

FARGO PLANNING COMMISSION AGENDA
Tuesday, April 4, 2023 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of March 7, 2023

C: Public Hearing Items:

1. Hearing on an application requesting a Conditional Use Permit to allow industrial service uses in the GC, General Commercial zoning district on Lots 8, 9, and 10, Block 1, **Radio Addition**. (Located at 5710, 5750, and 5770 53rd Avenue South) (Four Horsemen, LLC/Rice Companies, Inc.) (dk)
2. Hearing on an application requesting a Plat of **Radio Second Addition** (Major Subdivision) a replat of Lots 1-10, Block 1, Radio Addition to the City of Fargo, Cass County, North Dakota and a vacation of part of 53rd Avenue South lying westerly of the west right-of-way line of Veterans Boulevard. (Located at 5709, 5710, 5729, 5739, 5750, 5759, 5769, 5770, 5789, 5790 53rd Avenue South) (Four Horseman, LLC/ MBN Engineering, Inc.) (dk)

D: Other Items:

1. Continued hearing on an application requesting a PUD, Planned Unit Development, Final Plan within the boundaries of **Duane's Pizza Addition**. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC) (me)
2. Planning Commission review of a Renewal Plan for the property located in the 600 Block of NP Avenue North (jg)

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

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.FargoND.gov/planningcommission.

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, March 7, 2023

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, March 7, 2023.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, John Gunkelman, Art Rosenberg, Jennifer Holtz, Dawn Morgan, Thomas Schmidt

Absent: Brett Shewey, Scott Stofferahn

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Schneider noted Item D.1 has been continued to April 4, 2023.

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

Item B: Minutes: Regular Meeting of February 7, 2023

Member Morgan moved the minutes of the February 7, 2023 Planning Commission meeting be approved. Second by Member Schmidt. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Erskines Addition

Continued hearing on an application requesting a Zoning Change to repeal and re-establish a Conditional Overlay on parts of Lots 1-6 and 8, and all of Lot 7, Block SS, Erskines Addition. (Located at 1117 and 1155 13th Avenue South) (Steve Stremick): DENIED

A Hearing had been set for February 7, 2023. At the February 7, 2023 meeting, the Hearing was continued to March 7, 2023. At the March 7, 2023 meeting, the Hearing was continued to this date and time.

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have not been met and staff is recommending denial.

Applicant Steve Stremick spoke on behalf of the application.

Discussion was held on the proposed sign height, the history of the sign, safety, and public input received on the application.

Resident Simone Wai, 514 10th Avenue South, spoke in opposition to the application, stating the scale of the sign is not appropriate to the building size, the area is residential not commercial, and the proposed height of the sign is not appropriate.

Discussion continued on the safety of drivers at the intersection, the location as the entrance to core neighborhoods, neighborhood quality, and what is currently allowed regarding the sign.

Member Morgan moved the findings and recommendations of staff be accepted and denial be recommended to the City Commission of the proposed Zoning Change to repeal and re-establish a C-O, Conditional Overlay of Ordinance 4692, as the proposal does not comply with all the Standards of Section 20-0906.F (1-4) of the Land Development Code. Second by Member Holtz. On call of the roll Members Tasa, Morgan, Schmidt, Gunkelman, Holtz, and Schneider voted aye. Member Rosenberg voted nay. Absent and not voting: Members Stofferahn and Shewey. The motion was declared carried.

Item 2: Adams Seventh Addition

Hearing on an application requesting a Zoning Change from GC, General Commercial with a CUP, Conditional Use Permit to LI, Limited Industrial with a C-O, Conditional Overlay on Lot 1, Block 2, Adams Seventh Addition. (Located at 2865, 2955, 2959, 2963, 2967, 2971, 2975, 2979, 2983, 2987, 2991, 3825, 3829, 3833, 3837, 3841, 3845, 3849, 3853, 3857, and 3861 Thunder Road South) (Essjay Thunder Road, LLC/Josh Benson): APPROVED

Planner Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the residential protection buffer condition, outside storage, and fencing requirements.

Applicant Josh Benson spoke on behalf of the application.

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change from GC, General Commercial, to LI, Limited Industrial, with a C-O, Conditional Overlay, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Growth Plan, the Standards of Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following conditions for the Conditional Overlay:

Prohibited Uses:

- Detention Facility

- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable Signs

1. A residential protection buffer per the Residential Protection Standards of Section 20-0704.E is required on sides facing residential use.

2. Off-street parking, loading, vehicular circulation areas, and outdoor storage shall have an all-weather surface. No gravel, crushed concrete, or similar material is permitted.

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

4. Loading docks, stacked storage above 6 feet in height, storage yards, outdoor storage, and dumpsters shall have a setback of 50 feet from the right-of-way and include an 8 foot opaque fence.

5. Dumpsters must contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.

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

Second by Member Rosenberg. On call of the roll Members Gunkelman, Holtz, Morgan, Schmidt, Rosenberg, Tasa, and Schneider voted aye. Absent and not voting: Members Stofferahn and Shewey. The motion was declared carried.

Item 3: Amended Plat of Oak Grove Addition

Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential, SR-3, Single Dwelling Residential, MR-2, Multi-Dwelling Residential, and AG, Agricultural to P/I, Public and Institutional on portions of Lots 1-4 and all of Lots 5-17 and 19-49, Block 1; portions of Lots 5 and 9, and all of Lots 6-8, Block 3; all of Lots 17-43 and portion of Lot 16, Block 4; all of Lots 1-15 and 17-25, and a portion of Lot 16, Block 5; Lots 1-41, Block 6; Lots 1-35, Block 7; Blocks E, F, G, and H, and vacated portions of North Terrace North; Amended Plat of Oak Grove Addition. (Located at 18, 24, 26, 40, 42, 44, 46, 60, 62, 64, 66, 68, 70, 92, 94, 96, 98, 100, 110, 118, and 124 North Terrace North; 723 and 724 North River Road North; 9 Lower Terrace North; 17, 23, 27, 31, 33, 37, 41, 45, 49, 53, 63, 65, 75, 79, 83, 87, 88, 93, 95, 99, 125, 129, 135, 136, 139, 140, 144, and 145 South Terrace North; 101, 150, and 170 Maple Street North; and 1 River Road North)

(Oak Grove Lutheran School/Fargo Park District/City of Fargo/Zerr Berg Architects): APPROVED

Planning Coordinator Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted a public open house was held February 23, 2023.

Discussion was held on the included areas, trails and connectivity in the area, and the nearby historic overlay.

Applicant Representative, Dave Leker, Fargo Park District, spoke on behalf of the application.

Discussion continued on the potential to expand the trails, the boundaries of the school property, and how this proposed zone change affects the proposed Institutional Master Plan.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change from SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential, and MR-2, Multi-Dwelling Residential, to P/I, Public and Institutional, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Core Neighborhoods Plan, the Standards of Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Schmidt, Morgan, Rosenberg, Holtz, Gunkelman, Tasa, and Schneider voted aye. Absent and not voting: Members Shewey and Stofferahn. The motion was declared carried.

**Item 4: Amended Plat of Oak Grove Addition
Hearing on an Institutional Master Plan on Lots 30-43, Block 4; Lots 1-25, Block 5; and vacated portions of North Terrace North, Amended Plat of Oak Grove Addition. (Located at 110, 118, and 124 North Terrace North; 88 and 136 South Terrace North) (Oak Grove Lutheran School/Zerr Berg Architects): APPROVED**

Ms. Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted a public open house was held February 23, 2023.

Discussion was held on what an Institutional Master Plan is, the proposed plans for the site, and parking and traffic impacts.

Oak Grove Lutheran School President Bob Otterson, and Brian Berg, Zerr Berg Architects, spoke on behalf of the application.

Discussion continued on the location of the football field, the flood wall, and the potential for bike trails on the property.

Member Gunkelman moved to accept the findings and recommendations of staff and approve the Institutional Master Plan as outlined in the staff report, contingent on approval of the Zone Change to P/I, Public and Institutional for the subject properties, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0911.E (1-3) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Rosenberg, Tasa, Gunkelman, Holtz, Schmidt, Morgan, Schneider voted aye. Absent and not voting: Members Stofferahn and Shewey. The motion was declared carried.

Item D: Other Items:

Item 1: Duanes Pizza Addition

Continued hearing on an application requesting a PUD, Planned Unit Development, Final Plan within the boundaries of Duane's Pizza Addition. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC): CONTINUED TO APRIL 4, 2023

A Hearing had been set for January 3, 2023. At the January 3, 2023 meeting, the Hearing was continued to this February 7, 2023. At the February 7, 2023 meeting, the Hearing was continued to this date and time; however the applicant has requested this application be continued to April 4, 2023.

Item 2: Review of proposed annexation of portions of Sections 15 and 22, Township 140 North, Range 49 West.

Assistant Planning and Development Director Mark Williams presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the annexation process, the included area, interstate right-of-way, the excluded area not being annexed, and access to city utilities.

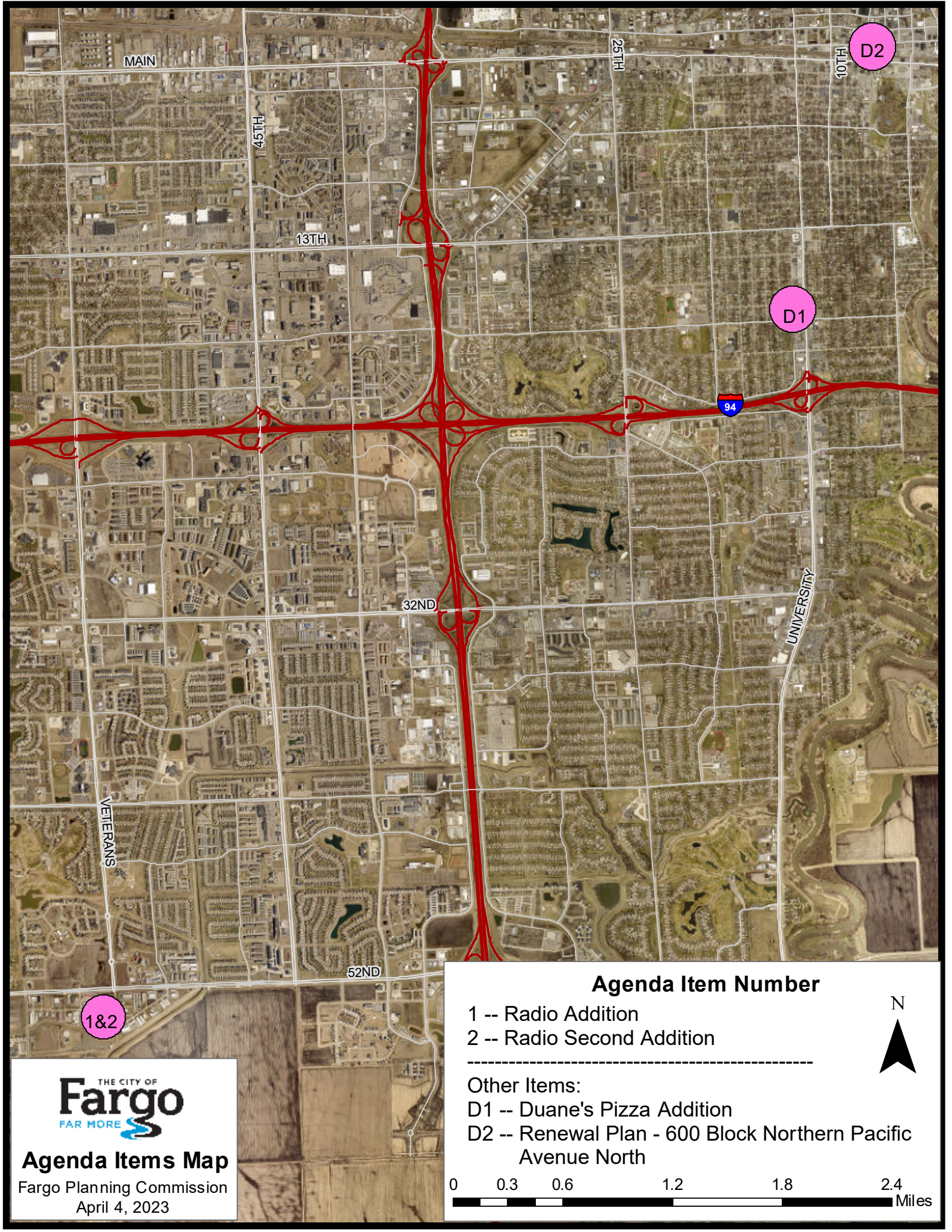
City Engineer Brenda Derrig spoke on behalf of the Engineering Department.

Discussion continued on the zoning of the property.

Member Rosenberg moved the findings and recommendations of staff be accepted and the Planning Commission find that the proposed annexation is consistent with the 2007 Growth Plan. Second by Member Tasa. On call of the roll Members Rosenberg, Gunkelman, Holtz, Morgan, Tasa, Schmidt, and Schneider voted aye. Absent and not voting: Members Stofferahn and Shewey. The motion was declared carried.

Member Rosenberg moved to adjourn the meeting. Second by Member Tasa. All Members present voted aye and the motion was declared carried.

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





Agenda Items Map
 Fargo Planning Commission
 April 4, 2023

Agenda Item Number

1 -- Radio Addition
 2 -- Radio Second Addition

Other Items:
 D1 -- Duane's Pizza Addition
 D2 -- Renewal Plan - 600 Block Northern Pacific Avenue North



0 0.3 0.6 1.2 1.8 2.4
 Miles

City of Fargo Staff Report			
Title:	Radio Addition	Date:	3/29/2023
Location:	5710, 5750, and 5770 53 rd Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 8 through 10, Block 1, Radio Addition		
Owner(s)/Applicant:	Four Horsemen, LLC / Marius Rygg, Rice Companies	Engineer:	None
Entitlements Requested:	Conditional Use Permit (CUP) (to allow industrial service use on Lots 8, 9, and 10, Block 1, Radio Addition)		
Status:	Planning Commission Public Hearing: April 4 th , 2023		
Existing		Proposed	
Land Use: Vacant radio station and undeveloped property		Land Use: Commercial and industrial as allowed by CUP	
Zoning: GC, General Commercial		Zoning: No change	
Allowed Uses: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events, basic utilities, and certain telecommunications facilities		Allowed Uses: CUP will allow industrial service use, with conditions, in addition to the uses allowed in the GC zone.	
Maximum building coverage 85%		Maximum building coverage: No change	
Proposal:			
<p><i>PROJECT NOTE: This the area of this request for a CUP, which is agenda item no. 1 on the April 4th, 2023 Planning Commission agenda, is included in agenda item no. 2, Radio Second Addition, a replat of Radio Addition. Staff will explain the relationship between these two agenda items at the April 4th hearing.</i></p> <p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. Conditional Use Permit (CUP) (to allow industrial service use on Lots 8, 9, and 10, Block 1, Radio Addition) <p>Approval and Appeal The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: GC, undeveloped • East: GC, with Commercial uses • South: P/I, Public/Institutional with City of Fargo-owned water reservoir and ditch • West: GC, with commercial uses 			
(continued on next page)			

Area Plans:

The subject property is located within the 2007 Southwest Tier 1 Growth Plan, which designates the property for “Commercial” land use. The current GC, General Commercial, zoning is consistent with this land use designation. No zone change is proposed.



Context:

Schools: The subject property is located within the West Fargo School District, specifically within the Deer Creek Elementary, Heritage Middle and Horace High schools.

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

Parks: Osgood Park (4951 47th Street North) is approximately 0.7 mile from the subject property. This park provides playgrounds for ages 2-5 and 5-12, recreational trails, a shelter, picnic table, multi-purpose field, basketball court, grill, recreational trails, disc golf, and a soccer field.

Pedestrian / Bicycle: The existing multi-use path along Veterans Boulevard north of 52nd would be continued south of 52nd as Veterans Boulevard is developed.

MATBUS Route: The subject property is not located along a MATBUS route.

Staff Analysis:

The applicant, Rice Companies, intends to build their local corporate office on this site. Though this is primarily an office building, Rice Companies will have some outdoor storage and larger vehicles on the property, which classifies this use as “industrial service” and requires a conditional use permit (CUP) to be allowed in the GC, General Commercial zone.

A proposed site plan is attached for the Commission’s reference. Note that approval of the CUP is not approval of the site plan, which will go through the standard building permit process for approval.

Land Development Code (LDC) Section 20-0402.R states the use standards to be applied to industrial service uses in the GC zone. These standards address location of truck parking and loading areas, required screening of storage areas, how residential protections standards apply, and certain prohibited uses. These standards apply to industrial uses in the GC zone. Additionally, the conditions of the CUP further mitigate the impact of this industrial service use in the GC zone. Those recommended conditions are:

1. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or

material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.

2. No outdoor storage of equipment or supplies.
3. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the LDC.
4. The manufacturing, production, or processing of food and/or animal products shall not be permitted.
5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
6. Any expansion of the industrial service use, other than the future building addition indicated on the site plan, shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
7. The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

These conditions, developed by Planning staff, have become standard for CUP's for industrial uses in the GC zone.

LIMITATION ON DEVELOPMENT AREA: The watercourse adjacent to the south side of this property is owned by the City of Fargo, which holds a 50-foot wide easement adjacent to this watercourse for the protection of the bank. No development is allowed within this easement.

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. As noted above, provisions of the LDC will apply and additional conditions will be added to insure that this project is developed in a manner that is appropriate to the context of the surrounding properties and uses. Staff finds this proposal is consistent with the purpose of the LDC, the 2007 Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. The applicant's proposal will develop a property that has remained undeveloped since it was platted over a year ago with a land use that, with the CUP, is appropriate for the location. **Criteria Satisfied)**
3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. **(Criteria Satisfied)**

4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

The proposed CUP for industrial service use will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. In fact, properties to the east, west and northeast of the subject property have similar CUP's. The proposed conditions of the CUP are specifically meant to mitigate the effects of an industrial use to an intensity appropriate to the GC zone. Additionally, the CUP conditions provide a trigger for further review is the approved use is proposed to be expanded.

(Criteria Satisfied)

5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**

The property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**

The subject property will use an existing access on the north side of the property. It will not have direct access to Veterans Boulevard.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and approve the proposed conditional use permit to allow industrial service use on Lots 8, 9, and 10, Block 1, **Radio Addition** as presented, as the proposal complies with the 2007 Growth Plan, Standards of Section 20-0909.D, and all other applicable requirements of the LDC, with the following conditions:

1. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
2. No outdoor storage of equipment or supplies.
3. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the LDC.
4. The manufacturing, production, or processing of food and/or animal products shall not be permitted.
5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
8. Any expansion of the industrial service use, other than the future building addition indicated on the site plan, shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.

6. The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

Planning Commission Recommendation: April 4th, 2023

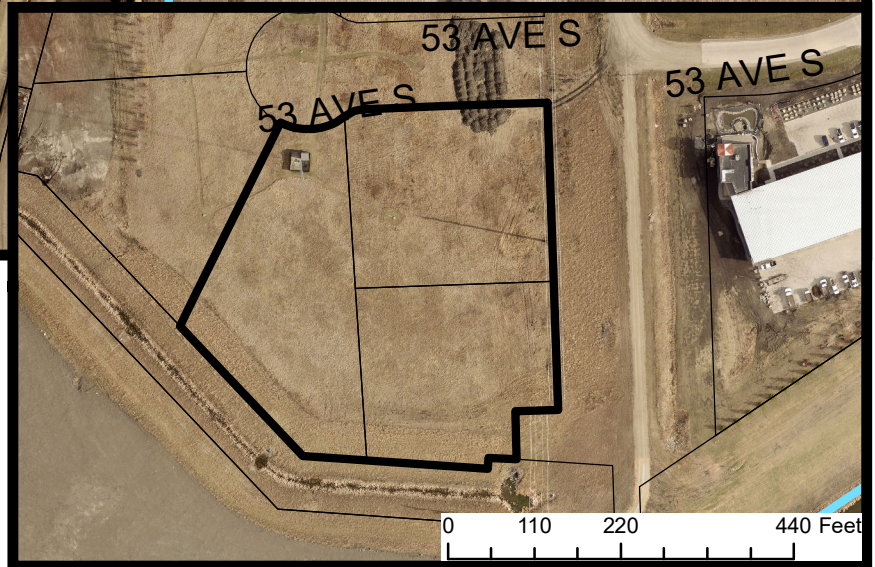
Attachments:

1. Zoning map
2. Location map
3. Proposed site plan

CUP for industrial service uses in the GC General Commercial zone

Radio Addition

5710, 5750 and 5770 53rd Avenue South



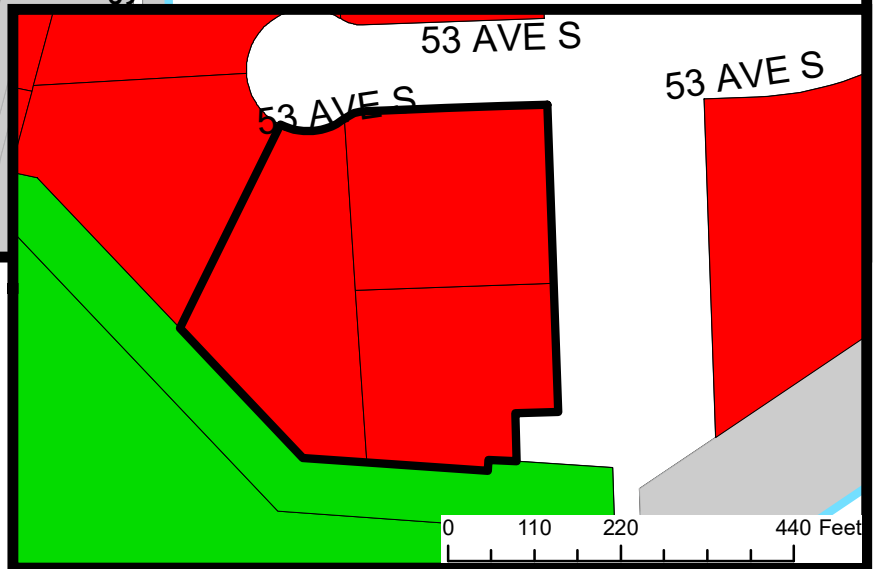
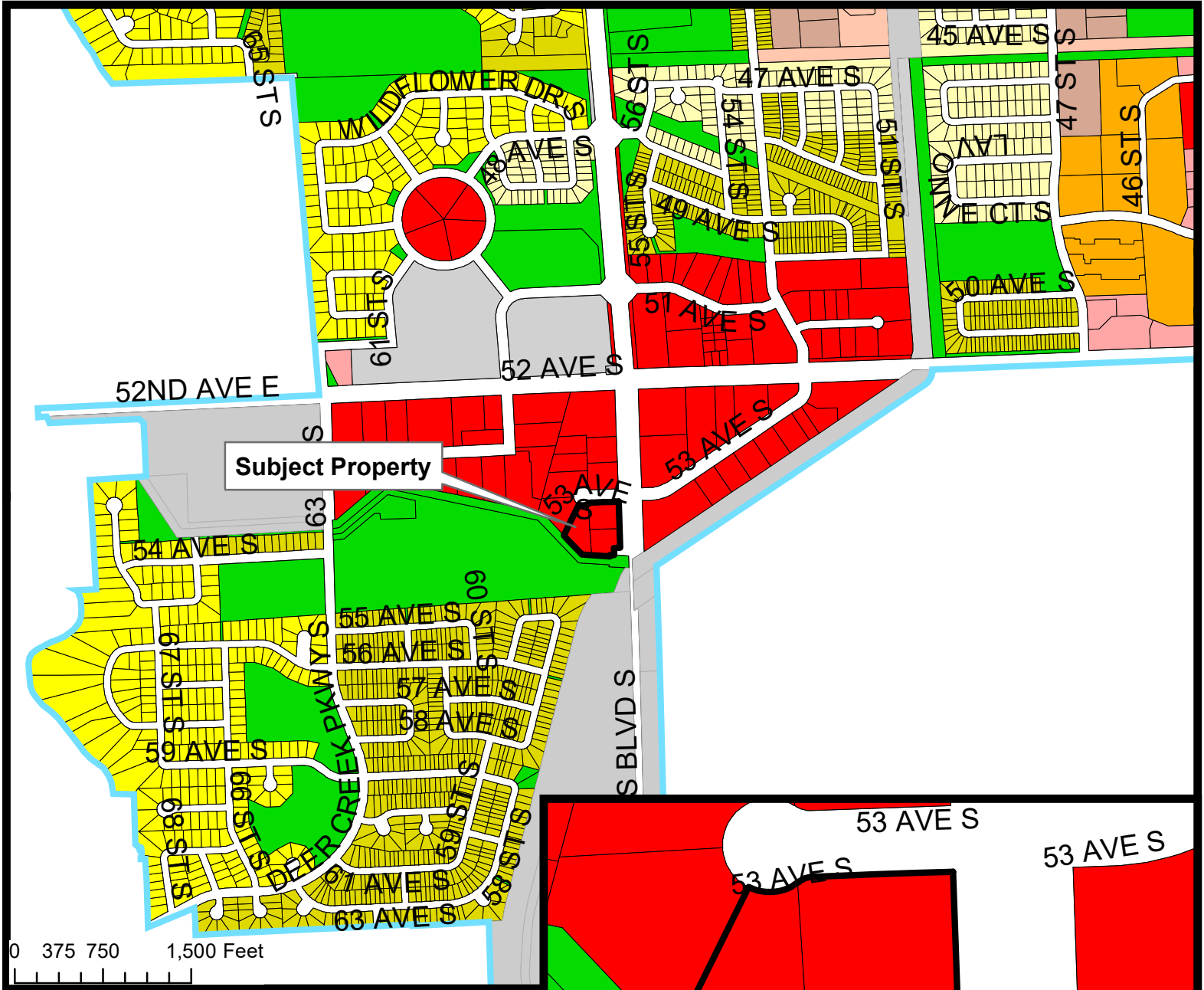
Legend

 City Limits

CUP for Industrial Service Uses in GC General Commercial zone

Radio Addition

5710, 5750 and 5770 53rd Avenue South

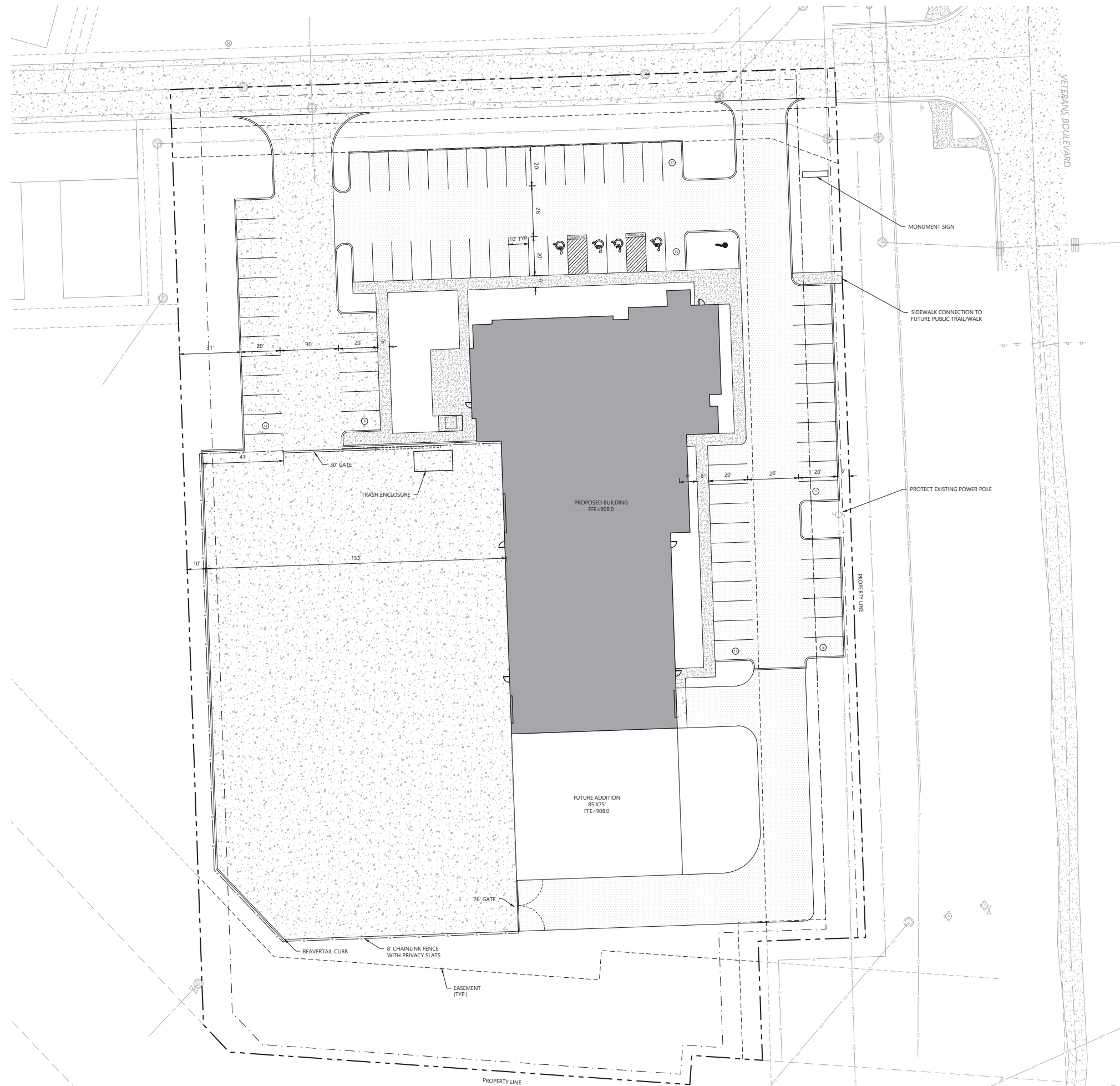


Legend

AG	DMU	GC	GO	LC	MHP	MNC	PNC	UMU	MPR-1	MPR-2	MPR-3	City Limits
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Project Number: RM P 21 023

BLK 001012100 OFFICE - FARGO/CULIC/ADAMS/REITS/BAYHILL - SPD DWG



Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance



13115 Industrial Dr E • Oak Rapids, MN 56279
1301 11th St E • Glencoe, MN 55336
150 St Andrews Ct, Ste 510 • Monticello, MN 56001
4201 36th St SW, Ste 200 • Fargo, ND 58104

SITE LEGEND

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	LOT LINE
---	---	SETBACK LINE
---	---	EASEMENT LINE
---	---	CONTROL ACCESS LINE
---	---	CURB AND GUTTER
---	---	TIP-OUT CURB AND GUTTER
---	---	POND NORMAL WATER LEVEL
---	---	RETAINING WALL
---	---	FENCE
---	---	CONCRETE PAVEMENT
---	---	CONCRETE SIDEWALK
---	---	GRAVEL
---	---	HEAVY DUTY BITUMINOUS PAVEMENT
---	---	NORMAL DUTY BITUMINOUS PAVEMENT
---	---	NUMBER OF PARKING STALLS
---	---	TRANSFORMER
---	---	SITE LIGHTING
---	---	TRAFFIC SIGN
---	---	POWER POLE
---	---	BOLLARD / POST

GENERAL SITE NOTES

- BACKGROUND INFORMATION FOR THIS PROJECT PROVIDED BY MOORE ENGINEERING, WEST FARGO, ND, 10/05/2022.
- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY.
- REFER TO BOUNDARY SURVEY FOR LOT BEARINGS, DIMENSIONS AND AREAS.
- ALL DIMENSIONS ARE TO FACE OF CURB OR EXTERIOR FACE OF BUILDING UNLESS OTHERWISE NOTED.
- REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND LOCATIONS OF EXITS, RAMPS, AND TRUCK DOCKS.
- ALL CURB RADII ARE SHALL BE 3.0 FEET (TO FACE OF CURB) UNLESS OTHERWISE NOTED.
- ALL CURB AND GUTTER SHALL BE TYPE 1 UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGGERS AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY AND ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.
- BITUMINOUS PAVEMENT AND CONCRETE SECTIONS TO BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
- CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES.
- SITE LIGHTING SHOWN ON PLAN IS FOR REFERENCE ONLY. REFER TO LIGHTING PLAN PREPARED BY OTHERS FOR SITE LIGHTING DETAILS AND PHOTOMETRICS.

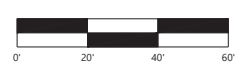
SITE DEVELOPMENT SUMMARY

EXISTING ZONING:	GC, GENERAL COMMERCIAL DISTRICT
PROPOSED ZONING:	GC WITH CUP FOR WAREHOUSE
PARCEL DESCRIPTION:	LOT 3, BLK 1, RADIO SECOND ADDITION
PROPERTY AREA:	168,536 SF (3.87 AC)
PERVIOUS SURFACE:	XX,XXX SF (XX.X%)
IMPERVIOUS SURFACE(RATIO):	XX,XXX SF (XX.X%)
BUILDING GROSS SIZE:	XX,XXX SF
OFFICE:	XX,XXX SF
WAREHOUSE/COMMON:	XX,XXX SF
BUILDING SETBACK PER CODE:	20' = FRONT 5'-SIDE / 20'-SIDE TO ROW 15'-REAR
PARKING PERIMETER BUFFER:	4' = FRONT AND ROW
PARKING SPACE/DRIVE AISLE:	10' WIDE X 20' LONG, 26' AISLE
PARKING RATIO REQUIREMENT:	CITY OF FARGO OFFICE: 1 SPACE / 300 SF OF BLDG WAREHOUSE: 1 SPACE / 2,500 SF OF BLDG
OFFICE (18,000/300):	60 SPACES
WAREHOUSE (12,900/2,500):	5 SPACES
TOTAL SPACES REQUIRED:	65 SPACES
PARKING PROVIDED:	78 SPACES

NOT FOR CONSTRUCTION
PROJECT BAYHILL
COMMERCIAL DEVELOPMENT
FARGO, ND

REVISION	DATE

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Received 29 Mar 23



C201

City of Fargo Staff Report			
Title:	Radio Second Addition	Date:	3/29/2023
Location:	5709-5790 53rd Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 1 through 10, Block 1, Radio Addition		
Owner(s)/Applicant:	Four Horsemen, LLC / Tony Eukel, MBN Engineering	Engineer:	RJN Survey (Josh Nelson)
Entitlements Requested:	Major Subdivision (replat of Lots 1 through 10, Block 1, Radio Addition including a vacation of a portion of 53 rd Avenue South right of way)		
Status:	Planning Commission Public Hearing: April 4 th , 2023		
Existing		Proposed	
Land Use: Undeveloped and vacant commercial		Land Use: Commercial	
Zoning: GC, General Commercial		Zoning: No change	
Allowed Uses: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events, basic utilities, and certain telecommunications facilities		Allowed Uses: No change	
Maximum building coverage 85%		Maximum building coverage 85%	
Proposal:			
<p><i>PROJECT NOTE: This subdivision, which is agenda item no. 2 on the April 4th, 2023 Planning Commission agenda, replats the area that is included in agenda item no. 1, Radio Addition CUP. Staff will explain the relationship between these two agenda items at the April 4th hearing.</i></p> <p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Major Subdivision, replat of Lots 1 through 10, Block 1, Radio Addition, including a vacation of a portion of 53rd Avenue South right of way, to be known as Radio Second Addition <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, Agricultural; undeveloped • East: GC, with Commercial and Industrial uses • South: P/I, Public/Institutional with City of Fargo-owned water reservoir and ditch • West: GC, with commercial uses; some properties with conditional use permits for industrial uses 			
(continued on next page)			

Area Plans:

The subject property is located within the 2007 Southwest Tier 1 Growth Plan, which designates the property for "Commercial" land use. The current GC, General Commercial, zoning is consistent with this land use designation. No zone change is proposed.



Context:

Schools: The subject property is located within the West Fargo School District, specifically within the Deer Creek Elementary, Heritage Middle and Horace High schools.

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

Parks: Osgood Park (4951 47th Street North) is approximately 0.7 mile from the subject property. This park provides playgrounds for ages 2-5 and 5-12, recreational trails, a shelter, picnic table, multi-purpose field, basketball court, grill, recreational trails, disc golf, and a soccer field.

Pedestrian / Bicycle: The existing multi-use path along Veterans Boulevard north of 52nd would be continued south of 52nd as Veterans Boulevard is developed. A new shared use path was built on either side of 52nd Avenue South with the recent reconstruction. These paths connect to the metro area path system.

MATBUS Route: The subject property is not along a MATBUS route.

Staff Analysis:

The plat would replat the existing 10 lots into five lots for commercial development. The existing zoning is GC, General Commercial. No zone change is proposed.

ACCESS: None of the lots will take access directly from 52nd Avenue South or Veterans Boulevard South due to negative access easements. All lots will take access from the 40-foot wide access and utility easement depicted on the plat. Utility service to some of the lots will also be provided through the access and utility easements.

EASEMENT AGREEMENT: The applicant will submit an agreement for maintenance of the access and utility easements for staff review prior to final plat approval.

VACATION OF 53rd AVENUE SOUTH CUL-DE-SAC: The plat includes a vacation of a portion of the 53rd Avenue South right of way (ROW). This ROW was dedicated on the Radio Addition plat (2022) and has not been improved. Staff supports the proposed vacation of this portion of the 53rd Avenue South ROW. Findings specific to this vacation are below.

DRAIN DEDICATION NOT REQUIRED: The watercourse adjacent to the south side of this property is not owned by the Southeast Cass Water Resources District; therefore, the 175-foot dedication noted in Land Development Code Section 20-0610 is not required to be shown on this plat. The plat depicts a 50-foot wide City of Fargo easement adjacent to this watercourse for the protection of the bank. No structures can be built within this easement.

Major Subdivision

The LDC stipulates that the following criteria is met before a major subdivision plat can be approved

- 1. Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

The property is zoned GC, General Commercial. No zone change is proposed. The GC zone will accommodate the proposed commercial development on these lots. Additionally, certain industrial uses could be allowed by conditional use permit on individual lots. 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 no comment on the application. **(Criteria Satisfied)**

- 2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The property is zoned GC, General Commercial. No zone change is proposed. The GC zone will accommodate the proposed commercial development on these lots. Additionally, certain industrial uses could be allowed by conditional use permit on individual lots. The GC zoning designation is consistent with the "Commercial" land use designation of the 2007 Growth Plan for this area. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.

(Criteria Satisfied)

- 3. 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.**

Staff is working with the applicant on a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. The amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to City Commission hearing. 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)**

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the

municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

It is the applicant's responsibility to contact all potential utility providers and submit documentation that there are no utilities in these easements. City staff reviews the applicant's documentation prior to City Commission approval of the plat. Any existing utility line that must be remain would have an easement retained. **(Criteria Satisfied)**

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, a petition signed by all adjacent owners has been submitted for review and consideration, along with a plat of such public street. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

The vacation plat will be advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This action will be taken by the City Commission. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed **Radio Second Addition** subdivision plat as presented, including the vacation of right of way; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 4th, 2023

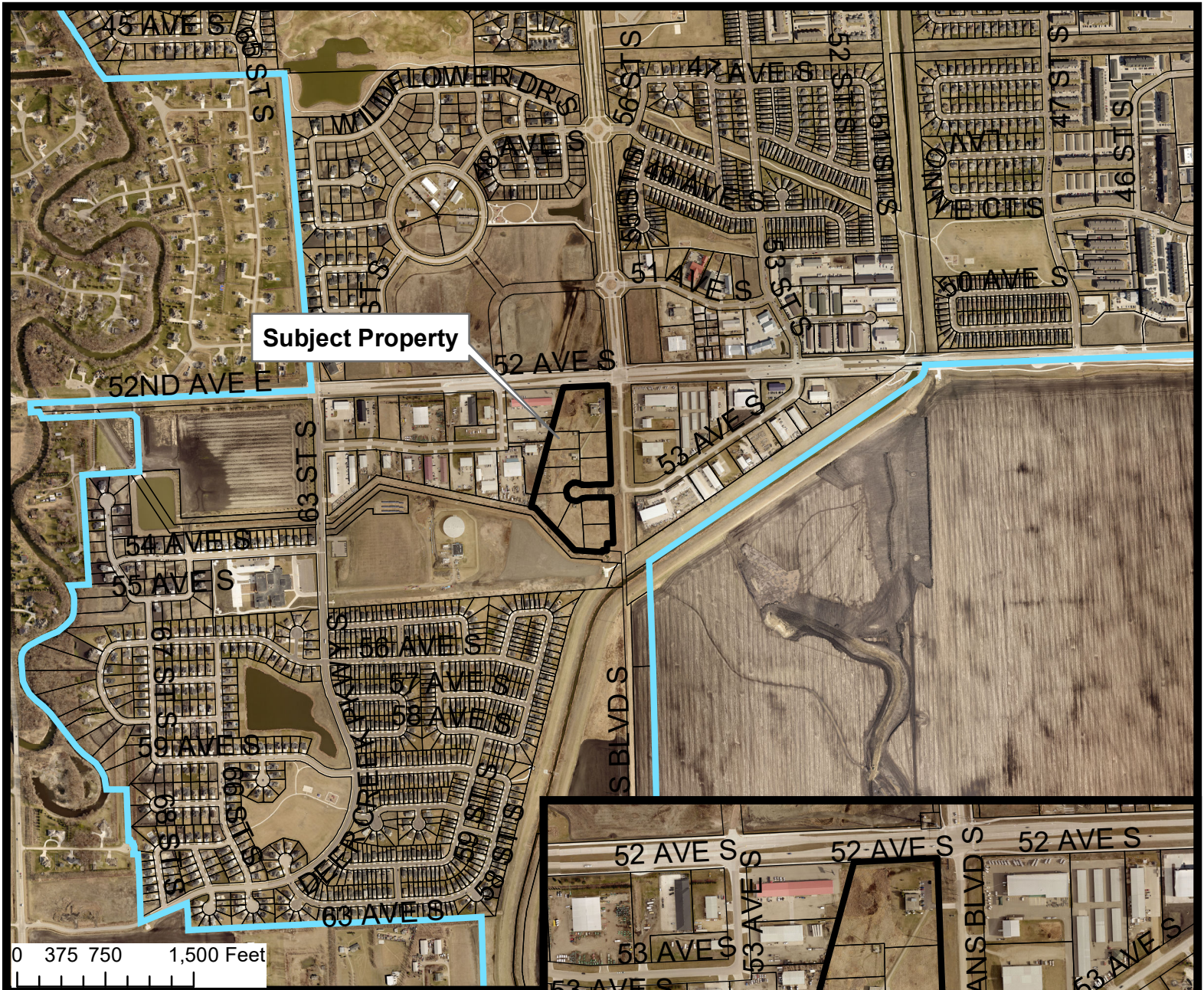
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

Major Subdivision including Vacation of Right of Way

Radio Second Addition

5709-5790 53rd Avenue South



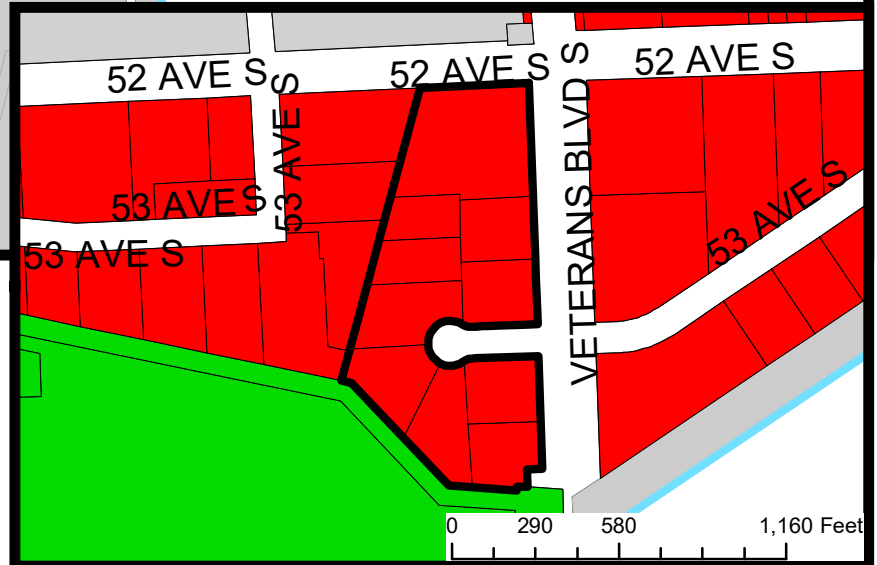
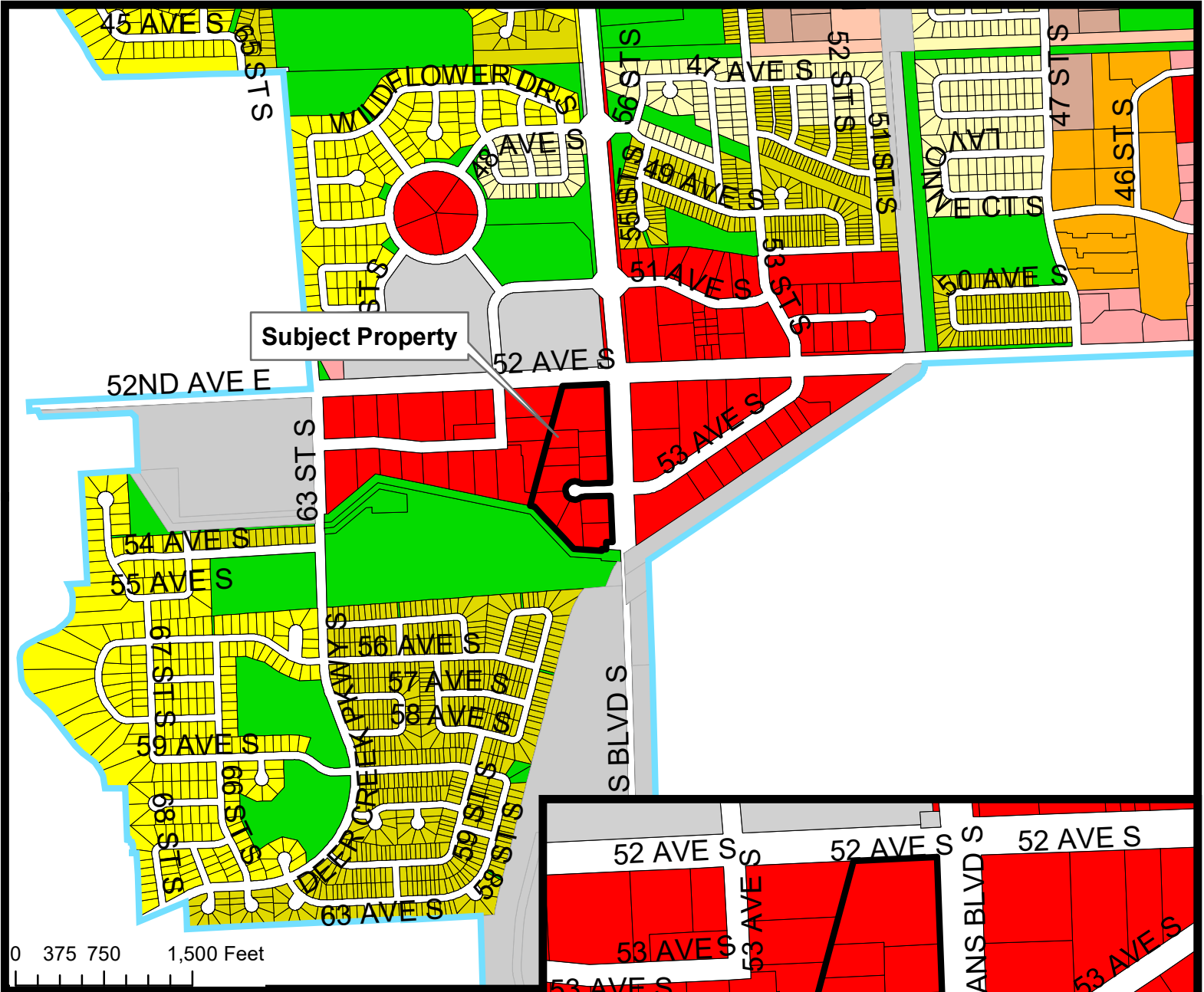
Legend

 City Limits

Major Subdivision including Vacation of Right of Way

Radio Second Addition

5709-5790 53rd Avenue South



Legend

AG	DMU	GO	LC	MR-1	MR-2	MR-3	MHP	UO	UMU	SR-2	SR-3	SR-4	SR-5	City Limits
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RADIO SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF LOTS 1 THROUGH 10, BLOCK 1 OF RADIO ADDITION AND A VACATION OF 53RD AVENUE SOUTH, UTILITY AND
INGRESS/EGRESS EASEMENTS LYING AND BEING WITHIN THE BOUNDARY OF THE PLAT DESCRIBED HEREIN
(A MAJOR SUBDIVISION)

OWNER'S DEDICATION AND DESCRIPTION

KNOW ALL PERSONS BY THESE PRESENTS, That Four Horsemen LLC, a North Dakota limited liability company, Owner of a parcel of land located in that part of the Northeast Quarter of Section 5, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

All of Lots 1 through 10, RADIO ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder as Document No. 1659018, Cass County, North Dakota.

Plat contains 16.63 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Said owners of the above described property, have caused the same to be surveyed and platted as "RADIO SECOND ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public for public use the access and utility easement shown on said plat. Said owners also hereby dedicate and convey a private pond easement and storm sewer easements, for storm water purposes, as shown herein, to all lots with said "RADIO SECOND ADDITION". Said owners also hereby vacate that part of 53rd Avenue South lying within said "RADIO SECOND ADDITION".

OWNER

Four Horsemen LLC

Eric Mehry, Managing Partner

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 2023, before me, a notary public in and for said county and state, personally appeared Eric Mehry, known to me to be the Managing Partner of Four Horsemen LLC described in and who executed the same on behalf of said company.

Notary Public: _____

MORTGAGEE

First International Bank and Trust

Troy Ott, Vice President

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 2023, before me, a notary public in and for said county and state, personally appeared Troy Ott, known to me to be the Vice President of First International Bank and Trust described in and who executed the same on behalf of First International Bank and Trust.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Joshua J. Nelson, 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.

Dated this ____ day _____, 2023.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 2023, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ____ day of _____, 2023.

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 2023, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of _____, 2023.

Timothy J. Mahoney
Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 2023, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2023.

Rocky Schneider
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

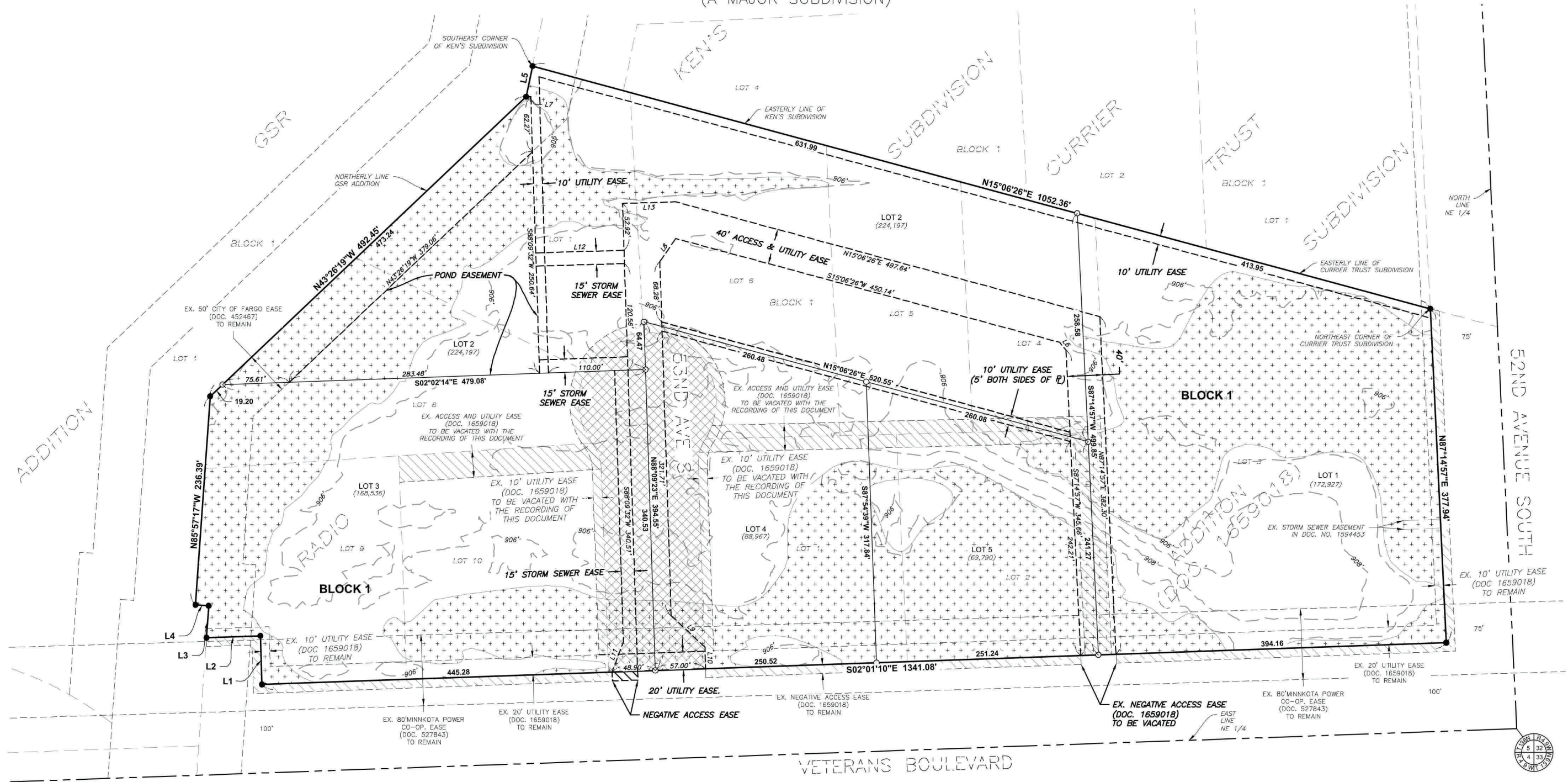
On this ____ day of _____, 2023, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____



RADIO SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
 A REPLAT OF LOTS 1 THROUGH 10, BLOCK 1 OF RADIO ADDITION AND A VACATION OF 53RD AVENUE SOUTH, UTILITY AND
 INGRESS/EGRESS EASEMENTS LYING AND BEING WITHIN THE BOUNDARY OF THE PLAT DESCRIBED HEREIN
 (A MAJOR SUBDIVISION)

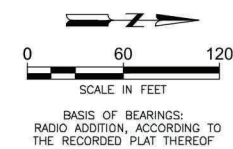


NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
- PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAP 38017C0767G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 905.7' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM CITY OF FARGO CONTOUR DATA.
- BENCHMARK SEFB HYDRANT LOCATED ON THE EAST SIDE OF 53RD AVENUE SOUTH, +/-200' SOUTH OF THE INTERSECTION OF 52ND AVENUE SOUTH AND 53RD AVENUE SOUTH, BM-252001 PUBLISHED ON SHEET #252 OF THE CITY OF FARGO BENCHMARK BOOK (2021 EDITION) ELEVATION = 914.62 (NAVD88).
- NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF RADIO SECOND ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

LEGEND

- SET 5/8" REBAR CAP LS-27292
- FOUND MONUMENT
- - - - - EXISTING PROPERTY LINE
- - - - - EXISTING EASEMENT LINE
- - - - - PLAT NEW EASEMENT
- SECTION LINE
- PLAT OVERALL BOUNDARY
- PLAT INTERIOR LOT LINES
- ▨ NEW NEGATIVE ACCESS EASEMENT
- ▨ EASEMENTS VACATED BY THIS PLAT
- ▨ PUBLIC STREET VACATED BY THIS PLAT
- ▨ EXISTING NEGATIVE ACCESS EASEMENT - TO REMAIN
- 100 YR. FLOODPLAIN
- - - - - EXISTING GROUND CONTOUR



LINE TABLE		
#	DISTANCE	BEARING
L1	55.00	S87°58'50"W
L2	61.03	S02°01'10"E
L3	36.23	N85°57'17"W
L4	15.00	S04°02'43"W
L5	35.38	N78°14'59"W
L6	11.29	S51°10'42"W
L7	5.18	N01°50'28"W

LINE TABLE		
#	DISTANCE	BEARING
L8	31.66	S55°13'42"E
L9	52.36	N43°09'32"E
L10	24.31	N88°13'57"E
L11	36.33	N69°20'28"W
L12	99.99	N01°39'44"W
L13	59.66	N01°50'28"W



1218 55th Street North
 Fargo, ND 58102
 Email: josh@rjnsurvey.com

City of Fargo Staff Report			
Title:	Duane's Pizza Addition	Date: Update:	12/29/2022 3/29/2023
Location:	1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South	Staff Contact:	Maegin Elshaug & Brad Garcia
Legal Description:	Lots 1-8, less the vacated right-of-way and Lots 9-16, Block 28, Morton & Doty's Addition <i>Note: property is in the process of being platted into Lot 1, Block 1, Duane's Pizza Addition</i>		
Owner(s)/Applicant:	BLOC Partners, LLC/Craig Development, LLC	Engineer:	Lowry Engineering/Neset Land Surveys
Entitlements Requested:	Planned Unit Development Final Plan within the boundaries of the Duane's Pizza Addition		
Status:	Planning Commission Public Hearing: April 4, 2023		

Existing	Proposed
Land Use: Commercial and Residential	Land Use: Mixed-use development
Zoning: LC, Limited Commercial with PUD, Planned Unit Development	Zoning: unchanged
Uses Allowed: LC – Limited Commercial Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities. With Residential Use through PUD (ordinance 5383)	Uses Allowed: unchanged
Maximum Lot Coverage Allowed: LC allows 55% building coverage	Maximum Lot Coverage Allowed: Unchanged

Proposal:
<p>The applicant requests the approval of one entitlement: Planned Unit Development (PUD) Final Plan.</p> <p><u>Project Summary</u> BLOC Partners, LLC proposes a 5-story mixed-use development, consisting of 127 residential apartment units, 15,258 square feet of commercial space, with up to 114 spaces between underground, main floor, and exterior parking spaces.</p> <p><u>Project History</u> In January, the Planning Commission reviewed applications for a minor subdivision (Duane's Pizza Addition), PUD</p>

Master Land Use Plan and PUD ordinance. The commission recommended approval to the City Commission, and motioned to continue the PUD Final Plan to a later date. The City Commission conditionally approved the minor subdivision, and approved the PUD Master Land Use Plan and Ordinance on February 21, 2023. Once the approval conditions are satisfied, the plat will be recorded. The PUD Final Plan is now before the Planning Commission for review. The Final Plan is not a public hearing item.

Attached to this staff report are project plans, including the site plan, elevations and landscaping plan. Between the January Planning Commission meeting and the February City Commission meeting, staff and the applicant worked together on finalizing the PUD ordinance. Changes to the ordinance from the Planning Commission meeting include:

- Removal of planting requirements to follow Land Development Code due to the scale of site;
- Reduced the maximum overall building height from 70 feet to 65 feet with exceptions to elevators, stair towers and similar, which cannot exceed 75 feet;
- Clarified that within the interior cut through of building, it is limited to one vehicular pick-up window on the north side of the cut through and one drive-thru on the south side of the cut through;
- Limited the freestanding sign to a monument sign and increased maximum height from 12 feet to 20 feet.

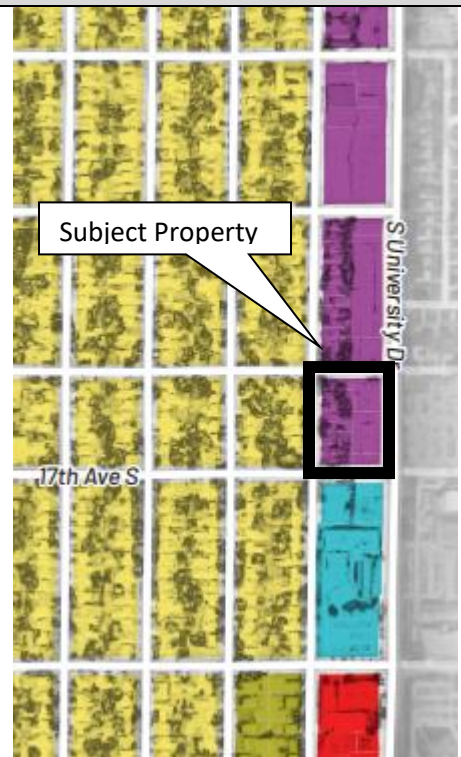
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 16th Avenue South is LC, Limited Commercial and SR-2, Single-Dwelling Residential with commercial and detached residential;
- East: Across University Drive South is GO, General Office with a parking lot;
- South: Across 17th Avenue South is LC and SR-2, owned by Sanford;
- West: Across 13 ½ Avenue South is SR-2 with detached residential.

Area Plans:

The Future Land Use Map of the Lewis & Clark Neighborhood implementation brief within the Core Neighborhoods Plan (CNP) identifies the subject property as appropriate as mixed-use neighborhood commercial. Per the CNP, Neighborhood commercial opportunities such as restaurants, local retail establishments and community gathering spaces with residential uses incorporated into the development are the primary components of this land use designation. Mixed-Use designation requires the inclusion of a residential component to ensure 24 hour viability. Additionally, walking and cycling access must be fully integrated into these developments.



Context:

Neighborhood: Lewis & Clark (Clara Barton is just across University Drive to the east).

Schools: The subject property is located within the Fargo Public School District, specifically the Lewis & Clark Elementary, Carl Ben Jr High and South Senior High schools.

Parks: Lewis & Clark Park (1807 16th St S) that includes sports courts and fields, outdoor skating rink and warming house, picnic tables and playground, and Clara Barton Park (1451 6th St S) that includes sports courts and fields, outdoor skating rink and warming house, and playground. Just beyond a half-mile are the following facilities: Southwest Recreational Pool, Tharaldson Little League Complex, Sports Arena at South High, Burdick Park, Ponte's Park, and Lindenwood Park.

Pedestrian / Bicycle: Currently, there are no shared-use paths located in proximity to the property. At the time of redevelopment, University Drive South and 17th Avenue South are intended to have shared use paths.

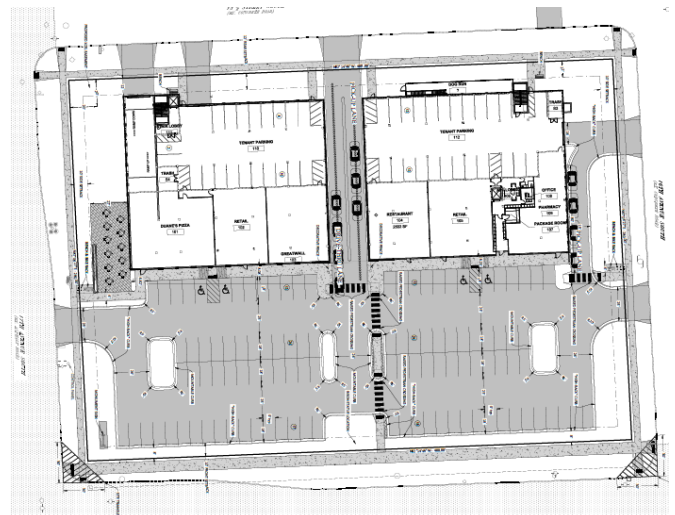
Bus Route: Route 14 runs along University Drive South and route 16 runs along 17th Avenue South. A bus stop is located approximately 150 feet north of the subject property along University Drive South and a shelter is located approximately 400 feet to the east on 17th Avenue South.

Core Neighborhoods Plan: Supports and encourages "complete street" roadway designs and a focus to encourage all modes of transportation. When reviewing WalkScore.com, this location has a 72 score (very walkable).

Staff Analysis:

Proposed Final Plan consistency with approved Master Land Use Plan

The graphic below provides a comparison of the approved master land use plan (left) and the proposed final plan (right). Findings evaluating the differences between the two plans are below. Copies of these plans are also attached.



PUD Final Plan Section 20-0908.D:

The LDC stipulates that the Planning Commission shall approve the PUD Final plan if it is determined to be in substantial compliance with the approved PUD Master Land Use Plan. The PUD Final Plan shall be deemed to be in compliance so long as, when compared with the PUD Master Land Use Plan, it does not result in: Currently the Final Plan lacks the detail to provide further review and will request to review this at a separate meeting at Planning Commission, scheduled upon receipt of building permit submittal.

- **An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**
There has been no change in project density or intensity. **(Criteria Satisfied)**
- **A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**
There has been no change in the mix of housing types or the amount of land devoted to nonresidential uses. **(Criteria Satisfied)**
- **A reduction in the amount of open space;**
There has been no change in the amount of open space. **(Criteria Satisfied)**
- **Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**
There has been no change to the vehicular circulation system. **(Criteria Satisfied)**
- **Any change within 50 feet of any SR or MR zoning district;**
There has been no change within 50 feet of any SR or MR zoning district. **(Criteria Satisfied)**
- **Any change determined by the Planning Commission to represent an increase in development intensity;**
There has been no increase in development intensity. **(Criteria Satisfied)**
- **A substantial change in the layout of buildings.**
There has been no change in the layout of the building. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the Planned Unit Development Final Plan for Duane's Pizza Addition as depicted in the packet, as the proposal complies with the PUD Master Land Use Plan, Section 20-0908.D of the LDC, and all other requirements of the LDC."

Planning Commission Recommendation:

Attachments:

1. Zoning Map
2. Location Map
3. Approved PUD Master Land Use Plan
4. PUD Final Plan
5. Elevation Plans
6. Landscape Plan

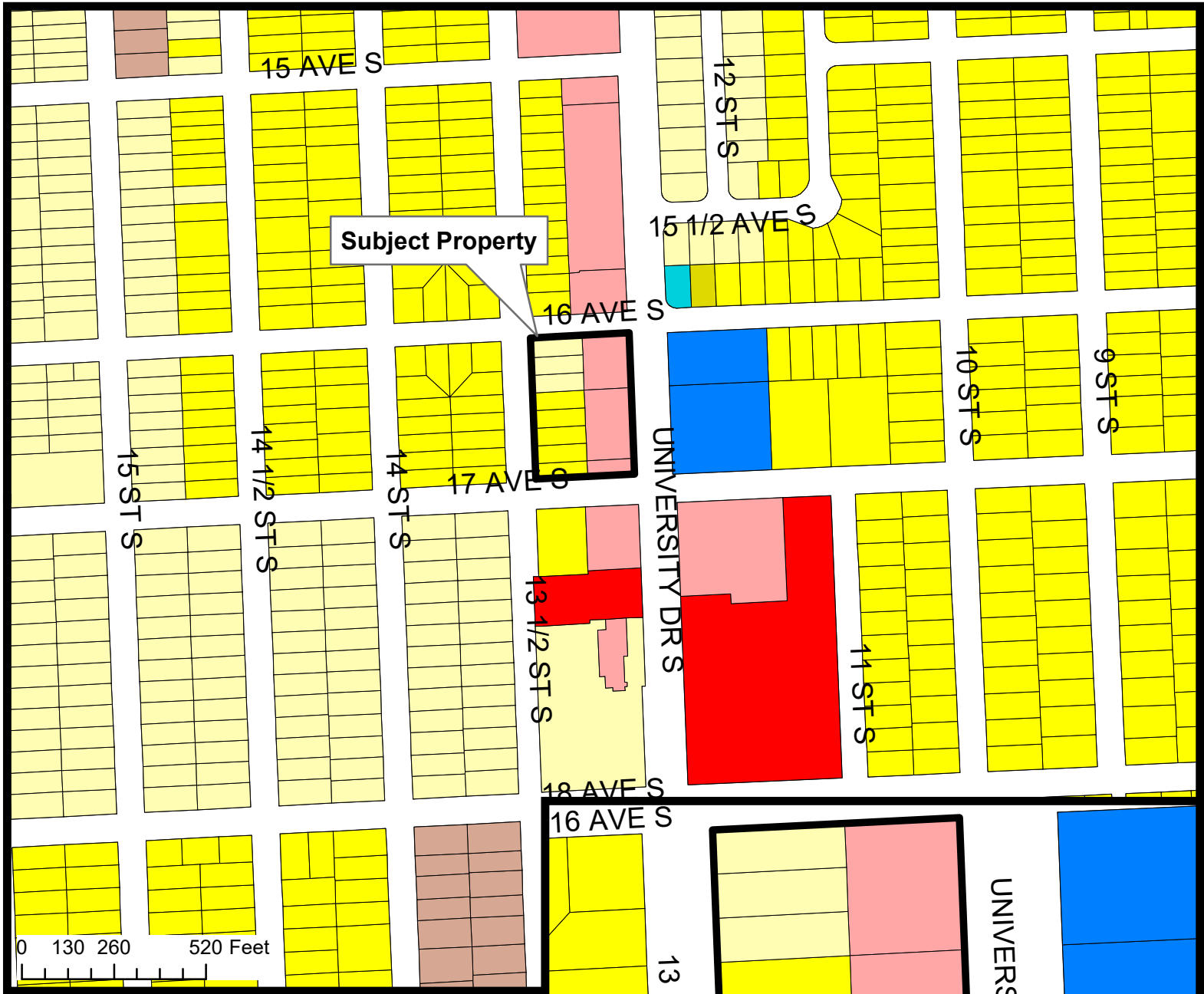
Minor Subdivision, Zone Change (SR-2, SR-3 and LC to LC with Planned Unit Development (PUD), PUD, Overlay; PUD, Master Land Use Plan and Final Plan

1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627 & 1629 University Drive South

1602, 1606, 1610, 1614, 1618, 1622 & 1626 13 1/2 Street South

1321 17 Avenue South

Duane's Pizza Addition

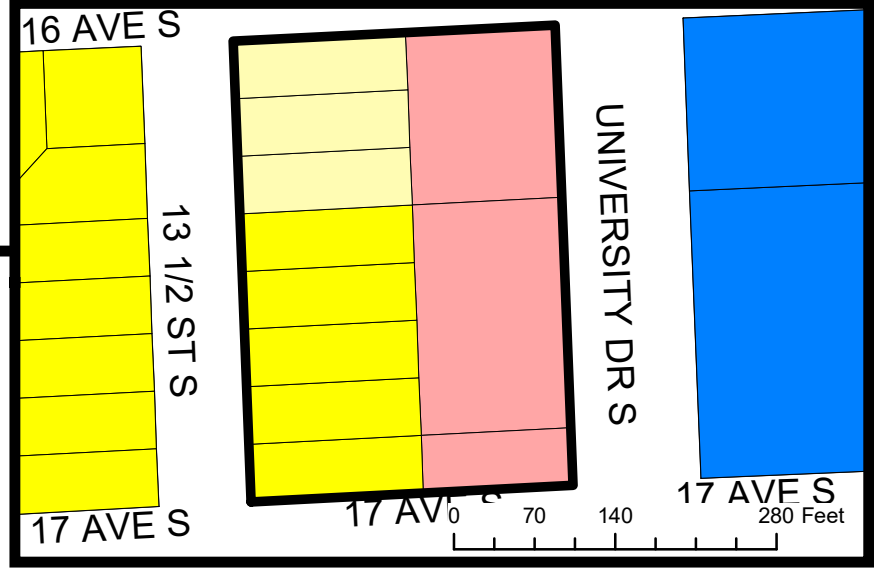


0 130 260 520 Feet



Legend

AG	LC	MHP	SR-2
GD	MR-1	NO	SR-3
GO	MR-2	P/I	UMU
GO	MR-3	UMU	City Limits



0 70 140 280 Feet



Fargo Planning Commission
January 3, 2023

Minor Subdivision, Zone Change (SR-2, SR-3 and LC to LC with Planned Unit Development (PUD), PUD Overlay; PUD, Master Land Use Plan and Final Plan

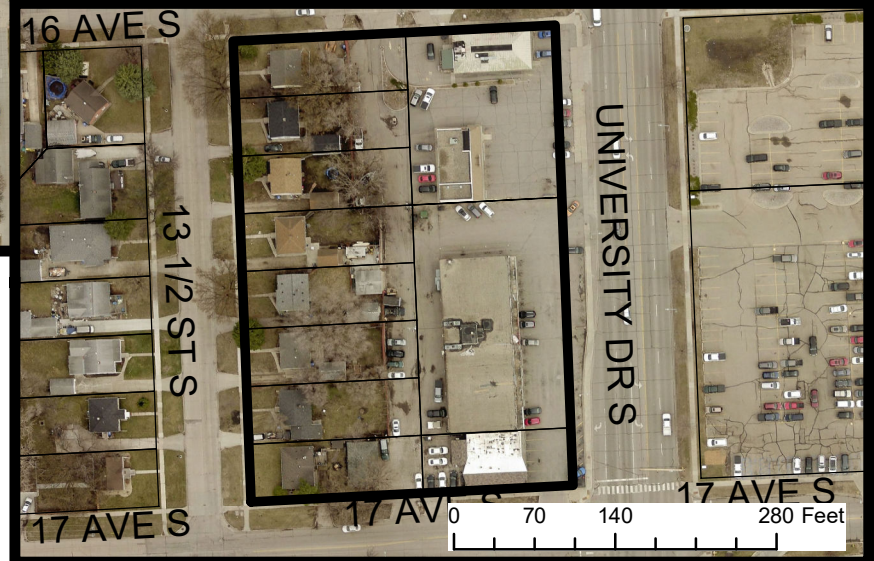
1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627 & 1629 University Drive South

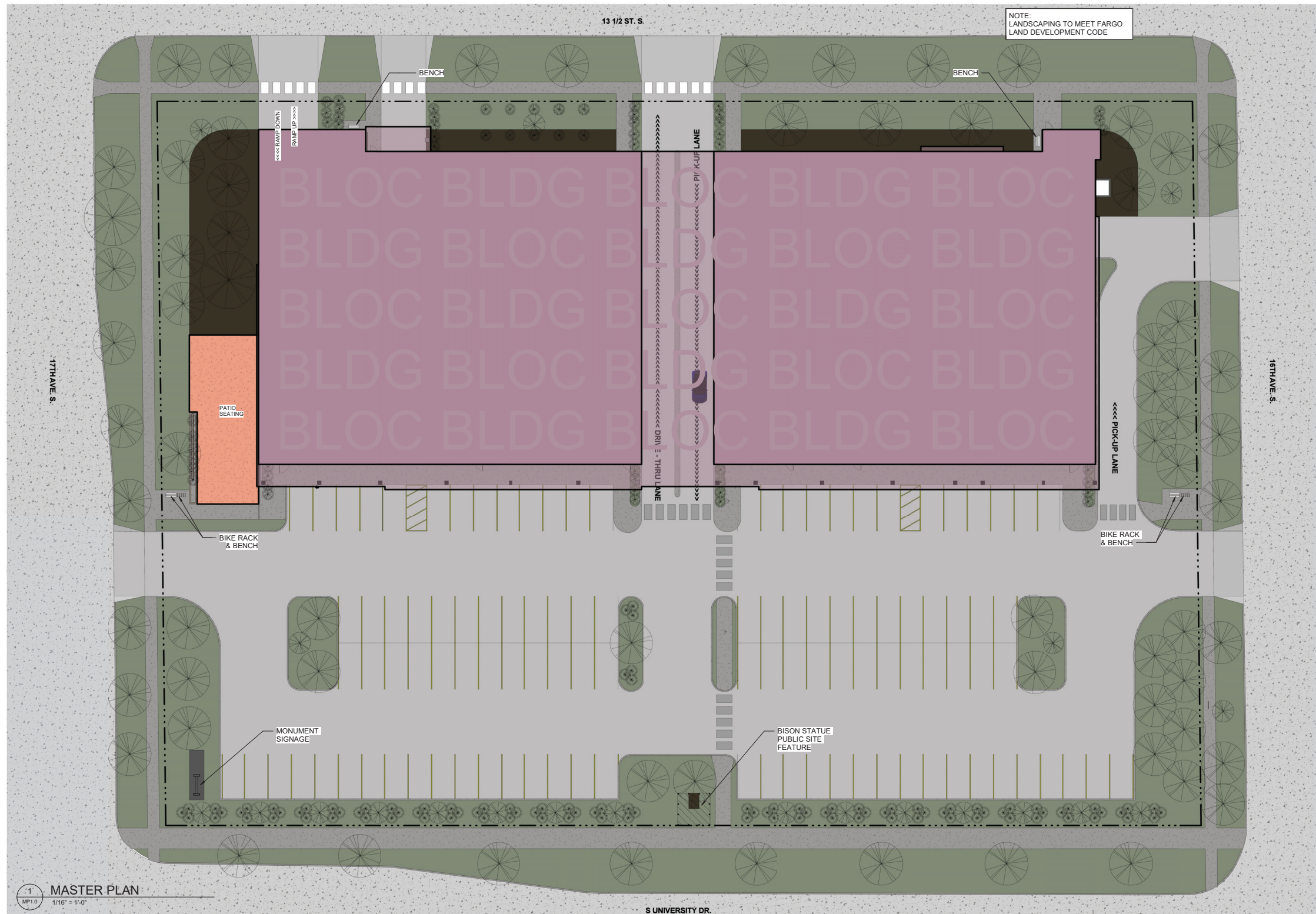
1602, 1606, 1610, 1614, 1618, 1622 & 1626 13 1/2 Street South

1321 17 Avenue South

Duane's Pizza Addition

Subject Property





1 MASTER PLAN
MP1.0
1/16" = 1'-0"



2 SITE SECTION



PRELIMINARY
NOT FOR
CONSTRUCTION

Project:

UNIVERSITY MIXED-USE
PLAN REVIEW
UNIVERSITY DR.
DESIGN DEVELOPMENT

Location:
University Dr.
Fargo, ND 58103

Drawn By:
MB

Date:
DATE
1/30/2023 9:52:34 AM

Revision Date:

Job Number:
2022.12

Sheet Name:
MASTER PLAN

Sheet Number:
MP1.0



ESTIMATED SITE QUANTITIES		
ITEM	QUANTITY	UNIT
GEOTEXTILE FABRIC		SY
4" CONCRETE FLATWORK		SY
6" CONCRETE FLATWORK		SY
GRAVEL - NDDOT CL 5 OR CRUSHED CONCRETE		SY
THICKENED EDGE CONCRETE		LF
CURB & GUTTER - HIGH BACK STYLE		LF
CURB & GUTTER - MOUNTABLE STYLE		LF
ADA DOME PANEL - CAST IRON STYLE		SF
PAVEMENT MARKINGS - ADA SYMBOL		EA
PAVEMENT MARKINGS - PAINTED 4" LINE		LF
PAVEMENT MARKINGS - 2" CROSSWALK LINE		LF

NOTES:
1. ...

STROH
ARCHITECTS | INTERIORS
8 Seventh St. N.
Fargo, N.D. 58102
Office (701) 239-4198
Fax (701) 239-9643
www.tstroh.com

PRELIMINARY
NOT FOR
CONSTRUCTION

LOWRY
ENGINEERING
5306 151ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
L.E. #22041

BLOC MIXED-USE DEVELOPMENT
NEW 127 UNIT APARTMENT COMPLEX OVER MAIN FLOOR RETAIL FOR:
CRAIG PROPERTIES
PERMIT SET

Location:
University Dr.
Fargo, ND 58103

Drawn By:
PWB

Date:
DATE
11/9/2022 10:40:58 AM

Revision Date:

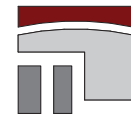
Job Number:
2022.12

Sheet Name:
OVERALL
SITE
PLAN

Sheet Number:

C-4

CALL BEFORE YOU DIG
NORTH DAKOTA
UTILITIES UNDERGROUND LOCATION SERVICE
1-800-795-0555



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 Fax (701) 239-9643
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**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

Project:



1 SOUTH ELEVATION
 A3.1 3/32" = 1'-0"

GROUND FLOOR TRANSPARENCY
 SOUTH GROUND FLOOR
 TOTAL FACADE AREA = 1297 SF
 SOUTH GROUND FLOOR
 TRANSPARENCY AREA = 337 SF
 TRANSPARENCY AREA
 TOTAL FACADE AREA: 26%



2 EAST ELEVATION
 A3.1 3/32" = 1'-0"

GROUND FLOOR TRANSPARENCY
 NORTH GROUND FLOOR
 TOTAL FACADE AREA = 2955 SF
 NORTH GROUND FLOOR
 TRANSPARENCY AREA = 1705 SF
 TRANSPARENCY AREA
 TOTAL FACADE AREA: 58%

BLOC MIXED-USE DEVELOPMENT
 NEW 127 UNIT APARTMENT COMPLEX OVER MAIN FLOOR RETAIL FOR:
CRAIG PROPERTIES
 PERMIT SET

Location:
 University Dr.
 Fargo, ND 58103

Drawn By:
 MB

Date:
 DATE
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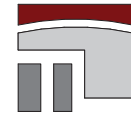
Revision Date:

Job Number:
 2022.12

Sheet Name:
 ELEVATIONS

Sheet Number:

A3.1



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 Fargo, N.D. 58102
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 Fax (701) 239-9643
 www.tstroh.com

PRELIMINARY
 NOT FOR
 CONSTRUCTION

Project:

BLOC MIXED-USE DEVELOPMENT
 NEW 127 UNIT APARTMENT COMPLEX OVER MAIN FLOOR RETAIL FOR:
CRAIG PROPERTIES
 PERMIT SET

Location:
 University Dr.
 Fargo, ND 58103

Drawn By:
 MB

Date:
 DATE
 3/17/2023 2:57:43 PM

Revision Date:

Job Number:
 2022.12

Sheet Name:
 ELEVATIONS

Sheet Number:
A3.2



2 NORTH ELEVATION
 A3.2 3/32" = 1'-0"

GROUND FLOOR TRANSPARENCY
 NORTH GROUND FLOOR
 TOTAL FAÇADE AREA = 1373 SF
 NORTH GROUND FLOOR
 TRANSPARENCY AREA = 343 SF
 TRANSPARENCY AREA
 TOTAL FAÇADE AREA: 25%



1 WEST ELEVATION
 A3.2 3/32" = 1'-0"

GROUND FLOOR TRANSPARENCY
 WEST GROUND FLOOR
 TOTAL FAÇADE AREA = 2947 SF
 WEST GROUND FLOOR
 TRANSPARENCY AREA = 740 SF
 TRANSPARENCY AREA
 TOTAL FAÇADE AREA: 25%

PRELIMINARY
NOT FOR
CONSTRUCTION

BLOC MIXED-USE DEVELOPMENT
NEW 127 UNIT APARTMENT COMPLEX OVER MAIN FLOOR RETAIL FOR:
CRAIG PROPERTIES
PERMIT SET

Location:
University Dr.
Fargo, ND 58103

Drawn By:
JH

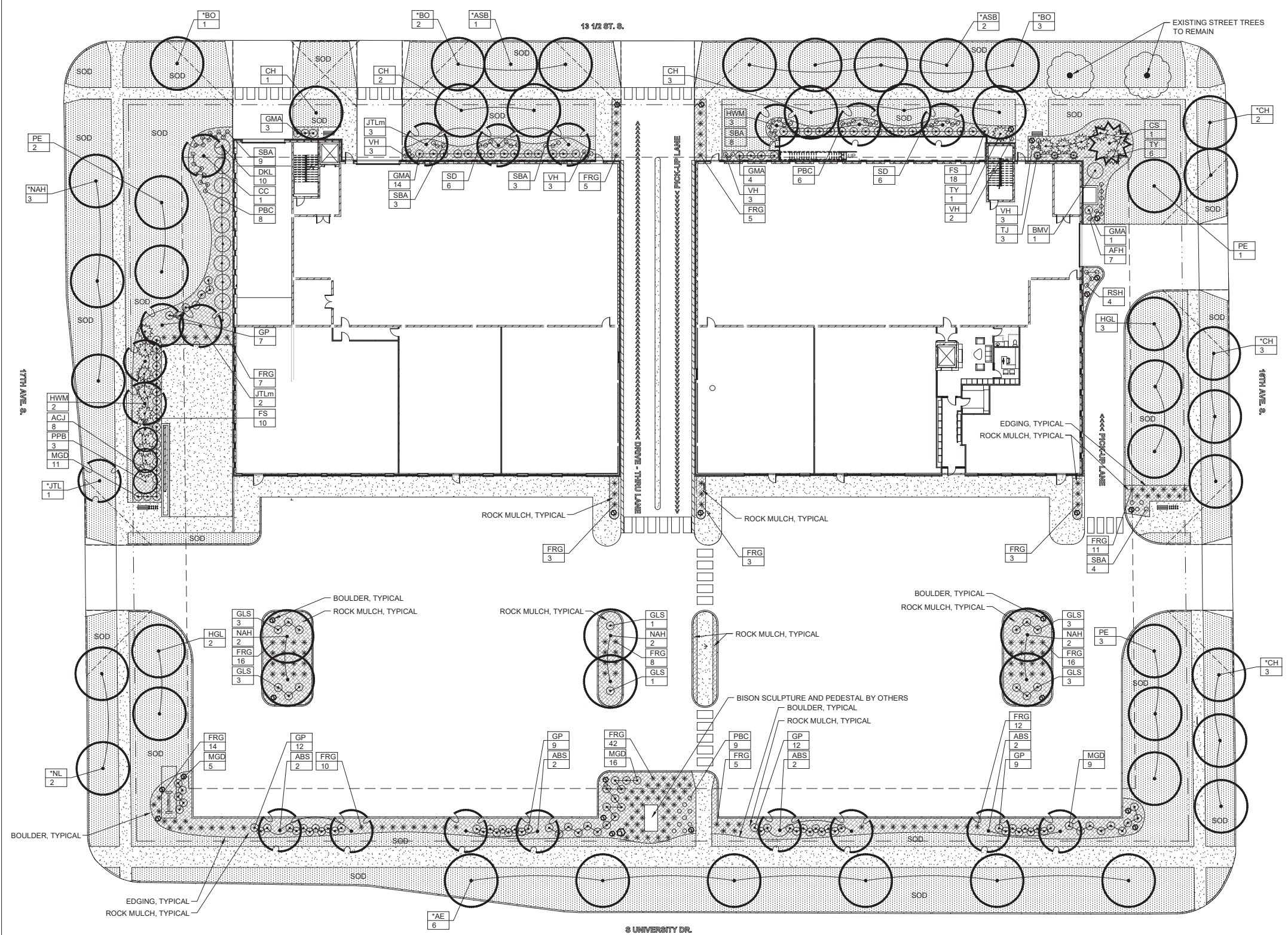
Date:
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Revision Date:

Job Number:
2022.12

Sheet Name:
LANDSCAPE
PLAN

Sheet Number:
L1.0



PLANTING LEGEND

SYM	TREES	SIZE	QUANTITY
NL	Norlin Linden (<i>Tilia cordata</i> 'Norlin')	1 1/2" CAL.	2
CH	Common Hackberry (<i>Celtis occidentalis</i>)	1 1/2" CAL.	14
NAH	Northern Acclaim Honeylocust (<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Harve')	1 1/2" CAL.	9
AE	Accolade Elm (<i>Ulmus 'Mortor'</i>)	1 1/2" CAL.	6
PE	Pinocelton Elm (<i>Ulmus americana</i> 'Pinocelton')	1 1/2" CAL.	6
HGL	Harvest Gold Linden (<i>Tilia mongolica</i> 'Harvest Gold')	1 1/2" CAL.	5
ASB	Autumn Splendor Buckeye (<i>Aesculus x amoldiana</i> 'Autumn Splendor')	1 1/2" CAL.	3
BO	Bur Oak (<i>Quercus macrocarpa</i>)	1 1/2" CAL.	6
PPB	Parkland Pillar Birch (<i>Betula platyphylla</i> 'Jetpark')	1 1/2" CAL.	3
JTL	Japanese Tree Lilac (<i>Syringa reticulata</i>)	1 1/2" CAL.	1
CC	Centurium Cossagepple (<i>Malus 'Centurium'</i>)	1 1/2" CAL.	1
ABS	Autumn Brilliance Serviceberry (<i>Amelanchier x grandiflora</i> 'Autumn Brilliance')	1 1/2" CAL.	8
HWM	Hot Wings Tatarian Maple (<i>Acer tataricum</i> 'GaeAnn')	1 1/2" CAL.	5
CS	Colorado Spruce (<i>Picea pungens</i>)	4' Height	1
TJ	Taylor Juniper (<i>Juniperus virginiana</i> 'Taylor')	4' Height	3

SHRUBS	SIZE	QUANTITY
GMA	Green Mound Alpine Currant (<i>Ribes alpinum</i> 'Green Mound')	#3 CONT. 22
BMV	Blue Muffin Viburnum (<i>Viburnum dentatum</i> 'Christom')	#5 CONT. 1
DKL	Dwarf Korean Lilac (<i>Syringa meyeri</i> 'Palbin')	#5 CONT. 10
GLS	Grow-Low Sumac (<i>Rhus aromatica</i> 'Grow-Low')	#3 CONT. 14
FS	Fritsch Spirea (<i>Spiraea frutescens</i>)	#3 CONT. 28
GP	Goldfinger Potentilla (<i>Potentilla fruticosa</i> 'Goldfinger')	#5 CONT. 49
MGD	Maukungan Gray Dogwood (<i>Cornus racemosa</i> 'Maukungan')	#5 CONT. 41
ACJ	Andora Compact Juniper (<i>Juniperus horizontalis</i> 'Plumosa Compacta')	#5 CONT. 8
TY	Taunton's Yew (<i>Taxus x media</i> 'Tauntoni')	#5 CONT. 7

PERENNIAL GRASSES	SIZE	QUANTITY
FRG	Feather Reed Grass (<i>Calamagrostis acutiflora</i> Karri Foerster)	#1 CONT. 100
PBC	Purisian Blue Catmint (<i>Nepteta faassenii</i> 'Purisian Blue')	#1 CONT. 23
SBA	Summer Beauty Allium (<i>Allium kusanianum</i> 'Summer Beauty')	#1 CONT. 27
AFH	Autumn Frost Hosta (<i>Hosta 'Autumn Frost'</i>)	#1 CONT. 7
RSH	Royal Splendor Hosta (<i>Hosta 'Royal Splendor'</i>)	#1 CONT. 4
VH	Vargated Hosta (<i>Hosta undulata</i>)	#1 CONT. 14
SD	Stella D'Oro Daylily (<i>Hemerocallis 'Stella D'Oro'</i>)	#1 CONT. 12

NOTE: CONTRACTOR TO PROVIDE AND INSTALL QUANTITIES OF PLANT MATERIALS SHOWN ON PLANS. QUANTITIES SHOWN IN LEGEND ARE FOR GENERAL REFERENCE AND ARE TO BE VERIFIED PRIOR TO BID.

*ALL STREET TREES REQUIRE A STREET TREE PERMIT PRIOR TO INSTALLATION FROM THE FORESTRY DEPARTMENT. THE FORESTRY DEPARTMENT WILL DETERMINE ALLOWABLE SPECIES. CONTACT THE FORESTRY DEPARTMENT AT 701-241-1465 FOR INFORMATION. WHEN WORK IS PROPOSED NEAR OR ON EXISTING STREET TREES, CONTACT THE FORESTRY DEPARTMENT IN ADVANCE FOR ADDITIONAL REQUIREMENTS.



- NOTES**
- THESE NOTES ARE FOR GENERAL REFERENCE IN CONJUNCTION WITH, AND AS A SUPPLEMENT TO THE WRITTEN SPECIFICATIONS, DETAILS, ADDENDA AND CHANGE ORDERS ASSOCIATED WITH THE CONTRACT DOCUMENTS.
 - CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER TRADES PRIOR TO INSTALLATION.
 - CONTRACTOR SHALL BECOME FAMILIAR WITH THE LOCATION OF ALL EXISTING AND FUTURE UNDERGROUND SERVICES AND IMPROVEMENTS WHICH MAY CONFLICT WITH WORK TO BE DONE.
 - LANDSCAPE CONTRACTOR TO REMOVE WEEDS, REMAINING VEGETATION, AND FINE GRADE ENTIRE SITE PRIOR TO PLANTING. RECEIVE APPROVAL FROM CONSTRUCTION MANAGER FOR APPROVAL OF FINE GRADING.
 - FINISH GRADES AND EDGING SHALL BE APPROVED BY ENGINEER PRIOR TO PLANTING OPERATIONS.
 - CONTRACTOR SHALL IMPORT ADDITIONAL CLEAN TOPSOIL, AS REQUIRED, FREE OF WEEDS, RHIZOMES, ROCKS, STICKS AND OTHER DELETERIOUS MATERIAL.
 - EDGING TO BE CURVATURE, BLACK COLORED, 4" x 4" ALUMINUM EDGING WITH FROST STAKES. INSTALL SMOOTH AND UNIFORM AND PER MANUFACTURER'S RECOMMENDATIONS.
 - CONTRACTOR SHALL LAY OUT PLANT MATERIAL PER PLAN AND FACE TO GIVE BEST APPEARANCE OR RELATION TO ADJACENT PLANTS, STRUCTURES OR VIEWS.
 - PLANT LOCATIONS ARE DIAGRAMMATIC AND MAY BE ADJUSTED IN THE FIELD AT THE LANDSCAPE ARCHITECT'S REQUEST PRIOR TO INSTALLATION. OBTAIN APPROVAL OF PLANT LAYOUT FROM LANDSCAPE ARCHITECT PRIOR TO PLANTING.
 - ALL NEWLY PLANTED MATERIAL SHALL BE THOROUGHLY SOAKED WITH WATER WITHIN 3 HOURS OF PLANTING.
 - THIRTY DAYS AFTER PLANTING, CONTRACTOR SHALL RE-STAKE AND STRAIGHTEN TREES AS NECESSARY.
 - ALL PLANTING BEDS, EXCEPT WHERE NOTED ON PLANS, ARE TO RECEIVE 3" DEPTH OF 1/2" DRESSER TRAP LANDSCAPE ROCK OVER A 5 OZ. WOVEN LANDSCAPE WEED-BARRIER FABRIC. SUBMIT SAMPLE OF ROCK AND LANDSCAPE FABRIC FOR APPROVAL.
 - ALL PLANTING BEDS TO HAVE PREEM FOR PERENNIALS OR APPROVED EQUAL PRE-EMERGENT HERBICIDE APPLIED AT RATES RECOMMENDED BY MANUFACTURER.
 - ALL PLANTS IN LAWN AND ROCK MULCH BEDS TO RECEIVE 4" DEPTH SHREDDED CEDAR WOOD MULCH AS INDICATED BELOW:
 - a. TREES - 1" DIAMETER
 - b. SHRUBS - 2" DIAMETER
 - c. PERENNIALS - 1/2" DIAMETER
 - CONTRACTOR SHALL MAINTAIN PLANTING BEDS AND LAWN AREAS FOR A PERIOD OF 1-YEAR UPON COMPLETION OF PLANTING OPERATIONS. REFER TO SPECIFICATIONS FOR MAINTENANCE REQUIREMENTS. MAINTAIN BY WINTERING AS NECESSARY, WEEDING, PRUNING, STRAIGHTENING, FERTILIZING, MOVING, REPAIRING DEAD LAWN, REPAIRING EROSION, AND AS ADDITIONALLY REQUIRED.
 - CONTRACTOR SHALL GUARANTEE PLANT MATERIAL TO BE ALIVE AND IN A HEALTHY CONDITION FOR A PERIOD OF 1-YEAR FROM DATE OF SUBSTANTIAL COMPLETION OF PLANTING OPERATIONS. PLANTS WITH LESS THAN 50% CANOPY AS DETERMINED BY LANDSCAPE ARCHITECT SHALL BE CONSIDERED DEAD AND BE REPLACED BY CONTRACTOR. CONTRACTOR SHALL GUARANTEE REPLACED PLANT MATERIAL FOR 1 ADDITIONAL YEAR FROM REPLACEMENT.

LDC LANDSCAPE REQUIREMENTS
SITE IS ZONED LC. 3 PLANT UNIT IS REQUIRED PER 1,000 SF OF SITE AREA.
LOT SIZE IS 111,992 SF.

PLANT	QTY	X	UNITS	=	TOTAL UNITS
EX TREES - BIG	0	X	10	=	0
EX TREES - SMALL	0	X	5	=	0
EX SHRUBS	0	X	1	=	0
EX PERENNIALS	0	X	0	=	0
TREES - BIG	27	X	10	=	270
TREES - SMALL	29	X	5	=	145
SHRUBS	128	X	1	=	128
PERENNIALS #1	213	X	0.5	=	106.5
				=	565 UNITS

STREET TREES
16TH AVE. S. IS A LOCAL STREET AND REQUIRES 1 STREET TREE PER 35 LF. OF 280' OF STREET FRONTAGE. THERE ARE 0 EXISTING STREET TREES TO REMAIN.
280 LF / 35 = 8 STREET TREES.

17TH AVE. S. IS A COLLECTOR STREET AND REQUIRES 1 STREET TREE PER 50 LF. OF 280' OF STREET FRONTAGE. THERE ARE 0 EXISTING STREET TREES TO REMAIN.
280 LF / 50 = 5.6 STREET TREES.

SOUTH UNIVERSITY DR. S. IS A PRIMARY ARTERIAL AND REQUIRES 1 STREET TREE PER 80 LF. OF 400' OF STREET FRONTAGE. THERE ARE 0 EXISTING STREET TREES TO REMAIN.
400 LF / 80 = 5 STREET TREES.

13 1/2 ST. S. IS A LOCAL STREET AND REQUIRES 1 STREET TREE PER 35 LF. OF 400' OF STREET FRONTAGE. THERE ARE 2 EXISTING STREET TREES TO REMAIN.
400 LF / 35 = 11.43 STREET TREES.

MEMORANDUM

TO: Fargo Planning Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research 

DATE: March 14, 2023

SUBJECT: Renewal Plan Review

City staff prepared a Renewal Plan for property located in downtown Fargo. The plan is attached for your review.

The plan was prepared to be consistent with the City's Go2030 Comprehensive Plan. This plan implements the comprehensive plan in several ways:

- Arts and Culture are supported by including the Fargo-Moorhead Community Theater in the first phase of this redevelopment.
- Infill development is a key part of this plan, replacing surface parking lots with new higher density mixed use development.
- Transportation and parking principals are supported as this redevelopment will include shared parking between daytime and nighttime uses.
- Historic preservation is encouraged with the redevelopment of a vacant building at 14 Broadway.

As part of the Renewal Plan review process, the plan is referred to the Planning Commission for recommendation as to its conformity with the Go2030 Comprehensive Plan.

I am requesting that the Planning Commission make a recommendation to the City Commission that this Renewal Plan is consistent with the Go2030 Comprehensive Plan of the City of Fargo.

Recommended Motion:

Recommend to the City Commission that the proposed Renewal Plan is consistent with the Go2030 Comprehensive Plan of the City of Fargo.

Attachment

RENEWAL PLAN
TAX INCREMENT FINANCING DISTRICT NO. 2023-02

CITY OF FARGO, NORTH DAKOTA

MARCH 2023

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2023-02 1

SUBSECTION 1.1. DEFINITIONS..... 1

SUBSECTION 1.2. STATUTORY AUTHORITY. 1

SUBSECTION 1.3. STATEMENT OF PUBLIC PURPOSE..... 2

SUBSECTION 1.4. DESCRIPTION OF RENEWAL AREA 3

SUBSECTION 1.5. REDEVELOPMENT, INFILL DEVELOPMENT AND PUBLIC PARKING..... 3

SUBSECTION 1.6. LAND USE ATTRIBUTES – TIF DISTRICT 3

SUBSECTION 1.7. ESTIMATE OF DEVELOPMENT COSTS 4

SUBSECTION 1.8. ESTIMATE OF BONDED INDEBTEDNESS 4

SUBSECTION 1.9. TAX INCREMENT FINANCING. 4

SUBSECTION 1.10. ESTIMATE OF TAX INCREMENT..... 5

SUBSECTION 1.11. DURATION OF THE TIF DISTRICT..... 5

APPENDIX A: DESCRIPTION OF PROPERTY

APPENDIX B: MAP OF THE RENEWAL AREA/TIF DISTRICT

APPENDIX C: PLAN FOR REDEVELOPMENT

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2023-02

Subsection 1.1. Definitions.

For the purposes of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

“City” means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

“City Commission” or “Commission” means the Fargo City Commission.

“Comprehensive Plan” means the City’s GO 2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

“County” means Cass County, North Dakota.

“Development” means the construction of new buildings, structures or improvements; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

“Renewal Area” means the property described in Subsection 1.4 of this Plan.

“Renewal Plan” or “Plan” means this Plan adopted by the Commission for the Renewal Area.

“State” means the State of North Dakota.

“Tax Increment Financing Act” or “TIF Act” means North Dakota Century Code, Section 40-58-20, as amended.

“Tax Increment Bonds” means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the TIF District as stated in this Plan, or any obligations issued to refund the Tax Increment Bonds.

“Tax Increment Financing District” or “TIF District” means Tax Increment Financing District No. 2023-02.

“Urban Renewal Law” means North Dakota Century Code, Chapter 40-58.

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area and the establishment of Tax Increment Financing District No. 2023-02 are authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or

blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a “workable program” for the use of public and private resources to facilitate the development of industrial or commercial properties, eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slum and blighted areas or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan for TIF District No. 2023-02, the City Commission intends to make the following findings:

- (a) The Renewal Area includes blighted properties.

Factual basis: This Renewal Area is blighted due to the presence of surface parking lots, some in very poor condition. The parking lots expose deteriorated sidewalks of older commercial buildings. A vacant building at 14 Broadway has deteriorated interior conditions and needs major renovation to be reused. This substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

- (b) The Renewal Area is appropriate for a development or renewal project.

Factual basis: The renewal area is zoned Downtown Mixed Use which encourages several different land uses including commercial, housing and community facilities. The downtown land use plan shows this area being mixed use or commercial.

- (c) There are some existing housing units in the renewal area, but they will not be directly affected by the implementation of this plan.

Factual basis: Existing housing will not be directly affected as this plan is implemented. The redevelopment will include new housing units.

- (d) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.

Factual basis: The proposed development is consistent with the goals that are embodied in the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030.

The plan includes a new Fargo Moorhead Community Theater, which supports the Arts and Culture goal of developing space for events. Go2030 supports activation of parking structures and shared parking between daytime and nighttime uses.

Subsection 1.4. Description of Renewal Area

The Renewal Area is located in downtown Fargo, adjacent to the 600 block of NP Avenue, Broadway between NP Avenue and 1st Avenue South, and the 500 block of Main Avenue. The properties are described in Appendix A. A map of the Renewal Area is attached as Appendix B.

The first phase projects will include commercial space, a theater, parking and multi-family housing. Redevelopment of the building at 14 Broadway will also be part of the first phase. Vacant lots with surface parking are expected to redevelop after the first phase is completed in 2025.

The redevelopment plan for the first phase is attached as Appendix C.

Subsection 1.5. Redevelopment, Infill Development and Public Parking

The Development of the Renewal Area includes the following activities:

Public Parking – Construction of a city-owned parking garage to serve the area.

Infill Development – Surface parking lots can be used for infill development both in the first phase and subsequent phases. New buildings should replace surface parking.

Public Infrastructure – Reconstruction of underground infrastructure and adjacent streets are needed for this redevelopment and will be funded with infrastructure money and special assessments.

Subsection 1.6. Land Use Attributes – TIF District

- (a) *Zoning or Planning Changes.*
The Renewal area Downtown Mixed Use. No additional zoning changes are required to accommodate this project.
- (b) *Maximum Densities.*
The property within the TIF District will be developed in accordance with the applicable zoning district requirements which allows high density development.
- (c) *Building Requirements.*
All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.
- (d) *Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public imps.)*
The physical improvements outlined in the plan meet critical needs required for the redevelopment of this property. The project complies with the zoning district and the redevelopment goals of the Go2030 Comprehensive Plan and the Downtown Plan.

Subsection 1.7. Estimate of Development Costs

The City anticipates development of the Renewal Area will involve certain public costs. Under North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allow the use of funds received from tax increments to be applied to certain specified costs. The City will provide for certain costs as listed below in a development agreement, and can use other funds to pay for City infrastructure. The primary costs involved are the parking garage and development incentives.

Parking Garage	\$3,300,000
Development Incentives	\$2,000,000
Public Infrastructure	Non-TIF Financed
TOTAL	\$5,300,000

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement.

Development agreement costs will be determined after a review by City financial advisers. The maximum allowed costs will be specified in development agreements. Based on the first phase of the proposed development, the value of TIF revenue is approximately \$1.5 million over 5 years.

The City and Developer may also obtain reimbursement of interest between the time project costs are incurred and the date the Tax Increment Revenue Note is issued, such interest being capitalized and added to the foregoing costs.

The parking garage is estimated to be \$20 million. The city will use existing parking funds, internal borrowing and bonding to pay for the facility. Sources to repay bonds and internal loans will be from downtown parking revenue and new Tax Increment funds. The present value of the new TIF funds is \$3.3 million.

Subsection 1.8. Estimate of Bonded Indebtedness

The City intends to finance certain costs of the Development through the issuance of a Tax Increment Financing Note to the Developer. In addition, the City may use bonds, internal borrowing and other sources to pay for the parking garage.

Subsection 1.9. Tax Increment Financing

The County Auditor is requested to compute, certify and remit tax increments resulting from the Development within the Renewal Area.

The original assessed value of the private property within the Renewal Area, as last assessed and equalized before the base year of this Plan, is ~\$58,759,000.

Each year, the County Auditor will compute the amount of tax increment generated within the Renewal Area in accordance with the TIF Act. Any year in which there is an "incremental value" as provided in the TIF Act, an increment will be payable to the City and deposited in the fund created

by the County Auditor for that purpose. Any year in which there is "lost value" pursuant to the TIF Act, no increment will be payable to the City.

Subsection 1.10. Estimate of Tax Increment.

It is anticipated the Development will result in an increase in true and full value of the Renewal Area redevelopment sites to \$70 million. The value of the development site within the TIF district is \$2.8 million. The increase in value may eventually be approximately \$70 million. Under the mill rate in effect as of the date of this Plan, the Renewal Area will generate tax increment each year in the estimated amount of \$980,000.

Subsection 1.11. Duration of the TIF District.

The City anticipates that the TIF District will continue until all development costs are reimbursed through the receipts of tax increment, or after a maximum of 25 property tax years after completion of the project.

APPENDIX A

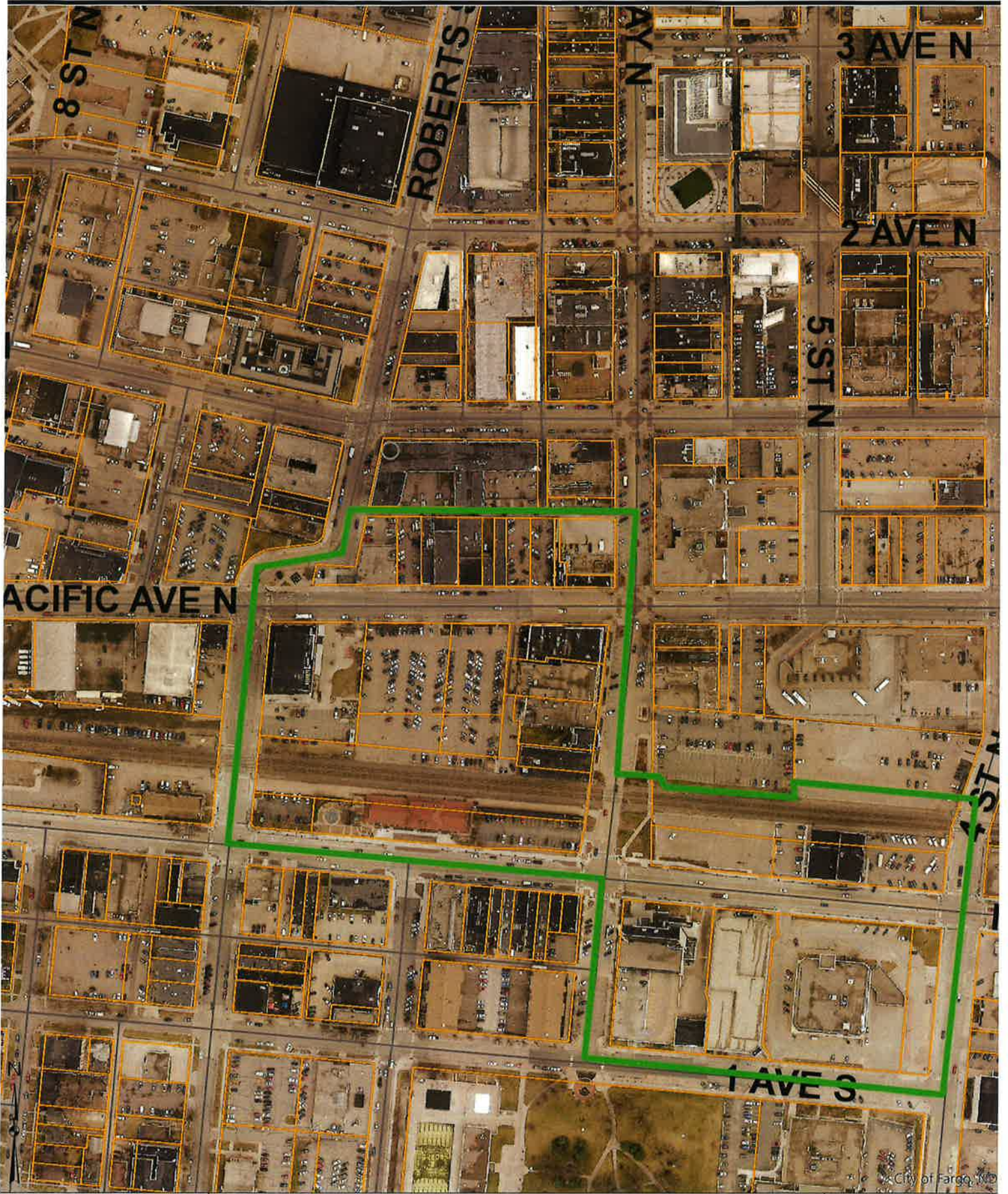
DESCRIPTION OF PROPERTY

<u>Address Number</u>	<u>Street</u>
637	NP Avenue
633	NP Avenue
627 - E1	NP Avenue
627 - E2	NP Avenue
627 - A	NP Avenue
627 - 208	NP Avenue
631 - 209	NP Avenue
631 - 210	NP Avenue
627 - 202	NP Avenue
627 - 203	NP Avenue
627 - 204	NP Avenue
627 - 205	NP Avenue
627 - 206	NP Avenue
627 - 207	NP Avenue
627 - C	NP Avenue
627 - D	NP Avenue
627 - E3	NP Avenue
627 - F	NP Avenue
631 - G	NP Avenue
627 - 201	NP Avenue
631 - 211	NP Avenue
627 - A	NP Avenue
627 - 302	NP Avenue
627 - 303	NP Avenue
627 - 303	NP Avenue
627 - B	NP Avenue
623	NP Avenue
621	NP Avenue
619	NP Avenue
615	NP Avenue
611	NP Avenue
609	NP Avenue
52	Broadway
56	Broadway
650 - 1	NP Avenue
650 - 2	NP Avenue
636	NP Avenue
650	NP Avenue
602	NP Avenue
610	NP Avenue
6	Broadway
10 - A	Broadway
12 -303	Broadway
12 -301	Broadway

<u>Address Number</u>	<u>Street</u>
6	Broadway
10 - A	Broadway
12 -303	Broadway
12 -301	Broadway
12 -302	Broadway
12 -201	Broadway
12 - 305	Broadway
12 - 204	Broadway
12	Broadway
12 -304	Broadway
12 -203	Broadway
12 -202	Broadway
12 -206	Broadway
12 -306	Broadway
12 -205	Broadway
14	Broadway
22	Broadway
45	4th Street
406	Main
417	Main
501	Main
500	Main
520	Main
701	Main
701	Main

APPENDIX B

MAP OF THE RENEWAL AREA/TIF DISTRICT



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

Renewal Plan 2023-02

1:4,514

3/13/2023 3:00 PM

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



APPENDIX C
PLAN FOR REDEVELOPMENT

NOT FOR CONSTRUCTION

SCHEMATIC DESIGN II
2/10/2023

ORIGINAL ISSUE:
PROJECT

REVISIONS:
NO. DESCRIPTION DATE

221554
PROJECT NUMBER

DESIGNED BY: _____
CHECKED BY: _____



NP Ave Mixed Use
Apartments

FLOOR PLAN - LEVEL 2

SD1.2

GENERAL NOTES - FLOOR PLANS

1. FINISHED FLOOR ELEVATIONS
2. FINISHED FLOOR ELEVATIONS
3. FINISHED FLOOR ELEVATIONS
4. FINISHED FLOOR ELEVATIONS
5. FINISHED FLOOR ELEVATIONS
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18. FINISHED FLOOR ELEVATIONS
19. FINISHED FLOOR ELEVATIONS
20. FINISHED FLOOR ELEVATIONS

Room Schedule

01	APARTMENT
02	APARTMENT
03	APARTMENT
04	APARTMENT
05	APARTMENT
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99	APARTMENT
100	APARTMENT



FLOOR PLAN - LEVEL 2
DATE: 2/10/23

NOT FOR CONSTRUCTION

SCHEMATIC DESIGN II
2/10/2023

ORIGINAL ISSUE: 01/06/23
REVISIONS: No. DESCRIPTION DATE

221554
PROJECT NUMBER



NP Ave Mixed Use
Apartments
FLOOR PLAN - LEVELS 3-6
SD1.3

- GENERAL NOTES - FLOOR PLANS**
1. FINISHES: REFER TO FINISH SCHEDULE.
 2. WALLS: 12" CMU WITH 1" GYPSUM BOARD ON INTERIOR SURFACE.
 3. FLOORS: 4" POLISHED CONCRETE ON 2" GYPSUM BOARD ON 12" CMU.
 4. CEILING: 15' HANGERS WITH 5'x5' GYPSUM BOARD.
 5. ROOF: 6" POLYSTYRENE INSULATION ON 12" CMU.
 6. MECHANICAL: REFER TO MECHANICAL SCHEDULE.
 7. ELECTRICAL: REFER TO ELECTRICAL SCHEDULE.
 8. PLUMBING: REFER TO PLUMBING SCHEDULE.
 9. FIRE: 2" TYPE 1 FIRE RESISTANT WALLS AND 1" TYPE 1 FIRE RESISTANT DOORS.
 10. GLAZING: 1/2" LAMINATED GLAZING UNITS.
 11. STAIRS: 12" CONCRETE SLABS ON 12" CMU.
 12. ELEVATORS: 12" CONCRETE SLABS ON 12" CMU.
 13. MECHANICAL ROOMS: 12" CONCRETE SLABS ON 12" CMU.
 14. ELECTRICAL ROOMS: 12" CONCRETE SLABS ON 12" CMU.
 15. PLUMBING ROOMS: 12" CONCRETE SLABS ON 12" CMU.
 16. STAIRS: 12" CONCRETE SLABS ON 12" CMU.
 17. ELEVATORS: 12" CONCRETE SLABS ON 12" CMU.
 18. MECHANICAL ROOMS: 12" CONCRETE SLABS ON 12" CMU.
 19. ELECTRICAL ROOMS: 12" CONCRETE SLABS ON 12" CMU.
 20. PLUMBING ROOMS: 12" CONCRETE SLABS ON 12" CMU.



FLOOR PLAN - LEVEL 3 (LEVELS 4-6 SIM)

NOT FOR CONSTRUCTION

SCHEMATIC
DESIGN II
2/10/2023

ORIGINAL ISSUE:
10/1/22

REVISED:
2/10/23

DATE: _____

222554

PROJECT NUMBER

DESIGNED BY: _____

CHECKED BY: _____

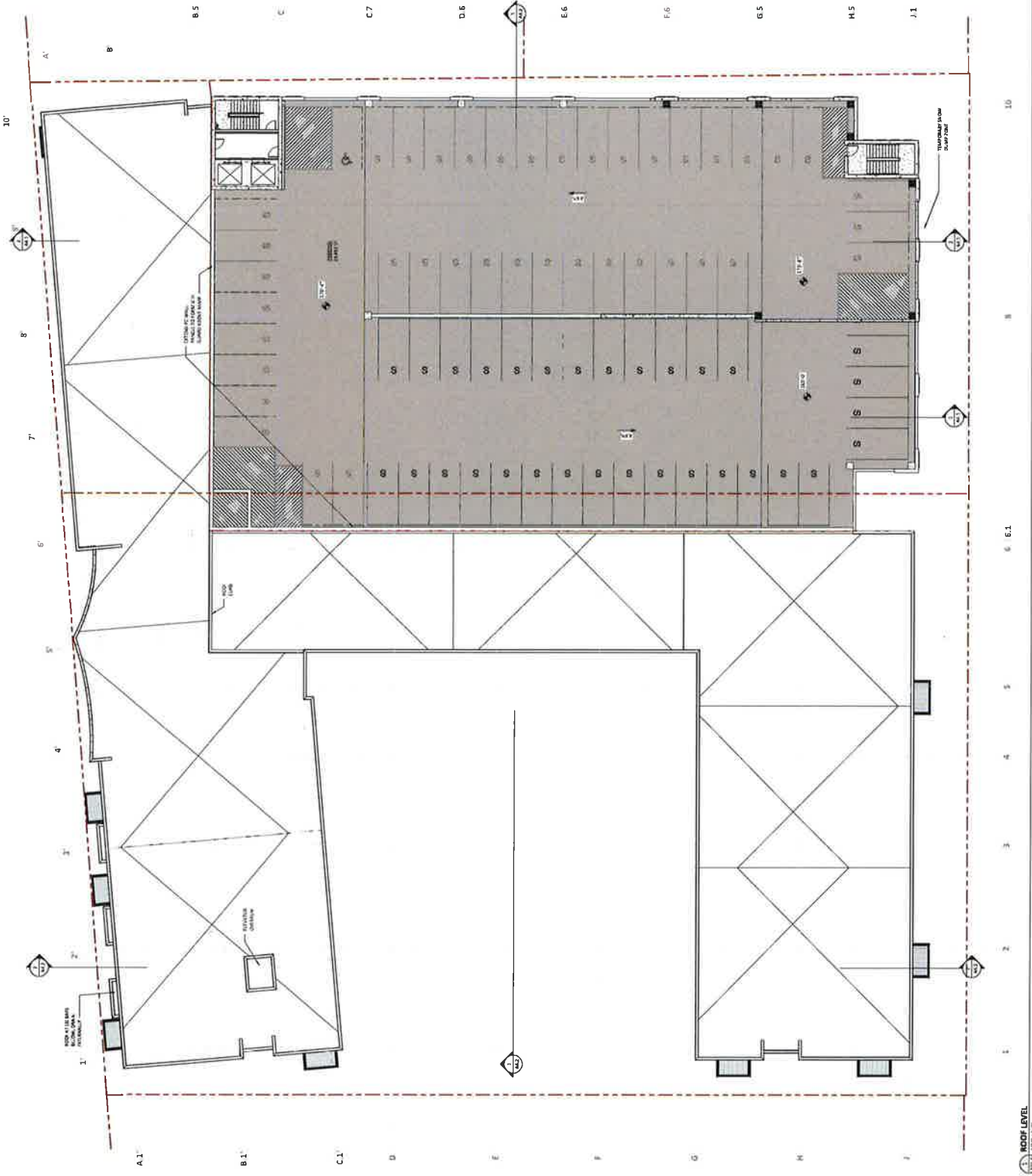


NP Ave Mixed Use
Apartments

ROOF PLAN

SD1.7

- GENERAL NOTES - ROOF**
1. SEE SHEET 101 FOR ROOF MECHANICALS.
 2. PROVIDE 1/2" THICK CONCRETE SLAB WITH 4" MIN. THICKNESS FOR ALL AREAS.
 3. PROVIDE 2" MIN. INSULATION UNDER SLAB.
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DATE: 2/10/2023
DRAWN BY: [Name]
CHECKED BY: [Name]

NOT FOR CONSTRUCTION



**SCHEMATIC
DESIGN II
2/10/2023**

ORIGINAL ISSUE: 02/10/23
REVISIONS: No. DATE/USER: DATE:

231054
PROJECT NUMBER
DRAWN BY: [Name] CHECKED BY: [Name]

NOT FOR CONSTRUCTION

SCHEMATIC
DESIGN II
2/10/2023

ORIGINAL ISSUE
BY: [Name]
REVISED BY: [Name]

2/10/2023

DRAWN BY: [Name]

NP Ave Mixed Use
Apartments
EXTERIOR RENDERINGS AND
MATERIALS

A3.0.3



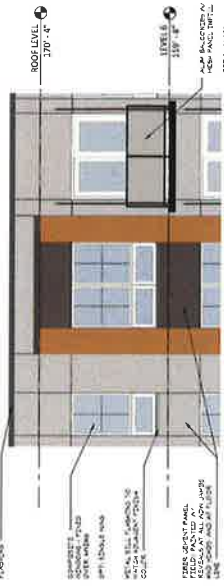
EXTERIOR MATERIAL KEYNOTES

- BRICK VENEER - COLOR 1
- BRICK VENEER - COLOR 2
- BRICK VENEER - COLOR 3
- BRICK VENEER - COLOR 4
- BRICK VENEER - COLOR 5
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- BRICK VENEER - COLOR 100



Client: _____
Type of Project: _____
Project No.: _____

NOT FOR CONSTRUCTION



4. ELEVATION AT RETAIL
100'-0"

5. ENLARGED ELEVATION 2
100'-0"

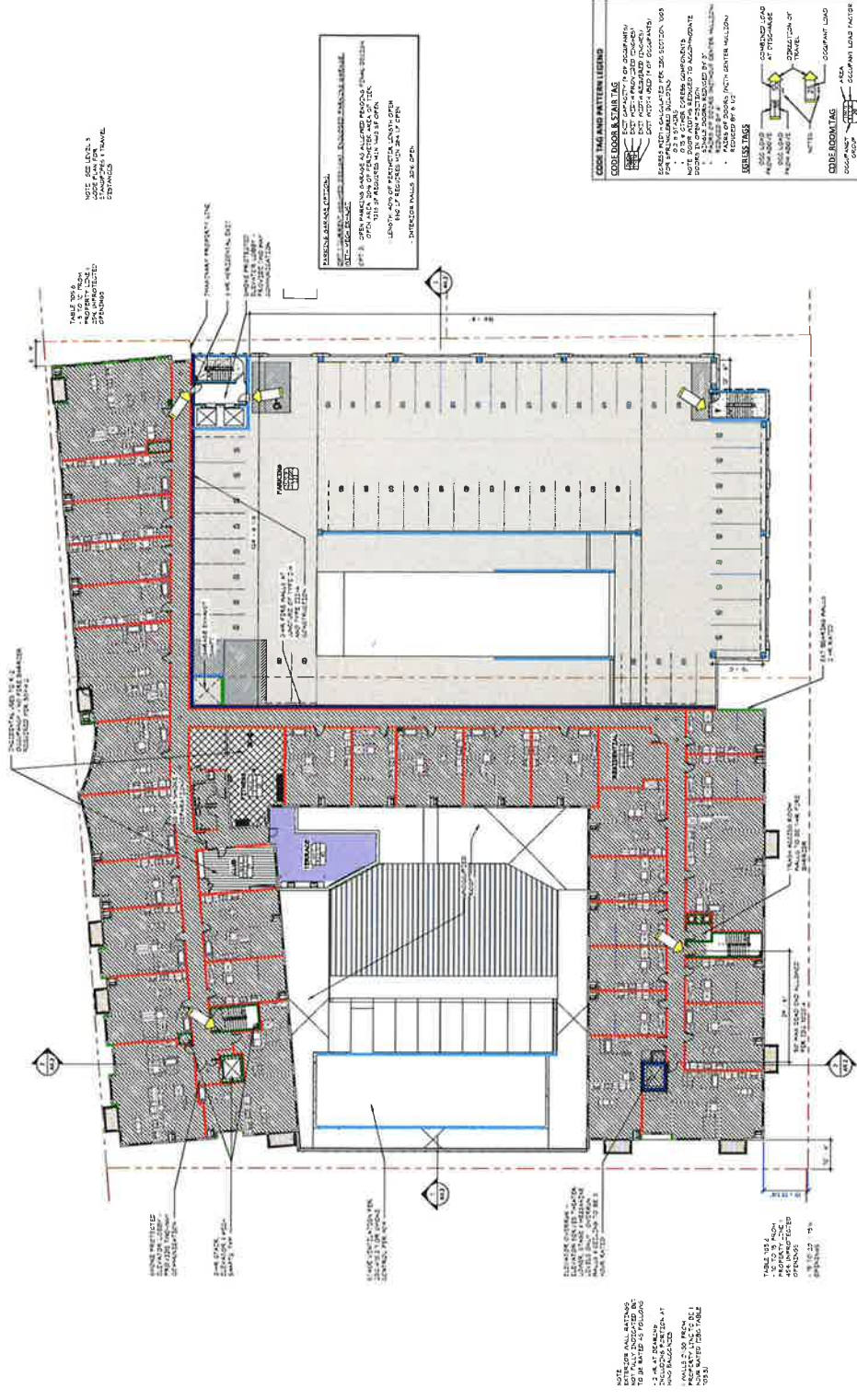
6. ENLARGED ELEVATION 1
100'-0"



REVISIONS
Type of Project: Mixed Use
Number: 21554

NOT FOR CONSTRUCTION

SCHEMATIC DESIGN II 2/10/2023	
ORIGINAL ISSUE: 20/2023	DATE: 01/23
REVISIONS: No. DESCRIPTION	
21554 PROJECT NUMBER	
DRAWN BY	DESIGNED BY
NP Ave Mixed Use Apartments ARCHITECTURAL CODE PLANS AC2.2	



CODE TAG AND PATTERN LEGEND

CODE ROOM TAGS

- 100 - COMMERCIAL
- 200 - RESIDENTIAL
- 300 - MECHANICAL
- 400 - ELECTRICAL
- 500 - PLUMBING
- 600 - STRUCTURAL
- 700 - FINISHES
- 800 - GLASS
- 900 - METALS
- 1000 - OTHER

CODE WALL FINISH PATTERNS

- 100 - COMMERCIAL
- 200 - RESIDENTIAL
- 300 - MECHANICAL
- 400 - ELECTRICAL
- 500 - PLUMBING
- 600 - STRUCTURAL
- 700 - FINISHES
- 800 - GLASS
- 900 - METALS
- 1000 - OTHER

CODE ROOM TAGS

- 100 - COMMERCIAL
- 200 - RESIDENTIAL
- 300 - MECHANICAL
- 400 - ELECTRICAL
- 500 - PLUMBING
- 600 - STRUCTURAL
- 700 - FINISHES
- 800 - GLASS
- 900 - METALS
- 1000 - OTHER

LEVEL 2 CODE PLAN
DATE: 2/10/23

NOT FOR CONSTRUCTION

Approved: _____
Checked: _____
Date: _____



LEVEL	AREA	MARK	COMMENT
LEVEL 3	APARTMENT	APARTMENT	APARTMENT
LEVEL 3	HALL	HALL	HALL
LEVEL 3	MECHANICAL	MECHANICAL	MECHANICAL
LEVEL 3	STAIR	STAIR	STAIR
LEVEL 3	ELEVATOR	ELEVATOR	ELEVATOR

EGRESS TAG AND EGRESS LEGEND
EGRESS TAG
 - ROOM TAG
 - HALL TAG
 - STAIR TAG
 - ELEVATOR TAG
 - MECHANICAL TAG

EGRESS TAG AND EGRESS LEGEND
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 - ROOM TAG
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 - STAIR TAG
 - ELEVATOR TAG
 - MECHANICAL TAG

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 - ELEVATOR TAG
 - MECHANICAL TAG

SCHEMATIC DESIGN II
2/10/2023

ORIGINAL ISSUE: 02/10/23
 REVISIONS: _____

221554

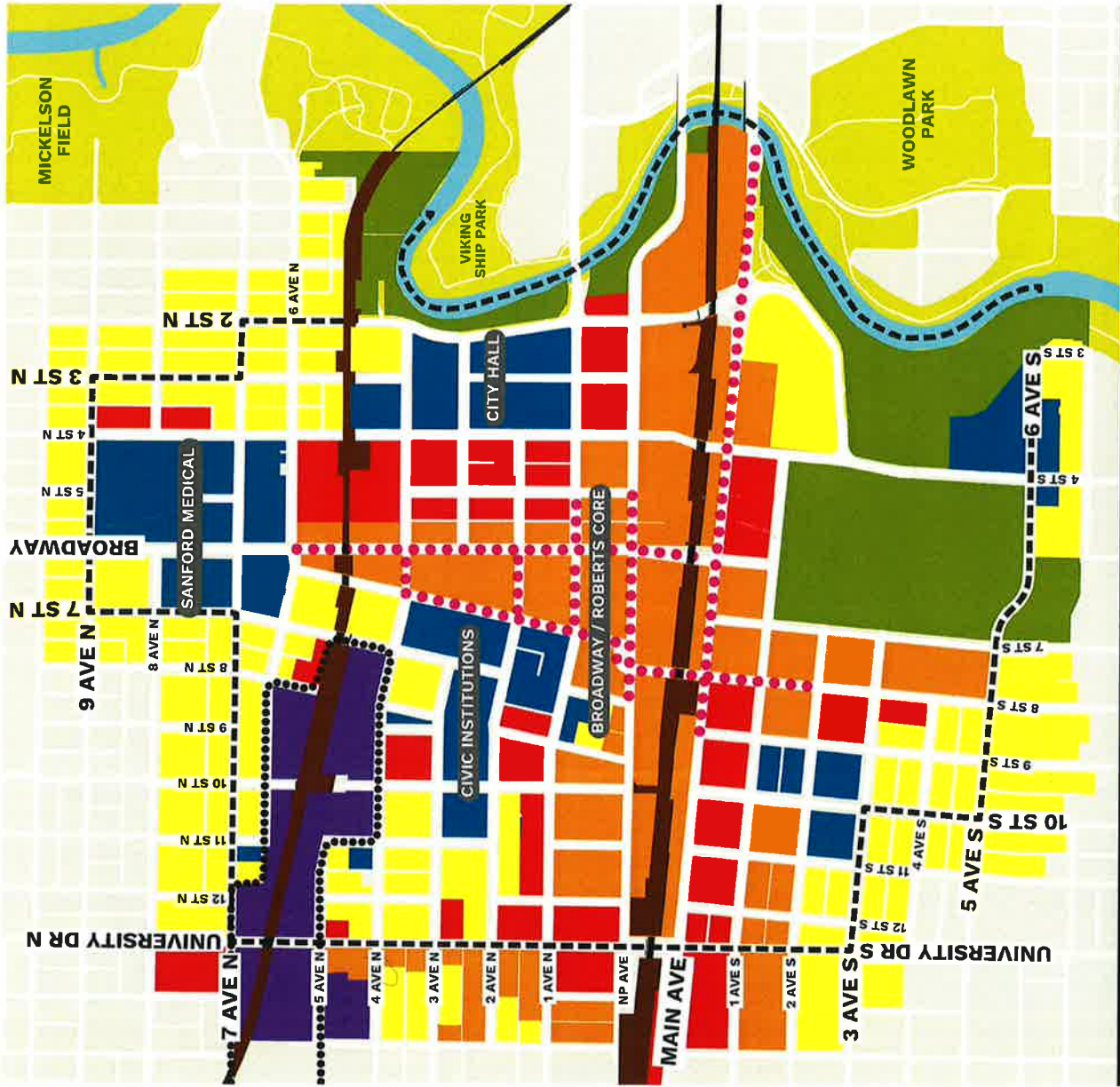
NP Ave Mixed Use
Apartments
ARCHITECTURAL CODE
PLANS
AC2.3

LEVEL 3 CODE PLAN
DATE: 2/10/23

Future Land Use

Source: Interface Studio

- RETAIL FOCUS
- INDUSTRIAL PRESERVATION
- RESIDENTIAL
- COMMERCIAL
- MIXED-USE
- INDUSTRIAL
- PARKS & RECREATION
- PUBLIC & INSTITUTIONAL
- UTILITY & OTHER
- RAIL
- OPEN SPACE
- DOWNTOWN FOCUS AREA



Future Land Use Map