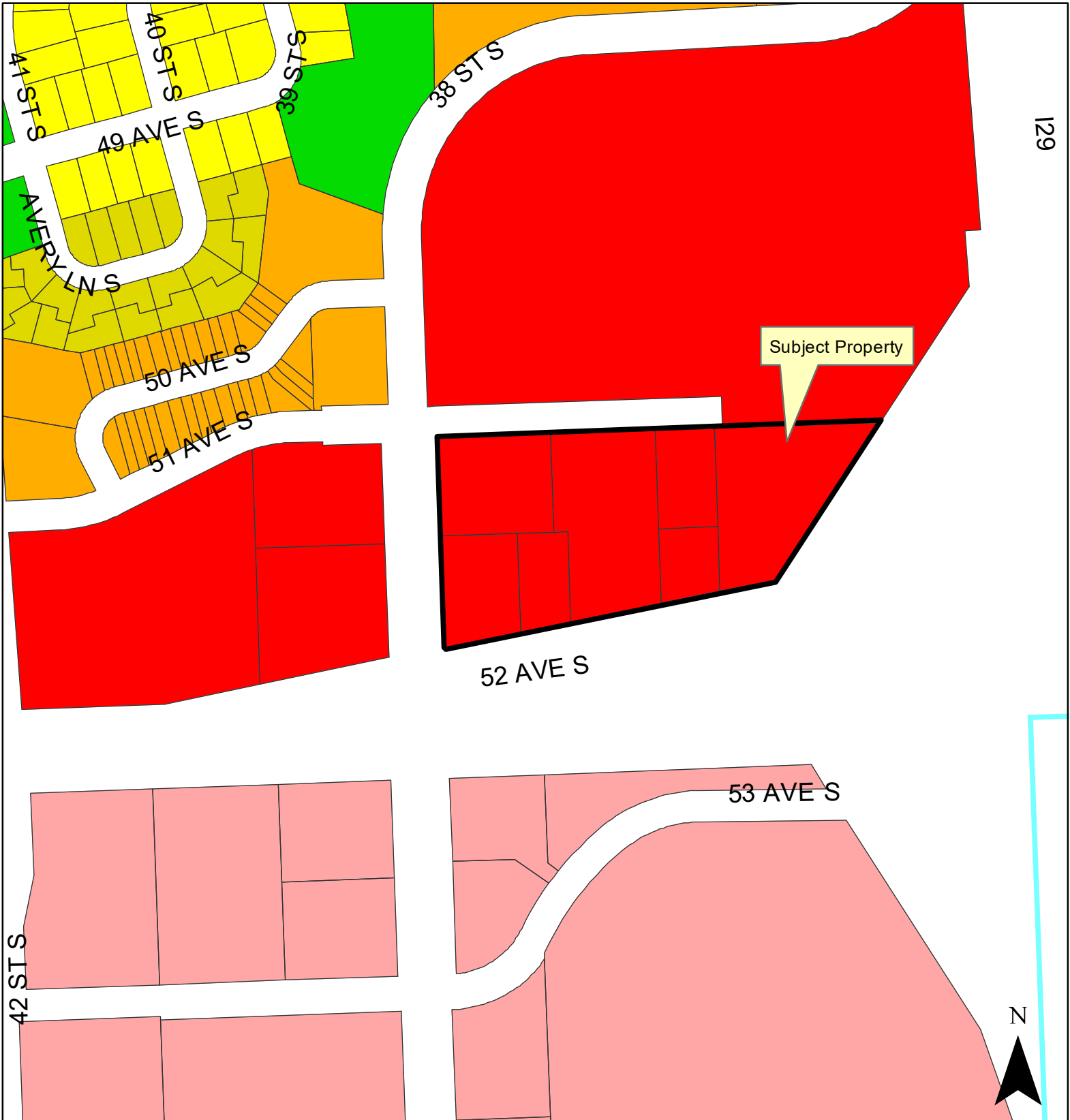




# Zone Change (Repeal and Re-establish C-O)

## Fitzsimonds Addition

5120 & 5168 38th Street South &  
3716, 3740, 3750, 3760 & 3780 51st Avenue South







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45'

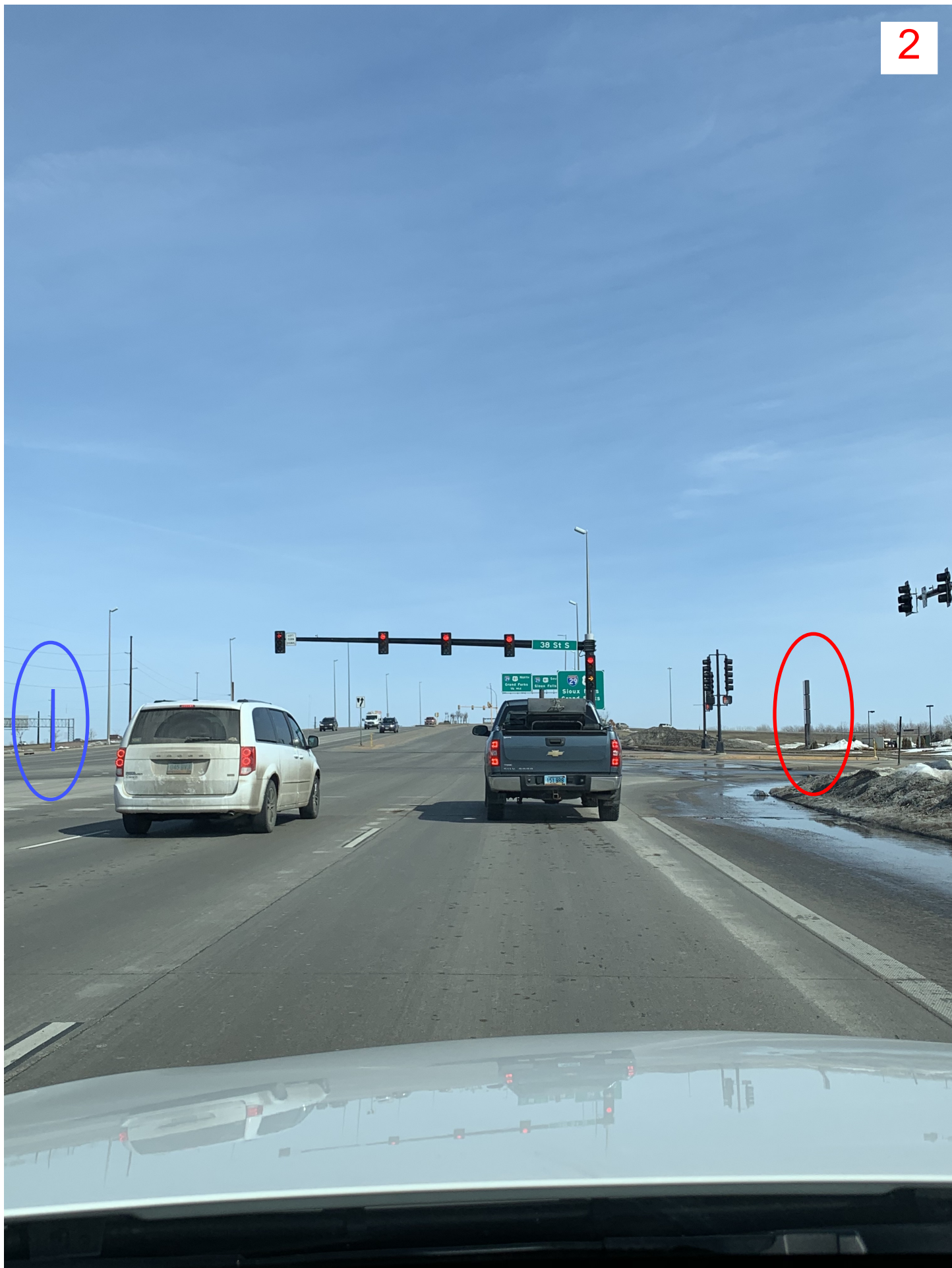
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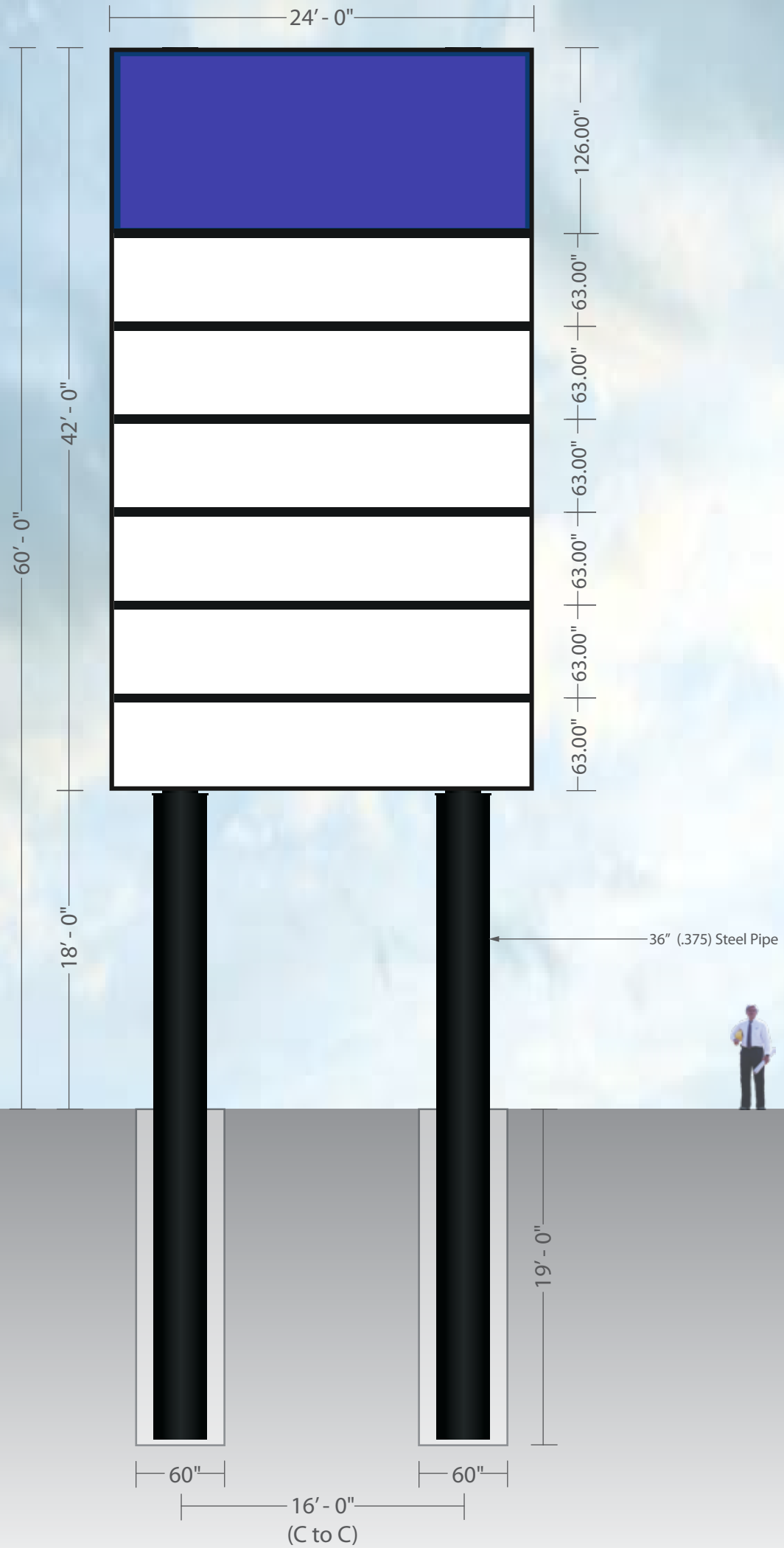
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Illuminated Double Sided Pylon Sign

- Cabinet: Aluminum (Black)
- Face: Flexible
- Illumination: 100 Watt Keystone LED fixtures
- Graphics: 3M film
  - European Blue 3630-137
  - Logo - digitally printed

# INDIGO SIGNWORKS

fargo | alexandria | bismarck | grand forks | minot | st. cloud

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File location: G:\H\Hardy, Rob\Working Sketch Files\Fargo\_Pylon\_51318-1

Rob Hardy

Fargo, ND  
Quote # 51318-1

Date: 04/12/2018  
Revised Date: 07/12/2018 07/13/2018

Sales Representative:  
Jill Gustofson

Drawn by: GAN

Page Scale: 1/8" = 1'-0"  
Page Size: 11x17







EXIT 60  
BUSINESS  
52nd Ave S













