

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/citycommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, January 28, 2019).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Golden Valley Second Addition.
- 2. Skyway Use Agreement with DFI BC LLC.
- 3. Applications for property tax exemptions for improvements made to buildings:
 - a. Steven K. and Michele T. Anderson, 2220 Centennial Rose Drive South (3 year).
 - b. Richard and Stephanie Kopp, 901 8th Street North (5 year).
 - c. Banner LLC, 222 Broadway North (5 year).
 - d. Warner Investment Corporation, 318 Broadway North (5 year).
 - e. Matthew J. and Jennifer A. Braun, 1129 1st Street North (5 year).
 - f. Kali R. Frankhanel and Justyn T. Armentrout, 1546 13 1/2 Street South (5 year).
 - g. Matthew and Kayla Flann, 1833 17th Street South (5 year).
 - h. Andrew and Apryl Zetocha, 1023 5th Street South (5 year).
 - i. Paula Kay Henry and Robert Giles, 1533 9th Avenue South (5 year).
- 4. Site authorization for Prairie Public Broadcasting, Inc. at Bison Turf.
- 5. Applications for Games of Chance:
 - a. NDSU Men's Lacrosse Team for a raffle on 3/22/19.
 - b. Dakota Se Chapter of Pheasants Forever, Inc. for a raffle board on 3/3/19.
 - c. NDSU Climbing Club for a raffle on 3/8/19.
 - d. Red River VW Club for a raffle on 7/27/19.
 - e. Charism for a raffle on 2/14/19.
 - f. Fargo Moorhead Derby Girls for a raffle on 3/9/19.
 - g. Red River Valley Figure Skating Club for a raffle on 3/10/19.
- 6. Contract award for consulting services to Flint Communications, Inc. in association with Project No. MS-19-B0.
- 7. Agreements – Engineering Technician I with Peggy Amsbaugh and Dana Johnson.

Concur with the Consultant Selection Committee's recommendations for the selection of consultants for the Master Services Agreements, as presented (Project No. MS-19-A0).

9. Final Balancing Change Order No. 2 in the amount of \$10,054.50 for Improvement District No. SN-17-A1.
10. Bid advertisement for Project No. PR-19-A.
11. Bid award for Tree Injection Services - 2019 (RFP19008).
12. Agreement with Kara Gloe for Assistant Planner Services.
13. Resolution Approving Plat of Rocking Horse East Fourth Addition.
14. Acceptance of the grant award from the Fargo Force Hockey Organization in the amount of \$7,500.00 for the Fargo Police Department to equip squad cars with medical kits.
15. Bid award for Water Main Materials, Miscellaneous Materials, Fire Hydrants/Parts and Miscellaneous Street Materials (RFP19009).
16. Bid award for lease/purchase of one crawler dozer (RFP19016).
17. Bills.
18. Change Order No. 4 for an increase of \$45,607.22 for Improvement District No. BR-17-C1.
19. Change Order No. 2 for an increase of \$5,480.26 and a 17-day time extension for Improvement District No. NR-18-A1.
20. Change Order No. 1 for an increase of \$108,725.46 and an 8-day time extension for Improvement District No. BN-18-F2.
21. Negative Final Balancing Change Order No. 4 in the amount of -\$143,972.65 for Improvement District No. PR-18-C1.
22. Negative Final Balancing Change Order No. 3 in the amount of -\$102,103.74 for Improvement District No. BR-17-A1.
23. Create Improvement District No. PR-19-E.

REGULAR AGENDA:

24. Appointments to the City Hall-Auditorium Commission.
25. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
 - a. Costs totaling \$105,433.98.
 - b. Costs totaling \$121,908.95.
26. Request for Proposals for City owned property located at 1-2nd Street South.
27. Public Hearings – 5:15 pm:
 - a. NSC Addition (5703 and 6101 45th Street North); approval recommended by the Planning Commission on 9/4/18:

1. Growth Plan Amendment.
 2. Zoning Change from AG, Agricultural to P/I, Public and Institutional.
 3. 1st reading of rezoning Ordinance.
 4. Plat of NSC Addition.
- b. Special assessments of sewer repairs.
- c. Application filed by CI Sport, Inc. for a property tax exemption for a project located 2121 43rd Street South which the applicant will use in the operation of designing and marketing collegiate and corporate apparel.
28. St. Paul's Newman Center Addition (1113, 1117, 1119, 1129, 1131 and 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142 and 1146 12th Street North; 1201, 1211, 1213, 1215 and 1223 11th Avenue North); approval recommended by the Planning Commission on 12/4/18; continued from the 1/14/19 Regular Meeting:
- a. Zoning Change from MR-3, Multi-Dwelling Residential, LC, Limited Commercial and SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay.
 - b. 1st reading of rezoning Ordinance.
 - c. Planned Unit Development Master Land Use Plan.
 - d. 1st reading of Ordinance Establishing a Planned Unit Development.
 - e. Plat of St. Paul's Newman Center Addition.
29. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 25-1606 of Article 25-16 of Chapter 25 of the Fargo Municipal Code Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages (Class "B-Limited" Alcoholic Beverage License).


People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/citycommission.

24

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY MAHONEY 

DATE: FEBRUARY 1, 2019

SUBJECT: APPOINTMENTS TO THE CITY HALL-AUDITORIUM COMMISSION

The terms of Billy Nustad and Daniel J. Olson on the City Hall-Auditorium Commission expired on January 1, 2019. Mr. Nustad and Mr. Olson are willing to continue their service and I am recommending that they be reappointed.

Your favorable consideration of this recommendation is greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Billy Nustad and Daniel J. Olson for three-year terms ending January 1, 2022.

wwappt19chac

25a

TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE *KC*
RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL
DATE: January 24, 2019

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for December 2018.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$105,433.98.

January 24, 2019

Garland Erbele, P.E.
 North Dakota State Water Commission
 900 East Boulevard Avenue, Dept 770
 Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #81 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from December 1, 2018 to December 31, 2018. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$105,433.98.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$244,000,000	\$188,232,973.85	\$210,867.96	50%	\$105,433.98	\$55,661,592.18

Project Narrative, this request:

Project Number	Project Description
V01701	Purchase vacant lots for OHB Levee Project
V03801	Pay Application #5 for WP 42E.2E – Schnell Drive & Oxbow Country Club Removals

We certify that \$79,166,117 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,



Kent Costin
 Director of Finance, City of Fargo
 Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project
 Summary of Cash Disbursements Eligible for SWC Funding
 December 2018 - OHB Levee Related Costs**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	12/13/2018	293129	SCHMIDT AND SONS CONSTRUCTION INC	15,558.90	Retainage PO 193314	V03801	DEMO SCHNELL DR & OCC
			Total Retainage	15,558.90			
790-7930-429.71-30	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	121,941.38	ANDERSON, BOTTRELL, SANDE	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	58,095.68	ANDERSON, BOTTRELL, SANDE	V01701	ND LAND PURCH-OUT OF TOWN
			Total LERRDS - North Dakota - Land	180,037.06			
790-7930-429.73-20	12/13/2018	293129	SCHMIDT AND SONS CONSTRUCTION INC	15,272.00	SCHNELL DR & C CLUB DEMO	V03801	DEMO SCHNELL DR & OCC
			Total LERRDS - North Dakota - Site Improvements	15,272.00			
			Total Expense for Period	210,867.96			

256

TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE *KC*
RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL
DATE: January 24, 2019

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$121,908.95.

January 24, 2019

Garland Erbele, P.E.
 North Dakota State Water Commission
 900 East Boulevard Avenue, Dept 770
 Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #80 pursuant to the terms and conditions of House Bill 1020 for costs incurred from December 1, 2018 to December 31, 2018 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$121,908.95.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$244,000,000	\$188,111,064.90	\$243,814.90	50%	\$121,908.95	\$55,767,026.16

Project Narrative, this request:

Project Number	Project Description
V02823	Pay Application #6 for WP42G – General Landscaping & Plantings along In-Town Flood Walls
V02825	Pay Application #1 for WP42E – 2 nd St S and Main Ave Flood Mitigation

We certify that \$79,166,117 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,



Kent Costin
 Director of Finance, City of Fargo
 Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project
 Summary of Cash Disbursements Eligible for SWC Funding
 December 2018**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	12/20/2018	293241	INDUSTRIAL BUILDERS INC	(26,214.28)	FLOOD MITIGATION	V02825	2ND ST S FLOOD MITIGATION
790-0000-206.10-00	12/13/2018	293045	HOFFMAN & MCNAMARA NURSERY&LANDSCAP	(415.24)	LANDSCAPE & PLANTING	V02823	LANDSCAPING & PLANTINGS
			Total Retainage	(26,629.52)			
790-7950-429.73-52	12/20/2018	293241	INDUSTRIAL BUILDERS INC	262,142.75	FLOOD MITIGATION	V02825	2ND ST S FLOOD MITIGATION
			Total ND Construction - Flood Control	262,142.75			
790-7950-429.73-66	12/13/2018	293045	HOFFMAN & MCNAMARA NURSERY&LANDSCAP	8,304.67	LANDSCAPE & PLANTING	V02823	LANDSCAPING & PLANTINGS
			Total ND Construction - Landscaping	8,304.67			
			Total Expense for Period	243,817.90			



26

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: JIM GILMOUR, DIRECTOR OF STRATEGIC PLANNING AND RESEARCH

DATE: FEBRUARY 6, 2019

SUBJECT: FUTURE USE AND SALE OF CITY LAND

The Finance Committee is recommending that the City of Fargo call for proposals for the development of city owned property at 1 – 2nd Street South. This is a portion of the site of the Park East Apartments acquired for flood control projects.

The Engineering Department has identified a segment of the property that is not needed for the flood control projects. This segment of the property is 54,089 square feet and while a contractor for the flood control project is using a portion of this property, the site will be vacated by the end of July.

An adjacent property owner has expressed an interest in developing this site and is prepared to redevelop the site beginning this summer. Other developers may also be interested in developing the site.

I have prepared the attached Request for Proposals (RFP) for the property. The minimum purchase price is \$541,000.00. Selection criteria includes the proposed purchase price, the proposed development and the timeline for development. The City reserves the right to reject any or all proposals.

RECOMMENDED MOTION: To approve the Request of Proposals for 1 – 2nd Street South.

Attachment



CITY OF FARGO
REQUEST FOR PROPOSALS
Issued: February 12, 2019

Request for Development Proposals – 1 – 2nd Street South

I. **PURPOSE**

The City of Fargo is seeking proposals from qualified developers, development groups and/or investment groups to develop city-owned property at 1 – 2nd Street South. The City intends to sell the property for development.

II. **DEVELOPMENT GOALS**

The City's development goals for the property are as follows:

- High quality new construction and a structure(s) with a mix of uses (commercial and residential) and an attractive building fitting for one of the high traffic entrances into Fargo.
- A scale of development with consideration to the surrounding development.

III. **PROPOSAL CONTENT**

A. **Proposal**: The intent of the RFP is to assess and evaluate each respondent's capabilities, qualifications and conceptual development schematic. Proposals will be evaluated based on the criteria outlined in this RFP. Interested respondents shall include a memorandum describing said interest **and** shall also include the following:

- **Cover Letter**: A letter signed by a principal or authorized representative whom can make legally binding commitments on behalf of the entity or entities.
- **Project Schematic**: A description (narrative) as well as preliminary schematic plans and renderings of the proposed redevelopment concept. At minimum, schematic plans should depict the overall development plan inclusive of details such as building sizes, square footage of specific components, number of parking spaces, materials and design style, circulation patterns, loading/service provisions and a description of the timing for any phased improvements.
- **Identification of Entity(ies)**: Proposals shall outline a description of each entity(ies) involvement in the project. A profile of relevant experience shall be included specific to projects completed, location, type of development, project cost, financial capacity, project status and funding sources.
- **Requested Incentives**: Describe if Renaissance Zone or other Incentives are needed.
- **Main Avenue Access**: Describe the type of access needed to Main Avenue.
- **Timeline**: A proposed process and schedule to complete the project.
- **Purchase Price**: (Minimum of \$541,000).

IV. DESCRIPTION OF THE PROPERTY

- Address: 1 - 2nd Street South
- Property Description: The property is a remnant of a parcel of land the city purchased for a flood protection project. A map showing the description and location is attached. The City will work with the purchaser of the property to replat the property at the time of the sale.
- Lot Size: 54,089 square feet
- Zoning: Downtown Mixed-Use (DMU). Note that within the DMU zoning district there are no height restrictions or building setback requirements.
- Renaissance Zone: The property is located in the Renaissance Zone, and the developer can expect to qualify for Renaissance Zone incentives.
- Opportunity Zone: The property is located in an Opportunity Zone, and the project may attract investment by Opportunity Zone Funds.
- Availability of Land: The land will not be available for use until August 1, 2019. A contractor is using the site as a staging area for a flood control project until that date.

V. SUBMITTAL INSTRUCTIONS

- A. Proposals will be accepted up until 4:30 p.m. on Tuesday March 19, 2019. Proposals should be directed to the following address or submitted electronically (PDF) to the City of Fargo at JGilmour@FargoND.gov. Any questions can be directed to Jim Gilmour, by phone at 701.241.1476 or by email at jgilmour@FargoND.gov.

*City of Fargo
Attn: Administration Department
225 4th Street North
Fargo, North Dakota 58102*

VI. TERMS / CONDITIONS

- A. The City reserves the right to reject any or all proposals.

VII. SELECTION CRITERIA

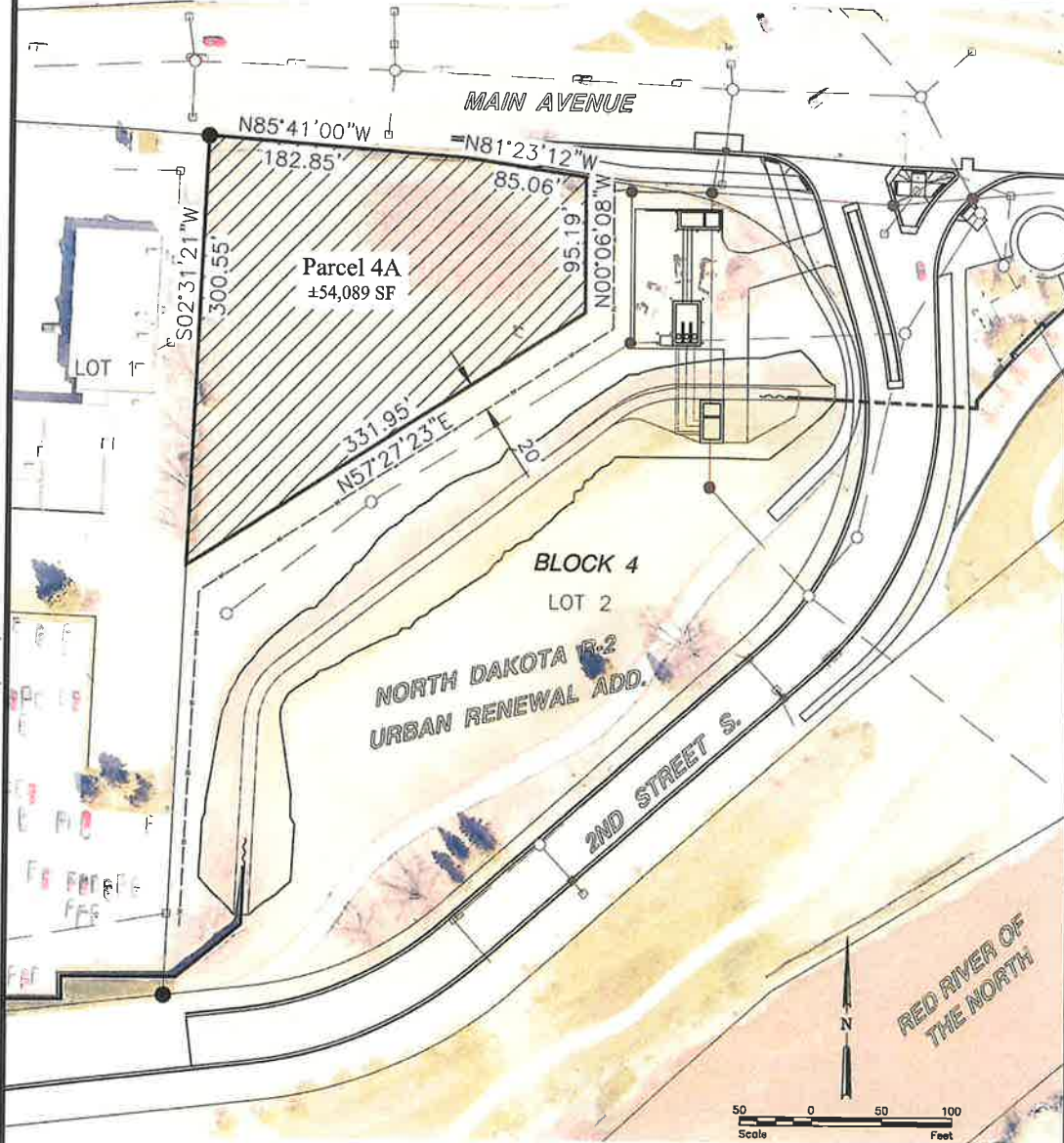
- A. The City's review committee will evaluate proposals based on the following criteria:
- Proposed land use
 - Design and Quality of the Project
 - Amount of Investment
 - Purchase price
 - Ability and feasibility of development concept implementation
 - Project timeline
 - Respondent's experience with related projects and past project history

VIII. ATTACHMENTS



- A. Location Map

PARCEL 4A
 PART OF LOT 2, BLOCK 4
 N.D. R-2 URBAN RENEWAL ADD.
 CITY OF FARGO, CASS COUNTY
 STATE OF NORTH DAKOTA

OWNER: CITY OF FARGO



H:\Fargo\UBN\7438\12_7438_009\007-1p-Town Levees Phase 2\CAD Master Easements Parcel 4A.dwg-PARCEL 4A-6/6/2018 11:56 AM-(Jarrod)

IRON MONUMENT FOUND	•
MEASURED BEARING	S59°27'46"E
MEASURED DISTANCE	105.00'
PLAT BEARING	(N57°00'00"W)
PLAT DISTANCE	(105.00')
PERMANENT EASEMENT	
TEMPORARY EASEMENT	

NOTE: ALL BEARINGS GIVEN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



EASEMENT EXHIBIT

PROJECT NO.
7438-009

F-M METRO FLOOD RISK MANAGEMENT PROJECT
 2ND ST S AND MAIN AVE, CITY OF FARGO, CASS CO., ND

SHEET
1 OF 2

PARCEL 4A
PART OF LOT 2, BLOCK 4
N.D. R-2 URBAN RENEWAL ADD.
CITY OF FARGO, CASS COUNTY
STATE OF NORTH DAKOTA

OWNER: CITY OF FARGO

Description- Parcel 4A (Temporary Construction Easement):

That part of Lot 2, Block 4, North Dakota R-2 Urban Renewal Addition to the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Lot 2; thence South 02°31'21" West, along the westerly line of said Lot 2, for a distance of 300.55 feet; thence North 57°27'23" East for a distance of 331.95 feet; thence North 00°06'08" West for a distance of 95.19 feet to a point of intersection with the northerly line of said Lot 2; thence North 81°23'12" West, along the northerly line of said Lot 2, for a distance of 85.06 feet; thence North 85°41'00" West, along the northerly line of said Lot 2, for a distance of 182.85 feet to the point of beginning.

Said tract of land contains 54,089 square feet, more or less.



EASEMENT EXHIBIT

PROJECT NO.
7438-009

F-M METRO FLOOD RISK MANAGEMENT PROJECT
2ND ST S AND MAIN AVE, CITY OF FARGO, CASS CO., ND

SHEET
2 OF 2

H:\Fargo\UBN\7400\7438\12_7438_009\007-In-Town\Leases Phase 2\CAD\Master Easements Parcel 4A.dwg - PARCEL 4A (2) - 8/6/2018 11:56 AM - (kstroud)

27a

City of Fargo Staff Report			
Title:	NSC Addition	Date: Update:	8/27/2018 2/7/2019
Location:	5703 and 6101 45th Street North	Staff Contact:	Maegin Elshaug
Legal Description:	an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West		
Owner(s)/Applicant:	City of Fargo	Engineer:	KLJ
Entitlements Requested:	Growth Plan Amendment (to increase the amount of parks / open space acreage); Zone Change (from AG, Agricultural to P/I, Public and Institutional); and Major Subdivision (a plat of an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West);		
Status:	City Commission Public Hearing: February 11, 2019		

Existing	Proposed
Land Use: Outdoor Recreation and Entertainment and vacant land	Land Use: Outdoor Recreation and Entertainment
Zoning: AG, Agricultural	Zoning: P/I, Public & Institutional
Uses Allowed: AG Allows detached houses, parks and open space, safety services, basic utilities, and crop production.	Uses Allowed: P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
Maximum Lot Coverage Allowed: AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Lot Coverage Allowed: N/A

Proposal:

The applicant and owner, the City of Fargo, is seeking approval of a growth plan amendment, zone change, and major subdivision. The property is located at 5703 and 6101 45th Street North and encompasses approximately 195 acres. The two properties are owned by the City of Fargo. Additional information on each item is noted below; note that all three applications do not apply to both properties. The subdivision applications includes both 5703 and 6101 45 Street North; however, the growth plan amendment and zoning change are only for 6101 45 Street North. The City of Fargo currently has no known plans for the property at 5703 45 Street North.

The property at 6101 45 Street South is the location of the Fargo Park District's Northside Softball Complex. The property is in the process of being built. A Lease Agreement was established between the City of Fargo and the Fargo Park District in 2013 the enables the Fargo Park District to utilize the property for the softball complex. The Fargo Park District is in the process of preparing an Institutional Master Plan for the softball complex which will be heard by the Planning Commission at a later date.

Growth Plan Amendment: (6101 45th Street North)

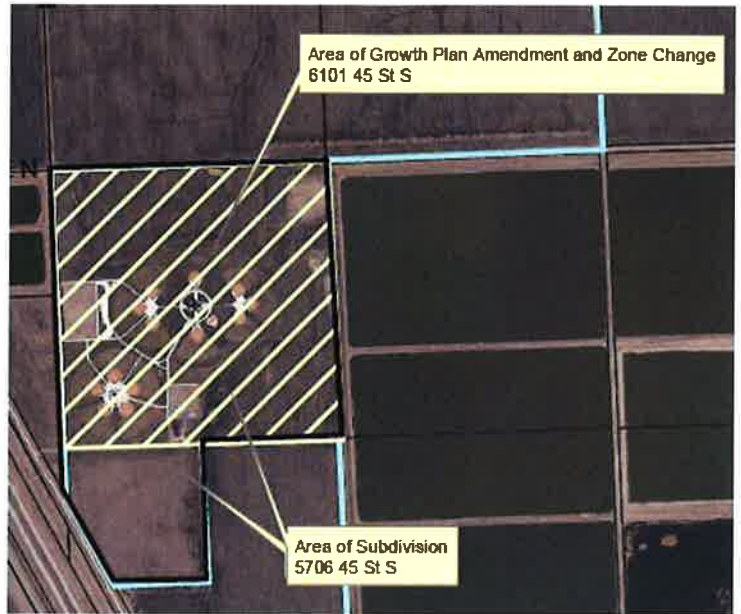
The growth plan amendment would transition land as indicated on the North Fargo Tier 1 East plan of the 2007 Growth Plan from industrial to parks / open space. Additional information is provided in the Area Plans section of this staff report.

Zone Change: (6101 45th Street North)

The zoning map amendment would rezone the property from AG, Agricultural to P/I, Public and Institutional. It should be noted that this property is identified on the zoning map as "unknown". Pursuant to Section 20-0107, any land that does not appear to be classified within any of the districts shown on the zoning map shall be AG, Agricultural.

Major Subdivision: (5703 & 6101 45th Street North)

The City of Fargo is platting two existing parcels into two (2) lots and one (1) block, titled NSC Addition. The subdivision includes right-of-way dedication for 64th Avenue North and 45th Street North. A draft amenities plan has been included with this packet.



An open house meeting for the growth plan amendment was held on July 25, 2017, from 3:00-5:00 pm, which provided adjacent property owners and the public an opportunity to more closely review the proposed amendment. Property owner notification letters were sent out to all surrounding parcels within 500 feet of the proposed amendment. There were no attendees at this meeting.

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: City of Harwood Extra-Territorial jurisdiction with Agricultural (crop rotation), AG, Agricultural;
- East: City of Fargo lagoons, AG, Agricultural;
- South: Agricultural (crop rotation), AG, Agricultural;
- West: City of Harwood, the property was previously the City of Harwood lagoons.

(continued on next page)

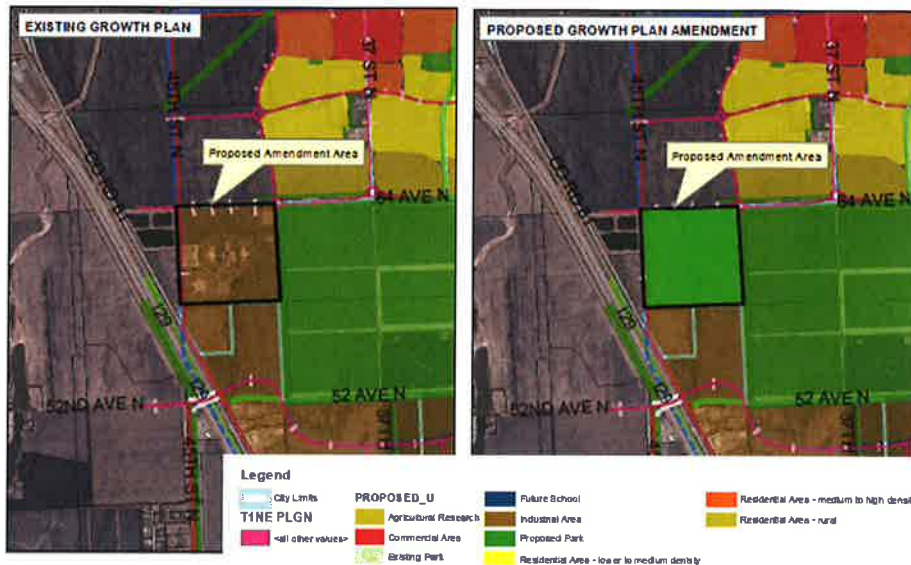
Area Plans:

As part of any growth plan, critical elements include identification of future land uses, roadway network alignment / access and park / open space planning.

Land Use: The subject acreage is located within the North Fargo Tier 1 East plan pursuant to the 2007 Growth Plan. The proposed growth plan amendment transitions approximately 155 acres of industrial to parks / open space land classification.

Roadway Network: The growth plan indicates 45th Street North as a future arterial street and 64th Avenue North as a future collector street, with local street intersections.

Due to the use of the facility, no local streets are necessary within the subject property. The Engineering Department has had an opportunity to comment on the adjacent infrastructure and notes that 45th Street North would be collector street, not an arterial street (see 2/7/2019 update at the bottom of page 5 this staff report). The subdivision dedicates the necessary right-of-way to accommodate the streets.



Context:

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

Neighborhood: The subject property it not located within an identified neighborhood.

Parks: The subject property is the location of the Northside Softball Complex.

Pedestrian / Bicycle: There are no facilities located within a half-mile of the subject property.

Staff Analysis:

Growth Plan Evaluation Criteria: Section 20-0905(H) of the LDC states that the Planning Commission and the City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:

- 1. Is the proposed change consistent with surrounding land uses, both existing and future?**
 Adjacent land uses are primarily agricultural and City of Fargo lagoons. Just to the north of the subject property is the City of Harwood Extra-Territorial jurisdiction. The City of Harwood was notified about the applications, of which the notice included the open house meeting for the growth plan amendment. The proposed growth plan amendment transitions approximately 155 acres from industrial to parks / open space. This provides a transition into the adjacent land uses both existing and future land uses set forth within the growth plan, and lowers the intensity of possible industrial adjacent to the City of Harwood's growth area. **(Criteria Satisfied)**

2. **Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.** The growth plan indicates 45th Street North as a future arterial street and 64th Avenue North as a future collector street, with local street intersections. However, the Engineering Department has had an opportunity to comment on the adjacent infrastructure and notes that both 64th Avenue North and 45th Street North will be collector streets (see 2/7/2019 update at the bottom of page 5 this staff report). Due to the use of the facility, no local streets are necessary within the subject property. The subdivision will dedicate the necessary right-of-way to accommodate 45th Street North and 64th Avenue North. **(Criteria Satisfied)**

3. **How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are their physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?**
The proposed amendment would increase the amount of open space acreage in this area, and provides a transition between the industrial area to the south, and future residential area to the northeast, as depicted on the growth plan. Additionally, the site is situated between Interstate 29 and land that was once used by the City of Harwood for their lagoons to the west and the existing City of Fargo lagoons to the east. This sub-area is largely undeveloped, however, with this change, is it unlikely to greatly impact how the surrounding area develops. Furthermore, the proposed growth plan amendment provides an amenity to the surrounding areas and larger community that would have a less intense use as opposed to industrial. All adult softball is located at this facility. **(Criteria Satisfied)**

Zone Change:

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

Section 20-0906.F (1-4)

1. **The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;**
As noted in the Land Development Code (LDC), the AG, Agricultural is intended as an "interim" zoning classification pending determination of an appropriate zoning district. The zoning change is justified as the petitioner is developing the property. The growth plan amendment would transition this land from future industrial use to parks / open space. The proposed zoning is consistent with the proposed growth plan amendment. **(Criteria Satisfied)**

2. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification at the time the property is developed;**
City staff and other applicable review agencies have reviewed this proposal. No other comments have been received that would indicate any issues in providing the necessary services to the development. **(Criteria Satisfied)**

3. **The approval will not adversely affect the condition or value of 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 not received any inquiries into the application. 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. The proposed amendment is consistent with the purpose of this LDC, the applicable 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. The growth plan amendment would transition this land from future industrial use to parks / open space. The proposed zoning is consistent with the proposed growth plan amendment. The Go2030 Comprehensive Plan includes two initiatives of providing parks, open space and habitat, as well as providing a regional recreation amenity. 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)**

Subdivision

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

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

A growth plan amendment and zoning map amendment have been included with this project and the petitioner is seeking the appropriate zoning district classification to accommodate the development. The P/I zoning that is proposed is appropriate for the use. **(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.

Pursuant to Item 1 above, the proposed development will comply with the proposed growth plan amendment and proposed zoning map amendment. The subdivision meets the intent of the Land Development Code (LDC). **(Criteria Satisfied)**

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

An executed subdivision amenities plan will address any necessary provisions for any public improvements associated with this project. See attached amenities plan for additional information. Any improvements associated with the project are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are per City of Fargo assessment policy. **(Criteria Satisfied)**

Update 2/7/2019: After further coordination with the Engineering Department, it should be noted that 45th Street North and 64th Avenue North are on section lines, which the typical designation is an arterial roadway. However, these streets are not anticipated to function at a level greater than a collector. The amenities plan has been updated to reflect this.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the proposed: 1) growth plan amendment; 2) zone change from AG, Agricultural to P/I, Public and Institutional; and 3) NSC Addition subdivision plat, as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0905.H, and Section 20-0906.F(1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: September 4, 2018

At the September 4, 2018 Planning Commission hearing, with a vote of 8-0, with two Commissioners absent, the Planning Commission accepted the findings and recommendations of staff and recommend approval to the City Commission of the proposed: 1) growth plan amendment; 2) zone change from AG, Agricultural to P/I, Public and Institutional; and 3) NSC Addition subdivision plat, as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0905.H, and Section 20-0906.F(1-4) of the LDC and all other applicable requirements of the LDC.

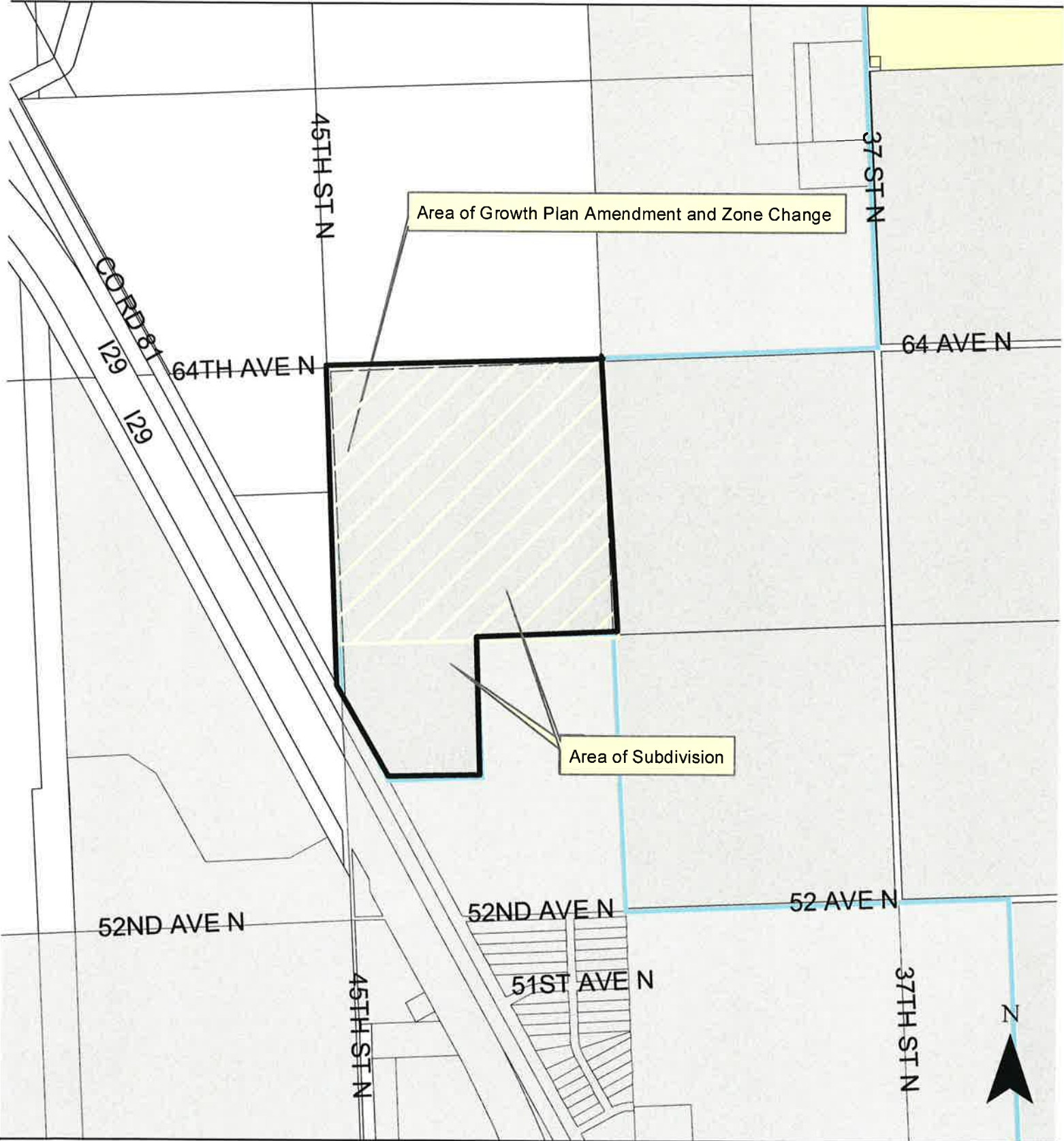
Attachments:

1. Zoning Map
2. Location Map
3. Growth Plan Amendment Map
4. Preliminary Plat
5. Amenities Plan

Growth Plan Amendment, Zone Change (AG to P/I), and Plat (Major Subdivision)

NSC Addition

5703 and 6101 45th Street North



Legend

AG	LC	MHP	SR
DDM	CC	CC	SR-1
GGC	MR-1	CC	SR-2
GO	MR-2	P/I	SR-3
	MR-3	UMU	City Limits

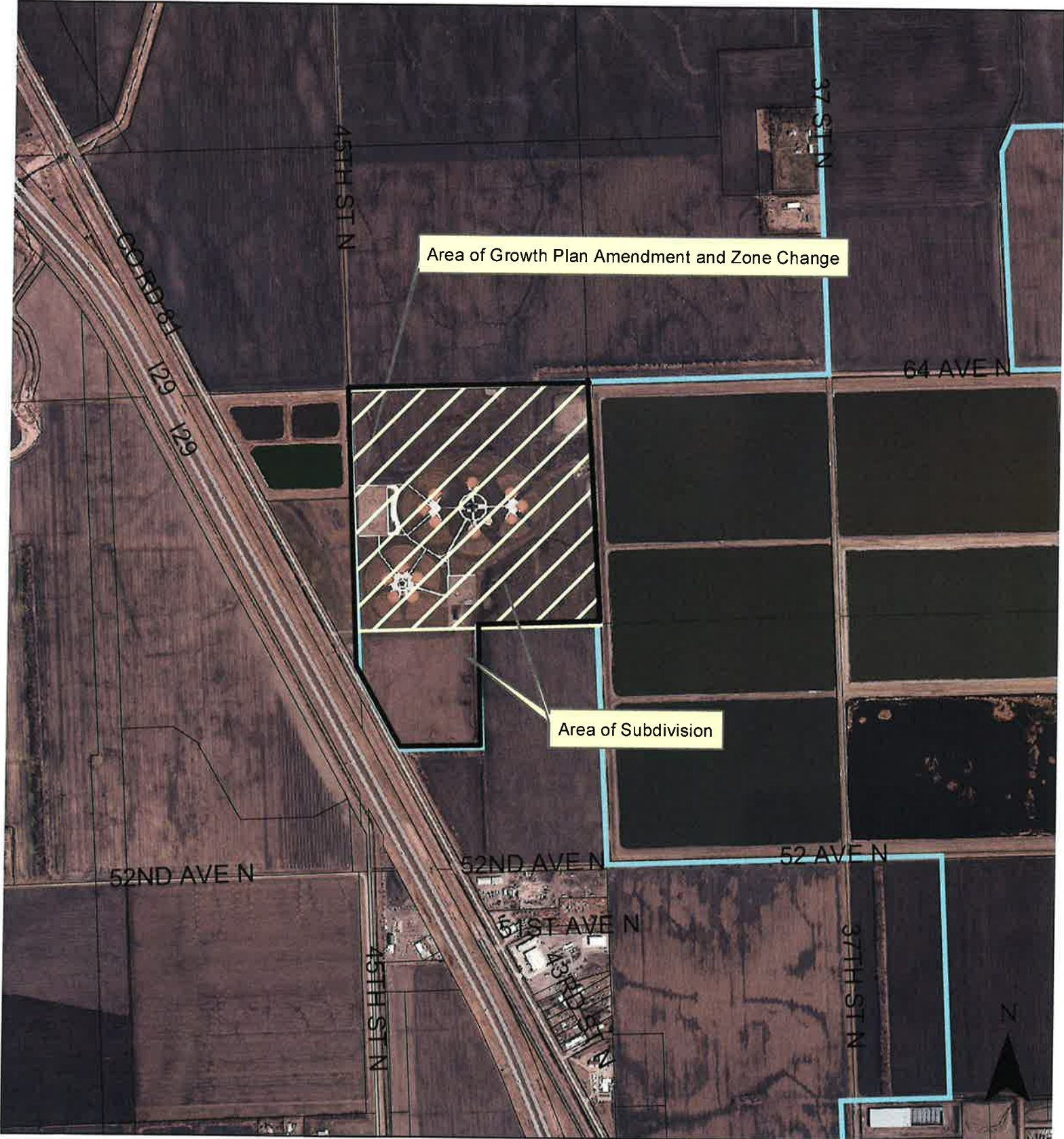
300 Feet

Fargo Planning Commission
September 4, 2018

Growth Plan Amendment, Zone Change (AG to P/I), and Plat (Major Subdivision)

NSC Addition

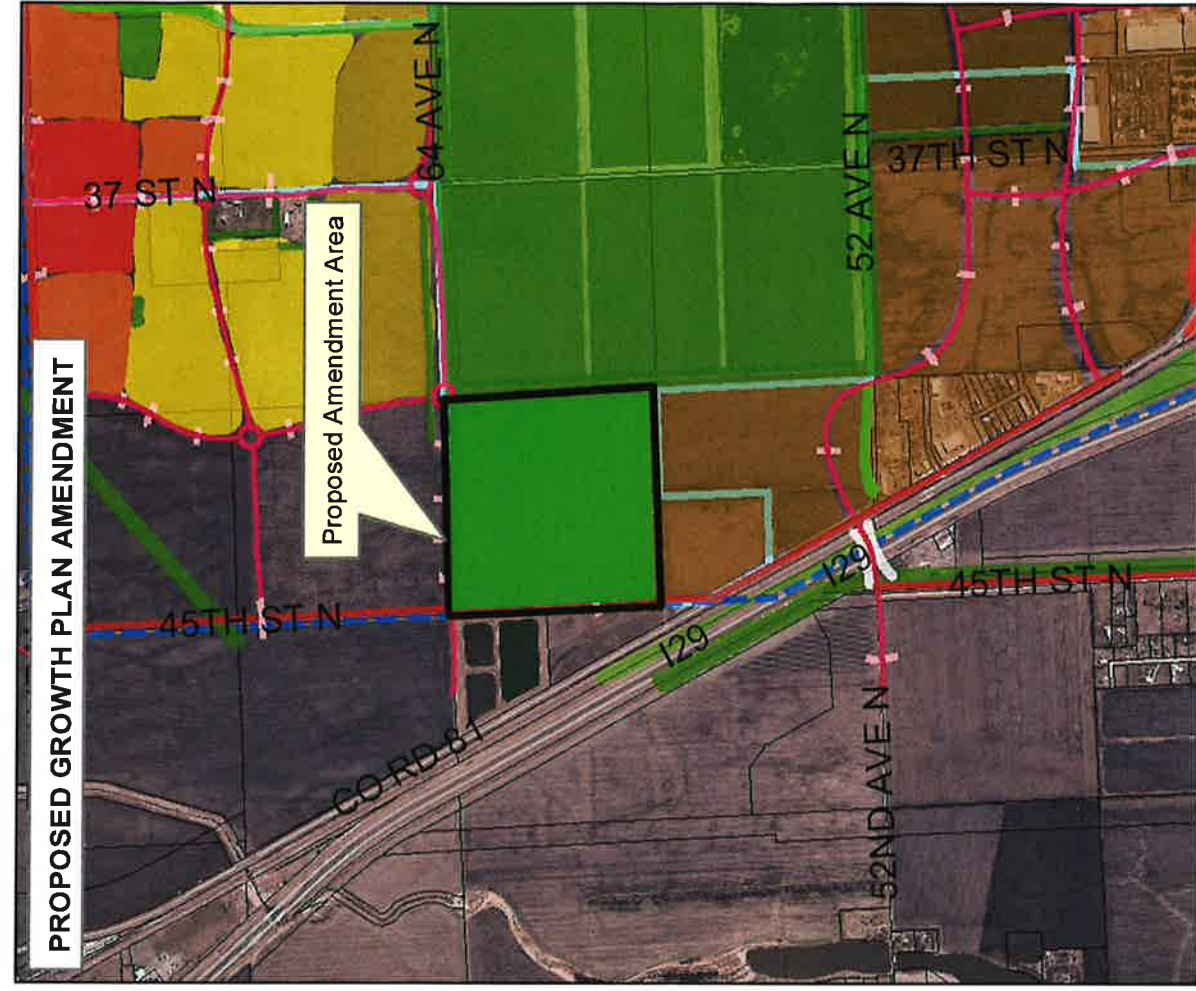
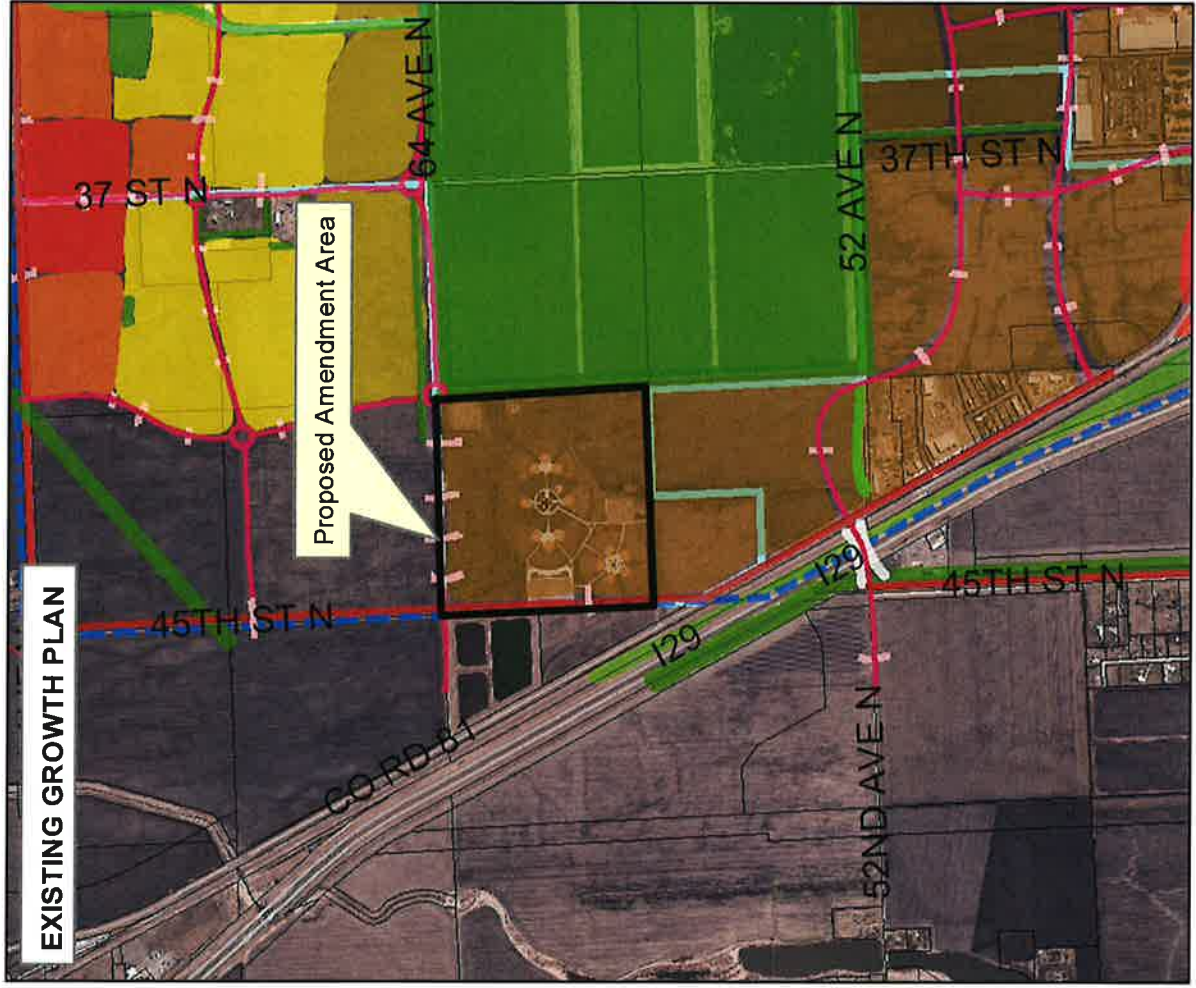
5703 and 6101 45th Street North



Growth Plan Amendment, Zone Change (AG to P/I), and Plat (Major Subdivision)

5703 and 6101 45th Street North

NSC Addition



- Legend**
- City Limits
 - TINE PLGN <all other values>
 - PROPOSED_U
 - Agricultural Research
 - Commercial Area
 - Future School
 - Industrial Area
 - Proposed Park

- Residential Area - medium to high density
- Residential Area - rural



**Site Amenities and Project Plan
NSC Addition
February 2019**

Location: The property is legally referenced as the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West, City of Fargo, Cass County, North Dakota. The property comprises approximately 195 acres.

Details: The project includes two (2) lots on one (1) block located east of Interstate 29, between of 45th Street North and 42nd Street North, and between 64th Avenue North and 52nd Avenue North.

Right of Way (ROW) and Transportation: The project accommodates right of way dedications for public roadways, access points and utilities, with specific details outlined below:

64th Avenue North: This segment will be designated as a collector or arterial roadway, pursuant to Section 20.0702.

- ROW dedication for this roadway shall be 55 feet;
- Street lighting shall be determined by the City Engineering Department in cooperation with the developer and installed per city standards;
- 4.5 foot sidewalks shall be incorporated into the boulevards as required by Section 20.0611-1. Sidewalks shall be maintained by the adjacent property owner(s), pursuant to city policy.

45th Street North: This segment will be designated as a collector or arterial roadway, pursuant to Section 20.0702.

- ROW dedication for this roadway shall be 40 feet;
- Street lighting shall be determined by the City Engineering Department in cooperation with the developer and installed per city standards;
- 4.5 foot sidewalks shall be incorporated into the boulevards as required by Section 20.0611-1. Sidewalks shall be maintained by the adjacent property owner(s), pursuant to city policy

Storm Water Management: As approved, the project will accommodate all storm water quantity and quality requirements with on-site facilities which shall be owned by the City of Fargo and maintained by the Fargo Park District.

Flood Protection: *NSC Addition* will be protected from flooding with the following measures:

Internal Flooding – rainfall or spring event induced:

1. Storm Sewer systems designed and installed to city standards;
2. Storm water detention facility(ies) within the project

FEMA Floodplain Expansion: All building construction shall meet the following flood proofing requirements:

- The point of risk on the lowest opening and minimum finished floor elevation shall be shall be 2 feet above the FEMA Base Flood Elevation (BFE) of 892.1 (NAVD88). With this criteria, the minimum finished floor elevation for this site is 894.1 (892.1 + 2', NAVD 88).
- Fill around the building shall be 1.5 feet above the BFE elevation (892 + 1.5 = 893.5 (NAVD88)).
- Fill 15 feet away from the building must be at 892.1 (NAVD 88).
- The subject property is within the adopted floodplain and the Special Hazard Area (SFHA). Pursuant to the City's flood risk reduction policy and flood-proofing construction requirements, the subject property needs to establish a primary line of flood protection. As such, any development or building permits issued on Lots 1-2, Block 1, *NSC Addition* shall include a perimeter levee or ring dike, unless the city's comprehensive primary line of flood protection is under construction or under contract, as determined by the City Engineer. The height of the required flood protection levee will be 4 feet above the FEMA BFE (892.1 + 4 = 896.1 NAVD88) and be designed, constructed and approved per City of Fargo flood protection levee standards.

Water Supply: Water supply shall be Cass Rural Water.

Engineering and Construction Improvements: The City of Fargo will construct all public improvements

Funding of Improvements: Public improvements shall be assessed to the benefitting properties, pursuant to city policy.

The amenity plan is hereby approved:

A handwritten signature in blue ink, appearing to read "B.E.D.", is written over a horizontal line.

Brenda E. Derrig, City Engineer

2-6-2019

Date

27a3

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN NSC 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 the proposed NSC Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on September 4, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on February 11, 2019,

NOW, THEREFORE,

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

Section 1. The following described property:

All of NSC Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG", Agricultural, District to "P/I", Public and Institutional, District,

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:

Steven Sprague, City Auditor

Timothy J. Mahoney, M.D., Mayor

First Reading:
Second Reading:
Final Passage:

NOTICE OF HEARING
FOR SPECIAL ASSESSMENT OF
SEWER REPAIRS

27.6

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Sewer Repairs, provided in the list below, on Monday, March 11, 2019, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Address	Parcel	Assessment
1340 5th Avenue South	01-0700-02590-000	\$ 15,125.00
1445 16 1/2 Street South	01-2040-01930-000	\$ 9,500.00
1513 8th Avenue South	01-0560-00800-000	\$ 10,500.00
1346 9th Street North	01-2220-02310-000	\$ 5,375.00
1604 4th Street North	01-2100-01020-000	\$ 9,331.25
1402 20th Street South	01-1240-01150-000	\$ 10,730.00
703 4th Street South	01-1440-01051-000	\$ 10,511.00
1119 11th Street South	01-1860-00120-000	\$ 10,000.00
921 29th Street North	01-0480-02830-000	\$ 5,282.00
1123 6th Street South	01-0780-00900-000	\$ 9,066.00
1127 9th Avenue South	01-2400-01990-000	\$ 10,983.00
2106 7th Street North	01-3020-00330-000	\$ 11,675.00
700 9th Street South	01-2400-00951-000	\$ 8,180.00
210 21st Avenue North	01-1110-00290-000	\$ 3,087.50
817 14th Street South	01-0540-01080-000	\$ 9,650.00
112 Roberts Street North	01-2381-00700-000	\$ 43,725.00
1521 3rd Avenue South	01-0980-01330-000	\$ 7,220.00
1317 8th Avenue North	01-1620-00400-000	\$ 11,975.00
1301 Elm Circle North	01-4200-00030-000	\$ 3,840.00
408 8th Avenue South	01-4100-00080-000	\$ 9,344.00
93 26th Avenue North	01-2120-01230-000	\$ 9,875.00
531 23rd Avenue South	01-3200-00290-000	\$ 5,000.00
1610 9th Street North	01-0380-02370-000	\$ 6,875.00
1650 11th Avenue South	01-0960-00010-000	\$ 8,000.00
1330 14th Street South	01-2040-00390-000	\$ 7,062.50
1613 8th Street North	01-0380-03000-000	\$ 7,565.00
1810 12th Avenue South	01-1270-02150-000	\$ 8,225.00
1033 12th Street North	01-0440-02110-000	\$ 14,488.25
914 18th Avenue South	01-2660-00060-000	\$ 12,500.00
1614 7th Street North	01-0380-02840-000	\$ 6,645.00
810 19th Street South	01-1700-00240-000	\$ 5,375.00
1445 2nd Avenue South	01-0700-00580-000	\$ 8,600.00
1113 7th Street North	01-0440-00110-000	\$ 8,093.75
1621 8th Avenue South	01-0560-00580-000	\$ 9,200.00
1101 4th Street South	01-4100-01530-000	\$ 5,500.00
1111 4th Street South Unit A	01-4100-01540-010	\$ 987.50
1111 4th Street South Unit B	01-4100-01540-020	\$ 987.50
1111 4th Street South Unit C	01-4100-01540-030	\$ 987.50
1111 4th Street South Unit D	01-4100-01540-040	\$ 987.50
1111 4th Street South Unit E	01-4100-01540-050	\$ 987.50
1111 4th Street South Unit F	01-4100-01540-060	\$ 987.50

1111 4th Street South Unit G	01-4100-01540-070	\$ 987.50
1111 4th Street South Unit H	01-4100-01540-080	\$ 987.50
1005 9th Street South	01-0780-00520-000	\$ 8,037.50
402 9th Avenue South	01-4100-00570-000	\$ 9,000.00
1516 2nd Street North	01-1890-00180-000	\$ 9,020.00
1522 10th Avenue South	01-0560-02120-000	\$ 7,625.00
1129 7th Street North	01-0440-00100-000	\$ 6,701.00
1428 12th Street South	01-0280-00530-000	\$ 5,450.00
1017 8th Avenue North	01-1140-00210-000	\$ 10,406.00
1421 13 1/2 Street South	01-2040-03140-000	\$ 15,350.00
1634 7th Street North	01-0380-02890-000	\$ 7,850.00
1339 6th Street South	01-1400-00130-000	\$ 7,600.00
1014 18th Avenue South	01-2660-00010-000	\$ 13,625.00
1625 3rd Street North	01-2100-02370-000	\$ 14,000.00
1226 Oak Street North	01-1320-00080-000	\$ 10,265.00
1533 3rd Avenue South	01-0980-01320-000	\$ 6,593.75
311 Elmwood Avenue South	01-0120-01890-000	\$ 8,000.00
1809 4th Street North	01-2100-01790-000	\$ 11,375.00
316 15th Street North	01-2340-00920-000	\$ 9,990.69
1801 5th Street North	01-2100-00870-000	\$ 8,306.00
454 Elmwood Avenue South	01-0120-02380-000	\$ 6,500.00
1343 2nd Avenue South	01-0700-00900-000	\$ 12,734.50

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to March 11, 2019, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.



27c

February 6, 2018

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Attached is a copy of an application made by CI Sport, Inc. for a property tax exemption according to N.D.C.C. Chapter 40-57.1. This application is a request for an expansion to their operation to the property at 2121 43 St. S. where the applicant will design, develop, and provide printing on apparel and soft goods.

Notices to competitors have been published and the Tax Exempt Review Committee has met to consider this application. The application contains information regarding the projected value of the expansion and the nature of the jobs to be created.

The committee feels that this request does meet the necessary criteria to be eligible for this exemption for the expansion portion of the improvements.

SUGGESTED MOTION:

Approval of a 5 year, 100% exemption on the project improvements for the expansion of CI Sport, Inc. at 2121 43 St. S.

Sincerely,

A handwritten signature in black ink that reads "Ben Hushka". The signature is written in a cursive style.

Ben Hushka
Tax Exempt Review Committee

Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

RECEIVED

JAN 2, 2019

Project Operator's Application To _____
City or County

FARGO ASSESSOR

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1. Name of project operator of new or expanding business CI Sport, Inc.

2. Address of project 2121 43rd Street South
City Fargo County Cass

3. Mailing address of project operator P.O. Box 2043
City Fargo State ND Zip 58107-2043

4. Type of ownership of project
 Partnership Subchapter S corporation Individual proprietorship
 Corporation Cooperative Limited liability company

5. Federal Identification No. or Social Security No. 45-0384626

6. North Dakota Sales and Use Tax Permit No. 130584

7. If a corporation, specify the state and date of incorporation North Dakota - 1/16/1984

8. Name and title of individual to contact Randy Thorson, President
Mailing address P.O. Box 2043
City, State, Zip Fargo, ND 58107-2043 Phone No. 701-361-5151

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.

<input checked="" type="checkbox"/> Property Tax Exemption	<input type="checkbox"/> Payments In Lieu of Taxes
<u>5</u> Number of years	_____ Beginning year _____ Ending year
<u>100%</u> Percent of exemption	_____ Amount of annual payments (attach schedule if payments will vary)

10. Which of the following would better describe the project for which this application is being made:
 New business project Expansion of a existing business project

11. Legal description of project real property

See attached.

12. Will the project property be owned or leased by the project operator? Owned Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

Yes No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits. *Proposed lease attached.*

13. Will the project be located in a new structure or an existing facility? New construction Existing facility

If existing facility, when was it constructed? 2004

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application N/A

b. Description of project to be constructed including size, type and quality of construction

c. Projected number of construction employees during the project construction _____

14. Approximate date of commencement of this project's operations April 2020

15. Estimated market value of the property used for this project:

a. Land..... \$ 2,000,000

b. Existing buildings and structures for which an exemption is claimed..... \$ 1,750,000

c. Newly constructed buildings and structures when completed \$ 500,000

d. Total..... \$ 4,250,000

e. Machinery and equipment \$ 500,000

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) 

b. Eligible existing buildings and structures..... \$ 87,500

c. Newly constructed buildings and structures when completed..... \$ 25,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 112,500

e. Enter the consolidated mill rate for the appropriate taxing district 267.78

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 30,125

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

CI Sport, Inc. provides embroidery and screen print and digital printing on apparel and soft goods, as well as logo design and product development. CI Sport designs and markets collegiate and corporate apparel on a regional and national level. CI Sport services over 22,000 college and high school bookstores throughout the United States. Additionally, CI Sport provides goods for national corporations, including Amazon, Border States Electric, Pizza Ranch and Scheels, as well as many others throughout the United States.

19. Indicate the type of machinery and equipment that will be installed

New Equipment - Additional Laser Bridge embroidery machine - \$325,000; Additional screen print press - \$75,000; Inventory scanning system - \$12,000; Direct to screen imaging machine - \$75,000; Mimaki 3D printer - \$13,000.

20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

Year (12 mo. periods)	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only	New/Expansion Project only
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Annual revenue	<u>\$1,000,000</u>	<u>\$2,000,000</u>	<u>\$3,000,000</u>	<u>\$4,000,000</u>	<u>\$5,000,000</u>
Annual expense	<u>\$700,000*</u>	<u>\$1,400,000</u>	<u>\$2,100,000</u>	<u>\$2,800,000</u>	<u>\$3,500,000</u>
Net income	<u>\$300,000</u>	<u>\$600,000</u>	<u>\$900,000</u>	<u>\$1,200,000</u>	<u>\$1,500,000</u>

21. Projected number and salary of persons to be employed by the project for the first five years:

Current positions & positions added the initial year of project

# Current Positions	New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
87			15			

Year	(Before project)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
No. of Employees	(1) <u>83</u>	<u>98</u>	<u>107</u>	<u>116</u>	<u>125</u>	<u>134</u>
	(2) <u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Estimated payroll	(1) <u>2800000</u>	<u>3038000</u>	<u>3283000</u>	<u>3528000</u>	<u>3699500</u>	<u>3944500</u>
	(2) <u>inc.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

(1) - full time
(2) - part time

* Additional annual expense attributed mainly to additional inventory (Cost of goods) and payroll plus Commissions.

LEGAL DESCRIPTION / PROPERTY ADDRESS

Street Address:

Address	City	State	Zip
2121 43 rd Street S	Fargo	ND	58104

Legal Description:

Real property in the City of Fargo, County of Cass, State of North Dakota, described as follows:

Parcel 1:

Lot One (1), in Block One (1), Liberty Square Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Parcel 2:

A perpetual, non-exclusive easement for ingress and egress as set forth in "Declaration of Covenants, Conditions, Easements and Restrictions" recorded April 27, 2004, in Document No. 1100565; and thereafter, "Amendment to Declaration of Covenants, Conditions, Easements and Restrictions" recorded January 3, 2007, in Document No. 1191326; and thereafter, "Second Amendment to Declaration of Covenants, Conditions, Easements and Restrictions" recorded September 25, 2007, in Document No. 1214992.

28

City of Fargo Staff Report			
Title:	St. Paul's Newman Center Addition	Date: Updated:	8/28/2018 11/28/2018 1/10/2019 2/7/2019
Location:	1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North	Staff Contact:	Donald Kress, planning coordinator.
Legal Description:	Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Bolley's Subdivision of Block 9 of Chapin's Addition, City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Diocese of Fargo; NC Investments, LLC / Roers Development—Larry Nygard	Engineer:	Roers
Entitlements Requested:	Minor Plat (replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Bolley's Subdivision of Block 9 of Chapin's Addition, City of Fargo, Cass County, North Dakota) Zoning Change (From MR-3, Multi-Dwelling Residential; LC, Limited Commercial; and SR-3, Single Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan		
Status:	City Commission Public Hearing: February 11, 2019		

Existing	Proposed
Land Use: Single Dwelling Residential; multi-dwelling residential; religious institution	Land Use: Religious institution; multi-dwelling residential, single-dwelling attached residential; group living (1 unit)
Zoning: MR-3, Multi-Dwelling Residential; LC, Limited Commercial; and SR-3, Single Dwelling Residential	Zoning: MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay
Uses Allowed: <u>MR-3</u> 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; <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, self service storage, vehicle repair, limited vehicle service <u>SR-3</u> allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: 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 additional uses noted in PUD

Maximum Density Allowed: <u>MR-3</u> : 24 dwelling units per acre (du/ac); <u>SR-3</u> : 8.7 du/ac; <u>LC</u> Maximum Lot Coverage 55%	Maximum Density Allowed: 24 dwelling units per acre PUD proposes increased density of 32 du/ac
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Proposal:

The applicant requests approval of three entitlements:

1. A zoning change from MR-3, Multi-Dwelling Residential; LC, Limited Commercial; and SR-3, Single Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; and
2. PUD Master Land Use Plan within the boundaries of the proposed St. Paul Newman Center Addition; and
3. A plat of the **St. Paul Newman Center Addition**, a replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Bolley's Subdivision of Block 9 of Chapin's Addition, City of Fargo, Cass County, North Dakota., to create three lots as shown in the table below. A fourth lot is proposed as part of the Master Land Use Plan for further incorporation into a replat at a later date. A copy of the plat is attached.

BLOCK	LOT	AREA (square feet of original lot)*	AREA (square feet of revised lot)*	ZONING
1	1	75,840 sf (1.74 acres)	97,948 sf (2.24 acres)	MR-3 with PUD
1	2	90,746 sf (2.0 acres)	43,973 sf (1.01 acres)	MR-3 with PUD
1	3	Not in original	24,662 sf (0.56 acres)	MR-3 with PUD
1	4	Not in original	To be determined at a later date	MR-3 with PUD

NOTE: In the previous submittal, all the multi-dwelling was on Lot 2. With the current submittal, the faith-based multi-dwelling housing is on Lot 1 along with the Newman Center, which also includes one unit of group living. The multi-dwelling market rate housing is on Lot 2.

NOTE --OPTION D: The changes to the number and sizes of lots proposed by Option "D", which is before the City Commission at the February 11, 2019 hearing, are not indicated in the chart above, other than to note the addition of Lot 4. Please see "Features of Option "D" on page 18.

The subject property is located on the 1100 block on the east side of University Drive North. The applicants, Diocese of Fargo and Roers Development, intend to redevelop the entire block and build a new St. Paul's Newman Center, 24 units of faith-based housing, and 85 units of market rate housing and one unit of group living housing (priests' quarters), plus 11 townhomes. Seven of the townhomes are to be built with the project, with another four possible in the future.

Note The Following Changes To The Project Between September 4th, 2018 Planning Commission and December 4th, 2018 Planning Commission

Since the September 4th, 2018 Planning Commission hearing, the developer has made several changes to the project, including:

- Reducing the number of market rate housing units from 107 to 87.
- Reducing the number of faith-based housing units from 29 to 25.
- Reducing the number of on-site parking spaces from 274 to 217 for the market-rate and faith-based housing.
- Adding 13 attached single-dwelling townhomes along the east (12th Street North) side of the project site. An elevation rendering of these townhomes is attached.
- Stepping down the number of stories of the market rate housing building from six to five, with a further step down along the 11th Avenue North side to four stories.
- Revising the plat from a two-lot configuration to a three-lot configuration, with St. Paul's Newman Center chapel with attached administration building with faith-based housing and priests' quarters on Lot 1; the market rate housing on Lot 2; and the newly-added townhomes on Lot 3.
- Removing the University Drive access to the underground parking.

Changes to the modifications requested by the PUD are shown in the charts below. Two aerial renderings of the proposed project are attached.

Zoning Change and PUD Overlay

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. The modifications to the development standards of the underlying MR-3 zone are shown in the chart below. Note that changes to the project since the September 4th, 2018 Planning Commission hearing are noted in the right-hand column. This is the current request from the developer for PUD modifications.

NOTE —OPTION D: The changes to the PUD proposed by Option "D", which is before the City Commission at the February 11, 2019, are underlined in the right hand column of chart below. Please see "Features of Option "D" on page 18.

	Current LDC Development Standards for the MR-3 Zone	PUD Modifications to MR-3 Development Standards—September 4th Planning Commission	Changes since September 4th Planning Commission
Allowed Uses	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.	<i>Add these uses from LC, Limited Commercial zone: 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. A book store and coffee shop are planned for within Lot 1.</i>	<i>Same as previous request.</i>
Residential Density	24 du/ac	<i>Increase to 37 du/ac</i>	<i><u>Increase to 33 du/ac</u> <u>Increase to 32 du/ac</u></i>

Setbacks	Front—25' Rear—20' Street side—12.5' Interior side—10'	Front— decrease to 5' (Lot 1 only) Street side— decrease to 5' (Lot 1 only) Interior side- Decrease to 0' (between Lots 1 and 2)	Front (Lot 1-University Drive side)— decrease to 10'10" Front (Lot 2)— decrease to 19'6" Front (Lot 3)— decrease to 11' Side setback reductions are the same as previous request.
Building Coverage	35% of lot area	Increase to 38% of lot area	Increase to 41% <u>To be determined</u>
Parking- Residential – Multi-Dwelling	1.25 stalls per efficiency; 2.0 stalls per 1 BR + 0.25 guest stalls per living unit	0.8 stalls per bed (Market rate housing only)	A separate parking analysis is provided below
Landscaping— Street Trees	1 tree per 50 linear feet of frontage along an arterial; one tree per 35 linear feet of frontage along a local street	Developer will coordinate with City Forester for options along boulevard with overhead power lines	Same as previous request.
Landscaping— Open Space	3 plant units per 1,000 sq. ft. of lot area or fraction or thereof, with 8 sq. ft. per plant unit (LDC 20-0705(C)(3) and table)	Request removal of 70% requirement in front of building	Same as previous request.
Landscaping— Parking Lot Perimeter	Buffer width: 9 feet. Plantings: 1 small tree + 6 shrubs/perennial grasses per 25 linear feet. Berm also an option (LDC 20-0705 (D) and table)	Reduce buffer width to 5 feet. No change proposed to plantings.	Same as previous request.
RPS Building Height 76-100 feet from residential	45 Feet	Increase to 60 feet for Lot 4	Lot 1— increase to 50 feet
RPS-building height 101-150 feet from residential	55 feet	Increase to 60 feet	No modification required.
Open space	35%	Decrease to 25% minimum	Same as previous request. <u>To be determined</u>

Detailed Comment on PUD Modifications

Allowed Uses: The PUD proposes small-scale retail (bookstore) and coffee shop use to be possible future uses in the St. Pauls' Newman Center facility. This PUD modification is necessary as the MR-3 zone does not allow retail or coffee shop type uses.

Residential Density: The overall project density is 32 dwelling units per acre—that is the total number of proposed units (121, including optional townhomes) divided by the total number of acres (3.82).

This PUD accounts for the entire development on this block, and as such the setbacks, density, parking and all other dimensional standards and permit review information must be conveyed in totality as part of the development permit reviews and for the purposes of the PUD, this applies to the Master Land Use Plan and the Final Site Plan. Lots 1, 2, 3 and the future Lot 4 are a Unified Development and are all one project.

Setbacks: The PUD has requested an interior side setback of 0 feet, which is necessary as the buildings on Lots 1 and 2 are connected. The other proposed modifications to the MR-3 setbacks are intended to accommodate the proposed building configuration.

Building Coverage: The proposed modification to the MR-3 standards is intended to accommodate the proposed building configuration.

Parking: Please see detailed parking analysis below.

Landscaping—Street Trees: No actual modification to standards is proposed. The City Forester intends that healthy existing trees be preserved and has provided an analysis of the street trees to the applicant.

Landscaping—Open Space: The PUD proposes modification of the landscaping requirement that 70% of the required landscaping be in the front. The PUD does not propose to modify the total amount of landscaping. The developer must provide a landscape plan that indicates where the landscaping will be generally located. Staff has requested the developer consider a landscape plan that would include additional amenities along the 12th Street boulevard, within the parking lot and along the streetscape along University.

Landscaping—Parking Lot Perimeter: The PUD proposes a reduction in the required width of the parking lot perimeter buffer, which will be on the 12th Street (east) side of the project, in order to accommodate additional parking. Staff has requested the developer consider additional parking lot buffer beyond the minimum of the landscape requirements. This could include a double row of ornamental trees, or landscaping within parking lot islands.

Building Design Standards:

The developer has proposed brick, masonry and design standards equal to DMU or UMU, which is above and beyond the standard LDC MR-3 requirements.

RPS Building Height 76-100 feet from residential: The PUD proposes a modification of the residential protection standards (RPS) to increase the building height from 45 feet to 50 feet for Lot 1 (St. Paul's Newman Center facility) at the 76-100 foot from residential zoning range to accommodate the proposed chapel design. Note that this is in relation to the actual building height and not the steeple height (the steeple is exempt from the height regulation).

Open Space: The PUD proposes a reduction of the 35% open space requirement of the MR-3 zone to 25% to accommodate the proposed building design. Note that "open space" in this situation is defined in the Land Development Code (LDC) as "an outdoor, unenclosed area, located on the ground on or a roof, balcony, deck, porch, or terrace design and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel." (LDC 20-1202(43)). In lieu of the open space, staff has suggested that the developer include decorative paving and additional landscape treatments among the site.

Parking Analysis

The chart below indicates how parking will be allocated to the uses involved in this project. The project site plan indicates 227 spaces on-site, reduced to 203 spaces if the four optional townhomes are built. The applicant has provided signed agreements for off-site parking with NDSU (203 spaces in lot AD) and

James P. Sabo (45 spaces at 1211 University Drive North). A graphic depicting the parking layout is attached.

NOTE —OPTION D: *The changes to the number of residential units and number of parking spaces proposed by Option “D”, which is before the City Commission at the February 11, 2019 hearing, are not indicated in the chart below. Please see “Features of Option “D” on page 18.*

USE	LDC REQUIRMENT	NUMBER OF SPACES PROVIDED	MODIFICATION REQUIRED
Lot 1--Multi-dwelling residential (25 units/85 beds total)	2.25 spaces per unit/57 spaces total	77	Modify parking requirements to 0.9 spaces per bedroom
Lot 1—Group Living (1 unit/4 beds total)	1 space per 100 square feet of sleeping area	4	Modify parking requirements to 0.9 spaces per bedroom
Lot 2--Multi-dwelling residential (87 units/138 beds total)	2.25 spaces per unit/196 spaces total	125	Modify parking requirements to 0.9 spaces per bedroom
Lot 3—single dwelling attached residences (13 today units)	2 spaces per unit/26 spaces total	26 spaces	NONE---Meets LDC requirement
Lot 1—chapel/general visitor	The LDC does not have a requirement for parking for religious institutions beyond the 0.4 spaces per seat minimum, which is accounted for by offsite parking as noted below.	11 spaces	The project provides 217 total above-ground and underground parking spaces, excluding the 26 for the single-dwelling. 206 of these spaces are used for the multi-dwelling and group residential at 0.9 spaces per bed. The remaining 11 spaces (217-206) would be surface parking spaces for general use.
Chapel (500 seats)	0.4 spaces per seat/200 spaces total	248 offsite	NONE—meets LDC requirement for number of spaces with the signed agreements for off-site parking

PUD Master Land Use Plan

The applicant has submitted a project narrative and PUD Master Land Use which further describe the proposed development. These documents are attached.

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:

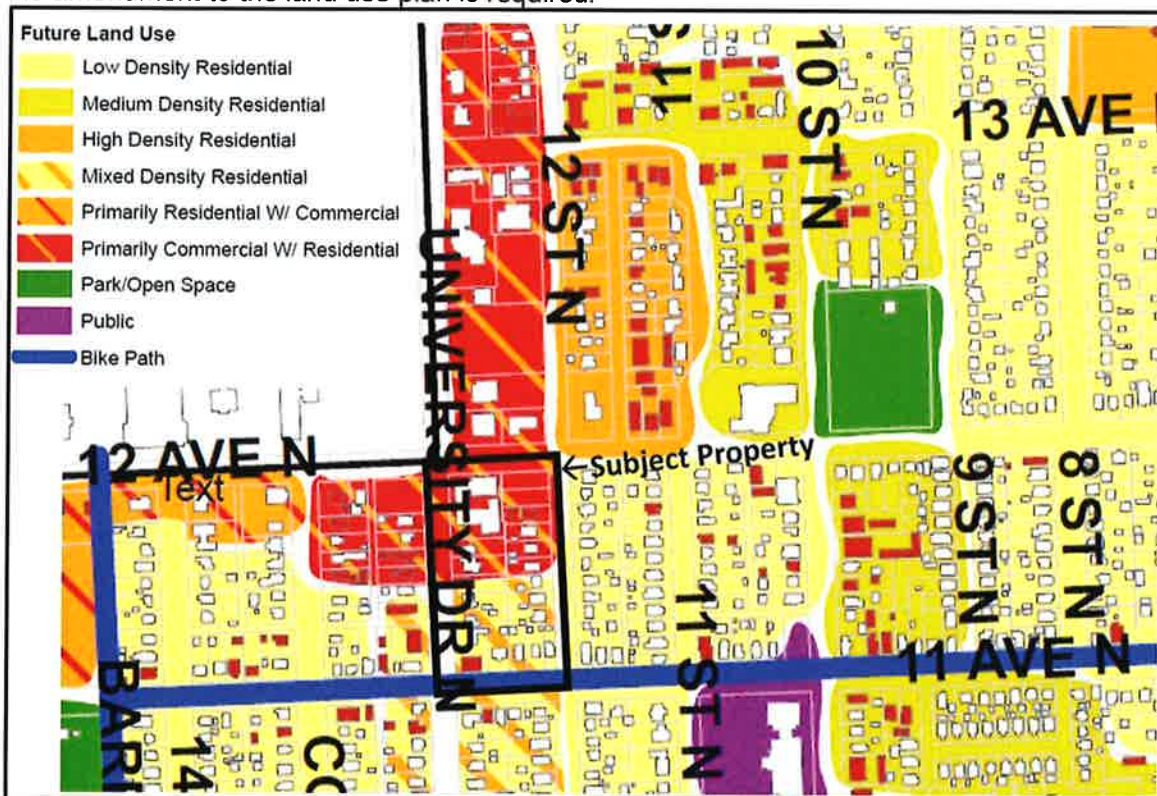
- North: LC with convenience store use; P/I with NDSU office use
- East: SR-3 with single-dwelling residential use
- South: SR-3 with single-dwelling residential use
- West: LC with NDSU parking lot use; MR-3 with multi-dwelling use

Planning staff notes the following points of analysis in relation to development in this area:

- This project is on the corner of 12th Avenue North (minor arterial) and University Drive North (major arterial). Arterials are generally developed with commercial and multi-family uses rather than single-family residences. Note that the existing single-family residences were built at a time when traffic was significantly less, before University Drive (formerly 13th Street North) became a one-way street (December 15, 1969). Most recent F-M MetroCOG traffic counts (2013; these counts are conducted every five years) indicate that at this location, 12th Avenue North handles and average daily traffic (ADT) volume of between 7,900 and 9,700 vehicles, and University Drive handles and ADT of over 11,000 vehicles.
- Review of the Fargo Public Schools website (<https://www.fargo.k12.nd.us/Page/365>) indicates that enrollment at the combined Horace Mann/Roosevelt Elementary Schools was 350 students on August 27, 2014; on August 23, 2018, the enrollment was 345 students. This is an overall loss of less than 2% in four years, though the level of enrollment did vary over the individual years, peaking at 364 students on August 24, 2017, and having the lowest number, 343 students, on August 27, 2015.
- Review of NDSU's enrollment numbers as shown on their website (<https://www.ndsu.edu/data/enrollment/annual/>) indicates that, though the 2018 enrollment is 5% lower than 2017's enrollment, the enrollment numbers have been over 14,000 students since fall of 2009, with a peak of 14,747 students in the fall term enrollment in 2014. In an October 8, 2015 speech, NDSU President Dean Bresciani stated that in order to become a member of the Association of American Universities, NDSU must, among other things "pursue an enrollment of 18,000 students." (NDSU website <https://www.ndsu.edu/news/view/detail/22175/>)

Area Plans:

This subject property is outlined in black in the graphic below, within the Roosevelt/NDSU Neighborhood Future Land Use Plan. This plan designates the subject property as "Primarily Commercial with Residential" on the north end of the block and "Mixed Density Residential" on the remainder of the block. No amendment to the land use plan is required.



Schools and Parks:

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

Parks: Roosevelt Park (1220 10th Street North) is located less than 1,000 feet northeast of the subject property and offers a multipurpose field, outdoor ice skating rinks, warming houses, and playground for ages 2-5. Johnson Soccer Complex (1420 11th Avenue North) is located approximately 1,000 feet west of the subject property and offers a multipurpose field, picnic tables, playgrounds for ages 2-5 and 5-12, restrooms, shelter, and soccer facilities.

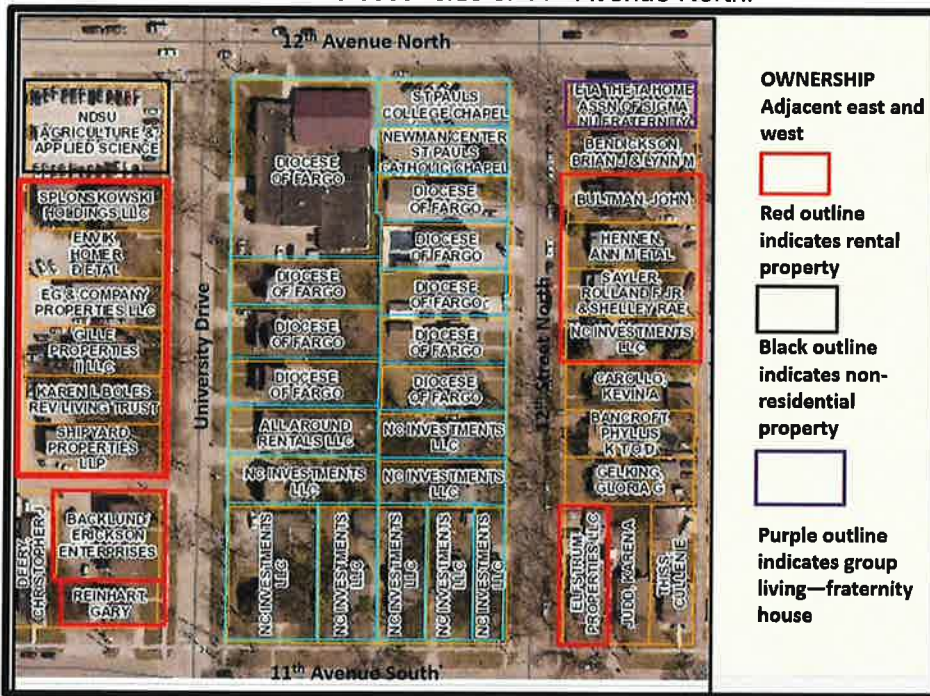
Neighborhood: The subject property is located within the Roosevelt neighborhood.

Pedestrian / Bicycle: There is an on-road bike facility located along University Drive North and 11th Avenue North. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

Housing Tenure in Surrounding Area

One point that often arises in discussion of redevelopment projects is what the nature of housing tenure—rental or owner-occupied—in the area is. All of the lots on the block to be redeveloped are owned by either the Diocese of Fargo, or a property management company. Thus, all residential units, including single-family residences, are rentals at this time. To the north, there are no residential units. Housing tenure to the east, west, and south is identified in the two maps below. These map show that there are six owner-occupied residences facing the development site—four on the east side of 12th Street North and two on the south side of 11th Avenue North:





Public Utility Easements (PUE): The plat creates 10-foot wide public utility easements along the east, west, and south sides of the project site, as is the standard practice. Due to the shortened setback on the north side of Lot 1, Block 1, and the fact that there are no utilities currently in this location, the City Engineer and the Planning Department have allowed a 5-foot wide public utility easement.

Zoning

Section 20-0906. 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. The PUD zoning is an overlay with an underlying zoning district. Considering the uses proposed by this project—religious institution and multi-dwelling residential, the MR-3 zone is an appropriate underlying zoning district for the entire project, as the MR-3 is the least intense zoning district that can accommodate these uses. The proposed PUD Overlay zoning district is intended to accommodate the redevelopment of this property and specifically identify the proposed development with a specific land use plan that is to be reviewed concurrently with the zoning change request. **(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 property. The applicant’s utility plan indicates that the proposed buildings can be individually served with public water and sewer. **(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 within 300 feet of the project site. Staff also notified the

Neighborhood Association representative. To date, staff has received several comments which are summarized below. Copies of comment letters and e-mails are attached. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. Staff understands that there are blighted conditions on site and that existing houses have already been removed or scheduled for demolition. While that is an unfortunate circumstance that a property can fall into disrepair to the level that demolition is necessary, staff does not believe that this proposal is a contributing factor to the conditions at the site today. This proposal will improve the conditions on site and add value to the surrounding properties. As part of this case review, staff believes that this proposal and requested zoning change is appropriate for this block only within the Roosevelt Neighborhood and we do not believe supporting this project declares a precedent. **(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. The Go2030 plan also supports quality development near NDSU as well as supports historic preservation. While it may seem that these are contrary goals, the plan points to the fact that each area is slightly unique and that through staff analysis of the overall surrounding area and neighboring context recognizes the higher goal of healthy and quality neighborhoods. As such, staff finds that the proposed development is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the Roosevelt/NDSU Neighborhood Plan, and other adopted policies of the City. **(Criteria Satisfied)**

PUD 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 (Section 20-0908(B)(7)).

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 zoning district. It modifies development standards of the MR-3 zone, parking requirements, landscaping, and Residential Protection Standards, in order to provide a larger scale development and higher density housing than would be allowed under the base MR-3 zoning district. Staff finds this appropriate considering that the full block is being redeveloped and there is an opportunity for the property owners to work together for a more campus like development that compliments the campus and the neighborhood. Also with the inclusion of the diocese unique partnerships are created to build a form with orientation on busier corridors of University Drive and 12th Ave North with orientation towards NDSU. The proposed land use plan focuses the higher density towards the busier corridors. The addition of the single family town houses allows for a smaller scale potentially owner occupied housing to buffer the single family housing on the east side of the block. **(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 some standards of the MR-3 zone as outlined in Section 20-0501 and noted above. All other standards and requirements as set forth in the LDC have been met. While additional conversation between developer and neighborhood is recommended, the purpose of this PUD allows for unique site layouts contrary to a typical multifamily development in south Fargo. By modifying the site layout to accommodate the

buildings closer to University, the more intense activity is clustered towards the busier street. The revised application includes the addition of 13 townhouses. This provides a new type of housing within the neighborhood. This provides a good buffer between the apartment scale and the single family scale, and has the potential of adding households in the Roosevelt Neighborhood.
(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 property. **(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:

(from Go2030 Chapter 10—Neighborhoods, Infill, and New Development)

Infill—Develop policies to promote infill and density within areas that are already developed and are protected by a flood resiliency strategy. Control sprawl and focus on areas outside of the floodplain.

Design standards—Improve quality of new housing by fostering strong relationship with the development and building community to promote dense, walkable communities with neighborhood centers.

Quality New Development—Require new development to meet site design standards that result in well-designed new neighborhoods.

High Quality Affordable Housing Near NDSU—Develop higher quality affordable housing near North Dakota State University campus.

Neighborhood Support and Communication—Improve communication between City and established neighborhoods. Encourage neighborhoods to establish a vision and create neighborhood plans.

(from Go2030 Chapter 11—Education)

Retention of Neighborhood Schools—A serious issue facing our core neighborhoods is declining enrollment in all its local schools. Once the doors are shuttered, the neighborhood not only loses a school but it loses its sense of community. Fargo will focus in retaining these important neighborhood assets.

Improved Continuity Between NDSU Main and Downtown Campuses—Fargo will work with NDSU to improve continuity between NDSU main and downtown campuses in terms of urban design and services, such as transit. This item is further detailed on page 250 of Go2030, stating "Fargo will also encourage redevelopment of these corridors [10th Street and University Drive] with strong focus on mixed-use development, student oriented facilities and programs but in a manner that is sensitive to the needs and expectations of the citizens living along these corridors in the Roosevelt neighborhood."

The Roosevelt/NDSU Neighborhood Plan also applies to this area. One of the stated goals of the Roosevelt/NDSU Neighborhood Plan is Housing Objective D(4)(page 15) which states: "Identify ways to moderate the 'investor' pressure on neighborhood owner-occupied homes, including policies that will address appropriate redevelopment of property for the creation of new housing. Appropriate redevelopment might increase density and help alleviate pressure from the supply side of the equation."

The Roosevelt/NDSU Neighborhood Plan—Land Use Plan Update designates the block proposed for development under two land use categories. The north end of the block is designated as "Primarily Commercial with Residential." The Land Use Plan states that features of this land use designation include

- Development shall be constructed to encourage durability, longevity and quality.
- Residential development shall be accessory and supportive of the commercial development.
- Located to encourage pedestrian traffic and provide services to the area residents and university.

The remainder of the block is designated as "Mixed Density Residential." The Land Use Plan states that features of this land use designation include

- Primarily located along the University Drive corridor.
- This land use is appropriate for transitional residential areas.
- Serves as a transition between higher density and lower density residential
- It is necessary to understand that transitions will take place over long term.
- Residential can be a mix of densities ranging three units and more per acre.
- Revised plan provides attached single-family residences along 12th Street in order to provide another type of housing option.

Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the Roosevelt/NDSU Neighborhood 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 retaining an existing religious and community institution on its current site as well as providing higher density housing which is appropriate considering the nature of the University Drive corridor and the proximity to NDSU. **(Criteria Satisfied)**

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

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

The subject property is located within the Roosevelt Neighborhood. The future land use plan for the Roosevelt Neighborhood designates the subject property as "Primarily Commercial with Residential" on the north end of the block and "Mixed Density Residential" on the remainder of the block. The proposed zoning is MR-3 with a PUD, Planning Unit Development overlay for the entire block. The MR-3 base zone is the least intense zone that will accommodate the major proposed uses of religious institution and multi-dwelling residential. The PUD proposes to modify certain development standards of the MR-3 zone as indicated above in order to accommodate

the proposed development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received several comments which are summarized below. Copies of comment letters and e-mails are attached. 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)**

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

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

It should also be noted that a PUD has two steps: a Master Land Use Plan and a Final Plan. This hearing does not include the Final Plan. The Final Plan will come back to the Planning Commission when site plans and building permit is submitted.

Activity between original submittal of July 16th, 2018 and the September 4th, 2018 Planning Commission Hearing

Neighborhood Association Comments

An open house meeting was held on August 20, 2018 for neighbors to meet with and hear a presentation from Planning staff and the developer. Twelve neighborhood residents signed in but approximately 10 more people were in attendance. One submitted written comments at the meeting. Additional comments were received by letter and e-mail after the meeting (copies attached). Those comments, along with oral comments, are summarized below:

Related to the project

1. Can it be something other than apartments? Suggested townhomes or other family-focused type of housing, or a less dense quiet/contemplative building that better fits the mission of the church.
2. The city should try to stop the encroachment of these large projects into neighborhoods.
3. Is student housing near NDSU being overbuilt---noted recent large projects like NDSU Foundation.
4. Concern that the loss of family oriented housing will cause Roosevelt school enrollments to decline to the point the school will be closed. School is the "anchor of the neighborhood."
5. The proposed density is too much for this neighborhood; projects of this density should be built in the UMU-zoned area to the west.
6. This project is not consistent with the Roosevelt Neighborhood plan.
7. Discussion about parking reduction for market rate housing and for church.
8. Discussion with developer about breakdown of unit type (Developer stated 50% one-bedroom, 25% two-bedroom; 25% three- and four-bedroom is the intended mix).
9. Neighbors would support redevelopment of just the Newman Center without the market-rate housing part of the project.
10. Insufficient buffer on the east side facing 12th Street.
11. Scale of the project is out of character for the neighborhood.

Related to the process

1. Questions about the notification radius

2. What's the point of having a neighborhood association if they don't have input into the process? (one neighbor provided a history of the neighborhood association)
3. Concerns on promises made with UMU zoning process several years ago and density proposed west of Johnson Park.

Related to the project background

1. Question about how the diocese and the developer got together (Fargo Diocese employee Earl Wilhelm described an RFQ process)
2. Question about the expected effect on NDSU and the congregation size. Fr. Cheney estimated 4,300 Catholics at NDSU, 15% of which make up his congregation. The new Newman Center will build a broad-based congregation. Facility will have classroom and music room spaces and will partner with NDSU academic departments.
3. Question about financial relationship between the diocese part of the project and the developer part of the project (Larry Nygard of Roers Development stated the two parts are interdependent and there's no way to separate them—buildings are all connected; parking and underground stormwater storage are shared between the two lots)

Other comments

1. One neighbor repeatedly referred to the crime and disorderly conduct caused by NDSU students; comments from other neighbors reinforced her remarks.

Additional comments after the meeting

In addition to comments made at the public meeting, staff has received additional comment letters and e-mails which express the following concerns:

1. The overall parking provided by the project is insufficient to adequately serve all the proposed uses.
2. Existing codes, residential protection standards, and neighborhood plans are there to protect the residents and their properties. Overruling them benefits only the developers; there is minimal, questionable benefit to the neighborhood.
3. Block 2 proposal [residential component of the project] does not fit the neighborhood plan, it does not adhere to existing codes, and it is of very little benefit to the neighborhood.
4. The developer's request for PUD modifications to the MR-3 zone are excessive and unreasonable.
5. The combined project of the new St. Paul's Newman Center (including 500-seat chapel) and the proposed 136 units of housing is too intense to all fit on this one block.
6. The density of housing and the size of the multi-dwelling building proposed by the project is more appropriate for the UMU, University Mixed Use zone to the west.
7. Concern that removal of existing single family residences will negatively affect the enrollment at Roosevelt Elementary School and may lead to eventual closing of the school.
8. Residential Protection Standards should never be compromised. They are one of the key elements to providing visual protection from single-family lots.
9. The need for this project for student-oriented housing is not justified by 2018 NDSU fall enrollment numbers, which are 5% lower than the 2017 numbers. Additionally, 1,303 student housing units in and near campus will be coming available in the next nine months.
10. This project should be two separate projects and two separate applications, evaluated individually, instead of one combined project between the Fargo Diocese and Roers Development.
11. Approval of this project may lead to additional similar projects in the neighborhood.

Support for the Newman Center: Despite numerous comments opposing the overall project, the neighborhood was generally supportive of the idea of a new St. Paul's Newman Center, though in the neighbors' view, this should be the only major development on this block.

SUMMARY OF SEPTEMBER 4th, 2018, PLANNING COMMISSION HEARING

As part of the public hearing, Roosevelt Neighborhood Association representatives Ken Enockson and Harold Thompson gave a presentation of an overview of the neighborhood concerns, including permanent loss of single-family homes affecting neighborhood schools, the cycle of neglect of homes, parking issues, and building height and density concerns.

Eleven property owners spoke in opposition to the proposal stating the following concerns:

- Fargo's current high vacancy rate in apartment housing;
- Excessive building height;
- A need to maintain housing stock in core neighborhoods;
- The attendance decline of the neighborhood schools;
- Declining enrollment at NDSU;
- The noticeable number of vacant rental properties;
- Consistency of the project with the Roosevelt/NDSU Neighborhood plan;
- Parking concerns for the Newman Center and the multi-dwelling residential;
- The concern of having to repeatedly appear before the Planning Commission and City Commission in the interest of the neighborhood.

By a vote of 8-0, with three Commissioners absent, the Commission moved to accept the recommendation of staff and continue this item to the October 2, 2018 Planning Commission meeting.

MEETINGS FOLLOWING THE SEPTEMBER 4th, 2018 PLANNING COMMISSION HEARING

Since the September 4th, 2018 Planning Commission hearing, several meetings have occurred:

Planning staff meeting with the developer--September 6th, 2018

Following the September 4th, 2018, Planning Commission hearing, the developer met with Planning staff to review neighborhood comments from that hearing and discuss possible project modifications based on those comments.

Meeting with RNA representatives—September 13, 2018

Following the September 4th, 2018, Planning Commission hearing, Roosevelt Neighborhood Association representatives met with Planning staff to review neighborhood comments from that hearing and discuss possible project modifications based on those comments.

October 2nd, 2018 Planning Commission hearing: The project was continued to the November 6th, 2018 Planning Commission hearing. No presentations were made, no testimony was heard, and no action was taken.

Planning staff meeting with the developer and diocese--October 12th, 2018

The developer and diocese representatives returned with a design showing reduced overall density plus 13 townhome units, the elimination of the access from University Drive, and a revised height for the market rate housing building. The developer and diocese discussed this design concept with Planning staff, and proposed to present the concept to the Roosevelt Neighborhood Association (RNA) representatives in future meetings. The first meeting, to present the concept to the RNA, was scheduled for October 30th, 2018.

Planning staff meeting with RNA representatives, the developer, and the diocese—October 30th, 2018:

At this meeting, the developer presented the concept that had been discussed with Planning staff at the October 12th meeting. Six RNA representatives attended, and expressed their concerns about boulevard tree preservation, the student parking problem and the need for a comprehensive street parking plan in this neighborhood, project density, and on-site parking in relation to the proposed residential density and church uses. In a letter dated October 31, 2018, the RNA commented that, while the proposed changes

are "in the right direction" and welcomed the addition of the 13 townhomes, the revised plan "is still too dense and continues to violate many of the dimensional standards we expect to be enforced." A copy of this letter and of the sign-in sheet for this meeting are attached.

November 6th Planning Commission hearing: The project was continued to the December 4th, 2018 Planning Commission hearing. No presentations were made, no testimony was heard, and no action was taken.

Planning staff meeting with RNA representatives, the developer, and the diocese—November 8th, 2018
Prior to this meeting, the developer and Planning staff conducted a preliminary evaluation of the PUD requirements. Planning staff presented this analysis at the meeting, and the developer presented the plan graphics and provided additional information. The Planning Director provided background on how the Planning Department overall analyzes projects like this, and how comprehensive plan principles, planning best practices, and zoning regulations are interpreted and applied. Five RNA representatives attended, and expressed their concerns that whatever density the Planning Commission approves will become the new density for the Roosevelt Neighborhood and that even the reduced density proposed by the revised plan is still too great for this neighborhood.

In a follow-up letter of November 19th, 2018, RNA representative Harold Thompsen, an architect, has provided an alternative proposal depicting three different levels of reduced density and reconfigured project design. A copy of this proposal is attached as indicated in the numbered list of attachments below.

COMMENTS FOLLOWING THE SEPTEMBER 4th, 2018 PLANNING COMMISSION HEARING

Since the September 4th, 2018 Planning Commission hearing, 12 additional comments letters and e-mails have been received. A summary of major points of these comments is below:

- The proposed project will have no benefit to the neighborhood
- The proposed project will create an excessive traffic burden in the Roosevelt Neighborhood
- Lack of zoning enforcement by the City leads to neighborhood buildings being run down and neglected.
- Residents should have confidence that zoning regulations will not be modified or interpreted to bring about sudden, dramatic change in a neighborhood.
- The size of the project will truly impact the neighborhood of family houses.
- Preservation of existing housing in older neighborhoods will give young people the opportunity to purchase an affordable house, thus helping to sustain neighborhood schools.
- The proposed project density is too great, the buildings are too tall, and there is insufficient on-site parking—a project of this scope should be in the UMU, University Mixed Use zoning district [west of T-Lot].

Copies of these comment letters and e-mails are attached.

DECEMBER 4th, 2018 PLANNING COMMISSION

As part of the public hearing, Roosevelt Neighborhood Association representatives Ken Enockson, Jim Laschkewitsch, and Harold Thompsen, each spoke of the neighborhood concerns, including building height and density, the need for more detailed conversations between City departments and core neighborhoods, parking issues, Land Development Code integrity, and protecting single family living in the neighborhood.

Three other residents of the Roosevelt neighborhood spoke in opposition to the project, stating the following concerns:

- High-density development in the Roosevelt neighborhood outside of the UMU, University Mixed-Use zoning district;
- The project reduces the quality of life in the neighborhood;
- The project does not bring value to the neighborhood;

- Maintaining Fargo's "small city vs. big city" feel;
- Water retention issues on the property;
- Affordable housing for the neighborhood;
- The project could set a precedent for future high-density developments; and
- Negative effects of the project on neighborhood safety.

COMMENTS FOLLOWING DECEMBER 4th, 2018 PLANNING COMMISSION

Planning staff received one comment letter following the December 4th, 2018 Planning Commission hearing. The letter opposed the project, describing the project as "disastrous" for the Diocese, neighborhood residents, and the "soul and future of Fargo." Particularly, the letter asked:

- How much of this project is tax-free through church status?
- Is "faith-based housing" considered tax-free through church status?
- Is "faith-based housing" limited to members of a certain religion?

A copy of this letter is attached.

PROTEST PETITION—SUPER-MAJORITY VOTE REQUIRED FOR APPROVAL

Land Development Code Section 20-0906(G) provides a process to oppose a zone change by way of a petition signed by surrounding landowners that meets the criteria stated in that code section. Planning staff has received such a petition from property owners within the designated area around this project and has determined that it is a valid petition, as it meets the criteria of this code section. Therefore, if the City Commission would move to approve this project, a supermajority vote—that is, four of the five City Commissioners—would have to vote in favor of the motion to approve the project. If fewer than four would vote in favor of a motion to approve, the project would be denied. If the project is denied, the applicant would have to wait at least three months before reapplying, and would have to start again from the beginning with a new application. This waiting period is a requirement of LDC Section 20-0906(I). A spreadsheet and map of the protesting properties and a copy of the signed petition pages are attached. Note that, according to the petition organizer, three different people went door to door with copies of the petition. The attached document is a combination of the signed pages from all three of these signed petitions.

JANUARY 14, 2019 CITY COMMISSION HEARING

At the January 14, 2019 City Commission hearing, after hearing presentations by Planning staff and the developer and testimony from the community, the Commission voted to table the decision to February 11, 2019 in order for the developer and the Roosevelt Neighborhood representatives to develop a compromise regarding the building height and project density proposed by this project.

Comments from the testimony included

- the project belongs in a University Mixed Use Zone and allowing this project in the Roosevelt neighborhood will set a precedent for other investors who will expect the same treatment. opposed to the market-rate housing in the development and he hopes there can be a compromise;
- there are issues with the Land Development Code and he has repeatedly come before the Planning Commission and the City Commission to protect the neighborhood;
- there has been a cycle of disinvestment in the neighborhood with single family homes converted to rentals, which eliminates potential buyers and takes away affordable housing;
- the project are that is too dense, too tall and does not have enough parking;
- the current zoning undermines the neighborhood and it has been used against the neighborhood residents;
- the project will bring more traffic and more problems, including home security problems for the Roosevelt Neighborhood residents; and
- the neighborhood should remain single-family.

Three people spoke in support of the St. Paul's Newman Center portion of the project.

NDSU president Dean Bresciani and Fargo Board of Education president Rebecca Knutson also spoke, commenting how the Roosevelt neighborhood is connected to their organizations.

ACTIVITY SINCE THE JANUARY 14, 2019 CITY COMMISSION HEARING

On February 6th, staff received confirmation that the applicant and the neighborhood association have collaborated together to develop an Option "D".

FEATURES OF OPTION "D"

Option "D" proposes 24 units of faith-based housing and 85 units of market-rate housing, plus seven townhomes to be built as part of the project with an option to add four additional townhomes in the future for a total of 11. The townhomes account for the single family residences on the block. One unit of group living for the priests' quarters is included in the total of 121 residential units. This option also reconfigures the plat, moving the lot for the first seven townhomes (Lot 3) to the north and laying out a future lot (Lot 4) for the four optional townhomes adjacent to it. The revised location of the townhomes puts them in a position to block more of the main parking lot from the view of 12th Street residences and provides a small open green space area on the corner for 12th Street and 11th Avenue North. This reconfiguration of the plat also creates a larger Lot 2 for the market rate housing. These modified dwelling unit numbers provide a density of approximately 32 dwelling units per acre (calculation includes the second phase of the townhomes), a reduction from the 33 dwelling units per acre of the previous version of this project.

Regarding the building height, Option "D" steps down the height of the market-rate housing building along University Drive to four stories with a rooftop patio for a portion of the building, and to three stories for a portion of the building along 11th Avenue North.

Staff's review of Option "D" indicates that this option will probably result in an overall reduction in building coverage and an increase in open space. Specific confirmation of these details will be confirmed at the City Commission meeting on February 11th.

Option "D" maintains vehicular access from the project site from 11th Avenue (one access) and 12th Street (one access), and does not add any addition access points on either of these roadways.

The number of both surface and underground parking spaces has increased, though the overall parking ratio remains between 0.9 and 1.0 parking spaces per bedroom.

The Master Land Use Plan to Option "D" is included in the attachments immediately following the plat, and is identified as "Option D."

Note that a future replat is necessary to officially create the 4th lot on this project. The Land Development Code documents this process as a Minor Replat.

ADDITIONAL COMMENT: One additional comment letter opposing the project, dated January 18, 2019, was received since the January 14, 2019 City Commission hearing. A copy of this letter is included in the packet. One phone call in support of the new Newman Center was also received.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff, and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and approve the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential; LC, Limited Commercial; and SR-3, Single Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan referenced as Option D; and 3) a plat of the **St. Paul Newman Center Addition** as the proposal

complies with the Go2030 Fargo Comprehensive Plan, the Roosevelt/NDSU Neighborhood Plan, Standards of Article 20-06, Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

(NOTE that a super-majority vote—4 of 5 Commissioners—is required for approval)

Planning Commission Recommendation: December 4, 2018

At the December 4th, 2018 Planning Commission hearing, by a vote of 5-4 with one Commissioner absent and one who recused himself from voting, the Planning Commission voted to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential; LC, Limited Commercial; and SR-3, Single Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan; and 3) a plat of the **St. Paul Newman Center Addition** as the proposal complies with the Go2030 Fargo Comprehensive Plan, the Roosevelt/NDSU Neighborhood Plan, Standards of Article 20-06, Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. PUD Master Land Use Plan “Option D”
5. PUD Master Land Use Plan—previous version
6. Parking layout
7. Townhome elevations
8. Developer’s statement of project benefits
9. Developer’s statement of intent
10. Conceptual aerial views (two graphics)
11. RNA/Harold Thompsen’s alternative proposal letter and graphics date November 19, 2018.
12. Public comment letters and e-mails
13. Protest petition summary spreadsheet
14. Protest petition property locator map
15. Copies of signed pages of protest petition

Plat (Minor) and Zone Change (MR-3, LC and SR-3 to MR-3 w/ PUD) and a PUD

1233, 1215, 1213, 1211 & 1201 11th Ave N;
1146, 1142, 1138, 1134, 1130, 1126, 1122,
1118 & 1112 12th St N; 1141, 1131, 1129,
1119, 1117 & 1113 University Dr N

St. Paul Newman Center Addition



Legend

AG	LC	MHP	SR-3
DMU	LC	NO	SR-4
CC	MR-1	NO	SR-5
GO	MR-2	P/U	SR-6
GO	MR-3	UMI	SR-7
			City Limits

Fargo Planning Commission

September 4, 2018

300

Feet

Page 61 **Plat (Minor) and Zone Change (MR-3, LC and SR-3 to MR-3 w/ PUD) and a PUD**

1233, 1215, 1213, 1211 & 1201 11th Ave N;
1146, 1142, 1138, 1134, 1130, 1126, 1122,
1118 & 1112 12th St N; 1141, 1131, 1129,
1119, 1117 & 1113 University Dr N

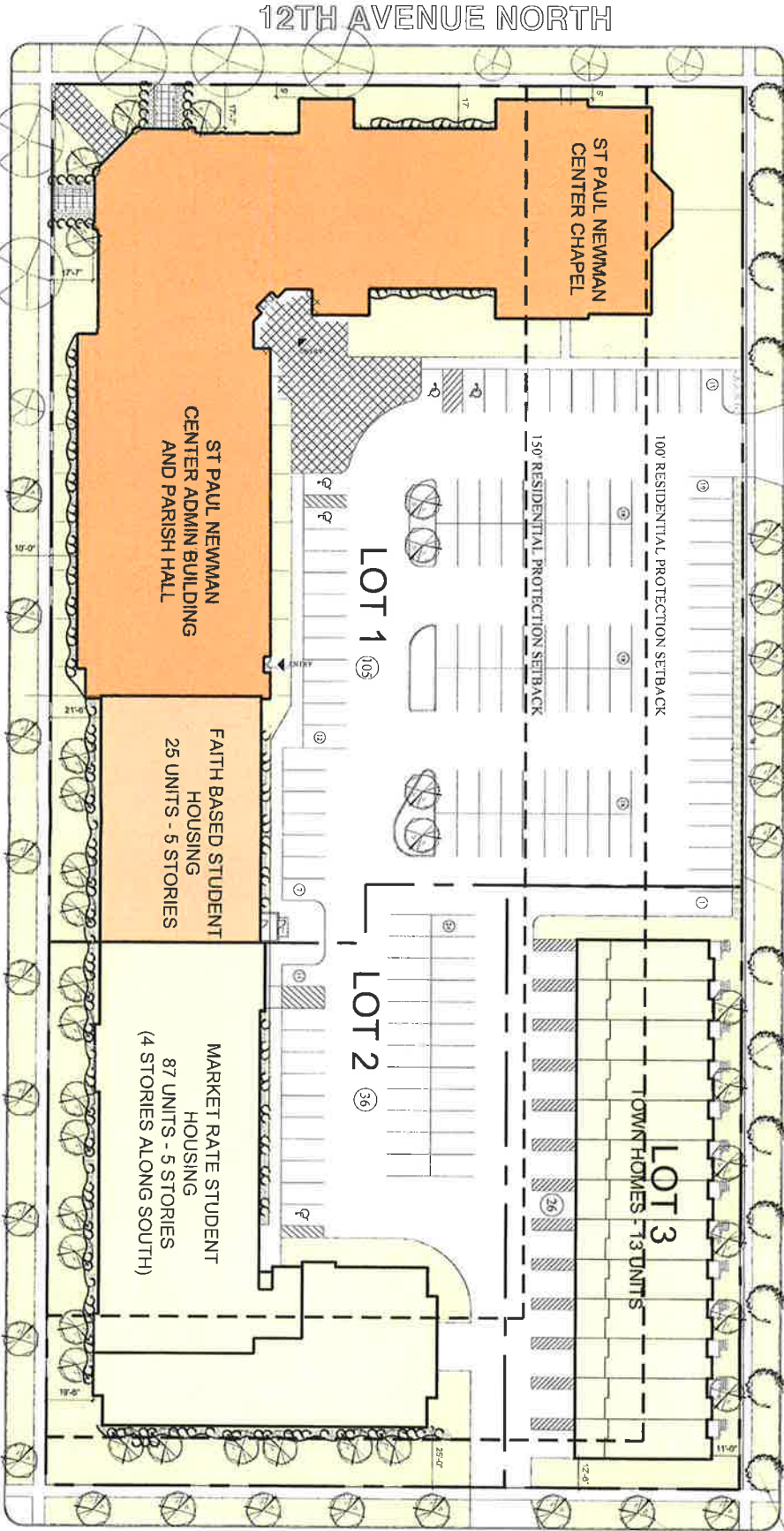
St. Paul Newman Center Addition



OPEN SPACE LANDSCAPING
 SITE AREA = 166,586 SF
 LDC PLANT UNITS REQ'D = 3 PU / 1,000
 SF SITE = 500 PLANT UNITS REQ'D

MASTER LAND USE PLAN

12TH STREET NORTH



PARKING LOT BUFFER =
 EVERGREEN SHRUBS @ 4' O.C.
 STREET TREES 1-1/2" GALIPER =
 12TH ST N : (6) THUNDERCHILD CRABAPPLE @ APPROXIMATE 26' O.C. +
 (11) PRAIRIE GEM PEAR = OTY. 17'
 11TH AVE N: (8) THUNDERCHILD CRABAPPLE @ APPROXIMATELY 35' O.C.

12TH AVENUE NORTH

11TH AVENUE NORTH

UNIVERSITY DRIVE

ROERS
 ARCHITECTS
 1000 UNIVERSITY DRIVE
 SUITE 100
 MINNEAPOLIS, MN 55407
 TEL: 612.338.1111
 FAX: 612.338.1112
 WWW.ROERSARCHITECTS.COM

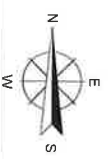
M.B.A.
 MORTIMER BARHAM
 ARCHITECTS
 1000 UNIVERSITY DRIVE
 SUITE 100
 MINNEAPOLIS, MN 55407
 TEL: 612.338.1111
 FAX: 612.338.1112
 WWW.MORTIMERBARHAMARCHITECTS.COM

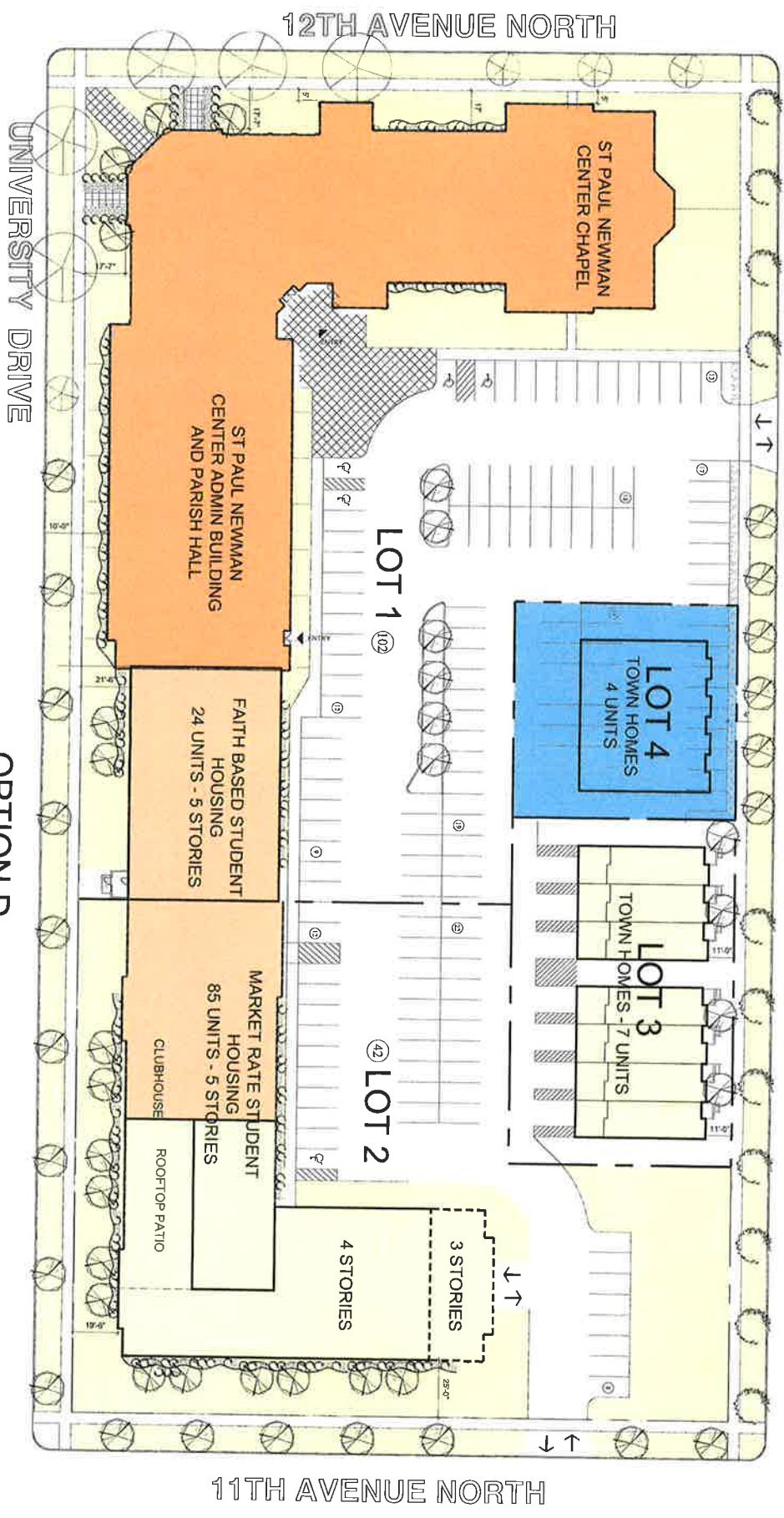
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 MINNEAPOLIS, MN 55407
 TEL: 612.338.1111
 FAX: 612.338.1112
 WWW.ROHNARCHITECTS.COM

CLARK
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 FAX: 612.338.1112
 WWW.CLARKARCHITECTS.COM



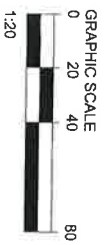
DATE: NOVEMBER 28, 2018





OPTION D

HOUSING	PARKING
TOWNHOME	UNDERGROUND
OPTIONAL TH	SURFACE
FAITH BASED	OPTIONAL TH
MARKET RATE	23 LESS STALLS
7	83
4	143
24	
85	



ROERS
 Building Success

M B A
 MULTIDISCIPLINARY ARCHITECTS

ROHN
 ARCHITECTS

CLARK
 ARCHITECTS

DATE: FEBRUARY 5, 2019

ST. PAUL'S NEWMAN CENTER ADDITION

BEING A REPLAT OF LOTS 1 THROUGH 4 & 15 THROUGH 23 OF BOLLEY'S SUB-DIVISION OF PART OF BLOCK 9, CHAPIN'S ADDITION AND LOTS 1 THROUGH 10, BLOCK 2, COLLEGE ADDITION, CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)

OWNER'S DESCRIPTION AND DEDICATION
KNOW ALL MEN BY THESE PRESENTS, THAT THE DIOCESE OF FARGO, A NORTH DAKOTA NONPROFIT CORPORATION, ST. PAUL'S COLLEGE CHAPEL, A NORTH DAKOTA NONPROFIT CORPORATION, THE NEWMAN CENTER, A NORTH DAKOTA NONPROFIT CORPORATION, ALL A NORTH DAKOTA NONPROFIT CORPORATION AND NC INVESTMENTS, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY, ALL A NORTH DAKOTA LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 149 NORTH, RANGE 48 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
LOTS 1 THROUGH 15 THROUGH 23 BOLLEY'S SUBDIVISION OF PART OF BLOCK 9, CHAPIN'S ADDITION AND LOTS 1 THROUGH 10, BLOCK 2, COLLEGE ADDITION OF A NORTH DAKOTA, SAID TRACT OF LAND CONTAINS 3.824 ACRES, MORE OR LESS AND IS SUBJECT TO EASEMENTS AS MAY BE OF RECORD.
SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED AND PLATTED AS ST. PAUL'S NEWMAN CENTER ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, AND DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, ALL UTILITY EASEMENTS AS SHOWN ON THIS PLAN.
DIOCESE OF FARGO

BY: MOST REV. JOHN T. FOLDA, PRESIDENT OF THE DIOCESE OF FARGO
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME PERSONALLY APPEARED MOST REV. JOHN T. FOLDA, PRESIDENT OF THE DIOCESE OF FARGO, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC
ST. PAUL'S COLLEGE CHAPEL
BY: MOST REV. JOHN T. FOLDA, PRESIDENT OF ST. PAUL'S COLLEGE CHAPEL
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME PERSONALLY APPEARED MOST REV. JOHN T. FOLDA, PRESIDENT OF ST. PAUL'S COLLEGE CHAPEL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC
NEWMAN CENTER, ST. PAUL'S CATHOLIC CHAPEL
BY: MOST REV. JOHN T. FOLDA, PRESIDENT OF THE NEWMAN CENTER, ST. PAUL'S CATHOLIC CHAPEL
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME PERSONALLY APPEARED MOST REV. JOHN T. FOLDA, PRESIDENT OF THE NEWMAN CENTER, ST. PAUL'S CATHOLIC CHAPEL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC
NC INVESTMENTS LLC
BY: JAMES P. ROGERS, PRESIDENT OF NC INVESTMENTS, LLC
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME PERSONALLY APPEARED JAMES P. ROGERS, PRESIDENT OF NC INVESTMENTS, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC
ON THIS DAY OF 2019, BEFORE ME PERSONALLY APPEARED , KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

CONSENT OF MORTGAGEE
DATED THIS DAY OF 2019.
AMERICAN FEDERAL BANK

BY: MARK DIORIO, VICE PRESIDENT
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED MARK DIORIO, VICE PRESIDENT OF AMERICAN FEDERAL BANK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC
CONSENT OF MORTGAGEE
DATED THIS DAY OF 2019.
CONNERSTONE BANK

BY: JIM HAMBRICK, SENIOR VICE PRESIDENT
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED JIM HAMBRICK, SENIOR VICE PRESIDENT OF CONNERSTONE BANK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC
SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT
I, DOUGLAS W. KUMMER, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED ST. PAUL'S NEWMAN CENTER ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, THAT THIS PLAN IS A CORRECT REPRESENTATION OF SAID SURVEY THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN.
DATED THIS DAY OF 2019.
DOUGLAS W. KUMMER, PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA LICENSE NO. 12225
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }

ON THIS DAY OF 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED , KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

CITY OF FARGO PLANNING COMMISSION APPROVAL
APPROVED BY THE CITY OF FARGO PLANNING COMMISSION ON THIS DAY OF 20 .

SHARA FISCHER, PLANNING COMMISSION CHAIR
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED SHARA FISCHER, 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
CONSENT OF MORTGAGEE
DATED THIS DAY OF 2019.
WESTERN STATE BANK

BY: BRAD JACOBSON, PRESIDENT
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED BRAD JACOBSON, PRESIDENT OF WESTERN STATE BANK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC
CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL
APPROVED BY CITY ENGINEER THIS DAY OF 2019.
BERNDA E BERG, CITY ENGINEER
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }

ON THIS DAY OF 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED , KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

FARGO CITY COMMISSION APPROVAL
APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS DAY OF 2019.

TIMOTHY J. MAHONEY, MAYOR
STEVEN SPRAGUE, CITY AUDITOR
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }
ON THIS DAY OF 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME IN THE NAME OF THE FARGO CITY COMMISSION.

NOTARY PUBLIC
CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL
APPROVED BY CITY ENGINEER THIS DAY OF 2019.
BERNDA E BERG, CITY ENGINEER
STATE OF NORTH DAKOTA } ss
COUNTY OF CASS }

ON THIS DAY OF 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED , KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

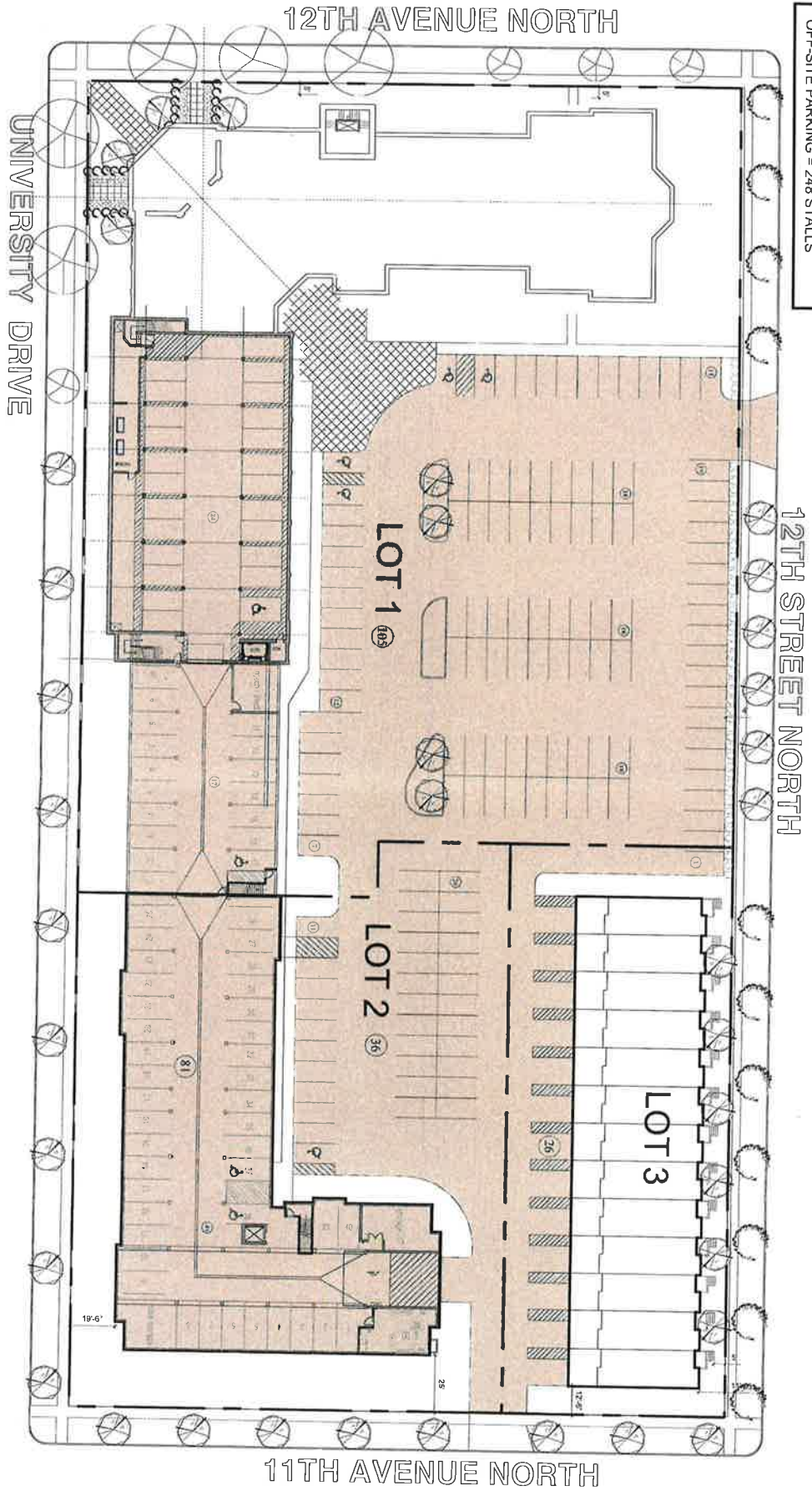
NOTARY PUBLIC
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BERNDA E BERG, CITY ENGINEER
DIOCESE OF FARGO
2201 BRIDGE BLVD S STE 4
FARGO, NORTH DAKOTA 58103
PHONE: 701-248-5000

LAND SURVEYOR
DOUGLAS W. KUMMER
2201 BRIDGE BLVD S STE 4
FARGO, NORTH DAKOTA 58103
PHONE: 701-248-5000

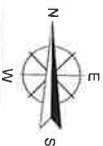
PARKING
 TOWNHOME PARKING = 26
 SURFACE PARKING = 141 STALLS
 UNDERGROUND PARKING = 76 STALLS
 TOTAL ON-SITE PARKING = 243 STALLS
 OFF-SITE PARKING = 248 STALLS

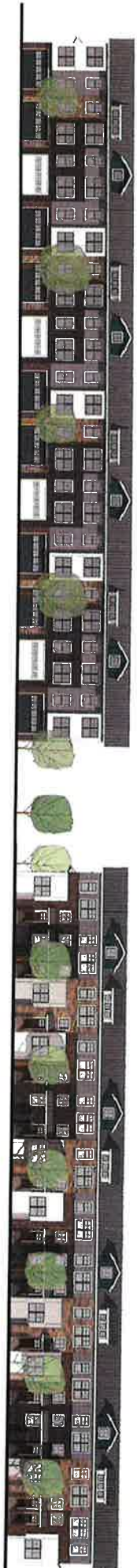


ROERS ARCHITECTS
 BUILDING SUCCESS
M | B | A
 MULTICLASS BARBARA
 ARCHITECTS
ROHN
 ARCHITECTS
CLARK
 ARCHITECTS



DATE: NOVEMBER 28, 2018





- Development
- Construction
- Property Management
- Commercial & Residential Real Estate

August 29, 2018

City of Fargo – Planning and Development
Attn: Donald Kress
200 Third Street North
Fargo, ND 58102

RE: St. Paul's Newman Center Addition

Dear Mr. Kress,

The redevelopment of the St. Paul's Newman Center (SPNC) block presents a unique opportunity for the City of Fargo to benefit from a unified development approach to a landmark parcel of property. Located at the gateway of the NDSU campus, Fargo has the opportunity to significantly improve the aesthetics and purpose of the neighborhood with a new Newman Center and related housing. Located along two major thoroughfares, almost 20,000 vehicles daily will pass by this project. This corner often serves as the "first impression" for NDSU. The use of PUD and a unified development allows significant cross-utilization of public utilities, parking, stormwater retention, and amenities.

The St. Paul's Newman Center (SPNC) Addition block redevelopment project supports the City of Fargo Go 2030 Plan and benefits the community in these ways:

- 1) Promotes infill and density within an already developed area.
- 2) Will follow design guidelines embracing the historical presence of the Newman Center and promoting a dense walkable community.
- 3) Quality new development building and site design standards will be utilized. The project will use the best materials available to achieve high quality and energy efficient buildings.
- 4) High-quality affordable housing will be provided near the NDSU campus. Few could argue that this site is perhaps the most desirable location in Fargo to support the housing needs of both the NDSU and downtown NDSU campuses.
- 5) Affordable housing for workforce and low-income residents will be provided. Access to local bus routes and walkability to the NDSU campus will allow both students and non-students opportunities to live without the need for an expensive vehicle.
- 6) The redevelopment of the St. Paul's Newman Center block has been contemplated for over five years. Public meetings sharing the vision for the project were first held on October 20, 2016. Since that time, the project has had numerous revisions addressing various comments from the neighborhood and city staff.

The use of the PUD zoning overlay will allow us to meet the intent of the community land use goals for this area without the boundaries of existing zoning. We will minimize the impact of the increased utilization of the redeveloped block.



Specifically, the PUD allows us to:

- Develop different, yet compatible, land uses not usually combined.
- Take advantage of the shared use of underground parking.
- Optimize the use of existing public utility services.
- Share the surface parking with compatible uses.
- Optimize setbacks to facilitate cross-utilization of building amenities.
- Minimize the building footprints.

Overall, these features combine to optimize the utilization of the site and minimize the impact to the neighborhood.

Anchoring the southeast corner of University Drive N and 12th Avenue N opposite the gateway into NDSU campus, this project will provide for a new St. Paul's Newman Center to serve an estimated 14,500+ NDSU students, which has grown from the 3,250 student population served in 1958 when the current facility was built.

Program elements will include up to a 500-seat chapel, student commons, parish hall, kitchen, coffee shop, Catholic bookstore, offices, classroom space, group meeting space, Priests residence, religious community residence, staff apartments, and faith-based housing that transitions into conventional market-rate housing on the south end of the site.

The housing components that begin in the middle of the University drive block with the Faith-Based Housing and transitions to the conventional Market Rate Housing will enhance housing options near campus and along an established bus route, to provide relief to the dozens of single-family homes within the Roosevelt neighborhood currently leased as rental properties.

We believe in providing a safe and supportive place to work and live with the following strategies:

- Safe campus – secure entries with keyless entrance monitoring, security cameras through-out, and security personnel provided as needed during NDSU events when higher levels of activity are expected.
- Intentional Interactions – Residential staff get to know the residents and help them as they adjust to life in the community.
- Active Communication and Passive Educational Opportunities – Study sessions, message boards/monitors, e-mail, Facebook, and Twitter communications.
- Community Building Events – Housing staff host regular events to foster social connections among residents and collaborate with University partners that bring resources into our communities for staff and students to help meet other people and get involved.

We would like to thank the many neighbors and city staff who have had a hand in shaping this unique redevelopment opportunity.

Sincerely,
Roers Development, Inc.



Larry S. Nygard
Vice President

PUD NARRATIVE

St. Paul Newman Center Block Redevelopment Revised

DEVELOPER'S STATEMENT OF INTENT: The St. Paul Newman Center Block Redevelopment Project intends to expand the presence of the St. Paul Newman Center adjacent to the NDSU campus to provide a new church and admin facility to meet the program space needs today, provide faith-based student housing, and market-rate student housing in higher density near the gateway to campus to relieve the rental demand on single-family homes in the Roosevelt Neighborhood and resolve the blighted status of some homes within this block.

The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the MR-3, Multi-dwelling residential development standards, except as otherwise provided in the chart included in the staff report.





November 19, 2018

Fargo Planning Commission
200 2nd St. N.
Fargo, ND 58102

RE: St. Paul Newman Center Project

To whom it my concern:

Thank you for giving me the opportunity to visit with the development team regarding their proposed changes to the project. We met with them on October 30th and November 8th of this year. We are grateful that they are listening to our concerns. We understand the developer is offering less density with fewer units, reducing the height of the apartments by one story and adding 13 townhomes. We are pleased with the direction of the changes but think it has a longer way to go.

The primary issue for us is the proposed density, i.e. the number of units per acre. Because the density is over the 24 u/a maximum allowed for an MR-3 District, almost all of the dimensional standards proposed are beyond their reasonable limits. The original submittal started out at 36 U/A; the revisions proposed have reduced it to 33 U/A. We would like to see it reduced to 24 units per acre for three specific reasons.

1. PRESERVING THE INTEGRITY OF LDC (Land Development Code)

The dimensional standards of the LDC is the primary document that we as single family home owners and citizens of this community have in place to protect us from our neighbors and adjacent developments. We expect the Planning Commission to preserve and protect single family lots. Any proposed change must be done with orderly growth in mind. Orderly growth can be contained within the dimensional standards of the LDC. We can accept the rezoning of this site to MR-3, but the site plan should be redesigned within the dimensional standards. The Planning Commission must insist that the developer offers a balanced solution to any proposed PUD overlay. i.e. if they want more density than they should offer fewer stories to balance the request; if they want more height than they should offer greater setbacks, etc. The dimensional standards proposed are in excess of what any neighbor should have to expect.

2. PRESERVING THE INTEGRITY OF OUR NEIGHBORHOOD LAND USE PLAN

The north half of the proposed site is currently zoned for 'Commercial with Residential'. The south half is zoned for 'Mixed density residential'. We accept the developer's proposal to rezone it to MR-3. We concur that this would be the maximum allowed by the Land Use Plan. However, the density proposed (33 u/a) falls under the guidelines of our UMU District and has no grounds for being proposed for this location. 33 units per acre density should be denied or at least a public hearing offered to debate the merits of changing the zoning to something this dense.

3. PRESERVING THE NEIGHBORHOOD FROM SIMILAR ILL-SUITED DENSITIES

We are extremely concerned about the precedent this may set if this level of density is approved; not only for our neighborhood but all other neighborhoods within the City. The Planning Commission should not allow this level of density (UMU) on this block or any block not designated for UMU or similar use.

POTENTIAL SOLUTIONS

Several parties have heard our concerns and asked what we would propose for improvements.

Attached, please find a graph with five different density scenarios for your review. The scenarios are in columns numbered 1-5 and include descending densities from 36 units per acre to 24 units per acre. The graph also includes an on-site parking summary for each.

Columns #1 & #2

These columns you will recognize as the developer's original proposal (#1), 136 units and their proposed revision (#2), 125 units that includes 13 townhomes. The original represented 36 units per acre. Their revision is 33 units per acre. Although the revision is in the right direction, we offer three additional scenarios, each leading to a lower density.

Column #3

This column represents a total of 114 units (30 units per acre). 11 more townhomes have been added and 22 market rate units have been removed. It appears the site has the capacity for 24 townhomes along 12th St. The townhomes would make a nice buffer between the single family homes on the east side of 12th St. and the market rate apartments on site. If the developer in their first revision could trade 25 apartment units for 13 townhomes, why couldn't they trade another 22 apartment units for 11 more townhomes. An acceptable buffer would be provided and the apartment building would be one story shorter. The biggest concern with this proposal is the on-site parking meets the developer's standard but not the 2.25 parking spaces/unit required by the LDC. A schematic Site Plan '30 U/A' is attached for your review.

Column #4

This column represents a total of 103 units (27 units per acre). The townhome arrangement is the same as Column #3. The difference is 11 more apartment units have been removed to lower the density to 27u/a. This will allow the apartments along 11th Ave. N. to be lowered to three floors. If you keep the on-site parking count the same than this scenario meets the parking requirements of the LDC and have six extra spaces for the Chapel's weekday use. A schematic Site Plan '27 U/A' is attached for your review.

Column #5 (Our Preference)

This column represents a total of 91 units (24 units per acre). This is the maximum density allowed by the MR-3 District. It includes 24 Townhomes, 25 Faith-based units and 42 Market-rate student units for a total of 91 units. The apartments could be lowered to three stories. With 184 parking spaces available on site for the 67 apartments there would be 33 extra spaces

available for the Chapel's use. (67 units x 2.25 spaces/unit = 151 space + 33 extra = 184 available on site. A schematic Site Plan '24 U/A' is attached for your review.

The 24 unit/acre scenario is our obvious preference. It falls within the dimensional standards of the LDC. It meets the requirements of the neighborhood's Land Use Plan and it sets an acceptable precedent for future development.

Sincerely yours,



Harold A. Thompsen
1309 N 9th St. - 40+ year resident of the neighborhood

4 attachments

ST. PAUL NEWMAN CENTER PROJECT

FARGO, ND
NOV. 19, 2018

BY DEVELOPED
#1 #2

OPTIONS FOR PLANNING
TO CONSIDER
#3 #4 #5

9/11/18 11/8/18

TOWNHOMES

0 13 24 24 24

FAITH-BASED
UNITS

29 25 25 25 25

(TOTAL UNITS
W/O T.H.)

(136) (112) (90) (79) (67)

STUDENT
MKT-RATE

107 87 65 54 42

TOTAL UNITS

136 125 114 103 91

DENSITY (U/A)
(UNITS PER ACRE)

36 33 30 27 24*

→ RIGHT DIRECTION

HEIGHT (STORIES)

6 5/4 4 4/3 3

UG. PARKING

90 76 76 76 76

SURFACE PRK'G

184 141 108 108 108

TOTAL PRK'G

274 217 184 184 184

PARKING SPACES/
PED

1.0± 0.9± 1.0± 1.2± 1.4±

PARKING SPACES
PER UNIT

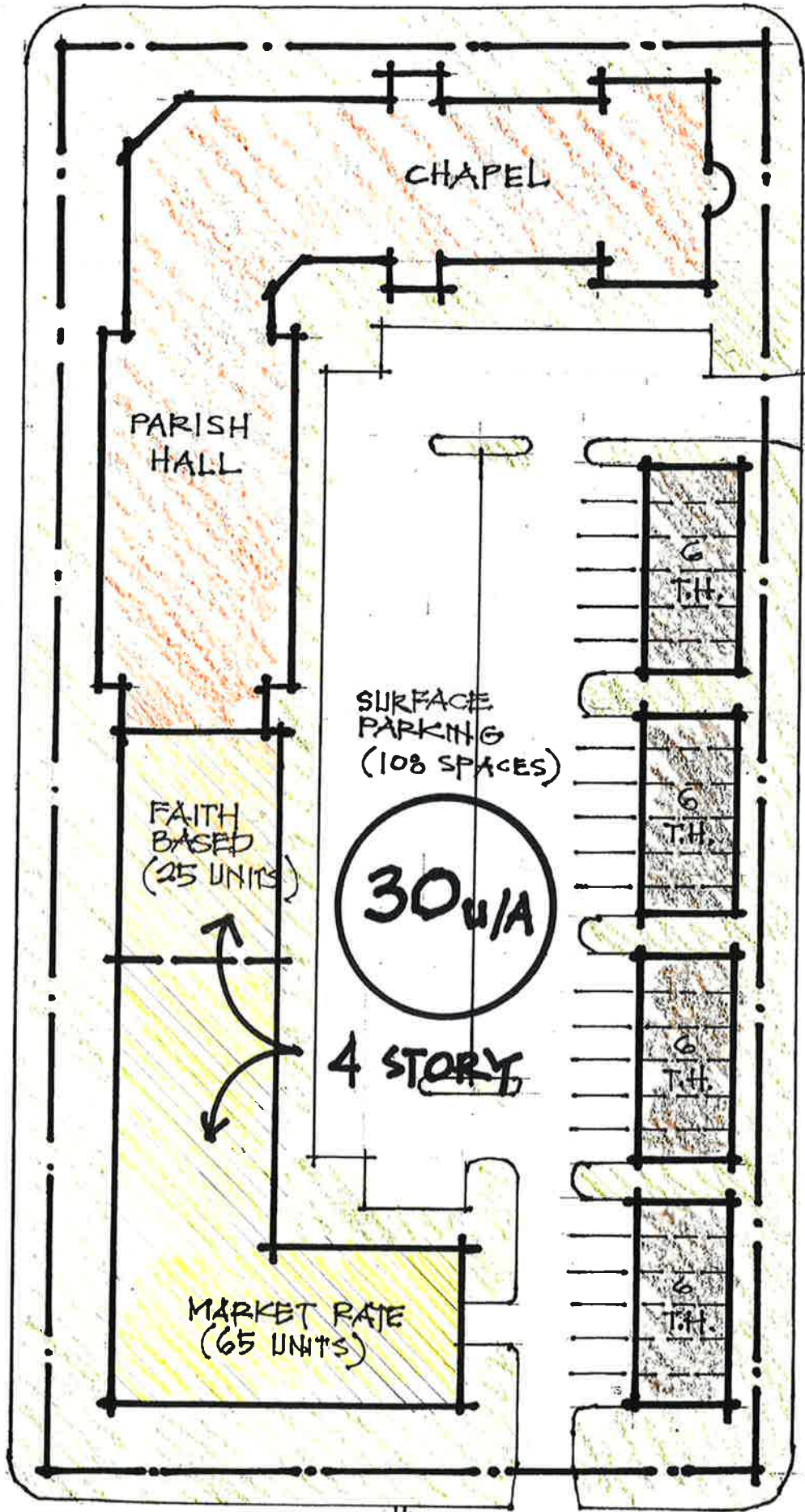
2.0± 1.9± 2.0± 2.3± 2.7±

2.25 MAX REQ. 6 EXTRA SPACES	2.25 MAX REQ. 33 EXTRA SPACES
---------------------------------------	--

* LDC MAX. FOR MR-3

12th AVE N.

UNIVERSITY DR. N



12th ST. N

11th AVE N.

5.

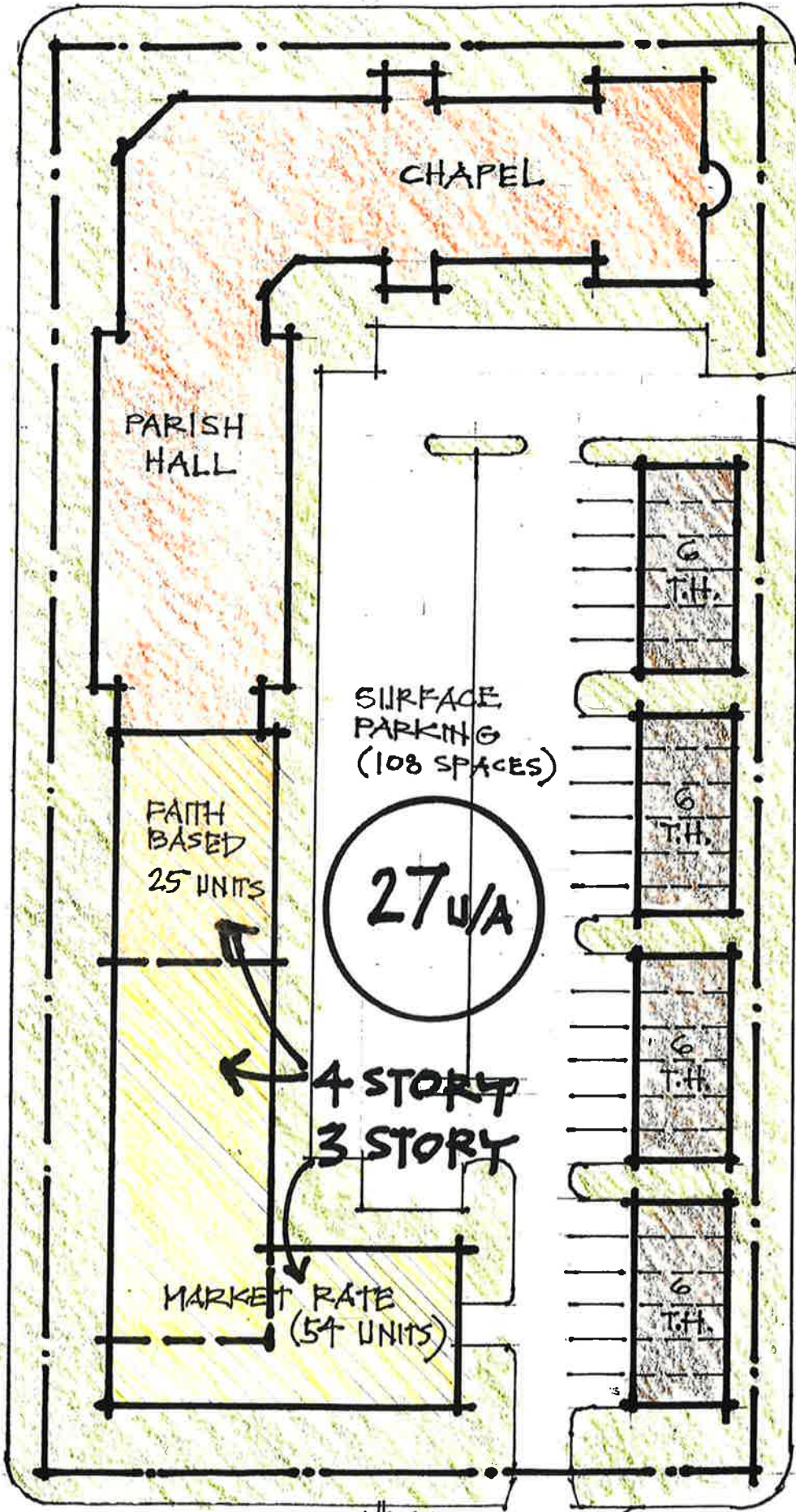


1"=60'

Nov '18

12th AVE N.

UNIVERSITY DR. N



12th ST. N.

11th AVE. N.

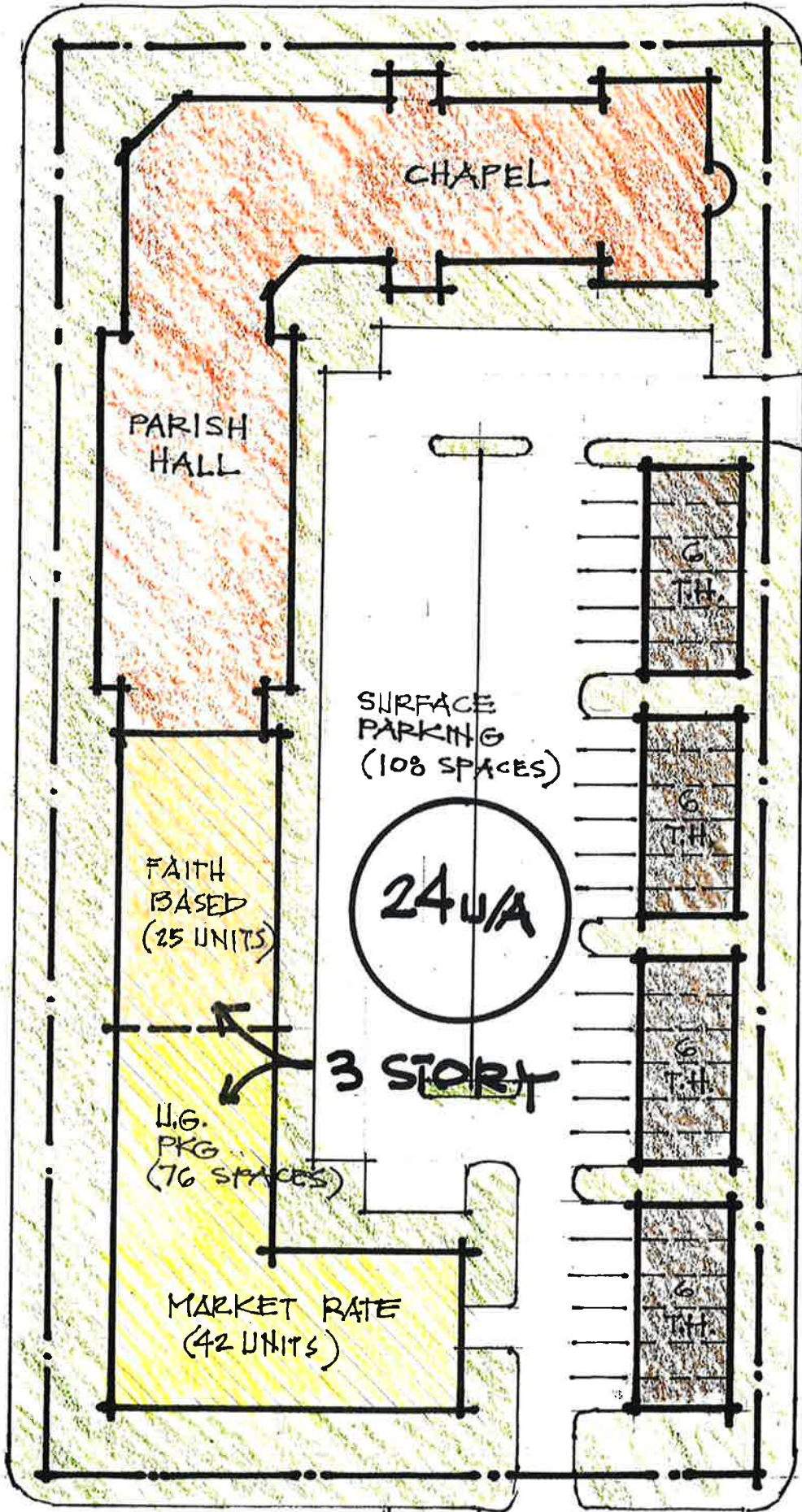


1"=60'

6.

12th AVE N.

UNIVERSITY DR. N



11th AVE. N.

12th ST. N



1:60'

NOV '18

St. Paul Newman Center project open house Monday, August 20, 2018
Please Print your name and address on this sheet. Thank you.

NAME	ADDRESS	E-MAIL ADDRESS (optional)
Linda Skjerseth	3237 Evergreen Rd NE	
Martha Berryhill	2437 Lilac Ln N	
HAROLD THOMPSEN	1309 N 9 ST	
JUDY THOMPSEN	1309 N 9 ST.	
Robert Baumann	1357 Univ Dr N	
Ken Ewertson	1202 8th St N	
Jean Burtman	1137 14th St. N. Fargo	
Pet Shirk	1122 College St	
Will Shirk	1121 14th St N	
Judy Wong	1121 N 14 ST	
Barb Herbranson	1042-14 St. N.	
Hesterbranson	1042-14 St. N.	herbransons@att.net

Comment Sheet

St. Paul's Newman Center Project Open House Monday, August 20, 2018

Contact Information

Please Print

Property Owner Name: Ken Erockson

Address of Property: 1202 8th St N

Mailing Address (if different than above) _____

Phone Number: 701-730-6636

Email: kenrockson@hotmail.com

Comments: Regarding Lot 2
Population density, scale of project
or height of building on 11th Ave is unacceptable
This is a UMU project proposed outside
the UMU district. It doesn't fit in a residential
neighborhood. Medium density development
would be the appropriate option along 11th Ave
There is no buffer available in this proposal.

From: Ken Enockson <kenockson@hotmail.com>

Sent: Tuesday, August 21, 2018 9:27 AM

To: Donald Kress <dkress@FargoND.gov>; Jim Laschkewitsch <jlaschke@gmail.com>;
berryhill@cableone.net; nathan.a.larson@gmail.com

Cc: Nicole Crutchfield <ncrutchfield@FargoND.gov>; Mark Williams <MWilliams@FargoND.gov>; Tyrone Grandstrand <TGrandstrand@FargoND.gov>; Elissa Novotny <enovotny@roers.com>

Subject: RE: Information and meeting regarding proposed St. Paul Newman Center project--12th Avenue and University Drive

<p>CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.</p>
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Hello Donald,

It is my understanding that this request is scheduled to be presented to the Planning Commission on September 4th. If so, the RNA *strongly* recommends that the city push back this date by a month as the timeframe required for the neighborhood to mobilize our objections and concerns is not sufficient. As most of us do not live within the 300 foot radius of the property in question, we only learned barely 2 weeks ago that the project was going forward. As we have pointed out to the Planning Department on several occasions, the window of time between submission of a proposed project and the start of the city approval process is generally too short for neighbors impacted by the project to be able to digest the information and provide relevant feedback. There are serious issues with this current proposal that need to be addressed thoroughly. Please allow neighborhood residents sufficient time to do so.

Thanks,
Ken Enockson

From: Brian Kappel <kappelb@gmail.com>
Sent: Tuesday, August 21, 2018 6:34 AM
To: Planning E-mails <planning@FargoND.gov>
Subject: Newman

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

As I read this mornings paper I am struck by how the planners work. They develop the project and post a date of when they hope the project will be done prior to holding neighborhood meetings.

The cart is before the horse.

I was born in this town in 1951 and what I have observed is how the planners really do not plan. They listen to the developers

and then propose zoning changes to accommodate. Roers and the church knew what this was zoned. It should have gone to the neighborhood and you before it had gotten this far.

I urge you to modify the plan to any structure will be no taller than a historic 3 story home.

--

Brian Kappel
Fargo North Dakota

HAROLD & JUDY THOMPSEN
1309 N 9TH ST - FARGO
(RESIDENTS OF ROOSEVELT NEIGHBORHOOD FOR 40 YEARS)

City of Fargo
Department of Planning and Development
200 North Third Street
Fargo, ND

August 23, 2018

RE: St. Paul's Newman Center Project

To whom it may concern,

Please know that we are **OPPOSED** to the project, as submitted, for the following reasons:

1. The proposed plan does NOT meet the intent of the 'Roosevelt Neighborhood Plan' adopted by you and the City Commission. The high-density, market-rate housing should be removed from this site and relocated to the UMU District south of NDSU. The requests for variances to the MR-3 standards are excessive and unreasonable. Use of PUD has been and always should be a 'give and take' proposition in order to keep the impact to the neighbors balanced. This proposal appears to be all take and no give.
2. The block is too small to support both a 500-seat Chapel Expansion and 136 units of student housing. The proposal includes the Chapel Expansion on Lot 1 and the multi-family student housing (faith-based and market-rate) on Lot 2. Lot 2 is only 2.21 acres. If Lot 2 is rezoned to MR-3 then it could only support 53 units (2.21 x 24 units/acre) under the MR-3 dimensional standards. The proposed 136 units on this lot would result in a density of 61.5 units per acre, over 2.5 times the recommended maximum. That is excessive and the market-rate units should be relocated to the UMU District.
3. Destroying 16 single family homes will reduce the inventory of potentially affordable homes for our neighborhood. The Roosevelt School is the anchor to our neighborhood. We, the neighborhood and the City, need to do everything we can to keep the school open. We need young families and they need affordable housing.

Also know that we do **SUPPORT** the efforts of the St Paul's Newman Center to expand their Chapel. However, a 500-seat Chapel is a significant addition and it appears to us that it will take the entire 3.8 acre block to physically support the chapel, administration building and associated parking. We would like to see the development relocate the market-based units and make an attempt at a creative redesign that considers the reuse of the existing single-family houses for the 'faith-based' housing.

If not reuse, than consider replacing the existing houses with two-story townhomes that are 'family friendly'. The scale would be more appropriate for this location. The future use of these units would be better adapted to supporting the Roosevelt School.

At the least, we would like to see the height of the 'faith-based' units reduced from five stories to three stories or less. We think this can be achieved, physically, if the market-rate units are relocated.

Sincerely yours,



Harold and Judy Thompson
1309 N 9th St - Fargo

From: Ken Enockson <kenockson@hotmail.com>
Sent: Monday, August 27, 2018 2:25 PM
To: Donald Kress <dkress@FargoND.gov>
Cc: 'Martha Berryhill' <Berryhill@cableone.net>
Subject: sending along note from Martha Berryhill

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello Don,

I am forwarding along to you some comments and an inquiry from Martha Berryhill. Evidently the emails she sent to you previously bounced back to her so she asked me to resend to ensure you received them:

Comment re Newman Project:

Planning Commissioners,

I have no problem with the Block 1 proposal for a rebuilt sanctuary and supporting facilities.

I object strongly to the Block 2 proposal. It does not fit the neighborhood plan, it does not adhere to existing codes, and it is of very little benefit to the neighborhood. What little benefit it does provide (removing blighted properties) is negated by what the neighborhood loses (single family houses that could be rehabilitated and filled with long-term residents.)

Existing codes, residential protection standards, and neighborhood plans are there to protect the residents and their properties. Overruling them benefits only the developers; there is minimal, questionable benefit to the neighborhood.

Please help us protect our neighborhood by rejecting this proposal!

Martha Berryhill
Friend of the Roosevelt Neighborhood

Inquiry re City notification process:

1. Subject: question
2. Donald,
3. I was looking at past CC meetings and noticed the following from the July 16th City Commission minutes. Who is/are the "appropriate staff"? To my knowledge no one from the RNA has been contacted about this.
4. Commissioner Grindberg moved appropriate staff be directed to prepare four Renewal Plans for blocks in the Roosevelt Neighborhood, and to involve members of the Roosevelt Neighborhood Association.
Second by Piepkorn.
5. -Martha B

Thanks and have a great week.
Ken Enockson



ROOSEVELT NEIGHBORHOOD ASSOCIATION
1026 NORTH 10TH ST
FARGO, ND 58102

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

August 27, 2018

RE: St. Paul's Newman Center Project - Technical Merits

To whom it may concern,

The Roosevelt Neighborhood Association met tonight to discuss the technical merits of the PUD submitted by the applicant.

The following questions were raised by our committee and the Association asked us to forward them to the Planning Department for review and comment.

(The bold italicized are comments from our committee members)

1. What is a 'Unified Development' and where can we find it in the Land Development Code? It is a term introduced to us by Mr. Donald Kress from the Planning Department after the Open House last Monday. If it's a 'Unified Development' will the housing portion become tax exempt?
2. Front yard setbacks are reported to be only 5 feet by the applicant. Shouldn't they be increased to support the provisions for landscaping?
3. The application indicates the potential for a Bookstore and Coffeehouse, but has not made any provisions for parking. How many on-site parking spaces need to be added to support these features?
4. The application indicates a three-story Administration Building. Based on the footprint, it appears to be 12,000 s.f. x 3 stories = 36,000 s.f. Please confirm the size and the amount of additional parking will be needed by the LDC?
(It appears to us that 80-100 spaces should be added based on 1 parking space per 300 sf of office)

5. Building coverage has been reported to be at 38%, 3% over the 35% limit. 3% represents approximately 5,000 s.f. of building coverage. Will the applicant be required to reduce the housing or the chapel footprint or both?

(Note: 5,000 s.f. of the market rate housing appears to represent 24 units. (4 units per floor x 6 floors)).

6. Parking for the market rate housing has been calculated at .8 spaces per bed. Where does that come from in the LDC? We found a similar analogy in the Traffic Study Report provided by the applicant in the packet of submittals, but the .8 per bed is based on an apartment building in the UMU District. This is MR-3. Isn't that an 'apple to oranges' analogy?

(The total parking spaces needed for housing according to the LDC tables is 306 spaces. 136 units x 2.25. There are only 252 parking spaces for housing on-site. The LDC specifically prohibits off-site parking for residential occupancies. It appears the number of units will need to be decreased to a maximum of 112 units to be supported by available on-site parking.)

7. Parking for the 'Faith-based' housing has been calculated at 2.25 spaces per unit per the LDC. Shouldn't the market rate housing parking be calculated per the LDC, also?

8. Sufficient parking for multi-family housing has always been a significant issue for the Planning Department. The application says it needs 249 parking spaces for their multi-family housing. 68 of the 249 are in the underground garage, leaving 181 on-site. With only 184 spaces on-site, as per the plan, the chapel is left with 3 on-site spaces for visitors, mid-week worshipers, customers at the coffee shop and bookstore and staff overflow. Only 22 underground garage spaces are being provided for a three story Administration Building. Where are the calculations, via the LDC, for the Administration Building?

9. Why would you allow the applicant to reduce the 9' landscaping buffer to 5'. You are aware there is a significant difference between the two when it comes to the density of planting needed to provide a sufficient screen.

10. Residential Protection Standards should never be compromised. They are one of the key elements to providing visual protection from single-family lots. Will you require the applicant to increase the setback of the six-story apartment or will you require them to reduce the height by one floor?

11. The affected block (Lots 1 plus Lot 2) is 3.8 acres. Under the rules of the LDC, MR-3 District, the block could support 91 housing units without a PUD. (3.8 acres x 24 units per acre) or the block could support a 500 seat Chapel with an Administration Building and 29 units of 'Faith-based Housing' without a PUD. It does not appear the block can support both. Do you agree?

SUMMARY

1. Calculations for on-site parking by the applicant are suspect. We don't believe a PUD should be used to substitute for a lack of on-site parking for the multi-family housing. Because it is student housing your experience as Planners suggests that more spaces per unit should be required rather than less. This density of housing should be moved to the UMU District where a PUD should not be needed.

2. The block is sufficient in size for one or the other, but not both entities. We support an expanded St. Paul Newman Center without the Market Rate Housing. A PUD should not be used in an attempt to combine the two. The block is too small and the impact on the neighborhood would be physically negative.

3. The 11 items above are modifications to the MR-3 that the PUD would require. It is an egregious misuse of the PUD provisions because it does not give anything back to the adjacent lots or the neighborhood. If the PUD wants more height, than it should offer greater setbacks to balance the impact. If the PUD wants greater building coverage, than it should offer lower building heights and greater quantities of landscaping to balance the impact. If they want less parking they should become a housing complex for seniors citizens or the homeless, etc. PUD is used only for the extraordinary and it should always offer a balanced impact to the neighborhood.

Technical Merit Subcommittee
Harold Thompsen, Chair

From: Judith Thompsen <Thompsen2@msn.com>
Sent: Tuesday, August 28, 2018 12:44 PM
To: Donald Kress <dkress@FargoND.gov>
Cc: Jim Laschkewitsch <jlaschke@gmail.com>; Ken Enockson <kenockson@hotmail.com>; Harold Thompsen <hthompsen@msn.com>
Subject: St. Paul's Newman Center parking

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

To the Planning Commission/ in care of Don Kress
re: St. Paul's Newman Center parking

I would like to express my concern about parking at the St. Paul's Newman Center project that is being proposed.

As I understand it,

- (1) There would have to be special considerations made for parking, as there is not enough on the site to allow for the church, the offices, the faith based housing, and the market rate apartments.
- (2) Also, I understand that there are agreements to use off-site parking on Sundays. (The NDSU parking lot to the north, and the Bison Turf)
- (3) This might work if the only time people went to church was on Sunday morning. However, many of us attend our churches all week for various activities. It is part of our lives each day.

My questions:

- (1) What will happen if a Tuesday or Friday morning funeral is scheduled?
- (2) What will happen during committee meetings, banquets, workshops, and fund raisers that occur during the week in the afternoons or evenings?
- (3) Wednesdays in this community have been big evenings for church choir rehearsals, suppers, Lenten or Advent services, and regular worship services. Where will the people park if the Bison Turf and NDSU parking lots are still full of cars from students and patrons?

What I'm seeing in the future is that -

We, living in the surrounding neighborhoods, will have to absorb these cars into our already overflowing parking places on the street.

I definitely feel that we need to think this thing through further.

Thank you for my chance to voice my idea.

On a more positive note:

Sometimes, because you always have to see us complaining about things - you don't know how happy we are to live in this neighborhood. If we didn't enjoy young people and the energy that students bring to our lives, we probably wouldn't live here.

But we like hearing the Gold Star Marching band practicing on beautiful autumn days.

We enjoy seeing the new students walking to their classes - all kinds of hopes and dreams ahead of them.

We love our old, tall, beautiful trees.

We enjoy walking to Bison football games, and the RedHawks - and the festivals out by the Fargodome.

We can take our bikes or walk downtown, where new things are happening every day.

Jumping on the interstate is only a few blocks away, if we want to get out of town.

We pick up people at our wonderful airport - only 10 minutes from home.

Most of us work downtown, so we have a short commute, bike ride or walk each day. No sitting in long traffic lines for us.

We take our bikes to Northport to pick up a few groceries, get something from the hardware, stop at the library, and stop in the drug store.

Living here is what is the best about city living. We would like to see more spaces for families and workers living here with us.

Convenience, close neighbors, good schools and medical care.

We don't take these things for granted - we enjoy our way of life because you and other people like you have done careful, considered planning for it. For that, we thank you, and we hope that we can all work together for a better Fargo. I've never any doubt that is all our goal, anyway.

- Judy Thompsen

1309 N 9th St

Fargo

701-232-2068

b

From: Ken Enockson <kenockson@hotmail.com>
Sent: Monday, August 27, 2018 2:25 PM
To: Donald Kress <dkress@FargoND.gov>
Cc: 'Martha Berryhill' <Berryhill@cableone.net>
Subject: sending along note from Martha Berryhill

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello Don,

I am forwarding along to you some comments and an inquiry from Martha Berryhill. Evidently the emails she sent to you previously bounced back to her so she asked me to resend to ensure you received them:

Comment re Newman Project:

Planning Commissioners,

I have no problem with the Block 1 proposal for a rebuilt sanctuary and supporting facilities.

I object strongly to the Block 2 proposal. It does not fit the neighborhood plan, it does not adhere to existing codes, and it is of very little benefit to the neighborhood. What little benefit it does provide (removing blighted properties) is negated by what the neighborhood loses (single family houses that could be rehabilitated and filled with long-term residents.)

Existing codes, residential protection standards, and neighborhood plans are there to protect the residents and their properties. Overruling them benefits only the developers; there is minimal, questionable benefit to the neighborhood.

Please help us protect our neighborhood by rejecting this proposal!

Martha Berryhill
Friend of the Roosevelt Neighborhood

Inquiry re City notification process:

1. Subject: question
2. Donald,
3. I was looking at past CC meetings and noticed the following from the July 16th City Commission minutes. Who is/are the "appropriate staff"? To my knowledge no one from the RNA has been contacted about this.
4. Commissioner Grindberg moved appropriate staff be directed to prepare four Renewal Plans for blocks in the Roosevelt Neighborhood, and to involve members of the Roosevelt Neighborhood Association.
Second by Piepkorn.
5. -Martha B

Thanks and have a great week.
Ken Enockson

RECEIVED
8-28-18 SC

City of Fargo
Department of Planning & Development
200 3rd Street North
Fargo, ND 58102

August 28, 2018

Acknowledgement of receipt for the following documents regarding **St. Paul Newman Center Addition:**

- | | |
|--|---------|
| 1. Roosevelt Neighborhood Association Letter | 3 pages |
| 2. Letter from Judy Wong/Will Shirk | 2 pages |
| 3. Letter from Jim & Barb Laschkewitsch | 2 pages |



ROOSEVELT NEIGHBORHOOD ASSOCIATION

**ROOSEVELT ELEMENTARY SCHOOL
1026 NORTH 10TH STREET
FARGO, ND 58102**

Date: August 28, 2018

To: Planning Commission
City of Fargo

From: Roosevelt Neighborhood Association

Subject: Opposition to the St. Paul Newman Center Addition

The Roosevelt Neighborhood Association (RNA) is opposed to the St. Paul Newman Center Addition as proposed. The proposed project has two lots.

- Lot 1 500-seat Chapel Expansion for the Newman Center
- Lot 2 contains the Faith-Based Student Housing (5 stories – 29 units) and the Market Rate Student Housing (6 stories – 107 units).

We are not opposed to the project for Lot 1 or the Faith-Based Student Housing. The expansion of the Newman Center will be a great asset to NDSU, the city of Fargo and for the Roosevelt Neighborhood.

What we don't understand is why the Faith-Based Student Housing is part of Lot 2 since the 4 properties are owned by the Diocese of Fargo? This could be included as part of Lot 1. Since the St. Paul Newman Center is zoned Limited Commercial, the inclusion of the Faith-Based Student Housing can be allowed with a conditional use permit under Section 20-0401 of the Land Development Code. It should also be noted a coffee shop and bookstore are permitted by right in the same land development code section. There is no need for down zoning to MR-3. The down zoning requires the Diocese of Fargo to request for a variance to allow a retail business.

Is it necessary for Roers who owns the 9 lots that is The Market Rate Student Housing to be attached to the construction of the new cathedral and faith-based housing?

The RNA is opposed to the Market Rate Student Housing (6 stories – 107 units). These 9 lots are owned by Roers (8 single family homes and one 4-plex). The reasons are as follows:

1. Block 9 of Bolly's Addition is currently zoned with classifications from LC to SR-3 to MR-3. The majority of Block 9 is zoned for single family housing (13 of the 23 lots are currently zoned SR-3) which complies with the future land use plan.
2. The Roosevelt/NDSU Neighborhood Plan and the NDSU/Roosevelt Future Land Use Plan which were approved and adopted by the City facilitates the conversion of future uses to single family and preserves the existing single family housing.

3. The proposed development does not comply with the current zoning in place nor does it comply with the intent of future land use plan or map.
4. The Roosevelt Neighborhood sacrificed 28% of its acreage to provide housing for NDSU students. It is the University Mixed-Used (UMU) District. This is where the Market Rate Student Housing should be built. This project AS PROPOSED violates the spirit and the intent of the neighborhood and future land use plans.
5. The goal of the GO 2030 plan to create high quality student housing near NDSU must comply with the current laws and binding agreement of all parties concerned. Residents bought homes in the Roosevelt area trusting that the city would safeguard their neighborhood from encroachment through the neighborhood and future land use plans.
6. A precedent will be set for future developments in any of the city neighborhoods if this project is approved as proposed.

The St. Paul Newman Center Addition is using a Planned Unit Development (PUD).

What is the concept for a PUD? It is:

- A modification of specific terms of zoning restrictions and subdivision regulations for a specific purpose
- To facilitate the development of a large parcel of land
- With tradeoffs from the city for traffic control, green space and parks,
- Environmental benefits such as water retention, vegetation preservation, wild life habitat,
- SAFER neighborhoods, as well as a buffer zone to existing neighborhoods.

There are 9 standards eligible for modification. The St. Paul Newman Center Addition PUD is requesting 8 of these standards to be modified. This is excessive and unreasonable.

The 8 standards the project is requesting to modify are:

- | | |
|---|---|
| 1. Allowed Use (provide retail in a residential area) | <i>[coffee shop and bookstore]</i> |
| 2. Increase the maximum allowed residential density | <i>[24 to 37]</i> |
| 3. Reduce the minimum setbacks | |
| 4. Exceed the maximum height limit | <i>[60 feet to 226 feet]</i> |
| 5. Exceed the maximum building coverage | <i>[35% to 38%]</i> |
| 6. Reduce the minimum parking required | |
| 7. Reduce the minimum landscaping standards | <i>[[front landscaping and parking perimeter]</i> |
| 8. Negate the residential protection standards (RPS) | <i>[increase building height within 76' to 100'
of an SR from 45' to 60'; within 101' to 150'
of an SR from 55' to 60']</i> |

A request for PUD modifications must include an exchange of additional benefits for each modification. The exchanges must provide additional benefit to the city. This has not been provided.

LDC 20-0302 states that as part of a PUD application, the developer must give a written description of the additional benefits the city will receive that would not occur if the development did not have a PUD overlay.

An excellent example of an exchange can be found in the 2017 PUD Application for Harwood's Addition. It states:

In exchange for allowing more units per acre than what the MR-3 zoning designation allows, the applicant is proposing to provide more parking, a snow removal storage area and aesthetic sit improvement. See Master Plan for addition details.

The required narrative will assist the Planning Commission in deciding if the developer is offering an adequate exchange for the modifications and reductions of the standards.

LDC must be followed and not ignored. It is designed to protect the residential properties and neighborhoods from adverse effects associated with multi-residential development.

Judy Wong/Will Shirk
1121 N 14th Street
Fargo, ND 58102

Planning Commission
City of Fargo
200 3rd Street North
Fargo, ND 58102

August 28, 2018

Dear Members of the Planning Commission:

We are opposed to the St. Paul Newman Center Addition development as proposed. There is no objection to either the new cathedral or the faith-based housing. We do have a problem with the apartment building – Market Rate Student Housing.

The physical size of the apartment building and its high density is a perfect fit for the UMU District located west of Barrett Street. The UMU District was created in 2009 using 28% of the Roosevelt Neighborhood. The District's purpose is to provide student housing for NDSU. There is a substantial number of available lots in the District.

Another problem is co-joining the commercial apartment building with the construction of a church.

Note: The Diocese of Fargo owns the properties of the new cathedral and faith-based housing. The properties for the apartment building – Market Rate Student Housing are owned by Roers.

The developer is using the acreage owned by the Diocese of Fargo to calculate the residential density of his apartment building. By including the land owned by the Diocese of Fargo, the proposed density is 37 dwelling units per acre (37 U/A). Without the land owned by the Diocese of Fargo, the density is 62 U/A. This is an ultra-high density development for an area designated as mixed-low density housing.

Have other developers, in the City of Fargo, used this method to reduce their residential density?
Are we setting a new precedent?

The proposed apartment building is contrary to the Neighborhood Plan and Future Land Use Plan, which were adopted by the City of Fargo. The plans aid in the conversion of high density properties to single family. This project does the opposite.

The Roosevelt School is the anchor of the neighborhood. An important goal of the Neighborhood Plan is to provide support for the continuation of the school. Each development that takes away from the single-family homes and put the school in jeopardy by discouraging families with children from locating or staying in the Roosevelt Neighborhood.

A few years ago, the Fargo School district hired a consultant to provide suggestions for the future direction of the district. Because of declining enrollment, it was suggested to close one or more

schools including Roosevelt and build a new school in South Fargo. The Fargo School District made a commitment to keep the neighborhood schools open. They have invested thousands of property tax dollars from the City of Fargo to upgrade the schools.

If the continuous removal of affordable single-family housing does not subside, the school district will eventually need to close the neighborhood schools. Families will not want to live in North Fargo if they have to bus their children to other schools (*"the death of the neighborhoods"*).

Sincerely,


Judy Wong


Will Shirk

1016 College Street
Fargo, ND 58102
August 28, 2018

Dear Sir or Madam,

These are our beliefs and comments regarding the proposed project. But in talking with many people, it also represents the beliefs of a substantial portion of the residents in our neighborhood.

We believe that this development will split our neighborhood into an East and West half which will impact not only Roosevelt Elementary School one block away, but also Horace Mann Elementary School. It could very well result in closure of one or both schools, and for sure promises to cause huge impacts to not only our middle and high school, but also the rest of the City school system.

We believe the proposed project should be treated as two separate entities because there are two separate lots and interests involved. Each should have to make its own application, and each must be judged as a separate project by its own merits. We do not believe that this "unified project" can technically and legally follow the current LDC and city ordinances. Because this was divided up into two lots but a single unified project, the RNA refers to these as the "Newman Center Project", and the "Roers Project." Our neighborhood supports the Newman Center Project. Our neighborhood is opposed to the ultra-high density project being proposed by Roers.

We believe that this proposed Roers Project will cause neighbors to move and escalate the problem of home ownership in our area. As a neighborhood, we would be forced to view the practical extension of the UMU District to 10th Street North which will be essentially become a new NDSU Student Housing District leaving very little of the neighborhood intact.

We believe this project will be a catalyst for a rush of other like developments in our neighborhood. We know of several projects waiting in the wings for approval on this one so that they can proceed. If this project were to be approved, next year and future years will see a rush of large developer applicants wanting to do the same thing in our neighborhood, and neighborhoods other than Roosevelt.

We believe that a significant portion of students we live, work, and talk with every day don't like huge apartment style living such as is being proposed; don't like the expensive market rates attached to these new buildings; and like this neighborhood the way it is. The narrative of the developer that there is "significant student demand" is questionable. We live amongst these students and are with them daily. We know the truth of what NDSU college students want, and it is not the destruction of the very neighborhood they live in.

We believe that this project is not wanted, not needed, and not justified. NDSU enrollment numbers announced last week were 13,647 students. Last year at this time, enrollment was at 14,432. That is a decline of nearly 800 students - a 5% reduction. The 10-15 year forecast also shows declining enrollment numbers which further puts into question the demand for more high density housing. We have vacancy rates as high as 20% in our neighborhood, with many apartments and houses still not rented. The empty houses represent lost families to our neighborhood and school and many are left to decline by the landlord. At least 1303 new student units are becoming available within the next 9 months from four

buildings near to on campus. These include NDSU Cater Hall (Sophomore Dorm) opening fall 2019 (440 students), NDSU University Village Apartment (180+ students), Roers U32 Apartment, Bldg 2 (320 students), and The Bridges (NDSU Foundation) (363 students). This proves in fact, not theory, that there is no justification for building ultra-high density with the false narrative of huge student demand.

We believe our neighborhood possesses several agreements passed by, and with the City, including a 2003 neighborhood plan, a 2009 future land use plan, and a 2009 University Mixed Use zoning district all put in place to offer certain protections and assurances to us as a neighborhood. These are now being set aside and disregarded.

We believe developers control the Planning application and approval process from start to finish, including setting meeting dates, details of applications, timelines, presentations, and even the very interpretation of our land development code. The City is left unable to offer any real flexibility to the neighborhoods in order to understand projects, or grant us more time, much less allow us to provide an effective counter to such proposals. We play no significant part of the process and exist merely as a final checkbox before the last vote is taken to approve the project. The process, unfortunately, is broken.


We believe, as a neighborhood, that the protections guaranteed to us in code and ordinance need to be ensured to us, just as they would be in any Fargo neighborhood. We believe the rights of all resident land-owners in our entire City in all neighborhoods, are at risk. The power and money of such development has corrupted the very system intended to help plan our future, in order to force us all into unwanted projects. We stand now saying that all residents and neighborhoods deserve their rights and protections ensured in law through neighborhood protection standards, neighborhood plans, zoning regulations, and our land development code.

We believe that we have a right to survive and thrive as a neighborhood; just as any other neighborhood should have a right to survive and thrive without the threat of being destroyed by unrealistic development projects. We believe that 58102 should be regarded as something special, something historic, and something unique that lends to the real beauty and value of Fargo, ND.

We believe we are here to stand up and to demand as neighborhoods to be part of the process. We demand to be first on the list of entities consulted about a project and not last to simply mark the last checkbox on a form before final approval is passed. Finally, we demand to play a significant role in our future neighborhood development as we have so many times tried to do.

We believe for these and many more reasons, that you should deny this application, and set the precedent that puts this citizens and resident land owners first, not last.

Sincerely,


Jim Laschkewitsch & Barb Laschkewitsch

From: Jason Gates <jgates97@gmail.com>
Sent: Wednesday, August 22, 2018 5:20 AM
To: Planning E-mails <planning@FargoND.gov>
Subject: Newman Center Project

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I just wanted to give my two cents on this project. There is always going to be pressure on the area immediately adjacent to NDSU to house students, whether it is single family homes converted to student rentals or apartments. The majority of the homes that this project is replacing were already converted to rentals, so I do not see a significant negative transition occurring with building this project.

On the positive side, by adding a large number of housing units close to campus this project could help reduce the pressure on other single family homes in the area to convert to student housing. Another positive aspect of this project is I think it is very well designed, by wrapping the building around the block it is minimizing the amount of surface parking that is exposed to the street, which helps keep the neighborhood looking nice.

Jason Gates - Fargo resident

From: fargo mama <fargomama@gmail.com>
Sent: Thursday, August 30, 2018 12:08 PM
To: Planning E-mails <planning@FargoND.gov>
Subject: Roosevelt Neighborhood development concern

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Attn: City of Fargo Planning Department

I am a wife. I am the mother of 2 kids. I work outside of the home. I have a college degree. I don't have any felonies. I don't sell or do drugs. I'm not a registered sex-offender. I attend church regularly. I am a home owner. I have been on the school PTA. I have been a foster parent. I am an average person. And I have lived in the Roosevelt neighborhood for over 16 years.

In 2002 my husband & I bought a cute little cape cod style foreclosure with hardwood floors in an area that has full grown trees near downtown. We thought it would be a nice starter house. Years passed of fixing up our home, adding a garage, finishing the basement & having 2 kids who then started elementary school. We were in a great location for them to walk or bike to school. Horace Mann/Roosevelt have top-notch teachers & administration who care about kids. The students are achieving some of the highest scores in the district.

So when opportunities came to move. We have stayed. Mostly because of the schools, central location & my home. Sadly though, I have watched the neighborhood change.

Houses don't just become "uninhabitable" unless owners don't care about them & maintain them. Neighborhoods don't just have "high crime rates" unless the landlords in them don't care about who they rent to.

The development company who owns these homes shouldn't get rewarded in the form of tax incentives for what they have allowed to happen in this neighborhood over the years. Tax payers shouldn't have to foot the bill for this development.

I have no doubts about the wonderful things the Newman Center will provide for young adults. But I just can't fathom how a large monstrosity over the entire block between 12th St N & University from 11th Ave N to 12th Ave N will fit into this neighborhood. Form & function need a balance.

Please very carefully consider the outcomes for all involved before allowing re-zoning & modifications to development standards. The idea of a 6 story high building is ridiculous. As I look at all the new apartment buildings on the Northside I wonder how many more are needed.

The City of Fargo has the opportunity to decide the future of this neighborhood. This is NOT a new situation - it has been brought up for several years. But it has not been properly addressed with some clear direction. Development and Revitalization can both have positive outcomes however they are two very different things used in very different circumstances.

I am already imagining how my property value will be going down. Please don't let that be a reality. Listen carefully to the voices of the homeowners...I am one of them.

Alia Bartell
1105 9th Ave N
701-261-4202

Summary of phone message comments from Jean Bultman 1137 11th Street North, Fargo August 31, 2018

- No more apartments on this block; family homes would be much better.
- Preserve 1134 12th Street so people wouldn't have to stare at a parking lot.
- Preserve 1122 12th Street North, where Samuel Traut was murdered in 2015, as a memorial to the murdered and missing.
- Not opposed to church redevelopment.
- Tall apartment building will block the sun.
- Two more years of construction on this project will lead to increased traffic problems.
- The college [NDSU] should go a different direction than into the neighborhoods.
- Increased student population in the neighborhood will bring an increase in crime, drinking, and unruly bike traffic.

Ms. Bultman also comment on her concerns about air pollution from NDSU's coal plant, and possible water pollution related to the underground storage of stormwater on the project site.

From: Judith Thompsen <Thompsen2@msn.com>
Sent: Saturday, September 1, 2018 2:11 PM
To: Donald Kress <dkress@FargoND.gov>
Subject: From the Roosevelt Neighborhood Association Facebook page

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[Roosevelt Neighborhood Association](#) added an [event](#).

8 hrs ·

the City of Fargo a plan to raze 16 family homes on the block shared by the Newman Center and erect high-density student housing six stories high in the middle of a residential area. There are other developers waiting to see if this is approved because they have their own plans to clear cut entire neighborhood blocks to build ultra high-density student housing.

The loss of housing stock for families will have a major and immediate impact on the neighborhood school that we all love.

Please Like and Share this with your friends and neighbors. Share with your friends and family located in other Core neighborhoods in Fargo. As goes Roosevelt, so goes Horace Mann and Washington and Hawthorne and Jefferson and Lewis and Clark and Clara Barton.

The City of Fargo needs to hear loud and clear: Keep your promise! High-density off-campus housing should be located in the UMU.

Hope to see you Tuesday at Fargo City Hall.



You are invited to attend -
The Fargo Planning Commission Meeting
at Fargo City Hall
Tuesday, September 4, 2018
3:00 to 5:00 pm

TUE, SEP 4 AT 3 PM

Fargo Planning Commission Meeting

[City of Fargo](#) · Fargo, ND



[Jordan](#) and [Ken](#)

[Going](#)

[5 Comments](#)

[4You, Ken Enockson and 2 others](#)

[Like](#) Show more reactions

[Comment](#)

[Share](#)

Comments



Ken Enockson Adding insult to injury, Roers claims they are doing us a favor by ridding us of "blighted" homes. Take a walk down 12th St between 12th and 11th Avenues and see if you can spot any houses boarded up and falling down. Until very recently, all of these homes were occupied, several by single-family owners. The "blight" begins when landlords and developers purchase the property and let it run down so they can create the false narrative that they are "saving" our neighborhood.

[4](#)

[Manage](#)

Angry

[Reply](#) 7h



Judy Thompsen Right from Google maps, July 2017. Not too blighted.

[Manage](#)



[Like](#)

[Reply](#) 4m



[]

Write a reply...

[]



Sharon Rogness Pederson My thoughts exactly. I wish that these meetings wouldn't occur during working hours. I cannot attend because I am working, as I'm sure many are.

[1](#)

[Manage](#)

[Like](#)

[Reply](#) 6h



Ken Enockson Yes, that is always a problem.

[Manage](#)

[Like](#)

[Reply](#) 3h



[]

Write a reply...

[]



Charlie Francis Unfortunately Roers has everyone by the pocket book so its hard to get anyone's attention in Fargo Government. A citizen's voice means little compared to the \$. BUT bringing attention to that unholy alliance is not something that anyone on Govt likes. Letters to the Editor and Radio Shows are always a good place to start. (Specifically about the houses now being 'blighted')

I am in class till 4:30 so I can't make it.

1

[Manage](#)

[Like](#)

[Reply](#) · 5h · Edited



Judy Thompsen Here is what happens when these projects are allowed: This pic is of 12th Street - a pretty little neighborhood, protected by the sheltering trees - where the people get to know each other - and raise their children, and everyone knows each others' dogs and cats.

[Manage](#)



[Like](#)

[Reply](#) · 19m



Judy Thompsen Turning around, this is the back of the "Bridges" apartments that front University drive. These neighbors get to look at a bunch of cars and a huge building where "nobody knows your name". The development planned at 12th St and 11th Ave will be taller by 2 stories.

[Manage](#)



From: Mary Ann Schaan <kittypaws7@live.com>
Sent: Sunday, September 02, 2018 12:58 PM
To: Planning E-mails <planning@FargoND.gov>
Subject: "Newman" project

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Just a few thoughts on this proposed project. I am **opposed** to this project as it currently stands.

I think it's unscrupulous and unethical for a development company to align itself with a church, and then ask the city for incentives. The vacancy rate on current apartments is already very high; so why are more being built? Student population is down at NDSU and unlikely to resurge given that even our governor favors more internet-based classes. Yet the city seems to rubber stamp any project to build more apartments and give incentives to do it. If a project can't fly without incentives, it shouldn't be built! Does the church currently pay property taxes? What portion of this "combined" project will get an additional benefit on property taxes?

We already have packs of kids going through the neighborhood drinking and littering, and the addition of more apartments geared toward students will certainly not help that situation. Please honor the agreement made by the neighborhood in good faith and do not approve a variance for the development project. The church and the developer should never have gone together on this project in the first place, and if each isn't able to make it on their own, perhaps neither one should go forward..

It's time for the city to stop giving lip service to preserving north side neighborhoods and actually take a positive step in that direction.

Mary Ann Schaan
Roosevelt neighborhood property owner

From: Derek Martin <derekm0921@gmail.com>
Sent: Monday, September 3, 2018 4:45 PM
To: Donald Kress <dkress@FargoND.gov>
Subject: Newman center/Roers construction apartments

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To whom it may concern,

I am a concerned neighbor in the Horace Mann/Roosevelt neighborhood. I am unable to make it to the planning meeting on September 4th due to work. I am concerned about the project taking over family houses that could potentially have children in them that would go to school at HMR. I have children of my own in the HMR school system and would be devastated if this project and others would contribute to the low numbers in school and possible school closures. I have already been through a combining of schools such as Horace Mann and Roosevelt into one school but two campuses to keep them open. I feel that the loss of more students or the possibility to lose students would be a detriment to the community. I am all for the catholic church expanding and providing faith based housing, but I am against Roers trying to piggyback onto their design to save money and then turn around and try to make more money off of renting to college students. The design of the block is way too big, tall, and out of place for a community as old as this one. The reason for me being in the neighborhood is to be in a mature area with older homes with character. A new building of this nature would stick out like a sore thumb. The mature trees around the block would be removed and I understand other landscaping can be done, but it won't replace the look of the older neighborhood with big tall trees. I am sorry that I will not be able to make it to the planning meeting, but I would like my input to be heard. Thank you

Derek Martin

-----Original Message-----

From: conwell_e@yahoo.com <conwell_e@yahoo.com>

Sent: Tuesday, September 04, 2018 8:59 AM

To: Planning E-mails <planning@FargoND.gov>

Subject: Planning & Development Department Contact Form

Name: Erin Conwell

Email: conwell_e@yahoo.com

Question/Comment: I'm submitting a comment regarding the Newman Center expansion. I am unable to attend the meeting, but I hope that my comment can be included in the consideration process.

As a resident of the Roosevelt neighborhood, I value deeply the diversity of our community. The block I live on contains a mix of rental and owner-occupied single-family homes. Some of those rental homes are occupied by students and others are occupied by families. The next block contains both single-family housing and multi-family housing. I love that this neighborhood is a hodge-podge of housing types and I think our neighborhood would be strengthened by the availability of additional multi-family housing.

However, this project does not do that. This project is not multi-family housing. It's a dorm, essentially, but a dorm that will give priority to students from a single religious denomination. So it not only fails to provide additional housing for families, it doesn't even provide additional housing for the student population more generally. This would hurt our community because it would reduce the diversity in the neighborhood, which is currently a mixture of people from a wide range of faith backgrounds. My family actively sought a home in this neighborhood in part because we value that mixture.

This would also hurt our community because of the impact it would have on neighborhood schools. Not only would this project render an entire block of the neighborhood unavailable to families with children, thus reducing enrollments at Horace Mann-Roosevelt, its proximity to Roosevelt school is concerning. The increase in traffic in the area will negatively impact children's ability to get to school safely. As an enthusiastic pedestrian, and the parent of a child who walks to Roosevelt school, I know that college student driving behaviors are already a problem. They run stop signs, text and drive, etc. This puts children at risk. I have heard of a number of close calls at the intersections of 10th St N and 11th Ave N, and 11th St N and 11 Ave N, most of them involving college-aged drivers.

Increasing traffic volume in this neighborhood will only increase the risk of a terrible accident involving a child. I also suspect that the volume of construction traffic over the next few years would further add to this problem

In short, I would happily support more multi-family housing in our neighborhood, but not of this type, and I strongly encourage the commission to reject the housing plan. The plans for the church and community center are themselves fine.

From: floresboylan@yahoo.com <floresboylan@yahoo.com>
Sent: Monday, September 03, 2018 6:55 PM
To: Planning E-mails <planning@FargoND.gov>
Subject: Planning & Development Department Contact Form

Name: Joanne Boylan

Email: floresboylan@yahoo.com

Question/Comment: Regarding the St. Paul's Newman Center Addition

I have looked through the planning commission packet, and have concerns about this project. Some specific concerns regard increased traffic - mostly the impact of more cars making a left turn from 12th St N onto 12th Ave N. I also think the height of the buildings seems excessive for this part of the Roosevelt neighborhood.

Joanne Boylan
5th St North
Fargo ND

Sept 6, 2018

Planning Coordinator:

First of all I have lived in the Roosevelt neighborhood for 50 years and had 3 children attend Roosevelt school and NDSU. It wasn't until 3 years ago that I had to fence in my back yard because of vandalism,stealing, and littering, but that still hasn't stopped it in the front yard and on the boulevard.

I also resented that the commission letting Larry Nygard carry on for almost an hour and really saying nothing that hadn't been said before(that's called stonewalling.)

As far as the neighborhood being run down and neglected that is due to slum landlords and no restrictions enforced by the city. There are rules in place regarding: parking(such as on front lawns) no ticketing is done about street parking, and the limit of how many occupants can reside in a residence. None of these are enforced. Granted this would take a full time job for 1 or 2 people.

I object to the large 6 story apartment building as it is out of place in a residential neighborhood . The neighborhood can't handle the traffic now, as it is only one way most of the time as street is too narrow and there is not enough spaces for parking. It will make my home worth zero. There are many places around NDSU where it would fit in better, There is a reason for zoning requirements and they should be followed. As it is there are many "for rent " signs in area as the students have found other places to live, so this large building is not necessary.

Do we as citizens have any rights?

Respectfully, Barbara Youngberg

Barbara Youngberg



Barbara Youngberg
1106 11th St. N.
Fargo, ND 58102-3523

FARGO ND 581

06 SEP 2018 PM 2 L

Thinking

*Planning and Development
200 - 3rd St. N.
Fargo ND 58102*

Attn: Donald Kress

5810234803



From: [Debra Ensrud](#)
To: [Donald Kress](#)
Cc: [Nicole Crutchfield](#); [Mark Williams](#)
Subject: FW: Planning & Development Contact Form
Date: Thursday, September 6, 2018 12:05:23 PM

-----Original Message-----

From: tricia.mh1@gmail.com <tricia.mh1@gmail.com>
Sent: Thursday, September 06, 2018 8:41 AM
To: Planning E-mails <planning@FargoND.gov>
Subject: Planning & Development Contact Form

Name: Tricia Hansen

Email: tricia.mh1@gmail.com

Question/Comment: Hello,

I am writing you to urge you to not approve the Newman Center/Roers Development plans that they are currently purposing. I have owned a home in the Roosevelt neighborhood for almost 10 years. While we may not be the highest end neighborhood in town, our neighborhood is full of families that love their community. I am well aware of the issues that plague or neighborhood, but I feel these issues can be combated by holding landlords more responsible for the homes they own and the tenants they rent to. I fail to see how adding more rental units to the neighborhood will improve anything beyond the size of the developers wallet.

My daughter is a 5th grader at Roosevelt and has attended Horace Mann/Roosevelt since Kindergarten. HMR is a wonderful economic and racially diverse school that binds our neighborhoods together and really helps build a community we can all be proud to live in. HMR is already seeing a decline in enrollment, removing single family homes is only going to increase that decline.

I am not saying scrap the plan all together, but the plan needs to be adjusted to fit the neighborhood. It needs to be a benefit to the neighborhood, not a hindrance. Re-zoning the neighborhood to allow this to go through is just plain wrong. You are failing your community if you do this. Why should anyone invest in a home if the city can just make zoning changes to benefit a developer? How do I know if I move to another neighborhood this won't happen there? You will lose the trust of the residence of this city if you allow this plan to continue as is. Please do the right thing.

Thank you for your time,

Tricia Hansen
Roosevelt Homeowner

From: [Miranda Wolf](#)
To: [Donald Kress](#)
Subject: FW: Planning & Development Department Contact Form
Date: Thursday, September 6, 2018 3:12:31 PM

-----Original Message-----

From: janis.kirsch@gmail.com <janis.kirsch@gmail.com>
Sent: Thursday, September 06, 2018 2:40 PM
To: Planning E-mails <planning@FargoND.gov>
Subject: Planning & Development Department Contact Form

Name: Janis Kirsch

Email: janis.kirsch@gmail.com

Question/Comment: I live in the Roosevelt neighborhood; my son, now an adult, went to Horace Mann. Roosevelt neighborhood has so many rentals already that destroying single family units in favor of apartment complexes would only add to the problem. Reconsider please; require the homeowners of the houses that are delapidated to bring their units up to code so families with children can fill our elementary schools and bring back vibrancy to the neighborhood. Don't get me started on parking. I have called PD often because there are vehicles hanging over into my driveway while parked in the street. I'm on 8th St and 11th Ave. Newman Center should be allowed to build, but not to the height being proposed. Thank you!

From: [Miranda Wolf](#)
To: [Donald Kress](#)
Subject: FW: Planning & Development Contact Form
Date: Friday, September 7, 2018 2:08:55 PM

-----Original Message-----

From: kristimarks@gmail.com <kristimarks@gmail.com>
Sent: Friday, September 07, 2018 10:56 AM
To: Planning E-mails <planning@FargoND.gov>
Subject: Planning & Development Contact Form

Name: Kristi Marks

Email: kristimarks@gmail.com

Question/Comment: I was unable to attend the meeting last Tuesday at 3:00 PM concerning the large apartment building wishing to be built within the Roosevelt school area. I feel a need to support the Roosevelt Neighborhood Association's position for you to deny the Roer request. While I do not live in that neighborhood, I taught students at Roosevelt for 28 years. I know that families and have already seen how houses that were purchased to use as rentals have had an impact. I also live in Fargo.

There was a prior apartment building that was added to the religious organization on the corner of University and 12th Ave. N. The Neighborhood was reasonable about that one. However, this new one is too large because of the size which will truly impact the neighborhood of family houses.

The reason the Planning Commission has guidelines is so that when houses are purchased in our city, the homeowners will feel that the neighborhoods will be kept intact. Without that being followed, I would suggest that homeowners will move to other cities where this does not become an issue.

Looking at the numbers of increased students enrolled in West Fargo and Moorhead, I wonder if that has already begun. The size of the building will impact the neighborhood by its physical size, as well as the size of students that could be renting. Hence, less family units for the Neighborhood, as well as a lack of physical unity of types of homes. Please deny the request to build this.

From: [Debra Ensrud](#)
To: [Donald Kress](#)
Cc: [Nicole Crutchfield](#); [Mark Williams](#)
Subject: FW: Planning & Development Department Contact Form
Date: Tuesday, September 11, 2018 7:47:45 AM

-----Original Message-----

From: vandamtrkg@cs.com <vandamtrkg@cs.com>
Sent: Monday, September 10, 2018 10:17 PM
To: Planning E-mails <planning@FargoND.gov>
Subject: Planning & Development Department Contact Form

Name: John van Dam

Email: vandamtrkg@cs.com

Question/Comment: Hello,

After joining the public meeting of September 4 and reading the Forum Editorial regarding the proposed plans around the Newman Center

(<http://www.inforum.com/opinion/editorials/4495697-editorial-when-zoning-lines-are-drawn-they-should-mean-something>)

I want to express my support for the position expressed in that editorial.

In my opinion, efforts should be made to preserve existing housing in the older neighborhoods of our city.

This will give young people an opportunity to purchase an affordable home, which in turn will help to sustain the neighborhood schools.

From: HAROLD A <hthompson@msn.com>
Sent: Wednesday, September 19, 2018 6:37 PM
To: Donald Kress <dkress@FargoND.gov>; Nicole Crutchfield <ncrutchfield@FargoND.gov>; Mark Williams <MWilliams@FargoND.gov>
Cc: Jim Laschkewitsch <jlaschke@gmail.com>; Ken Enockson <kenockson@hotmail.com>
Subject: St Paul Newman Center Project

Don,

We had a very good visit with Nicole and Mark last Friday. In fact they thought it was the last 'official' meeting in the old planning office. Nice to be a part of City History.

I will be out of town for the October Planning Commission Meeting. **Please share the following with the Planning Commissioners for that meeting.**

It appears that the Diocese will need the entire block to accomplish their long-range physical goals.

With the property they presently own, approximately 2.3 acres of the 3.8 acre block, it will take all 2.3 acres to fit the chapel, administration building, 29 units of 'faith based' housing and the on-site parking to take care of the offices and housing. I assume the applicant's architect could confirm. The remaining 1.5 acres, apparently controlled by Roers, is the area that should be used for the 200 car on-site parking for the Chapel or reserved for future expansion of the 'faith based' housing.

The Diocese could request the City to replat what they own into one lot; ask to rezone it to MR-1 and only have to ask for a height exemption for the chapel in the PUD overlay. All other dimensional standards could be met.

It appears that the proposal is asking to substitute a six-story, 107 unit, market-rate student housing for the area that should or could be used for the 200 car on-site chapel parking. These market-rate apartments are too dense, too tall and don't have enough on-site parking. Needing relief from 10 of the 11 dimensional standards in their application confirms the premise.

Although we would like to see the existing homes on the south end of the block preserved, it would serve our neighborhood better if that end of the block were in Diocese control and used for parking and/or more 'faith-based' housing. We would hate to see some other half block of the neighborhood removed for Chapel parking when the off-site parking lease expires.

We do not want to discount the value Roers and other developers bring to our neighborhood. Their investment into our neighborhood will help keep it strong and viable. They, too, deserve an understanding of how orderly growth will be supported by the City and the neighborhood. We expected that this dense of student housing was reserved for our UMU District.

Our goal has always been and continues to be the preservation of as many single-family homes as possible in order to support our neighborhood school.

We support orderly growth and expect our planning office and planning commissioners to enforce the residential protection standards included in our Land Development Code. We look forward to future meetings to help plan and draw the lines that will protect our single-family homes and provide some stability to future investment.

Harold Thompsen
1309 N 9th St - Roosevelt Neighborhood Resident

Planning Commissioners

9/24/2018

The City of Fargo has building codes and zoning regulations to provide for orderly and consistent development within our city. The Roosevelt Neighborhood has a city-approved neighborhood plan to maintain and enhance the character of this neighborhood.

I encourage you to study the appropriate documents. Please study what the development championed by Roers Development on Block 2 proposes for an area that, until recently, was occupied by families. This plan asks for wholesale changes to zoning and usage, with no consideration to the surrounding neighborhood.

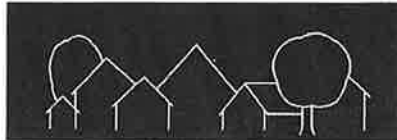
Please deny the zoning and usage changes requested for Block 2 of this development. It will destroy another area of the Roosevelt Neighborhood as it exists today. Protect the integrity of Roosevelt, and ultimately the city, by denying an intrusion that will benefit Roers' financial bottom line, but do nothing for the neighborhood.

Please, DO YOUR JOB.

Sincerely,
Martha Berryhill

ROERS /RNA MEETING 30 OCT 18

<u>Name</u>	<u>Position</u>
Donald Knoss	Planning Dept
Connie Norheim	neighborhood member
HAROLD THOMPSEN	RNA
Martha Berryhill	RNA
Earl A. Wilhelm	Diocese of Fargo
Kevin Bonstrom	MBA Architects
Larry Nygard	
MARK WILLIAMS	
JIM LASCHKREWITZ	
Ken Enoksen	
Dawn Morgan	Fargo Neigh coal



ROOSEVELT NEIGHBORHOOD ASSOCIATION
1026 NORTH 10TH ST
FARGO, ND 58102

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

October 31, 2018

RE: St. Paul's Newman Center Project - Revised Plan Review

To Don, Mark and Nicole,

The Technical Merit Committee of the Roosevelt Neighborhood Association met this morning to discuss the merits of the revised development plans shared with us yesterday at your office.

Thank you for giving us the opportunity to meet the development team and their revised plans. We also thank you for encouraging them to make those revisions.

Asked if the changes were 'in the right direction', we responded with 'yes'. We were pleased that the project was less dense and the apartments had fewer stories. The addition of townhomes was a sensitive and welcome gesture, thank you. However, the revised plan is still unacceptable because it is still too dense and continues to violate too many of the dimensional standards we expect will be enforced. i.e. parking, setbacks, buffers, etc.

We have shared with the City our desire to see the project designed within the limits of the MR-1 District. This would allow 66 units (3 times the current density). You indicated that an MR-3 might be acceptable. That would allow for a density of 91 units. The developer is offering a plan with 125 units. Do you see our dilemma? We need Planning to declare the limits of an acceptable density within the parameters of the current Land Use Plan on or before the November 8th meeting.

Please know that we are firm in our resolve to remove or reduce the number of market rate student housing units on this site. At the density proposed, those units belong in the UMU District.

Technical Merit Committee
Harold Thompsen



Barb Youngberg <bdyoungberg@gmail.com>

NeumanCenter

Barb Youngberg <bdyoungberg@gmail.com>
Draft

Tue, Nov 20, 2018 at 5:10 PM

I would like to address the parking situation around the proposed zoning change in the 12th Street, 11th avenue area.. Since the restricted parking became effective on November 1st there has been a shortage of parking spaces and people are having a hard time finding places. If you add more living places, this is only get worse. As far as I can tell parking restrictions are not enforced either, as that would solve some of the problems. Maybe then the landlords would have to provide spaces for parking as they sure don't do it now.

Also on this past Saturday night someone came into my driveway and just missed hitting my house by a foot as they flatten the rain spout that was next to the house as they drove over the front yard. and *do not live on the corner.*

I am just voicing my concern and don't believe you really care as you are just after the money being made from the proposed project.

Sincerely,
Barbara Youngberg



FARGO ND 581

21 NOV 2018 PM 2 L



City of Fargo
Planning and Development
% Donald Kress
200 3rd St. North
Fargo ND 58102

58102-4609



1016 College St N
Fargo, ND 58102
November 26, 2018

Fargo Planning Commission
225 4th St N
Fargo, ND 58102
Dear Sir or Ma'am,

As a neighborhood association, we have tried to work toward a Newman Center project that is successful in balancing the needs of the neighborhood with the needs of the developer and the Catholic Diocese. We have reviewed the proposed plans at both meetings with the developer and Catholic Diocese on October 30 and November 8, as well as what has been submitted thus far with the City Planning Department.

The single largest issue with the proposed development is that it is too dense for our existing neighborhood. At 33 units per acre, it is above the 24 units per acre that is allowed under our land development code for MR-3. When you couple that with the fact that the housing essentially only covers about half of the acreage (with the other half taken up by the chapel, administrative, and parish hall buildings), it is effectively about 66 units per acre, nearly 3 times the allowed limit of MR-3. It will dwarf our neighborhood in terms of height, density, and setbacks.

We would like to note that the Fargo Planning and City Commissions down-zoned the 11th Avenue and 12th Street North area in 1976, according to the 1987 report compiled by Earl Stewart & Associates entitled "Improvement Program for NDSU Neighborhood" (p. 29 map, Government Actions in the NDSU Project Area). It appears that the plan was, and is, to preserve the lower density flavor of this neighborhood, and this has been reaffirmed through more recent down zonings, our neighborhood plan from 2004, and the Land Use Plan from 2009.

Our neighborhood has worked to come up with alternatives shared previously with the Commission, in a letter dated November 19 by Harold Thompsen that will assist the developer in implementing a project that brings the density down to a more reasonable level. It shows a plan that would allow a unified project that includes 91 units of housing that would fit into MR-3 zoning. This allows the project to fit into the requirements of our neighborhoods 2009 Land Use Plan and the Land Development Code.

Please ensure this project fits within the alternative that we have worked on diligently, and respect the rights and protections offered in our Land Development Code and previous agreements.

Sincerely,



Jim and Barb Laschkewitsch

From: HAROLD A <hthompson@msn.com>
Sent: Monday, November 26, 2018 6:44 PM
To: Donald Kress <dkress@FargoND.gov>
Cc: Nicole Crutchfield <ncrutchfield@FargoND.gov>; Mark Williams <MWilliams@FargoND.gov>; Shara Fischer <Sharamfischer@gmail.com>; Erik Johnson <EJohnson@lawfargo.com>; Jim Laschkewitsch <jlaschke@gmail.com>; Ken Enockson <kenockson@hotmail.com>
Subject: Re: Density issue: St. Paul Newman Center Project

Thank you for such a prompt response to our questions. Please know that we will continue to lobby for less density on this block. 37U/A to 33U/A is certainly the right direction but we expect the applicant can do better. The time spent since the 'continuance' has been productive with positive results. We hope you can act on your original instincts to deny the request and ask the applicant to resubmit with something less dense. MR-1 would be an ideal density (16U/A). MR-3 (24U/A) without the PUD would be a reasonable and acceptable compromise.
Harold

Sent from my iPhone

On Nov 26, 2018, at 5:07 PM, "Donald Kress" <dkress@FargoND.gov> wrote:

Harold,

As part of our original review of this project, staff evaluated the project in relation to the Roosevelt/NDSU Neighborhood Future Land Use Plan designation, and determined a land use plan amendment was not required for this project in the proposed location. The Roosevelt Plan does not state any maximum density for the land use designations on this block, nor does the plan indicate which zones are specific to each land use designation. The PUD process does not put a limit on the scope of change of individual development standards, such as density, that can be requested. The Commission decisions made at public hearings determine the extent that the requested modifications under the PUD will be approved.

Thank you.

From: HAROLD A <hthompson@msn.com>
Sent: Tuesday, November 20, 2018 12:37 PM
To: Donald Kress <dkress@FargoND.gov>
Subject: Re: Density issue: St. Paul Newman Center Project



Sent from my iPhone

On Nov 20, 2018, at 12:35 PM, "Donald Kress" <dkress@FargoND.gov> wrote:

Harold,

Received. Thanks. We will review your questions and get back with you soon.

From: HAROLD A <hthompson@msn.com>
Sent: Tuesday, November 20, 2018 10:52 AM
To: Donald Kress <dkress@FargoND.gov>; Mark Williams <MWilliams@FargoND.gov>; Nicole Crutchfield <ncrutchfield@FargoND.gov>; shara@heartlandtrust.com; Erik Johnson <EJohnson@lawfargo.com>
Cc: Jim Laschkewitsch <jlaschke@gmail.com>; Ken Enockson <kenockson@hotmail.com>
Subject: Density issue: St. Paul Newman Center Project

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear Don,

Thank you for keeping us, the RNA, up to date with the changes proposed by the developer. Reducing the density from 36 units/acre to 33 is certainly the right direction, but no where near where we think it should be. We still favor an MR-1 density that would provide the developer all of the Diocese needs including up to 61 units for faith-based students.

However, it appears that MR-3 will have to be our point of compromise. Yesterday, we dropped off a packet of schematic site plan diagrams that show how the developer could get to 24 units per acre. We think the plans achieve the 'mixed-use' and the 'urban feel' desired by the planning staff.

In the meantime, could you answer the following question? Is it legal to accept 33 units/acre for this site without a hearing to modify the Land Use Plan?

We ask this question understanding the following:

1. The LDC limits MR-3 Districts to 24 units/acre. How can a PUD overlay increase it to a UMU density without calling it UMU?
2. 33 units per acre is UMU Density and we (the neighborhood, City and NDSU) have agreed to established a UMU District in our neighborhood for this kind of density; and
3. High density housing (UMU District) is not identified at this site on the Land Use Plan. Doesn't it require a public hearing to modify this site to a UMU density?

It seems to us if the developer is requesting a zoning change to MR-3 then they should provide you a site plan that lives within those density limits. If not, the project should be put on hold until the merits of changing this site to a UMU District can be debated in a public forum.

Thank you for your consideration. We wait your reply.

Harold Thompson

Fargo City Commission
225 4th St N
Fargo, ND 58102

December 10, 2018

Dear City Commission,

Hello. I'm Deborah Krueger, 1258 10th St N #203, Fargo. I consider myself a "cousin" of the Roosevelt Neighborhood Association.

I oppose the zoning change to allow St. Paul's Newman Center Addition.

During one Christmas, my 10-year old granddaughter was visiting from California. As we stepped outside on morning, she looked up at me and asked, "You LIVE like this?"

That's my moral question to the Catholic Diocese and Roers Development. Could the answer be as simple as Ego + Power? I call this the 'Let them eat cake' reasoning... We know what's best for you. Look how (tall, big, top-shelf, land-scaped) this is. Don't bother yourself with the bulldozers. It's for your own good.

Not knowing the intricacies of zoning, planning, et al, this seems to be only short-term gain for developers and city, including bragging rights, employment of trades, increase in tax revenue (or write-off if not profitable).

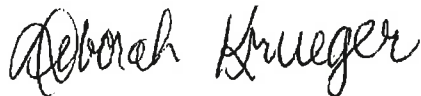
Long-term is disastrous for the reputation of the Diocese (a bully, greedy, anti-family) and disastrous to the residents of the neighborhood through broken promises and loss of home, and disastrous to the soul and future of Fargo.

p.s. How much of this project is tax-free through church tax status?

Is "faith-based housing" considered tax-free through church tax status?

Is "faith-based housing" limited to members of a certain religion?

Sincerely,



1258 10th St. N #203
Fargo, ND 58102
(701) 293-3873

Fargo City Commission
Fargo City Hall
200 3rd Street North
Fargo, ND 58102

January 18, 2019

Dear Sirs:

I attended the January 14, 2019 City Commission meeting, and listened to all speakers, both for and against St. Paul's Newman Center project. Two speakers seemed to use opposite premises to get to the same conclusion....

Larry Nygard's statement: None of these single-family residences have school-aged children.

That's as of NOW.

(No mention of city growth/need in the future)

So, raze the homes.

President Bresciani's statement: NDSU enrollment is down this year.

That's as of NOW.

(He mentions NDSU growth/need in the future)

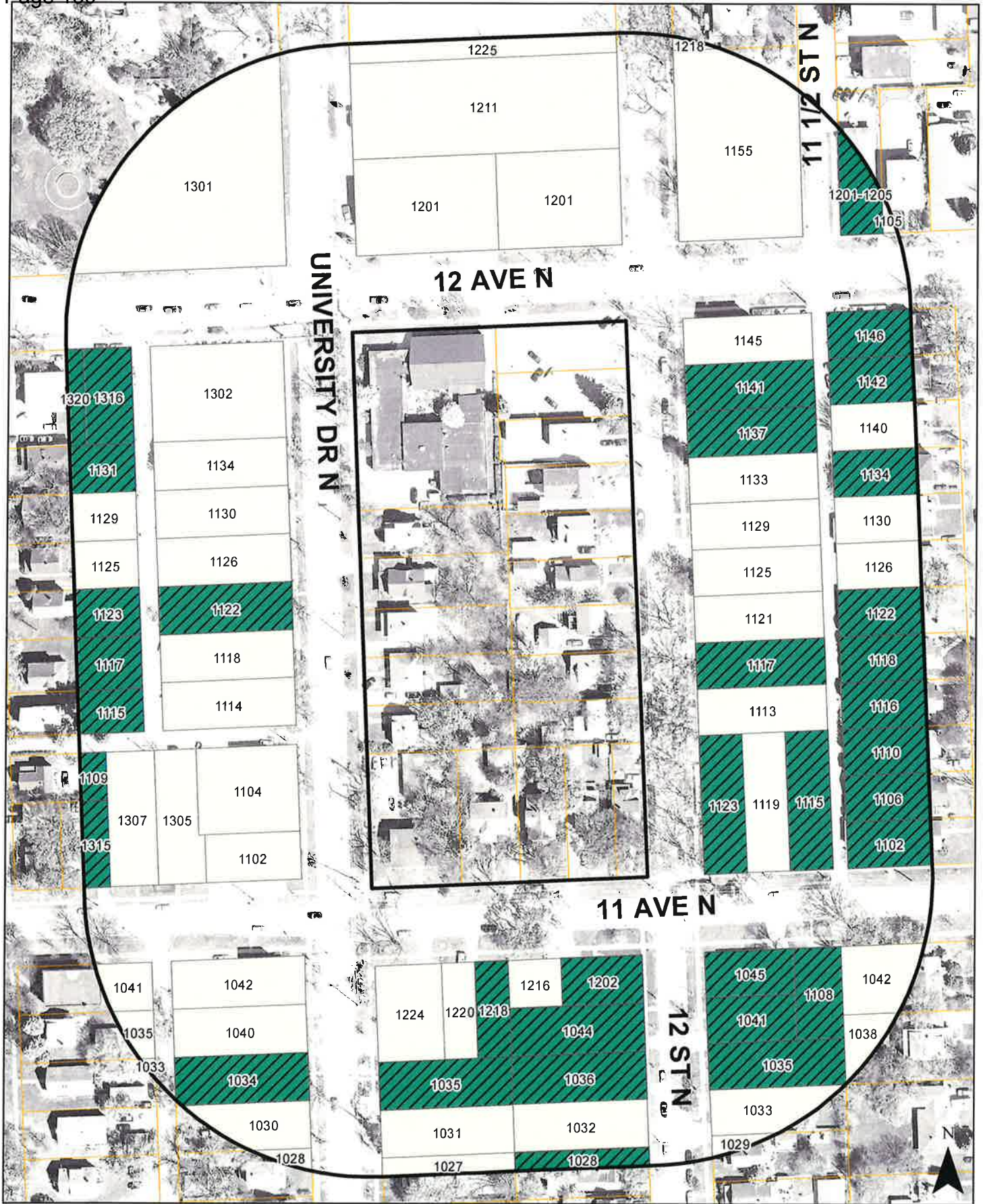
So, build more apartments.

Please consider a NO vote for this project.



Sincerely,



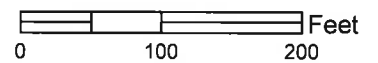
Deborah Krueger
1258 10th St N #203
Fargo, ND 58102



Property within 300 feet

-  **Protesting**
-  **Non-Protesting**

Protest Petition of Zoning Map Amendment St. Paul's Newman Center Addition


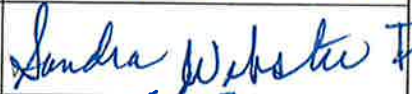





1/7/2019

Newman Center Protest Petition

We whose signatures appear on this petition certify that we own the lots or parcels of land described following the names subscribed hereto and;

We respectfully protest the change in zoning from MR-3, Multi-Dwelling Residential, LC, Limited Commercial, and SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed St. Paul's Newman Center Addition per Chapter 20 of the Land Development Code, Section 20-0906 - Protest Petitions.

PRINTED NAME	PROPERTY ADDRESS	SIGNATURE
BULTMAN, JOHN P	1146 11 ST N	
BULTMAN, JOHN P	1142 11 ST N	
OSBORN, JOHN H & KRISTIN E	1140 11 ST N	
BULTMAN, JOHN P	1134 11 ST N	
HGH PROPERTIES LLP	1130 11 ST N	
BEEBOUT, DWIGHT J & DIANA L	1126 11 ST N	
HAGEN, MARK H	1122 11 ST N	
WEBSTER, SANDRA	1118 11 ST N	
CARLSON, RHETT	1116 11 ST N	
CORWIN, ROSSALYN C	1110 11 ST N	
YOUNGBERG, BARBARA D LIFE ESTATE	1106 11 ST N	
HOLDMAN, SCOTT R & ERIN A	1102 11 ST N	
ELFSTRUM PROPERTIES LLC	1123 11 AVE N	

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CARLSON, RHETT	1116 11 ST N	
CORWIN, ROSSALYN C	1110 11 ST N	
YOUNGBERG, BARBARA D LIFE ESTATE	1106 11 ST N	<i>Barbara D. Youngberg</i>
HOLDMAN, SCOTT R & ERIN A	1102 11 ST N	
ELFSTRUM PROPERTIES LLC	1123 11 AVE N	

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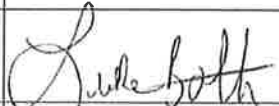
JUDD, KAREN A	1119 11 AVE N	
THISS, CULLEN E	1115 11 AVE N	
GELKING, GLORIA G	1113 12 ST N	
BANCROFT, PHYLLIS K T/O/D	1117 12 ST N	<i>PK Bancroft</i>
CAROLLO, KEVIN A	1121 12 ST N	
NC INVESTMENTS LLC	1125 12 ST N	
SAYLER, ROLLAND F JR & SHELLEY RAE	1129 12 ST N	
HENNEN, ANN M ETAL	1133 12 ST N	
BULTMAN, JOHN	1137 12 ST N	
BENDICKSON, BRIAN J & LYNN M	1141 12 ST N	
ETA THETA HOME ASSN OF SIGMA NU FRATERNITY	1145 12 ST N	
HAGEN, CHRISTOPHER S & LACY, PAMELA H	1029 12 ST N	
FOWDR LLC	1033 12 ST N	
ANDERSON, DANIELLE E	1035 12 ST N	<i>Danielle Anderson</i>
ULMER, CHRISTOPHER A	1041 12 ST N	<i>Ch. Ulmer</i>
ELFSTRUM PROPERTIES LLC	1045 12 ST N	
NESS, JACQUELINE D	1108 11 AVE N	<i>Jackie Ness</i>
MC CORMICK, JOSEPH P	1042 11 ST N	

JUDD, KAREN A	1119 11 AVE N	
THISS, CULLEN E	1115 11 AVE N	<i>Cullen E. Thiss</i>
GELKING, GLORIA G	1113 12 ST N	
BANCROFT, PHYLLIS K T/O/D	1117 12 ST N	
CAROLLO, KEVIN A	1121 12 ST N	
NC INVESTMENTS LLC	1125 12 ST N	
SAYLER, ROLLAND F JR & SHELLEY RAE	1129 12 ST N	
HENNEN, ANN M ETAL	1133 12 ST N	
BULTMAN, JOHN	1137 12 ST N	
BENDICKSON, BRIAN J & LYNN M	1141 12 ST N	
ETA THETA HOME ASSN OF SIGMA NU FRATERNITY	1145 12 ST N	
HAGEN, CHRISTOPHER S & LACY, PAMELA H	1029 12 ST N	
FOWDR LLC	1033 12 ST N	
ANDERSON, DANIELLE E	1035 12 ST N	
ULMER, CHRISTOPHER A	1041 12 ST N	
ELFSTRUM PROPERTIES LLC	1045 12 ST N	
NESS, JACQUELINE D	1108 11 AVE N	
MC CORMICK, JOSEPH P	1042 11 ST N	




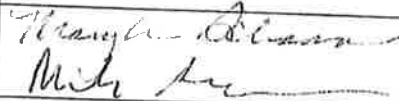
JUDD, KAREN A	1119 11 AVE N	
THISS, CULLEN E	1115 11 AVE N	
GELKING, GLORIA G	1113 12 ST N	
BANCROFT, PHYLLIS K T/O/D	1117 12 ST N	
CAROLLO, KEVIN A	1121 12 ST N	
NC INVESTMENTS LLC	1125 12 ST N	
SAYLER, ROLLAND F JR & SHELLEY RAE	1129 12 ST N	
HENNEN, ANN M ETAL	1133 12 ST N	
BULTMAN, JOHN	1137 12 ST N	<i>John Bultman</i>
BENDICKSON, BRIAN J & LYNN M	1141 12 ST N	<i>Lynn M. Bendickson</i>
ETA THETA HOME ASSN OF SIGMA NU FRATERNITY	1145 12 ST N	<i>12/10/1</i>
HAGEN, CHRISTOPHER S & LACY, PAMELA H	1029 12 ST N	
FOWDR LLC	1033 12 ST N	
ANDERSON, DANIELLE E	1035 12 ST N	
ULMER, CHRISTOPHER A	1041 12 ST N	
ELFSTRUM PROPERTIES LLC	1045 12 ST N	<i>Tom Elfstrum</i>
NESS, JACQUELINE D	1108 11 AVE N	
MC CORMICK, JOSEPH P	1042 11 ST N	

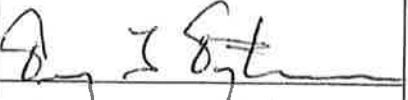

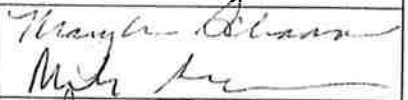

MCCORMICK, JOHN L JR & JOSEPH P	1038 11 ST N	
ENGLISH, COREY	1027 UNIVERSITY DR N	
BERG, FREDERICK J	1031 UNIVERSITY DR N	
MARTIN P LONSKI & CHERYL G LONSKI FAMILY TRUST	1035 UNIVERSITY DR N	
BAUM, JAMES & CAROL LIVING TRUST	1224 11 AVE N	
J2H PROPERTIES LLC	1220 11 AVE N	
ROSEMORE, DAMEAN	1218 11 AVE N	<i>Damean Rosemore</i>
FORSMAN, RUSSELL L	1202 11 AVE N	<i>Russell Forsman</i>
BUNKE, GABE & THORA	1216 11 AVE N	
SLATOR, BRIAN M & RITA L	1044 12 ST N	<i>Brian Slator</i>
ADAMS, ROBERT & CATHLEEN	1036 12 ST N	<i>Cathy Adams Bob Adams</i>
FOWDR LLC	1032 12 ST N	
BOTHUM, LUKE M	1028 12 ST N	
MB&A PROPERTY MANAGEMENT LLC	1028 UNIVERSITY DR N	
JMP PROPERTIES LLC	1030 UNIVERSITY DR N	
BLUE HARBOR PROPERTIES LLC	1034 UNIVERSITY DR N	
TWOGOOD, JARED & BUSH, SARA	1040 UNIVERSITY DR N	
VERDE PROPERTIES INC	1042 UNIVERSITY DR N	

MCCORMICK, JOHN LJR & JOSEPH P	1038 11 ST N	
ENGLISH, COREY	1027 UNIVERSITY DR N	
BERG, FREDERICK J	1031 UNIVERSITY DR N	
MARTIN P LONSKI & CHERYL G LONSKI FAMILY TRUST	1035 UNIVERSITY DR N	<i>ML</i> <i>ML</i> <i>Martin Lonski</i> <i>- letter attached</i>
BAUM, JAMES & CAROL LIVING TRUST	1224 11 AVE N	
J2H PROPERTIES LLC	1220 11 AVE N	
ROSEMORE, DAMEAN	1218 11 AVE N	
FORSMAN, RUSSELL L	1202 11 AVE N	
BUNKE, GABE & THORA	1216 11 AVE N	
SLATOR, BRIAN M & RITA L	1044 12 ST N	
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J2H PROPERTIES LLC	1220 11 AVE N	
ROSEMORE, DAMEAN	1218 11 AVE N	
FORSMAN, RUSSELL L	1202 11 AVE N	
BUNKE, GABE & THORA	1216 11 AVE N	
SLATOR, BRIAN M & RITA L	1044 12 ST N	
ADAMS, ROBERT & CATHLEEN	1036 12 ST N	
FOWDR LLC	1032 12 ST N	
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MB&A PROPERTY MANAGEMENT LLC	1028 UNIVERSITY DR N	
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BLUE HARBOR PROPERTIES LLC	1034 UNIVERSITY DR N	
TWOGOOD, JARED & BUSH, SARA	1040 UNIVERSITY DR N	
VERDE PROPERTIES INC	1042 UNIVERSITY DR N	

JPO RENTALS LLP	1041 COLLEGE ST N	
MELTING, JAMES A & LEINGANG-MELTING, NANCY A	1035 COLLEGE ST N	
BARNHART, THOMAS C ETAL	1033 COLLEGE ST N	
TEGTMEIER, TERRY L & LINDA S	1315 11 AVE N	<i>Terry L Tegtmeier</i>
GREGORY P BALDWIN LLC	1109 COLLEGE ST N	<i>Gregory P Baldwin</i>
HAAN, BRIAN S	1307 11 AVE N	
DEERY, CHRISTOPHER J	1305 11 AVE N	
REINHART, GARY	1102 UNIVERSITY DR N	
BACKLUND/ ERICKSON ENTERPRISES	1104 UNIVERSITY DR N	
SHIPYARD PROPERTIES LLP	1114 UNIVERSITY DR N	
KAREN L BOLES REV LIVING TRUST	1118 UNIVERSITY DR N	
GILLE PROPERTIES II LLC	1122 UNIVERSITY DR N	<i>Dan Gille</i>
EG & COMPANY PROPERTIES LLC	1126 UNIVERSITY DR N	
ENVIK, HOMER D ETAL	1130 UNIVERSITY DR N	
SPLONSKOWSKI HOLDINGS LLC	1134 UNIVERSITY DR N	
NDSU AGRICULTURE & APPLIED SCIENCE	1302 12 AVE N	
GCK RENTAL 1316 LLC	1316 12 AVE N	<i>[Signature]</i>
GCK RENTAL 1320 LLC	1320 12 AVE N	<i>[Signature]</i>

GCK RENTAL 1131 LLC	1131 COLLEGE ST N	
DREAM TEAM RENTALS LLC	1129 COLLEGE ST N	
GILBERTSON, MICHAEL	1125 COLLEGE ST N	
C/D TEGTMEIER, TERRY L & LINDA S	1123 COLLEGE ST N	
OLIN, EVA JEAN	1117 COLLEGE ST N	
MARY ANN SCHAAN T/O/D	1115 COLLEGE ST N	
BOTHUM, LUKE M	1201-1205 11 1/2 ST N	
AMBLE PROPERTIES LLC	1105 12 AVE N	
NDSU DEVELOPMENT FOUNDATION	1201 12 AVE N	
MINIMART INC	1201 UNIVERSITY DR N	
SABO, JAMES P & GRANDBOIS, DONNA M	1211 UNIVERSITY DR N	
ALPHA TAU OMEGA FRATERNITY CORP	1155 12 AVE N	
NDSU DEPT 3000	1225 UNIVERSITY DR N	
PUPPO, JUAN BATTISTA	1218 11 1/2 ST N	
NDSU DEPT #3000	1301 ALBRECHT BLVD N	

GCK RENTAL 1131 LLC	1131 COLLEGE ST N	
DREAM TEAM RENTALS LLC	1129 COLLEGE ST N	
GILBERTSON, MICHAEL	1125 COLLEGE ST N	
C/D TEGTMEIER, TERRY L & LINDA S	1123 COLLEGE ST N	
OLIN, EVA JEAN	1117 COLLEGE ST N	
MARY ANN SCHAAN T/O/D	1115 COLLEGE ST N	
BOTHUM, LUKE M	1201-1205 11 1/2 ST N	
AMBLE PROPERTIES LLC	1105 12 AVE N	
NDSU DEVELOPMENT FOUNDATION	1201 12 AVE N	
MINIMART INC	1201 UNIVERSITY DR N	
SABO, JAMES P & GRANDBOIS, DONNA M	1211 UNIVERSITY DR N	
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NDSU DEPT 3000	1225 UNIVERSITY DR N	
PUPPO, JUAN BATTISTA	1218 11 1/2 ST N	
NDSU DEPT #3000	1301 ALBRECHT BLVD N	

206

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN BOLLEY'S SUBDIVISION OF PART OF
BLOCK 9, CHAPIN'S ADDITION AND COLLEGE 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 Bolley's Subdivision of Part of Block Nine 9, Chapin's Addition and College Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on December 4, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on February 11, 2019,

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 Ten (10), Block Two (2), College 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;

Section 2. The following described property:

Lots Two (2) through Four (4), Bolley's Subdivision of Part of Block Nine (9), Chapin's 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;

Section 3. The following described property:

Lots Fifteen (15) through Seventeen (17) and the north 46 feet of Lot Eighteen (18), Bolley's Subdivision of Part of Block Nine (9), Chapin's Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "LC", Limited Commercial, District to "MR-3", Multi-Dwelling, Residential, District;

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

(SEAL)

Attest:

Steven Sprague, City Auditor

Timothy J. Mahoney, M.D., Mayor

First Reading:
Second Reading:
Final Passage:



AN ORDINANCE ESTABLISHING A PLANNED
UNIT DEVELOPMENT OVERLAY
ON ST. PAUL'S NEWMAN CENTER ADDITION
TO THE CITY OF FARGO

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 Planned Unit Development Overlay on St. Paul's Newman Center Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Board of City Commissioners has approved the Plat of St. Paul's Newman Center Addition, consisting of Lots One (1) through Three (3) of Block One (1) of said Addition, which Addition is a replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and Lots 15-23, Bolley's Subdivision of Block Nine (9), Chapin's Addition to the City of Fargo, Cass County, North Dakota,

WHEREAS, the Fargo Planning Commission approved the request for approval of the planned unit development overlay and the master land use plan for development, on December 4, 2018; and

WHEREAS, the Planned Unit Development Overlay and the Master Land Use Plan for development, were approved by the City Commission on February 11, 2019,

NOW, THEREFORE,

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

Section 1. There is hereby established a Planned Unit Development Overlay on all of the property located in St. Paul's Newman Center Addition, to the City of Fargo, Cass County, North Dakota as set forth herein and, therefore, the standards for development for the underlying zoning district shall hereby be modified as follows:

	Current LDC Development Standards for the MR-3 Zone	PUD Modifications to MR-3 Development Standards
Allowed Uses	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.	<i>Add these uses as allowed uses: colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, retail sales and service</i>
Residential Density	24 du/ac	<i>Increase to 32 du/ac</i>
Setbacks	Front—25' Rear—20' Street side—12.5' Interior side—10'	<i>Front (Lot 1-University Drive side)—decrease to 10'10" Front (Lot 2)—decrease to 19'6" Front (Lot 3)—decrease to 11' Street side—decrease to 5' (Lot 1 only) Interior side- Decrease to 0' (between Lots 1 and 2)</i>
Building Coverage	35% of lot area	<i>Increase to 41%</i>
Parking- Residential – Multi-Dwelling	1.25 stalls per efficiency; 2.0 stalls per 1 BR + 0.25 guest stalls per living unit	<i>0.9 stalls per bed</i>
Group Living	1 space per 100 square feet of sleeping area	<i>0.9 stalls per bed</i>

Landscaping— Open Space	3 plant units per 1,000 sq. ft. of lot area of fraction or thereof, with 8 sq. ft. per plant unit (LDC 20-0705(C)(3) and table)	<i>Request removal of 70% requirement in front of building</i>
Landscaping— Parking Lot Perimeter	Buffer width: 9 feet. Plantings: 1 small tree + 6 shrubs/perennial grasses per 25 linear feet. Berm also an option (LDC 20-0705 (D) and table)	<i>Reduce buffer width to 5 feet.</i>
Residential Protection Standards Building Height 76-100 feet from residential	45 Feet	<i>Lot 1—increase to 50 feet</i>
Open space	35%	<i>Decrease to 25% minimum</i>

In all other respects, development on said property shall be subject to the development standards for the underlying zoning district.

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.

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:



29

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

February 7, 2019

Board of City Commissioners
City Hall
225 4th Street North,
Fargo, ND 58102

RE: B-Limited License—Amendment of liquor ordinances to allow B-Limited licensee to hold two such licenses

Dear Commissioners,

Please find attached for your consideration revisions to Article 25-15 of Chapter 25, in particular section 25-1506 (Z). As you will recall, at your last meeting a request was made for a waiver of the existing restriction limiting related entities from holding more than one B-Limited license, an off-sale liquor license. Because the ordinance specifically states that only one (1) B-Limited license may be held by an entity holding more than 5% interest in another entity that holds a B-Limited license, in order to allow the purchaser of the requester’s business to apply for the necessary B-Limited license it was determined that a change in the law itself would be necessary. The motion was made and approved to direct this office to present an amendment to Fargo Municipal Code section 25-1506 (Z) allowing a licensee to hold two (2) B-Limited licenses.

SUGGESTION MOTION: I move to waive the receipt and filing of the enclosed ordinance one week prior to first reading and that this be the first reading, by title, of An Ordinance Amending Section 25-1506 of Article 25-05 of Chapter 25 of the Fargo Municipal Code Relating to the Sale, Service and Dispensing of Alcoholic Beverages.

Regards,

Nancy J. Morris

Enclosures
NJM/erj



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-1606 OF ARTICLE 25-16
OF CHAPTER 25 OF THE FARGO MUNICIPAL CODE RELATING
TO RESTRICTIONS ON SALE, SERVICE OR DISPENSING OF
ALCOHOLIC BEVERAGES

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

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

Section 1. Amendment.

Section 25-1606 of Article 25-16 of Chapter 25 of the Fargo Municipal Code is hereby amended to read as follows:

* * *

- Z. Class "B-Limited" - A "B-Limited" license shall authorize the licensee to sell "off-sale" only, subject to the following restrictions and conditions:
 - 1. A Class "B-Limited" license shall authorize a licensee to sell "off-sale" only, and no licensee hereunder may conduct any "on-sale" liquor sales. No Class "B-Limited" license shall be issued to any applicant whose primary business is not, or upon the issuance of the license applied for, shall not be the sale of alcoholic beverages on an off-sale basis.
 - 2. A Class "B-Limited" licensee under the provisions of this title shall provide adequate off-street parking within the discretion of and subject to the

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

approval of the commission. Membership in the current Fargo parking program (presently POP), or any subsequently adopted parking program, may be considered as compliance with this provision.

- 3. No person, partnership, or other form of business entity may hold more than ~~one two (12)~~ "B-Limited" licenses, nor may ~~more than two (2)~~ "B-Limited" licenses be owned by any individual, partnership or other business entity in which a person holding more than a 5% ownership interest in the business entity also holds more than a 5% ownership interest in another business entity that holds a "B-Limited" license or an "A", "AB", "ABH", or "ABH-RZ" license.
- 4. The initial fee for a "B-Limited" license, as well as the annual renewal fee shall be as set forth in city ordinance.
- 5. A "B-Limited" license shall be essentially non-transferable. In the event, the holder of a Class "B-Limited" license shall voluntarily go out of business, the license shall revert to the city. It is the intent of this provision that the city of Fargo desires to control the issuance of additional liquor licenses and restrict any artificial appreciation in value of said licenses. Additional terms, conditions and restrictions on transferability shall be as set forth in section 25-1508.
- 6. The initial issuance of a "B-Limited" license shall consider all of the factors set forth in article section 25-1508 hereinafter. In the event the applications for said license shall exceed the number then available, any applications meeting all of the requirements shall be determined by a drawing in the presence of the governing body of the city and in such manner as it shall direct.
- 7. In addition to the foregoing, the Class "B-Limited" license shall be governed by all the terms of this article applicable to Class "B" licenses provided, however, that in the event the provisions should conflict with this section, provisions of this section shall prevail.

* * * *

Section 2. Effective Date

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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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(SEAL)

Attest:

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage: