

**City of Fargo
Staff Report**

Title:	Duane's Pizza Addition	Date: Update:	12/29/2022 2/16/2023
Location:	1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South	Staff Contact:	Maegin Elshaug
Legal Description:	Lots 1-8, less the vacated right-of-way and Lots 9-16, Block 28, Morton & Doty's Addition		
Owner(s)/Applicant:	BLOC Partners, LLC/Craig Development, LLC	Engineer:	Lowry Engineering/Neset Land Surveys
Entitlements Requested:	Zoning Change (from SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential, and LC, Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay); a PUD Master Land Use Plan within the boundaries of the Duane's Pizza Addition; and Minor Subdivision (replat of Lots 1-8, less the vacated right-of-way and Lots 9-16, Block 28, Morton & Doty's Addition to the City of Fargo, Cass County, North Dakota).		
Status:	City Commission Public Hearing: February 21, 2023		

Existing	Proposed
Land Use: Commercial and Residential	Land Use: Mixed-use development
Zoning: SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential, and LC, Limited Commercial	Zoning: LC, Limited Commercial with a PUD, Planned Unit Development Overlay
<p>Uses Allowed: SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities</p> <p>SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities</p> <p>LC – Limited Commercial Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service and certain telecommunications facilities.</p>	<p>Uses Allowed: LC – Limited Commercial Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service and certain telecommunications facilities.</p> <p>With Residential Use through PUD</p>
Maximum Density Allowed (Residential): SR-2 allows 5.4 units per acre; SR-3 allows 8.7 units per acre	Maximum Density Allowed (Residential): PUD allows 47 units per acre
Maximum Lot Coverage Allowed: LC allows 55% building coverage	Maximum Lot Coverage Allowed: Unchanged

Proposal:

The applicant requests the approval of three entitlements:

- **Zoning Change** (from SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential, and LC, Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay
- **PUD Master Land Use Plan;**
- **Minor Subdivision** (replat of Lots 1-8, less the vacated right-of-way and Lots 9-16, Block 28, Morton & Doty's Addition to the City of Fargo, Cass County, North Dakota).

Project Summary

BLOC Partners, LLC proposes a 5-story mixed-use development, consisting of 127 residential apartment units, 15,258 square feet of commercial space, with 162 internal parking spaces between underground and main floor, and 114 surface level parking spaces.

December 6, 2022 Planning Commission meeting

At the December 6, 2022 Planning Commission meeting, staff introduced the Planning Commission to the proposed BLOC project as a non-public hearing item. The applicant addressed the Commission at that meeting and provided more detail about the proposed project. The commission discussed aspects of the Go2030 comprehensive plan, placement of the building on the block, walkability and pedestrian experience, current function and future of University Drive South, changes to the site including the elimination of access from University Drive South, and the importance of the neighborhood businesses.

December 6, 2022 Open House

In the evening of December 6, 2022, from 5:00-6:30 in the Sky Commons (Civic Center) a public open house was attended by approximately 35 people, as well as several commission members and staff from the Planning, Engineering and Strategic Planning and Research departments. With this project, there has been a greater focus on communications and neighborhood reach for a wider audience to learn more about the project and provide comment, as one of the City's concerted efforts of implementing recommendations of the Core Neighborhoods Plan. For the open house, staff notified at the 1/4 mile buffer, as calculated from the property, direct email invitations to interested stakeholders, social media postings and invitations to City boards. Jesse Craig, with BLOC Partners, LLC, gave a short presentation at approximately 5:30. Question and answer format followed for the remainder of the meeting. Comments and questions from attendees included:

- Attendees asked more detailed questions about the project, including number of units, number of residents, businesses that would stay, driveway locations
- Concern of the scale, building height, and density
- Concern for and also lack of affordable housing
- Concern for increased traffic, noting area is already congested
- Concern of increase in property taxes due because of the proposed project
- Concern of road reconstruction and subsequent special assessments because of project
- Concerns on number of drive-thrus, with the suggestion to reduce from three to two
- Questions and concerns about tax increment financing request

Other Comments Received

Prior to and after the neighborhood meeting, staff received several calls and emails regarding the project.

Questions and comments include:

- General inquiry
- Support for the project
- Concern of the scale
- Concern for intersection operations and increased traffic
- Concern of impacts related to construction including road closures, staging areas and worker parking
- Concern for access into site, parking on the site and along the street that is currently congested, and queuing of stacking spaces
- Questions and concerns about tax increment financing request
- Questions on storm water retention, landscaping, delivery trucks, snow removal, electric charging stations

Common Questions and Responses

Based on common questions received, staff has prepared a FAQ sheet, which is attached to this packet and also posted at the City of Fargo website (see attachment for the website).

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

Surrounding Land Uses and Zoning Districts:

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

Area Plans:

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



Context:

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

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

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

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

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

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

Staff Analysis:

Update 2/16/2023: Below within this staff report is the history of the Planning Commission review. All items have been resolved except for those specified on pages 10 and 11 of the staff report.

Current Application Review Status:

As of the writing of this staff report, staff continues to evaluate details of the proposal as it relates to the built environment, including building façade materials and design, pedestrian environment, impacts to the neighborhood including traffic and parking, future of University Drive corridor in this location, as well as technical details related to the plat. Planning staff continues to work with the Engineering staff on necessary project information to continue evaluation.

On December 19th staff reached out to affirm any updates to the submittal materials. As none were received, staff began issuing formal comments in writing and by phone, on December 22nd as well as recommending a continuation to the February 7th Planning Commission meeting to obtain more specifications within the plans submitted in order to better define the PUD Overlay ordinance as well as to better inform the public and commissioners feedback on the review. On December 27th, staff received a revised PUD Master Land Use Plan and updated renderings of the project, which are included in the packet.

Based on carrying costs, the developer is seeking rapid pace of review through the Planning Commission and is not supportive of staff's initial recommendation for continuation to the February 7th public hearing at the Planning Commission. As such, staff is recommending approval with conditions for the Zoning Change, PUD Master Land Use Plan and Minor Subdivision and continuation of the PUD Final Plan. Staff is generally supportive of the project but feels that additional information and coordination is needed in order to fully develop the PUD ordinance and to provide a complete evaluation to share feedback with residents and board members for the compatibility issues raised to date. Staff believes the more appropriate zoning district to use as a guide is Limited Commercial coupled

with the design standards from University Mixed Use to establish the zoning ordinance framework for the Planned Unit Development overlay, and staff intends to bring a draft ordinance to the January 3 Planning Commission meeting.

Staff is providing the most current information for the commission to review within the staff report and packet. Staff is trying to balance the following priorities:

- consistency with Go2030 Comprehensive Plan
- the Core Neighborhoods Plan
- comments from the neighborhood
- economic impacts to three businesses
- University corridor impacts
- Neighborhood amenities
- Future infrastructure needs

This is the first big project proposed since the adoption of the Core Neighborhood Plan, and it's also right on the edge of two neighborhoods. Staff is considering various design standards as it transitions between suburban and urban development patterns. This portion of the corridor is a pivotal precedent setting location to influence additional future development in the corridor. Given that there is not an adopted shared vision and what the market can bear, staff is considering the pros and cons of the project layout as proposed.

- Pros: the keeping of three existing businesses within the neighborhood, removal of blight, investment to increase market demand for a healthier economy, additional housing inventory, more housing close to job centers, and additional neighborhood amenities
- Cons: change in scale and potential impacts of traffic circulation, impact to abutting uses with transition in scale and blank façade walls on the ground floor

Staff is hopeful that the development team can continue to provide information to share ideas and creativity to approach the perceived cons. Staff believes that there can be some minor additional landscape treatments to soften the parking areas and provide amenities to neighborhood residents who would frequent the retail and for residents of the apartment to appreciate the site.

Staff Feedback to Applicant:

Staff has suggested to the developer that more work with developing clarity to specifics on the project could provide more assurances that future impacts of the project could be mitigated and therefore warrant the PUD. More information can be found on the attached letters.

- Quite a bit of discussion has occurred between staff and the applicant regarding the proposed building location on the site and its proximity to University Drive and the single family housing to the west. According to the applicant, the site layout provides continuity of the businesses during construction. Staff is evaluating the need for wider sidewalks to incorporate a shared use path, and site improvements to improve the walking and bicycle access. There are also several direct segments of GO2030 that apply in relationship to the future of University and redevelopment along this corridor.
- Additionally, understanding future traffic demands and future land use changes in review with building location and creating a more urban development for the University Corridor, staff is cognizant that this project may and likely will set the stage for future development on this corridor. More detailed information is provided later in this staff report.

Requests

Zoning Change and Planned Unit Development Overlay

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The applicant is requesting to modify the following specific LC, Limited Commercial zoning standards:

- Allow residential use (as part of a mixed-use)
- Reduce west setback from 10 feet to 5 feet
- Reduce parking requirements for commercial and residential (parking study has been provided and is attached)
- Reduce landscaping requirements by half
- Reduce residential protection standards in terms of building height and increase overall building height to allow for a 70 foot tall building

The applicant began meeting with City staff in Spring of 2022. However several layouts and plans shifted during the incentive review and the applicant's financial review as they coordinated project details. An official complete application was received by our office in November for the January Planning Commission hearing. This date was scheduled contingent to the neighborhood feedback and staff review. A neighborhood meeting was held on December 6th, with approximately 35 members from the public attended. A summary of the comments are noted earlier in this staff report and sign-up sheet is provided as an attachment.

PUD Master Land Use Plan

Attached to this packet is the proposed Master Land Use Plan. The applicant proposed one 5-story, mixed-use building, consisting of 127 residential apartment units, 15,258 square feet of commercial space, with 162 internal parking space between underground and main floor, and 114 surface level parking spaces. The master land use plan shows the building envelope, parking and circulation, and open space. The plan includes three drive-thrus (two of which are pick-up orders for call ahead), including one on the north side of the building and two that are within a pass-through located in the middle of the main floor of the building.

Plat

The plat will create one lot on the block. Preliminary comments on the plat have been shared with the applicant. Technical items that need further evaluation or to be addressed relate to existing utilities and easements within the property. A plan to reroute current utilities needs to be determined and agreed upon by the utility providers as part of the technical review of the plat. The plat will not be signed by the City Engineer or proceed to the City Commission until that is confirmed. Other easements, both existing and proposed, need further evaluation of how they exist in relation to the proposed development needs to occur. The building location conflicts with a proposed new 10 foot public utility easement that surrounds the block on the plat, as the building is proposed to be located 5 feet from the west property line. An updated plat has been provided as of December 28th, which removes existing easements from the face of the plat. According to the applicant, they are seeking to work to remove the easements. Staff will further review this and provide feedback to the applicant.

Outstanding staff review comments:

After further evaluation internally and in coordination with the Engineering Department, staff has noted concern about the following issues as they relate to development impacts. At the writing of this staff report, these items need to be more specifically evaluated and addressed through the PUD Ordinance. These items have been shared with the applicant.

- Building placement in relation to the street and abutting uses, especially addressing west building edge
- Walkability and pedestrian circulation and scale within the development, especially landscape boulevard width determination and shared use path width determination.

- A better understanding of drive-thru management and relation to pedestrian environment.
- Transportation impacts from development and the need for additional information. Staff requested a destination-origin study to understand the impacts at rush-hour.
- University Drive future corridor needs confirmation, including accommodations for bikes and pedestrians
- Signage and scale.
- West façade interface with neighborhood.

University Drive Corridor and Traffic Impact

In light of the neighborhood comments received on December 6th, the Engineering Department is in the process of more fully evaluating the proposal in relationship to the future needs of the University Drive corridor. Specifically they are looking at the future of how University would be improved upon once road or infrastructure replacement would be needed in terms of road geometry, path width and location, boulevard width and street trees. More information is needed to complete this evaluation and the Engineering Department is currently working on this. Additionally, based on questions from the neighborhood of density and traffic impacts (especially during rush hour), the Engineering Department is requesting that the applicant's traffic consultant analyze the total trips generated for the mixed-use development and put together an Origin-Destination graphic showing where the trips are expected to come from and where they are expected to go.

Infrastructure Scheduling

Reconstruction of 17th Avenue South is not currently programmed within the Capital Improvement Plan (CIP); meaning, there is no identified timeline nor funds identified for its construction. However, there is need for reconstruction of this roadway due to its condition and the Engineering Department is looking at opportunities to program reconstruction for the portion of 17th Avenue South between University Drive South and 25th Street South. City Engineering believes it will be programmed within the next few years. University Drive South is also not currently programmed or scheduled. 13 ½ Street South is also currently not programmed within the CIP.

Both University Drive and 13 ½ Street South will be programmed upon infrastructure reconstruction criteria. University Drive is a state highway, so federal funds and determinations will also govern this roadway work. 13 ½ Street South is a local road and will be funded through special assessments (capped at a fixed cost) with a remaining larger percentage city funded.

Zoning

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

- **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 does not find that there is an error in the zoning map. The condition of the current buildings on the site are in a state that likely soon intervention will need to occur. The residential buildings were built in the 1950s and the commercial building were built primarily in the 1950s and 60s, with the exception of the north building built in 1974. The Core Neighborhoods Plan (CNP) indicates this site is appropriate for Mixed Use Neighborhood Commercial and encourages investments within the area to counter deterioration and blight.
- **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?**
The subject property fronts on existing public rights of ways on all sides, which provide access and utility services. Electrical services have expressed concerns regarding exiting utilities within the block. The

developer is currently working with Xcel and Lumen. The City's utility services and demolition and capping the existing services is currently being coordinated between the developer and the City Engineering and Public Works departments. Transportation needs will be coordinated in further detail with long term right-of-way planning. Storm water requirements will be accommodated in the site plan permitting and being coordinated between the developer and the Engineering Department.

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

Staff is considering the impact of the development on the neighborhood. At this time staff doesn't see any significant impacts, but is awaiting more information to see how the traffic destination/origin and traffic impact review is addressed. Staff is working with the City Traffic Engineer to learn more about potential impacts, who will be in attendance at the Planning Commission meeting. As noted, staff has concern for potential traffic impacts, fit within the context of the neighborhood, and walkability and pedestrian scale. Staff intends for a draft PUD overlay to be provided at the Planning Commission meeting that would outline aspects of the development and mitigate concerns.

In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within a quarter-mile of the subject property. Staff has received one inquiry since those notices; however, more comments were received with the mailing notice of the neighborhood meeting that occurred on December 6th. A summary of those comments are provided earlier in the staff report.

Currently, staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity and will likely positively encourage other development activities within the University Drive corridor. Staff is working with the City Assessor to learn more about impacts to property value due to adjacent development, and the City Assessor plans to be in attendance at the January Planning Commission meeting.

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." Go2030 indicates and supports Walkable Mixed Use Centers, which mentions "improving the aesthetics of the public realm and implementing bicycle and pedestrian improvements. This calls for providing shared parking and reducing the impact of surface lots. The interface between the single family housing to the west of this project should be mitigated with increased landscaping and design considerations on the building façade.

The PUD and redevelopment of the block requires the reimagining of the future right-of-way and boulevard treatments of the surrounding public roads. The PUD ordinance and the Plat's Amenities Plan will seek confirmation of landscape treatment in the boulevard in addition to widened shared use path on University Boulevard to improve bicycle and pedestrian facilities.

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:

- **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;**

When reviewing the totality of the PUD zoning ordinance request, staff is overall supportive of the project, however, more details need to be determined. Additionally, there are aspects that staff is not supportive of. For instance, the developer is seeking a reduction in landscape standard points. Staff recommends doubling the landscape standards and to allow for flexibility from requirements in terms of placement and removing limitations of some plants. Additional elements regarding zoning ordinance overlay components are yet to be fully determined at the writing of this staff report, and staff plans to provide a draft ordinance at the Planning Commission meeting. The height and mixed-use components would not be allowed by right.

The overall proposal in terms of mix of uses is beneficial and a type of project that is desired to promote the City's long range plans.

- **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**
Section 20-0302 PUD, Planned Unit Development notes, in part, that the PUD district permits greater flexibility of land planning and site design than conventional zoning districts that would also result in a greater benefit to the City than would otherwise be allowed. Staff is reviewing the request for flexibility by the applicant (allow residential use, reduce setback, increase height, reduce plantings, reduce parking requirements) and evaluating against aspects that would be a greater benefit to the City, which include investment and redevelopment, allowing existing businesses to stay, providing more housing opportunities (which, based on information coming from the current Housing Study, finds that all types of housing are needed throughout the Metro), and the opportunity to create a pedestrian friendly destination within the neighborhood.
- **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;**
The subject property fronts on existing public rights of ways on all sides, which provide access and utility services. Details of the services provided will be accommodated through the platting process and site plan process.
- **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 Lewis & Clark Future Land Use Plan of the Core Neighborhood Plan contemplates mixed-use development for this block, which is the type of development the applicant proposes.
- **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**
At this time, staff does not believe the project will negatively impact the community. The project invests in the neighborhood and aims to keep existing businesses that anchor the neighborhood, which is important to the neighborhood's identity. More people living in the area with additional housing choices is also beneficial.

Minor Subdivision

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

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

The replat would plat the existing lots originally platted in 1881 into one lot and one block. Part of the application is a request to rezone the property from SR-2, SR-3 and LC to LC with a PUD Overlay to accommodate the proposed mixed-use development. The Lewis & Clark Future Land Use Plan contemplates mixed-use development for this block. Existing utilities are located within the property, and the developer must work with the utility providers on a plan to reroute the utilities, which must occur prior to the City Engineer signing the plat and it proceeding to the City Commission. An updated plat has been provided as of December 28th, which removes existing easements from the face of the plat. According to the applicant, they are seeking to work to remove the easements. Staff will further review this and provide feedback to the applicant as the plan moves forward.

Additionally, staff received correspondence from the North Dakota Department of Transportation local

office, noting the need to keep highway rights-of-way free of encroachment, and that future development should not use public right-of-way except for sidewalks, landscaping or signage related to highway or streets. Prior to receiving this correspondence, staff noted to the applicant the need to remove all existing encroachments into the right-of-way as part of the redevelopment.

In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within a quarter-mile of the subject property. Staff has received one inquiry since those notices; however, more comments were received with the mailing notice of the neighborhood meeting that occurred on December 6th. A summary of those comments are provided earlier in the staff report.

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

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. The redevelopment of the site also requires on-site storm sewer improvements that will be addressed with below ground storage. This will be reviewed in the site plan review process.

Update 2/16/2023: At the January 3rd Planning Commission meeting, the commission recommended approval of the zoning change, PUD master land use plan and minor subdivision, with the conditions prior to moving forward to the City Commission: Confirming the PUD ordinance and updating the master land use plan as applicable; City traffic engineer to review and concur with additional information regarding trip generation; City engineer approval of resolution of private utility issues; and confirmation of the amenities plan. The first two items have been addressed (see additional information below) and staff continues to work with the applicant on the other two items. The City Engineer determined that this could move forward to the City Commission with contingencies based on resolution of those two items.

After publication of the Planning Commission staff report and prior to the Planning Commission, the City traffic engineering reviewed and concurred with additional information regarding trip generation.

Since the Planning Commission meeting, staff and the applicant worked together on finalizing the PUD ordinance. Changes to the ordinance from the Planning Commission meeting include:

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

For notification of the City Commission public hearing item, staff sent notice letters to the required 300 foot boundary, and also sent email notification to the Neighborhood Coalition, those who emailed a public comment previously, and neighborhood contacts within the Lewis & Clark and Clara Barton neighborhoods. Since the Planning Commission meeting and notifications, staff received several additional comments, which are included in the packet.

Note on contingent approval: The suggested motion below states that approval is contingent on resolution of private utility issues and confirmation of the amenities plan. The contingent motion below allows the City Commission to approve the plat at this time. Once these items have been sufficiently addressed and the City Engineer has signed the plat, then the City can then proceed with recording the plat, if approval is received as referenced below. The contingent approval applies only to the subdivision plat.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance on week prior to the first reading and place the rezoning Ordinance on for first reading and approve the proposed 1) Zoning Change from SR-2, SR-3, and LC, Limited Commercial to LC, Limited Commercial with a Planned Unit Development Overlay, 2) PUD Master Land Use Plan, and 3) Minor Subdivision (**Duane's Pizza Addition**) as outlined in the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, the Core Neighborhoods Plan, Standards of Article 20-06, Section 20-0906.F(1-4), and Section 20-0908.B(7) of the LDC, and all other applicable requirements of the LDC, with the following contingencies:

- Resolution of private utility issues prior to recordation of the plat, subject to City Engineer approval
- Confirmation of amenities plan for subdivision prior to recordation of the plat, to be confirmed by Planning and Engineering Department staff

Planning Commission Recommendation: January 3rd, 2023

At the January 3rd Planning Commission hearing, by a vote of 8-0 with one Commissioners absent and two Commission seats vacant, the Planning Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) Zoning Change from SR-2, SR-3, and LC, Limited Commercial to LC, Limited Commercial with a Planned Unit Development Overlay, 2) PUD Master Land Use Plan, and 3) Minor Subdivision (**Duane's Pizza Addition**) as outlined in the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, the Core Neighborhoods Plan, Standards of Article 20-06, Section 20-0906.F(1-4), and Section 20-0908.B(7) of the LDC, and all other applicable requirements of the LDC, with the following conditions:

- Confirmation of PUD ordinance and updated Master Plan as applicable prior to moving forward to City Commission
- Additional information provided by applicant regarding traffic to analyze trip generation, to be reviewed by and subject to approval by City Traffic Engineer
- Resolution of private utility issues prior to moving forward to City Commission, subject to City Engineer approval
- Confirmation of amenities plan for subdivision to be confirmed by Planning and Engineering Department staff.

Attachments:

1. Zoning Map
2. Location Map
3. PUD Narrative
4. PUD Master Land Use Plan
5. PUD Renderings
6. Preliminary Plat
7. Amenities plan
8. Correspondence letters from staff to applicant
9. Parking Study
10. Informational handout (frequently asked questions)
11. Sign-in sheet for December 6th Open House and comment received
12. Public comments received

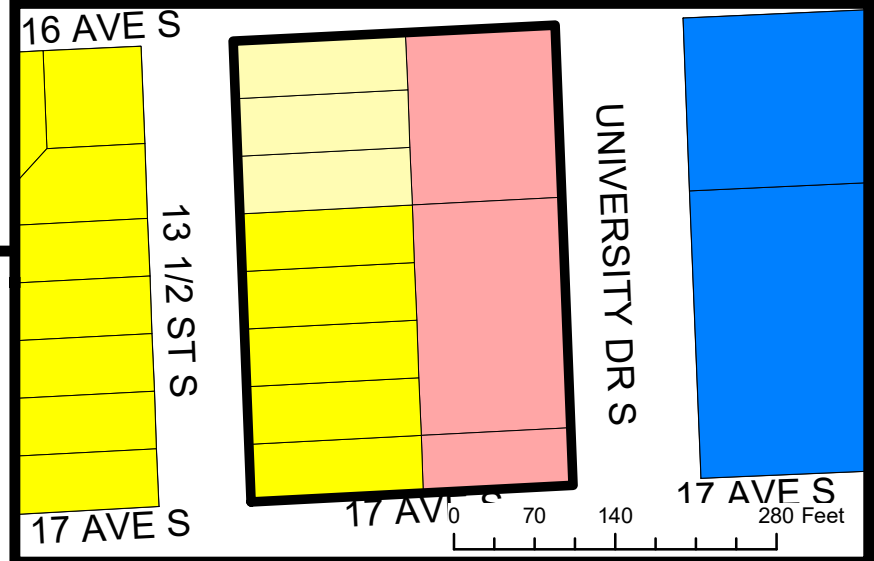
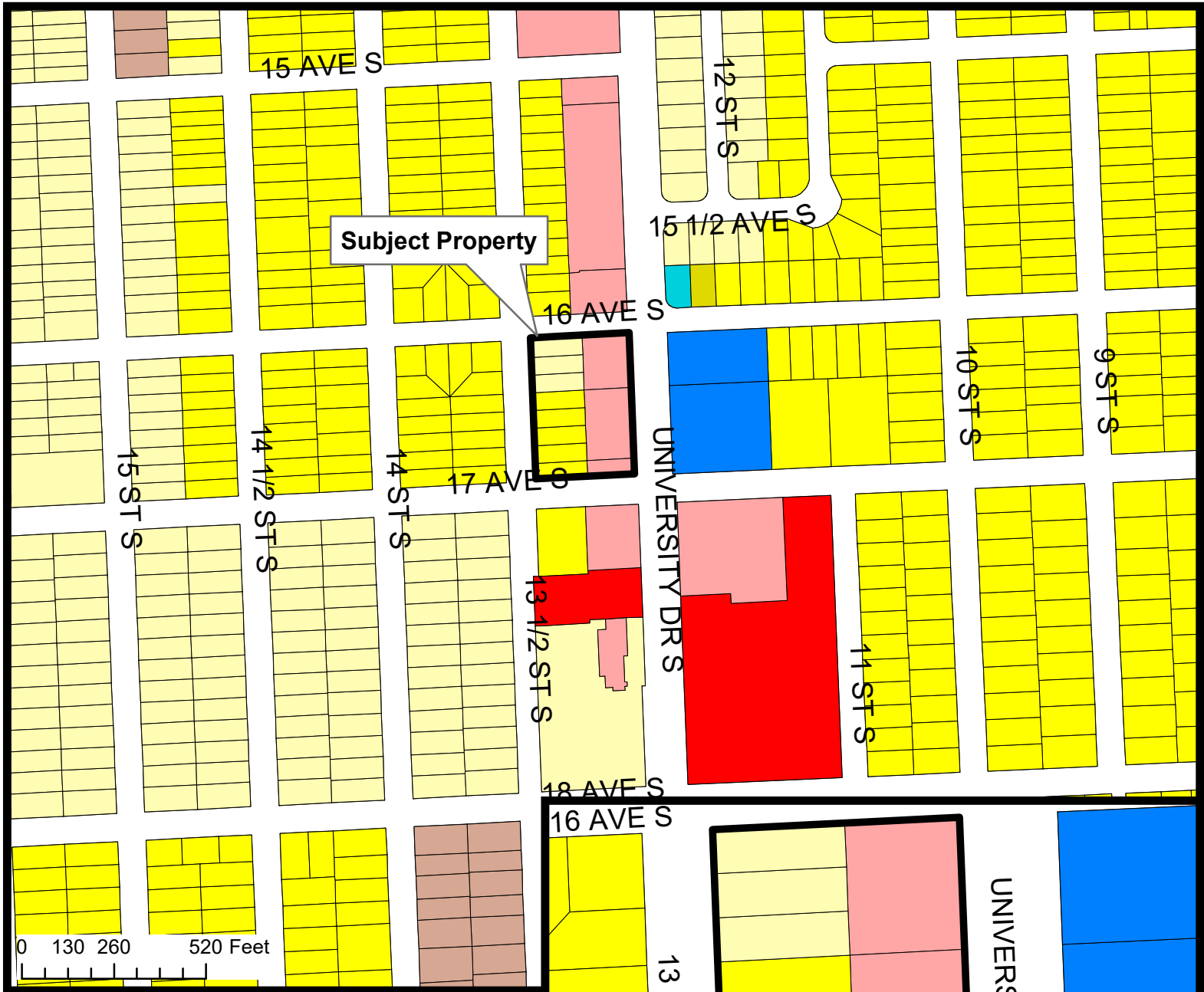
Minor Subdivision, Zone Change (SR-2, SR-3 and LC to LC with Planned Unit Development (PUD), PUD, Overlay; PUD, Master Land Use Plan and Final Plan

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

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

1321 17 Avenue South

Duane's Pizza Addition



0 130 260 520 Feet

0 70 140 280 Feet



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



Fargo Planning Commission
January 3, 2023

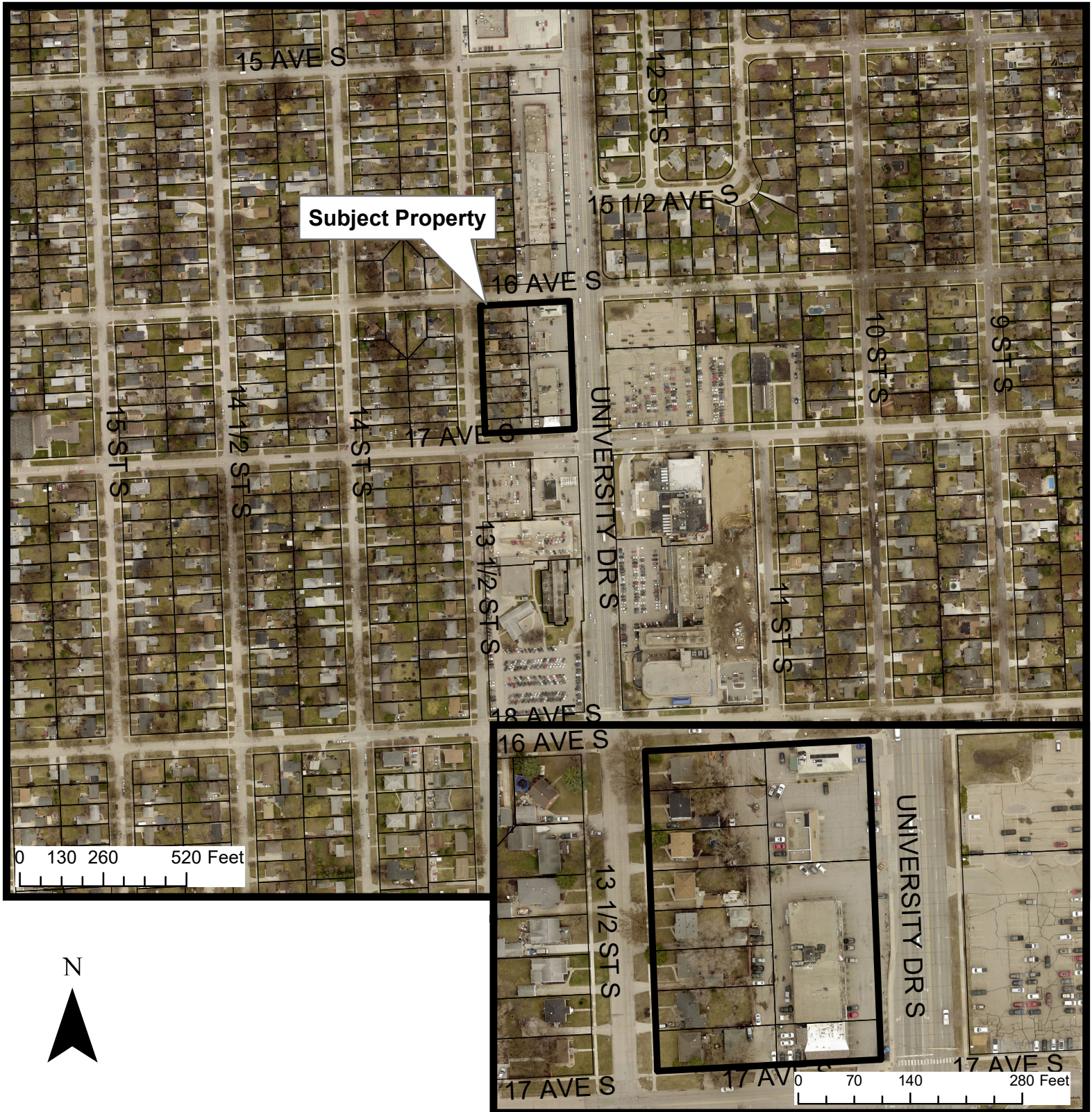
Minor Subdivision, Zone Change (SR-2, SR-3 and LC to LC with Planned Unit Development (PUD), PUD Overlay; PUD, Master Land Use Plan and Final Plan

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

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

1321 17 Avenue South

Duane's Pizza Addition





B
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O
C

PROJECT LOCATION

BLOC is located on a major corridor from Interstate to Downtown and blocks from Lindenwood Park, the BLOC project will consist of 127 units, 15,258 sq ft of commercial, 162 garage parking stalls and 114 surface parking spaces.

HIGHLIGHTED AMENITIES

9 foot ceilings
roof top patio
dog wash

SUPPORTING DOCUMENTS

SEE ATTACHED

PUD
Civil Plan
Architectural Plan
Traffic Study

PROJECT DETAILS

BLOC will be a safe, pet friendly community offering studios, one and two bedroom apartment homes. The units will include stainless steel appliances, washer & dryer in-units, high quality finishes, and free internet. The property will have heated underground and main level heated parking, community space, rooftop patio and outdoor grilling area.

The largest impact by this project are the removal of an entire city block of blight and disrepair and in doing so we bring back the safety of the area all while retaining three current tenants that are important to the identity and character of the neighborhood.

CONSTRUCTION IS EXPECTED TO START SPRING OF 2023.

PRELIMINARY
 NOT FOR
 CONSTRUCTION

Project:

UNIVERSITY MIXED-USE
 PLAN REVIEW
 UNIVERSITY DR.
 DESIGN DEVELOPMENT

Location:
 University Dr.
 Fargo, ND 58103

Drawn By:
 MB

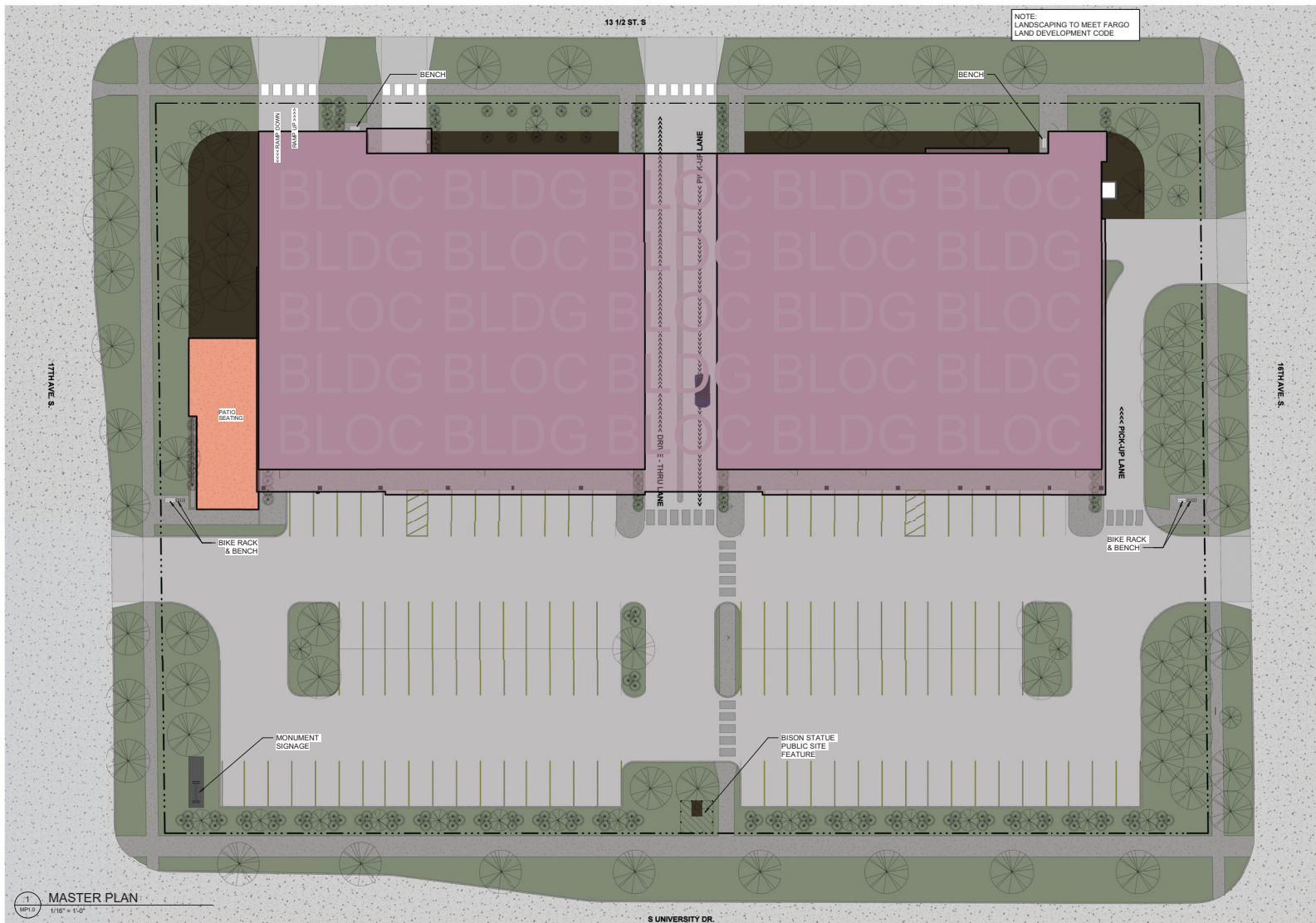
Date:
 DATE
 1/30/2023 9:52:34 AM

Revision Date:

Job Number:
 2022.12

Sheet Name:
 MASTER PLAN

Sheet Number:
MP1.0





Perspective from developer



Perspective from developer



Perspective from developer

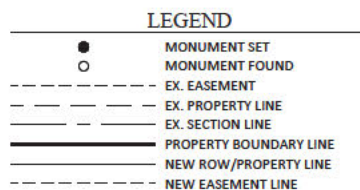
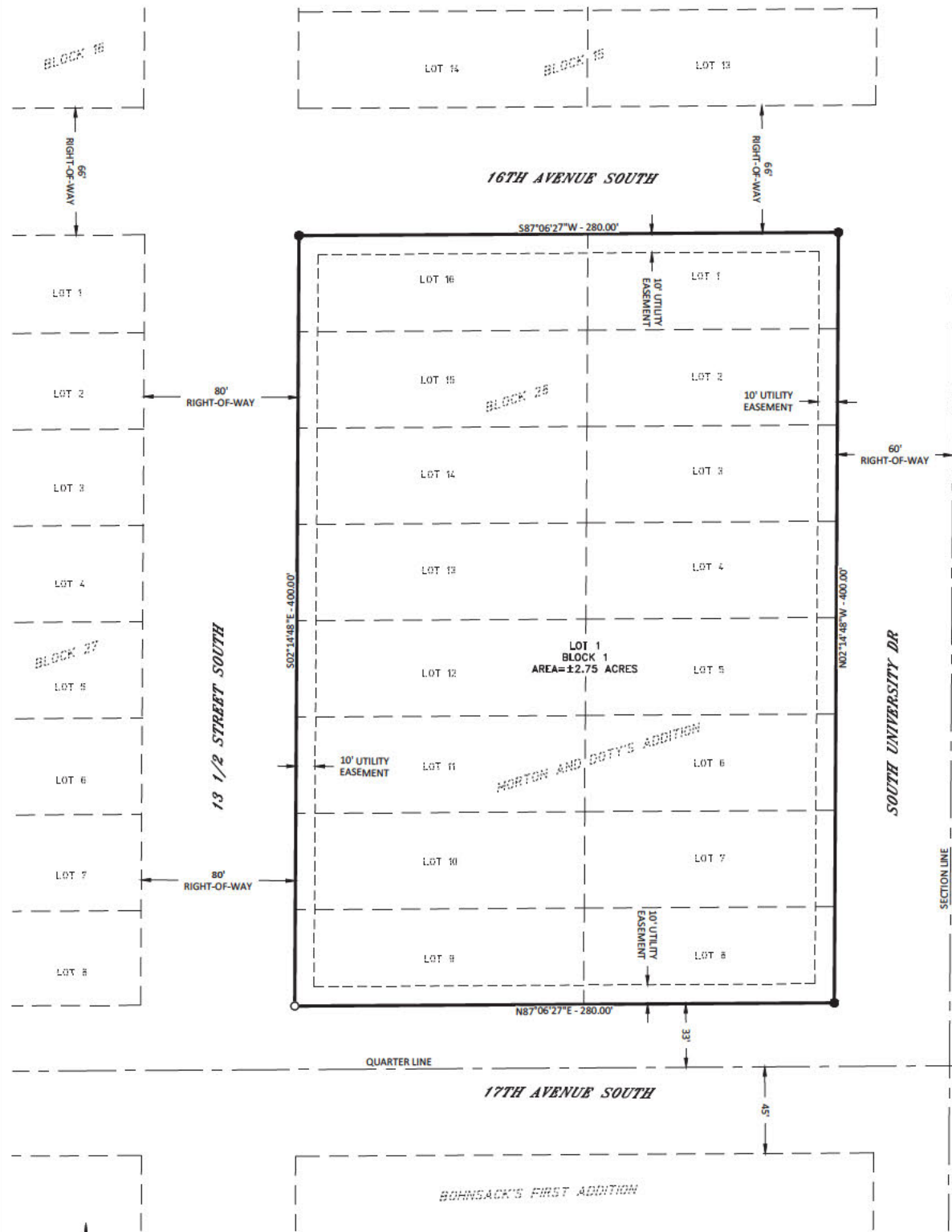


SOUTH WEST PERSPECTIVE

Perspective from developer

DUANE'S PIZZA ADDITION

A REPLAT OF BLOCK 28 OF MORTON AND DOTY'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION



SURVEY INFORMATION
DATE OF SURVEY: AUGUST, 2022
BASIS OF BEARING: FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT BLOC PARTNERS LLC, OWNER, AND BANK FORWARD, MORTGAGEE, OF THE FOLLOWING DESCRIBED LAND:
ALL OF LOTS 1 THROUGH 16 OF BLOCK 28, MORTON AND DOTY'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.
SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS DUANE'S PIZZA ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 1 LOT AND 1 BLOCK, AND CONTAINS 2.75 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: RICHARD BERG, PRESIDENT - BLOC PARTNERS LLC
STATE OF NORTH DAKOTA }
COUNTY OF CASS } SS
ON THIS DAY OF 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICHARD BERG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES:

MORTGAGE HOLDER:
BANK FORWARD
KYLE HAUGLAND
VICE PRESIDENT - FARGO BRANCH
STATE OF NORTH DAKOTA }
COUNTY OF CASS } SS
ON THIS DAY OF 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KYLE HAUGLAND, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES:

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS DUANE'S PIZZA ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS DAY OF 2023.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND REG. NO. 7513
STATE OF NORTH DAKOTA }
COUNTY OF CASS } SS
ON THIS DAY OF 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES:

CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF 2023.
ROCKY SCHNEIDER
CHAIRMAN PLANNING COMMISSION
STATE OF NORTH DAKOTA }
COUNTY OF CASS } SS
ON THIS DAY OF 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES:

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF 2023.
BRENDA E. DERRIG, P.E.
CITY ENGINEER
STATE OF NORTH DAKOTA }
COUNTY OF CASS } SS
ON THIS DAY OF 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES:

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF 2023.
TIMOTHY J. MAHONEY
MAYOR
STEVE SPRAGUE
CITY AUDITOR
STATE OF NORTH DAKOTA }
COUNTY OF CASS } SS
ON THIS DAY OF 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES:

SHEET 1 OF 1



02/20/23 12:30 04PM 10/01/2023 Shared Plans/Cole Project, 2022, Project/02/19_University Regal (Duane's Pizza House)/University Regal.dwg

DRAFT Site Amenities Plan

Duane's Pizza Addition

January 13, 2023

Location

The property is located in the southeast quarter of Section 13 Township 139N, Range 49W. The land is bordered by 16th Avenue South on the north side, 17th Avenue South on the south side, and 13 /12 Street South on the west side, and University Drive South on the east side, and is the 1600 block of University Drive South on the west side. The property encompasses an area of 2.75 acres and shall be zoned LC, Limited Commercial with a PUD, Planned Unit Development Overlay.

Project

This project is a redevelopment, consisting of demolition of existing single family, strip retail and parking, and new construction of 5-story mixed-use development, with underground parking, main floor commercial and interior parking, and 127 residential units on floors 2-5. In order to proceed, the project will need to have an approved replat, zoning change, master land use plan and final plan (as part of the PUD).

Right of Way (ROW)

The proposed plat does not include dedication for public roadways, however, below anticipates the roadway considerations at the time of redevelopment. The roadways noted are the portions directly adjacent to the subject property.

University Drive South: This section is an arterial roadway pursuant to §20.0702.

- 10' shared use path shall be installed on the west side of the boulevard as part of the redevelopment project.
- Parking is not permitted on either side of the street.
- Reconstruction or maintenance of roadway will be determined by the Engineering Department's policies and procedures.

13 ½ Street South: This section is a local roadway pursuant to §20.0702.

- Parking is permitted on both sides of the street, with winter restrictions to parking to only allow parking on the west side.
- Parking restrictions to allow parking year-round on the east side only will be explored by the Engineering Department and based on the resulting development and recognition of unforeseen impacts.
- Reconstruction or maintenance of roadway will be determined by the Engineering Department's policies and procedures.
- Any necessary reconstruction or maintenance will be paid by the developer for their portion. Assessments for the residences will be capped per policy.

16 Avenue South: This section is a local roadway pursuant to §20.0702.

- Parking is permitted on the south side of the street. No parking is permitted on the north side of the street. This parking is anticipated to remain unchanged upon redevelopment of the project.
- Reconstruction or maintenance of roadway will be determined by the Engineering Department's policies and procedures.
- Any necessary reconstruction or maintenance will be paid by the developer for their portion. Assessments for the residences will be capped per policy.

17 Avenue South: This section is a collector roadway pursuant to §20.0702.

- Parking is not permitted on either side of the street and will continue to be restricted upon redevelopment.
- Upon reconstruction of the roadway, it is currently anticipated an 8-10 foot shared use path will be constructed on the south side of the street.
- Reconstruction or maintenance of roadway will be determined by the Engineering Department's policies and procedures. It is estimated this project will be included within an approved CIP plan by 2028.
- Any necessary reconstruction or maintenance will be paid by the developer for their portion. Assessments for the residences will be capped per policy.

Utilities

Sanitary Sewer is located in 13 ½ Street South and University Drive South; Storm sewer is located in 13 ½ Street South and University Drive South, and potable water mains are located 13 ½ Street South, 17th Avenue South and University Drive South. Any new utilities are to be constructed by the City of Fargo and will be assessed per the City of Fargo infrastructure funding policy. All existing water and sewer services within the plat boundary must be terminated (per city ordinance) prior to issuance of a Certificate of Occupancy.

Stormwater Management

Stormwater Management to meet the City of Fargo Retention and Release rates will be the responsibility of the individual lot. Regional Stormwater Management will not be provided. Stormwater management will be verified at the time of building permit review procedures.

Flood Protection

The proposed platted area is not located in the FEMA Special Flood Hazard Area (SFHA). Portions of the proposed plat are located within the 41-foot Water Surface Elevation Inundation Area (WSEIA). Lots located within the WSEIA will be required to meet the City of Fargo Floodproof Construction Requirements. Flood protection design standards will comply with the City of Fargo April 2015 Floodproof Construction Requirements.

Funding of Improvements

The plat area has access to existing water, storm sewer, and sanitary sewer. Utilities installed on the individual lot will be the responsibility of the developer. Future public improvements on the east side 13 ½ will be assessed to the owner based on this redevelopment and not included in the future spread of the total project cost.

Street Trees

Street trees will be as required by Section 20-0705 of the Land Development Code and verified at the time of building permit review procedures. Developer will work with City Forester on existing street trees.

DRAFT

The amenity plan is hereby approved:

OWNER:
BLOC Partners LLC

Richard Berg, President

Date

Brenda Derrig, PE, City Engineer

Date

DRAFT

October 31, 2022

Dear Jesse,

This letter is to summarize the current status related to permitting and entitlements processes. The goal is to provide background and clarity for your project team and to share the preliminary review results based on the various emails, meetings and correspondence. Since there have been several intermittent conversations this past year, there may be some confusion amongst staff members and your project team.

History:

1. March 3, 2022 – Initial predevelopment meeting as an introduction of project. Project proposed to be built in two phases. Plans discussed from Stroh labeled as “Feasibility Study” (no date), option “C”. Density, setbacks, parking, street trees, stormwater, access into site and restriction from University Drive South was discussed, and the need the need for accurate plans that include property lines and boulevard to further evaluate. Staff noted the need for a neighborhood meeting as project progresses.
2. May, 2022 – Partial PUD application received, lacking PUD details.
3. May 20, 2022 and June 9, 2022 – emails sent from Planning Department describing entitlement processes and required materials for submittal.
4. July 21, 2022 – Predevelopment meeting and introduction of project team, Lowry Engineering and Great States Construction. Plans discussed were from Stroh dated 6/22/2022 and Lowry dated 6/8/2022. Demolition anticipated for late fall/early winter, with construction starting in the spring of 2023. Entitlement for platting, zoning and PUD was discussed with suggestions for PUD, along with access, parking, concern about drive-thrus and associated queueing and stacking, and the need for a parking and drive-thru study. Stormwater and street trees were also discussed. Staff noted the need for a neighborhood meeting as project progresses.
5. July 21, 2022 – Email sent from Planning Department referencing June 9 email stating entitlement requirements and Planned Unit Development chart template.
6. August 8, 2022 – First preliminary plat sent via email to City contacts.
7. September 19, 2022 – Meeting with Planning Department staff. Project team stated the plan was no longer to build in phases, but to build behind current structure to limit business interference during construction. Staff noted the need for updated plans, elevations, parking study, PUD chart and narrative together as one package for review and comment.
8. September 29, 2022 – PUD packet sent to Planning Department.
9. October 12, 2022 - Revised plans sent to Planning Department.
10. October 13, 2022 – Revised plans sent to Planning Department.
11. October 14, 2022 – Revised parking analysis sent to Planning Department (study submitted initially did not address the current site plan).

Beginning in February and throughout the history outlined, staff has received numerous revisions of the site plan from both Stroh and Lowry, including in February, March, twice in July, August, twice in September, and twice in October. Currently staff is working with plans dated 10/13/2022.

Status today:

The most current plans, project plans and parking analysis dated 10/13/2022 and 9/23/2022, respectively, have been shared with engineering and planning staff members. The following items have been brought forward as elements of potential issues that may conflict with policies, master plans, goals and ordinances. Please note that an official code and policy review has not been completed yet and will not be completed until the site plan and PUD application is provided that addresses comments in this letter:

1. Vehicular: There are too many driveways and drive-thrus proposed, causing circulation and safety concerns and stacking over the public sidewalk. Several driveways need more spacing per Land Development Code standards.
2. Parking and Stacking Spaces: Revised parking study with updated site plan was submitted to the Planning Department on Friday, October 14th. Planning and Engineering staff has not yet reviewed or provided comments on the study. Comments can be expected in approximately 2 weeks from today.
3. Building placement: Building should be located further east towards University Drive South. Your proposed location is counter to goals of Go2030 and the Core Neighborhoods Plan because your project is auto-oriented and not conducive to relating to pedestrian scale along west side with the neighborhood and University corridor.
4. Pedestrian environment: Pedestrians should have equal focus as vehicles. Access and safety are primary concerns, especially where conflicts between vehicles and pedestrians, such as drive-thru locations.
5. Building relationship and design: West building façade lacks a walk-able, neighborhood friendly environment, where context needs to be considered. PUDs must strive to have four-sided design, especially when located adjacent to right-of-way, which this project does on all four sides.
6. Street trees and landscaping: Our policy on street trees is that removal needs approval from the City Forester. Landscaping lacks design consideration.

Our office would like to suggest processes to help navigate and coordinate the above items:

- 1) In conjunction with neighborhood leadership, city planning staff, and you, our office schedules a neighborhood meeting to introduce project scope and use this as an introduction and listening session.
- 2) Project design team reviews and responds accordingly to resolve issues listed above and from feedback received from neighborhood meeting.
- 3) Introduce project/PUD scope and design considerations at the Planning Commission meeting. Add another neighborhood touch point if needed as a result of the first meeting.
- 4) Develop draft ordinance for the PUD.
- 5) Planning Commission application for PUD and Plat.

- a. A complete application for the PUD and Plat will need to include a master plan for any utility servicing changes, parking and traffic impacts, fire and building code review in order to ensure a smooth application for the PUD.
- b. Based on the specific project, staff recommends a master land use plan and final plan simultaneously. The final plan is essentially the permit set. This will ultimately allow for the entitlement process and permitting process be concurrent through the Planning Department; however; there will still need to be an official permit review process outside the PUD process.

Additionally, our office understands you are in process for an incentive review. We recommend holding on this process until there has been a neighborhood meeting which includes Mid Town neighborhood area (Lewis and Clark & Clara Barton neighborhoods).

To proceed, we recommend these timelines and milestones (subdivision, plat application and process would follow along with the PUD zoning timelines as appropriate):

- 1) Neighborhood meeting – Last week of November or first week of December, held in City Commission Chambers or a location for easy access by residents and neighborhood leaders. Two to three weeks will be needed to allow for adequate notice.
- 2) Plans for a new Planning Commission application (new submittal from what was previously received in May). The next application date available to you is November 21st for a January hearing.
- 3) Meanwhile, at the December 6th Planning Commission staff and your team can co-present an introduction and informational presentation, with initial review of items for consideration, assuming there are no neighborhood concerns that still remain or have not been heard.
- 4) PUD ordinance draft, utility servicing coordination, and parking and vehicular issues resolved by December 12th for January hearing and final ordinance drafted.
- 5) Public hearing at Planning Commission January 3rd, 2023.
- 6) City Commission public hearing at the potential earliest February 6th.
- 7) Site plan and building permit review submitted and review process beginning January 3rd.

We are returning the partial Planning Unit Development entitlement application with corresponding \$300 uncashed check, both dated 5/19/2022. You will receive those in the mail in shortly.

Over the course of the project, different staff members have been coordinating with you at different points, which I can understand it may be confusing. Mark Williams, Maegin Elshaug and I will continue to work closely together on this project, though Maegin Elshaug will be your primary contact moving forward and will provide assistance through the milestone deadlines.

Thank you,



Nicole B. Crutchfield, AICP, ASLA
Planning Director

cc: Jim Gilmour, Director of Strategic Planning and Research
Michael Redlinger, Interim City Administrator

December 22, 2022

Dear Jesse,

As we continue to evaluate the BLOC project, the following are comments, questions or the need for additional information, primarily as it relates to walkability, pedestrian scale, and vision for University Drive.

Site Design & Building:

When reviewing the site context and the future corridor, we are still considering the impact of the building placement in relation to the street and abutting uses. Staff does consider the aspects of keeping the existing businesses and that is an asset of the project. However, as per what was identified in the October 31th letter, we need a response to better indicate your position on the prominent vehicular focus. Additionally, below are concerns on the treatment of the following items:

- West façade and its relationship to the neighborhood (also see next point to improve façade)
- Landscaping, walkability and getting to a better pedestrian scale with site improvements. See attachment with comments.
 - Staff suggests the following as it relates to landscaping and pedestrian circulation, as well as integrating the landscaping plan as part of the PUD.
 - Double required open space plant units
 - Remove 70% placement to allow greater flexibility and to address potential neighborhood impacts
 - Remove required maximum of perennial plantings to allow greater flexibility
 - Provide vegetative buffer on north and south sides of parking lot and driveways along Avenues
 - Increase internal landscaped planting islands and push pedestrian connectivity to provide more buffer
 - Provide additional screening of patio space
 - Consider additional planting amenity or pet space on northwest corner
 - Clearly define amenities of benches, bike racks, etc. on landscape plan
- Signage on the site and inclusion in overlay requirements to bring to a pedestrian scale.
- A better understanding with how drive thrus will be managed on site, and how they relate to pedestrian environment.
- Access points on 16 Ave S – three access points are proposed; only two are permitted. Either combine the drive thru and building access, or move building access to 13 ½ Street South (similar to the south portion of internal parking).
- Provide cut sections and scale relationship to University and 13 ½ Street South as to better determine the building relationship, sidewalk and street relationships to each other.
- Provide cut section of pedestrian circulation and building arcade.

University Drive Corridor: In light of the neighborhood comments received on December 6th, the Engineering Department is in the process of more fully evaluating the proposal in relationship to the future needs of the University Drive corridor. Specifically they are looking at the future of how University would be improved upon once road or infrastructure replacement would be needed in terms of road geometry, path width and location, boulevard width and street trees. More information is needed to complete this evaluation and the Engineering Department is currently working on this.

Traffic Impact: Based on questions from the neighborhood of density and traffic impacts (especially during rush hour), the Engineering Department is requesting that your traffic consultant analyze the total trips generated for the mixed-use development and put together an Origin-Destination graphic showing where the trips are expected to come from and where they are expected to go. It does not need to be intersection levels of service calculated, but the total trips generated and where they are coming and going.

Plat comments – initial review: Attached are comments or questions related to the preliminary plat. Easements, both existing and proposed, need further evaluation of how they do or will exist in relation to the proposed development needs to occur.

Any update to plans or documents should be submitted to our office by 9 AM on December 28th for inclusion in the packet update to the January 3rd Planning Commission meeting. Note that these changes will likely not be evaluated in time for inclusion in the staff report, but staff can bring an update at the Planning Commission meeting.

At this point, with the outstanding items noted above, staff will be recommending continuation to the February 7th Planning Commission meeting in order to have more time to fully evaluate the project and impacts. If you have any questions or you and your team would like to sit down and discuss, we'd be happy to schedule a meeting.

Thank you,



Nicole B. Crutchfield, AICP, ASLA
Planning Director

TO: Andrew Thill, Lowry Engineering

FROM: Scott Israelson, P.E., PTOE

DATE: 23 September 2022

RE: **Parking Analysis**
16th & University Mixed-use
Fargo, ND

Introduction

The 16th & University project is a proposed mixed-use development in Fargo, North Dakota. The site is bounded by 16th Avenue S, University Drive, 17th Avenue S, and 13 1/2th Street S. The development will consist of 127 apartment units plus retail on the first floor consisting of a 2,500 SF pharmacy with drive-through window, a 2,500 SF Chinese restaurant (with pick-up window), 4,753 SF of undefined retail, a 3,500 Duane's Pizza restaurant with pick-up window, and another undefined 2,005 SF restaurant.

The development proposes 162 parking spaces for residential in underground and main floor parking, and 116 parking spaces in a surface lot for the commercial part of development for a total of 278 parking spaces.

This analysis was requested by the client to support a parking requirement waiver and to determine the appropriate queue storage length for the two drive-through uses.

ITE Parking Generation and Shared Parking Analysis

The *ITE Parking Generation Manual* is the industry standard for estimating parking demand for various land uses. Shared Parking occurs where different land uses with different peak parking periods "share" parking to reduce overall parking demand.

For Land Use #220 Multifamily Housing (Low-Rise), not close to rail transit, the average parking rate is 1.21 spaces per unit weekdays, 1.31 spaces per unit on Saturdays, and 1.66 spaces per unit on Sundays.

For Land Use #820 Shopping Center, the average parking rate is 2.61 spaces per 1,000 SF on Fridays, 2.91 spaces per 1,000 SF on Saturdays, and 1.89 spaces per unit on Sundays.

For Land Use #881 Pharmacy with Drive-Through Window, the average parking rate is 2.27 spaces per 1,000 SF weekdays, 2.07 spaces per 1,000 SF on Saturdays, and 2.25 spaces per unit on Sundays.

For Duane's Land use #930 Fast Casual Restaurant, the average rate is 9.93 parking spaces per 1,000 SF weekdays, and 8.75 parking spaces per 1,000 SF on weekends.

For the Chinese restaurant and other undefined restaurant, Land Use #931 Quality Restaurant, the average parking rate is 10.52 parking spaces per 1,000 SF weekdays, 14.84 spaces per 1,000 SF on Saturdays, and 17.00 spaces per 1,000 SF on Sundays.

Tables 1a through 1c summarizes the demand by hour by day to determine the peak demand of the overall project.

Table 1a - Shared Parking Demand - Weekdays (Fridays)

Hour	Residential		Pharmacy		Fast Casual		Retail		Quality Restaurant		TOTAL
	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	
12 AM to 6 AM	100	154	0	0	0	0	0	0	0	0	154
7 AM	77	119	7	0	0	0	0	0	0	0	119
8 AM	56	86	24	1	0	0	32	4	0	0	92
9 AM	45	69	41	2	0	0	50	7	0	0	78
10 AM	40	62	37	2	0	0	67	9	0	0	73
11 AM	37	57	79	5	20	7	80	10	20	10	89
12 Noon	36	55	82	5	51	18	100	13	51	24	116
1 PM	36	55	93	6	56	20	98	13	56	27	120
2 PM	37	57	97	6	40	14	90	12	40	19	108
3 PM	43	66	88	5	27	9	78	10	27	13	104
4 PM	45	69	95	6	27	9	81	11	27	13	108
5 PM	55	85	100	6	39	14	86	11	39	19	134
6 PM	66	102	82	5	71	25	84	11	71	34	176
7 PM	73	112	65	4	100	35	79	10	100	48	210
8 PM	77	119	0	0	97	34	70	9	97	47	208
9 PM	86	132	0	0	0	0	0	0	0	0	132
10 PM	92	142	0	0	0	0	0	0	0	0	142
11 PM	97	149	0	0	0	0	0	0	0	0	149

Table 1b - Shared Parking Demand - Saturday

Day/Hour	Residential		Pharmacy		Fast Casual		Retail		Quality Restaurant		TOTAL
	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	
12 AM to 6 AM	100	167	0	0	0	0	0	0	0	0	167
7 AM	96	160	0	0	2	1	0	0	0	0	161
8 AM	92	154	11	1	5	2	27	4	0	0	160
9 AM	80	134	37	2	14	4	46	6	0	0	146
10 AM	78	130	63	3	17	5	67	9	0	0	148
11 AM	71	119	79	4	18	6	85	12	11	7	147
12 Noon	68	114	74	4	100	31	95	13	37	25	186
1 PM	66	110	84	4	75	23	100	14	54	36	188
2 PM	65	109	100	5	45	14	98	14	29	19	161
3 PM	68	114	58	3	31	10	92	13	22	15	154
4 PM	70	117	53	3	23	7	86	12	14	9	148
5 PM	73	122	42	2	49	15	79	11	18	12	162
6 PM	77	129	26	1	77	24	71	10	42	28	192
7 PM	81	135	42	2	69	21	69	10	91	61	229
8 PM	82	137	16	1	28	9	60	8	100	67	222
9 PM	86	144	0	0	20	6	51	7	0	0	157
10 PM	87	145	0	0	11	3	38	5	0	0	154
11 PM	92	154	0	0	0	0	0	0	0	0	154

Table 1c - Shared Parking Demand - Sunday

Day/Hour	Residential		Pharmacy		Fast Casual		Retail		Quality Restaurant		TOTAL
	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	Pct of Peak	Demand	
12 AM to 6 AM	100	211	0	0	0	0	0	0	0	0	211
7 AM	96	203	0	0	2	1	0	0	0	0	203
8 AM	92	194	15	1	5	2	15	1	0	0	198
9 AM	80	169	10	1	14	4	32	3	0	0	177
10 AM	78	165	55	3	17	5	54	5	0	0	177
11 AM	71	150	65	3	18	6	71	6	20	15	180
12 Noon	68	143	95	5	100	31	99	9	51	39	227
1 PM	66	139	90	5	75	23	100	9	56	43	219
2 PM	65	137	100	5	45	14	90	8	40	31	195
3 PM	68	143	95	5	31	10	83	7	27	21	186
4 PM	70	148	90	5	23	7	81	7	27	21	187
5 PM	73	154	85	4	49	15	84	8	39	30	211
6 PM	77	162	60	3	77	24	86	8	71	55	252
7 PM	81	171	20	1	69	21	80	7	100	77	278
8 PM	82	173	5	0	28	9	63	6	97	75	262
9 PM	86	181	0	0	20	6	42	4	0	0	191
10 PM	87	184	0	0	11	3	15	1	0	0	188
11 PM	92	194	0	0	0	0	0	0	0	0	194

Based on the shared parking analysis, the maximum parking demand occurs at 7 PM on Sundays with 278 parking spaces needed. The development proposes 278 parking spaces, which is expected to accommodate the maximum demand.

Queue Analysis

ITE’s resource library contains a report that documents the maximum observed queue performed on several site studies. Table 1 below summarizes suggested queue lengths for various land uses.

Use	Maximum Observed Queue	Queue Distance Required (Based on 25 feet per queued car)
Fast-Food (hamburger)	9	225 ft.
Bank	7	175 ft.
Car Wash (self-service)	2	50 ft.
Day Care	9	225 ft.
Dry Cleaner	2	50 ft.
Drive-Through Stand-Alone Drug Store	4 (Estimated) <i>See Note below</i>	100 ft. (Estimated) <i>See Note below</i>

Adapted from the Source: James Gattis, "Queuing Areas for Drive Through Facilities, ITE Journal, May 1995.

Note: Though no known comprehensive studies exist now, drug store prescription drive-through locations should provide sufficient queue length for 4 vehicles (or 100 ft.).

The document recommends a queue storage length for four vehicles for the pharmacy with drive-through. The City allows 20 feet per vehicle for queue staking, so the pharmacy will require 80 feet for queue storage.

Duane’s Pizza restaurant will offer a drive-through window for order pick up. This operates very differently than a typical fast-food restaurant so should be treated differently.

There are no site studies for a pizzeria with drive-through. In 2021, Pizza Hut opened “the Hut Lane”, where customers place orders by phone, online, or app and pick up at the drive-through window. This analysis observed queue lengths at a Pizza Hut in Washington, Illinois to examine the maximum queue on their busiest hours. Table 2 below summarizes maximum observed queues:

Table 2 - Drive Through Queue -15 mins		
Time	Friday	Saturday
16:00 to 16:15	0	0
16:15 to 16:30	1	0
16:30 to 16:45	2	1
16:45 to 17:00	3	2
17:00 to 17:15	1	2
17:15 to 17:30	1	2
17:30 to 17:45	2	1
17:45 to 18:00	2	3
18:00 to 18:15	1	1
18:15 to 18:30	2	1
18:30 to 18:45	1	1
18:45 to 19:00	1	2
19:00 to 19:15	0	2
19:15 to 19:30	1	1
19:30 to 19:45	2	0
19:45 to 20:00	1	1

Based on the observation, the design should provide at least three car lengths or 60 feet for queues extending from the drive-through window at Duane's.

Conclusion

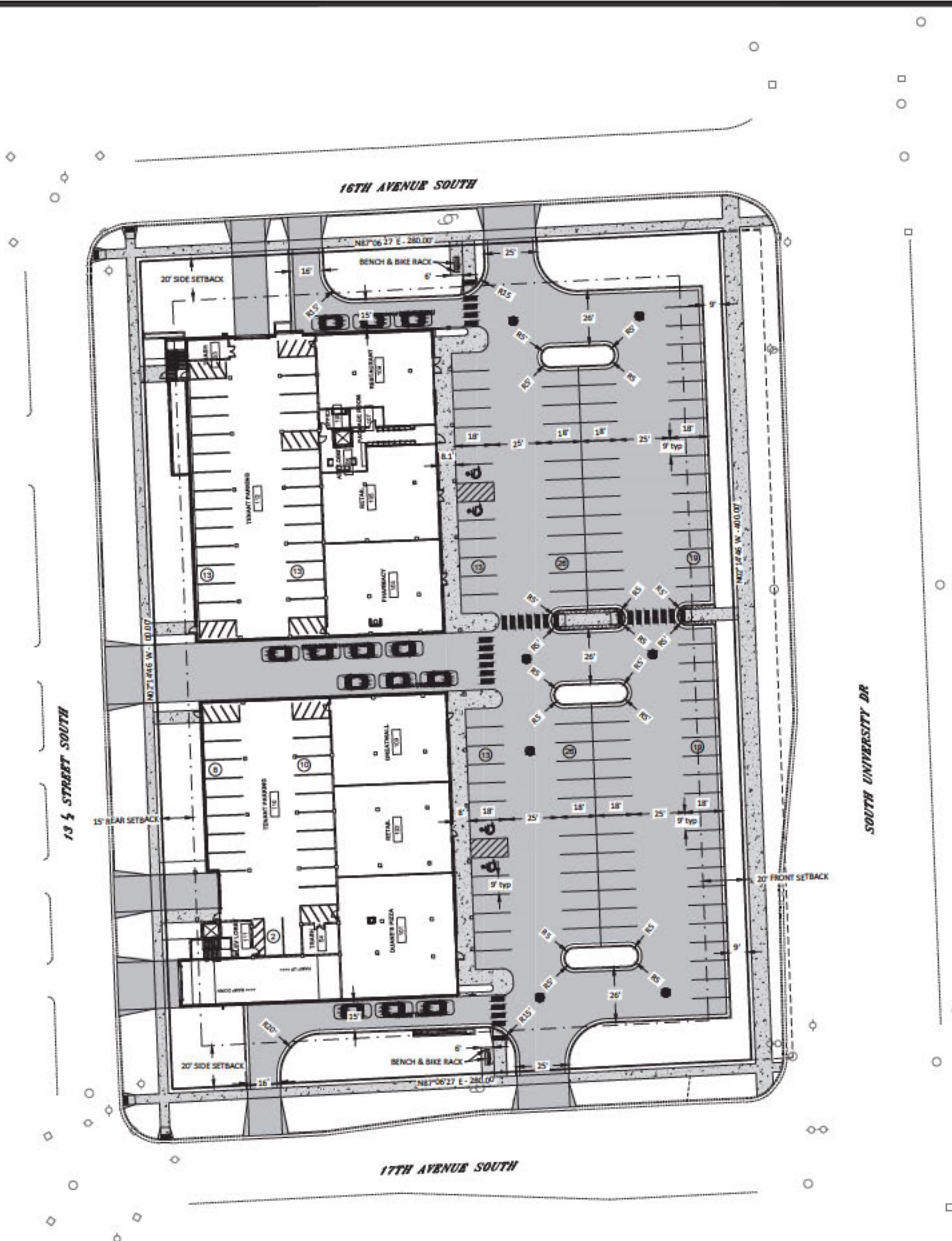
Based on shared parking analysis, the proposed 278 parking spaces is expected to accommodate the shared parking demand of 278 parking spaces.

The queue storage length for the pharmacy with drive-through should be 80 feet or four car lengths based on guidance from ITE resources. The queue storage length for Duane's Pizza drive through should be 60 feet or three car lengths based on observations from a Pizza Hut drive through.

The Chinese Restaurant will also have a pick-up window, and based on observations, that too should allow 60 feet or three car lengths for queue storage.

The ITE Parking Generation Manual sheets are not attached but available on request. Please contact me at scott@traffic-impact.com with any questions.

M0202 (REVISED) - M2 Lowry Revised Part 1 & 2 - 2022.03.01 - 11/15/2022 - M2 Lowry Revised Part 1 & 2 - 2022.03.01 - 11/15/2022 - M2 Lowry Revised Part 1 & 2 - 2022.03.01 - 11/15/2022



ESTIMATED SITE QUANTITIES		
ITEM	QUANTITY	UNIT

NOTES


LOWRY
 ENGINEERING
 5006 51ST AVENUE SOUTH, SUITE A
 FARGO, NORTH DAKOTA 58104

REVISIONS

MIX USE BUILDING
 16TH AVE S & SOUTH
 UNIVERSITY DR
 FARGO, ND

PRELIMINARY
 NOT FOR
 CONSTRUCTION

LE JOB #	220 1
PROJECT DATE:	06 08 2022
CHECKED BY:	SAS
DRAWN BY:	PMB
APPROVED BY:	AJT

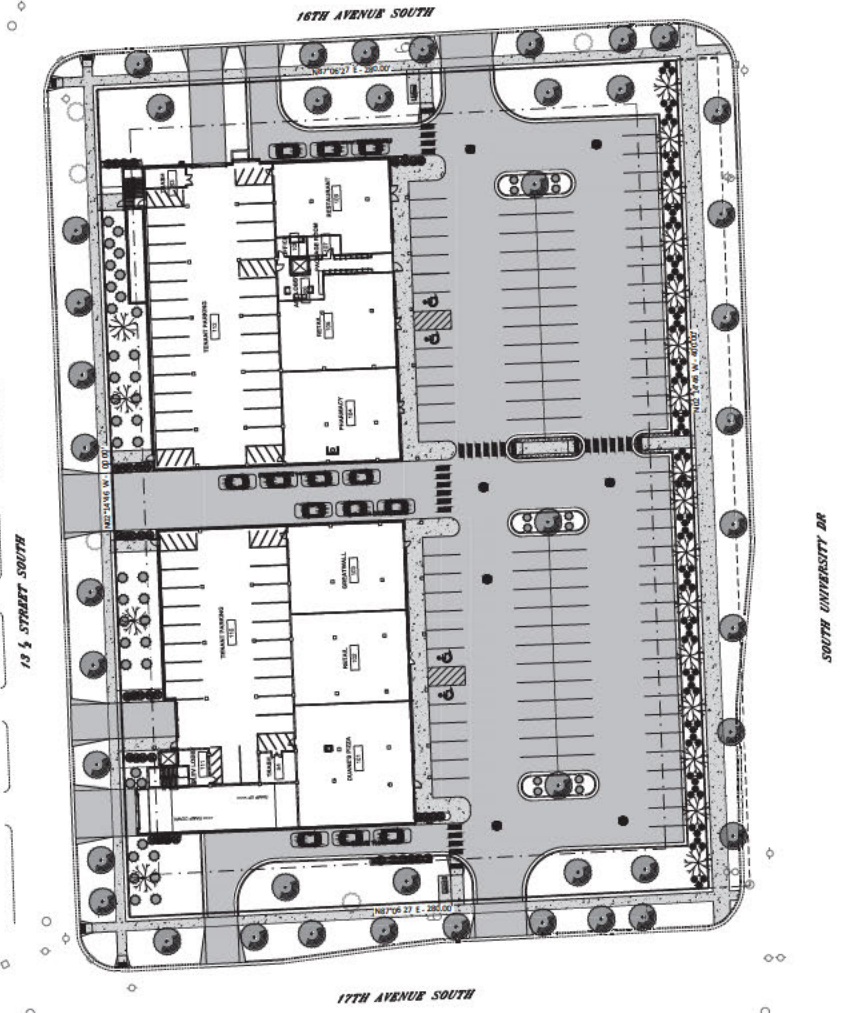


CALL BEFORE YOU DIG
 NORTH DAKOTA
 UTILITIES UNDERGROUND LOCATION SERVICE
 1-800-795-6555

OVERALL SITE PLAN

C-4

M:\2022\16752\16752.dwg 2: Lowry Revised Part 1.dwg 11/11/2022 11:11:00 AM User: bhilguy, Color: Black, Plot Style: CTB, 1: Plot Date: 11/11/2022 11:11:00 AM



LANDSCAPING LEGEND				
SYMBOL	TYPE OF PLANT MATERIAL	PLANTING SIZE	PLANT UNITS PER EACH	#PLANTS EACH
	LARGE DECIDUOUS TREE	1.5 TO 3-INCH CALIPER - >30 FOOT MATURE HEIGHT	0	36
	SMALL DECIDUOUS TREE	1.5 TO 3-INCH CALIPER - 12 TO 30 FOOT MATURE HEIGHT	5	20
	MATURE SHRUB	2 GALLON	1	200
	PERENNIAL PLANTS	1 GALLON 2 GALLON	0.5 1	

LANDSCAPING REQUIREMENTS		
OPEN SPACE REQUIREMENTS		
CITY REQUIREMENTS	SITE REQUIREMENTS	PROVIDED
3 PLANT UNITS PER 1 000 SF	111 992 SF / 1 000 * 3 = 3 6 PLANT UNITS	13 LARGE TREES 39 SHRUBS (50% PER PLD MATRIX)
STREET TREE REQUIREMENTS		
CITY REQUIREMENTS	SITE REQUIREMENTS	PROVIDED
1 TREE PER 50 LF (ARTERIAL) 1 TREE PER 35 LF (LOCAL)	16TH AVE S. = 8 TREES S. UNIVERSITY = 8 TREES 17TH AVE S. = 8 TREES 13 1/2 ST. S. = 12 TREES	36 TREES
PARKING LOT PERIMETER LANDSCAPING REQUIREMENTS		
CITY REQUIREMENTS	SITE REQUIREMENTS	PROVIDED
1 SMALL TREE 6 SHRUBS/PERENNIAL GRASSES PER 25 LINEAR FEET	16 TREES 96 SHRUBS	16 TREES 96 SHRUBS
RESIDENTIAL PROTECTION BUFFER REQUIREMENTS		
CITY REQUIREMENTS	SITE REQUIREMENTS	PROVIDED
1 TREE AND 0 SHRUBS PER 50 LINEAR FEET	4 TREES 40 SHRUBS	4 TREES 40 SHRUBS

- LANDSCAPING NOTES:**
1. AT THE TIME OF PLANTING TREES SHALL HAVE A MIN. OF 2" CALIPER TRUNK.
 2. ALL STREET TREES SHALL HAVE A MINIMUM 3' RADIUS MULCH RINGS INSTALLED AT THE TIME OF PLANTING. THIS SHALL NOT APPLY TO TREES WITHIN THE SITE.
 3. CONTRACTOR SHALL PROVIDE A 1 YEAR WARRANTY ON ALL LANDSCAPE MATERIAL TO INCLUDE WORKMANSHIP FOR INSTALLATION FROM DATE OF FINAL ACCEPTANCE.
 4. CONTRACTOR TO COORDINATE WITH MECHANICAL REGARDING LANDSCAPING IN AND AROUND AIR INTAKE OR EXHAUST UNITS.
 5. CONTRACTOR TO ALLOW 5' CLEARANCE FROM UNDERGROUND UTILITY PIPING TO PLANTINGS.
 6. ALL OTHER PLANTING / LANDSCAPE REQUIREMENTS PER FRANCHISE REQUIREMENTS.
 7. ALL TREES SHALL BE APPROVED BY CITY FORESTER.

CALL BEFORE YOU DIG
 NORTH DAKOTA
 UTILITIES UNDERGROUND LOCATION SERVICE
 1-800-795-6555

LOWRY
 ENGINEERING
 5006 51ST AVENUE SOUTH, SUITE A
 FARGO, NORTH DAKOTA 58104

NO.	DATE	REVISIONS

MIX USE BUILDING
16TH AVES S & SOUTH
UNIVERSITY DR
FARGO, ND

PRELIMINARY
NOT FOR
CONSTRUCTION

LF JOB #	220 1
PROJECT DATE:	06 08 2022
CHECKED BY:	SAB
DRAWN BY:	JXX
APPROVED BY:	AJT

LANDSCAPING PLAN

L-1

TO: Interested Parties
RE: Informational Handout – BLOC project
DATE: December 29, 2022

Questions: A number of questions and comments from interested parties has been heard as part of this process. Outlined below are a few of the most common that have been submitted in various forms:

- 1. What is the project being proposed?** The developer is proposing a 5-story, mixed-use building with underground parking, commercial space and internal parking on the main floor, and four floors of apartments. The project would include 127 apartments, including 33 studio, 47 one-bedroom and 47 two-bedroom, and 15, 258 square feet of commercial space. The applicant is seeking a Planned Unit Development (PUD), which is an overlay zoning district that permits greater flexibility of land planning and site design.
- 2. Will my property taxes increase because of this project?** When a property is developed in an area that is already built up, the value increase typically remains with the subject property itself, without extending beyond the property lines very far. A single development would only influence the values around it if it was going to bring significant change to the area around it. For example, when a new hospital is built in an undeveloped area, the new job and housing demands can have a significant effect on the value of the surrounding property, almost immediately. This is rarely the case with small and mid-size developments.
- 3. Will there be an increase in traffic volume and what will that be like?** The area is unlikely to see an increase in the business traffic on the University side of the property, but there will be an increase as a result of the residential component of the project. Typically on average, an apartment unit will generate 5 trips per day. The proposed building has 127 units, so there would be a total of 635 trips per day coming and going at that location. That number is for an entire day, and the AM and PM peak hours typically have about 10% of that number, respectively. So, from 7:15 to 8:15 AM, there will be about 63 trips from the residences, and from 5:00 to 6:00 PM, there would be around 63 trips. Those trips will primarily use 16th Avenue and 17th Avenue, and access the parking from 13 ½ Street. The average daily traffic on 17th Avenue South in that area is 3,760; on University Drive its 27,400; and a block to the south on 13 ½ Street is 1,115.

4. **Will I be responsible for special assessments because of this project?** Following the City of Fargo infrastructure policy if the complete street is reconstructed there will be an assessment associated with it which is a capped cost per front foot that follows our infrastructure funding policy. For more information about special assessments, review the links at left or contact the City of Fargo Engineering Office: Special Assessment Division by calling **701.241.1326** or [send an email](#).
5. **Is there enough parking on the property?** The project proposes 46 main floor parking spaces, 117 underground parking spaces, and 114 surface parking spaces. The project does not meet parking requirements of the Land Development Code, and the developer has provided an alternate plan for parking, which is permitted through the PUD. This plan is currently under review by City staff.
6. **Where can I review the project drawings and parking study?** Project drawings, such as the site plan, elevations plans, renderings and the parking study can be found at this website: <https://fargond.gov/city-government/boards-commissions/planning-commission/current-case-files>
7. **Is the developer requesting a tax incentive and has it been approved?** The developer has applied for Tax Increment Financing, which would go before the Economic Development Incentive Committee and the City Commission. Currently, the developer has not gone through this process or received approval of a tax incentive. For questions related to the tax incentive request for this project, contact the Department of Strategic Planning & Research at **(701) 241-1476**.
8. **How can I comment on the project?** This item is tentatively scheduled for the January 3, 2023 Planning Commission meeting, which is in the Commission Chambers of City Hall (225 4th Street North, Fargo). Comments can be sent to Planning@FargoND.Gov or shared at **(701) 241-1474**.

BLOC Project Open House – December 6, 2022

Please Print Your Name and Address on This Sheet:

NAME	ADDRESS	PHONE NUMBER
Dan Kensok	1617 13 1/2 St. So, Fargo	[REDACTED]
JOHN GUNKELMAN	1510 7TH ST. SO FARGO	[REDACTED]
Rocky Schneider	1013 5TH ST N	[REDACTED]
JOE BORGUM	514 10TH AVE	[REDACTED]
Deni Paramarta	1315 10th St S	[REDACTED]
HELMUT SEIBERT	528 PRESCOTT LN, WF	[REDACTED]
Paul K...	1610 14 1/2 ST	[REDACTED]
Dan Hamre	2856 Evergreen Rd N	[REDACTED]
Quentin Bradley Jr.	1513 12th St S.	[REDACTED]
Michael Maddox	12nd Street N Ste 232	[REDACTED]
Sandra Olson	1606 15 ST S	[REDACTED]
Mark McAllister	1417 Sunvic Dr	[REDACTED]
D. Larkin	1013 S 16 Av Fargo	[REDACTED]
RACHEL ASKEWSON	1517 11th St S. Fargo	[REDACTED]
Melissa Tomlinson	1517 11th St S. Fargo	[REDACTED]
Kimberly Kemppanen	1014 16th Ave S Fargo	[REDACTED]
Dan Ruus	1530 10th St So Fargo	[REDACTED]
Reba Mathern-Jacobson	429 16th AV S	[REDACTED]

Comment Sheet

Open House - BLOC Project

December 6, 2022

Contact Information

Please Print

Property Owner Name: Susan Balsdon

Address of Property: 1610 14 1/2 St 80.

Mailing Address (if different than above) _____

Phone Number: _____

E-mail Address: _____@_____.com

Comments:

Property Tax Incentives?
Property Values of Neighborhood Homes
Stop lights? Will there be more?
Pedestrian Traffic across Univ.
Traffic Impact w/tenants: visitors
Parking on 13 1/2
Flow of Traffic
←
←

Maegin Elshaug

From: Connie Hamre <[REDACTED]>
Sent: Thursday, December 8, 2022 10:06 AM
To: Maegin Elshaug
Subject: 1600 University Drive
Attachments: 1600 University Drive.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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

I attended the 1600 University Drive meeting last evening. You indicated that you are the contact person for questions and that you would forward requests for information to the appropriate people and respond to us. Please provide details for the attached bullet points.

You are aware that I believe this is not the wisest project for that property. The contractor is in a hurry to tear down houses to commit the city to the project. We drove by the houses. They are not as "blighted" as he let on. A good flipper could have put them back in shape. I can understand Habitat not wanting to move them. They are small; however, one of them has a new garage. The city was negligent in not monitoring the rental property, but that seems to be what happens in Fargo.

Lack of response from residents west of the area would be expected. They are modest homes. It is likely the owners are less educated and less likely to be informed and involved in government. This project will completely disrupt their quiet neighborhood. I feel sorry for them. It is just wrong to allow that size project to occupy that space.

Jim Gilmour, Director of Strategic Planning & Research indicated he would not want this project across the street from his house. The people in this neighborhood deserve the same respect.

I look forward to a prompt response with answers to my inquiries.

Connie Hamre
Concerned Resident/Taxpayer

Maegin Elshaug

From: Connie Hamre <[REDACTED]>
Sent: Friday, December 9, 2022 10:34 AM
To: Maegin Elshaug
Subject: Fwd: 1600 University Drive

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

Add this to the list.
Where will delivery trucks/semis stop?
Beer, food, etc.
There is not enough room.

----- Forwarded message -----

From: **Connie Hamre** <[REDACTED]>
Date: Thu, Dec 8, 2022 at 2:20 PM
Subject: 1600 University Drive
To: <melshaug@fargond.gov>

-Correction - Under landscaping the word "plan" should be "plant."

-University Drive will incur damage. Special assessments from the last improvements have not been paid off yet. The developer should be responsible for all street changes.

-The inquiry regarding parking spots relates to the current large size of vehicles, pickups, Suburbans, etc. Mark and actual spot on the street the size planned for the project and park a pickup. Is there room for another similar sized vehicle next to it and then room to get out of the vehicle and then back up to leave?

Connie Hamre

Received as email attachment from Connie Hamre

- **Construction**
 - Staging area location – for crane, trucks, etc.
 - Construction worker parking area
- **EPA phone number** – for issues such as mud on streets
- **Building setback details**
- **Tax Incentives** – amount requested
- **Street Replacement Cost** – as a result of heavy equipment used during construction on asphalt streets
 - 13 ½ Street estimated cost
 - 16th Avenue estimated cost
 - 17th Avenue estimated cost
- **Water Retention Plan** – during and after construction
- **Parking** – 127 units, conservative estimate 254 cars, trucks, etc. many larger sized vehicles
 - Resident Underground – number and size of spaces
 - Resident Surface – number and size of dedicated spaces
 - Resident Surface – number of shared with merchant spaces
 - 8 Merchant – number and size of dedicated spaces
 - Merchant – number of shared with resident spaces – merchants aware of sharing
 - Employee - number and size of dedicated spaces
- **Electric Charging Stations** – number
- **Traffic**
 - 13 ½ Street effect
 - Residents – Minimum 1,000 entrances/exits – each of 254 cars leaving and returning twice
 - Merchants – Indeterminate entrances/exits
 - 16th Avenue effect
 - **17th Avenue effect**
- **Snow removal plan**
 - Merchant parking - night
 - Resident ground level – night – alternative parking
- **Landscaping**
 - Variance from Fargo regulations
 - Number of budgeted plant units
- **Traffic increase** – Plan for safety of current neighborhood residents and their children
- **Disruption on 17th Avenue** – During reconstruction of 17th Avenue in two years with thousands of entrances and exits due to project
- **Delivery Truck Access**-Plan for delivery of products
- **Response from Fargo Employee**-Jim Gilmour, Director of Strategic Planning and Research indicated that he would not want this project across the street from his home

Maegin Elshaug

From: Luke Morman
Sent: Tuesday, December 6, 2022 12:16 PM
To: Maegin Elshaug
Subject: FW: 1600 block

Hey Maegin,

Ralph has been trying to reach out to Brad about Jessie Craig redevelopment. He left me a voicemail a little bit ago as well so I forwarded that to you. Would you be able to respond to him?

Thanks,

Luke Morman

Planner | Department of Planning & Development
City of Fargo | 225 4th St N | Fargo, ND 58102
LMorman@FargoND.gov | (701) 476-6751

From: ralph solhjem [REDACTED] >
Sent: Tuesday, December 6, 2022 11:40 AM
To: Luke Morman <LMorman@FargoND.gov>
Subject: 1600 block

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

Hi Luke,

I have owned a house at 1721 13 ½ street for the past 20 years. 13 ½ str has been overwhelmed by medical personnel parking on the 1700 block. Now I am concerned that this project will add to this problem by overnight parking as well. About 5 years ago a few of the owners brought the concern to the city with no avail.

I am requesting that the city consider limiting parking on the 1700 block to residence only and that it will be a part of the 1600 block process. Let's work together to keep 13 ½ street a safe place.

Thanks

Ralph Solhjem
[REDACTED]

Sent from [Mail](#) for Windows

Maegin Elshaug

From: Howard D Fulks [REDACTED] >
Sent: Sunday, December 11, 2022 12:44 PM
To: Maegin Elshaug
Subject: Fw: South Fargo Development

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

Sorry, I misspelled your email address. I know someone with the name "Ishaug" instead of "Elshaug".
Please forgive me,
Howard

From: Howard D Fulks [REDACTED]
Sent: Sunday, December 11, 2022 12:41 PM
To: meishaug@fargond.gov <meishaug@fargond.gov>; bgarcia@fargond.gov <bgarcia@fargond.gov>; Kathy Fulks [REDACTED]
Subject: South Fargo Development

City of Fargo Planning and Development
Maegin Ishaug
Brad Garcia

Thank you for the opportunity to share our feedback with you on the proposed property on South University Drive. We are concerned about apartments being added to the 1600 block.

Drivers on South University are already treating this street as if it were an interstate. Pedestrians attempting to get to and from the hospital have frequent near-misses with high-speed traffic, even in the crosswalks. Today, crossing University is very unpleasant, as is walking alongside on the sidewalk when we try to make a trip to Hornbacher's for a few groceries. Your Lewis & Clark neighborhood document calls out the danger of pedestrian traffic. What is the plan to repair this problem? The traffic noise on University will be a very large negative for people who may want to live in the new development.

Adding a large number of residents will make the area even more congested and noisy. Last year the hospital expanded to our backyard and added even more traffic to the area. The apartments will not be beneficial to those of us already living here if the development doesn't solve the issues facing the neighborhood.

Thanks for listening to our concerns,
Kathy and Howard Fulks

Maegin Elshaug

From: Linda Froysland [REDACTED]
Sent: Monday, November 28, 2022 8:36 PM
To: Maegin Elshaug
Subject: Dear Property Owner

Follow Up Flag: Follow up
Flag Status: Flagged

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

As long as none of us homeowners near the 1600 block of south university drive have to pay any money for work being done by this project, including future specials, than I am okay with whatever they do there.
Can you guarantee that us home owners will never pay any money for work that is being done for this project??
Because we are not benefiting financially for this business venture, and any cost for the business venture should only be paid by the investors and the city of Fargo, not the home owners.

Frank Froysland
1618 14 1/2 st so,
Fargo,ND

Maegin Elshaug

From: Joe Burgum [REDACTED]
Sent: Wednesday, November 30, 2022 10:37 AM
To: Maegin Elshaug
Cc: Brad Garcia
Subject: Re: Invitation to open house for proposed mixed-use project on University Dr S

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

Thanks for the notice - I plan to stop by - excited to see some infill projects outside of downtown.

- Joe

On Wed, Nov 30, 2022 at 10:22 AM Maegin Elshaug <MElshaug@fargond.gov> wrote:

Hello,

You are receiving this email because you've been involved in previous or current neighborhood coordination.

This email invites you and other interested residents and property owners to attend an open house for a proposed mixed-use redevelopment project at the 1600 block of University Drive South. As a preliminary step in the process, an open house will be held to introduce the proposed project and receive questions and comments from the public. The open house will be held on the evening of Tuesday December 6, 2022 from 5:00-6:30 in Sky Commons (Civic Center).

Additionally, there will be an introduction of this project at the December 6, 2022 Planning Commission meeting, which begins at 3:00 in the Commission Chambers of City Hall.

If you have any questions, please don't hesitate to let me know.

Regards,

Maegin Elshaug

Maegin Elshaug

From: kemppanion <[REDACTED]@[REDACTED].com>
Sent: Tuesday, January 3, 2023 1:43 PM
To: Maegin Elshaug
Subject: Block 28/Duane's Pizza Addition Changes

Follow Up Flag: Follow up
Flag Status: Flagged

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

Maegin,

I am writing with some concerns about the planned mixed use building proposed for the 1600 Block of University Drive S.

After the public open house and reviewing the material online I have the following concerns:

- 1) Both The Medicine Shop and Great Wall expressed concerns about the new proposal causing them to close or relocate for the year of planned development. From what I understood, they can not be for the planned year for development and will have to relocate and will not return or close permanently. Even if the spots planned for these businesses are filled with new businesses I do not want to see two established and respected business leave our neighborhood.
- 2) There has been no mention of what will happen with the other businesses in the stipmall. There is a comic book store that I believe would not be able to wait for the new building and would have to close. What types of conversations have taken place to help these smaller businesses that might be put out of business to make way for this more expensive mixed use building?
- 3)I work downtown and understand the need of the mix use buildings in that location. However, I do not want to see this neighborhood become downtown. Having close access to a grocery store, vets office, urgent care, restaurants and other small businesses without the dense population of downtown was one of the reasons we chose to buy a house where we did.
- 4) The developer mentioned catering to traveling nurses and young professionals. As an NDSU graduate I experienced first hand the issues with affordable housing in the area. We have seen a large number of these mix use buildings with high rents go up in the downtown area and I think we need more safe and affordable housing than another building that caters to the same group of people.
- 5) Even though this seemed to be the main concern at the open house, I to am concerned with the traffic. It is nearly impossible to get across or make a left turn onto University at 16th Ave as it is. Additionally, the traffic on 17th Ave will cause more backups into the pedestrian crossing at the clinic. Before this building is approved I would like to see what the city plans for better and safer traffic control for this area.
- 6) The property company gave the impression that this is a done deal, I refer to his comment about not taking action on plans he does not feel are good investments and already buying and tearing down houses.

Based on a poll conducted by the Pew Research Center, in 2015, 47% of "Ordinary Citizens" feel there is "Not much they can do to influence govt". If this plan goes ahead without the concerns I heard at the open house being addressed I fear this will only negatively impact how people feel about our local government.

<https://www.pewresearch.org/politics/2015/11/23/8-perceptions-of-the-publics-voice-in-government-and-politics/>,

I apologize that I have not had a chance to do more research and get more firm references to support my concerns. However, I wanted to get something sent prior to the meeting today at 3PM. Please let me know if you feel getting city wide numbers provided for a future date will help.

Thank you,

Kimberly Kemppanion

Maegin Elshaug

From: Kathy Fulks [REDACTED]@com>
Sent: Wednesday, January 4, 2023 6:13 AM
To: Maegin Elshaug
Subject: University zoning

Follow Up Flag: Follow up
Flag Status: Flagged

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

Maegin,

Thank you for inviting me to the public hearing concerning the rezoning of South University. I had hoped to make the meeting but as a teacher was not able to find a sub so I could attend. My husband and I sent an earlier email expressing our concerns. They have not changed. Please take them into consideration while making your decision.

Thank you,
Kathleen Fulks
1719 10th St. S
Fargo, ND 58103

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Maegin Elshaug

From: James Gilmour
Sent: Tuesday, February 7, 2023 11:16 AM
To: Jesse Cloos
Cc: Maegin Elshaug
Subject: RE: 1619 13th 1/2 St S

Follow Up Flag: Follow up
Flag Status: Flagged

No. That street will not be closed.

Jim Gilmour

Strategic Planning Director

THE CITY OF FARGO | STRATEGIC PLANNING & RESEARCH

Office: 701.241.1476

JGilmour@FargoND.gov

At The City of Fargo, We Work for You.

From: Jesse Cloos [REDACTED]
Sent: Tuesday, February 7, 2023 10:59 AM
To: James Gilmour <JGilmour@FargoND.gov>
Subject: 1619 13th 1/2 St S

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Good morning,

I own a property at the above address and I rent it out. I don't know if this would create an unfair opportunity but it could result in loss of income as this BLOC project takes place. Will they be shutting down 13th 1/2 street?

If you have any questions or concerns, feel free to contact me anytime via phone, text, or email!

Thank you,



Jesse Cloos

Commercial Sales ND/MN