

FARGO PLANNING COMMISSION AGENDA  
Tuesday, June 6, 2017 at 3:00 P.M.

A: Approve Order of Agenda.

B: Minutes: Regular Meeting of May 2, 2017

C: Brown Bag Luncheon - Wednesday, June 21, 2017

D: Public Hearing Items:

1. Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, **Tyler's Addition**. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited) (an): CONTINUED TO AUGUST 1, 2017
2. Hearing on an application requesting a Vacation Plat, a portion of 2nd Street North between 1st Avenue North to 5th Avenue North, **North Dakota R-1 Urban Renewal Addition**. (Located at 2nd Street North, from 1st Avenue North to 5th Avenue North) (City of Fargo) (dk):
3. Hearing on an application requesting a Plat of **Dedication of 2nd Street North** (Major Subdivision), portions of North Dakota R-1 Urban Renewal Addition, Keeney and Devitt's Second Addition and portions of vacated 2nd Street North, 4th Avenue North, and 5th Avenue North to the City of Fargo, Cass County, North Dakota. (Located at 2nd Street North, from 1st Avenue North to 5th Avenue North) (City of Fargo) (dk):
4. Hearing on an application requesting a Conditional Use Permit to allow Non-Farm Commercial Uses for property within the Extraterritorial Jurisdiction on part of the Northwest Quarter of **Section 24, Township 138 North, Range 49 West** of the 5th Principal Meridian, Cass County, North Dakota. (8800 25th Street South) (Bear Creek Winery) (dk):
5. 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) (dk):
6. Hearing on an application requesting a Conditional Use Permit to allow off-premise advertising on Lot 4, Block 1, **Urban Plains Retail Addition**. (Located at 4525 32nd Avenue South) (Scheels Arena) (km):
7. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lot 2, Block 1, and a request to repeal and reestablish a C-O, Conditional Overlay, on Lots 1-4, Block 1, **Schatz 4th Addition**. (Located at 5600 and 5650

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34th Avenue South, 3501 56th Street South, and 5621, 5631, and 5651 36th Avenue South) (Eagle Ridge Development) (km):

8. Hearing on an application requesting a Plat of **Prairie Farms Commercial Second Addition** (Minor Subdivision), a replat of Lots 1 and 2, Block 1, Prairie Farms Commercial Addition to the City of Fargo, Cass County, North Dakota. (Located at 2900 52nd Avenue South and 5200 31st Street South) (Bartholomay Construction, Inc.) (bv):
9. Hearing on an application requesting a Plat of **Brandt Crossing Twelfth Addition** (Minor Subdivision), a replat of Lot 1, Block 1, Brandt Crossing Eleventh Addition to the City of Fargo, Cass County, North Dakota. (Located at 3270 51st Street South) (PACES Lodging) (bv):
- 10a. Hearing on an application requesting a zoning change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Development Overlay on Lot 1, Block 1, **Pantzke Addition**. (Located at 402 25th Street North) (Gast Construction Co., Inc.) (bv):
- 10b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan for Lot 1, Block 1, **Pantzke Addition**. (Located at 402 25th Street North) (Gast Construction Co., Inc.) (bv):
- 11a. Hearing on an application requesting a zoning change from LC, Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay, on Part of Lots 11-13, Block 1, **Morton & Doty's Addition**. (Located at 1345 University Drive South) (Lowry Engineering) (an):
- 11b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan for Part of Lots 11-13, Block 1, **Morton & Doty's Addition**. (Located at 1345 University Drive South) (Lowry Engineering) (an):
12. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, on Lot 1, Block 4, Lots 2-4, Block 5, and Lots 3-4, Block 8, **Urban Plains by Brandt 1st Addition**; Lots 2-3, Block 1, Lot 2, Block 2, Lot 1, Block 3, Lots 2-3, Block 5, and part of Lot 1, Block 5, **Urban Plains by Brandt 2nd Addition**; Lots 5-6, Block 1, **Urban Plains Medical Park Addition**; Lots 7-10 Block 1, **Urban Plains Retail Addition**; Lots 1-3, Block 3 and Lot 1, Block 4, **Urban Plains Center Addition**; Parts of Lots 3-4, Block 1, **Urban Plains Northeast Retail Addition**; and Lots 2-3, Block 1, **Urban Plains Northeast Retail 2nd Addition**. (Located at 4680, 5100, and 5101 28th Avenue South; 4651 and 4845 30th Avenue South; 5298 31st Avenue South; 4543 and 4737 32nd Avenue South; 2911 45th Street South; 2640, 2660, 2720, 2740, 2760, and 2780 47th Street South; 3180 49th Street South; 3023, 3057, 3079, and 2701 51st Street South; 2633 and 2867 55th Street South; 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South; 3050 and 3155 Brandt Drive South; and 4574 Urban Plains Drive South.) (Houston Engineering, Inc.) (an):

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E: Other Items:

1. Review of an application requesting a Planned Unit Development (PUD) Final Plan for NDSU Foundation Addition. (Located at the 1600 Block of University Drive North between 12th Street North and University Drive North) (PROffutt LP/Casey Jackson) (an):
2. Review of an application requesting a Planned Unit Development (PUD) Final Plan for Mid America Steel Addition (Located at 5617 19th Avenue North) (Wild/CRG architects) (dk)
3. Review of applications for amendments to two tax increment financing (TIF) districts: (jg)
  - a. Great Northern TIF Plan
  - b. C-1 TIF Plan

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**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday:**

**Tuesday, May 2, 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., Tuesday, May 2, 2017.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Mary Scherling, Melissa Sobolik, Kelly Steffes, Scott Stofferahn, Jan Ulferts Stewart

Absent: Rocky Schneider

Chair Ulferts Stewart called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

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

Member Steffes Present

**Item B: Minutes: Regular Meeting of April 4, 2017**

Member Scherling moved the minutes of the April 4, 2017 Planning Commission meeting be approved. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

**Item C: Wednesday May 17, 2017 Brown Bag Luncheon**

Topic: Downtown Master Plan Discussion – continued from the April 19th Brown Bag Luncheon

**Item D: Public Hearing Items:**

**Item 1: Tyler's Addition**

**Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, Tyler's Addition. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited): CONTINUED TO JUNE 6, 2017**

A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to September 6, 2016. At the September 6, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing



was continued to January 4, 2017. At the January 4, 2017 meeting the Hearing was continued to February 7, 2017. At the February 7, 2017 meeting the Hearing was continued to March 7, 2017. At the March 7, 2017 meeting the Hearing was continued to April 4, 2017. At the April 4, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to June 6, 2017.

Member Steffes moved this item be continued to the June 6, 2017 Planning Commission Meeting. Second by Member Fischer. On call of the roll all Members present voted aye. The motion was declared carried.

**Item 2: Southwest Fargo Mission Addition**

**Hearing on an application requesting a Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district on Lot 2, Block 1, Southwest Fargo Mission Addition. (Located at 4451 40th Avenue South) (Verizon Wireless/Rob Viera): APPROVED**

Member Brust declared a conflict of interest on this item and was excused from voting.

Assistant Planner Barrett Voigt presented the staff report and noted staff received one letter in opposition that was included in the packet. Mr. Voigt stated all approval criteria have been met and staff is recommending approval.

Applicant Rob Viera, Buell Consulting, spoke on behalf of the application.

Member Sobolik moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code. Second by Member Fischer. On call of the roll Members Magelky, Scherling, Steffes, Stofferahn, Fischer, Sobolik, Gunkelman, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Member Schneider. The motion was declared carried.

**Item 3: West Acres Business Park Fourth Addition**

**Hearing on an application requesting a Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a P/I, Public and Institutional zoning district on Lot 3, Block 1, West Acres Business Park Fourth Addition. (Located at 4243 19th Avenue South) (Verizon Wireless/Rob Viera): APPROVED**

Member Brust declared a conflict of interest on this item and was excused from voting.

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

Applicant Rob Viera, Buell Consulting, spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Telecommunication Support Structure (TSS)



within a P/I, Public and Institutional zoning district be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Stofferahn, Scherling, Sobolik, Steffes, Magelky, Gunkelman, Fischer, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Member Schneider. The motion was declared carried.

**Item 4: Valley View Seventh Addition**

**Hearing on an application requesting a Plat of Valley View Seventh Addition (Minor Plat), a replat of Lot 2, Block 5, Valley View Fourth Addition to the City of Fargo, Cass County, North Dakota. (Located at 36th Avenue South and Veterans Boulevard) (Brian Kounovsky): APPROVED**

Senior Planner Donald Kress 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 subdivision plat Valley View Seventh Addition as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, and Section 20-0907 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Scherling, Gunkelman, Sobolik, Stofferahn, Steffes, Magelky, Brust, Fischer, and Ulferts Stewart voted aye. Absent and not voting: Member Schneider. The motion was declared carried.

**Item 5: Osgood Townsite Fifteenth Addition**

**Hearing on an application requesting a Plat of Osgood Townsite Fifteenth Addition (Minor Plat), a replat of Lots 1 and 3, Block 1, Osgood Townsite Fourteenth Addition to the City of Fargo, Cass County, North Dakota. (Located at 4550 49th Ave S and 5050 17th St S) (Nate Vollmuth/Ulteig): APPROVED**

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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat Osgood Townsite Fifteenth Addition as presented, 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 Stofferahn. On call of the roll Members Stofferahn, Scherling, Sobolik, Fischer, Steffes, Magelky, Gunkelman, Brust, and Ulferts Stewart voted aye. Absent and not voting: Member Schneider. The motion was declared carried.

**Item 6: BNG Addition**

**Hearing on an application requesting a Plat of BNG Addition (Minor Plat), a replat of Lot 2, Block 1, Brandt Crossing Eighth Addition to the City of Fargo, Cass County, North Dakota. (Located at 4801 33 Ave S) (Nate Vollmuth/Ulteig): APPROVED**



Kylie Murphy presented the staff report stating 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 subdivision plat BNG Addition as presented, 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 Fischer. On call of the roll Members Steffes, Sobolik, Magelky, Gunkelman, Scherling, Fischer, Brust, Stofferahn, and Ulferts Stewart voted aye. Absent and not voting: Member Schneider. The motion was declared carried.

**Item 7:       Edition Second Addition**

**7a. Hearing on an application requesting a Conditional Use Permit to allow for an Alternate Access Plan in an MR-3, Multi-Dwelling Residential zoning district on Lot 1, Block 1, Edition Second Addition. (Located at 5035 38th Street South) (Enclave/Houston): APPROVED WITH CONDITIONS**

**7b. Hearing on an application requesting a Plat of Edition Second Addition (Minor Subdivision), a replat of Lot 1, Block 1, Edition Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5035 38th Street South) (Enclave/Houston): APPROVED**

Member Brust declared a conflict of interest on this item and was excused from voting.

Kylie Murphy presented the staff report stating all approval criteria have been met and staff is recommending approval with conditions.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Subdivision plat Edition Second Addition as presented, 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; and 2) the Conditional Use Permit to allow for an Alternative Access Plan for a Parking Reduction as outlined in the staff report be approved, as the proposal complies with the Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. 50 off-street parking spaces are required on-site.
2. The Conditional Use Permit will cease if the land use changes from an assisted living/senior living residence.
3. Any expansion of the square footage of the group living use will require an amendment to the Conditional Use Permit with the review and approval by the Planning Commission.



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

**Item 8: Lime Addition**

**Hearing on an application requesting a Plat of Lime Addition (Minor Subdivision), a replat of Lot 3 through 6, Block 29, Roberts Second Addition and Lots A, B, and C, Block 29, Douglas Subdivision, to the City of Fargo, Cass County, North Dakota. (Located at 303 11th Street North and 1014 4th Avenue North) (Enclave/Houston): APPROVED**

Member Brust declared a conflict of interest on this item and was excused from voting.

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

Discussion began regarding the reasons for presenting this request with construction nearly completed, and the exemption of the City's existing storm water policy in the DMU zoning district.

Applicant Brian Pattengale from Houston Engineering, Inc. spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat Lime Addition as presented, 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 Fischer, Gunkelman, Magelky, Scherling, Sobolik, Steffes, Stofferahn, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Member Schneider. The motion was declared carried.

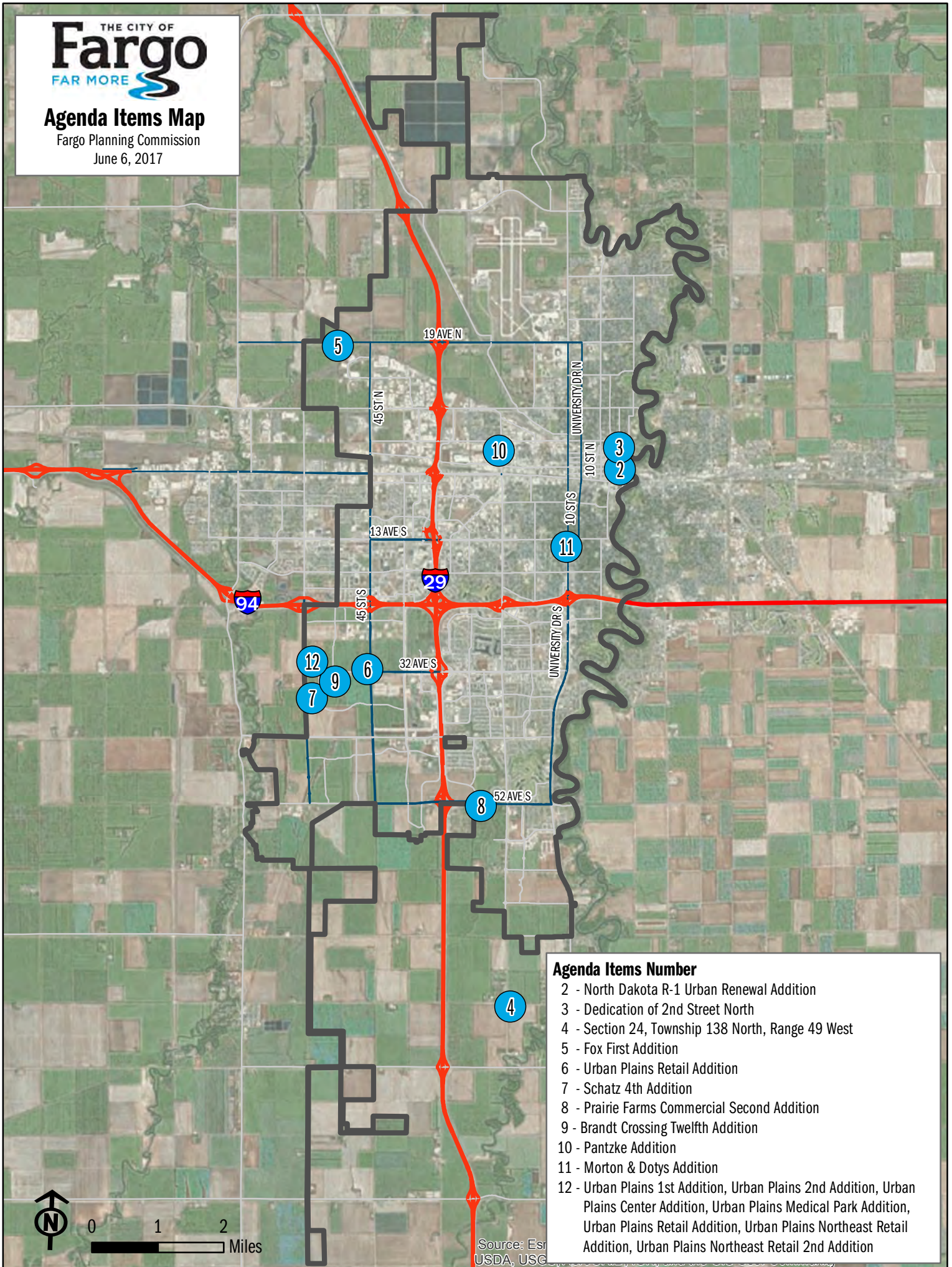
**Item E: Other Items:**

**Item 1:** Chair Ulferts Stewart announced a public meeting will be held on at the Fargo Theater on May 23, 2017 beginning at 5:30 p.m., to discuss the Downtown Master Plan.

The time at adjournment was 3:25 p.m.



**Agenda Items Map**  
Fargo Planning Commission  
June 6, 2017



**Agenda Items Number**

- 2 - North Dakota R-1 Urban Renewal Addition
- 3 - Dedication of 2nd Street North
- 4 - Section 24, Township 138 North, Range 49 West
- 5 - Fox First Addition
- 6 - Urban Plains Retail Addition
- 7 - Schatz 4th Addition
- 8 - Prairie Farms Commercial Second Addition
- 9 - Brandt Crossing Twelfth Addition
- 10 - Pantzke Addition
- 11 - Morton & Dotys Addition
- 12 - Urban Plains 1st Addition, Urban Plains 2nd Addition, Urban Plains Center Addition, Urban Plains Medical Park Addition, Urban Plains Retail Addition, Urban Plains Northeast Retail Addition, Urban Plains Northeast Retail 2nd Addition

Source: Esri  
USDA, USGS



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	North Dakota R-1 Urban Renewal Addition	<b>Date:</b>	6/1/17
<b>Location:</b>	Former route of 2 <sup>nd</sup> Street North between 1 <sup>st</sup> Avenue North and 5 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Donald Kress, senior planner
<b>Legal Description</b>	A portion of 2 <sup>nd</sup> Street North between 1 <sup>st</sup> Avenue and 5 <sup>th</sup> Avenue North, including a portion of 4 <sup>th</sup> Avenue North, bounded by portions of the North Dakota R-1 Urban Renewal Addition		
<b>Owner(s)/Applicant:</b>	City of Fargo; Cass County Joint Water Resource District; Fargo Park District	<b>Engineer:</b>	Houston Engineering for City of Fargo
<b>Reason for Request:</b>	Street Vacation (a vacation plat of a portion of 2 <sup>nd</sup> Street North between 1 <sup>st</sup> Avenue and 5 <sup>th</sup> Avenue North, including a portion of 4 <sup>th</sup> Avenue North, bounded by portions of the North Dakota R-1 Urban Renewal Addition).		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2107		

<b>Proposal:</b>
<p>The applicant is seeking approval of a vacation plat of 2<sup>nd</sup> Street North between 1<sup>st</sup> Avenue and 5<sup>th</sup> Avenue North, including a portion of 4<sup>th</sup> Avenue North, bounded by portions of the North Dakota R-1 Urban Renewal Addition City of Fargo, Cass County, North Dakota The proposed street vacation encompasses approximately 3.1 acres of public right of way.</p> <p>The 2nd Street North floodwall project, which includes the relocation of a portion of 2<sup>nd</sup> Street North, is part of the overall F-M Diversion project.</p> <p>This portion of right-of-way does not have sanitary sewer and storm sewer located within the right-of-way.</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 Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: GC, General Commercial and MR-3, Multi-Dwelling Residential, with warehouse and apartment uses</li> <li>• East: DMU, Downtown Mixed-Use, with park use</li> <li>• South: DMU, Downtown Mixed-Use, with parking lot and office uses</li> <li>• West: DMU, Downtown Mixed-Use, with warehouse, office, parking lot, and civic uses.</li> </ul> <p><b>Schools and Parks:</b></p> <p><b>Schools:</b> The subject property is located within the Fargo School District including Roosevelt Elementary, Ben Franklin Middle and North High School.</p> <p><b>Parks:</b> Island Park (302 7th Street S) is located approximately one-half mile southwest of the subject</p>



property and provides grill, handball, picnic table, playground, rental, restroom, tennis, and wedding amenities.

**Recreation Trails:** There will be a bike trail on the east side of the 2<sup>nd</sup> Street floodwall, that is part of the metro-wide trail system.

#### **Staff Analysis:**

**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.***

This portion of right-of-way does not contain any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines.

**(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 recommend approval to the City Commission of the **North Dakota R-1 Urban Renewal Addition (2<sup>nd</sup> Street North)** street vacation plat as presented; as the proposal complies with the F-M Diversion project and North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places."

**Planning Commission Recommendation: June 6, 2017**

**Attachments:**

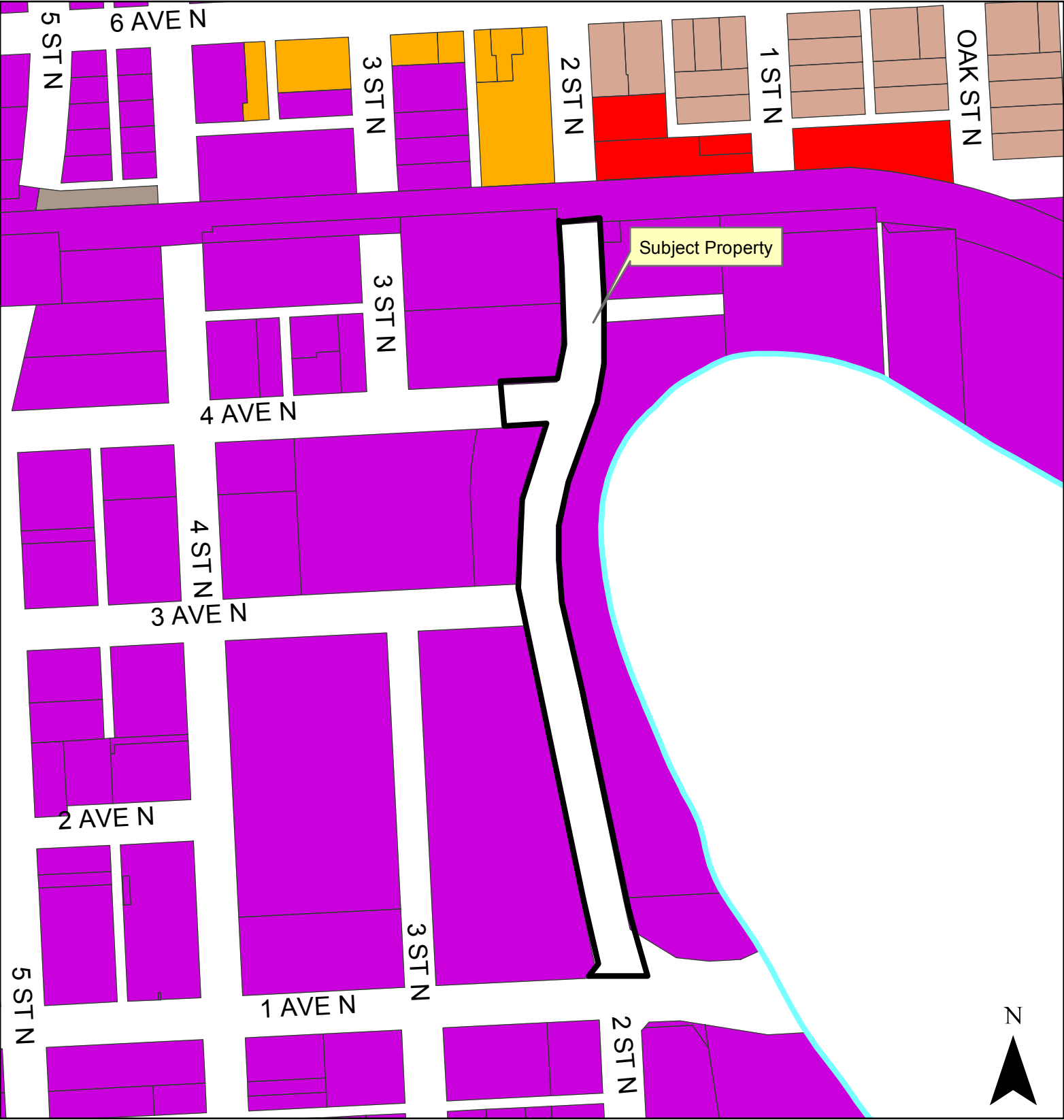
1. Zoning Map
2. Location Map
3. Vacation Plat



# Plat (Vacation)

## Vacation Plat

2nd St N, from 1st Ave N  
to 5th Ave N



### Legend

AG	LC	MHP	SP-2
DMU	LI	NOC	SP-3
GC	MR-1	DM	SP-4
GO	MR-2	UMU	SP-5
	MR-3		

300 Feet

Fargo Planning Commission  
June 6, 2017



# Plat (Vacation)

## Vacation Plat

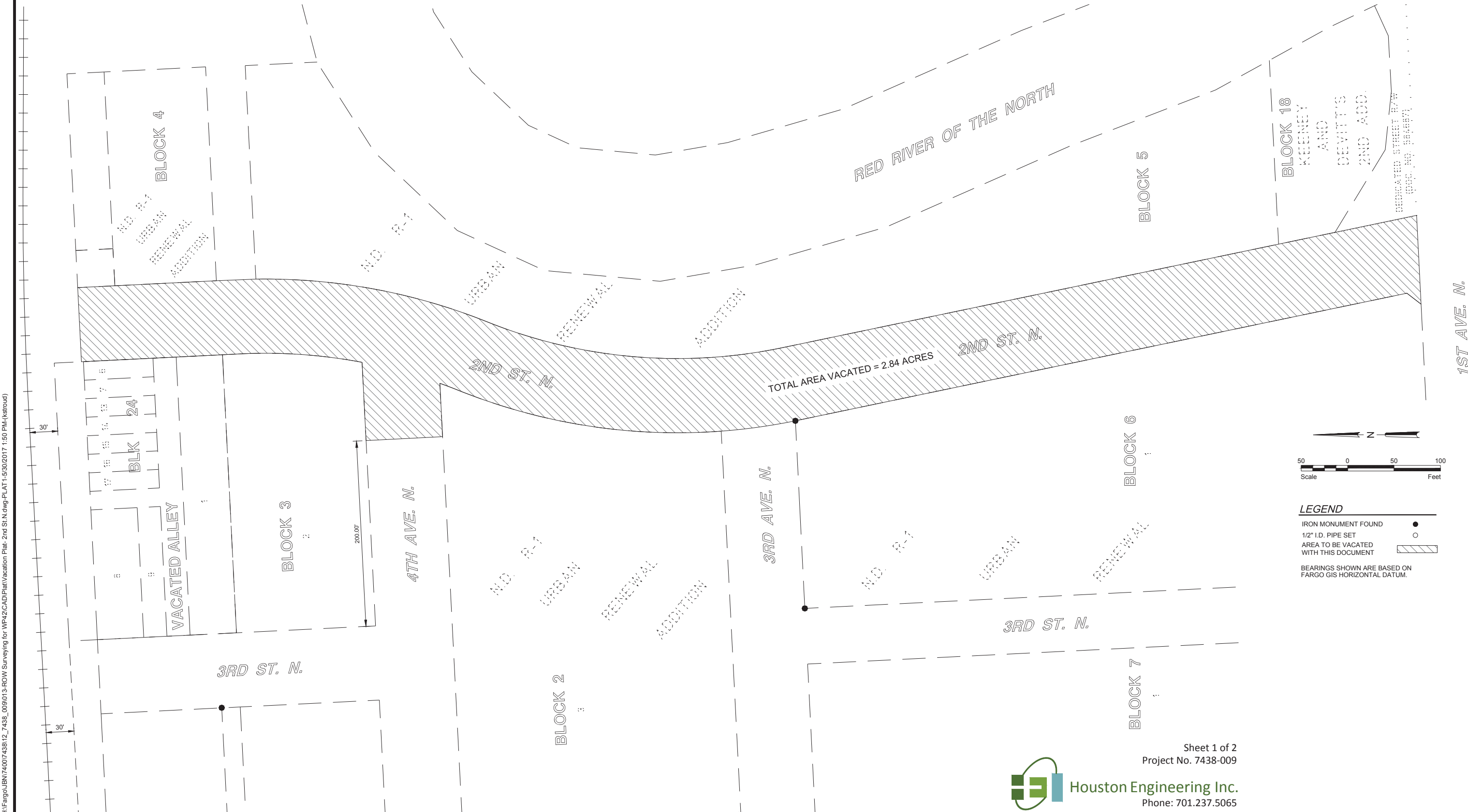
2nd St N, from 1st Ave N  
to 5th Ave N





# VACATION PLAT

OF PORTIONS OF 2ND STREET NORTH AND 4TH AVENUE NORTH  
IN THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA





DESCRIPTION- AREA TO BE VACATED:

All of 2nd Street North, bounded on the south by the easterly extension of the south line of Block 6, North Dakota R-1 Urban Renewal Addition, and bounded on the north by the westerly extension of Block 4, North Dakota R-1 Urban Renewal Addition; together with 4th Avenue North between Blocks 2 And 3, North Dakota R-1 Urban Renewal Addition, less the west 200 feet thereof, in the City of Fargo, Cass County, North Dakota.

OWNERS' CERTIFICATE:

Cass County Joint Water Resource District, The Park District of the City of Fargo and the City of Fargo certify that they are the owners of the property adjoining the area to be vacated and that this plat and description are correct.

OWNER:  
Cass County Joint Water Resource District

\_\_\_\_\_, Attest: \_\_\_\_\_  
Mark Brodshaug, Chairman Carol Harbeke-Lewis,  
Secretary-Treasurer

OWNER:  
City of Fargo

\_\_\_\_\_, Attest: \_\_\_\_\_  
Timothy J. Mahoney, Mayor Steve Sprague, Auditor

OWNER:  
The Park District of the City of Fargo

\_\_\_\_\_, Attest: \_\_\_\_\_  
Matt Magness, President Jeff Gunkelman, Clerk

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:**  
I, James A. Schlieman, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the area vacated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
James A. Schlieman, Professional Land Surveyor No. 6086

**CITY ENGINEER'S APPROVAL:**  
Approved by the Fargo City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
April E. Walker, City Engineer

State of \_\_\_\_\_ )  
 ) ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ before me personally appeared Mark Brodshaug, President, and Carol Harbeke-Lewis, Secretary-Treasurer, of Cass County Joint Water Resource District, a North Dakota political subdivision, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of said water resource district.

State of North Dakota )  
 ) ss  
County of Cass )

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

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared Matt Magness, President of the Park District of the City of Fargo; and Jeff Gunkelman, Clerk of the Park District of the City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of said park district.

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ before me personally appeared April E. Walker, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_

# VACATION PLAT

## OF PORTIONS OF 2ND STREET NORTH AND 4TH AVENUE NORTH

## IN THE CITY OF FARGO,

## CASS COUNTY, NORTH DAKOTA

**FARGO PLANNING COMMISSION APPROVAL:**  
Approved by the City of Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Jan Ulferts Stewart, Chair  
Fargo Planning Commission

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

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

Attest: \_\_\_\_\_  
Steven Sprague, City Auditor

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared Jan Ulferts Stewart, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public: \_\_\_\_\_

State of North Dakota )  
 ) ss  
County of Cass )

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



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	2 <sup>nd</sup> Street North Dedication	<b>Date:</b>	6/1//2017
<b>Location:</b>	Current route of 2 <sup>nd</sup> Street North between 1 <sup>st</sup> Avenue North and 5 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Donald Kress, senior planner
<b>Legal Description:</b>	Portions of North Dakota R-1 Urban Renewal Addition, Keeney and Devitt's Second Addition and portions of vacated 2nd Street North, 4th Avenue North, and 5th Avenue North		
<b>Owner(s)/Applicant:</b>	City of Fargo; Cass County Joint Water Resource District	<b>Engineer:</b>	Houston Engineering for City of Fargo
<b>Entitlements Requested:</b>	<b>Dedication of right of way—major subdivision</b> (dedication of Portions of North Dakota R-1 Urban Renewal Addition, Keeney and Devitt's Second Addition and portions of vacated 2nd Street North, 4th Avenue North, and 5th Avenue North to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

**Proposal:**

The applicant is seeking approval of a dedication plat of 2<sup>nd</sup> Street North between 1<sup>st</sup> Avenue and 5<sup>th</sup> Avenue North. The proposed street vacation encompasses approximately 3.58 acres of public right of way.

The 2nd Street North floodwall project, which includes the relocation of a portion of 2<sup>nd</sup> Street North, is part of the overall F-M Diversion project.

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: GC, General Commercial and MR-3, Multi-Dwelling Residential, with warehouse and apartment uses
- East: DMU, Downtown Mixed-Use, with park use
- South: DMU, Downtown Mixed-Use, with parking lot and office uses
- West: DMU, Downtown Mixed-Use, with warehouse, office, parking lot, and civic uses.

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo School District including Roosevelt Elementary, Ben Franklin Middle and North High School.

**Parks:** Island Park (302 7th Street S) is located approximately one-half mile southwest of the subject property and provides grill, handball, picnic table, playground, rental, restroom, tennis, and wedding amenities.

**Recreation Trails:** There will be a bike trail on the east side of the 2<sup>nd</sup> Street floodwall, that is part of the metro-wide trail system.

**Staff Analysis:**

A plat dedicating right of way is considered a major subdivision, though no lots are created by this plat.



## Subdivision

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

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

The area dedicated for street right of way by this plat is not developable land. The relocation of 2<sup>nd</sup> Street North, including this dedication, is part of the F-M Diversion plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no public comment.

**(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 area dedicated for street right of way by this plat is not developable land. The relocation of 2<sup>nd</sup> Street North, including this dedication, are part of the F-M Diversion plan. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

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

Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

**(Criteria Satisfied)**

### Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed **2nd Street North Dedication** plat as presented; as the proposal complies with the F-M Diversion project, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** June 6, 2017

### Attachments:

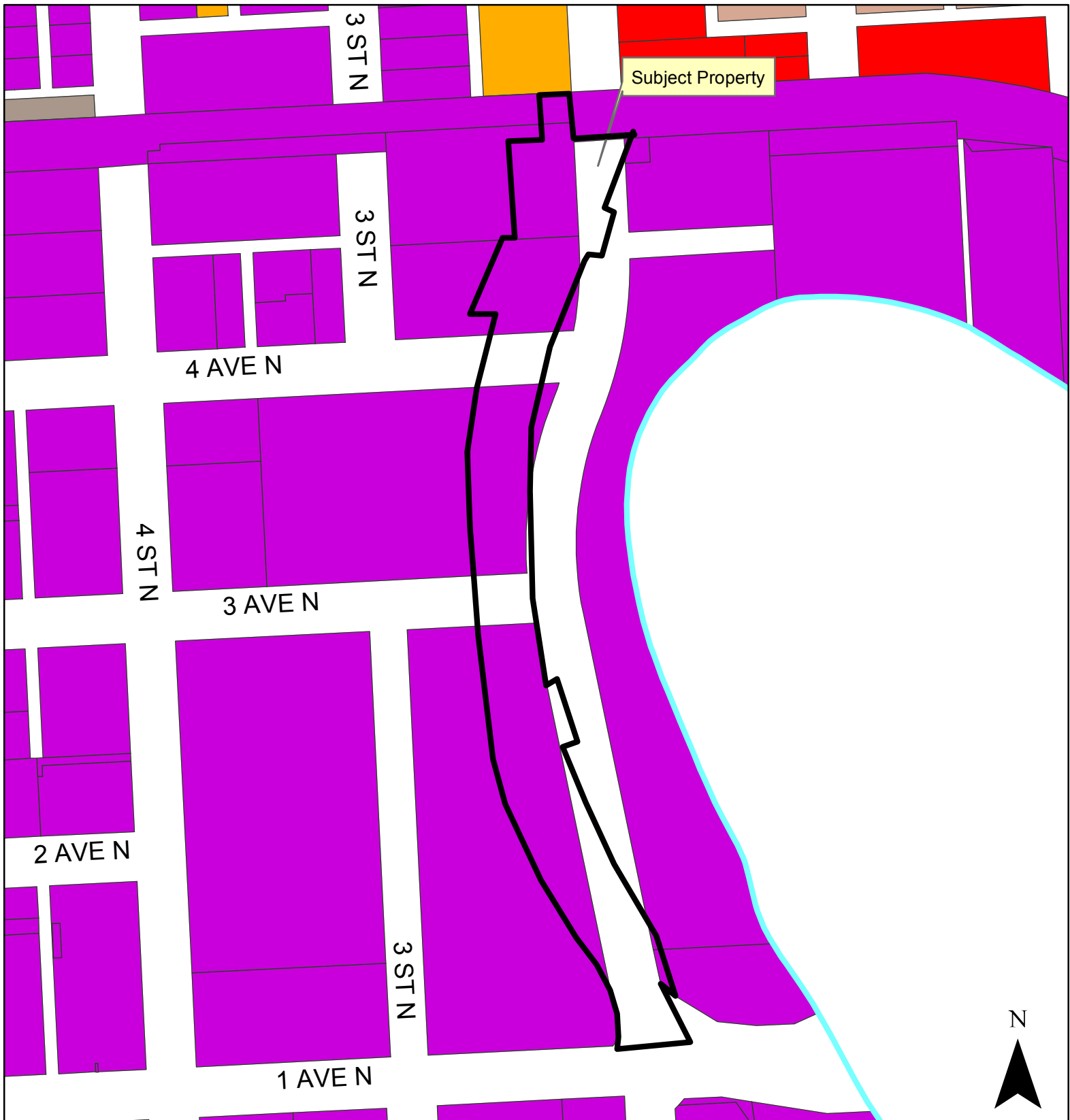
1. Zoning Map
2. Location Map
3. Dedication Plat



## Plat (Major)

# Dedication Plat of 2nd Street

2nd St N, from 1st Ave N  
to 5th Ave N



### Legend

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

300

# Fargo Planning Commission

**June 6, 2017**



# Plat (Major)

## Dedication Plat of 2nd Street

2nd St N, from 1st Ave N  
to 5th Ave N



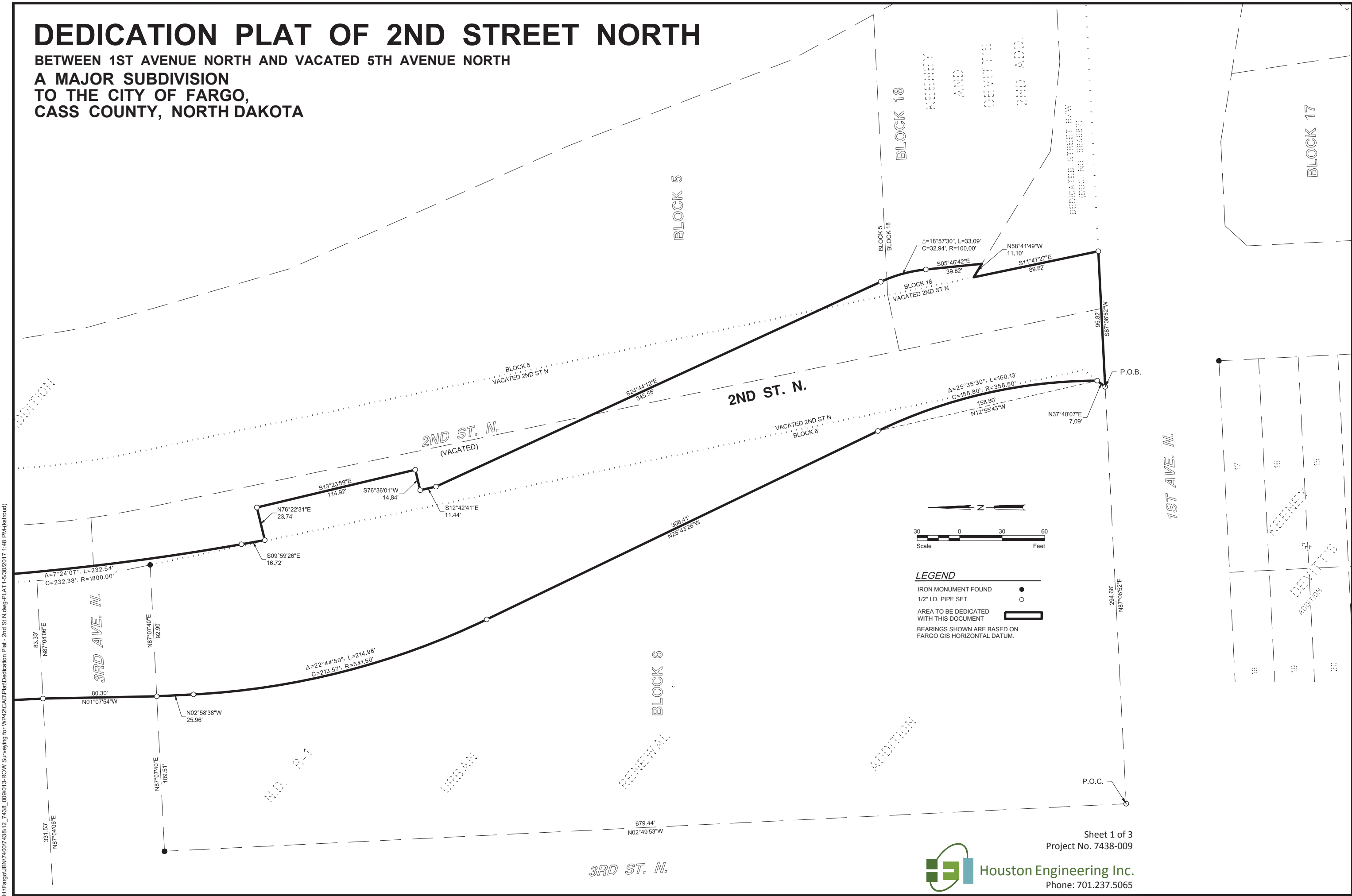
300  
Feet

Fargo Planning Commission  
June 6, 2017



# DEDICATION PLAT OF 2ND STREET NORTH

BETWEEN 1ST AVENUE NORTH AND VACATED 5TH AVENUE NORTH  
A MAJOR SUBDIVISION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA

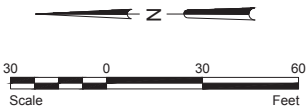


H:\Fargo\JBN\740017438\12\_7438\_009\013-FDW Surveying for WP42CAD\Plat\PlatDedication Plat - 2nd St N.dwg PLAT 1-5/30/2017 1:48 PM (tstroud)



# DEDICATION PLAT OF 2ND STREET NORTH

BETWEEN 1ST AVENUE NORTH AND VACATED 5TH AVENUE NORTH  
A MAJOR SUBDIVISION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA



**LEGEND**

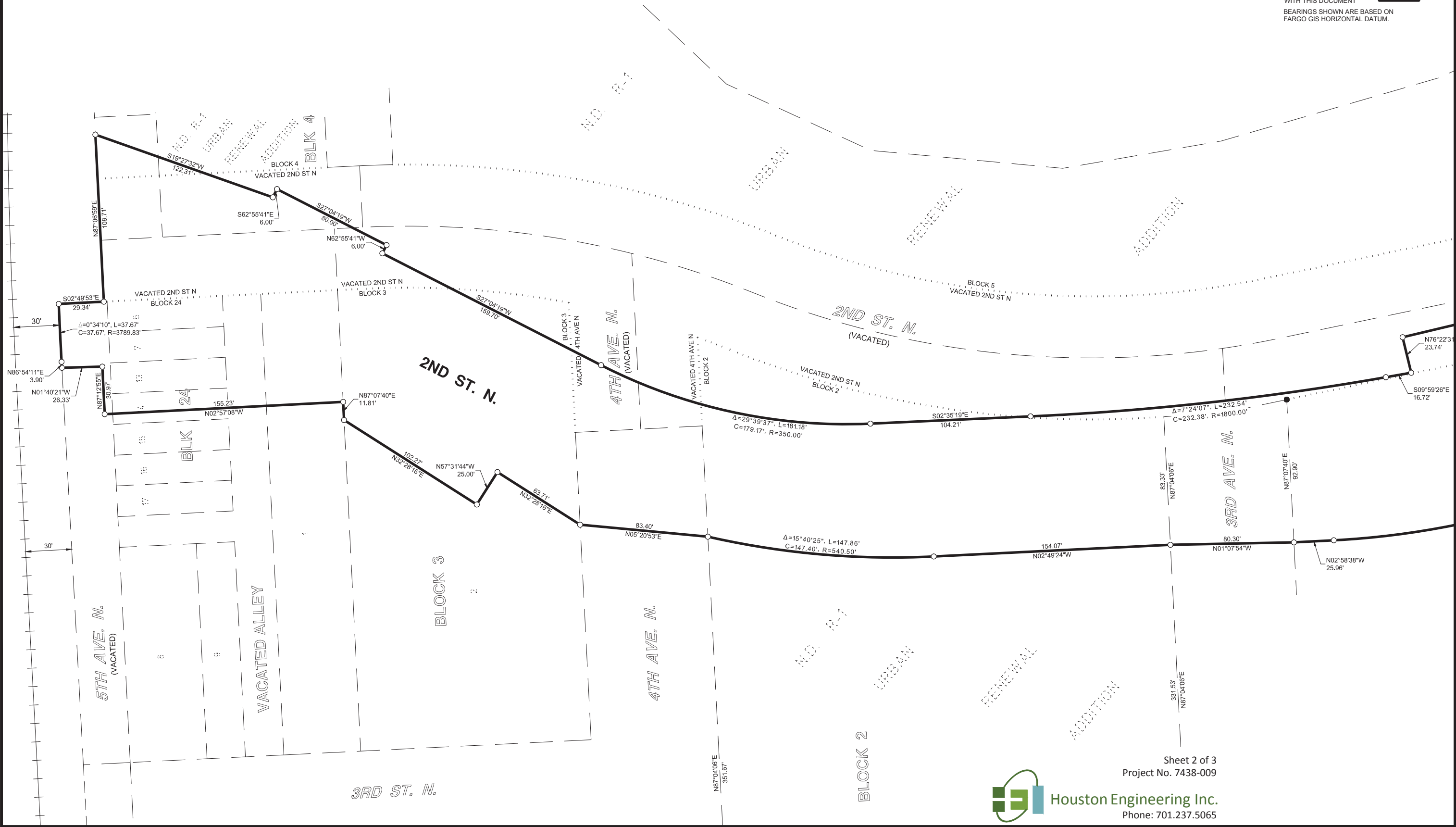
IRON MONUMENT FOUND      ●

1/2" I.D. PIPE SET      ○

AREA TO BE DEDICATED WITH THIS DOCUMENT      [Red outline]

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

H:\Fargo\JBN\740017438\12\_7438\_009\013-FOW Surveying for WP42\CAD\Plat\PlatDedication Plat - 2nd St N.dwg:PLAT2-5/30/2017 1:48 PM-(vstroud)





DEDICATION PLAT OF 2ND STREET NORTH  
BETWEEN 1ST AVENUE NORTH AND VACATED 5TH AVENUE NORTH  
A MAJOR SUBDIVISION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE:  
KNOW ALL PERSONS BY THESE PRESENTS: That the City of Fargo, a North Dakota municipal corporation, Park District of the City of Fargo, a park district under the laws of the State of North Dakota, and Cass County Joint Water Resource District, a North Dakota political subdivision, are the owners and proprietors of portions of Blocks 2, 3, 4, 5 and 6, North Dakota R-1 Urban Renewal Addition, a portion of Block 18, Keeney and Devitt's Second Addition, and a portion of Block Twenty-four, Keeney's Subdivision of Certain Lots in Portions of Block Nos. Thirty-two, Thirty, Twenty-four, Twenty-five, Twenty-six, Twenty, and Nineteen, in Keeney and Devitt's Second Addition, and vacated portions of 2nd Street North, 4th Avenue North and 5th Avenue North, all being situated in the City of Fargo, Cass County, North Dakota, and being more particularly described as follows:

Commencing at the southwest corner of said Block 6; thence North 87°06'52" East, along the southerly line of said Block 6, for a distance of 294.66 feet to the true point of beginning; thence North 37°40'07" East for a distance of 7.09 feet to a point on a non-tangential curve, being concave to the west and having a radius of 358.50 feet; thence northerly along said curve for a distance of 160.13 feet, through a central angle of 25°35'30", said curve having a chord bearing of North 12°55'43" West; thence North 25°43'28" West for a distance of 306.41 feet to a point of tangential curve to the right, having a radius of 541.50 feet; thence northerly along said curve, for a distance of 214.98 feet, through a central angle of 22°44'50"; thence North 02°58'38" West for a distance of 25.96 feet to a point of intersection with the northerly line of said Block 6; thence North 01°07'54" West for a distance of 80.30 feet, to a point of intersection with the southerly line of said Block 2; thence North 02°49'24" West for a distance of 154.07 feet to a point of tangential curve to the right, having a radius of 540.50 feet; thence northerly along said curve, for a distance of 147.86 feet, through a central angle of 15°40'25" to a point of intersection with the northerly line of said Block 2; thence North 05°20'53" East, not tangent to the last described curve, for a distance of 83.40 feet to a point of intersection with the southerly line of said Block 3; thence North 32°28'16" East for a distance of 63.71 feet; thence North 57°31'44" West for a distance of 25.00 feet; thence North 32°28'16" East for a distance of 102.27 feet; thence North 87°07'40" East for a distance of 11.81 feet; thence North 02°57'08" West for a distance of 155.23 feet; thence North 87°12'55" East for a distance of 30.97 feet; thence North 01°40'21" West for a distance of 26.33 feet to a point of intersection with a line that is 30.00 feet southerly of and parallel with the centerline of an existing railroad track; thence North 86°54'11" East along said line, for a distance of 3.90 feet to a point of tangential curve to the right, having a radius of 3789.83 feet; thence easterly along said curve and parallel with said railroad centerline, for a distance of 37.67 feet, through a central angle of 00°34'10" to a point of intersection with the northerly extension of the easterly line of said Block 24; thence South 02°49'53" East, not tangent to the last described curve and along said northerly extension, for a distance of 29.34 feet to a point of intersection with the westerly extension of said Block 4; thence North 87°06'59" East, along said westerly extension and along the northerly line of said Block 4, for a distance of 108.71 feet; thence South 19°27'32" West for a distance of 122.31 feet; thence South 62°55'41" East for a distance of 6.00 feet; thence South 27°04'19" West for a distance of 80.00 feet; thence North 62°55'41" West for a distance of 6.00 feet; thence South 27°04'19" West for a distance of 159.70 feet to a point of tangential curve to the left, having a radius of 350.00 feet; thence southerly along said curve for a distance of 181.18 feet, through a central angle of 29°39'37"; thence South 02°35'19" East for a distance of 104.21 feet to point of tangential curve to the left, having a radius of 1800.00 feet; thence southerly along said curve for a distance of 232.54 feet, through a central angle of 07°24'07"; thence South 09°59'26" East for a distance of 16.72 feet; thence North 76°22'31" East for a distance of 23.74 feet; thence South 13°23'59" East for a distance of 114.92 feet; thence South 76°36'01" West for a distance of 14.84 feet; thence South 12°42'41" East for a distance of 11.44 feet; thence South 24°44'12" East for a distance of 345.55 feet to a point of tangential curve to the right, having a radius of 100.00 feet; thence southerly along said curve for a distance of 33.09 feet, through a central angle of 18°57'30"; thence South 05°46'42" East for a distance of 39.82 feet to a point of intersection with the northerly line of 1st Avenue North; thence North 58°41'49" West, along the northerly line of said 1st Avenue North, for a distance of 11.10 feet to a point of intersection with the westerly line of said Block 18; thence South 11°47'27" East, along the westerly line of said Block 18, for a distance of 89.82 feet to the southwest corner of said Block 18 and a point on the easterly extension of the southerly line of said Block 6; thence South 87°06'52" West, along said easterly extension and along the southerly line of said Block 6, for a distance of 95.82 feet to the true point of beginning.

Said tract of land contains 3.584 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **Dedication Plat of 2nd Street North** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the public street shown on this plat.

Owner- City of Fargo  
Part of Block 4, North Dakota R-1 Urban Renewal Addition and East Half of adjacent vacated 2nd Street North

State of North Dakota )  
County of Cass ) ss

Attest:  
Timothy J. Mahoney, Mayor Steven Sprague, Auditor

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

Owner- Cass County Joint Water Resource District  
Portions of Blocks 2, 3, 4 and 6, North Dakota R-1 Urban Renewal Addition, a portion of Block Twenty-four, Keeney's Subdivision of Certain Lots in Portions of Block Nos. Thirty-two, Thirty, Twenty-four, Twenty-five, Twenty-six, Twenty, and Nineteen, in Keeney and Devitt's Second Addition, and portions of vacated 2nd Street North, 4th Avenue North and 5th Avenue North

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

Attest:  
Mark Brodshaug, Chairman Carol Harbeke-Lewis, Secretary-Treasurer

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Mark Brodshaug, President, and Carol Harbeke-Lewis, Secretary-Treasurer, of Cass County Joint Water Resource District, a North Dakota political subdivision, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of said water resource district.

Owner- Park District of the City of Fargo  
Block 5, North Dakota R-1 Urban Renewal Addition, part of Block 18, Keeney & Devitt's Second Addition, and East Half of adjacent vacated 2nd Street North

State of North Dakota )  
County of Cass ) ss

Attest:  
Matt Magness, President Jeff Gunkelman, Clerk  
Board of Park Commissioners

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Matt Magness, President of the Board of Park Commissioners; and Jeff Gunkelman, Clerk of the Park District of the City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the Park District of the City of Fargo.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:  
I, James A. Schlieman, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

James A. Schlieman, Professional Land Surveyor No. 6086

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

April E. Walker, City Engineer

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

Jan Ulferts Stewart, Chair  
Fargo Planning Commission

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

Timothy J. Mahoney, Mayor

Attest:  
Steven Sprague, City Auditor

State of North Dakota )  
County of Cass ) ss

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

Notary Public: \_\_\_\_\_

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared April E. Walker, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Jan Ulferts Stewart, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public: \_\_\_\_\_



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Bear Creek Winery CUP	<b>Date:</b>	5/31/17
<b>Location:</b>	8800 25th Street South and 2306 88 <sup>th</sup> Avenue South	<b>Staff Contact:</b>	Donald Kress, senior planner
<b>Legal Description:</b>	An unplatted portion of the Northwest Quarter of Section 24, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, containing approximately 29.37 acres		
<b>Owner(s)/Applicant:</b>	Rod Ballinger	<b>Engineer:</b>	None
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> to allow non-farm commercial uses in the AG, Agricultural zone		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Winery with special events	<b>Land Use:</b> No change
<b>Zoning:</b> AG- Agricultural with CUP	<b>Zoning:</b> No change
<b>Uses Allowed:</b> Allows detached houses, parks and open space, safety services, basic utilities, and crop production.  <b>Plus conditional use permit to allow non-farm commercial uses in the AG, Agricultural zone</b>	<b>Uses Allowed:</b> No change  <b>Plus conditional use permit to allow non-farm commercial uses in the AG, Agricultural zone</b>
<b>Maximum Density Allowed:</b> 85% 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 non-farm commercial uses allowing him to operate an on-site events facility at which food and alcohol are served.. This facility is a part of and operated in conjunction with the applicant's business, Bear Creek Winery, a domestic winery, licensed by the State of North Dakota. As the property is within the city's extra-territorial jurisdiction, his license to sell alcohol is granted by Cass County government and not the City of Fargo.</p> <p>On March 12, 2008, the applicant was granted a CUP to allow non-farm commercial uses to operate an events facility at the Bear Creek Winery, as described above. He has been operating this facility since that time. Recently, the applicant has acquired an adjacent property. This property is undeveloped. The applicant wishes to extend the CUP to this adjacent property and proposes modifications to the CUP.</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: AG, Agricultural, with agricultural use</li> <li>• East: AG, Agricultural, with agricultural use</li> <li>• South: AG, Agricultural, with agricultural use</li> <li>• West: AG, Agricultural, with agricultural use</li> </ul>



**Area Plans:**

An update to the Growth Plan for the Urban Fringe and Extraterritorial Area (ET) was approved by the City Commission on June 4, 2007. The plan recommends a low to mid density residential future land use for the subject property. This growth plan also adopts a two tier approach to future growth of the ET area. The subject property is located within tier two, which has been designated as the "Restricted Growth Sector". While the intent of the tier system is to encourage development within the intended growth sector and to discourage growth within tier two, this does not mean that development will be eliminated from the restricted growth sector but that very careful consideration will be given to any proposals within tier two. The plan suggests that the costs of extending infrastructure into tier two should not be undertaken lightly and should follow an orderly process of evaluation of the city's needs. The plan also suggests that careful control of the restricted growth sector is paramount in creating an efficient and sustainable city with a high quality of life, adding that any development that does occur within tier two should take into account the likely redevelopment of the property as the ET is urbanized. Efforts should be made to ensure that rural development plans ahead for future infrastructure so as not to preclude future development.

**Schools and Parks:**

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

**Parks:** Rutten Family Park (No address available) is located approximately a half mile west of the subject property and offers the amenities that are unknown at this time.

**Pedestrian / Bicycle:** No bike facilities are available at this location.

**Staff Analysis:**

The applicant proposes changes to the existing CUP. The current conditions and proposed conditions are compared below.

**CURRENT CONDITIONS**

1. Ability to hold events, in conjunction with the winery, including, but not necessary limited to banquets, receptions and parties (i.e. birthday parties, grooms dinners, anniversary celebrations and Christmas gatherings). Attendance of special events shall be limited (inclusive of staff) to no more than the maximum occupancy of the winery as determined by the City of Fargo Building Department (this may be determined in conjunction with the applicable fire department); except for outdoor events, which shall be limited by sanitation facilities.
2. Ability to sell alcohol, in conjunction with the winery and as permitted by Cass County. It should be clearly noted that this proposal is not intended to establish zoning that allows a bar/tavern but rather provides the appropriate zoning to enable Cass County to issue an alcoholic beverage license to the petitioner. In other words, all alcoholic sales must be related to activities associated with the Bear Creek Winery and adjacent restaurant. Note: If the subject property is annexed by the City of Fargo, Ordinance 4541 stipulates that an initial issuance fee may be required of any licensee which is the holder of a license from another subdivision over of which the City of Fargo has required jurisdiction by annexation
3. Ability to sell food, in conjunction with the winery and as permitted by the North Dakota Department of Health.
4. The Conditional Use Permit shall run with the property.

**CONDITIONS PROPOSED BY APPLICANT**

1. Ability to operate Bear Creek Winery, including, but not necessary limited to banquets, receptions and parties (i.e. wine tastings, weddings, birthday parties, grooms dinners, anniversary celebrations and Christmas gatherings). Attendance of special events shall be limited (inclusive of staff) to no more than the maximum occupancy of the winery as determined by the City of Fargo Building Department (this may be determined in



conjunction with the applicable fire department); except for outdoor events, which shall be limited by sanitation facilities. *(Modifies first sentence of previous condition no. 1 and adds two items to list of example events)*

2. Issuance of the conditional use permit provides zoning to enable Cass County to issue an alcoholic beverage license to the petitioner and the ability to sell food as permitted by the North Dakota Department of health. *(Modifies previous conditions nos. 2 and 3)*

3. The Conditional Use Permit shall run with the property. *(This was condition no. 4 in the previous CUP)*

#### STAFF EVALUATION OF CONDITIONS PROPOSED BY APPLICANT

Condition No. 1: Proposed modifications to condition no. 1 seem to be acceptable. The two events added to the list of example events (wine tasting, weddings) are similar to the other events in that list in terms of expected size of attendance and scope. Additionally, wine tastings are allowed under the state license for wineries.

Condition No. 2: The proposed modification of condition no. 2 that deletes the reference to Fargo Ordinance 4541 seems acceptable—this is an existing ordinance that will operate on any property with an alcohol license from another jurisdiction that is annexed into the city. It is not necessary for this ordinance to be included as a condition of the CUP. It seems reference to this ordinance in the original CUP was intended to bring the provisions of this ordinance to the attention of the applicant.

Condition No. 3: Proposed condition no. 3 is the same as previous condition no. 4 and is a standard condition on all CUP's. No modification of this condition is proposed.

Condition No. 4: Staff recommends adding the following condition in order to clarify permitted land uses: "Land uses allowed per this CUP are for winery and event center operations only. Retail Sales and Services as it relates to the winery operations are permitted."

Condition No. 5: In order to account for certain structures on the project site being out of compliance with building code requirements, staff recommends the following additional condition: "All structures must comply with current building code."

#### **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 proposed conditional use will comply with all applicable provision of the LDC and conform to the general intent and purpose of the LDC. On July 2, 2007 the City Commission approved a text amendment to the LDC that established a Conditional Use Permit (CUP) process for Non-Farm Commercial Uses within the Agricultural Zone District that allows the review of proposed commercial development on a case by case basis. This CUP process allows the City to ensure that development patterns within the extraterritorial area do not result in the occurrence of urban sprawl that could preclude redevelopment of the property/surrounding area at urban densities. To date staff has not received any comments. **(Criteria Satisfied)**

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

Staff contends that the proposed conditional use at the crossroads of two arterial streets will contribute to and promote the welfare or convenience of the public by providing citizens of the Fargo/Moorhead area an opportunity to enjoy one of North Dakota newest farm industries. By allowing events to occur in conjunction with the winery, citizens can have an opportunity to view and experience the wine making process that may not have attended otherwise. In other part of the United States, wineries are seen as an important part of local economies. Wineries tend to be higher yielding agricultural ventures than compared to traditional row crops and therefore bolster the continuation of agriculture in the area. In addition, wineries should be seen



as providing a “value added” economic boost to the local economy by providing a new niche to the market via agri-tourism. **(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 that injury to the value of other property in the neighborhood will occur as a result of the proposed conditional use permit.. **(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 contends that the proposed conditional use will not dominate the immediate neighborhood as to prevent the development and use of neighboring property in accordance with the applicable zoning district regulations. The subject property, as well as the surrounding properties, is zoned Agricultural, which is in keeping with the surrounding agricultural land use. Some large residential lots are located east of the subject property but staff suggests that they are an ample distance from the proposed facility so as not to be directly impacted.

In regard to the proposed facility, the winery is build to resemble an old barn which is clearly in keeping with the surrounding agricultural uses. In addition, the petitioner has planted grape vineyard, fruit trees and other plantings that complement the surrounding area. Staff understands that the applicant may have plans for additional buildings on the subject property, but that they would be constructed in a way that compliments the existing winery. According to the petitioner, the construction of these additional building are depending on the success of this petition and the winery as a whole. Staff further understands that the petitioner desires that the property to have the look and feel of a tranquil rural setting that people would like to come to for special events.

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

Adequate facilities and services are in place to serve the proposed addition uses “the event component” of the Bear Creek Winery. **(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?**

As stated earlier in this report, the subject property is located on the southeast corner of 25th St S and 88th Ave S. Both of these roadways are classified as future arterials of the City of Fargo. Development should take into account current policy that requires 200 feet of right-of-way is necessary for future improvements to these roadways. Typically, 100-feet of right-of-way is needed each direction from the centerline of the existing roadway to ensure that adequate space is provided for the future widening of these roadways. The existing structures are located at a distance so as not to be encroach into the proposed right of way. Another concern is limited and controlling the spacing of access points to these future arterials. The existing driveway access appears to be approximately 500-feet from the intersection of 25th St S and 88th Ave S, which may not be a sufficient distance from the intersection once the area is urbanized. However, based on discussions with the City of Fargo Engineering Department, this access point is acceptable in the interim. **(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 non-farm commercial uses as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. Ability to operate Bear Creek Winery, including, but not necessary limited to banquets, receptions and parties (i.e. wine tastings, weddings, birthday parties, grooms dinners, anniversary celebrations and Christmas gatherings). Attendance of special events shall be limited (inclusive of staff) to no more than the maximum occupancy of the winery as determined by the City of Fargo Building Department (this may be



determined in conjunction with the applicable fire department); except for outdoor events, which shall be limited by sanitation facilities.

2. Issuance of the conditional use permit provides zoning to enable Cass County to issue an alcoholic beverage license to the petitioner and the ability to sell food as permitted by the North Dakota Department of health.
3. The Conditional Use Permit shall run with the property.
4. Land uses allowed per this CUP are for winery and event center operations only. Retail Sales and Services as it relates to the winery operations are permitted.
5. All structures must comply with current building code.

**Planning Commission Recommendation:** June 6, 2017

**Attachments:**

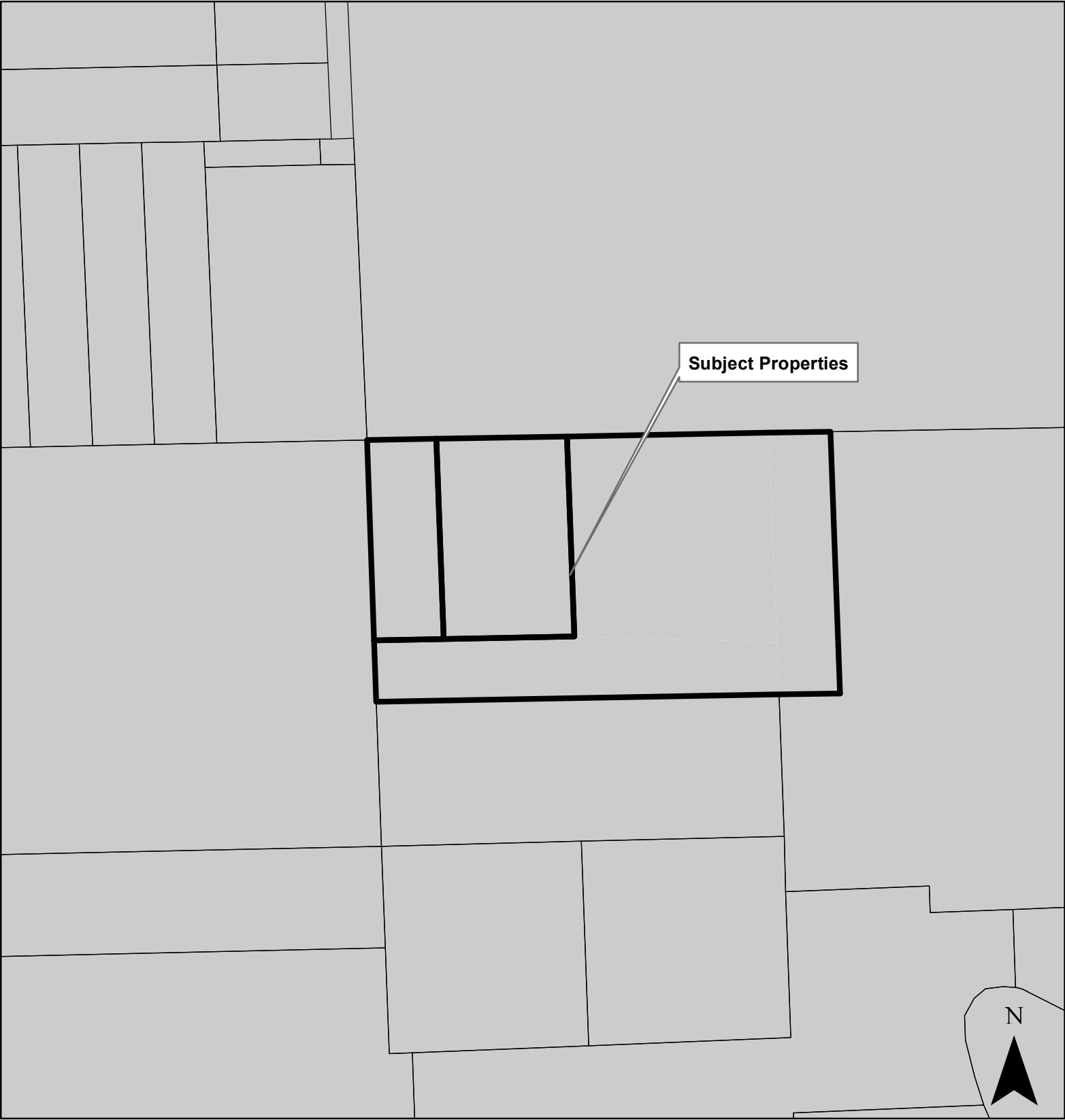
1. Zoning Map
2. Location Map
- .



# CUP (Non-Farm Commercial Uses in ET Jurisdiction)

## Section 24 Township 138N Range 49W

8914 25th Street South  
8800 25th Street South  
2306 88th Avenue South



### Legend

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

300  
Feet

Fargo Planning Commission  
June 6, 2017



# CUP (Non-Farm Commercial Uses in ET Jurisdiction)

## Section 24 Township 138N Range 49W

8914 25th Street South  
8800 25th Street South  
2306 88th Avenue South



Subject Properties



**City of Fargo  
Staff Report**

<b>Title:</b>	Fox First Addition	<b>Date:</b>	5/31/2017
<b>Location:</b>	4900 19th Ave. North; 1870 and 1890 Sheyenne Loop North	<b>Staff Contact:</b>	Donald Kress, senior planner
<b>Legal Description:</b>	Lots 1, 2, 3, Block 1, Northern Sheyenne Land 2nd Addition		
<b>Owner(s)/Applicant:</b>	Guy Fox	<b>Engineer:</b>	Wenck Associates
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Replat of Lots 1, 2, 3, Block 1, Northern Sheyenne Land 2nd Addition)		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Industrial	<b>Land Use:</b> No change
<b>Zoning:</b> GI, General Industrial	<b>Zoning:</b> No change
<b>Uses Allowed:</b> GI - General Industrial. Allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.	<b>Uses Allowed:</b> No change
<b>Maximum Lot Coverage Allowed:</b> 85%	<b>Maximum Lot Coverage Allowed:</b> No change

**Proposal:**

The applicant requests a major subdivision, entitled **Fox First Addition**, which is a replat of Lots 1, 2, 3, Block 1, Northern Sheyenne Land 2nd Addition into a seven lot, one block subdivision, including the dedication of a cul de sac street. Lot sizes will be between 0.90 and 3.70 acres. The property is zoned GI, General Industrial. No zone change is proposed.

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

**Surrounding Land Uses and Zoning Districts:**

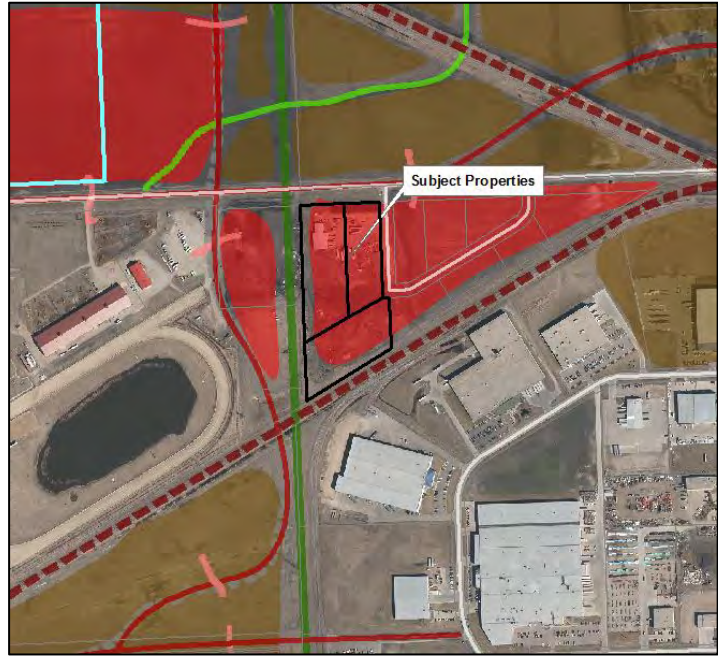
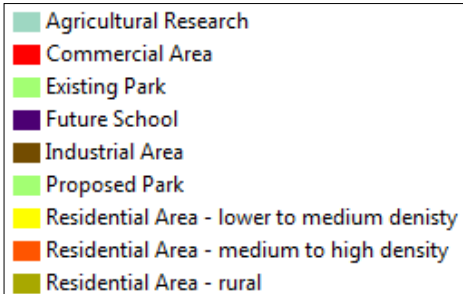
- North: GI with future industrial use (Mid America Steel);
- East: GI, General Industrial, with manufacturing and production use.
- South: GI, General Industrial, with manufacturing and production use.
- West: P/I, Public Institutional zoning with horse racing track land use and GI, General Industrial, with manufacturing and production use

(continued on next page)



### Area Plans:

The subject property is located within the 2007 Growth Plan. This plan designates the subject property as the most suitable for "Commercial Area" use. However, the 19<sup>th</sup> Avenue North corridor west of Interstate 29 has continued to develop as "Industrial." This has been supported by several growth plan amendments, growth plan interpretations, and zone changes along this portion of 19<sup>th</sup> Avenue North since the adoption of the 2007 Growth Plan. The subject property was rezoned from AG, Agricultural to GI, General Industrial in 2012.



### Schools and Parks:

**Schools:** The subject property is located within the West Fargo School District and is served by L.E. Berger Elementary, Cheney Middle and West Fargo High schools.

**Parks:** No parks are available within a mile and a half (1.5 miles) of the subject property.

**Pedestrian / Bicycle:** An off-road bike facility is located approximately a half mile (.5 miles) southeast of the subject property on 45<sup>th</sup> Street North and is a component of the metro area trail system.

### Staff Analysis:

**ACCESS:** Lots in the Fox First Addition will take access from Sheyenne Loop North and the dedicated cul de sac. The cul de sac will be a dedicated public street of as 80-foot wide ROW. City staff provided the configuration for the cul de sac and found this was an acceptable location for the cul de sac as this street cannot be further extended to the west due to the horse park. The property owner has coordinated development of this cul de sac with planned city-initiated improvements to Sheyenne Loop North. Lot 1, Block will not have direct access to 19<sup>th</sup> Avenue North.

**PUBLIC WATER AND SEWER:** Public water and sewer will be provided in the adjacent dedicated public streets.

### UPDATED PLAT:

The applicant is preparing a plat updated with staff comments. This plat is intended to be presented at the Planning Commission meeting.

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



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

The zoning for the project site is GI, General Industrial, which will accommodate the proposed industrial development. The GI zoning designation was applied to the subject property in 2012, as noted in the “Area Plans” section above. 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 or inquiries from the public.

**(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 GI, General Industrial. The GI zoning designation was applied to the subject property in 2012, as noted in the “Area Plans” section above. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles

**(Criteria Satisfied)**

#### **Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed **Fox First Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC.”

**Planning Commission Recommendation:** June 6, 2017

#### **Attachments:**

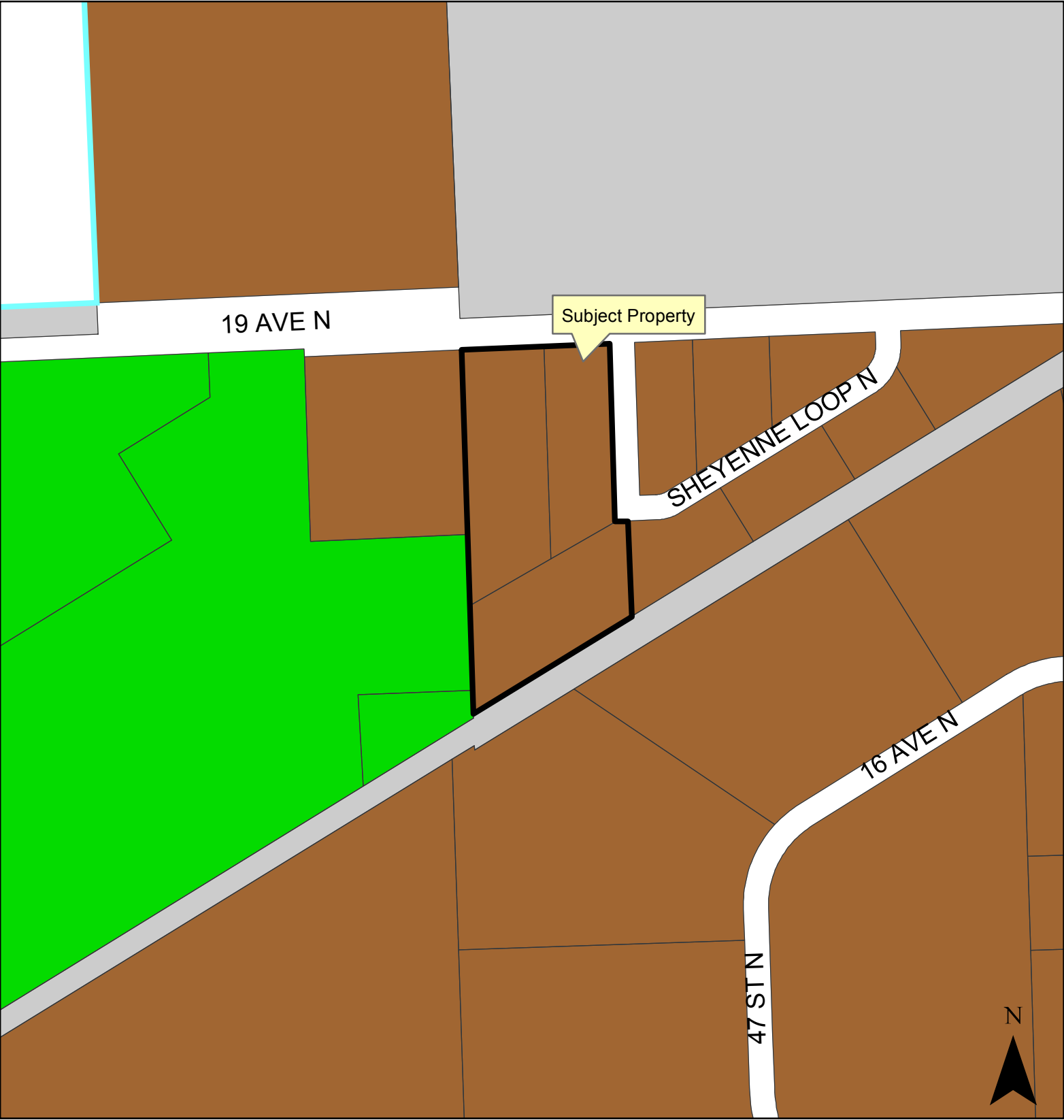
1. Zoning Map
2. Location Map
3. Preliminary Plat



# Plat (Major)

## Fox First Addition

1870 & 1890 Sheyenne Loop N  
and 4900 19th Avenue North



**Legend**

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

300  
Feet

**Fargo Planning Commission**  
**June 6, 2017**



Plat (Major)

Fox First Addition

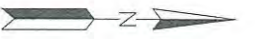
1870 & 1890 Sheyenne Loop N  
and 4900 19th Avenue North





# FOX FIRST ADDITION

A REPLAT OF LOT 1, LOT 2, AND LOT 3, BLOCK 1, NORTHERN SHEYENNE LAND  
SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

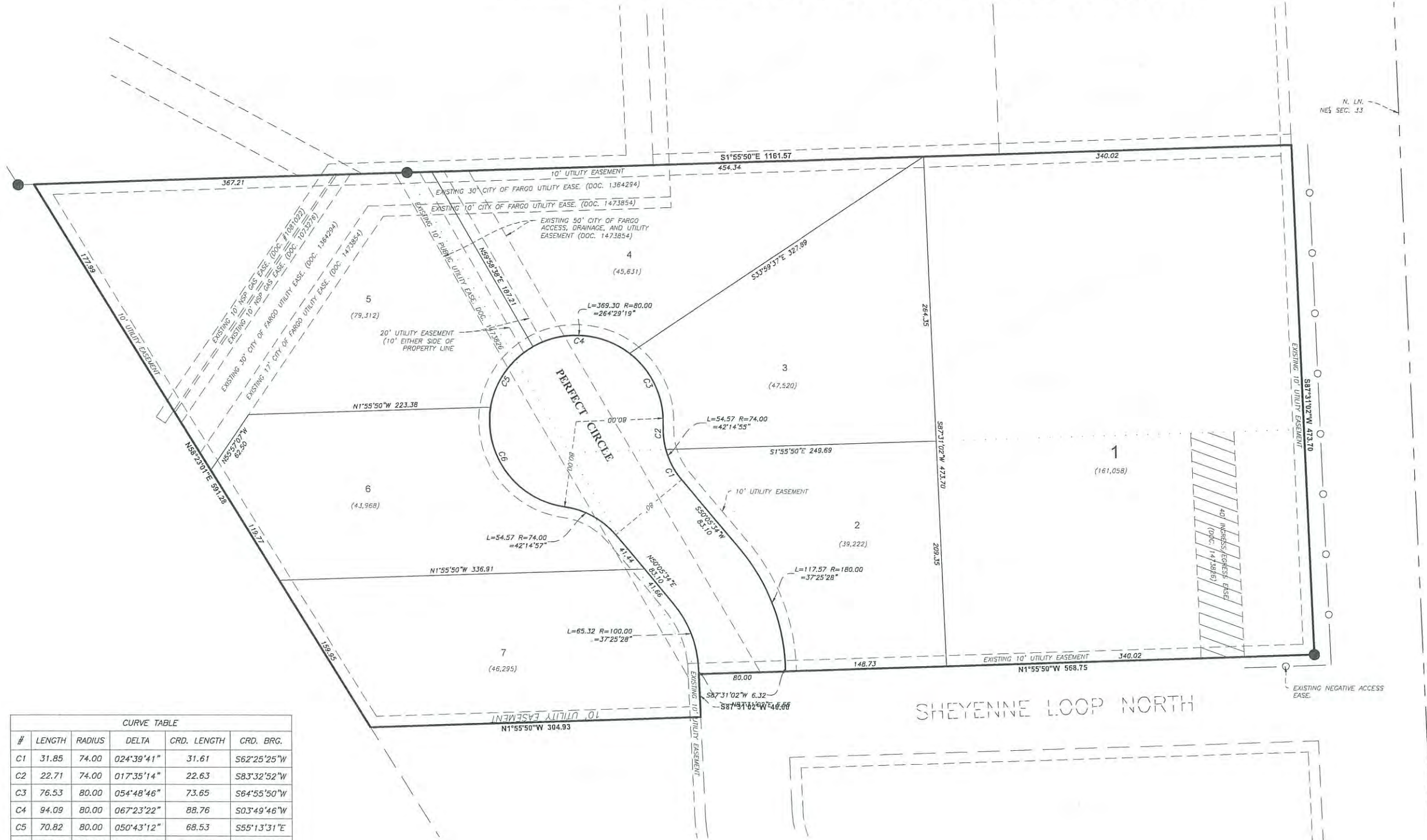


0 50 100  
SCALE IN FEET

Bearings are based on the  
North Line of the Northeast  
Quarter of Section 33,  
Township 140, Range 40 West  
in assumed to bear  
N87°31'02"E

## LEGEND

- SET 5/8" REBAR W/CAP#6+98
- FOUND MONUMENT
- QUARTER LINE
- - - EXISTING EASEMENT LINE
- - - EXISTING PROPERTY LINE
- /// VACATED EASEMENTS
- PLAT OVERALL BOUNDARY
- UNDERLYING LOT LINES
- PLAT BLOCK LINES
- PLAT INTERIOR LOT LINES
- CONTROLLED ACCESS LINE
- PLAT NEW EASEMENT
- PLAT NEW EASEMENT TEXT
- PLAT LOT AREAS (SQ. FT.)
- 10.00 UTILITY EASE.  
(5,000)



## CURVE TABLE

#	LENGTH	RADIUS	DELTA	CRD. LENGTH	CRD. BRG.
C1	31.85	74.00	024°39'41"	31.61	S62°25'25"W
C2	22.71	74.00	017°35'14"	22.63	S83°32'52"W
C3	76.53	80.00	054°48'46"	73.65	S64°55'50"W
C4	94.09	80.00	067°23'22"	88.76	S03°49'46"W
C5	70.82	80.00	050°43'12"	68.53	S55°13'31"E
C6	127.85	80.00	091°33'59"	114.67	N53°37'54"E



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3303 Fechtner Drive  
Fargo, ND 58103  
Ph: 701-297-9600  
Fax: 701-297-9601



City of Fargo Staff Report			
<b>Title:</b>	Urban Plains Retail Addition	<b>Date:</b>	4/26/17
<b>Location:</b>	4525 32nd Avenue South	<b>Staff Contact:</b>	Kylie Murphy
<b>Legal Description:</b>	Lot 4, Block 1, Urban Plains Retail Addition		
<b>Owner(s)/Applicant:</b>	Scheels Arena	<b>Engineer:</b>	
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> to allow off-premise advertising on Lot 4, Block 1, Urban Plains Retail Addition		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

Existing	Proposed
<b>Land Use:</b> Vacant Land	<b>Land Use:</b> Unchanged, with off-premise sign
<b>Zoning:</b> LC, Limited Commercial with a C-O, Conditional Overlay	<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, <del>self service storage, vehicle repair, limited vehicle service.</del>	<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, <del>self service storage, vehicle repair, limited vehicle service.</del>  <b>Plus a CUP to allow off-premise advertising.</b>
<b>Maximum Lot Coverage Allowed:</b> Maximum 55% building coverage	<b>Maximum Lot Coverage Allowed:</b> No change

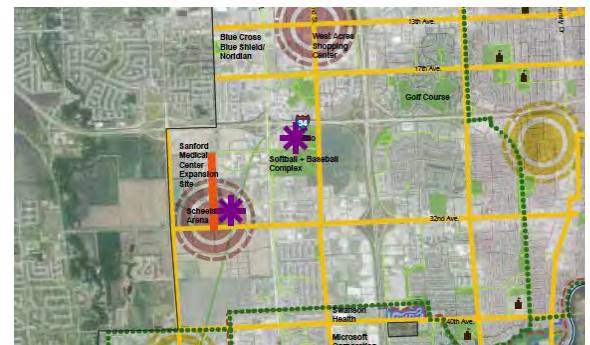
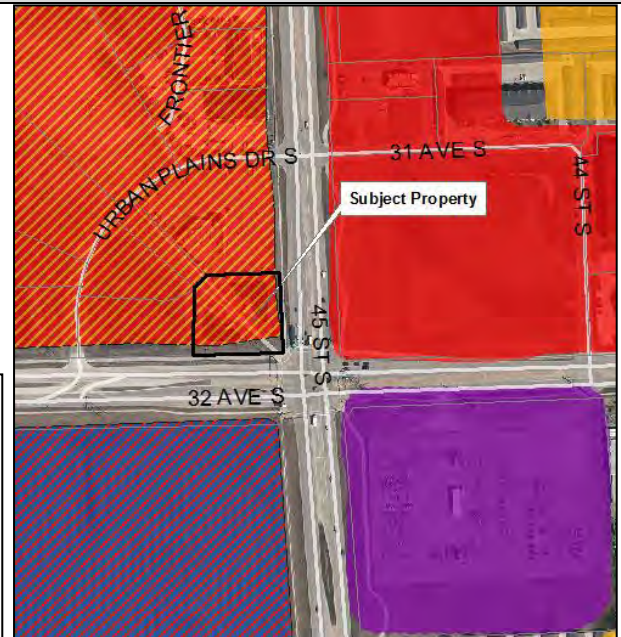
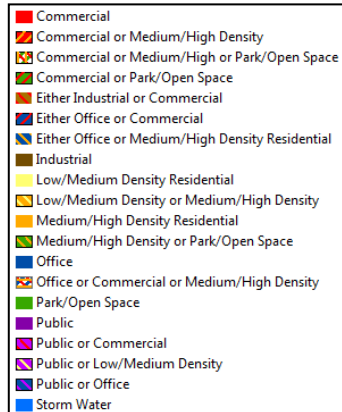
Proposal:
<p>The applicant is seeking approval of a Conditional Use Permit (CUP) to allow off-premise advertising on Lot 4, Block 1, Urban Plains Retail Addition. The off-premise advertising proposed is identical to the billboard that is on the corner of Veterans Blvd and 32<sup>nd</sup> Ave S. The subject property is located at 4525 32nd Avenue South and encompasses approximately 1.25 acres.</p> <p><u>Background:</u> In 2015, the applicant applied for four (4) billboards, one at each corner of the Urban Plains development. Staff recommended denial and the Planning Commission denied the conditional use permit. The applicant appealed the Planning Commission's decision to the City Commission who approved one billboard on the corner of Veterans Blvd and 32<sup>nd</sup> Ave S.</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 Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: LC, Limited Commercial with restaurant and vacant land uses</li> <li>• East: Across 45<sup>th</sup> Street South, LC, Limited Commercial with vacant land use</li> <li>• South: Across 32<sup>nd</sup> Avenue South, LC, Limited Commercial with agricultural use</li> <li>• West: LC, Limited Commercial with vacant land use</li> </ul>



### Area Plans:

The subject properties are located in the 2003 Southwest Future Land Use Plan. The properties are designated as the most suitable for “Commercial or Medium/High Density” land use.

As illustrated to the lower right, the Go2030 Comprehensive Plan identifies the Urban Plains area as a *sustainable retail mixed-use center* (one of three types of *walkable mixed-use centers*), stating that, “These areas have the potential to become denser and incorporate more retail space. These areas can incorporate more dense residential uses, walkability improvements, and public art to become true mixed use centers and a destination for shopping and entertainment.”



### Schools and Parks:

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

**Parks:** Less than a half-mile (.5 miles) west of the subject property, Urban Plains Park (5050 30th Avenue S) and Brandt Crossing Park (5009 33rd Avenue S). Urban Plains Park provides playground amenities. Brandt Crossing Park provided the amenities basketball, dog park, playground, recreational trail, and shelter amenities.

**Pedestrian / Bicycle:** There are off-road bike facilities along 32<sup>nd</sup> Avenue South and 45<sup>th</sup> Street South. Both bike facilities are a component of the metro area bikeways system.

### Staff Analysis:

#### 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 proposed conditional use complies with all applicable provisions of the LDC. The off-premise advertising



will act as a wayfinding tool to the Scheels arena and the retail district of Urban Plains. The conditional use permit will clearly define the Urban Plains retail area.

**(Criteria Satisfied)**

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

Although signs have the potential to threaten public welfare, staff has no cause to believe that off-premise advertising at this specified location would cause such threat.

**(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?**

There has been no evidence that the proposed conditional use will cause substantial injury to the value of other property in the neighborhood in which it is to be located.

**(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 off-premise advertising will be identical to the previously approved off-premise advertising on the corner of Veterans Blvd and 32<sup>nd</sup> Ave S. The conditional use will not dominate the immediate neighborhood to prevent development.

**(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 subject property is platted and has access to public utilities

**(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?**

N/A

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow off-premise advertising with the following conditions:

- 1) The off-premise advertising sign and building permit request will be in keeping with the attached rendering

as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC.

**Planning Commission Recommendation: June 6, 2017**

**Attachments:**

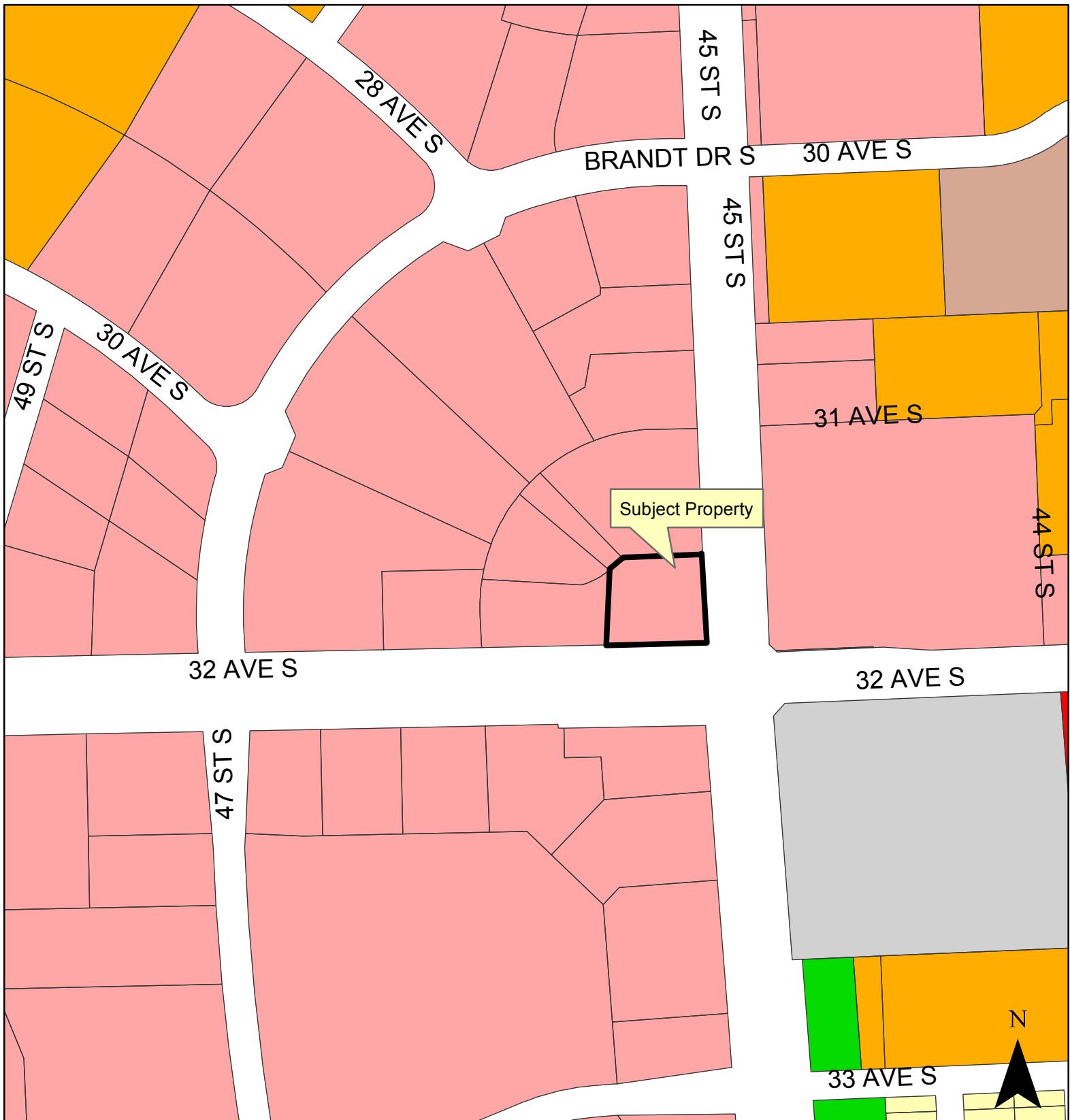
1. Zoning Map
2. Location Map
3. Site Plan



# CUP (Digital Billboard)

## Urban Plains Retail Addition

4525 32nd Avenue South



### Legend

AG	LC	MHP	SR-2
DMU	MR-1	NC	SR-3
GC	MR-2	NO	SR-4
GI	MR-3	PT	SR-5
GO		UML	City Limits

300

Feet

Fargo Planning Commission

June 6, 2017



# CUP (Digital Billboard)

## Urban Plains Retail Addition

4525 32nd Avenue South





# URBAN PLAINS®

## Proposed Sign Location

9x29 Digital Face  
30ft Overall Height  
116ft East Setback  
100ft South Setback

Address: 4525 32 AVE S  
PIN: 01-8210--00400-000  
Zone: LC





# URBAN PLAINS®

## **Proposed Sign Location**

9x29 Digital Face  
30ft Overall Height  
116ft East Setback  
100ft South Setback

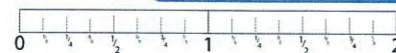
Address: 4525 32 AVE S  
PIN: 01-8210--00400-000  
Zone: LC



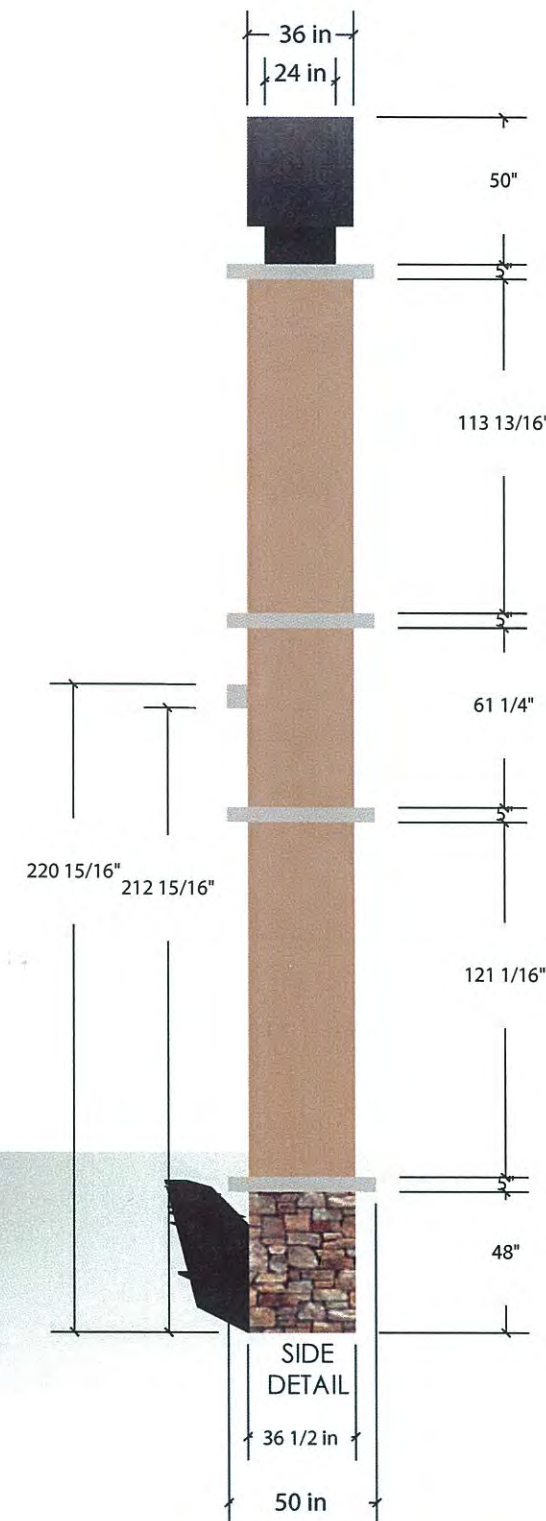
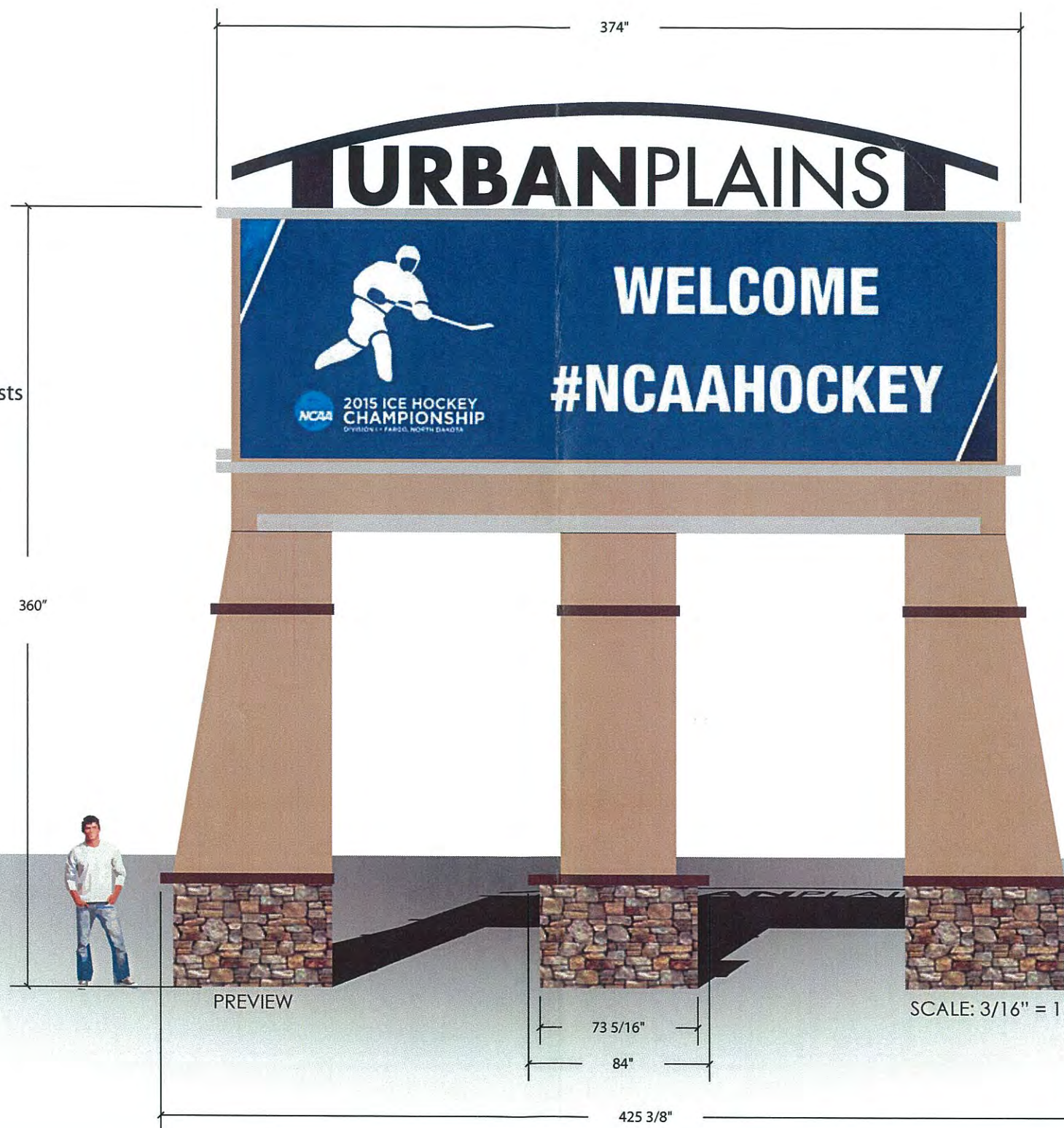




**ELECTRICAL:** THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUND AND BONDING OF THE SIGN.



(QTY 3) 44'-W18 x 55 I-beam column structural posts  
**Frame:** 1.5" x 1.5" x 11GA sq. tube  
1.5" x 1.5" x .1875" angle iron; primed  
**Cover:** .063" aluminum; paint colors to be confirmed  
**Letters:** .090" aluminum fronts and backs  
.063" aluminum channels; painted black  
**Letter Frame:** 4" x 4" x .1875" sq. tube; primed  
**Column bases:** Faux stone, high density  
Benchmark foam covers



PLEASE NOTE: **ARTWORK NOT READY FOR PRODUCTION!**

EXTRA ELEMENT: SEE ABOVE  
# OF FACES: SINGLE  
FACE MATERIAL: TO BE DETERMINED  
CABINET TYPE: TO BE DETERMINED

RETAINER SIZE: NONE  
DIVIDER BAR SIZE: NONE  
FRAME MATERIAL: STEEL  
PHOTO EYE: TO BE DETERMINED

LIGHTING TYPE: TO BE DETERMINED  
LED COLOR: TO BE DETERMINED  
POLE TYPE: TO BE DETERMINED  
POLE HEIGHT: TO BE DETERMINED

POLE QUANTITY: TO BE DETERMINED  
# OF EMC FACES: 1  
BRAND: TO BE DETERMINED  
ADDITIONAL NOTES:

SALESMAN: GARY THORNTON DATE: 4/1/16  
LOCATION: FARGO, MN SQ FT:  
DRAWN BY: TONY OLAUSON SCALE: SEE ABOVE

MONUMENT/PYLON/EMC SIGN

The client warrants that the subject matter to be printed is not copyrighted by a third party. The client also recognizes that because subject matter does not have to bear a copyright notice in order to be protected by copyright law, absence of such notice does not necessarily assure a right to reproduce. The client further warrants that no copyright notice has been removed from any material used in preparing the subject matter for reproduction. To support these warranties, the client agrees to indemnify and hold Scenic Sign harmless for all liability, damages and attorney fees that may be incurred in any legal action connected with copyright infringement involving the work produced or provided.

WO: #



**City of Fargo  
Staff Report**

<b>Title:</b>	Schatz 4th Addition	<b>Date:</b>	5/23/2017
<b>Location:</b>	5600 34th Avenue South	<b>Staff Contact:</b>	Kylie Murphy
<b>Legal Description:</b>	Lots 1-4, Block 1, Schatz 4th Addition		
<b>Owner(s)/Applicant:</b>	Eagle Ridge Development	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lot 2, Block 1, Schatz 4 <sup>th</sup> Addition and a request to repeal and reestablish a C-O, Conditional Overlay on Lots 1-4, Block 1, Schatz 4 <sup>th</sup> Addition)		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

Existing	Proposed
<b>Land Use:</b> Vacant	<b>Land Use:</b> Office and Retail Sales and Services
<b>Zoning:</b> MR-3, Multi-Dwelling Residential	<b>Zoning:</b> LC, Limited Commercial, with a C-O, Conditional Overlay
<b>Uses Allowed:</b> Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	<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>Maximum Lot Coverage Allowed:</b> Maximum of 24 units per acre	<b>Maximum Lot Coverage Allowed:</b> 55% building coverage

**Proposal:**

The applicant is seeking a zoning change from MR-3, Multi-Dwelling Residential, to LC, Limited Commercial, on Lot 2, Block 1, Schatz 4<sup>th</sup> Addition and a request to repeal and reestablish a C-O, Conditional Overlay on Lots 1-4, Block 1, Schatz 4<sup>th</sup> Addition. The subject property is located at 5600 and 5650 34th Avenue South, 3501 56<sup>th</sup> Street South and 5621, 5631 and 5651 36<sup>th</sup> Avenue South.

The original C-O on the subject property was intended for commercial development, however, the applicant has a more detailed development plan for the area. The proposed C-O maintains much of the original C-O requirements, while seeking to simplify and reduce ambiguity within the development. A draft of the proposed C-O language is attached to this staff report.

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

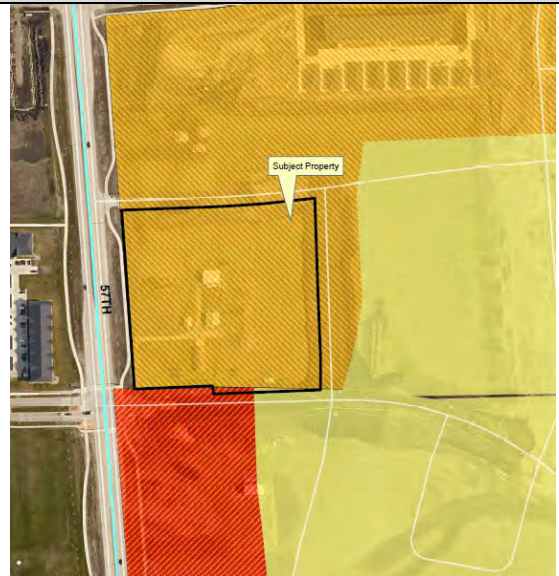
**Surrounding Land Uses and Zoning Districts:**

- North: Across 34<sup>th</sup> Avenue South, MR-3, Multi-Dwelling Residential, with attached residential (multi-dwelling structure) use
- East: Across 56<sup>th</sup> Street South, MR-1, Multi-Dwelling Residential, with attached residential (multi-dwelling structure) use
- South: LC, Limited Commercial with daycare, retail, and office uses
- West: LC, Limited Commercial with vacant land use



### Area Plans:

The subject property is located in the 2003 Southwest Future Land Use Plan. The property is designated as the most suitable for “Low/Medium Density or Medium/High Density” land use.



### Schools and Parks:

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

**Parks:** Brandt Crossing Park (5009 33rd Avenue S) is located about 0.29 miles east of the subject property and offers the amenities of basketball, dog park, playground, recreational trails, and shelter amenities.

**Pedestrian / Bicycle:** Off-road bike facilities are located along Veterans Boulevard approximately 350 feet west of the subject property. Off-road bike 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 zoning map error in regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions, as the developer has a clearer picture of the type of development. The proposed C-O zoning is requested in order to keep the development compatible with the existing and emerging development in the area.

**(Criteria Satisfied)**

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

City Staff and other applicable review agencies have reviewed this proposal. No deficiencies have been noted in the ability to provide all of the necessary services to the site. The subject property abuts public right-of-way.

**(Criteria Satisfied)**

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



**vicinity?**

Staff has no evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any phone calls or comments in response to these notices. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

**The recommendation below is supported by staff with the understanding that not all of the amendments as presented are accepted. Note staffs comments in the applicants' proposed conditional overlay.**

**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 LC, Limited Commercial, on Lot 1 and repeal and reestablish a C-O, Conditional Overlay on Lots 1-4 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: June 6, 2017**

**Attachments:**

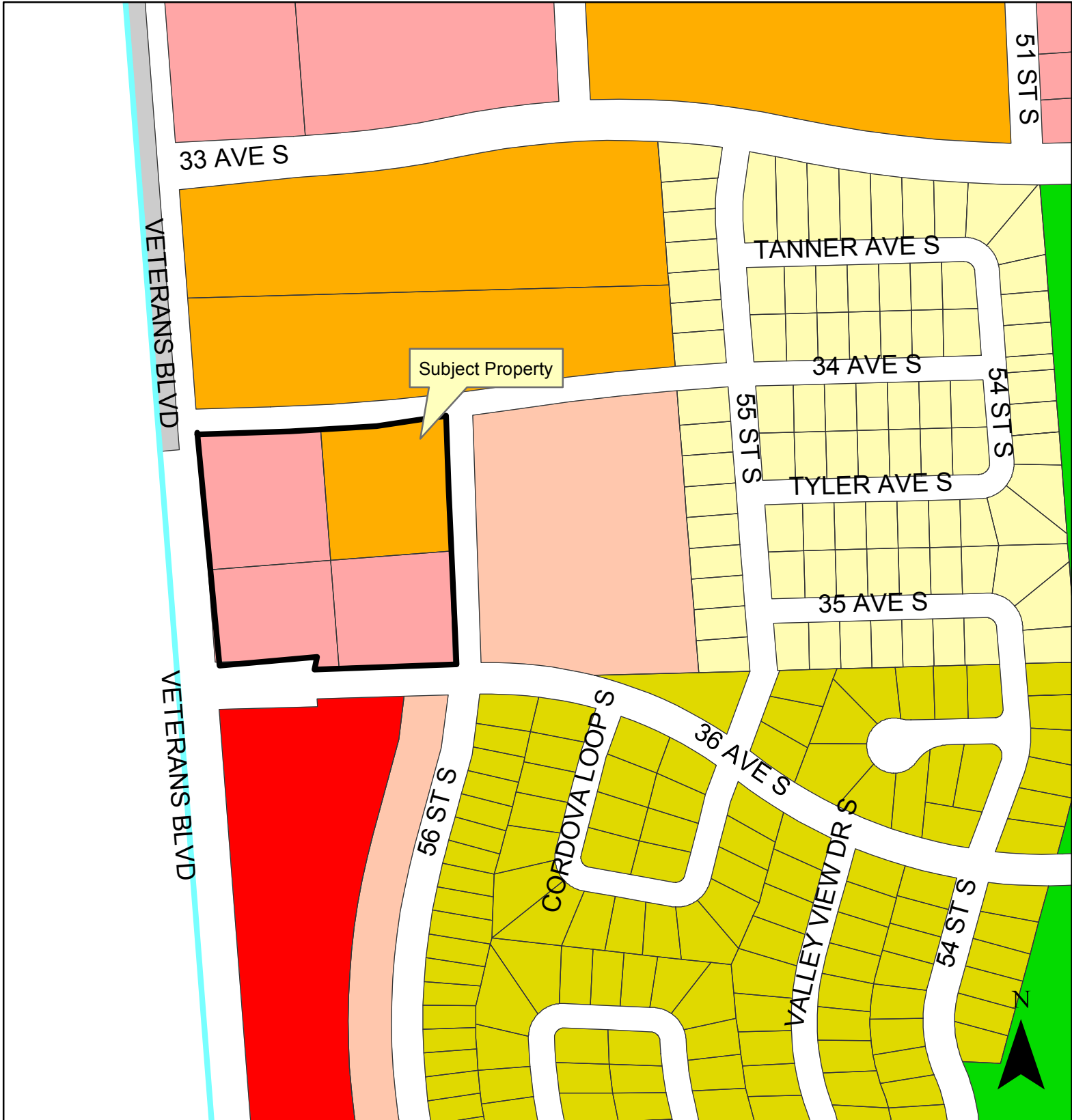
1. Zoning Map
2. Location Map
3. Draft C-O



# Zone Change (MR-3 to LC w/ a C-O and Repeal & Reestablish a C-O)

## Schatz 4th Addition

5600 & 5650 34th Ave S, 3501 56th St S,  
and 5621, 5631 and 5651 36th Ave S



**Legend**

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	MNC	UML	SR-2	SR-3	SR-4	SR-5	City Limits
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300  
Feet

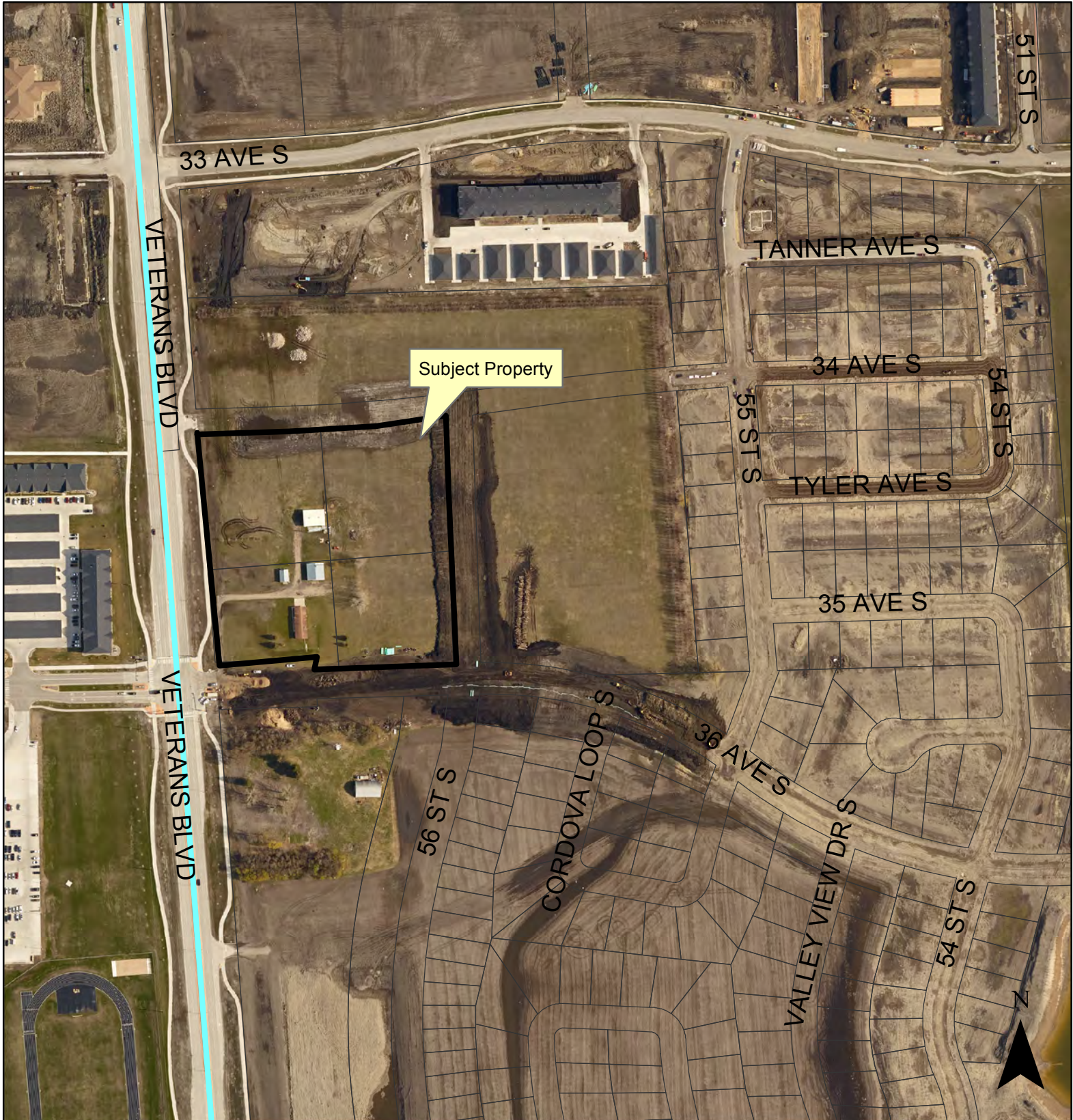
**Fargo Planning Commission**  
**June 6, 2017**



# Zone Change (MR-3 to LC w/ a C-O and Repeal & Reestablish a C-O)

## Schatz 4th Addition

5600 & 5650 34th Ave S, 3501 56th St S,  
and 5621, 5631 and 5651 36th Ave S





Section 1. The following-described property:

Lots 2, Block 1, Schatz Fourth Addition

To be rezoned from MR-3, Multi-Dwelling, to LC, Limited Commercial with a Conditional Overlay (C-O)

Lots 1, 3 and 4, Block 1, Schatz Fourth Addition

To be rezoned from LC, Limited Commercial with a Conditional Overlay (C-O), to LC, Limited Commercial with a Conditional Overlay (C-O)

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding future commercial and residential development within the described property.
2. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality prestressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond' and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Horizontal metal lap siding and vertical metal batten shall be allowed on residential and commercial structures but shall not exceed 75% of the building elevation for residential structures and 50% for commercial.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated facade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor facades that ~~front public streets~~ Veterans Blvd shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. ~~If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.~~
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.
7. Loading facilities shall not be located at the front of structures where it is difficult to adequately screen them from view. All loading and service areas shall be screened from the view of adjacent public streets through a structure and/or landscaping.

**Commented [KM1]:** Change proposed by applicant. Staff is not in support of the proposed change



8. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
9. Separate vehicular and pedestrian circulation systems shall be provided. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - a. The primary entrance or entrances to each commercial building, including pad site buildings.
  - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
  - c. Parking areas or structures that serve such primary buildings.
  - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
  - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
  - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
10. A minimum of 5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
11. The following use(s) are prohibited.
  - a. Detention Facilities
  - b. Self Service Storage
  - c. Adult Entertainment Center
  - d. Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)
  - e. ~~Portable Signs~~
  - f. Vehicle Repair
  - g. Industrial Service
  - h. Manufacturing and Production
  - i. Warehouse and Freight Movement
  - j. Aviation/Surface Transportation

**Commented [KM2]:** Change proposed by applicant. Staff is not in support of the proposed change



**City of Fargo  
Staff Report**

<b>Title:</b>	Prairie Farms Commercial Second Addition	<b>Date:</b>	5/30/2017
<b>Location:</b>	2900 52 <sup>nd</sup> Avenue South and 5200 31 <sup>st</sup> Street South	<b>Staff Contact:</b>	Barrett Voigt
<b>Legal Description:</b>	Lots 1 and 2, Block 1, Prairie Farms Commercial Addition		
<b>Owner(s)/Applicant:</b>	Prairie Grove Inc./Chad Bartholomay	<b>Engineer:</b>	Wenck Associates
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of Lots 1 and 2, Block 1, Prairie Farms Commercial Addition to the City of Fargo, Cass County, North Dakota.)		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Restaurant and Vacant Land	<b>Land Use:</b> Restaurant, Bank, and Retail
<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>Maximum Lot Coverage Allowed:</b> 55%	<b>Maximum Lot Coverage Allowed:</b> No Change

**Proposal:**

The applicant is seeking approval of a minor subdivision, entitled **Prairie Farms Commercial Second Addition**, which is a replat of Lots 1 and 2, Block 1, Prairie Farms Commercial Addition. The subject property encompasses approximately 3.19 acres and is located at both 2900 52<sup>nd</sup> Avenue South and 5200 31<sup>st</sup> Street South. The applicant is proposing a three (3) lot, one (1) block minor subdivision to accommodate for the construction of a bank branch and other future retail development. Staff also notes that the easement on the southwest portion of the property would be vacated and re-established so that it lines up with the actual roadway that exists on that area today.

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.

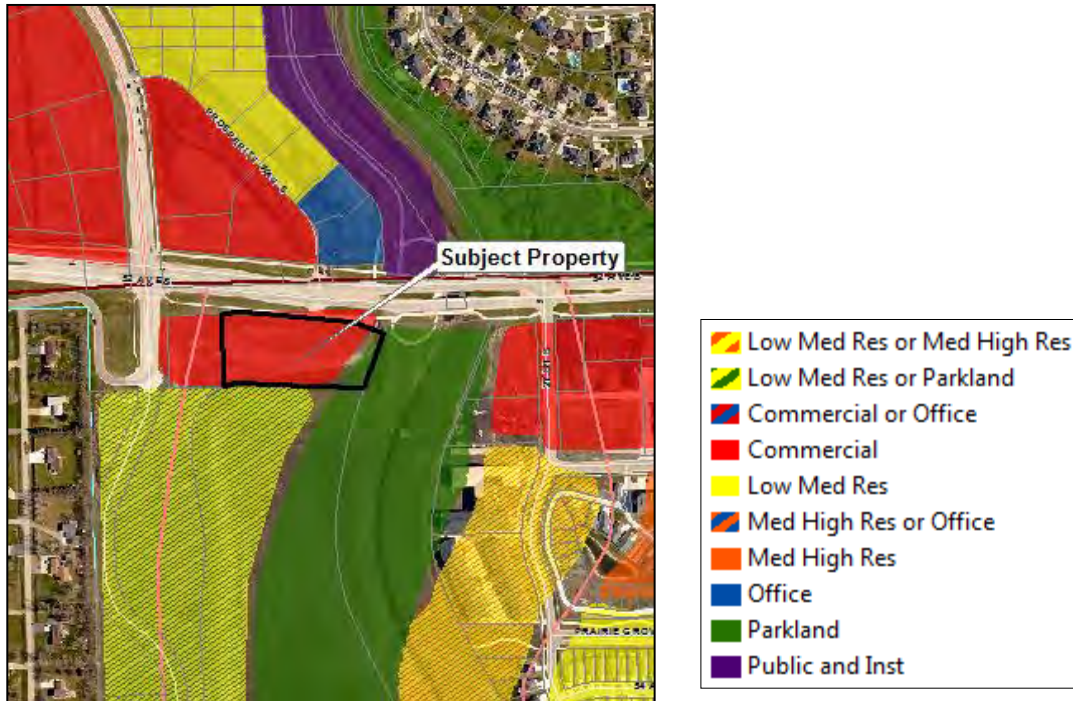
**Surrounding Land Uses and Zoning Districts:**

- North: Across 52<sup>nd</sup> Avenue South, AG, Agricultural, GC, General Commercial, and GO, General Office with retail, office, and park uses
- East: P/I, Public Institutional with vacant land use
- South: AG, Agricultural with agricultural land use
- West: LC, Limited Commercial with restaurant land use



### Area Plans:

The subject property is located in the 2001 Growth Plan. According to the plan, this property is most suitable for "Commercial" and "Parkland" land use.



### Schools and Parks:

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

**Parks:** Meadow Creek Park (4800 Meadow Creek Drive S) is located north of the subject property, across 52<sup>nd</sup> Avenue South. Meadow Creek Park offers multipurpose field and recreational trail amenities.

**Pedestrian / Bicycle:** There are off-road bike facilities located along the north and south sides of 52 Avenue South that are components of the metro area bikeways system.

### Staff Analysis:

#### Minor Subdivision

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

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

The subdivision is intended to replat Lots 1 and 2, Block 1, Prairie Farms Commercial Addition into three lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.  
**(Criteria Satisfied)**



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

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

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Prairie Farms Commercial 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:** June 6, 2017

**Attachments:**

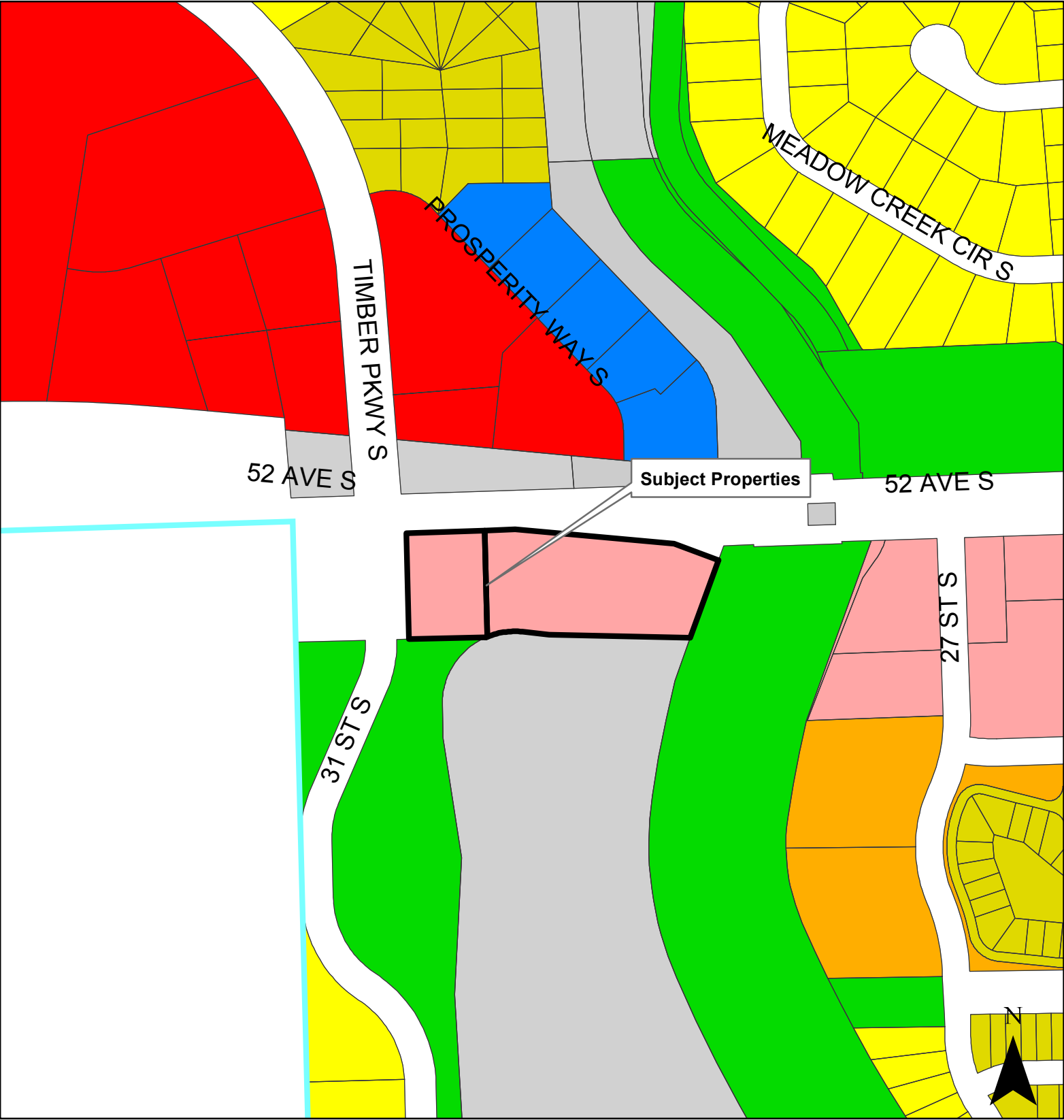
1. Zoning Map
2. Location Map
3. Preliminary Plat



# Plat (Minor)

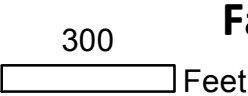
## Prairie Farms Commercial 2nd Addition

2900 52nd Avenue South  
5200 31st Street South



**Legend**

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



Fargo Planning Commission  
June 6, 2017



Plat (Minor)

Prairie Farms Commercial 2nd Addition

2900 52nd Avenue South  
5200 31st Street South





Plot Date & Time: 30 May 2017 1:50 PM  
U:\Survey\Projects\5721-2000 Bartholomew Construction, Inc.\2002 Bar State Bank Platting - Fargo, ND\Drawings\5721-2002-PLAT-REV1.dwg

# PRAIRIE FARMS COMMERCIAL SECOND ADDITION

A REPLAT OF LOTS 1 AND 2, BLOCK 1, PRAIRIE FARMS COMMERCIAL ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; AND A VACATION OF THE EASEMENT LYING AND BEING WITHIN LOT 1, BLOCK 1, OF SAID PRAIRIE FARMS COMMERCIAL ADDITION.  
A MINOR SUBDIVISION PLAT

## CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Jan Ulferts Stewart  
Planning Commission Chair

State of North Dakota )  
County of Cass ) SS

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

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

## FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney  
Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota )  
County of Cass ) SS

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

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

I, Kevin G. Nelson, registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said plat; that all distances shown on said plat are correct; and that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Kevin G. Nelson  
Professional Land Surveyor  
N.D. Registration No. LS-3638

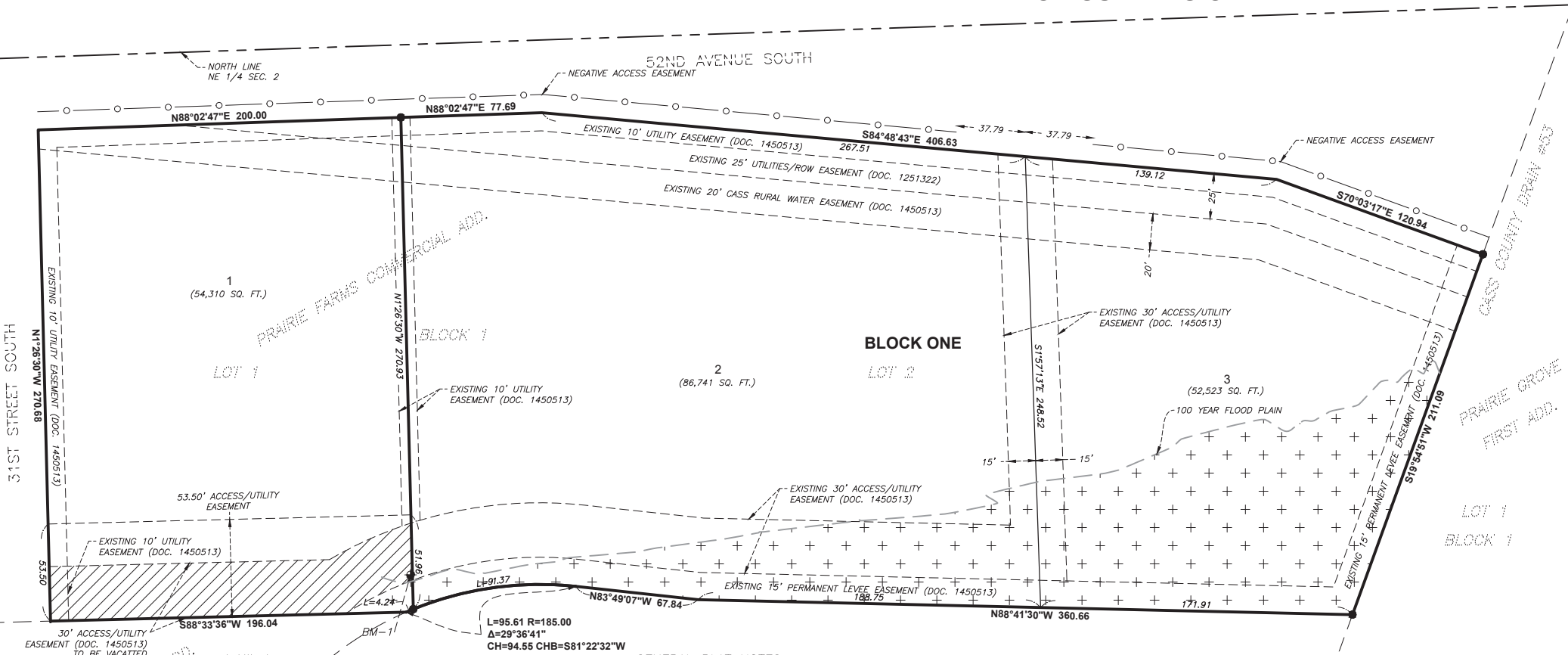
State of North Dakota )  
County of Burleigh ) SS

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

Notary Public, Burleigh County, North Dakota

My commission expires: \_\_\_\_\_

THIS DOCUMENT WAS ORIGINALLY  
ISSUED AND SEALED BY  
KEVIN G. NELSON  
REGISTRATION NUMBER  
LS-3638  
ON 5/26/2017 AND THE ORIGINAL  
DOCUMENT IS STORED AT  
WENCK ASSOCIATES, INC.  
MANDAN, ND



## GENERAL PLAT NOTES

BM-1 Top of concrete light base East edge - 909.64 NAVD88

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. This 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.

## PLAT BOUNDARY DESCRIPTION

Lot 1 and Lot 2, Block 1, Prairie Farms Commercial Addition to the City of Fargo, recorded June 24th, 2015 at 3:54 P.M. as document 1450513, Cass County, North Dakota.

Said plat contains 4.44 Acres, more or less, and is subject to Easements, Reservations and Restrictions and Right of Ways of record.

## OWNER'S CERTIFICATE AND DEDICATION

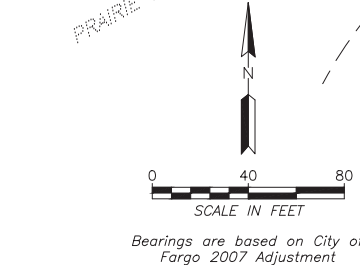
KNOW ALL PERSONS BY THESE PRESENTS, That Ole Rommesmo, Jr., President, of the above described property have caused the same to be surveyed and platted as "Prairie Farms Commercial Second Addition" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public for public use the access/utility easement shown on this plat for purposes specified and do hereby vacate the access/utility easement dedicated on the plat of Prairie Farms Commercial Addition contained in the boundary of Lot 1, Block 1, Prairie Farms Commercial Second Addition, except those easements on said Prairie Farms Commercial Second Addition shown as "Existing"

OWNER:  
Prairie Grove, Inc.  
By: Ole Rommesmo, Jr., President  
State of North Dakota )  
County of Cass ) SS

On this \_\_\_\_ day of \_\_\_\_\_ 2017, appeared before me, Ole Rommesmo, Jr., President, Prairie Grove, Inc., known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_



## LEGEND

- SET 5/8" REBAR WITH CAP #3638
- FOUND MONUMENT
- SECTION LINE
- NEGATIVE ACCESS EASEMENT
- PLAT OVERALL BOUNDARY
- PLAT INTERIOR LOT LINES
- (5,000) PLAT LOT AREAS
- PLAT NEW EASEMENT
- /// VACATE PORTION OF 30' ACCESS/UTILITY EASEMENT (DOC. 1450513) WITH THIS DOCUMENT
- EXISTING EASEMENT LINE
- EXISTING PROPERTY LINE
- 100 YEAR FLOOD PLAIN 905.70



3303 Fiechtner Drive  
Fargo, ND 58103  
Ph: 701-297-9600  
Fax: 701-297-9601



**City of Fargo  
Staff Report**

<b>Title:</b>	Brandt Crossing Twelfth Addition	<b>Date:</b>	5/26/2017
<b>Location:</b>	3270 51st Street South	<b>Staff Contact:</b>	Barrett Voigt
<b>Legal Description:</b>	Lot 1, Block 1, Brandt Crossing 11th Addition		
<b>Owner(s)/Applicant:</b>	Brandt Crossing LLC/Nate Vollmuth	<b>Engineer:</b>	Ulteig
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of Lot 1, Block 1, Brandt Crossing 11th Addition, to the City of Fargo, Cass County, North Dakota.)		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant	<b>Land Use:</b> Medical Clinic
<b>Zoning:</b> LC, Limited Commercial with a CO, Conditional Overlay	<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, <del>off-premise advertising signs</del> , commercial parking, retail sales and service, self-service storage, <del>vehicle repair</del> , limited vehicle service.	<b>Uses Allowed:</b> No Change
<b>Maximum Lot Coverage Allowed:</b> 55%	<b>Maximum Lot Coverage Allowed:</b> No Change

**Proposal:**

The applicant is seeking approval of a minor subdivision, entitled **Brandt Crossing Twelfth Addition**, which is a replat of Lot 1, Block 1, Brandt Crossing 11th Addition. The subject property is located at 3270 51st Street South and encompasses approximately 4.04 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision to accommodate for the construction of a medical clinic.

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.

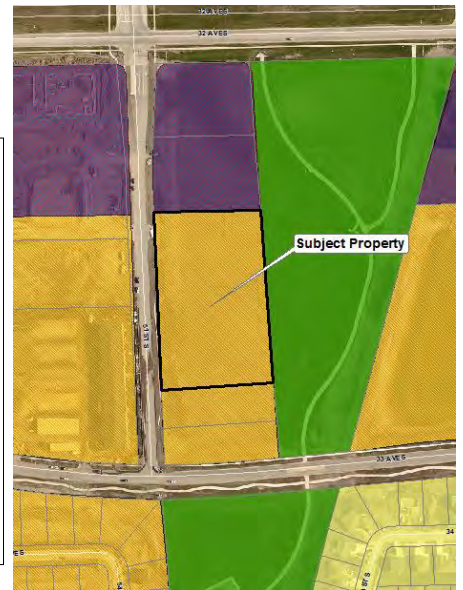
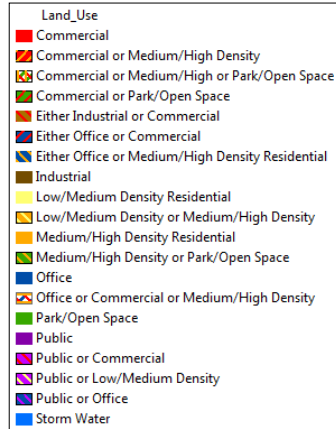
**Surrounding Land Uses and Zoning Districts:**

- North: LC, Limited Commercial and a CO, Conditional Overlay, with vacant land use
- East: P/I, Public Institutional with park use
- South: LC, Limited Commercial and a CO, Conditional Overlay, with construction of future commercial use
- West: Across 51<sup>st</sup> Street South, MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a CO, Conditional Overlay, with apartment and nursing home uses



### Area Plans:

The subject property is located in the 2003 Southwest Future Land Use Plan. According to the plan, this property is most suitable for “Low/Medium Density or Medium/High Density” land use. The property was zoned for LC, Limited Commercial with a CO, Conditional Overlay in 2016 as is consistent with the land use plan.



### Schools and Parks:

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

**Parks:** Brandt Crossing Park (5009 33rd Avenue S) abuts the subject property on the east and offers basketball, dog park, playground, recreational trail, and shelter amenities.

**Pedestrian / Bicycle:** There are off-road bike facilities located in Brandt Park and along 32nd Avenue South that are components of the metro area bikeways system.

### Staff Analysis:

#### Minor Subdivision

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

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

The subdivision is intended to replat Lot 1, Block 1, Brandt Crossing 11th Addition into two lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.  
**(Criteria Satisfied)**

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

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are



subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.  
**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Brandt Crossing Twelfth 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:** June 6, 2017

**Attachments:**

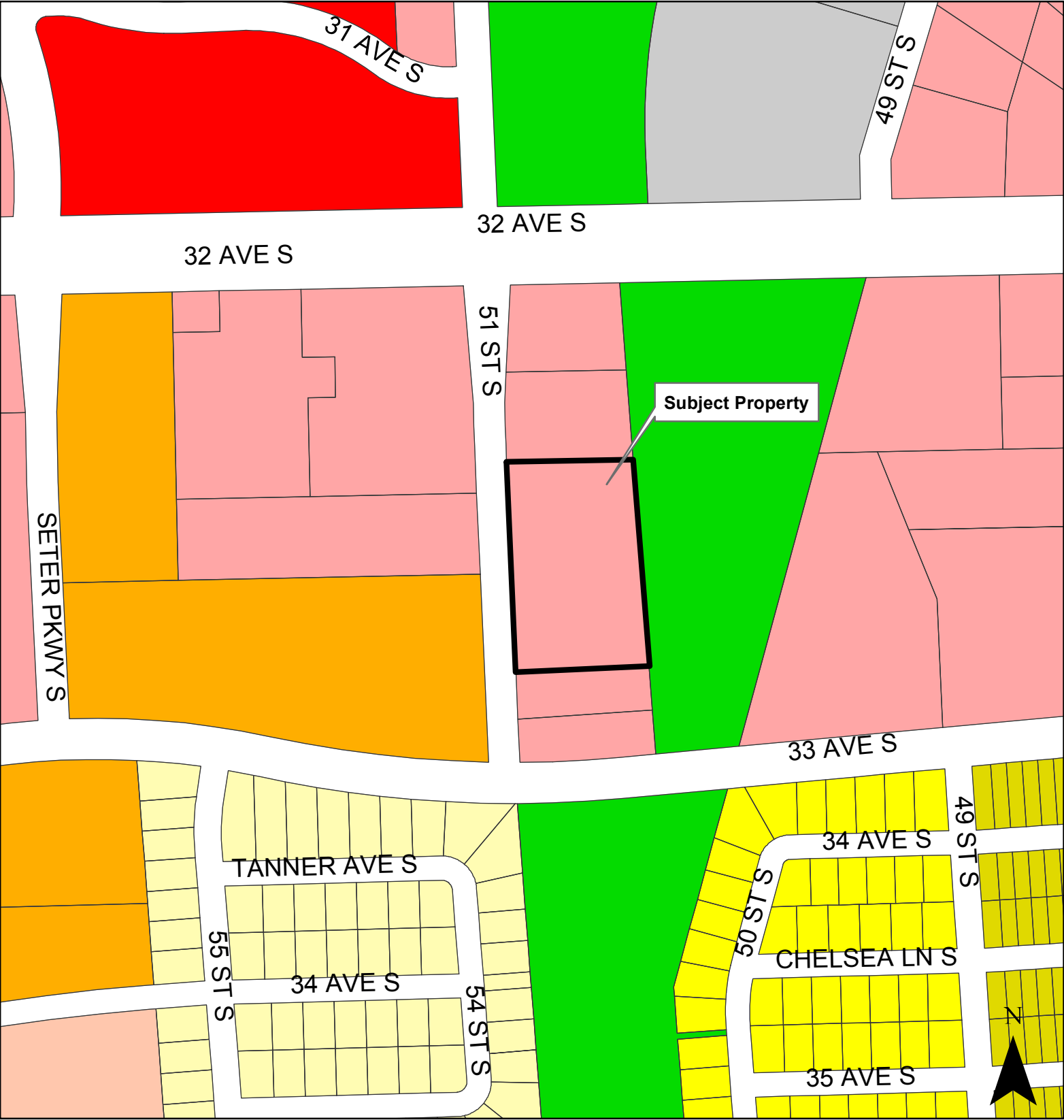
1. Zoning Map
2. Location Map
3. Preliminary Plat



# Plat (Minor)

## Brandt Crossing 12th Addition

3270 51st Street South



### Legend

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

300  
Feet

Fargo Planning Commission  
June 6, 2017



# Plat (Minor)

## Brandt Crossing 12th Addition

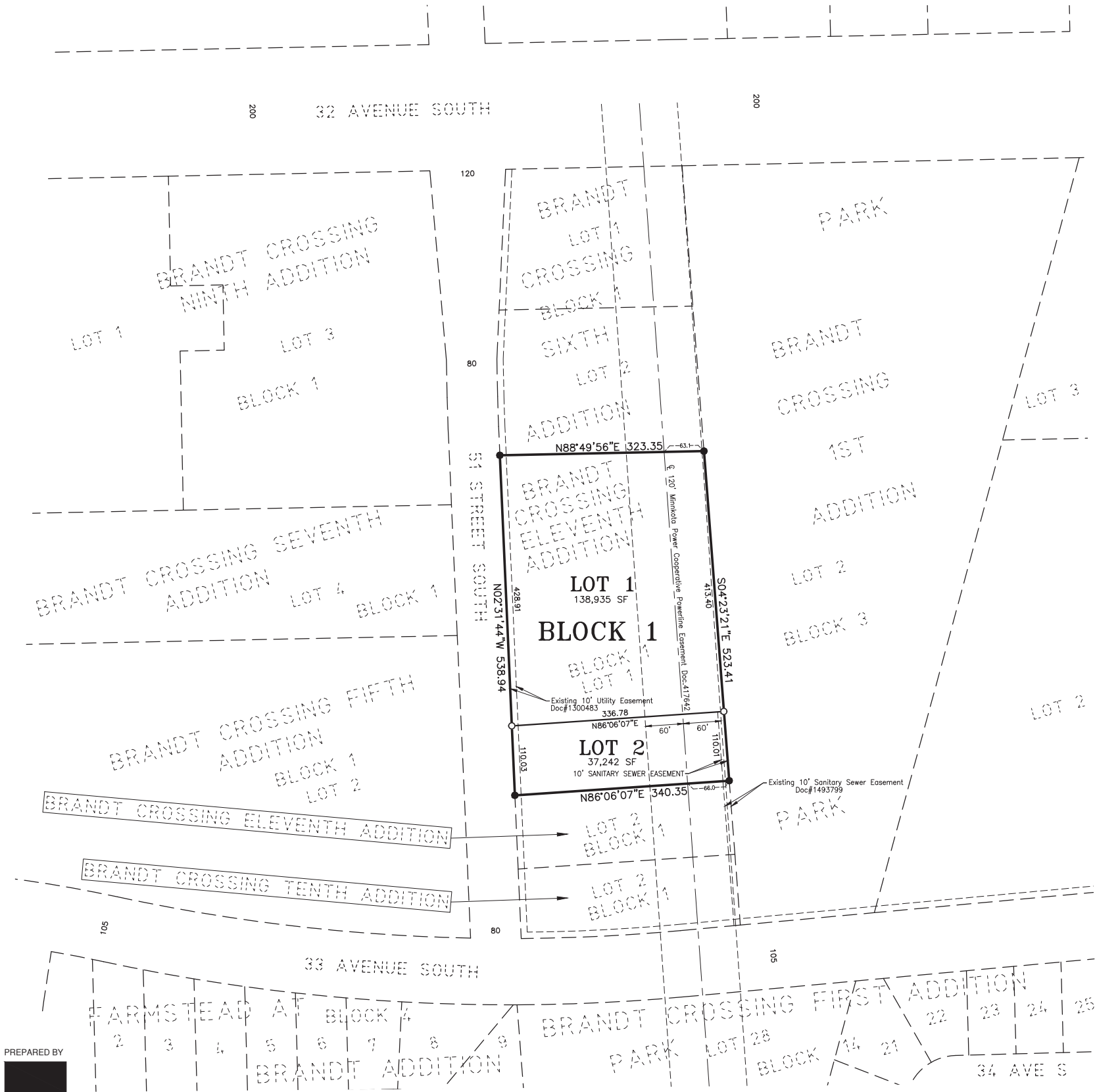
3270 51st Street South





# BRANDT CROSSING TWELFTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF BRANDT CROSSING ELEVENTH ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)



PREPARED BY



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

## OWNERS DESCRIPTION AND DEDICATION

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

Lot 1, Block 1 of BRANDT CROSSING ELEVENTH 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 176,177 square feet or 4.044 acres more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "BRANDT CROSSING TWELFTH ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate to Lot 1 the Sanitary sewer 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 \_\_\_\_\_, 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, Daniel W. Skinner, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

Daniel W. Skinner, Professional Land Surveyor  
North Dakota License No. LS-6206

State of North Dakota } SS  
County of Cass

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

Notary Public

## LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-6206"
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - - EASEMENT LINE

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

April E. Walker, City Engineer

State of North Dakota } SS  
County of Cass

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

Notary Public

## CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Jan Ulferts Stewart, Planning Commission Chair

State of North Dakota } SS  
County of Cass

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

Notary Public

## FARGO CITY COMMISSION APPROVAL

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

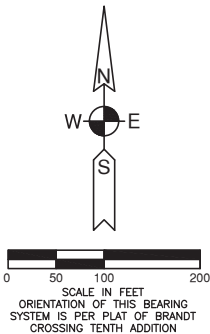
Timothy J. Mahoney, Mayor

Attest: \_\_\_\_\_  
Steven Sprague, City Auditor

State of North Dakota } SS  
County of Cass

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

Notary Public





<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Pantzke Addition	<b>Date:</b>	5-30-2017
<b>Location:</b>	402 25th Street North	<b>Staff Contact:</b>	Barrett Voigt
<b>Owner(s)/Applicant:</b>	Security Self Storage LLC/Darren Kruse (Gast Construction)	<b>Engineer:</b>	None
<b>Entitlements Requested:</b>	<b>Planned Unit Development (PUD)</b> Master Land Use Plan and Final Plan, on Lot 1, Block 1, Pantzke Addition		
<b>Status:</b>	Planning Commission hearing June 6, 2017		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Retail Sales and Service, Self-Service Storage	<b>Land Use:</b> Retail Sales and Service, Self-Service Storage
<b>Zoning:</b> LI, Limited Industrial	Zoning: LI, Limited Industrial with a Planned Unit Development (PUD)
<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.	<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.
<b>Maximum Density Allowed:</b> Maximum 85% building coverage	<b>Maximum Density Allowed:</b> Maximum 85% building coverage

<b>Proposal:</b>
<p>The applicant is seeking approval of a planned unit development (PUD) Master Land Use Plan and Final Plan for commercial development purposes. The subject location is a self-storage and moving truck rental facility located at 402 25th Street North (Lot 1, Block 1, Pantzke Addition) and encompasses approximately 3.198 acres.</p> <p>Prior to this application, the applicants met with Planning staff to discuss the possibility of a building addition on the north side of the existing principal building structure located on the eastern property line (Please see illustration below). However, staff discovered that there were multiple challenges that would prohibit the applicant from constructing the addition.</p> <ul style="list-style-type: none"> <li>First, staff found that the proposed expansion would be prohibited by the dimensional standards required of section §20-0502 of the Land Development Code (LDC). Section §20-0502 requires a front setback of 20 feet for properties located in a LI, Limited Industrial zoning district.</li> <li>Second, staff found that the property did not meet the landscape requirements of section §20-0705C of the LDC resulting in a zoning violation on record, and that the applicant had extended a parking lot by adding pavement to the property (without evidence of a building permit).</li> </ul>



To resolve the issue, the applicant requests the PUD to allow for the building addition, improve site aesthetics, and to bring the property into compliance with the LDC. Staff notes that the PUD would bring the property into conformance with the LDC by removing the front setback, removing landscaping requirements, removing open space requirements, and removing parking lot buffer requirements. For additional information, please refer to the PUD chart attached with the staff report.



Proposed building addition

#### Background History of Property

- 1994 - Prior to the adoption of the LDC, a building permit was received for the property to construct 6 buildings (5 storage, 1 office)
- 2001 - Rear buildings (currently along rear property line) received a building permit in 2001 to build on neighboring property west of subject property with private owner agreement
  - Buildings reviewed as accessory buildings with 3-foot setbacks to rear and side lot lines
- 2004 - Property received variance to allow for the construction of an office building addition to encroach into the front setback by 20 feet so that it could be built on the property line
- 2004 - Building permit received to construct office addition
  - Site plans showed building length reduced to allow for 14 trees
- 2004 - Subject property platted along with rear buildings on neighboring west lot into one property under one ownership as Panzke Addition



- 2005 - Property receives zoning violation for not planting 14 trees from 2004 building permit
- 2006-2008 - Applicant paves remaining open space on property without permit and the site becomes completely paved.

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

**Surrounding Zoning and Land Uses Include:**

- North: LI, Light Industrial with warehouse use;
- East: Across 25<sup>th</sup> Street North, GC, General Commercial with parking lot, warehouse & office, and city public works use;
- South: LI, Light Industrial with manufacturing & production and warehouse & office uses;
- West: LI, Light Industrial with manufacturing & production use.

**Area Plans:**

No area plans apply.

**Schools and Parks:**

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

**Parks:** Cannon Park (351 21st Street North) is located approximately .29 miles east of the subject property and provides picnic table, playground and shelter amenities.

**Pedestrian / Bicycle:** There are on and off-road bike facilities on the corner of 25<sup>th</sup> Street North and 1<sup>st</sup> Avenue North that are located about .19 miles south of the subject property. Both bike facilities are a component of the metro area bikeways system.

**Staff Analysis:**

**Master Land Use Plan:** The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan.

1. **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**  
This PUD allows for flexibility needed in order to facilitate additional development on this site, which would have otherwise been prohibited through section §20-0502. This flexibility would allow for aesthetic improvements to the property by replacing chain link fence along the property with a building wall façade. The current business is self-contained and has not been a nuisance to the surrounding neighborhood. Long-term plans for the developer would be to construct an addition onto the north side of the existing office building to expand self-storage services. See attached site plans for additional details.  
**(Criteria Satisfied)**
2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**  
Staff calls attention to the fact that LDC section §20-0302.F.3 requires that at least 10% of the gross land area in a PUD shall consist of open space. Because this property is completely paved, the applicant will not be able to meet this requirement without removing portions of pavement.. However a previous section of the LDC, section §20-0302.E.8, allows the City Commission to waive the landscaping requirements of the underlying zoning district. Staff believes that when section §20-0302.E.8 of the LDC was modified in 2008, the intent was to allow the Planning Commission and City Commission to alter any PUD landscaping requirements including open space requirements. The ordinance requirement for 10% open space may have been an oversight during the redrafting of this section in 2008. The Planning Commission may choose to weigh in or seek additional clarification of this section of the code and its application in this case.  
**(Criteria Satisfied)**



3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**  
This property is developed with commercial uses and has access to public services. Applicable City departments have reviewed the redevelopment proposal and staff has not received any comments that would indicate any issue in servicing this development. The City and other agencies will be able to provide the necessary public services, facilities, and programs to serve the development.  
**(Criteria Satisfied)**
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;** The PUD is consistent with planning objectives set forth in the City Comprehensive Plan by proposing infill development. GO2030 promotes infill development to improve aesthetics and reinvestment. The majority of the development on the property existed prior to the adoption of the LDC. The request for the PUD would allow the property owner to continue to invest into the property that is already fully developed and mitigate the risk of disinvestment in the property.  
**(Criteria Satisfied)**
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.** The PUD will provide the zoning framework needed in order to facilitate expansion of the office building at this location. The proposed development is consistent with the LDC and the City Comprehensive Plan by encouraging the maximization of the use on the property in a compatible manner with the surrounding land uses as well as improve the aesthetics of the site. In addition, the owner of the property has also indicated interest in removing the billboard in the northeast corner of the property to improve aesthetics as well.  
**(Criteria Satisfied)**

**PUD Final Plan Section 20-0908.D:**

The petitioner has submitted plans as part of the building permit application process. These plans will be considered the PUD Final Plan. Planning staff has reviewed the submitted plan set and has found that the plans meet the development requirements of the LDC, as well as the requirements of the adopted PUD ordinance. The Master Plan and Final Plans are being brought forth concurrently. Relevant plan sheets from the submitted plan set have been attached to this staff report for review.

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:

1. **An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**  
The applicant intends to further develop the site by providing an addition to an existing building to provide for more self-storage use capacity to promote more business growth. There is no residential development associated with this development.  
**(Criteria Satisfied)**
2. **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 type of nonresidential uses proposed. The applicant will build an expansion to an existing building to accommodate additional self-storage use. Furthermore, the nonresidential use is consistent with the approved PUD.  
**(Criteria Satisfied)**
3. **A reduction in the amount of open space;**  
The site currently does not meet open space requirements. The proposed PUD would bring the site into compliance with an ordinance and establish new requirements that are specific to the property. In addition,



the proposed development would not remove open space, but would only replace a portion of the paved parking surface area on the property with a structure.

**(Criteria Satisfied)**

**4. 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;**

The applicant does not intend to reconfigure the existing access point on the property. City staff have reviewed and are satisfied with the proposed access location.

**(Criteria Satisfied)**

**5. Any change within 50 feet of any SR or MR zoning district;**

The subject location is not within 50 feet of SR or MR zoning districts.

**(Criteria Satisfied)**

**6. Any change determined by the Planning Commission to represent an increase in development intensity;**

Staff suggests that there has been no increase in development intensity from the PUD Master Land Use Plan. With the exception of the front setback, the applicant plans to develop within the current setbacks and meet all of the other dimensional standard requirements.

**(Criteria Satisfied)**

**7. A substantial change in the layout of buildings.**

The PUD Master Land Use Plan and Final Plan are submitted concurrently. All other changes and development must go through the Planning Commission for approval.

**(Criteria Satisfied)**

Please see the attached draft PUD ordinance (comparison chart) for requirements and restrictions.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed planned unit development (PUD) Master Land Use Plan, and hereby approve the PUD Final Plan as outlined within the staff report, as the proposal complies with GO2030, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation: June 6, 2017**

**Attachments:**

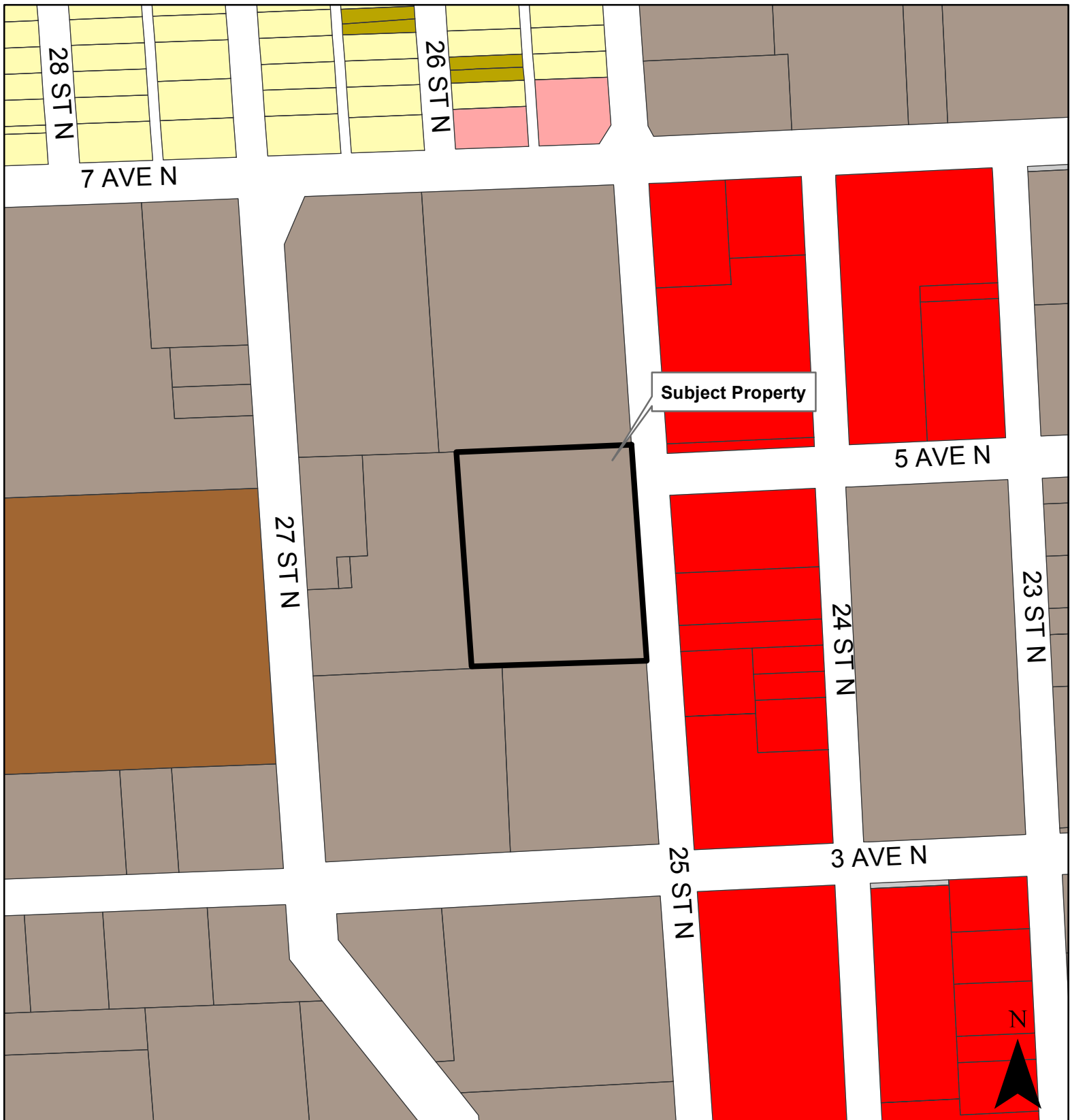
1. Zoning Map
2. Location Map
3. Planned Unit Development Master Land Use Plan (narrative, comparison chart, site plan)
4. Final Plan (site plans)



# Planned Unit Development (PUD)

## Pantzke Addition

402 25th Street North



### Legend

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

300

Feet

Fargo Planning Commission

June 6, 2017



# Planned Unit Development (PUD)

## Pantzke Addition

402 25th Street North







March 28, 2017

City of Fargo  
Planning and Development  
200 Third Street North  
Fargo, North Dakota 58102

Re: Security Self Storage North Fargo. PUD project narrative.

To whom it concerns,

This narrative / description is to request consideration of a Planned Unit Development for a proposed building addition to an existing climate controlled self-storage building.

The existing building to the south of the proposed addition is constructed on a 0' setback. The current zoning requirements for the property state a 20' setback for buildings. We request to build the proposed addition on a 0' setback to match up with the existing building.

The existing building has blue metal panel roof and the walls are a combination of light colored metal panels and split face masonry wainscot. If approved the addition would be of similar construction to match the existing building.

A visual benefit to the city would be the removal of a large amount of the chain link fencing at the east side which would be replaced by an attractive building addition. Also the vehicles that are currently parked in the area the proposed addition would be would be relocated elsewhere on the property.

Benefits to the surrounding public would be additional climate controlled secure storage space.

If you have any questions, please don't hesitate to contact me.  
Thank you for your consideration.

Sincerely,

Darren Kruse  
Project Manager  
Gast Construction Co., Inc.



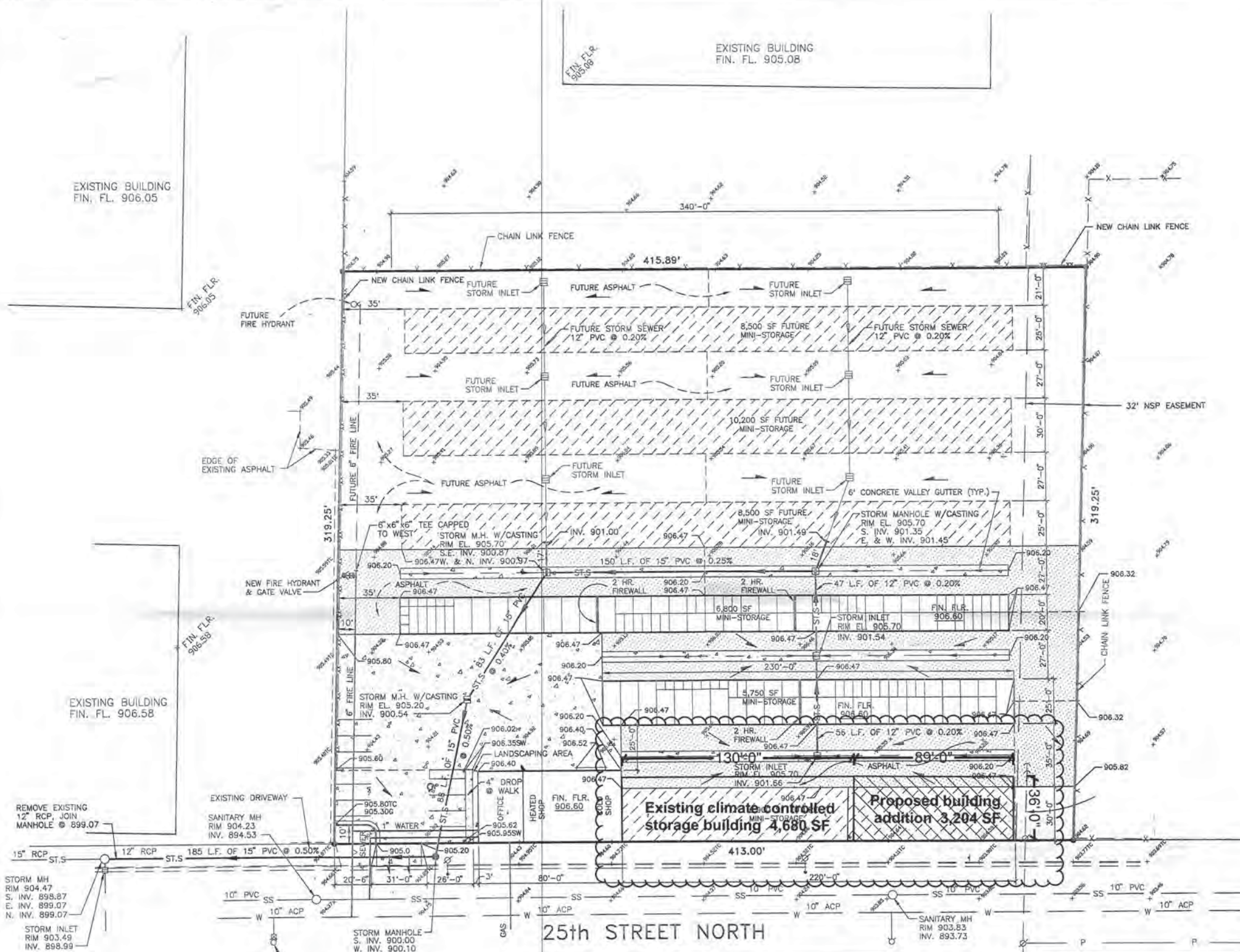
### EXAMPLE PUD NARRATIVE

DEVELOPER'S STATEMENT OF INTENT: *Describing how the proposed development provides greater benefits to the city than would a development carried out in accordance with others applicable land use development regulations*

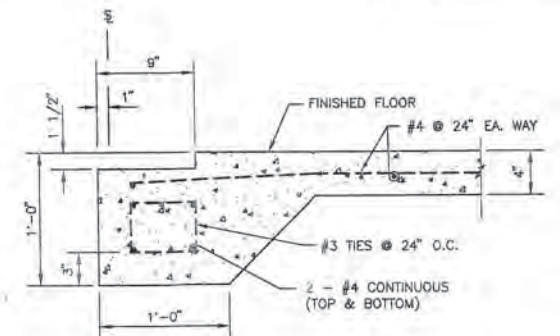
The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the LI, Limited Industrial development standards, except as otherwise provided below:

Development Standards	Current LDC development standards for LI zone	PUD modifications to LI development standards	NOTES
Allowed Uses	colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.	<i>No change</i>	
Lot Size	No minimum	<i>No change</i>	
Residential Density	None—industrial zoning	<i>No change</i>	
Setbacks	Front 20 ft Interior side 10 ft Street side 20 ft Rear 20 ft	<i>Front 0 ft</i>	
Max. Height	No maximum	<i>No change</i>	
Building Coverage	85% of gross lot area	<i>No change</i>	
Parking	As required by LDC Sec. 20-0701	<i>No change</i>	
Landscaping—Street Trees	As required by LDC Sec. 20-0705B.	<i>No change</i>	
Landscaping—Open Space	As required by LDC Sec. 20-0705C.	<i>Reduced to zero</i>	
Landscaping—Parking Lot Perimeter	As required by LDC Sec. 20-0705D.	<i>Reduced to zero</i>	
Residential Protection Standards (RPS)	LDC Section 20-0704	<i>No change</i>	





LEGEND	EXISTING	PROPOSED
STORM SEWER MAIN	— ST.S —	— STS —
SANITARY SEWER MAIN	— SS —	— SS —
WATER MAIN	— W —	— W —
GAS MAIN	— G —	— G —
MANHOLE	⊙	⊙
STORM INLET	⊕	⊕
FIRE HYDRANT	⊙	⊙
CURB & GUTTER	—	—
UTILITY POLE	⊙	⊙
W / GUY WIRE	—	—
LIGHT POLE	⊙	⊙
OVERHEAD POWER LINE	—	—
UNDERGROUND ELECTRIC	— UGE —	— UGE —
UNDERGROUND TELEPHONE	— UGT —	— UGT —
TELEPHONE RISER	⊙	⊙
SPOT ELEVATION	+	+
STREET SIGN	+	+
DIRECTION OF DRAINAGE	→	→
CONCRETE	▒	▒
ASPHALT	▒	▒



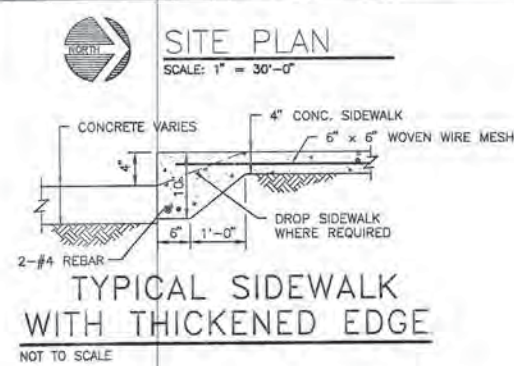
**SIDEWALK DETAIL**  
NOT TO SCALE

**ESTIMATED QUANTITIES:**

STORM SEWER MANHOLES	1 EA.
STORM SEWER MANHOLE W/INLET CASTING	3 EA.
STORM INLETS - TYPES A, B, & C	2 EA.
12" PVC STORM SEWER MAIN	138 L.F.
15" PVC STORM SEWER MAIN	506 L.F.
6" PVC FIRE LINE	200 L.F.
6" GATE VALVE	1 EA.
FIRE HYDRANT	1 EA.
1" DOMESTIC WATER SERVICE	69 L.F.
4" SANITARY SEWER SERVICE	94 L.F.
4" CONCRETE SIDEWALK W/THICKENED EDGE	18 SQ. YD.
6" CONCRETE ON 3" SAND CUSHION	1,620 SQ. YD.
6'x 6" CONCRETE VALLEY GUTTER	525 SQ. YD.
4" ASPHALT ON 4" RECYCLED ASPHALT BASE	2,760 SQ. YD.
6' CHAIN LINK FENCE	315 L.F.



**HYDRANT DETAIL**  
NOT TO SCALE



**TYPICAL SIDEWALK WITH THICKENED EDGE**  
NOT TO SCALE

**Security Self Storage**

402 25th St N  
Fargo, ND 58102

Proposed climate  
controlled self storage  
building addition

Sheet Name:

**SITE  
PLAN**

No.	Revision	Date	By

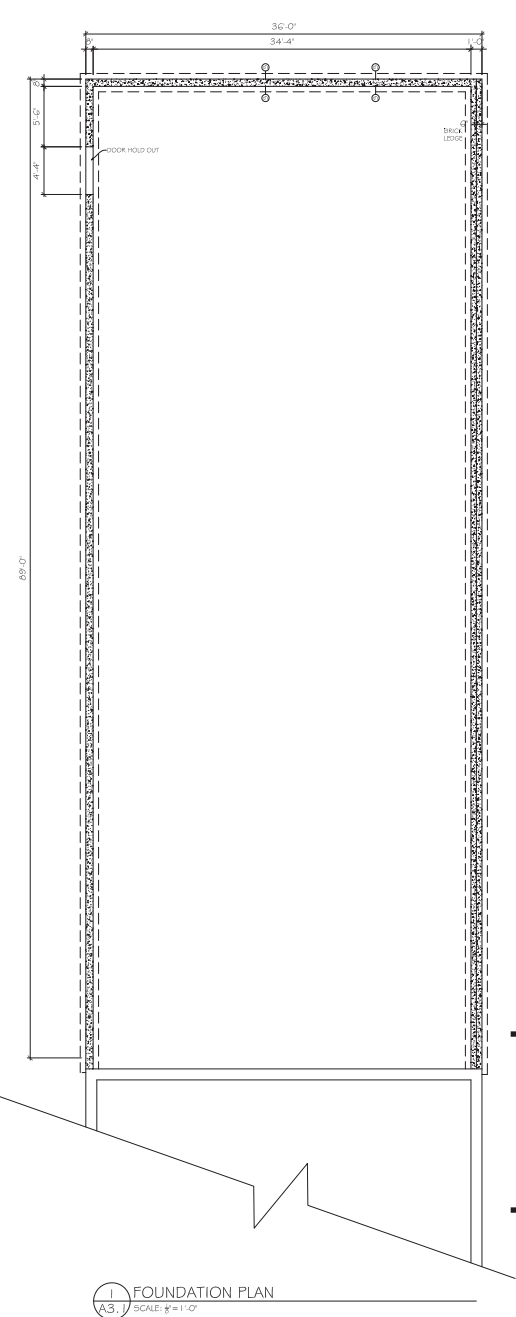
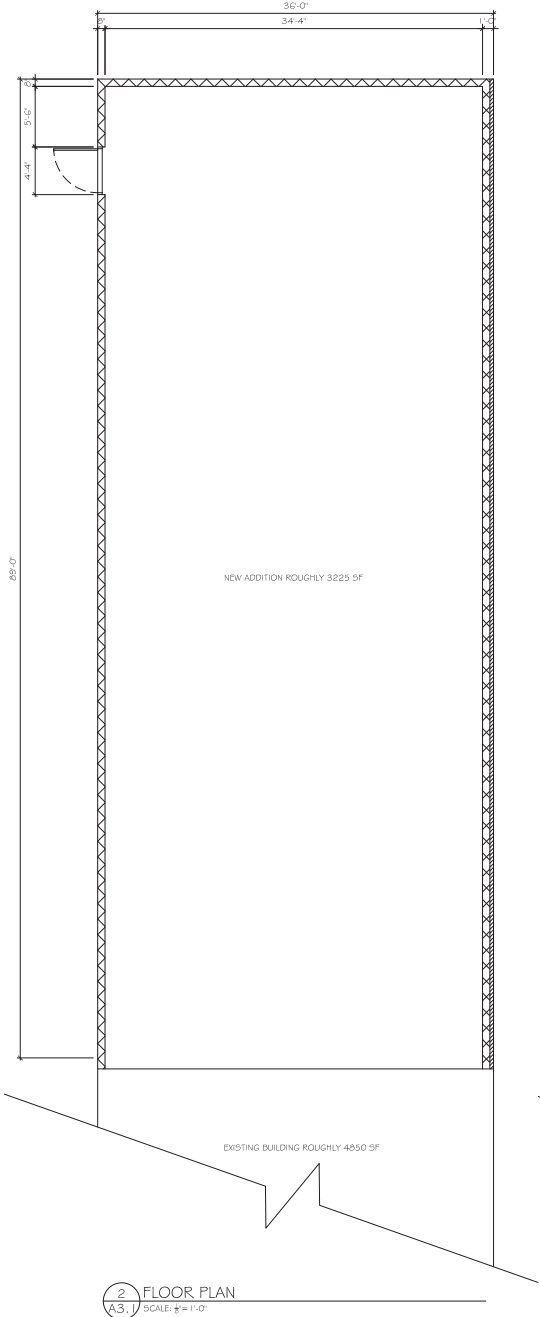
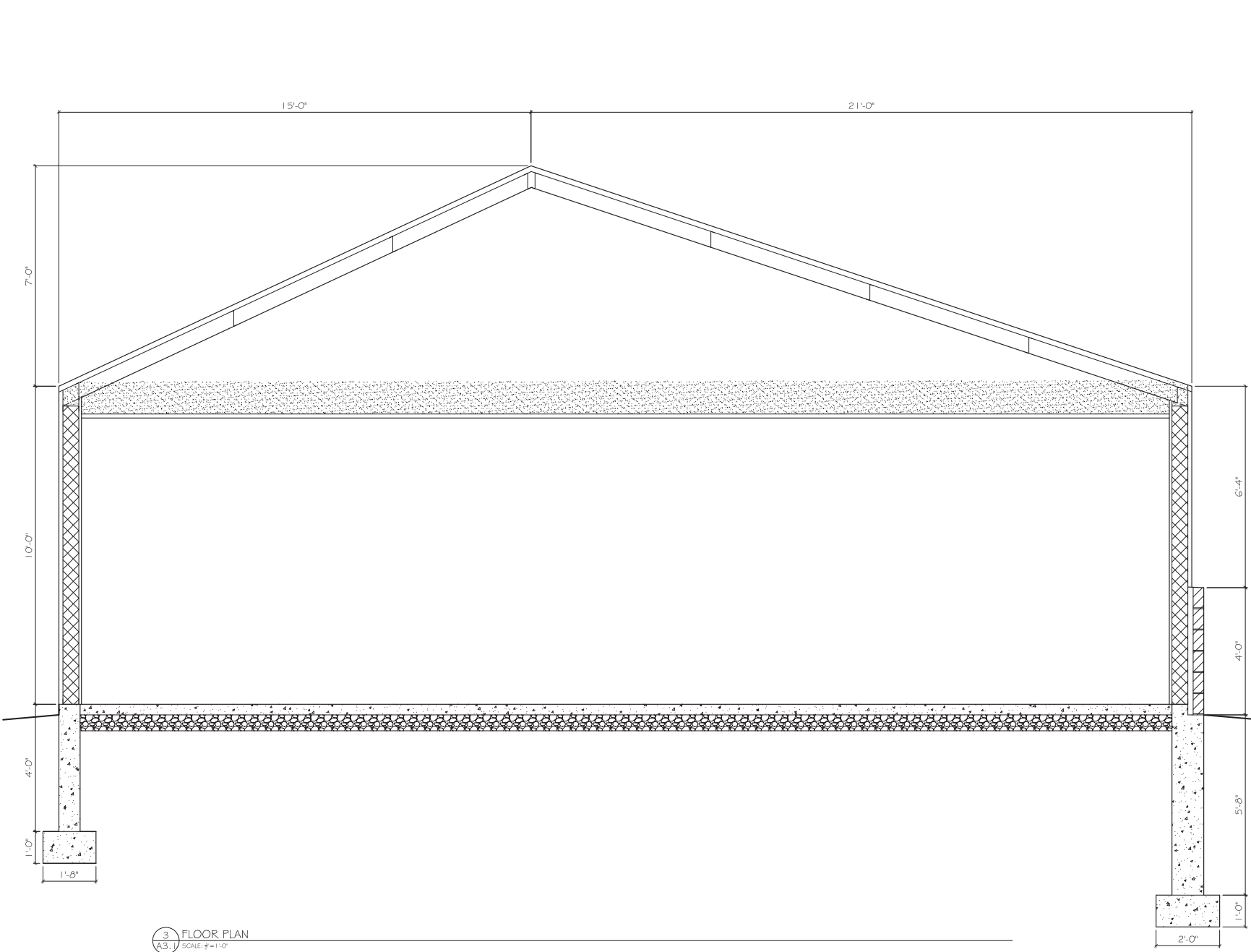
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Project No:	Cad Dwg:		
Job Number:	Revised:		
Drawn By:			

**C-1**







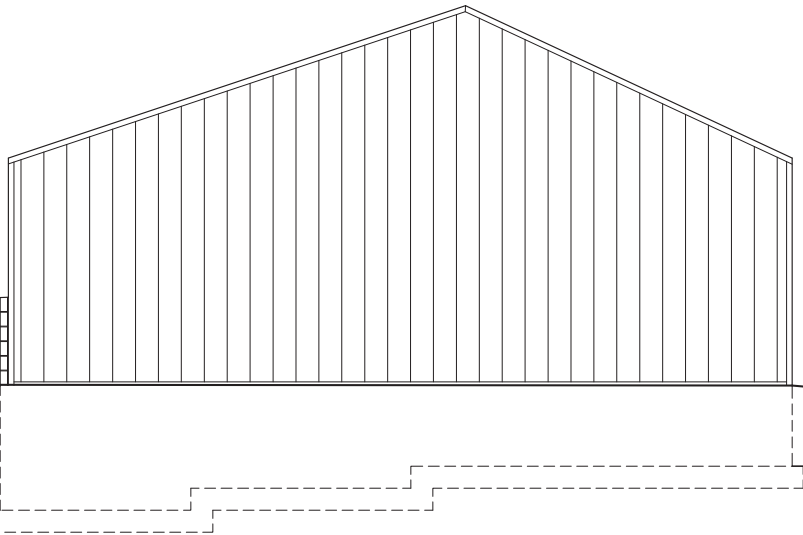


SELF STORAGE  
NORTH FARGO  
ADDITION

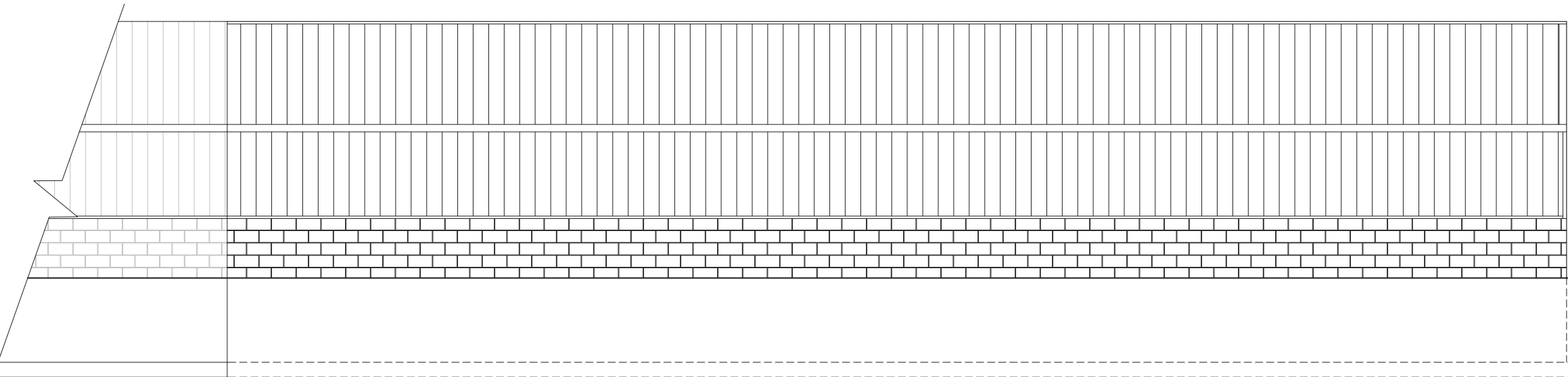
FARGO, ND

- FOUNDATION PLAN
- FLOOR PLANS
- TYPICAL BUILDING SECTION

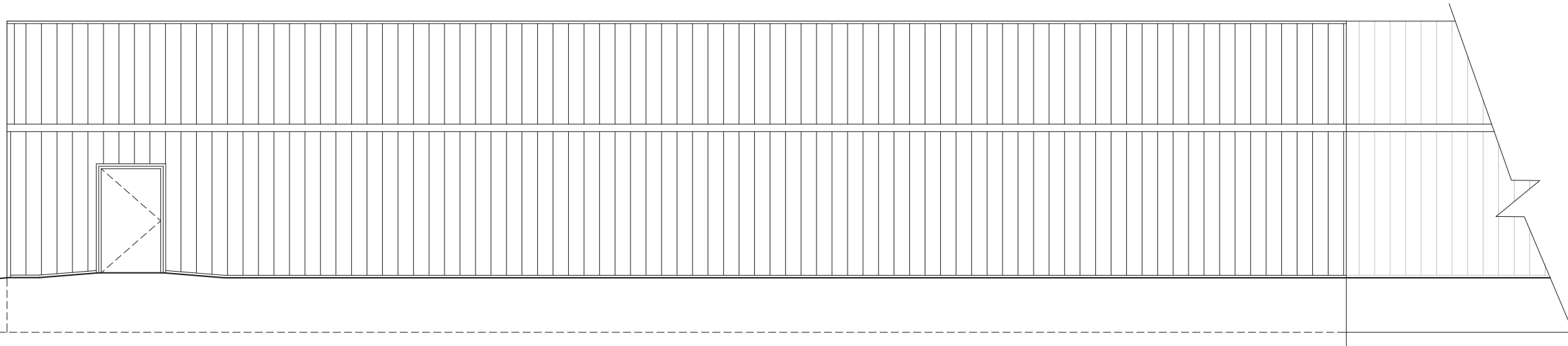




3 EXTERIOR ELEVATION - NORTH  
A4.1 SCALE: 1/8"=1'-0"



2 EXTERIOR ELEVATION - EAST  
A4.1 SCALE: 1/8"=1'-0"



1 EXTERIOR ELEVATION - WEST  
A4.1 SCALE: 1/8"=1'-0"

SELF STORAGE  
NORTH FARGO  
ADDITION

FARGO, ND

EXTERIOR ELEVATIONS



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Morton & Doty's Addition	<b>Date:</b>	2/28/2017
<b>Location:</b>	1345 University Drive South	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Lots 11-13, Block 1, Morton & Doty's Addition		
<b>Owner(s)/Applicant:</b>	Paul Deschene/Clay Lexen (Lowry Engineering)	<b>Engineer:</b>	Lowry Engineering
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (From LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay) and a <b>PUD Master Land Use Plan</b>		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant Buildings (previously used as a used car lot & pet grooming business)	<b>Land Use:</b> Vehicle Repair
<b>Zoning:</b> LC, Limited Commercial	<b>Zoning:</b> LC, Limited Commercial, with a PUD, Planned Unit Development Overlay
<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> 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>Maximum Building Coverage:</b> 55% of lot area	<b>Maximum Building Coverage:</b> 55% of lot area

<b>Proposal:</b>
<p>The applicant is seeking approval of 1) a PUD Master Land Use Plan for a vehicle repair land use and 2) a zoning map amendment to establish a PUD, Planned Unit Development, overlay. Vehicle repair uses are restricted to a maximum site area of 15,000 square feet within the LC zoning district. The intent of these applications is to allow a vehicle repair use on a 21,000 square-foot lot within the LC, Limited Commercial, zoning district.</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 Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: LC, Limited Commercial with retail use</li> <li>• East: GO, General Office with religious institution use</li> <li>• South: LC, Limited Commercial with limited vehicle service &amp; retail uses</li> <li>• West: NC, Neighborhood Commercial and SR-3, Single-Dwelling Residential, with office and residential uses</li> </ul>
<b>Area Plans:</b>
No area plans apply.
<b>Schools and Parks:</b>
<b>Schools:</b> The subject property is located within the Fargo School District, specifically within the school boundaries of Clara Barton/Hawthorn Elementary, Carl Ben Eielson Middle and Fargo South High schools.



**Parks:** Lindenwood Park (1905 Roger Maris Drive) is located approximately a half mile (0.5 miles) east of the subject property. Lindenwood Park offers baseball/softball, bike rental, boat ramp, campground, concessions, cross country ski trails, fishing, grill, kayak launch, multipurpose field, playground, picnic table, recreational trails, rentals and restroom facilities.

**Pedestrian / Bicycle:** On-road bike facilities are located on 9<sup>th</sup> Street South about a quarter mile (0.25 miles) east of the subject property. The on-road bike facilities are a component of the metro area bikeways 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. The proposed PUD Overlay zoning district is intended to accommodate the redevelopment of this currently underutilized property. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed 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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has received one inquiry into the application and no comments from the public. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities, and protected by a flood resiliency strategy. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**

**Master Land Use Plan:** The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan.

**1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**

The plan represents an improvement over what could have been accomplished through strict application of the base LC zoning district. In exchange for allowing vehicle repair on a lot that exceeds the maximum area permitted for vehicle repair within the LC zoning district, the applicant has proposed the following two



design standards to be included within the proposed PUD ordinance:

- Each service bay door shall include two glass panels, each 24" in height and being the width of the door.
- Wainscoting shall extend 36" up from the exterior finished grade on the exterior walls of the building that face University Drive South and 14<sup>th</sup> Avenue South.

In addition, the applicant is willing to include standards for sidewalk connectivity, dumpster screening, and restrictions on outdoor storage. **(Criteria Satisfied)**

**2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**

Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies the maximum lot area for vehicle repair uses in the LC zoning district as provided for in Section 20-0402(L). The LDC requires that five parking spaces be provided per service bay for vehicle repair uses. The proposed facility will have five service bays, which require 25 total parking spaces. It should be noted that nine of these required parking spaces are proposed to be located internal to the building with the remaining 16 parking stall being located within the parking lot. All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**

**3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, 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)**

**4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities, and protected by a flood resiliency strategy. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**

**5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing redevelopment of a blighted and underutilized property within an area of the City that is serviced with existing utilities. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change from LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation: June 6, 2017**

**Attachments:**

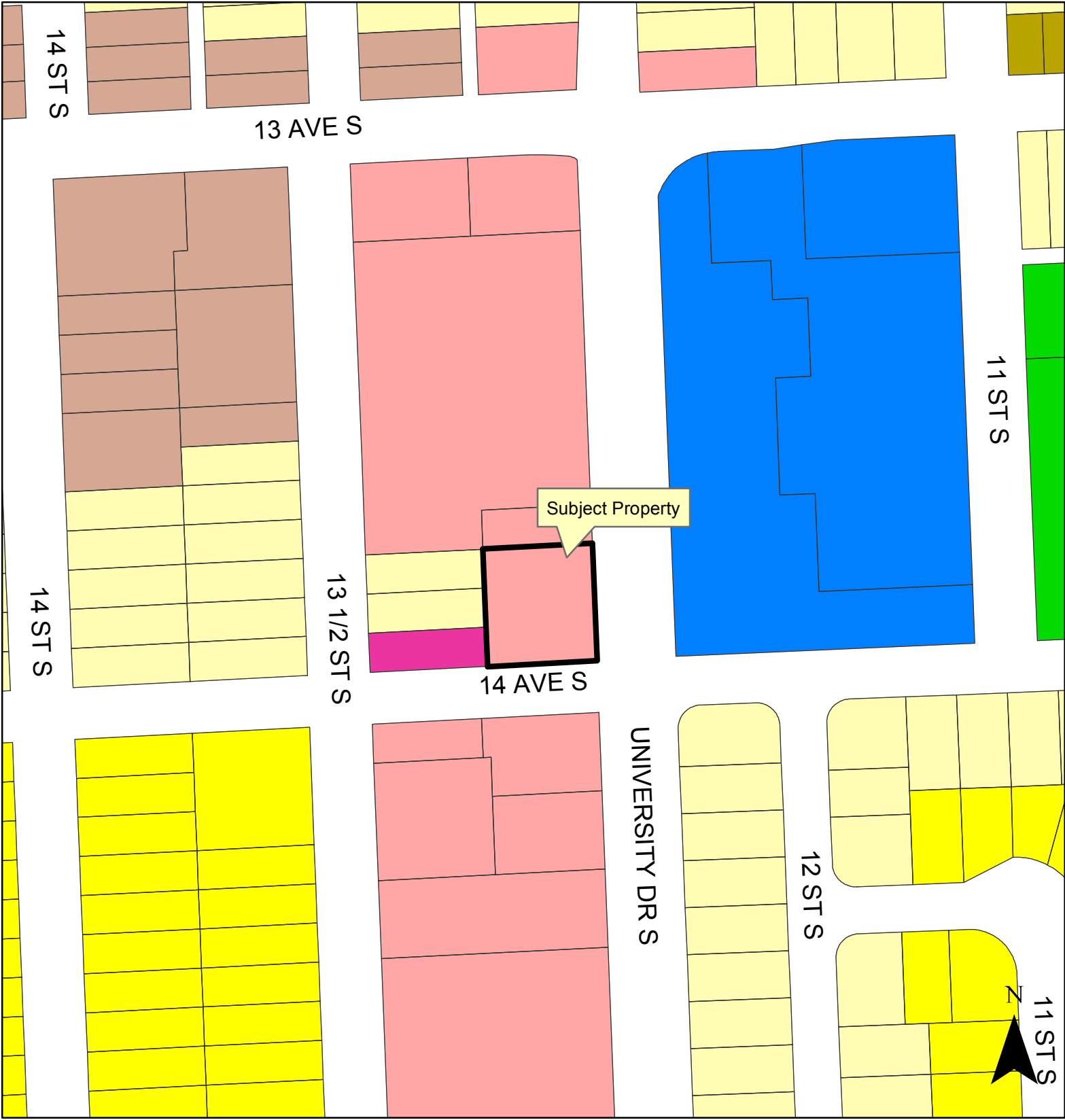
1. Zoning Map
2. Location Map
3. PUD Master Land Use Plan
4. Draft project plans
5. Draft PUD Ordinance



# Planned Unit Development (PUD) Master Land Use Plan and Zone Change (LC to LC w/ a PUD)

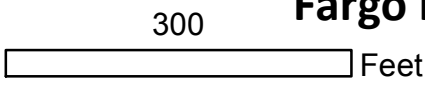
## Morton & Dotys Addition

1345 University Drive South



**Legend**

AG	LC	MHP	SP
DMU	MR-1	NNO	SP-2
GC	MR-2	UMU	SP-3
GO	MR-3	City Limits	SP-4



**Fargo Planning Commission**

**June 6, 2017**



# Planned Unit Development (PUD) Master Land Use Plan and Zone Change (LC to LC w/ a PUD)

## Morton & Dotys Addition

1345 University Drive South



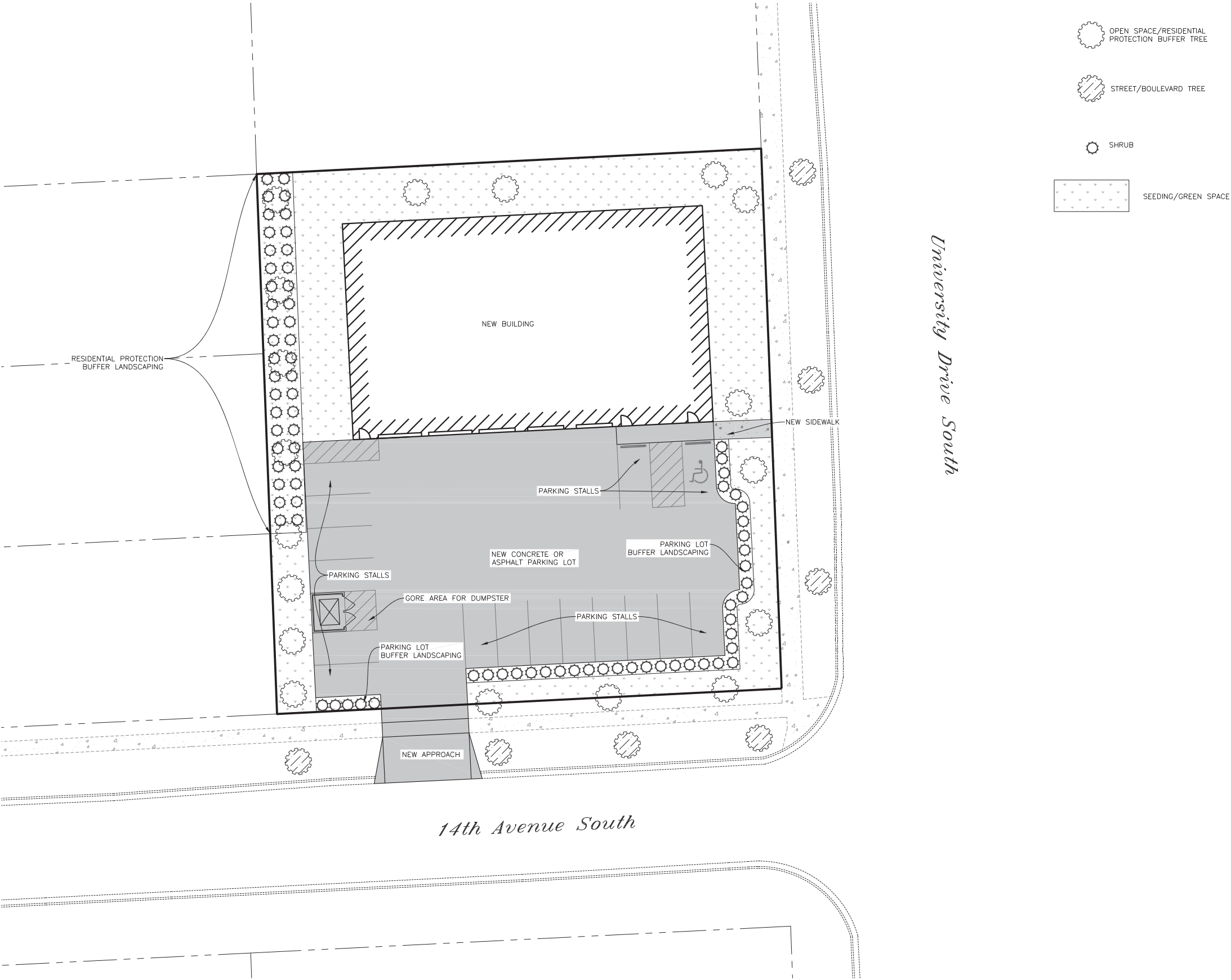
300  
Feet

Fargo Planning Commission  
June 6, 2017



MASTER LAND USE PLAN

DAKOTA TIRE SERVICES  
4-17-2016





Sheet:  
**A-2**

Name:  
ELEVATIONS

Date:  
APRIL, 2017

Revisions:

Job Number:  
**2017.07**

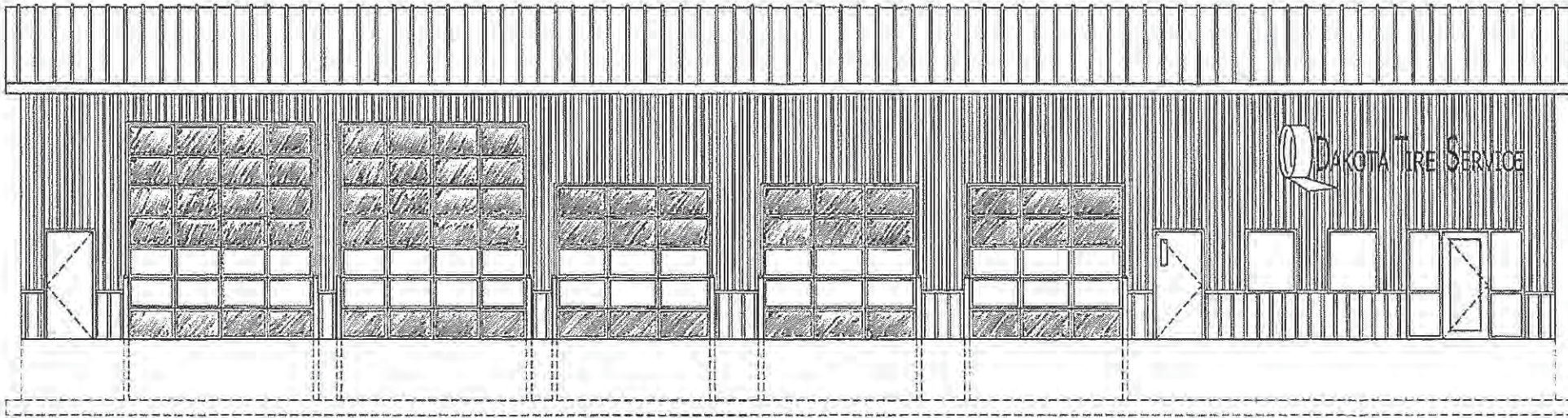
Project:  
**NEW BUILDING  
DAKOTA TIRE**

Location:  
**1345 SOUTH  
UNIVERSITY  
FARGO, ND**

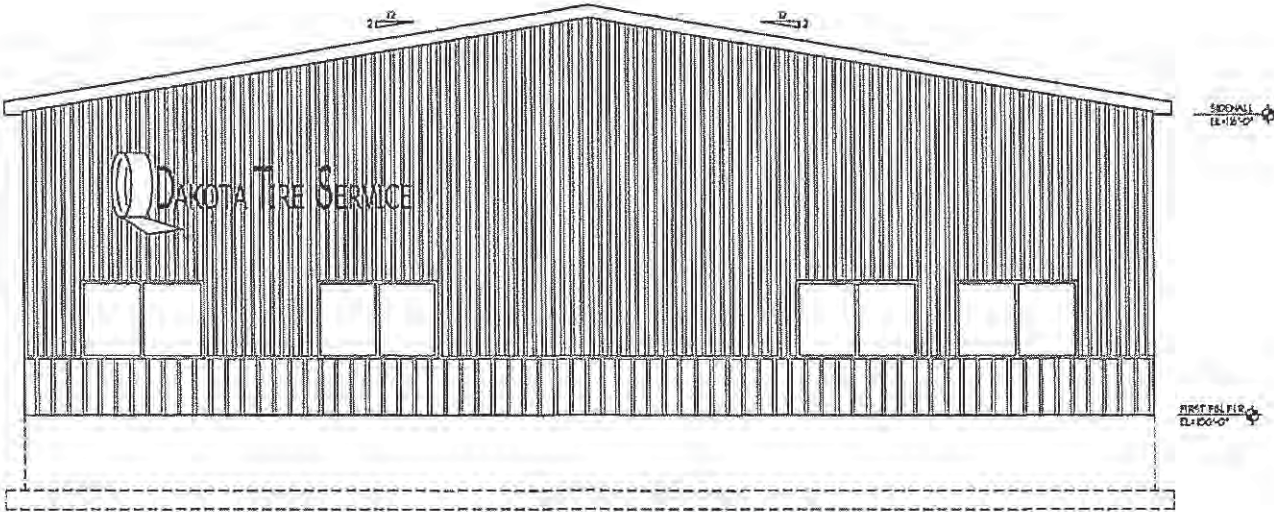
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to confirm:  
1) compliance with all building codes.  
2) all information.  
3) all dimensions.

**Advanced  
Cad  
Drawing**

Commercial • Residential  
Drafting • Design Services  
Mark A. Baumgardner, Proprietor  
Phone: (218) 231-8039



**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



Sheet:  
**A-1**

Name:  
FLOOR PLAN

Date:  
APRIL, 2017

Revisions:

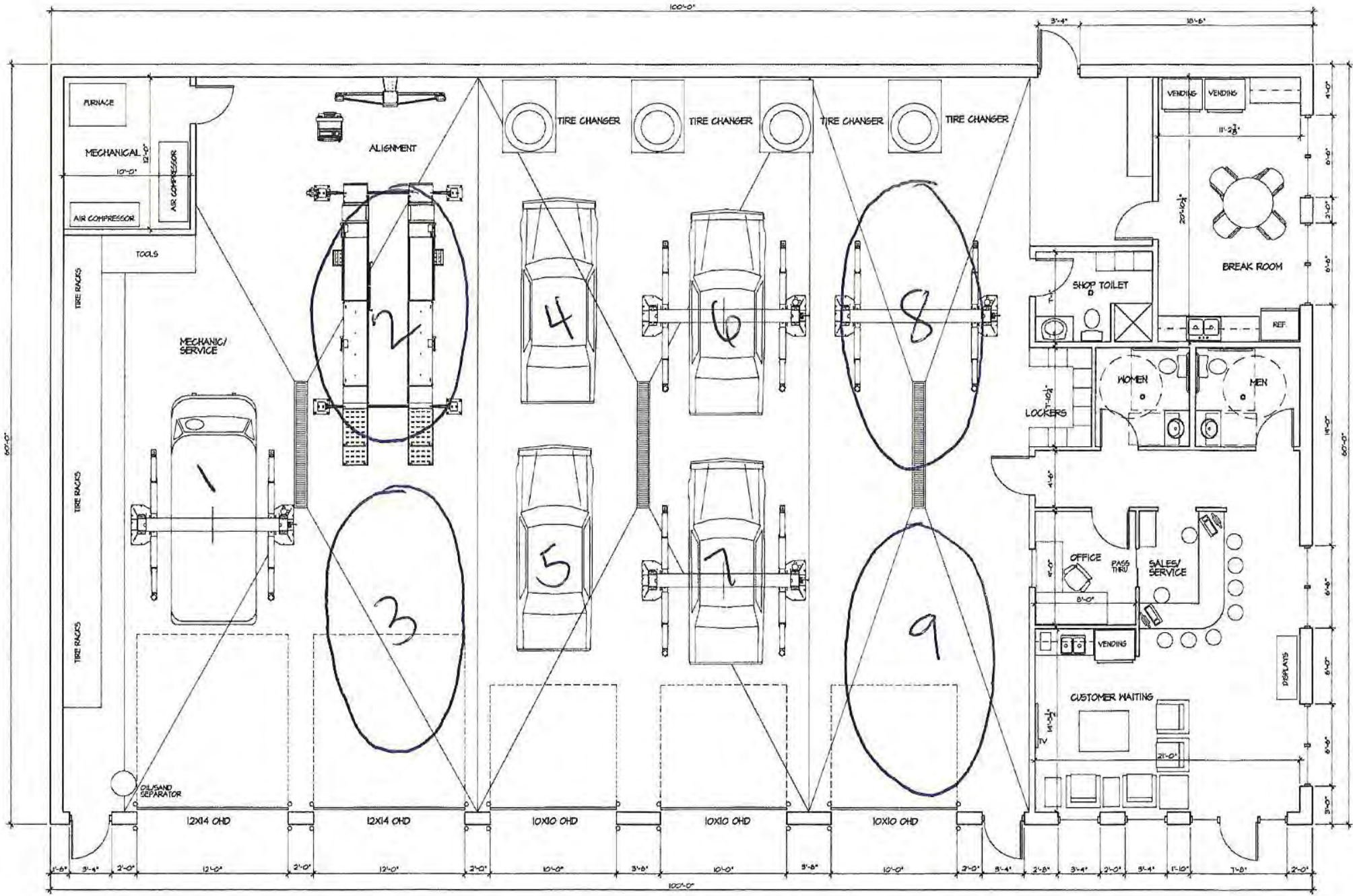
Job Number:  
**2017.07**

Project:  
**PROPOSED  
NEW BUILDING  
FOR:  
VISION  
CONSTRUCTION**

Location:  
**1345 SOUTH  
UNIVERSITY  
FARGO, ND**

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to confirm:  
1) compliance with all building codes.  
2) all information.  
3) all dimensions.

**Advanced  
Cad  
Drawing**  
Commercial - Residential  
Drafting - Design Services  
Mark A. Baumgardner, Proprietor  
Phone: (218) 233-8039



**FLOOR PLAN**  
SCALE: 1/4" = 1'-0"




DAKOTA TIRE SERVICES

1345 UNIVERSITY DRIVE SOUTH  
FARGO, NORTH DAKOTA

OWNER'S REP.  
CASSIE SCHMIDT  
DAKOTA TIRE  
1111 ARMOUR STREET NW  
WEST FARGO, ND 58078  
PH: 701-282-9604


CIVIL ENGINEER  
ANDREW THILL, PE  
LOWRY ENGINEERING  
1111 WESTRAC DR., SUITE 108  
FARGO, ND 58103  
PH: 701-235-0199



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

- PARKING REQUIREMENT NOTES:
1. STALLS REQUIRED: 5 PARKING SPACES PER SERVICE BAY.  
5 BAYS \* 5 STALLS/BAY = 25 STALLS.
  2. THERE ARE 9 PARKING STALLS INSIDE THE BUILDING. FOUR BAYS HAVE ROOM TO PARK 2 VEHICLES, AND ONE BAY HAS ROOM TO PARK 1 VEHICLE, FOR A TOTAL OF 9 INTERNAL PARKING STALLS.
  3. THERE ARE 16 EXTERIOR PARKING STALLS.
  4. THERE ARE 25 PARKING STALLS TOTAL. (16 EXTERIOR + 9 INTERIOR = 25 TOTAL)

 OPEN SPACE/RESIDENTIAL  
PROTECTION BUFFER TREE

 STREET/BOULEVARD TREE

 SHRUB

 SEEDING/GREEN SPACE

REVISIONS	

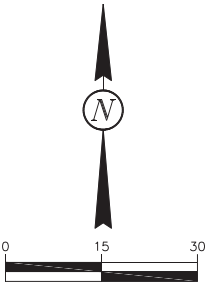
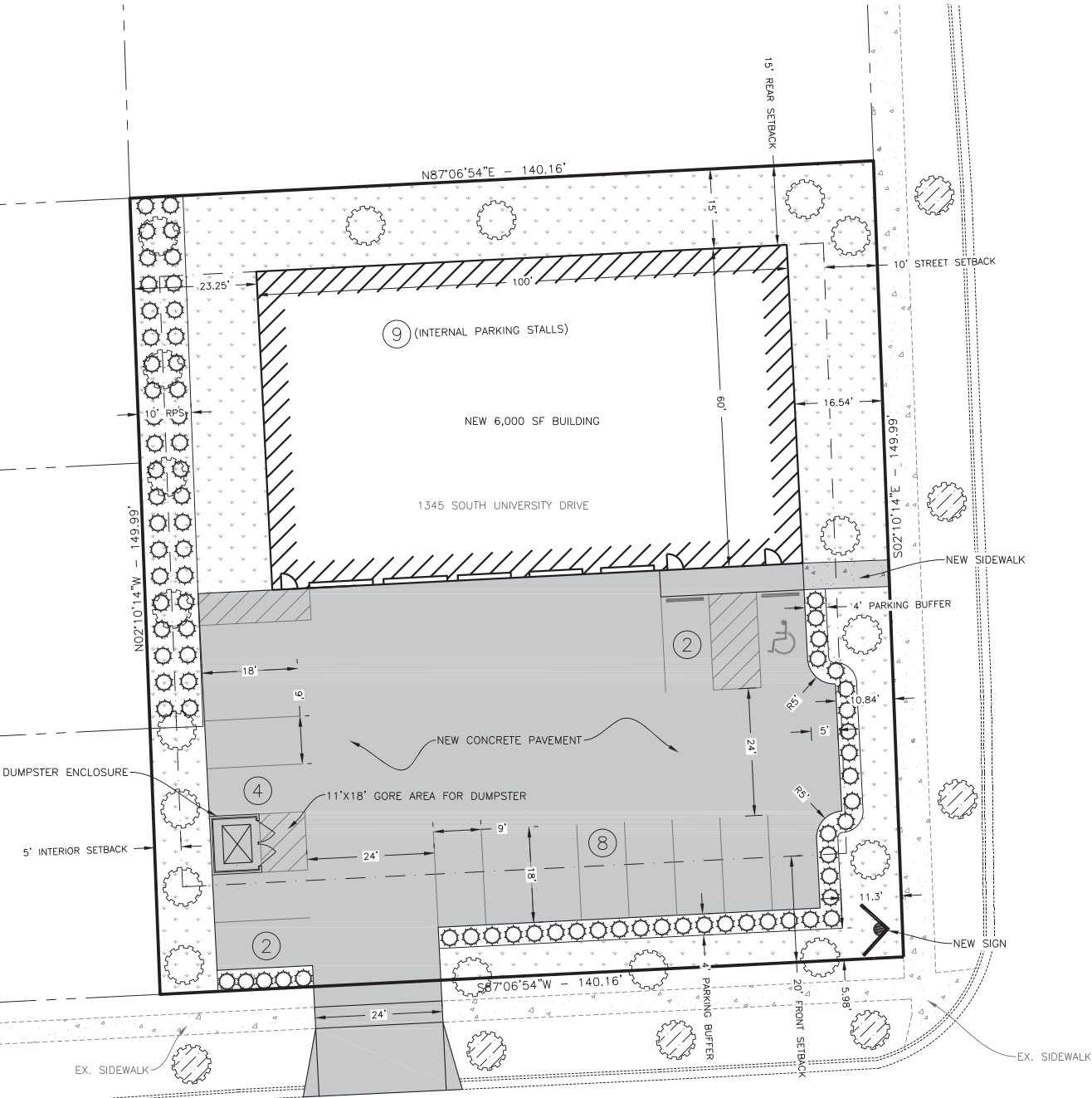
DAKOTA TIRE SERVICES  
1345 UNIVERSITY DRIVE SOUTH  
FARGO, ND

PRELIMINARY  
NOT FOR  
CONSTRUCTION

LE JOB #	17021
PROJECT DATE:	4/17/2017
CHECKED BY:	AJT
DRAWN BY:	CML
APPROVED BY:	AJT
SHEET:	1 OF 1

PRELIMINARY LAYOUT

P-1





Draft PUD Overlay  
Morton & Doty's Addition  
5-31-2017

Allowed Uses: The Use Standards for the Vehicle Repair Use Category within the LC zoning district is modified as follows:

- The maximum site area shall not exceed 21,000 square feet and the maximum building size shall not exceed 7,500 square feet.

Additional Standards:

- Overhead service bay doors shall include two glass panels, at least 24 inches in height, and being the approximate width of the door.
- Wainscoting shall extend 36 inches up from the exterior finished grade on the exterior walls of the building that face University Drive South and 14<sup>th</sup> Avenue South.
- A pedestrian walkway shall be provided between the building entrance and public sidewalk.
- Outdoor storage of equipment or supplies shall not be permitted.
- 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. All garbage containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.



**City of Fargo  
Staff Report**

<b>Title:</b>	Urban Plains by Brandt 1st Addition, Urban Plains by Brandt 2nd Addition, Urban Plains Center Addition, Urban Plains Medical Park Addition, Urban Plains Retail Addition, Urban Plains Northeast Retail Addition, and Urban Plains Northeast Retail 2nd Addition	<b>Date:</b>	5/30/17
<b>Location:</b>	4680, 5100, and 5101 28th Avenue South; 4651 and 4845 30th Avenue South; 5298 31st Avenue South; 4543 and 4737 32nd Avenue South; 2911 45th Street South; 2640, 2660, 2720, 2740, 2760, and 2780 47th Street South; 3180 49th Street South; 3023, 3057, 3079, and 2701 51st Street South; 2633 and 2867 55th Street South; 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South; 3050 and 3155 Brandt Drive South; and 4574 Urban Plains Drive South.	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Lot 1, Block 4, Lots 2-4, Block 5, and Lots 3-4, Block 8, Urban Plains by Brandt 1st Addition; Lots 2-3, Block 1, Lot 2, Block 2, Lot 1, Block 3, Lots 2-3, Block 5, and part of Lot 1, Block 5, Urban Plains by Brandt 2nd Addition; Lots 5-6, Block 1, Urban Plains Medical Park Addition; Lots 7-10 Block 1, Urban Plains Retail Addition; Lots 1-3, Block 3 and Lot 1, Block 4, Urban Plains Center Addition; Parts of Lots 3-4, Block 1, Urban Plains Northeast Retail Addition; and Lots 2-3, Block 1, Urban Plains Northeast Retail 2nd Addition.		
<b>Owner(s)/Applicant:</b>	Urban Plains Land Co, LLC (Ace Brandt)/Houston Engineering, Inc. (Brian Pattengale)	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	Zoning Change (to repeal and reestablish a C-O, Conditional Overlay on properties located within the GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, zoning districts)		
<b>Status:</b>	Planning Commission Public Hearing: June 6, 2017		

Existing	Proposed
<b>Land Use:</b> Vacant & Parking Lot	<b>Land Use:</b> unchanged
<b>Zoning:</b> GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a C-O, Conditional Overlay	<b>Zoning:</b> GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a modified C-O, Conditional Overlay



<p><b>Uses Allowed:</b> <u>GC</u> allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del>, health care facilities, parks and open space, religious institutions, safety services, <del>adult entertainment centers</del>, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, <del>self-storage, vehicle repair, limited vehicle service, warehouse and freight movement, wholesale sales</del>, aviation, surface transportation, and major entertainment events;</p> <p><u>LC</u> 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, <del>self-service storage, vehicle repair, limited vehicle service</del>;</p> <p><u>MR-3</u> allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.</p> <p><u>P/I</u> 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, <del>industrial service, manufacturing and production, warehouse and freight movement, waste related use</del>, agriculture, aviation, surface transportation, and major entertainment events.</p>	<p><b>Uses Allowed:</b> unchanged</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------

<b>Proposal:</b>
<p>The applicant is proposing a zoning map amendment in order to repeal the existing C-O, Conditional Overlay (Ordinance 4978) and reestablish a new C-O, Conditional Overlay on the subject property. The proposed C-O would effectively result in two modifications to the existing C-O:</p> <p>Part A) Section 2.8 is proposed to be modified as follows:</p> <p><i>Section 2.8 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units <del>shall be located at the side or rear of buildings and</del> shall be visually screened from adjacent public right of way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.</i></p> <p>And Part A) Section 3.1 is proposed to be removed in its entirety:</p> <p><i><del>3.1 Parking shall be located in the side yard or rear yard of the buildings so as not to be located between the building and the street right of way.</del></i></p> <p>The existing Conditional Overlay, Ordinance 4978, is attached for reference.</p> <p>It is staff's understanding that the modifications to the Conditional Overlay proposed by the applicant are intended</p>



to allow greater flexibility of design for the future development of vacant properties within Urban Plains.

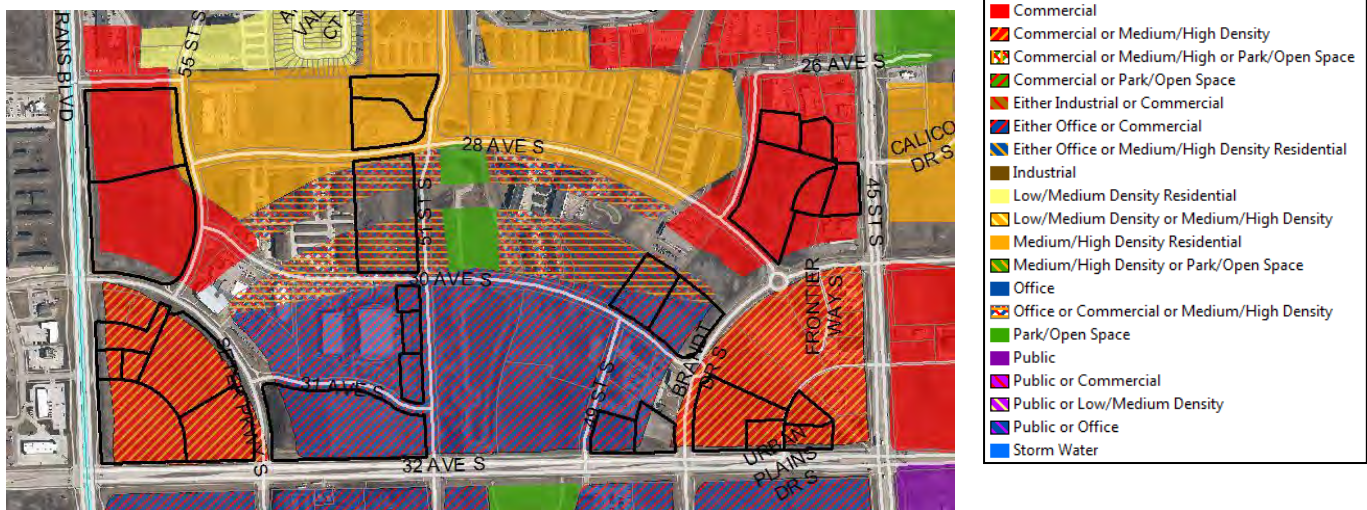
**Background:**

In 2003, Ordinance 4320 established a Conditional Overlay zoning district over 640 acres of land in southwest Fargo, including all of Urban Plains. This Conditional Overlay was proposed and applied for by the land owner, Ace Brandt, in order to establish architectural and design standards that would align with his vision for development within Urban Plains. Since then, there have been approximately nine zoning ordinances resulting in amendments to Conditional Overlays on various properties within the Urban Plains development. Most recently, Ordinance 4978 consolidated and simplified the patchwork of modified Conditional Overlay zoning districts within Urban Plains into one unified Conditional Overlay for all of Urban Plains. In 2015, Ordinance 4999 resulted in a modification to the unified Conditional Overlay for the Scheels Arena property, in order to accommodate the design and construction of a second sheet of ice at the arena. Consequently, Ordinance 4978 still applies to all properties within the Urban Plains development, except for the Scheels Arena property.

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.

**Area Plans:**

The subject property is located within the bounds of the 2003 Southwest Future Land Use Plan. The property is designated as most suitable for "Commercial," "Commercial or Medium/High Density," "Either Office or Commercial," "Medium/High Density Residential," and "Office or Commercial or Medium/High Density" land use.



**Schools and Parks:**

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

**Parks:** Urban Plains Park (5050 30th Avenue S) is located along 51<sup>st</sup> Street South at a central location amongst the subject properties. Urban Plains Park provides playground amenities.

**Pedestrian / Bicycle:** Off-road bike facilities are located in near proximity to several of the subject properties. Off-road bike facilities are located along Veterans Boulevard, Seter Parkway South, Urban Plains Park, Brandt Drive South, 28<sup>th</sup> Avenue South, 30<sup>th</sup> Avenue South, 31<sup>st</sup> Avenue South, 32<sup>nd</sup> Avenue South, 45 Street South, and 51<sup>st</sup> Street South. All off-road 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 zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established, as the applicant would like to allow greater flexibility in design for the undeveloped areas of Urban Plains. **(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 public rights-of-way which allow 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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has received about five inquiries into the application and no comments from the public relating to the specifics of this application. However, one citizen expressed concern with the number of apartments being constructed within Urban Plains in general. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The 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 does not conflict with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, and P/I, Public and Institutional, with a C-O, Conditional Overlay, to GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a modified C-O, Conditional Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Planning Commission Recommendation: June 6, 2017****Attachments:**

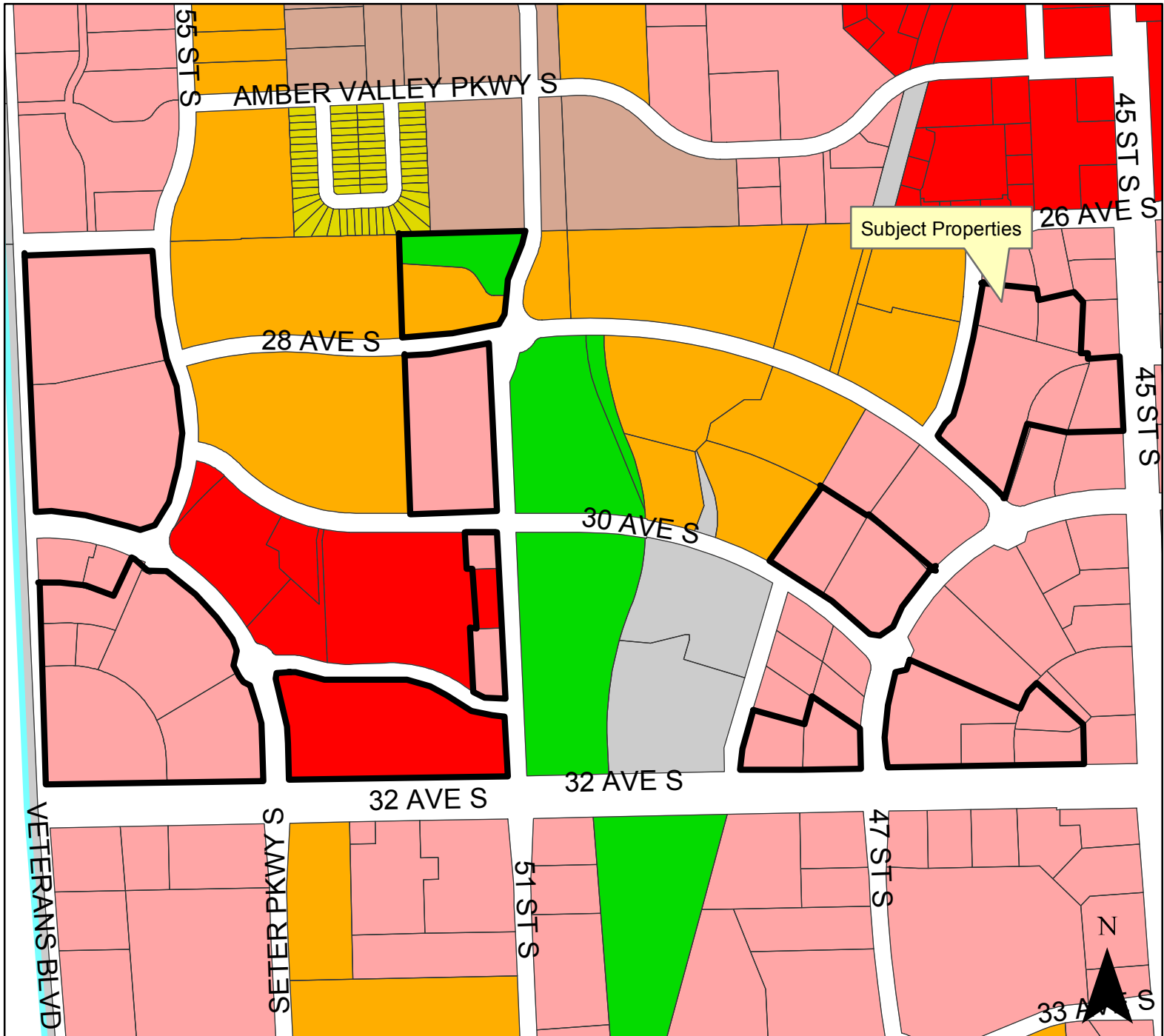
1. Zoning Map
2. Location Map
3. Existing Conditional Overlay



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

4680, 5100 & 5101 28th Ave S; 4651 & 4845 30th Ave S;  
 5298 31st Ave S; 4543 & 4737 32nd Ave S; 2911 45th St S;  
 2640, 2660, 2720, 2740, 2760 & 2780 47th St S;  
 3180 49th St S; 3023, 3057, 3079 & 2701 51st St S;  
 2633 & 2867 55th St S; 2907, 2915, 2949, 2975,  
 3037 & 3151 Seter Pkwy S; 3050 & 3155 Brandt Dr. S;  
 and 4574 Urban Plains Dr. S

## Urban Plains Addition



### Legend



300  
Feet

Fargo Planning Commission  
 June 6, 2017



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

4680, 5100 & 5101 28th Ave S; 4651 & 4845 30th Ave S;  
5298 31st Ave S; 4543 & 4737 32nd Ave S; 2911 45th St S;  
2640, 2660, 2720, 2740, 2760 & 2780 47th St S;  
3180 49th St S; 3023, 3057, 3079 & 2701 51st St S;  
2633 & 2867 55th St S; 2907, 2915, 2949, 2975,  
3037 & 3151 Seter Pkwy S; 3050 & 3155 Brandt Dr. S;  
and 4574 Urban Plains Dr. S

## Urban Plains Addition





OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. 4978

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN URBAN PLAINS MEDICAL PARK, URBAN PLAINS BY BRANDT FIRST,  
URBAN PLAINS CENTER, URBAN PLAINS REC FACILITY, URBAN PLAINS RETAIL,  
URBAN PLAINS NORTHEAST RETAIL, BRANDT PARK, URBAN PLAINS NORTHEAST  
RETAIL SECOND, URBAN PLAINS STARION, URBAN PLAINS RECREATIONAL, URBAN  
PLAINS RECREATIONAL SECOND, PTP ADDITIONS, URBAN PLAINS BY BRANDT  
SECOND ADDITION AND AMBER VALLEY WEST FORTH ADDITION TO THE CITY OF  
FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of certain parcels of land lying in Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second, PTP Additions, Urban Plains By Brandt Second Addition and Amber Valley West Forth Addition, Fargo, Cass County, North Dakota; and

WHEREAS, the Fargo Planning Commission approved the rezoning request on February 3, 2015; and

WHEREAS, the rezoning changes were approved by the City Commission on March 2, 2015,

NOW, THEREFORE,

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

Section 1. The following-described property:

All of Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second and PTP Additions;  
and

Lot Two (2) and Lot Three (3), Block One (1) and Blocks Two (2) through Five (5) Urban Plains By Brandt Second Addition to the city of Fargo, Cass County, North Dakota;



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FARGO, NORTH DAKOTA

ORDINANCE NO. 4978

and

Lot Two (2), Block One (1), Amber Valley West Fourth Addition to the city of  
Fargo, Cass County, North Dakota;

is hereby rezoned to extinguish any existing “C-O”, Conditional Overlay zoning districts on this property and to enact a new “C-O”, Conditional Overlay zoning district as follows:

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

1) Description

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

2) Building form and style

- 2.1 Entrances and pedestrian walkway features leading to entrances shall be provided from both the parking areas and the street right-of-way.
- 2.2 All building elevations/façades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.
- 2.3 Ground floor façades of non-residential buildings that face public right-of-way shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of its horizontal length.



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- 2.4 All buildings, regardless of size, shall have clearly-defined, highly-visible, public entrances that connect to public spaces, streets, pedestrian paths and plazas with no fewer than two of the following:
- i. Canopies, awnings or porticos
  - ii. Recesses/projections varying the façade
  - iii. Raised corniced parapets over the door
  - iv. Peaked roof forms
  - v. Arches or arcades
  - vi. Entry courts
  - vii. Raised landscape planters and/or wing walls integrated with the building
- 2.5 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span.
- 2.6 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.
- 2.7 Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other enclosures. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall.
- 2.8 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.
- 2.9 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain



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permanent walls on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

3) Site Design

- 3.1 Parking shall be located in the side yard or rear yard of the buildings so as not to be located between the building and the street right-of-way.
- 3.2 A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 3.3 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
  - i. Parking lots or parking structures
  - ii. Any public sidewalk or multi-use path along the perimeter of the lot
  - iii. Entrances of other buildings on the site
  - iv. Any public sidewalk system along the perimeter streets adjacent to the development
  - v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator

4) Prohibited Uses

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

- 4.1 Portable advertising signs
- 4.2 Detention facilities
- 4.3 Self-service storage
- 4.4 Vehicle repair
- 4.5 Vehicle service, limited
- 4.6 Industrial uses



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4.7 Adult entertainment center

5) Conditional Uses

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

5.1 Off-premise advertising

6) Definitions

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

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

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

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

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

1) Description

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

2) Building form and style

2.1 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Horizontal metal lap siding and vertical metal batten shall be allowed on residential structures but should not exceed 75% of the building elevation.



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2.2 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.

2.3 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

3) Site Design

3.1 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- vi. Parking lots or parking structures
- vii. Any public sidewalk or multi-use path along the perimeter of the lot
- viii. Entrances of other buildings on the site
- ix. Any public sidewalk system along the perimeter streets adjacent to the development
- x. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator.

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



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

s/  
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

s/  
Steven Sprague, City Auditor

First Reading: 3-2-15  
Second Reading: 3-16-15  
Final Passage: 3-16-15



**City of Fargo  
Staff Report**

<b>Title:</b>	NDSU Foundation Addition	<b>Date:</b>	5/28/2017
<b>Location:</b>	Part of the 1600 Block between 12th Street North and University Drive North	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Lots 1-9, 11, and 14-24, Block 8, Chandler's Broadway Addition (Block 1, NDSU Foundation Addition)		
<b>Owner(s)/Applicant:</b>	NDSU Development Foundation/PROffutt LP (Casey Jackson)	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	PUD Final Plan		
<b>Status:</b>	Planning Commission: June 6, 2017		

Existing	Proposed
<b>Land Use:</b> Vacant	<b>Land Use:</b> Group Living & Household Living – Multi-Dwelling Structure
<b>Zoning:</b> SR-3, Single-Dwelling Residential, and MR-2, Multi-Dwelling Residential	<b>Zoning:</b> MR-3, Multi-Dwelling Residential, with a PUD, Planned Unit Development Overlay
<b>Uses Allowed:</b> SR-3, Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities MR-2, Multi-Dwelling Residential allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> MR-3, Multi-Dwelling Residential allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. Plus a PUD to allow office and retail sales & services.
<b>Maximum Density Allowed (Residential):</b> SR-3 allows 8.7 units per acre and MR-2 allows a maximum of 20 dwelling units per acre	<b>Maximum Density Allowed (Residential):</b> MR-3 with proposed PUD overlay would allow a maximum of 32 units per acre

**Proposal:**

The applicant, PROffutt LP, is seeking approval of a PUD Final Plan as outlined in Section 20-0908.D of the Land Development Code. Approval of a PUD Final Plan is the third and final step in the PUD process.

**Background:**

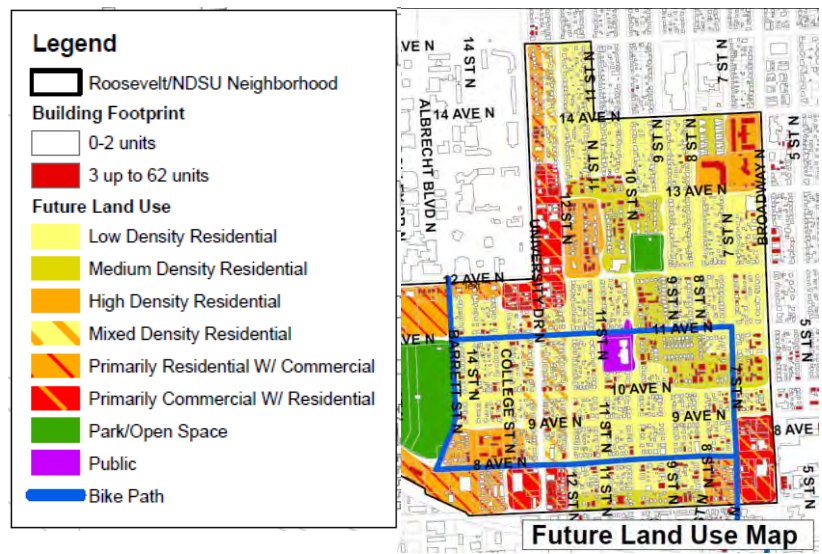
In April, 2017, a zoning map amendment (including the establishment of a PUD overlay) and PUD Master Land Use Plan were approved for the subject property by the City Commission, and the NDSU Foundation Addition subdivision was subsequently approved in May, 2017. The PUD zoning overlay and PUD Master Land Use Plan are the first two steps in the three-step PUD approval process, with the PUD Final Plan being the last step. The purpose of the PUD Final Plan is to confirm that the final development plans are consistent with the intent and layout of the approved PUD.



### Area Plans:

No area plans apply.

Although the subject property is not included within the boundaries of any specific area plan, staff would like to note that the subject property is located two blocks north of the area included within the Roosevelt-NDSU Future Land Use Plan, which was adopted in 2009. This plan identifies the University Drive corridor, south of the subject property, as being appropriate for commercial, high- and mixed-density residential uses.



### Schools and Parks:

**Schools:** The subject property is located within the Fargo School District, specifically within the school boundaries of Washington Elementary, Ben Franklin Middle and Fargo North High schools.

**Parks:** Elephant/Percy Godwin Park (100 19th Avenue N) is located approximately 0.7 miles east of the subject property. Elephant/Percy Godwin Park offers baseball/softball, basketball, grill, multipurpose field, playground, picnic table, restroom, soccer, and tennis facilities.

**Pedestrian / Bicycle:** On-road bike facilities are located on University Drive North and are a component of the metro area bikeways system.

### Staff Analysis:

The applicant has submitted a building permit application to the City, in order to start construction on this project. Staff from the Planning, Engineering, Fire, and Building Inspections Departments are currently reviewing the application to ensure that their development plans meet all applicable City ordinances and standards. Although Planning staff is still working with the applicant to address minor review comments, and the technical review is not yet complete, staff has reviewed enough information to confirm that the construction documents are consistent with the PUD Master Land Use Plan and meet all applicable standards, requirements, and conditions of the PUD Ordinance. Although staff has found that the requirements of the PUD Final Plan have been met, the applicant will still need to submit additional information to staff (such as a photometric lighting study and updated landscape plan) in order for the building permit to be issued.

**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:

- 1. 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 increase in project density or intensity. The PUD Final Plan includes 108 residential units and 5,000 square feet of commercial space. **(Criteria Satisfied)**
- 2. 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 type of housing proposed or the area devoted to nonresidential uses. **(Criteria Satisfied)**



**3. A reduction in the amount of open space;**

The project includes 26.7% open space, which is greater than the minimum 20% open space required by the PUD ordinance. **(Criteria Satisfied)**

**4. 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;**

Access to this PUD was reviewed during the PUD Master Plan process and has not changed. The PUD Master Land Use Plan included three access points: one onto 16<sup>th</sup> Avenue N and two onto 17<sup>th</sup> Avenue N. It should be noted that the applicant had originally included an access point onto 12<sup>th</sup> Street N, but the City Commission voted to approve the PUD with the condition that this 12<sup>th</sup> Street N access point be removed, based on concerns from the neighborhood. **(Criteria Satisfied)**

**5. Any change within 50 feet of any SR or MR zoning district;**

There have been no substantial changes from the PUD Master Land Use Plan. **(Criteria Satisfied)**

**6. Any change determined by the Planning Commission to represent an increase in development intensity;**

Staff finds that there has been no increase in development intensity. **(Criteria Satisfied)**

**7. A substantial change in the layout of buildings.**

The layout of buildings has remained unchanged. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the Planned Unit Development Final Plan, as the proposal complies with Section 20-0908.D of the Land Development Code."

**Planning Commission Decision: June 6, 2017**

**Attachments:**

1. Zoning Map
2. Location Map
3. PUD Master Land Use Plan
4. PUD Ordinance
5. PUD Final Plan Construction Documents



# Plat (Major), Vacation, Zoning Change (MR-2 & SR-3 to MR-3) & PUD

## NDSU Foundation Addition

1600 Block Between  
University Dr N and 12th St N



### Legend

AG	LC	MHP	SR-2
DMU	LC	NC	SR-3
GC	MR-1	NC	SR-4
GL	MR-2	P/I	SR-5
GO	MR-3	UMT	City Limits

Fargo Planning Commission

March 7, 2017



# Plat (Major), Vacation, Zoning Change (MR-2 & SR-3 to MR-3) & PUD

## NDSU Foundation Addition

1600 Block Between  
University Dr N and 12th St N









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FARGO, NORTH DAKOTA

ORDINANCE NO. 5090

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN CHANDLER'S BROADWAY ADDITION,  
FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Chandler's Broadway Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on March 7, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on April 10, 2017,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots One (1) through Nine (9), Lot Eleven (11), Block Eight (8), Chandler's Broadway Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "SR-3", Single-Dwelling Residential, District to "MR-3", Multi-Dwelling Residential, District; with a Planned Unit Development Overlay as set forth in Section 2, below.

Section 2. The following described property:

Lots Fourteen (14) through Twenty-four (24), Block Eight (8), Chandler's Broadway Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "MR-2", Multi-Dwelling Residential, District to "MR-3", Multi-Dwelling Residential, District; with a Planned Unit Development Overlay as follows:



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ORDINANCE NO. 5090

Allowed Uses: In addition to uses allowed within the MR-3 zoning district, the following use categories shall also be allowed:

- Office
- Retail Sales and Services

Residential Density: The maximum residential density allowed shall be 32 dwelling units per acre.

Setbacks:

- The minimum front setback shall be 10 feet.
- The minimum street-side setback shall be 10 feet.

Open Space: The minimum open space shall be 20% of the lot area.

Parking: The minimum off-street parking requirements for residential use categories shall be modified as follows:

- 1- and 2-bedroom units shall require 1.1 parking space per unit.
- 3- and 4-bedroom units shall require 2.4 parking spaces per unit.

Landscaping:

- The Land Development Code requirement that at least 70% of the required open space landscaping be placed in the front and street-side of the property (LDC §20-0705) will be removed. The required number of plant units for the site must still be met.
- In lieu of parking lot perimeter landscaping as required by §20-0705(D) of the Land Development Code, a minimum three-foot-wide buffer may be used. Said minimum three-foot-wide buffer shall contain an opaque fence, wall, or earthen berm with vegetative plantings. The fence, wall, or earthen berm shall have a minimum height of 2.5 feet and a maximum height of 3 feet. Fences or walls may exceed 3 feet in height if the area above 3 feet is at least 50 percent transparent. The buffer shall contain at least 5 plant units per 20 linear feet. These plant units shall not be counted towards meeting the open space landscaping requirements.
- Said buffer or the parking lot perimeter landscaping requirements set forth in §20-0705(D) will be required in parking lot(s) along the property line adjacent to 12<sup>th</sup> Street.

Residential Protection Standards: The building height restrictions of the Residential Protection Standards (LDC §20-0704.D) shall be modified to allow a building height of up to 55 feet when located 76 to 100 feet from Lot 10, Block 8, Chandler's Broadway Addition.



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ORDINANCE NO. 5090

Additional Standards:

- Bicycle parking facilities, such as a bike rack or bike lockers, shall be provided on site.
- An on-site system of pedestrian walkways shall be provided between building entrances and public sidewalks located along the perimeter of the block.
- Building Orientation:
  - 1) At least one primary building entry shall face a public street.
  - 2) The building shall be designed to have exterior walls facing public streets with equal design consideration, to include materials, color, articulation and general aesthetics for the purpose of access and appreciation by the general public.
  - 3) Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows or entrance areas.
- Materials:
  - 1) All walls shall be finished with architectural materials such as brick, glass, stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), steel siding with a ceramic hybrid paint finish, fiber cement siding, or curtain walls.
  - 2) The following materials may not be used other than for purposes of providing accent: insulated metal panels; wood-based materials; asphalt; and decorated concrete block. When these materials are used, the materials must be of commercial grade.
  - 3) The use of architectural metal panels and wood panels for enclosure of mechanical equipment shall be permitted.
- Ground-Floor Transparency:

At least 30 percent of the ground-floor façade of buildings facing University Drive North and at least 15 percent of ground-floor façade of buildings facing all other public streets must be comprised of windows, doors and other transparent elements (e.g. glass block). Calculations shall be based on the total square feet of the elevation of the ground floor.
- Articulation:
  - 1) Offsets
    - a) Building elevation walls facing public street, except store front locations, that are longer than 50 feet wall plane, must have projections and/or recesses having a depth of at least one foot and extending for a minimum of 20% of the length of such walls.
    - b) As to building heights taller than 35 feet, horizontal design features on the building's façade must be incorporated into the building design. Examples of horizontal design features include moldings, balconies, wainscoting, water tables, sills or changes in color, texture or material.



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ORDINANCE NO. 5090

- 2) Architectural features
  - a) The building design shall include integrated design features to avoid monotony, to create visual interest, and to enhance the pedestrian scale, all of which is to be designed to create compatibility with the surrounding neighborhood. Examples of features that can be included are:
    - i) Canopies
    - ii) Cornices
    - iii) Eaves
    - iv) Arched entries, balconies, or breezeway entrances
    - v) Stone or brick accent walls
    - vi) Decorative stone or brick banding
    - vii) Verandas, porches, balconies or decks
    - viii) Projected walls or dormers
    - ix) Variation of roof lines
    - x) Decorative caps or chimneys

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

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

/s/  
Timothy J. Mahoney, Mayor

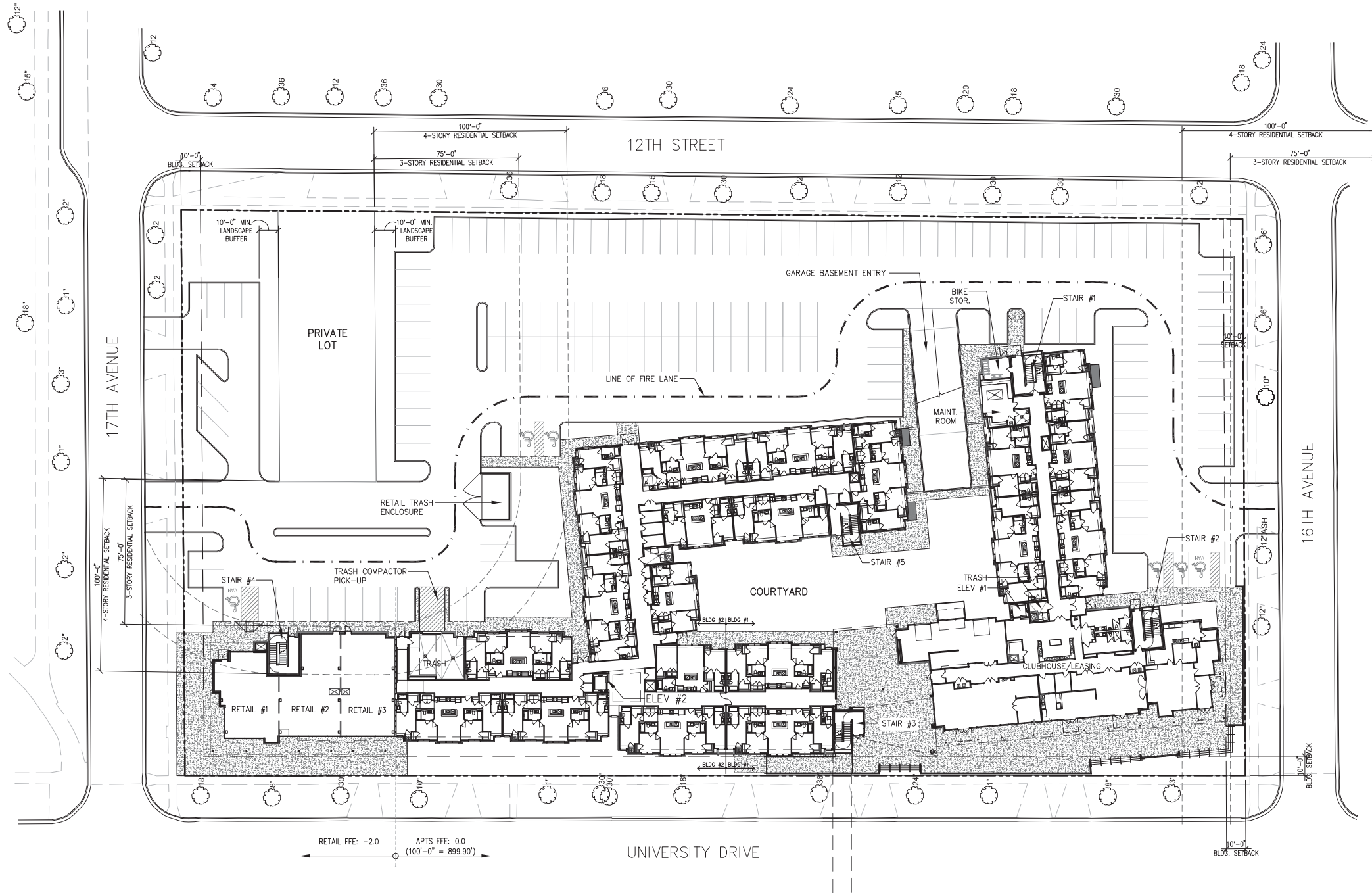
(SEAL)

Attest:

/s/  
Steven Sprague, City Auditor

First Reading: 4-10-17  
Second Reading: 4-24-17  
Final Passage: 4-24-17





1 ARCHITECTURAL SITE PLAN  
1" = 30'-0"

GENERAL SITE PLAN NOTES:

1. REFER TO CIVIL PLANS FOR ALL DIMENSIONS OF SURFACE PARKING AND PAVING, AS WELL AS FINISHED FLOOR ELEVATIONS, SURFACE SITE DRAINAGE.
2. REFER TO CIVIL PLANS FOR H.C. PARKING SIGNAGE AS WELL AS CURB RAMP LOCATIONS AND DETAILS.
3. PROVIDE HANDICAP PARKING STALLS IN ACCORDANCE WITH IBC 2012, FAIR HOUSING ACT GUIDELINES.
4. REFER TO STRUCTURAL DRAWINGS FOR FOUNDATION PLAN & TYPICAL DETAILS.
5. REFER TO LANDSCAPE DRAWINGS FOR POOL & COURTYARD LAYOUTS, PLANTING, RETAINING WALLS, DECORATIVE PAVING, SIDEWALKS, ETC.
6. DIMENSIONS SHOWN ARE FOR REFERENCE ONLY, REFER TO CIVIL DRAWINGS FOR EXACT BOUNDARY AND DIMENSION CONTROL.
7. FINISHED FLOOR ELEVATIONS ARE FOR REFERENCE ONLY. REFER TO CIVIL DRAWINGS.
8. REFER TO ARCHITECTURAL GARAGE PLANS FOR ALL DIMENSIONS OF GARAGE LEVEL PARKING.
9. WHERE FLOOR DRAINS ARE PROVIDED THROUGHOUT THE PROJECT, SLOPE NOT TO EXCEED 2% MAX IN ANY DIRECTION.

FOR REFERENCE ONLY.  
APARTMENT PERMIT UNDER  
SEPARATE SUBMITTAL.



NO.	DATE	REVISION
1	04/28/17	ISSUED FOR FOUNDATION PERMIT

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NDSUF STUDENT HOUSING PROJECT  
FARGO, NORTH DAKOTA  
A Development of  
R.D. OFFUTT COMPANY



VICINITY MAP  
N.T.S.

JOB NO.:	16022
FILE NAME:	6022A101
NOT FOR CONSTRUCTION	
ISSUED FOR PRICING	
X ISSUED FOR PERMIT	
ISSUED FOR CONSTRUCTION	

DRAWING NO.  
A1.01









1 OVERALL BUILDING PLAN - LEVEL 1  
1"=20'-0"



KEY MAP

BUILDING PLAN LEGEND:	
2 HR. FIRE WALL	---
FIRE EXTINGUISHER (SEMI RECESSED)	FE <sub>x</sub>
FIRE EXTINGUISHER (WALL MOUNTED)	FE <sub>w</sub>
A/C CONDENSER PAD	⊗
WALL TYPE	W-1
STAND PIPE	S.P.
AIRSPACE	A.S.
BOLLARD	B
STEEL COLUMN (RE: STRUCT. DWGS. FOR SIZE, PROVIDE 2x6 STUD WALL U.N.O.)	COL.
EXPANSION JOINT	E.J.
FLOOR DRAIN	F.D.
FACE OF STUD	F.O.S.
FACE OF MASONRY	F.O.M.
FACE OF CONCRETE	F.O.C.
TENANT STORAGE	T.S.

FOR REFERENCE ONLY.  
APARTMENT PERMIT UNDER  
SEPARATE SUBMITTAL.



NO.	DATE	REVISION
1	04/28/17	ISSUED FOR FOUNDATION PERMIT

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**NDSUF STUDENT HOUSING PROJECT**  
**FARGO, NORTH DAKOTA**  
A Development of  
**R.D. OFFUTT COMPANY**

JOB NO.:	16022
FILE NAME:	6022A301
NOT FOR CONSTRUCTION	
ISSUED FOR PRICING	
X ISSUED FOR PERMIT	
ISSUED FOR CONSTRUCTION	
DRAWING NO.	A3.01





1 OVERALL BUILDING PLAN - LEVEL 2  
1"=20'-0"



KEY MAP  
N

**BUILDING PLAN LEGEND:**

2 HR. FIRE WALL	---
FIRE EXTINGUISHER (SEMI RECESSED)	FE <sub>x</sub>
FIRE EXTINGUISHER (WALL MOUNTED)	FE <sub>w</sub>
A/C CONDENSER PAD	⊗
WALL TYPE	W-1
STAND PIPE	S.P.
AIRSPACE	A.S.
BOLLARD	B
STEEL COLUMN (RE: STRUCT. DWGS. FOR SIZE, PROVIDE 2x6 STUD WALL U.N.O.)	COL.
EXPANSION JOINT	E.J.
FLOOR DRAIN	F.D.
FACE OF STUD	F.O.S.
FACE OF MASONRY	F.O.M.
FACE OF CONCRETE	F.O.C.
TENANT STORAGE	T.S.

FURR-DOWN TO X'-X"

FURR-DOWN TO X'-X"

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**NDSUF STUDENT HOUSING PROJECT**  
FARGO, NORTH DAKOTA  
A Development of  
R.D. OFFUTT COMPANY

JOB NO.: 16022  
FILE NAME: 6022A302

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X	ISSUED FOR PERMIT
	ISSUED FOR CONSTRUCTION

DRAWING NO.  
**A3.02**

NO. DATE REVISION  
02/20/17 DD SUBMITTAL

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1 OVERALL BUILDING PLAN - LEVEL 3  
1"=20'-0"



## KEY MAP



## BUILDING PLAN LEGEND:

2 HR. FIRE WALL	— — — — —
FIRE EXTINGUISHER (SEMI RECESSED)	 FEx
FIRE EXTINGUISHER (WALL MOUNTED)	 FEx
A/C CONDENSER PAD	
WALL TYPE	<div style="border: 1px solid black; padding: 2px; display: inline-block;">W-1</div>
STAND PIPE	 S.P.
AIRSPACE	A.S.
BOLLARD	B
STEEL COLUMN (RE. STRUCT. DWGS. FOR SIZE, PROVIDE 2x6 STUD WALL U.N.O.)	COL.
EXPANSION JOINT	E.J.
FLOOR DRAIN	F.D.
FACE OF STUD	F.O.S.
FACE OF MASONRY	F.O.M.
FACE OF CONCRETE	F.O.C.
TENANT STORAGE	T.S.

[illegible]

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**A3.03**





1 OVERALL BUILDING PLAN - LEVEL 4  
1"=20'-0"



KEY MAP  
N

BUILDING PLAN LEGEND:	
2 HR. FIRE WALL	---
FIRE EXTINGUISHER (SEMI RECESSED)	FE <sub>x</sub>
FIRE EXTINGUISHER (WALL MOUNTED)	FE <sub>w</sub>
A/C CONDENSER PAD	⊠
WALL TYPE	W-1
STAND PIPE	S.P.
AIRSPACE	A.S.
BOLLARD	B
STEEL COLUMN (RE: STRUCT. DWGS. FOR SIZE, PROVIDE 2x6 STUD WALL U.N.O.)	COL.
EXPANSION JOINT	E.J.
FLOOR DRAIN	F.D.
FACE OF STUD	F.O.S.
FACE OF MASONRY	F.O.M.
FACE OF CONCRETE	F.O.C.
TENANT STORAGE	T.S.
FURR-DOWN TO X'-X"	■
FURR-DOWN TO X'-X"	■

NO.

DATE

REVISION

DD SUBMITTAL

NO.

DATE

REVISION

DD SUBMITTAL

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DATE

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FARGO, NORTH DAKOTA

A Development of

R.D. OFFUTT COMPANY

JOB NO.: 16022

FILE NAME: 6022A304

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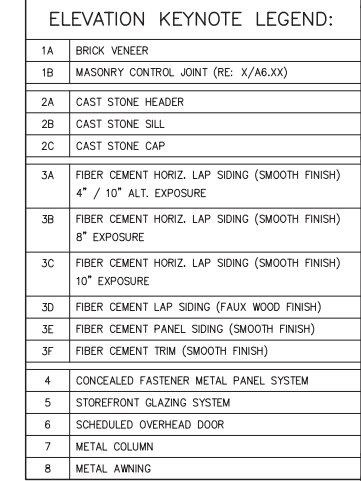
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DRAWING NO.

A3.04

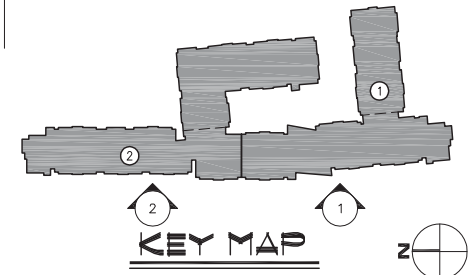
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This architectural drawing shows a detailed elevation of a building facade. The drawing includes various window types, such as double-hung windows and large multi-paned units. Doors are shown at ground level, some with transoms. Structural elements like columns and beams are indicated. Annotations include room numbers (e.g., 2A, 3F), section cut symbols (e.g., 1-A6.02, 2-A6.02), and a scale bar indicating 3/32" = 1'-0".

WEST ELEVATION  
3/32"=1'-0"



Date: 4/28/2017 @ 5:40 P.M. By: rlastimosa

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FILE NAME: 6022A400	
<input type="checkbox"/>	NOT FOR CONSTRUCTION
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<input checked="" type="checkbox"/>	ISSUED FOR PERMIT
<input type="checkbox"/>	ISSUED FOR CONSTRUCTION
DRAWING NO.	
A4.00	





ELEVATION KEYNOTE LEGEND:

1A	BRICK VENEER
1B	MASONRY CONTROL JOINT (RE: X/A6.XX)
2A	CAST STONE HEADER
2B	CAST STONE SILL
2C	CAST STONE CAP
3A	FIBER CEMENT HORIZ. LAP SIDING (SMOOTH FINISH) 4" / 10" ALT. EXPOSURE
3B	FIBER CEMENT HORIZ. LAP SIDING (SMOOTH FINISH) 8" EXPOSURE
3C	FIBER CEMENT HORIZ. LAP SIDING (SMOOTH FINISH) 10" EXPOSURE
3D	FIBER CEMENT LAP SIDING (FAUX WOOD FINISH)
3E	FIBER CEMENT PANEL SIDING (SMOOTH FINISH)
3F	FIBER CEMENT TRIM (SMOOTH FINISH)
4	CONCEALED FASTENER METAL PANEL SYSTEM
5	STOREFRONT GLAZING SYSTEM
6	SCHEDULED OVERHEAD DOOR
7	METAL COLUMN
8	METAL AWNING

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JOB NO.:	16022
FILE NAME:	6022A401
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**A4.01**

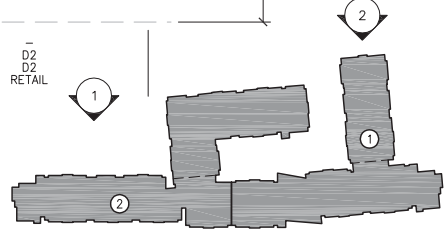




2 EAST ELEVATION  
3/32"=1'-0"



1 EAST ELEVATION  
3/32"=1'-0"



KEY MAP

ELEVATION KEYNOTE LEGEND:	
1A	BRICK VENEER
1B	MASONRY CONTROL JOINT (RE: X/A6.XX)
2A	CAST STONE HEADER
2B	CAST STONE SILL
2C	CAST STONE CAP
3A	FIBER CEMENT HORIZ. LAP SIDING (SMOOTH FINISH) 4" / 10" ALT. EXPOSURE
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3F	FIBER CEMENT TRIM (SMOOTH FINISH)
4	CONCEALED FASTENER METAL PANEL SYSTEM
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JOB NO.: 16022  
FILE NAME: 60222402

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A4.02

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02/20/17 DD SUBMITTAL

DATE  
02/20/17

REVISION  
DD SUBMITTAL

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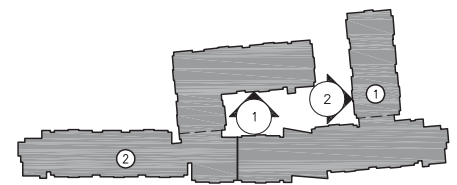
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Architectural elevation drawing of a building facade. The drawing shows four levels (LVL. 1 to LVL. 4) and a basement garage. The facade is divided into several sections, each with different window and door configurations. The drawing includes various annotations such as 'UNIT', 'CORR.', 'BASEMENT GARAGE', and 'STAIR #5'. It also features a series of alphanumeric codes (e.g., 3B, 3A, 3E, 3F, 3C, 3D, 2A, 2B, 2C, 1A, 1B, 1C, 1D, 1E) and a vertical scale on the right side indicating heights from 9'-1 1/8" to 11'-9 7/8".

1A	BRICK VENEER
1B	MASONRY CONTROL JOINT (RE: X/A6.XX)
2A	CAST STONE HEADER
2B	CAST STONE SILL
2C	CAST STONE CAP
3A	FIBER CEMENT HORIZ. LAP SIDING (SMOOTH FINISH) 4" / 10" ALT. EXPOSURE
3B	FIBER CEMENT HORIZ. LAP SIDING (SMOOTH FINISH) 8" EXPOSURE
3C	FIBER CEMENT HORIZ. LAP SIDING (SMOOTH FINISH) 10" EXPOSURE
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3E	FIBER CEMENT PANEL SIDING (SMOOTH FINISH)
3F	FIBER CEMENT TRIM (SMOOTH FINISH)
4	CONCEALED FASTENER METAL PANEL SYSTEM
5	STOREFRONT GLAZING SYSTEM
6	SCHEDULED OVERHEAD DOOR
7	METAL COLUMN
8	METAL AWNING

DRAWING NO.  
**A4.03**

[illegible]

## KEY MAP







2 COURTYARD SOUTH ELEVATION  
3/32"=1'-0"

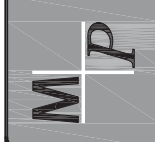


**COURTYARD EAST ELEVATION**  
3/32"=1'-0"

ELEVATION KEYNOTE LEGEND:	
1A	BRICK VENEER
1B	MASONRY CONTROL JOINT (RE: X/A6.XX)
2A	CAST STONE HEADER
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5	STOREFRONT GLAZING SYSTEM
6	SCHEDULED OVERHEAD DOOR
7	METAL COLUMN
8	METAL AWNING

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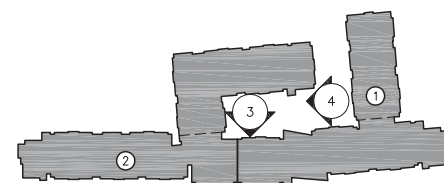
**ND SUF STUDENT HOUSING PROJECT**  
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*A Development of*  
**R.D. OFFUTT COMPANY**

JOB NO.: 16022

FILE NAME: 6022A404

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**A4.04**



## KEY MAP





APPLICABLE BUILDING CODES
2012 INTERNATIONAL BUILDING CODE
2009 UNIFORM PLUMBING CODE (NORTH DAKOTA STATE PLUMBING CODE)
2012 INTERNATIONAL MECHANICAL CODE
2009 INTERNATIONAL ENERGY CONSERVATION CODE
2012 INTERNATIONAL FIRE CODE
2014 NATIONAL ELECTRIC CODE (NEC)
2014 LAWS, RULES AND, WIRING STANDARDS OF NORTH DAKOTA
2009 ANSI A117.1 ACCESSIBLE AND USABLE BUILDINGS & FACILITIES
WITH CITY OF FARGO AMENDMENTS

**NOTE:**  
 PER BRUCE TARALSON, CBO CITY OF FARGO, ON APRIL 18, 2017, PROJECT WILL BE REVIEWED UNDER 2012 CODES SINCE SCHEMATIC DESIGN FOR THE PROJECT WAS INITIATED PRIOR TO 2015 CODES ADOPTION DATE OF AUGUST 29, 2016.

**NOTE:**  
PER BRUCE TARALSON, CBO CITY OF FARGO, ON APRIL 18, 2017, PROJECT WILL BE REVIEWED UNDER 2012 CODES SINCE SCHEMATIC DESIGN FOR THE PROJECT WAS INITIATED PRIOR TO 2015 CODES ADOPTION DATE OF AUGUST 29, 2016.

NORTH DAKOTA STATE UNIVERSITY FOUNDATION STUDENT HOUSING PROJECT-BUILDING CODE DATA - 2012 INTERNATIONAL BUILDING CODE (IBC)															
BLDG. NO.	OCCUPANCY PER SEC. 311.3	TYPE OF CONSTRUCTION	UNITS PER BLDG	FLOOR AREA PER BLDG. (SQ. FT.)	ALLOWABLE BLDG AREA - TABLE 503	BLDG AREA INCREASE PER SEC. 506.3*	NEW ALLOWABLE BLDG. AREA	BLDG. HGT. PROVIDED	ALLOWABLE BLDG. HGT. PER TABLE 503**	AUTO FIRE SPRINKLER (NFPA 13)	AUTO FIRE SPRINKLER (NFPA 13R)	STANDPIPE SYSTEM SEC. 905	TOTAL H.C. SPACES	TOTAL STANDARD SPACES	TOTAL SPACES
GARAGE (BASEMENT)	S-2 (CLOSED)***	TYPE 1A	N/A	37,501	U.L.	-	-	-	U.L.	YES	-	YES	3	83	86

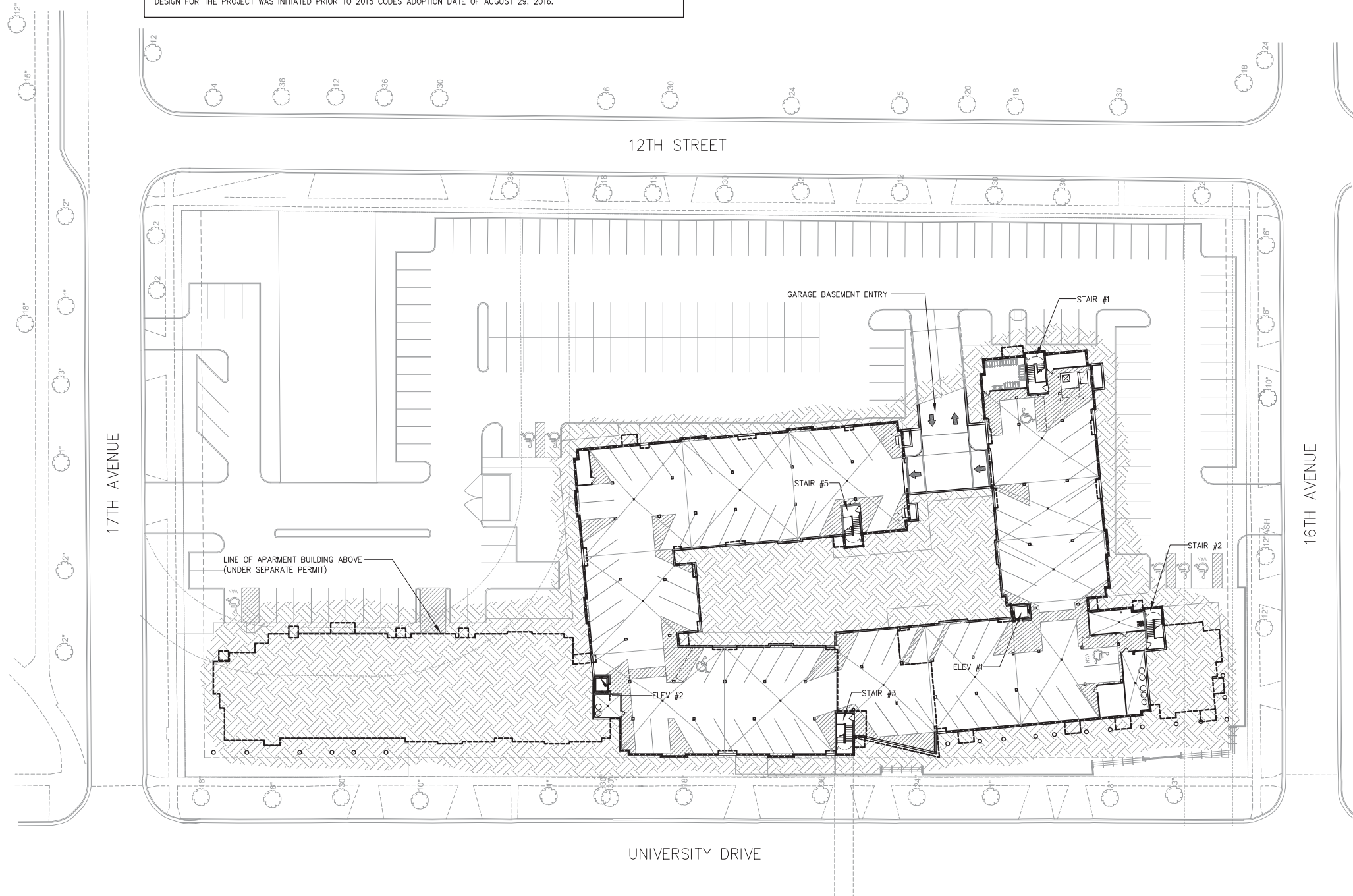
\* BUILDING AREA MODIFICATION - AUTOMATIC SPRINKLER SYSTEM INCREASE (200%) PER SECTION 506.3

\*\* BUILDING HEIGHT MODIFICATION - AUTOMATIC SPRINKLER SYSTEM INCREASE PER SECTION 504.2

\*\*\* CLASS I STANDPIPE SYSTEM PROVIDED BASED ON SECTION 905.3.1, EXCEPTION 1.

\*\*\*\*FULLY MECHANICALLY VENTILATED GARAGE PER 2012 IBC

86 TOTAL SPACES  $\times$  2% (0.02) = 2 REQUIRED (3 PROVIDED)


$$1'' = 30' - 0''$$
[illegible]

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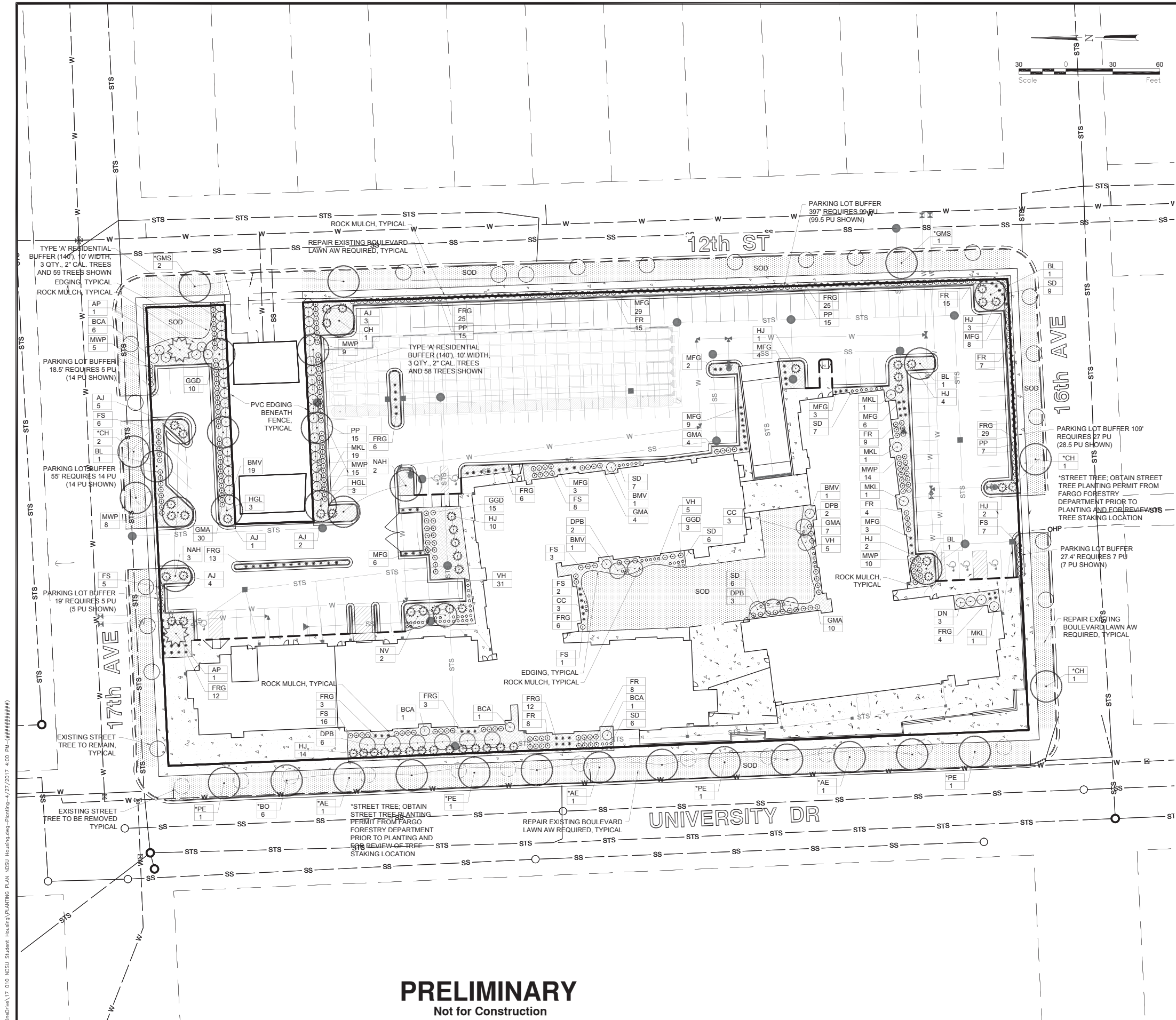
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FILE NAME: 6022G003

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PLANTING LEGEND

SYM	TREES	SIZE	MATURE H x W	QUANTITY
BL	Boulevard Linden (Tilia americana 'Boulevard')	1 1/2" CALIPER, B&B	60' x 30'	4
DPB	Dakota Pinnacle Birch (Betula platyphylla 'Fargo')	1 1/2" CALIPER, CONT.	30' x 8'	13
HGL	Harvest Gold Linden (Tilia x mongolica 'Harvest Gold')	2" CALIPER, B&B	40' x 30'	6
NAH	Northern Acclaim Honeylocust (Gleditsia tricanthos var. inermis 'Harve')	1 1/2" CALIPER, B&B	40' x 35'	5
CH	Common Hackberry (Celtis occidentalis)	1 1/2" CALIPER, CONT.	60' x 50'	5
GMS	Green Mountain Sugar Maple (Acer saccharum 'Green Mountain')	1 1/2" CALIPER, CONT.	60' x 40'	3
AE	Accolade Elm (Ulmus 'Morton')	3" CALIPER, B&B	70' x 45'	3
BO	Bur Oak (Quercus macrocarpa)	3" CALIPER, B&B	70' x 70'	6
PE	Prairie Expedition Elm (Ulmus americana 'Lewis & Clark')	3" CALIPER, B&B	55' x 60'	4
NV	Nannyberry Viburnum (Viburnum lentago -Tree Form)	1 1/2" CALIPER, CONT.	20' x 10'	2
AP	Austrian Pine (Pinus nigra)	4" HL, CONT.	50' x 20'	2
SHRUBS		SIZE		
BCA	Bailey Compact Amur Maple (Viburnum trilobum 'Bailey Compact')	#5 CONT.	-	9
BMV	Blue Muffin Arrowwood Viburnum (Viburnum dentatum 'Christom')	#5 CONT.	-	22
DN	Diablo Ninebark (Physocarpus opulifolius 'Monro')	#5 CONT.	-	3
FR	Frobel Spirea (Spirea x bumalda 'Frobel')	#2 CONT.	-	66
FS	Fritsch Spirea (Spirea fritschiana)	#2 CONT.	-	48
GGD	Garden Glow Dogwood (Cornus hessei 'Garden Glow')	#2 CONT.	-	28
GMA	Green Mound Alpine Currant (Ribes alpinum 'Green Mound')	#2 CONT.	-	55
MKL	Miss Kim Lilac (Syringa patula 'Miss Kim')	#5 CONT.	-	23
MWP	McKay's White Potentilla (Potentilla fruticosa 'McKay's White')	#2 CONT.	-	61
PP	Pygmy Peashrub (Caragana pygmaea)	#2 CONT.	-	52
AJ	Arcadia Juniper (Juniperus sabina 'Arcadia')	#5 CONT.	-	15
HJ	Hughes Juniper (Juniperus horizontalis 'Hughes')	#5 CONT.	-	36
PERENNIALS		SIZE		
FRG	Feather Reed Grass (Calamagrostis acutiflora 'Karl Foerster')	#1 CONT.	-	144
MFG	Flame Grass (Miscanthus sinensis 'Purpureascens')	#1 CONT.	-	73
CC	Cool Cat Catmint (Nepeta subessilis 'Cool Cat')	#1 CONT.	-	6
SD	Stella D'Oro Daylily (Hemerocallis 'Stella D'Oro')	#1 CONT.	-	43
VH	Variegated Hosta (Hosta undulata)	#1 CONT.	-	41

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. \* VERIFY STREET TREE SPECIES AND TREE SPACING/QUANTITIES WITH CITY FORESTER PRIOR TO ORDERING.

FRG	SODDED LAWN
SD	ROCK MULCH AND WEED BARRIER FABRIC

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 AND ANY OTHER REMAINING VEGETATION, AND FINE GRADE ENTIRE SITE PRIOR TO PLANTING. RECEIVE APPROVAL FROM CONSTRUCTION MANAGER FOR APPROVAL OF FINE GRADING.
- ALL PLANTING BEDS ARE TO BE AMENDED WITH 2" DEPTH ORGANIC COMPOST. CONTRACTOR SHALL THOROUGHLY TILL COMPOST INTO TOPSOIL PRIOR TO FINISH GRADING.
- CONTRACTOR SHALL THOROUGHLY LOOSEN ANY COMPACTED SUBGRADES PRIOR TO PLACING TOPSOIL, TO A MINIMUM DEPTH OF 6".
- 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 COMMERCIAL GRADE, PRECAST CONCRETE 'BULLET' STYLE EDGING. INSTALL PER NORMAL INDUSTRY STANDARDS AND AS RECOMMENDED BY MANUFACTURER.
- 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 2" DEPTH OF 1" DIA. BRYAN RED, 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 'PREEN 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.
  - TREES - 5" DIAMETER
  - SHRUBS - 2" DIAMETER
  - PERENNIALS - 18" DIAMETER
- CONTRACTOR SHALL MAINTAIN PLANTING BEDS AND LAWN AREAS FOR A PERIOD OF 1-YEAR UPON COMPLETION OF PLANTING OPERATIONS. MAINTENANCE TO INCLUDE, MOWING, WEEDING, WATERING, REPLACEMENT OF DEAD PLANT MATERIAL UNDER WARRANTY, FERTILIZING, STRAIGHTENING TREES, REPLISHING MULCH, RE-SODDING DEAD LAWN AREAS 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 PLANTING SUMMARY

OPEN SPACE PLANTING:  
SITE IS ZONED MR-3. 3 PLANT UNITS ARE REQUIRED PER 1,000 SF.

TOTAL REQUIRED PLANT UNITS FOR 151,024 SF (151,024 x 3 = 453.07): 453 PLANT UNITS  
70% OF REQUIRED PLANT UNITS BETWEEN BUILDING AND RW NOT REQUIRED PER PUD

OPEN SPACE PLTG.

PLANTS	QTY	X	UNITS =	TOTAL UNITS
TREES DECIDUOUS-LARGE	23	X 10	=	230
TREES EVERGREEN-LARGE	2	X 10	=	20
TREES DECIDUOUS-SMALL	0	X 5	=	0
TREES EVERGREEN-SMALL	2	X 5	=	10
SHRUBS	196	X 1	=	196
PERENNIALS #1	199	X 0.5	=	99.5
PERENNIALS #2	0	X 1	=	0
				555.5 UNITS

RESIDENTIAL BUFFER:  
NO RESIDENTIAL BUFFER REQUIRED.

STREET TREES:  
EXISTING STREET TREES REMOVED AS A PART OF PROJECT ARE TO BE REPLACED WITH NEW STREET TREES.

NOTE:  
FINAL QUANTITIES AND CONFIGURATION OF PLANTING MAY BE ADJUSTED. MINIMUM LDC REQUIREMENTS FOR STREET PLANTING, BUFFER PLANTING AND OPEN SPACE PLANTING WILL BE MAINTAINED.

PRELIMINARY  
Not for Construction

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered Landscape Architect under the laws of the State of North Dakota.

HDA  
Hanson Design Associates, LLC  
Landscape Architecture  
2415 3rd Street North  
Fargo, North Dakota 58102  
ph 701.238.8392

Houston  
Engineering Inc.

Fargo  
P: 701.237.5065  
F: 701.237.5101  
Drawn by JH  
Checked by JH  
Date 4-14-17  
Scale AS SHOWN

NDSU STUDENT HOUSING  
NORTH DAKOTA STATE UNIVERSITY  
FARGO, NORTH DAKOTA

PLANTING PLAN  
PROJECT NO. 6823-012

SHEET  
1 of 1







City of Fargo Staff Report			
<b>Title:</b>	Mid America Steel Addition	<b>Date:</b>	5/31/2017
<b>Location:</b>	North of 19 <sup>th</sup> Avenue North approximately ¼ mile west of 45 <sup>th</sup> Street North	<b>Staff Contact:</b>	Donald Kress, senior planner
<b>Legal Description</b>	Lot 1, Block 1, Mid America Steel Addition		
<b>Owner(s)/Applicant:</b>	Mid America Steel	<b>Engineer:</b>	Wild/CRG Architects
<b>Reason for Request:</b>	Planned Unit Development Final Plan		
<b>Status:</b>	Planning Commission Review: June 6, 2017		

Existing	Proposed
<b>Land Use:</b> Vacant	<b>Land Use:</b> Steel processing facility
<b>Zoning:</b> GI, General Industrial	<b>Zoning:</b> unchanged
<b>Uses Allowed:</b> GI - General Industrial. Allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.  <b>With a Planned Unit Development (PUD) that modifies the allowed uses to:</b> Safety services, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, surface transportation, retail sales	<b>Uses Allowed:</b> unchanged
<b>Maximum Building Coverage Allowed:</b> 85%	<b>Maximum Density Allowed:</b> unchanged

Proposal:
<p>The petitioner is seeking approval of a PUD Final Plan as outlined in Section 20-0908.D of the Land Development Code. Approval of a PUD Final Plan is the third and final step in the PUD process.</p> <p><u>Background:</u>  In December, 2016, a zoning map amendment from AG, Agricultural to GI, General Industrial with a PUD (Planned Unit Development) overlay zoning district was approved by the City Commission for the subject property, along with a PUD Master Land Use Plan. The PUD zoning overlay and PUD Master Land Use Plan are the first two steps in the three-step PUD approval process and the PUD Final Plan is the last step. The purpose of the PUD Final Plan is to confirm that the final development plans are consistent with the intent and layout of the PUD master land use plan (copies of each plan attached).</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: Extraterritorial jurisdiction of Riley's Acres, with agricultural use</li> <li>• East: Zoning in transition, with agricultural use</li> <li>• South: P/I Public and Institutional and GI, General Industrial across 19 Avenue North, with recreational, educational, and vacant land uses</li> <li>• West: AG: Agricultural, with agricultural use</li> </ul>



**Area Plans:**

The subject property is located within the 2007 Growth Plan. The entire subject property is now designated "Industrial," due to a growth plan amendment approved in December, 2016.

**Schools and Parks:**

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

**Parks:** The subject property is more than 2 miles west of Pepsi Hector Soccer Complex (3101 Highway 81 N) with the amenities of concessions, multipurpose field, picnic table, playground, restroom and soccer and more than 2 miles west of Madison Park (3010 11th Avenue N) with the amenities of baseball, softball, basketball, outdoor skating, warming house, playground, shelter, and soccer.

**Pedestrian / Bicycle:** Off-road bike facilities are located along 45th Street North and is a component of the metro area trail system.

**Staff Analysis:**

The applicant has submitted a building permit application to the City, in order to start construction on this project. Staff from the Planning, Engineering, Fire, and Building Inspections Departments are currently reviewing the application to ensure that their development plans meet all applicable City ordinances and standards. Although Planning staff is still working with the applicant to address minor review comments, and the technical review is not yet complete, staff has reviewed enough information to confirm that the construction documents are consistent with the PUD Master Land Use Plan and meet all applicable standards, requirements, and conditions of the PUD Ordinance. Although staff has found that the requirements of the PUD Final Plan have been met, the applicant will still need to submit additional information in order for the building permit to be issued. Please note that Planning Commission approval of this PUD Final Plan is not an approval of the building permit.

**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:

1. **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)**
2. **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 amount of land devoted to nonresidential uses. The PUD is intended to accommodate future expansion as noted in the PUD ordinance and depicted on the PUD final plan. **(Criteria Satisfied)**
3. **A reduction in the amount of open space;**  
Open space has remained unchanged. **(Criteria Satisfied)**
4. **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;**  
Access to this PUD was reviewed during the PUD Master Plan process and has not changed. **(Criteria Satisfied)**
5. **Any change within 50 feet of any SR or MR zoning district;**  
This project site is not within 50 feet of any SR or MR zoning district. **(Criteria Satisfied)**
6. **Any change determined by the Planning Commission to represent an increase in development intensity;**  
Staff suggests that there has been no increase in development intensity. **(Criteria Satisfied)**



**7. A substantial change in the layout of buildings.**

There has been no substantial change in the layout of the buildings. **(Criteria Satisfied)**

**Staff Recommendation:**

"To accept the findings and recommendations of staff and hereby approve the Planned Unit Development Final Plan, 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 Decision: June 6, 2017**

**Attachments:**

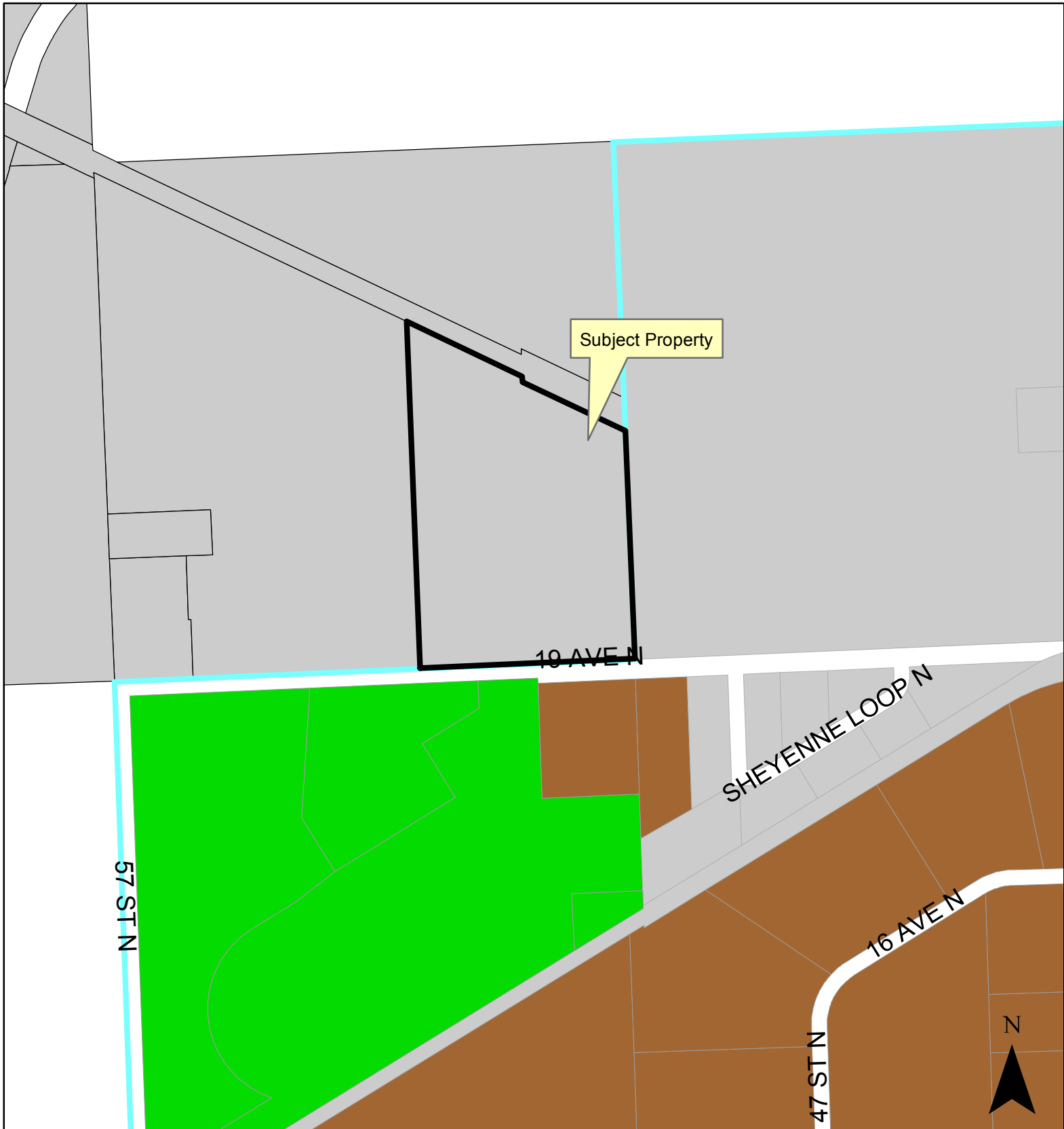
1. Zoning Map
2. Location Map
3. PUD Master Land Use Plan
4. PUD Ordinance
5. PUD Final Plan



# PUD, Plat (Major), Growth Plan Amendment, Zone Change (AG to GI)

## Mid America Steel Addition

5617 19th Avenue North



### Legend

AG	LC	MHP	SSP-2
DMU	MR-1	NC	SSP-3
GC	MR-2	NO	SSP-4
GI	MR-3	P/I	SSP-5
GO		UMU	SSP-6
			City Limits

300  
Feet

Fargo Planning Commission  
November 1, 2016



# PUD, Plat (Major), Growth Plan Amendment, Zone Change (AG to GI)

## Mid America Steel Addition

5617 19th Avenue North







0 100  
Scale in Feet

ORIGINAL PLAN SIZE - 22" X 34"  
HALF SIZE PLAN SIZE - 11" X 17"

#### LEGEND

- CONCRETE PAVEMENT
- GRAVEL PAVEMENT
- LANDSCAPING AREA
- PRAIRIE GRASSES
- OPEN SPACE

FARGO RELOCATION  
MID AMERICA STEEL  
FARGO, NORTH DAKOTA

SITE PLAN - SINGLE DRIVEWAY

-0-  
DRAWING TYPE  
EXHIBIT  
PREPARED BY  
ABC  
CHECKED / APPROVED  
DEF / GHI  
DATE  
OCTOBER 2016  
PROJECT NUMBER  
P13254-2016-00  
SHEET  
X of 01  
DRAWING  
SP2



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FARGO, NORTH DAKOTA

ORDINANCE NO. 5074

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN MID AMERICA STEEL ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Mid America Steel Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on November 1, 2016; and,

WHEREAS, the rezoning changes were approved by the City Commission on December 5, 2016,

NOW, THEREFORE,

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

Section 1. The following described property:

All of Mid America Steel Addition to the city of Fargo, Cass County, North Dakota,

is hereby rezoned from “AG”, Agricultural, District to “GI”, General Industrial, District with a Planned Unit Development overlay as follows:

Mid America Steel (“MAS”) is proposing to build an approximately 186,000 square foot metal fabrication facility on approximately 37.40 acres of land located North of and adjacent to 19<sup>th</sup> Avenue North, and between 45<sup>th</sup> and 57<sup>th</sup> Streets. This facility will replace its current facility acquired by the City of Fargo and Diversion Authority in downtown Fargo. The development parcel is larger than needed for MAS’s immediate uses because of the following inter-related factors: minimum acreage and shape of parcel MAS’s seller was willing to sell (straight West boundary); shape of land in area MAS’s seller was willing to sell (North boundary angled because of BNSF RoW); North boundary dimension needed to accommodate rail spur/siding; and the powerline easement currently located on the east end of the parcel. This over-sizing creates future expansion capabilities, but greatly in excess of any anticipated needs. The over-sizing also creates a



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ORDINANCE NO. 5074

harsh application of certain GI performance criteria. The PUD will include the site plan for the development that was approved by the Fargo Planning Commission on November 1, 2016 and is incorporated herein by reference. The PUD will, generally, apply the GI performance criteria, except as otherwise provided below:

	<b>Mid America Steel PUD</b>		
	<b>GI</b>	<b>PUD</b>	<b>NOTES</b>
Allowed Uses	Current LDC allowed uses for GI include: Detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.	Allowed uses under PUD limited to: Safety services, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, surface transportation, <i>retail sales</i>	Several GI permitted uses are eliminated to reflect this industrial-focused project, and "Retail sales" is added because the public can order and purchase items from MAS's city desk.
Lot Size	none	<i>no change</i>	
Residential Density	none	<i>no change</i>	



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Residential Protection Standards		<i>Development need not comply with residential protection standards of LDC §20-07-04.</i>	No future residential development is designated to the south, east, or west; the project site is separated from any future development to the north by the railroad line.
Setbacks	50' front and rear, and 20' sides.	50' front, 20' sides and zero rear. PUD will require no rear setback.	The rear yard abuts BNSF RoW and will contain spur/siding infrastructure to the lot line.
Max. Height	none	<i>no change</i>	
Building Coverage	85%	<i>no change</i>	
Landscaping - Planting Units	1 per 1,000 SF Lot	<i>1 per 2,000 SF Lot</i>	Lot size 1,629,232 SF, thus GI would require 1,629 Planting Units. The rear of site is bordered by BNSF RoW and thus landscaping/buffering not useful there. Expansion or additional building areas undetermined at this time. Planting Units will be concentrated in front of property to provide aesthetic value and screening where most-warranted, to satisfy boulevard planting requirements, to compliment large native grass area and to best-ensure their preservation in the event of future expansions or buildings.



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Outdoor parking, drive areas and storage areas	All Outdoor parking, drive areas and storage areas paved	All Outdoor parking and primary drive areas concrete or asphalt paved. <i>Most outdoor storage areas and drive areas adjacent thereto Class V or similar surface as denoted in the said site plan.</i>	The areas proposed to be surfaced in Class V or similar are the most-likely to change with expansion or new buildings. Also, the size and proposed uses of such areas don't make concrete or asphalt paving cost-effective.
Accesses	2	2, but 1 potentially gated/controlled to address spacing/alignment concerns, if any.	With existing curb-cuts South of 19 <sup>th</sup> Ave., and based on Seller's sales parcel configuration requirements, it not possible to provide a secondary access that meets spacing requirements. Several secondary access location options presented. In order to mitigate concerns for secondary access not lining up with curb cuts to South and/or minimum spacing requirements, if any, MAS willing to install gates at entrance to secondary access point, with gate code provided to emergency services, and keep area free from snow and other obstructions.
Parking - Office/Admin	1 space per 300 SF	<i>no change</i>	12,000 SF Office/Admin area
Parking - Indoor storage/manufacturing	1 space per 2500 SF	<i>no change</i>	176,000 SF fabrication and cold storage



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ORDINANCE NO. 5074

Parking - All other uses	not in code	1 space per 2,500 SF	Other permitted uses are also industrial- focused uses.
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Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

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

(SEAL)

Attest:

/s/  
Steven Sprague, City Auditor

/s/  
Timothy J. Mahoney, Mayor

First Reading: 12/5/16  
Second Reading: 12/19/16  
Final Passage: 12/19/16



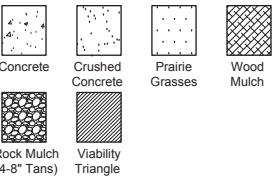
General Site Notes

1. Coordinate all work with plans, specs, notes and dimensions - Civil, Structural, Architectural, Mechanical, and Electrical.
2. All new work to be constructed and seamlessly integrated with existing surrounding.
3. Follow all City of Fargo codes, guidelines, dimensions, and requirements unless specifically noted otherwise.
4. Refer to Roof Plan sheets for below grade drainage from roof scuppers.
5. All overhead door openings to have 6" steel pipe bollards (1/4" wall) concrete filled, 4" deep, cast in 1' concrete piers with 5' exposed above grade and painted (typical of ??)

Site Plan Keynotes

- 1 Concrete pier with exterior light pole - see Detail 7/A4.5 (typical of 5)
- 2 3'-0" Deep concrete pier with flagpole and lighting - refer to spec for manufactures installation requirements, and electrical drawings for lighting info
- 3 ADA Parking signage (typical of 4)
- 4 Electrical transformer and connection cabinet
- 5 ADA Accessible parking spaces and painted pavement markings (typical of 4)
- 6 Painted pavement markings for parking (spaces to be 10'x20' typical)
- 7 Street trees planted 50' O.C. based on City of Fargo requirements
- 8 BNSF Rail spur - see coordinate with Civil drawings and specs
- 9 Future monumental signage location - see electrical drawings for requirements
- 10 4'x5' Concrete frost stoops - coord. with structural and civil drawings - typical at all man-doors around building
- 11 Fire lane signage - coord. with Civil.
- 12 Concrete pad for gas storage tanks - verify final layout with Design-Builder. Tanks and piping by Owner's vendor. Fence, gate, doors, and bollards provided by Owner and installed by contractor.
- 13 Gas meter - coordinate with mechanical drawings. OFCI Steel bollards.

Site Materials Key

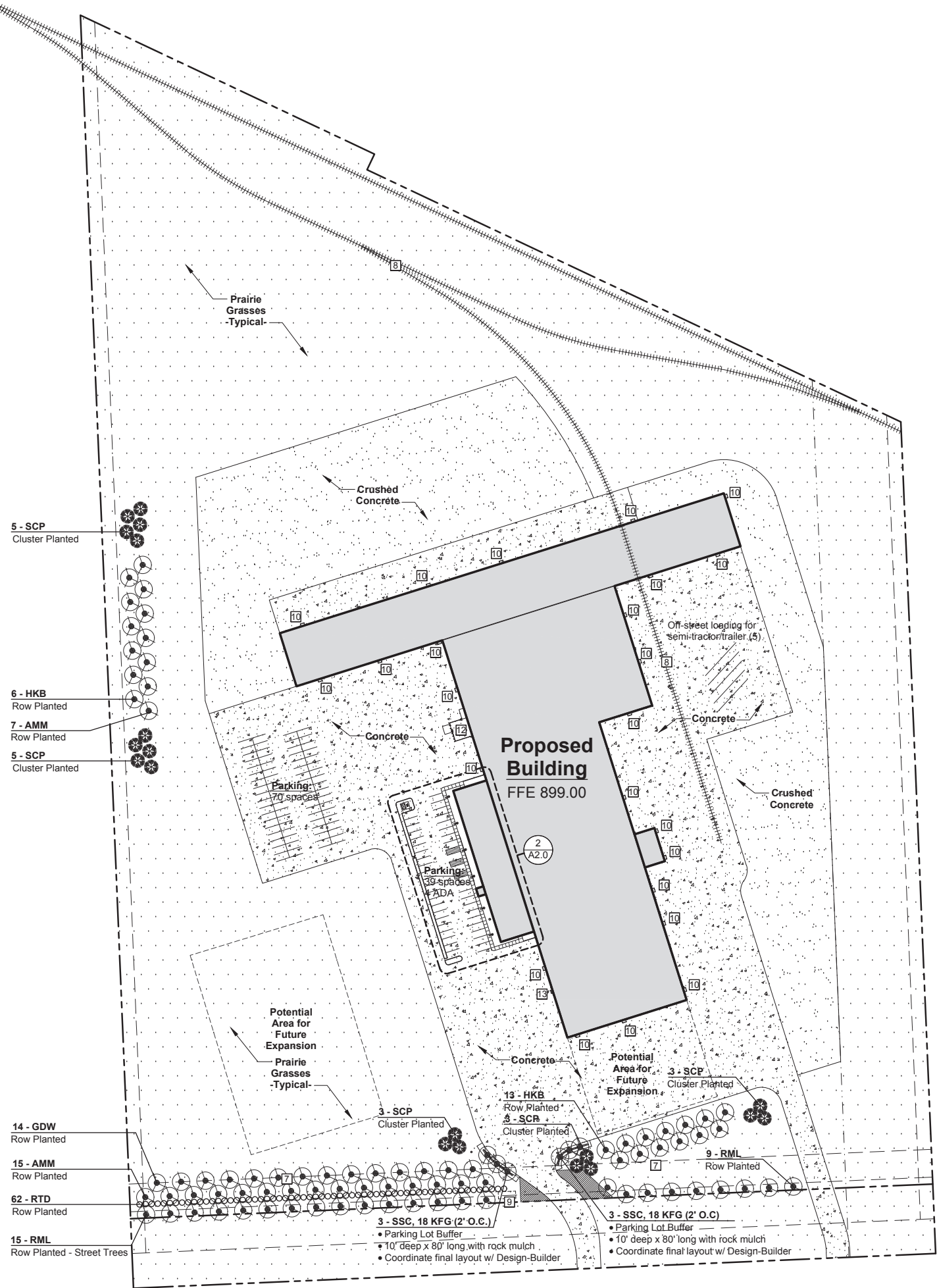


Plantings Schedule

Large Coniferous Trees		Size	Qty.
SCP	Scotch Pine	1-1/2" CAL.	19
Large Deciduous Trees		Size	Qty.
HKB	Hackberry	1-1/2" CAL.	19
GDW	Golden Willow	1-1/2" CAL.	14
Small Deciduous Trees		Size	Qty.
AMM	Amur Maple	1-1/2" CAL.	22
SSC	Spring Snow Crab	1-1/2" CAL.	6
Street Trees		Size	Qty.
RML	Redmond Linden	3" CAL.	24
Shrubs			
SMC	Spirea Magic Carpet	2 GAL.	36
KFG	Karl Forester Grass	2 GAL.	100
GMD	Grand Masterpiece Daylily	2 GAL.	24
RTD	Red Twigg'd Dogwood	2 GAL.	62

COMMENTS:

- Land Development Code requires 816 planting units
- (24) RML Street Trees do not count towards planting units
- (6) SSC Trees and (36) KFG Shrubs for Parking Lot Perimeter Landscaping do not count towards planting units.
- (52) Large Trees = 520 Planting Units
- (22) Small Trees = 110 Planting Units
- (186) Shrubs = 186 planting units
- Total Planting Units = 816
- (70% are located with the front/street side setback)

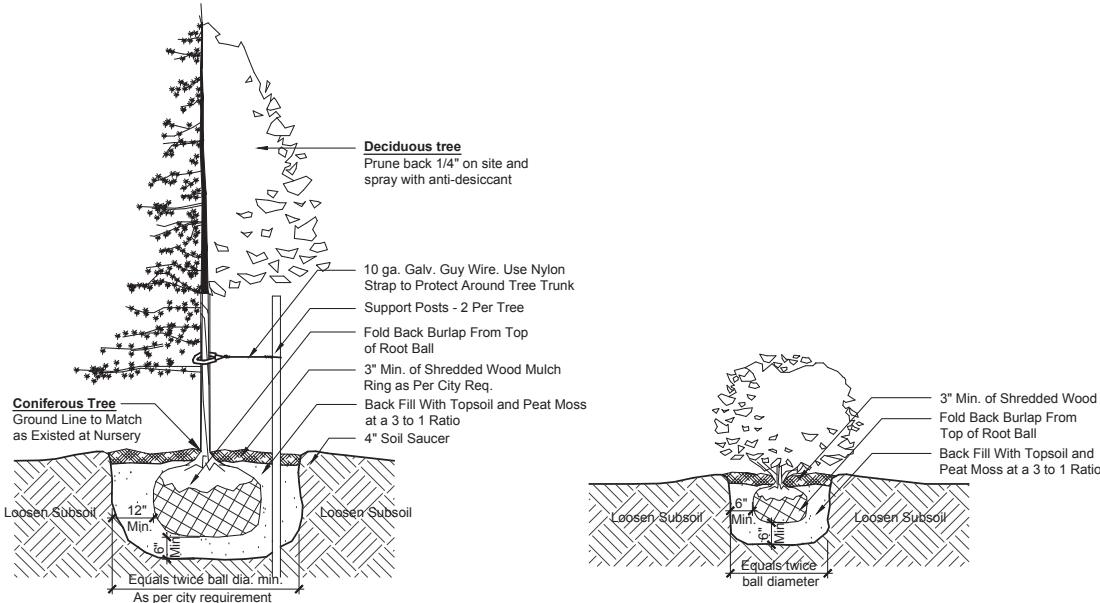


1 Site & Landscaping Plan

Site Plan Not to Scale

2 Enlarged Site & Landscaping Plan at Office Building

Scale: 1" = 20'-0"



3 Tree Planting Detail

1/2" = 1'-0"

4 Shrub Planting Detail

1/2" = 1'-0"



**ITEM E(3)(a) and (b)**

Materials relating to these two agenda items will be distributed by e-mail prior to the Planning Commission meeting.