

FARGO PLANNING COMMISSION AGENDA  
Tuesday, August 1, 2017 at 3:00 p.m.

- A: Approve Order of Agenda.
- B: Minutes: Regular Meeting of July 6, 2017.
- C: Brown Bag Luncheon - Wednesday, August 16, 2017.
- D: Public Hearing Items:
  - 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional of the proposed **Grayland First Addition**. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk): CONTINUED TO SEPTEMBER 5, 2017
  - 1b. Continued hearing on an application requesting a Plat of **Grayland First Addition** (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk): CONTINUED TO SEPTEMBER 5, 2017
  - 2. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use on the North 50 feet of Lots 11 and 12, Block 16, **Original Townsite Addition**. (Located at 111 9th Street South) (Doug Madsen) (dl)
  - 3. Hearing on an application requesting a Conditional Use Permit to allow multi-dwelling structures for residential household living within a LC, Limited Commercial zoning district on Lot 2, Block 1, **Woodhaven Plaza Addition**. (Located at 4143 41st Avenue South) (Chris Hawley Architects) (dk)
  - 4a. Hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO SEPTEMBER 5, 2017
  - 4b. Hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me) CONTINUED TO SEPTEMBER 5, 2017

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People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at [www.FargoND.gov/planningcommission](http://www.FargoND.gov/planningcommission).

- 4c. Hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO SEPTEMBER 5, 2017
  - 4d. Hearing on an application requesting a Plat of **NSC Addition** (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO SEPTEMBER 5, 2017
  5. Hearing on an application requesting a Plat of **Bentley Place Second Addition** (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Bentley Place First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3240 and 3270 Veterans Boulevard) (Nate Vollmuth/Paces Lodging) (km)
  6. Hearing on an application requesting an Institutional Master Plan on Lot 1, Block 1, **Anderson Park Addition**. (Located at 4255 23rd Avenue South) (Red River Zoo) (an)
  7. Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, **Tyler's Addition**. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited) (an): CONTINUED TO NOVEMBER 7, 2017
- E: Other Items:
1. Proposed amendment of bylaws relating to which Commissioners may serve as officers.

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**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Thursday:**

**July 6, 2017:**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Thursday, July 6, 2017.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Rocky Schneider, Kelly Steffes, Scott Stofferahn

Absent: Mary Scherling, Melissa Sobolik,

Vice Chair Fischer called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

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

Member Steffes present.

**Item B: Minutes: Regular Meeting of June 6, 2017**

Member Schneider moved the minutes of the June 6, 2017 Planning Commission meeting be approved. Second by Member Brust. All Members present voted aye and the motion was declared carried.

**Item C: July 2017 Brown Bag Luncheon – no meeting scheduled for July**

**Item D: Nomination/Election of Officers**

Committee Chair Stofferahn spoke on behalf of the Nominating Committee, and moved to nominate Shara Fischer for Planning Commission Chair, and John Gunkelman as Planning Commission Vice Chair. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

**Item E: Public Hearing Items:**

**PRESENTED AFTER ITEM 2**

**Item 1: Fox First Addition**

Continued hearing on an application requesting a Plat of Fox First Addition (Major Subdivision), a replat of Lots 1-3, Block 1, Northern Sheyenne Land Second Addition to the City of Fargo, Cass County, North Dakota. (Located at

**4900 19th Avenue North and 1870 and 1890 Sheyenne Loop North) (Guy B. Fox):  
APPROVED**

A hearing had been set for June 6, 2017. At the June 6, 2017 meeting the Hearing was continued to this date and time.

Senior Planner Donald Kress presented the staff report noting an updated plat was submitted to the Board. Mr. Kress stated all approval criteria have been met and staff is recommending approval.

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Fox First Addition subdivision plat as presented, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Brust, Morgan, Stofferahn, Steffes, Schneider, Magelky, Gunkelman, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

**PRESENTED BEFORE ITEM 1**

**Item 2: Grayland First Addition**

**2a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional of the proposed Grayland First Addition. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District): CONTINUED TO AUGUST 1, 2017**

**2b. Hearing on an application requesting a Plat of Grayland First Addition (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District): CONTINUED TO AUGUST 1, 2017**

Chair Fischer stated this item will be continued to the August 1, 2017 Planning Commission Meeting.

Member Schneider moved to continue this item to the August 1, 2017 Planning Commission Meeting. Second by Member Brust. All Members present voted aye and the motion was declared carried.

**Item 3: Oakcreek Second Addition**

**Hearing on an application requesting a Plat of Oakcreek Second Addition (Minor Subdivision) a replat of Lots 26 and 27, Block 1, of Oakcreek Addition to the City of Fargo, Cass County, North Dakota. (Located at 4496 and 4497 Oakcreek Drive) (City of Fargo): APPROVED**

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



Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Oakcreek Second Addition, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Brust. On call of the roll Members Schneider, Brust, Stofferahn, Steffes, Magelky, Gunkelman, Morgan, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

**Item 4: Osgood Townsite Fifteenth Addition**

**4a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay, on Lot 2, Block 1, of the Osgood Townsite Fifteenth Addition. (Located at 5050 47th Street South) (Nate Vollmuth): APPROVED**

**4b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan and Final Plan for Lot 2, Block 1, of the Osgood Townsite Fifteenth Addition. (Located at 5050 47th Street South) (Nate Vollmuth): APPROVED**

Assistant Planner Kylie Murphy presented the staff report. She noted a correction to the proposed motion stated in the packet, and referenced the PowerPoint slide showing the corrected motion language. Ms. Murphy stated all approval criteria have been met and staff is recommending approval.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from LC, Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, and approve 1): the PUD Final Plan, contingent on City Commission approval of the zoning change and PUD Master Plan, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Gunkelman, Stofferahn, Steffes, Magelky, Brust, Morgan, Schneider and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

**Item 5: Dewitts Addition**

**5a. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential with a PUD, Planned Unit Development Overlay, on the West 65 feet of Lot 1, Block 2, Dewitts Addition. (Located at 308 9th Avenue North) (Rob Rich/Lake Agassiz Habitat for Humanity): APPROVED**

**5b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan and Final Plan for the West 65 feet of Lot 1, Block 2, Dewitts Addition. (Located at 308 9th Avenue North) (Rob Rich/Lake Agassiz Habitat for Humanity): APPROVED**

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

Applicant Rob Rich, Lake Agassiz Habitat for Humanity, spoke on behalf of the application.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from MR-2, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, and approve: 1) the PUD Final Plan, contingent on City Commission approval of the zoning change and PUD Master Plan, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0908.B (7) and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Magelky. On call of the roll Members Stofferahn, Morgan, Steffes, Schneider, Magelky, Gunkelman, Brust, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

**Item 6: Silverleaf Third Addition**

**6a. Hearing on an application requesting a Plat of Silverleaf Third Addition (Minor Sub) a replat of part of Auditor's Lot 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, and Lot 3, Block 1, Silverleaf Second Addition, City of Fargo, Cass County, North Dakota. (Located at 2801 64th Avenue South, and 2748 Samuel Drive South) (Carl Olson/KLJ): APPROVED**

**6b. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential on Lot 1, Block 1 of the proposed Silverleaf Third Addition. (Located at 2801 64th Avenue South, and 2748 Samuel Drive South) (Carl Olson/KLJ): APPROVED**

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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential and 2) Subdivision Plat, Silverleaf Third Addition as outlined within the staff report, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Steffes, Magelky, Gunkelman, Morgan, Brust, Stofferahn, Schneider, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

**Item 7: Osgood Townsite Sixth Addition**

**Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 3, Block 1, Osgood Townsite Sixth Addition. (Located at 4575 45th Street South) (Calvary United Methodist Church/Bill Kranzler): APPROVED**

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from MR-1, Multi-Dwelling Residential to P/I, Public and Institutional Commercial with a C-O, Conditional Overlay, on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Gunkelman, Morgan, Steffes, Magelky, Brust, Stofferahn, Schneider, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

**Item 8: Text Amendment**

**Hearing on an application requesting a Text Amendment to amend Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities. (City of Fargo): APPROVED**

Aaron Nelson presented the staff report and reviewed the background for the proposed amendment. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

Planning Administrator Nicole Crutchfield and Division Engineer Brenda Derrig shared additional information on the intent of this proposed amendment.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed text amendment to Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities, as the proposal meets the approval criteria of §20-0904.E (1-3) of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Brust, Morgan, Gunkelman, Magelky, Schneider, Steffes, Stofferahn, and Fischer voted aye. Absent and not voting: Members Scherling and Sobolik. The motion was declared carried.

**Item F: Other Items:**

**Item 1: LDC Section 20-0911 Institutional Master Plans**

Planning Administrator Nicole Crutchfield introduced the review tool Planners will use when reviewing these types of applications. She noted this tool is part of the Land Development Code (LDC), and referred to Section 20-0911 of the LDC that was included in the packet, and Section 20-0304 staff submitted to the Board. She noted staff is currently reviewing two applications utilizing this tool, and will present their

recommendations at a future Planning Commission meeting. Ms. Crutchfield proceeded to explain and highlight some of the ways this tool can help streamline staffs review process.

Mr. Nelson spoke next about the proposal submitted by the Red River Zoo, followed by Ms. Elshaug who spoke on the softball complex proposal from the Fargo Park District.

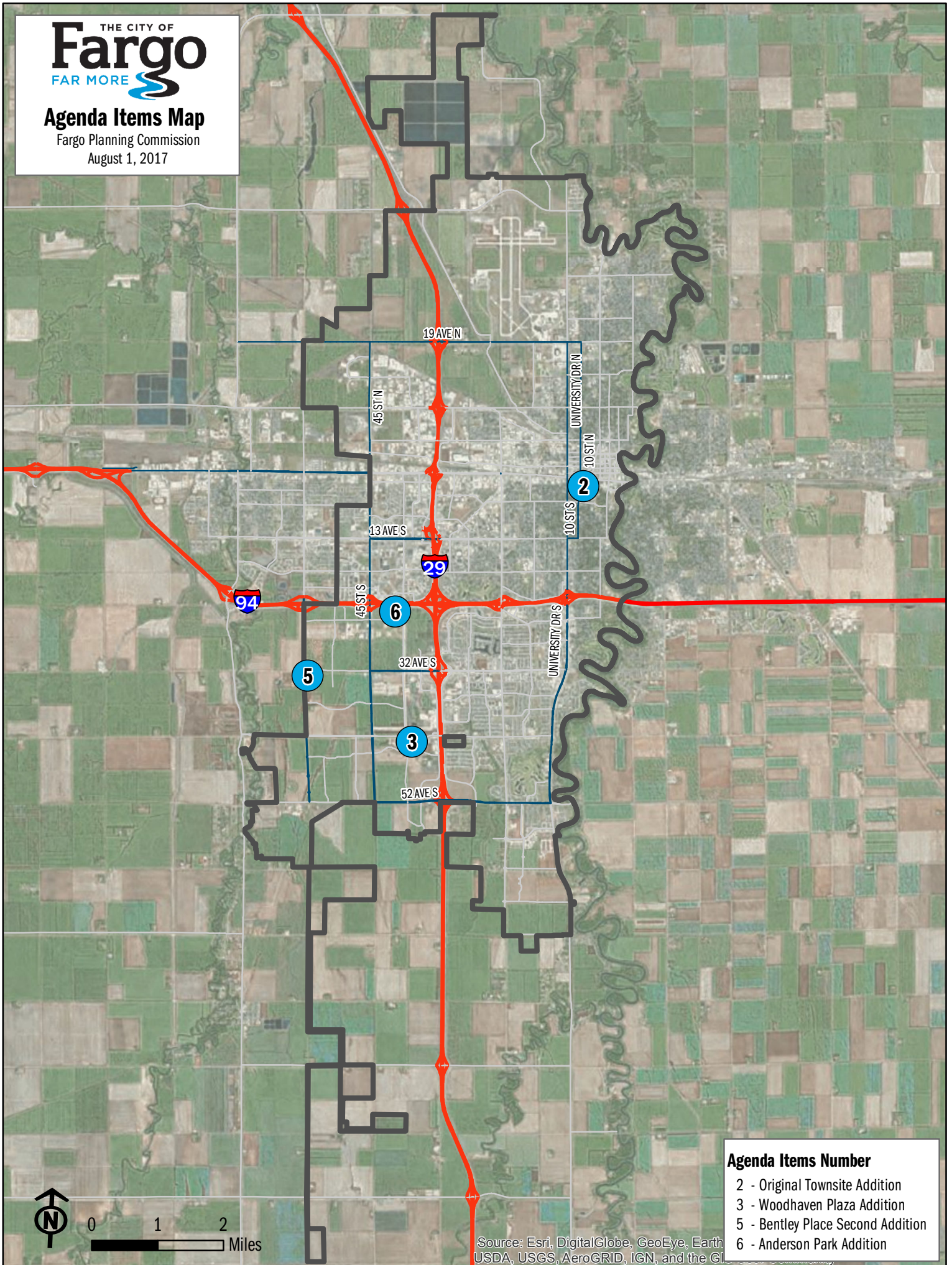
**Item 2: Rules of Internal Procedure and Operations of the City of Fargo**

Chair Fischer presented this item, and asked the Board for any questions or comments prior to approval of this annually reviewed document.

Member Stofferahn requested this document define the eligibility of members who may serve as the Chair and Vice Chair of the Planning Commission, as it relates to City-appointed versus Cass County-appointed Board Members. Nicole Crutchfield stated staff would work with the City Attorney to draft an amendment to propose at the August 1 Planning Commission Meeting.

The time at adjournment was 4:00 p.m.





**Agenda Items Number**

- 2 - Original Townsite Addition
- 3 - Woodhaven Plaza Addition
- 5 - Bentley Place Second Addition
- 6 - Anderson Park Addition

**City of Fargo  
Staff Report**

<b>Title:</b>	Original Townsite	<b>Date:</b>	07-27-2017
<b>Location:</b>	111 9 <sup>th</sup> Street South	<b>Staff Contact:</b>	Derrick LaPoint
<b>Legal Description:</b>	North 50ft of Lot 11 and Lot 12, Block 16, Original Townsite		
<b>Owner(s)/Applicant:</b>	Brian Nelson/Doug Madsen	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use)		
<b>Status:</b>	Planning Commission Public Hearing: August 1, 2017		

Existing	Proposed
<b>Land Use:</b> Commercial	<b>Land Use:</b> Commercial
<b>Zoning:</b> MR-3, Multi-Dwelling Residential	<b>Zoning:</b> DMU, Downtown Mixed-Use
<b>Uses Allowed:</b> detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	<b>Uses Allowed:</b> detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.
<b>Maximum Density Allowed:</b> 24 units per acre	<b>Maximum Lot Coverage Allowed:</b> No maximum

**Proposal:**

The applicant is seeking a zoning change from MR-3, Multi-Dwelling Residential, to DMU, Downtown Mixed-Use on the North 50ft of Lot 11 and Lot 12, Block 16, Original Townsite. The subject property is located at 111 9<sup>th</sup> Street South.

The existing structure has operated as a law office for a number of years and the law office is moving. The existing owner is looking to have another small business come into the space. To accommodate a new business the current zoning district (MR-3, multi-dwelling residential) is not compatible thus spurring the request for DMU. The applicant has no redevelopment plans, only to operate as they have been. I should also note that the property is bounded by DMU on the north and south.

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

**Surrounding Land Uses and Zoning Districts:**

- North: DMU, Downtown Mixed-Use, with commercial uses
- East: Across 9<sup>th</sup> Street South, MR-3, Multi-Dwelling Residential, with commercial and residential uses
- South: DMU, Downtown Mixed-Use, with commercial uses
- West: MR-3, Multi-Dwelling Residential and DMU, Downtown Mixed-Use, with commercial and residential uses

**Area Plans:**

No area plans apply

**Schools and Parks:**

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

**Parks:** Island Park and Island Park Pool are located less than a quarter mile from the subject property and offers recreational trails, tennis courts, cross country ski trails and swimming pools

**Pedestrian / Bicycle:** On road bike facility is located north of the subject property on 1<sup>st</sup> Avenue South, which connects to off road bike facility. These facilities are a component of the metro area trail system.

**Staff Analysis:**

**Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. Since the previous zoning classification was established, the uses and businesses which existed on the subject property are no longer in use.

**(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the development.

**(Criteria Satisfied)**

**3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. Staff also notified the Downtown Neighborhood Association and Neighborhood Coalition. The Neighborhood Coalition held a meeting on Saturday, July 22<sup>nd</sup> and discussed the item. Staff received a number of general inquiries, wanting to know what the development plans were. After explaining the request, the individuals did not have any concerns with the proposed zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

**(Criteria Satisfied)**

**4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC and other adopted policies of the City.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from MR-3, Multi-Dwelling Residential, to DMU, Downtown Mixed-Use, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** August 1, 2017

<b>Attachments:</b>
<ol style="list-style-type: none"><li>1. Zoning Map</li><li>2. Location Map</li></ol>



# Zone Change (MR-3 to DMU)

## Original Townsite Addition

111 9th Street South



### Legend

AG	DMU	GO	LC	MR-1	MR-2	MR-3	MHP	NC	NO	P/I	UML	SR-2	SR-3	SR-4	SR-5	City Limits
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# Zone Change (MR-3 to DMU)

## Original Townsite Addition

111 9th Street South



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Woodhaven Plaza CUP	<b>Date:</b>	7/26/17
<b>Location:</b>	4143 41 <sup>st</sup> Avenue South	<b>Staff Contact:</b>	Donald Kress, senior planner
<b>Legal Description:</b>	Lot 2, Block 1, Woodhaven Plaza Addition		
<b>Owner(s)/Applicant:</b>	Burgum 34 LLC/ Chris Hawley Architects	<b>Engineer:</b>	None
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> to allow multi-dwelling structures for residential household living in an LC, Limited Commercial zone		
<b>Status:</b>	Planning Commission Public Hearing: August 1, 2017		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant	<b>Land Use:</b> No change
<b>Zoning:</b> LC, Limited Commercial	<b>Zoning:</b> No change
<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.	<b>Uses Allowed:</b> No change  <b>Plus conditional use permit to allow multi-dwelling structures for residential household living in the LC, Limited Commercial zone</b>
<b>Maximum Density Allowed:</b> 55% building coverage	<b>Maximum Lot Coverage Allowed:</b> Unchanged

<b>Proposal:</b>
<p>The applicant is seeking approval of a conditional use permit to allow multi-dwelling structures for residential household living in an LC, Limited Commercial zone, to allow the construction of multi-dwelling structures. The applicant intends to develop four six-unit buildings, one four-unit building, and one seven-unit building on one lot, plus a gazebo in a common area. A site plan and an example color rendering are attached.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Zoning and Land Uses Include:</b></p> <ul style="list-style-type: none"> <li>• North: LC, Limited Commercial with townhouse use (CUP for multi-dwelling residential in the LC zone)</li> <li>• East: LC, Limited Commercial; property is undeveloped</li> <li>• South: LC, Limited Commercial with commercial use; one property is undeveloped</li> <li>• West: LC, Limited Commercial with townhouse use (CUP for multi-dwelling residential in the LC zone)</li> </ul>



**Area Plans:**

The 2003 Southwest Future Land Use Plan designates this area as “Commercial.”

**Schools and Parks:**

**Schools:** The subject property is located within Fargo School District, including Kennedy Elementary, Discovery Middle, and Davies High schools.

**Parks:** Woodhaven North Park, 4300 44<sup>th</sup> Avenue South, is located approximately 0.7 mile west of the subject property and offers ADA fishing ramp, fishing, picnic table, playground ages 5-12, recreational trails, soccer.

**Pedestrian / Bicycle:** Offroad bicycle facilities are located through the Woodhaven Addition, Kennedy Elementary School, and along 45<sup>th</sup> Street, beginning approximately 0.7 miles west of the subject property, and 10-foot wide shared use path is on the north side of 40<sup>th</sup> Avenue South, approximately 0.7 mile north of the subject property. All trails are a component of the metro area trail system.

**Staff Analysis:****Street Access and Public Utility Connections.**

The subject property is surrounded by private streets, one of which (Arthur Drive) is a one-way. These private streets connect to the public streets 40<sup>th</sup> Street South, 40<sup>th</sup> Avenue South, and 42<sup>nd</sup> Street South.

Water services for the buildings are tapped off of the existing private water main on site. This eliminates the need for the meter pit and additional water line off of 42<sup>nd</sup> Street.

The project site will be served by private sewer, which will connect to the public sewer within the 42<sup>nd</sup> Street South right of way.

**CONDITIONS** Planning staff recommends the following conditions for the CUP:

1. The maximum residential density shall be that of the MR-3, Multi-Dwelling zoning district (24 units per acre).
2. A minimum of 35% of the lot shall remain as open space.
3. Building colors to be compatible with existing development on Lot 1, Block 1, Woodhaven Plaza Addition
4. It is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.
5. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent street by walls or fencing. Dumpsters and refuse containers

shall contain walls or fencing on at least three sides with the service opening not directly facing any street. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers

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

The current proposed site design meets condition number 1 (the proposed density is 13 dwelling units per acre) and condition number 2 (the current site plan depicts 40.5 percent open space).

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**

Regarding compliance with the applicable provisions of the LDC, Table 20-0401 of the LDC states that household living is allowed in the LC zone with a conditional use permit. Zoning, fire, and building code requirements for siting of future buildings and required inspections will be met at the time the building permits and site plans are submitted by the applicant and reviewed by city departments. Staff finds this proposal is consistent with the applicable provisions of the LDC.

**(Criteria Satisfied)**

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff finds that this proposed conditional use permit to allow household living in the LC, Limited Commercial zone, which will enable this property to be developed with mixed commercial and residential uses, will contribute to and promote the convenience of the public by implementing the Go2030's infill initiative, which states "Infill development should increase the mix of uses and amenities in an area." Mixed commercial and residential use is particularly suited to this project site as it is situated between properties developed as entirely commercial, entirely residential, and mixed commercial and residential.

**(Criteria Satisfied)**

3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**

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

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

**the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

Staff finds that the proposed residential use will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. It was the intent of the Woodhaven Plaza Addition to be a residential and commercial mixed use development. The entire addition is zoned LC: Limited Commercial. Lot 1 of this addition, to the north and west of the subject property, is developed as a residential/commercial mixed use building. The CUP on this lot allows development of residences in the LC zone. Lots 7 and 8 and a portion of Lot 3 are developed, or being developed, as commercial buildings. Developing the subject property, Lot 2, as a residential property is consistent with the intent of Woodhaven Plaza Addition. **(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 development will be served by private water, sewer, and storm sewer lines already in place. These private lines connect to public water, sewer, and storm sewer lines in the public right of way of 42<sup>nd</sup> Street South. Staff is not aware of any deficiencies regarding services and utilities that would limit the ability of the applicant to utilize the property as proposed. **(Criteria Satisfied)**

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

The subject property is surrounded by private streets, one of which (Arthur Drive) is a one-way. These private streets connect to the public streets 40<sup>th</sup> Street South, 40<sup>th</sup> Avenue South, and 42<sup>nd</sup> Street South. The City has no regulation regarding the placement of driveway accesses in relation to street intersections for private streets. However, all driveway access to the project are at least 75 feet from an intersection, which conforms to the driveway separation distance from an intersection of two local public streets under City regulations. The private streets should adequately serve the traffic demand resulting from this residential development. **Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow multi-dwelling structures for residential household living in the LC, Limited Commercial zone, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. The maximum residential density shall be that of the MR-3, Multi-Dwelling zoning district (24 units per acre).
2. A minimum of 35% of the lot shall remain as open space.
3. Building colors to be compatible with existing development on Lot 1, Block 1, Woodhaven Plaza Addition
4. It is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.
5. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent street by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any street. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.
6. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
  - a. Parking lots or parking structures
  - b. Any sidewalk or multi-use path along the perimeter of the lot
  - c. Entrances of other buildings on the site
  - d. Any sidewalk system along the perimeter streets adjacent to the

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

**Planning Commission Recommendation:** August 1, 2017

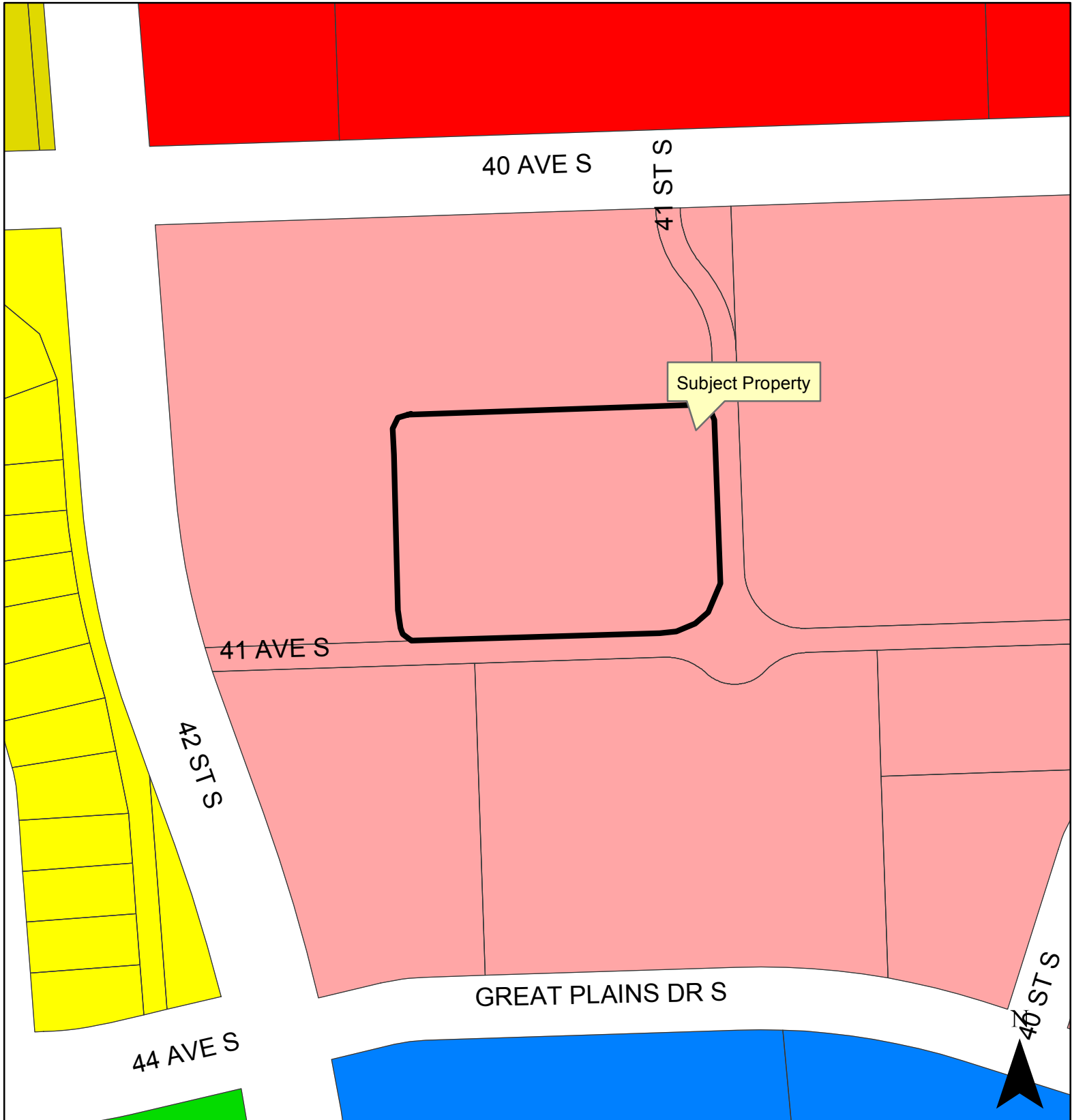
**Attachments:**

1. Zoning Map
2. Location Map
3. Site plan
4. Rendering

# Conditional Use Permit (Multi-Dwelling Structures in LC)

## Woodhaven Plaza Addition

4143 41st Avenue South



### Legend



300

Fargo Planning Commission

August 1, 2017



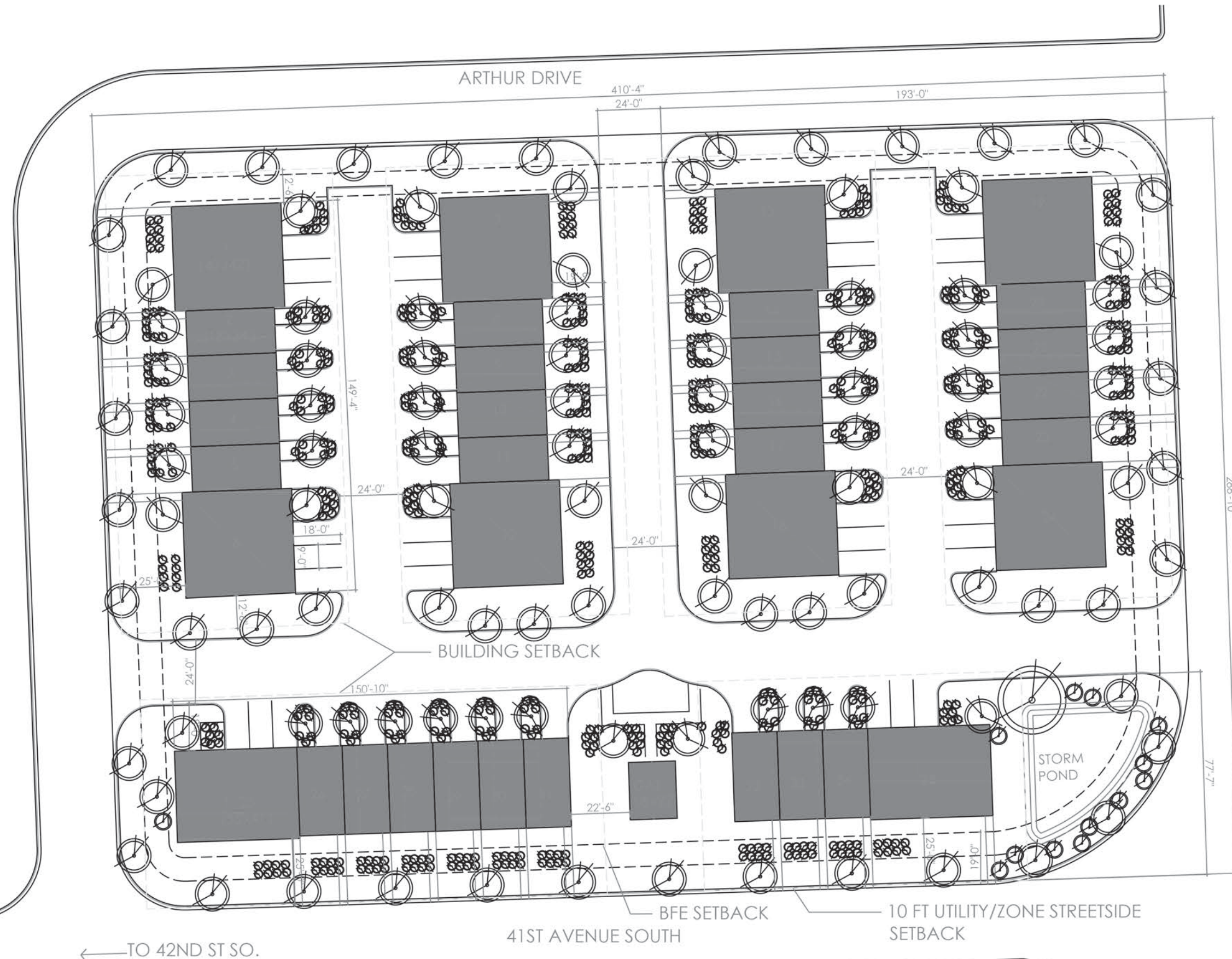
# Conditional Use Permit (Multi-Dwelling Structures in LC)

## Woodhaven Plaza Addition

4143 41st Avenue South







# CODE/ZONING

ZONE: MULTI-DWELLING (MR-3)=

PARKING: 2 PER DWELLING

## SETBACKS:

- FRONT 25'
- INTERIOR SIDE 10'
- STREET SIDE 12.5'
- REAR 20'
- FLOODPLAIN: 15 FT SETBACK REQUIRED FROM BFE (BASE FLOOD ELEVATION) to MAIN LEVEL FINISHED FLOOR

- MAX BLDG COVERAGE: 35% (ACTUAL 27%)
- MAX IMPERVIOUSNESS: 65% or 75,567 SF (ACTUAL 56% or 65,598 SF)
- MAX HT: 60'

NUMBER OF UNITS: 35 (31,476 SF TOTAL FOOTPRINT)

SITE AREA: 116,258 SF

LANDSCAPING: 1 TREE PER 35 LINEAL FEET OF STREET FRONT

OPEN SPACE: 3 PLANTS/1,000 SF OF LOT, 70% REQ'D IN SETBACK

SIDEWALK NOT REQ'D

BUILDING SPRINKLER REQ'D AS SITE IS OVER 150' FROM PUBLIC MAIN

3 WATER METER PITS REQUIRED (14 UNITS PER METER)

STORM WATER QUALITY REQ'S NEED TO BE MET: POND OR ENGINEERED DEVICE

← TO 42ND ST SO.

41ST AVENUE SOUTH

10 FT UTILITY/ZONE STREETSIDE SETBACK

SITE PLAN-E

SCALE: 1" = 40'-0"



WOODHAVEN  
TOWNHOMES  
PROJECT #1643  
DATE 7.26.17

S I T E  
P L A N

1





# THE PASS AT WOODHAVEN

---

YELLOW





**City of Fargo  
Staff Report**

<b>Title:</b>	Bentley Place Second Addition	<b>Date:</b>	7-12-2017
<b>Location:</b>	3240 & 3270 Veterans Blvd S	<b>Staff Contact:</b>	Kylie Murphy
<b>Legal Description:</b>	Lot 1 and 2, Block 1, Bentley Place 1 <sup>st</sup> Addition		
<b>Owner(s)/Applicant:</b>	Nate Vollmuth	<b>Engineer:</b>	Ulteig Engineering
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> ( Replat of Lot 1 and 2, Block 1, Bentley Place 1 <sup>st</sup> Addition)		
<b>Status:</b>	Planning Commission Public Hearing: August 1, 2017		

Existing	Proposed
<b>Land Use:</b> Office	<b>Land Use:</b> Office
<b>Zoning:</b> LC, Limited Commercial	<b>Zoning:</b> No change
<b>Uses Allowed:</b> colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.	<b>Uses Allowed:</b> No change
<b>Maximum Lot Coverage Allowed:</b> Maximum 55% building coverage	<b>Maximum Lot Coverage Allowed:</b> No Change

**Proposal:**

The applicant is seeking approval of a minor subdivision, entitled **Bentley Place Second Addition**, which is a replat of Lots 1 and 2, Block 1, Bentley Place First Addition. The subject property is located at 3240 and 3270 Veterans Boulevard South, and encompasses approximately 6.4 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision

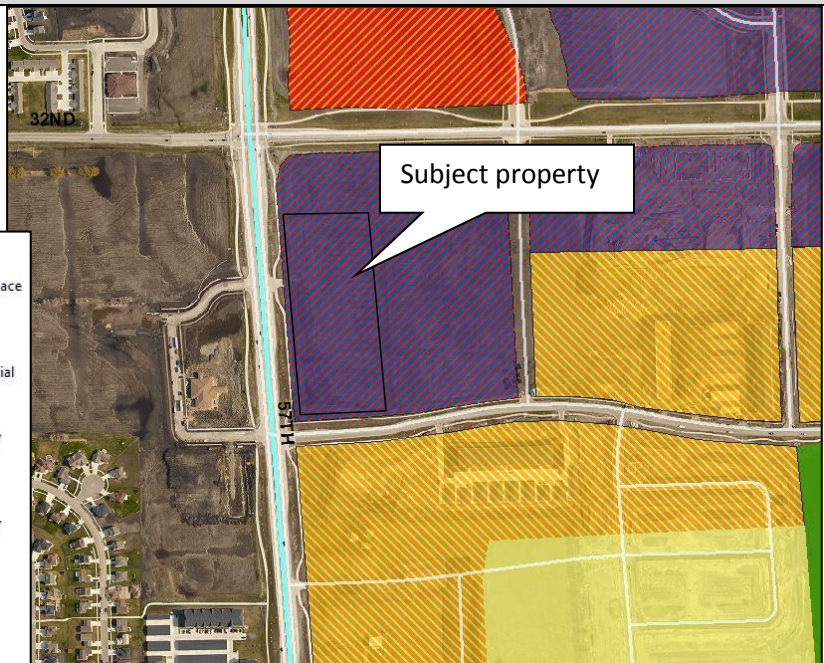
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

**Surrounding Land Uses and Zoning Districts:**

- North: LC, Limited Commercial, that is currently vacant
- East: LC, Limited Commercial, that is currently vacant
- South: MR-3, Multi-Dwelling Residential across 33rd Avenue South, with apartment use
- West: C, Commercial, across Veterans Blvd located in West Fargo

### Area Plans:

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



### Schools and Parks:

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

**Parks:** The subject property is less than a half mile west of Urban Plains Park (5050 30th Avenue S) that currently does not have amenities and less than a half mile west of Brandt Crossing Park (5009 33rd Avenue S) with the amenities of basketball courts, dog park, playground, recreational trails, and shelter.

**Pedestrian / Bicycle:** Off-road facilities are located along 32nd Avenue South and Veteran's Boulevard. Both facilities are components of the overall the metro area trail system.

### Staff Analysis:

#### Minor Subdivision

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

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

The subdivision is intended to split two exiting lots into three new lots to accommodate future commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one call of inquiry with no comment on the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Bentley Place Second Addition**, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation:** August 1, 2017

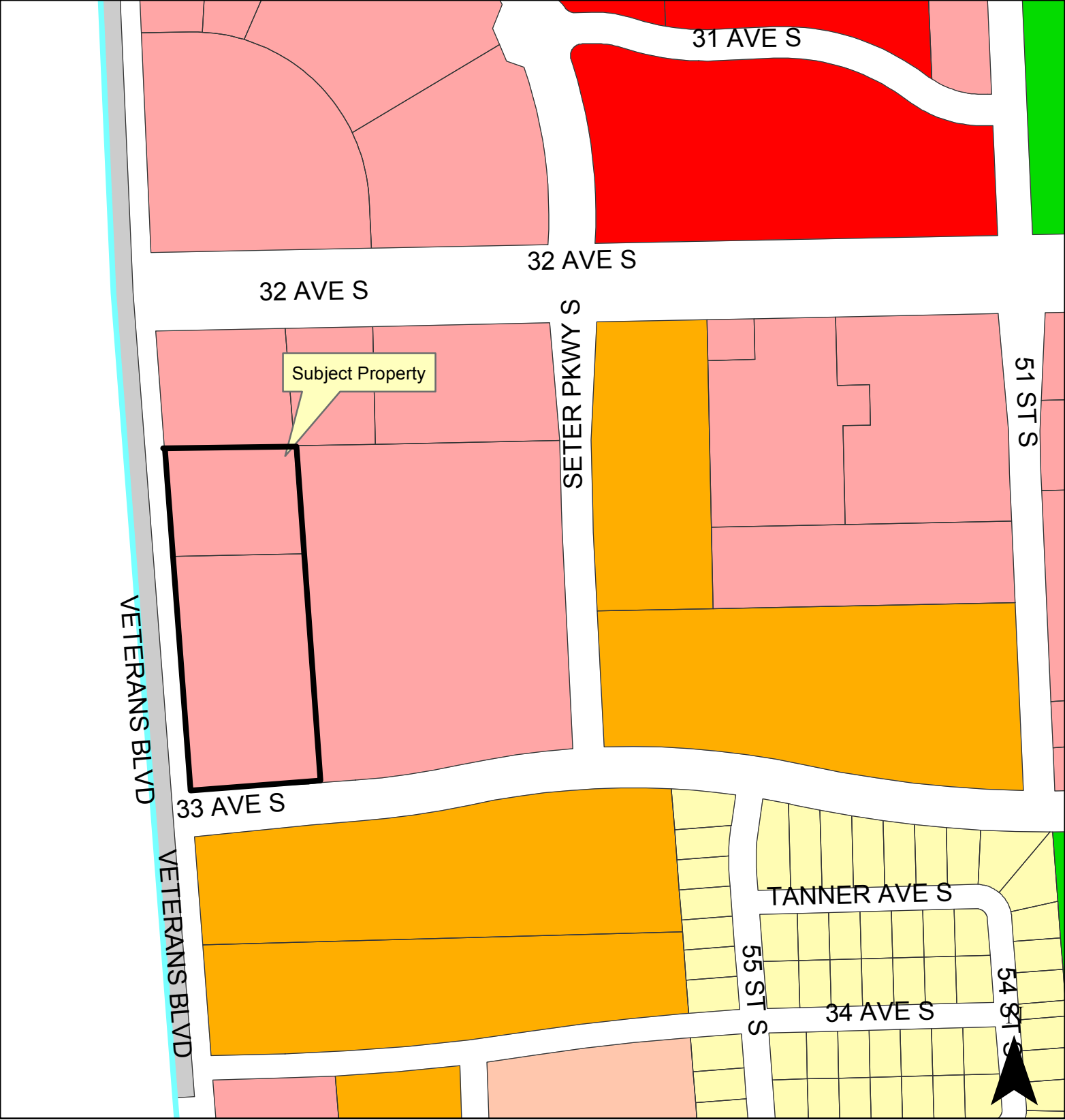
**Attachments:**

1. Zoning Map
2. Location Map

# Plat (Minor)

## Bentley Place Second Addition

3240 & 3270 Veterans Blvd S



**Legend**

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NCO	P/I	UML	SS-2	SS-3	SS-4	SS-5	City Limits
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300  
Feet

Fargo Planning Commission  
August 1, 2017



Plat (Minor)

Bentley Place Second Addition

3240 & 3270 Veterans Blvd S





# BENTLEY PLACE SECOND ADDITION

A REPLAT OF LOTS 1 & 2, BLOCK 1 OF BENTLEY PLACE FIRST ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

## OWNERS DESCRIPTION AND DEDICATION

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

Lots 1 and 2, Block 1 of BENTLEY PLACE FIRST ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Containing 286,154.34 square feet or 6.57 acres more or less.

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

## OWNER:

Brandt Crossing, LLC

## By:

Kevin Christianson, President

State of North Dakota } SS

County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2017, before me, a notary public with and for said County, personally appeared Kevin Christianson, President, Brandt Crossing, LLC known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

## MORTGAGEE:

Cornerstone Bank

## By:

Jim Hambrick, Vice President

State of North Dakota } SS

County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2017, before me, a notary public with and for said County, personally appeared Jim Hambrick, Vice President, Cornerstone Bank known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Christopher Blake Sexton, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

Christopher Blake Sexton, Professional Land Surveyor  
North Dakota License No. LS-10497

State of North Dakota } SS

County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a notary public with and for said County, personally appeared Christopher Blake Sexton, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

## LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-10497"
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE
- ▨ EXISTING INGRESS/EGRESS & UTILITY EASEMENT TO BE VACATED WITH THIS DOCUMENT
- ▩ EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1503605 TO BE VACATED WITH THIS DOCUMENT
- - - EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1503605
- ▨ NEGATIVE ACCESS EASEMENT

\*Negative Access Easement, as noted on this plat, is an easement dedicated as part of the right of way dedication which easement denies direct vehicular access to a street or public way from the lot or lots adjacent to such street or way. The negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent lot or lots.



0 50 100 200  
SCALE IN FEET  
ORIENTATION OF THIS BEARING  
SYSTEM IS PER PLAT OF  
BRANDT CROSSING FIRST ADDITION

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Mark H. Bittner, City Engineer

State of North Dakota } SS

County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a notary public with and for said County, personally appeared Mark H. Bittner, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

## CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Shara Fischer, Planning Commission Chair

State of North Dakota } SS

County of Cass

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a notary public with and for said County, personally appeared Shara Fischer, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

## FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota } SS

County of Cass

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

Notary Public

# PRELIMINARY

SOUTH POND AT THE  
PRESERVE 6TH ADD.  
BLOCK 1  
LOT 3

LOT 8  
OAK  
RIDGE  
6TH  
ADDITON  
LOT 1  
BLOCK 1  
33 AVE EAST  
OAK  
RIDGE  
3RD  
ADDITON  
LOT 1  
BLOCK 1  
34 AVE EAST  
SHADOW  
WOOD  
6TH

PREPARED BY

Ulteig

FARGO - BISMARCK - DETROIT LAKES - ST. PAUL - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON

**City of Fargo  
Staff Report**

<b>Title:</b>	Anderson Park Addition	<b>Date:</b>	7/25/2017
<b>Location:</b>	4255 23 Ave S	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Lot 1, Block 1, Anderson Park Addition		
<b>Owner(s)/Applicant:</b>	Fargo Park District/Red River Zoo	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	Institutional Master Plan		
<b>Status:</b>	Planning Commission Public Hearing: August 1, 2017		

Existing	Proposed
<b>Land Use:</b> Outdoor Recreation and Entertainment	<b>Land Use:</b> Outdoor Recreation and Entertainment
<b>Zoning:</b> P/I, Public & Institutional	<b>Zoning:</b> P/I, Public & Institutional
<b>Uses Allowed:</b> P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.	<b>Uses Allowed:</b> P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
<b>Maximum Lot Coverage Allowed:</b> N/A	<b>Maximum Lot Coverage Allowed:</b> N/A

**Proposal:**

The applicant is seeking approval of an Institutional Master Plan for the purpose of satisfying the project review requirements for development within the P/I, Public & Institutional, zoning district.

Project review of development projects within the P/I zoning district can be accommodated in one of two ways. One option is for each project to be reviewed for compliance with the Land Development Code on an individual basis through Site Plan Review, as is typical with most types of building construction within other zoning districts. The other option is to secure approval of an Institutional Master Plan. Once an Institutional Master Plan is established for an institution, individual development projects within that institution are no longer required to undergo Site Plan Review and are considered to be approved so long as they are consistent with the approved Institutional Master Plan.

The Institutional Master Plan is specific to the P/I zoning district and is intended to accommodate larger public/semi-public institutions that have unique development needs when compared to typical building construction. For example, an office building may undergo Site Plan Review at the time of construction and, once completed, may exist largely unchanged for decades. In contrast, large institutions, such as a university or airport, are generally not "completed" at the time of original construction. These institutions undergo continuous incremental development over time, such as an addition to a residence hall or the extension of a taxiway to accommodate a new aircraft hangar. The Institutional Master Plan is intended to better accommodate these unique development characteristics of institutions.

As such, the Red River Zoo is seeking approval of an Institutional Master Plan in order to accommodate LDC review of their plans to remodel and construct new facilities and exhibits as funding becomes available and as attendance increases over time. Specifically, the proposed Institutional Master Plan intends to confirm dimensional standards and provide for a phased approach to providing required landscaping and off-street parking.

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: Interstate right-of-way and Retail Sales & Services, GC zoning
- East: vacant land, AG zoning
- South: Baseball/softball complex, P/I zoning
- West: Retail Sales & Services, GC zoning

**Area Plans:**

The subject property is located within an area identified as the Southwest Area Plan as contained within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo*. This plan recommends Public/Institutional as an appropriate land use for this property.

**Schools and Parks:**

**Schools:** The subject property is located within the West Fargo School District, specifically within the Freedom Elementary school, Liberty Junior High school and Sheyenne High school boundaries.

**Parks:** The subject property is located north of Anderson Softball and Tharaldson Baseball Complex.

**Pedestrian/Bicycle:** There are off-street bike facilities located along the adjacent streets of 42 St S and 23 Ave S.

**Staff Analysis:**

**Institutional Master Plan Criteria:** Section 20-0911(E) of the LDC states that the Planning Commission shall identify and evaluate all factors relevant to the application, and that the following criteria be met before an Institutional Master Plan can be approved:

**1. Does the plan comply with all applicable provisions of the LDC and does it conform to the general intent and purpose of the LDC?**

Staff finds that the proposed plan complies with the intent and all applicable provisions of the LDC, as outlined within the attached Institutional Master Plan. **(Criteria Satisfied)**

**2. Is the plan consistent with all adopted plans and policies of the City?**

The proposed plan is consistent with the existing land use plan for this area. **(Criteria Satisfied)**

**3. Will the proposed plan not cause substantial injury to the value of the other property in the neighborhood in which it is to be located?**

The proposed plan will not cause substantial injury to the value of the other property in the neighborhood in which it is to be located. The proposed plan is consistent with the P/I zoning district and development standards of the Land Development Code. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the proposed Institutional Master Plan, as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0911.E(1-3) of the LDC, and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** August 1, 2017

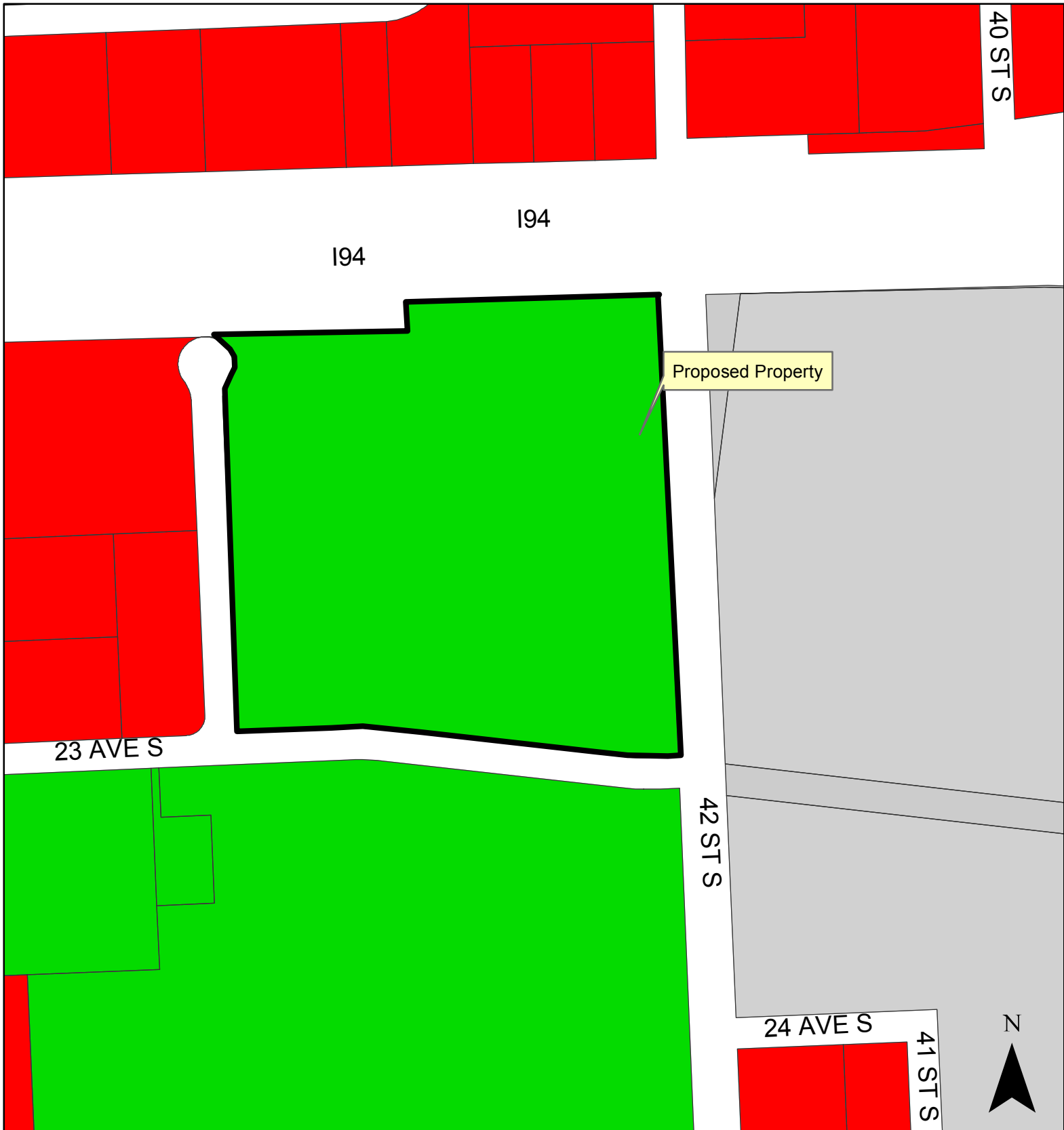
**Attachments:**

1. Zoning Map
2. Location Map
3. Institutional Master Plan

# Institutional Master Plan

## Anderson Park Addition

4255 23rd Avenue South



### Legend

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

300

Feet

Fargo Planning Commission

August 1, 2017



# Institutional Master Plan

## Anderson Park Addition

4255 23rd Avenue South





# INSTITUTIONAL MASTER PLAN

## RED RIVER ZOO

### OVERVIEW

Subject Property: Red River Zoo

- Address: 4255 23<sup>rd</sup> Avenue South
- Legal Description: Lot 1, Block 1, Anderson Park Addition
- Area: 28 Acres

Planning Commission Approval Date: August 1, 2017

Summary: This Institutional Master Plan is intended to satisfy the project review requirements of the Land Development Code for the Red River Zoo property. This Institutional Master Plan outlines four general phases of development over a twenty-year period:

- Phase One – 1 to 5 years
- Phase Two – 5 to 10 years
- Phase Three – 11 to 15 years
- Phase Four – 16 to 20 years

This Institutional Master Plan was drafted and reviewed in accordance with Section 20-0911 of the Land Development Code.

### INSTITUTIONAL MASTER PLAN - PLANNING REQUIREMENTS (SECTION 20-0911.J)

#### PLANNING HORIZON

This Institutional Master Plan is intended to cover a 20-year planning horizon, including years 2017-2036.

#### EXISTING PROPERTY & USES

- 1) Illustrative Site Plans: See attached
- 2) Land and Building Use: Zoo (Outdoor Recreation and Entertainment)
- 3) Gross Floor Area in Square Feet: 2,880 Square Feet
- 4) Building Height in Stories and Feet: One story; 35 feet.
- 5) Description of Parking & Loading: Concrete pavement with curb and gutter, two driveway approaches, drop off lane, and 239 off-street parking stalls.

#### NEEDS OF THE INSTITUTION

- 1) New Guest Amenities
- 2) New Animal Habitats

- 3) New Administrative, Animal Care, and Maintenance Facilities
- 4) Improved Circulation and Parking

See attached Sheet IMP102 for additional details.

## DEVELOPMENT ENVELOPE

- 1) Gross Floor Area: See attached Sheet IMP102 for square footages.
- 2) Average Daily and Peak-Hour Traffic: See attached Sheet IMP105 for anticipated parking demand.
- 3) Building Heights: Building heights are not expected to exceed 35 feet.
- 4) Setbacks: The following setbacks will be maintained from the following lot lines:
  - Front (south lot line): N/A – no non-P/I zoning within 150 feet.
  - Street Side (west lot line): 20 feet – GC zoning west of 43<sup>rd</sup> St S.
  - Street Side (east lot line): 25 feet – AG zoning east of 42<sup>nd</sup> St S.
  - Rear (north lot line): N/A – no non-P/I zoning within 150 feet.
- 5) Total Open Space: 29,184 Square Feet. See attached Sheet IMP103 for additional details.

## NEIGHBORHOOD PROTECTION STRATEGY

N/A – The Red River Zoo is bordered by interstate highway to the north, an arterial roadway to the east, parkland to the south, and commercial development to the west. Residential neighborhoods will not be impacted by development.

## LAND DEVELOPMENT CODE REVIEW

### USE (ARTICLE 20-04)

The proposed use of the property is for a zoo, which would be classified within the Outdoor Recreation and Entertainment use category. Outdoor Recreation and Entertainment is permitted by right within the P/I zoning district, subject to the use specific standard of Section 20-0402.G of the Land Development Code.

### DIMENSIONAL STANDARDS (ARTICLE 20-05)

The dimensional standards for the property have been established as follows:

- 1) Building Heights: None (same as GC zoning district)
- 2) Maximum Building Coverage: 85 Percent of Lot Area (same as GC zoning district)
- 3) Setbacks: The following setbacks will be maintained from the following lot lines:
  - Front (south lot line): N/A – no non-P/I zoning within 150 feet.
  - Street Side (west lot line): 20 feet – GC zoning west of 43<sup>rd</sup> St S.
  - Street Side (east lot line): 25 feet – AG zoning east of 42<sup>nd</sup> St S.
  - Rear (north lot line): N/A – no non-P/I zoning within 150 feet.

### PARKING & LOADING (SECTION 20-0701)

Although Off-Street Parking Schedule “A” refers the Outdoor Recreation and Entertainment use category to utilize Off-Street Parking Schedule “B,” a zoo is not listed as a specific use. Therefore, the Zoning

Administrator has determined the Off-Street Parking Schedule "C" to be the applicable parking schedule for the Red River Zoo.

In accordance with Off-Street Parking Schedule "C," a required minimum parking ratio of one parking stall per 724 annual visitors has been established.

Using the ratio of one parking stall per 724 annual visitors, the existing parking lot will not need to be expanded until annual attendance reaches 173,036. It is anticipated that the parking lot will be expanded and reconfigured to accommodate approximately 317 stalls at the end of Phase Two, prior to annual attendance reaching 173,036 visitors.

#### ROADWAY ACCESS & DRIVEWAYS (SECTION 20-0702)

One additional driveway approach is proposed for the property, onto 43<sup>rd</sup> Street South. The new approach is to be located approximately 175 feet north of the existing approach that currently provides access to the parking lot from 43<sup>rd</sup> St S. The new approach would be aligned with an existing approach located along the west side of the street, as illustrated in the attached Sheet IMP102.

The proposed approach meets the minimum driveway spacing of 50 feet on streets functionally classified as Local.

#### RESIDENTIAL PROTECTION STANDARDS (SECTION 20-0704)

Residential Protection Standards to not apply.

#### TREES & LANDSCAPING (SECTION 20-0705)

The Land Development Code requires the following trees and landscaping for the subject property:

- Street Trees:
  - 42<sup>nd</sup> St S: 24 street trees (1 per 50 linear feet)
  - 23<sup>rd</sup> Ave S: 23 street trees (1 per 50 linear feet)
  - 43<sup>rd</sup> St S: 29 street trees (1 per 35 linear feet)
- Open Space:
  - 3,640 Plant Units (3 per 1,000 square feet @ 1,213,051 square feet)
- Parking Lot Perimeter:
  - 43 large trees (18-foot-wide buffer with 1 large tree per 25 linear feet @ ~1,060 linear feet)

The installation of trees and landscaping will be phased throughout the 20-year planning horizon. Installation of trees and landscaping will align with the following schedule:

- Phase One:
  - Street Trees:
    - 24 of 24 street trees along 42<sup>nd</sup> St S
    - 19 of 23 street trees along 23<sup>rd</sup> Ave S
    - 10 of 29 street trees along 43<sup>rd</sup> St S
  - Open Space
    - 810 of 3,640 plant units
  - Parking Lot



- (1 tree per 35 feet, as existing)
- Phase Two:
  - Street Trees:
    - 24 of 24 street trees along 42<sup>nd</sup> St S
    - 23 of 23 street trees along 23<sup>rd</sup> Ave S
    - 29 of 29 street trees along 43<sup>rd</sup> St S
  - Open Space
    - 1,980 of 3,640 plant units
  - Parking Lot
    - 18' buffer with 43 large trees (at time of parking lot expansion)
- Phase Three:
  - Street Trees:
    - 24 of 24 street trees along 42<sup>nd</sup> St S
    - 23 of 23 street trees along 23<sup>rd</sup> Ave S
    - 29 of 29 street trees along 43<sup>rd</sup> St S
  - Open Space
    - 2,990 of 3,640 plant units
  - Parking Lot
    - 18' buffer with 43 large trees
- Phase Four:
  - Street Trees:
    - 24 of 24 street trees along 42<sup>nd</sup> St S
    - 23 of 23 street trees along 23<sup>rd</sup> Ave S
    - 29 of 29 street trees along 43<sup>rd</sup> St S
  - Open Space
    - 3,640 of 3,640 plant units
  - Parking Lot
    - 18' buffer with 43 large trees

## CORNER VISIBILITY (SECTION 20-0706)

Corner visibility as required by Section 20-0706 will be maintained throughout the planning horizon.





## EXISTING SITE PLAN

**PLANNING HORIZON:**  
THE RED RIVER ZOO HAS RECENTLY  
COMPLETED A 20 YEAR MASTER PLAN (SEE  
SHEET IM102)

**EXISTING PROPERTY AND USES:**

- SITE ADDRESS: 4255 23RD AVE. SOUTH
- PROPERTY SIZE: 1,215,963.8 SF (27.8 ACRES)  
SETBACKS: AS SHOWN  
EASEMENTS: AS SHOWN
- STREET FRONTAGE:  
42ND STREET: 1185.06'  
43RD STREET: 1017.52'  
23RD AVENUE: 1126.16'
- CURRENT LAND USE: C (COMMERCIAL)
- PROPERTY TYPE: 21 (FARGO PARK DISTRICT)
- GROSS FLOOR AREA: 2880 SF
- CURRENT PARKING: CONCRETE PAVEMENT  
WITH CURB AND GUTTER, 2 DRIVES, DROP  
OFF AND 239 STALLS

**NEEDS OF THE INSTITUTION:**

- NEW GUEST AMENITIES
- NEW ANIMAL HABITATS
- NEW ADMINISTRATIVE, ANIMAL CARE AND MAINTENANCE FACILITIES
- IMPROVED CIRCULATION AND PARKING.

**DEVELOPMENT ENVELOPE:**

THE MASTER PLAN ADDRESSES THE ENTIRE 27 ACRE SITE. GROSS FLOOR AREA OF PROPOSED STRUCTURES AND AREA OF ANIMAL HABITATS ARE AS SHOWN ON IMP102.

**NEIGHBORHOOD PROTECTION STRATEGY:**

THE RED RIVER ZOO IS BORDERED BY HIGHWAY ON THE NORTH AND EAST, PARK LAND TO THE SOUTH AND COMMERCIAL DEVELOPMENT TO THE WEST. RESIDENTIAL NEIGHBORHOODS WILL NOT BE IMPACTED BY DEVELOPMENT.



1525 East Douglas, Wichita, KS 67211  
Tel: (316) 265-9367

[www.glmv.com](http://www.glmv.com)

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# Institutional Master Plan

Red River Zoo  
Fargo, North Dakota

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### EXISTING SITE PLAN

JOB NO.	16029.000
DATE	2-6-17
DRAWN	LEG
CHECKED	LEG

**IMP101**

DWG. **1** OF **5**

SHULTZ ASSOCIATES  
 1 8 0 0 4 5 6 7 8 9





**KEY**

- ENTRY/ADMIN/ EDUCATION
- EXISTING ENTRY BUILDING TO REMAIN AS EDUCATION BUILDING
- HEART OF THE ZOO
- EXISTING CAROUSEL TO REMAIN
- AMERICA
- EXISTING WOLF HABITAT TO REMAIN
- VIKING WILDERNESS
- ASIA
- EXISTING ASIAN EXHIBITS TO REMAIN
- UPCLOSE ENCOUNTERS
- EXISTING CHILDREN'S FARM TO REMAIN
- MAINTENANCE YARD

**A MASTER PLAN**

0' 60' 120' 1"=60.0'

**ZOO ADVISORS**

**sa** SHULTZ ASSOCIATES ARCHITECTS

**GLMV Architecture**  
1525 East Douglas, Wichita, KS 67211  
Tel: (316) 265-9367  
www.glmv.com

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# Institutional Master Plan

Red River Zoo  
 Fargo, North Dakota

MARK	DATE	DESCRIPTION

**MASTER PLAN**

JOB NO.	16029.000	<b>IMP102</b> DWG. 2 OF 5
DATE	2-6-17	
DRAWN	LEG	
CHECKED	LEG	

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