

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

A: Approve Order of Agenda

B: Minutes: Regular Meeting of December 6, 2022

C: Public Hearing Items:

1. Hearing on an application requesting a Plat of **Cass County Corrections 2nd Addition** (Major Subdivision) a replat of Lot 1, Block 1, and Lot 1, Block 2, Cass County Corrections Addition; Lot 4, Block 1, Westrac Third Addition, and part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota including a Vacation of a portion of 28th Street South. (Located at 450 34th Street South; 502 28th Street South; 3309 Westrac Drive South) (Cass County Government/Houston Engineering) (dk)
- 2a. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential, and Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay on the proposed **Duane's Pizza Addition**. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC) (me)
- 2b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan and Final Plan within the boundaries of the proposed **Duane's Pizza Addition**. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC) (me)
- 2c. Hearing on an application requesting a Plat of **Duane's Pizza Addition** (Minor Subdivision) a 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. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC) (me)

D: Other Items:

1. Presentation by Inspections Director and Inspections Staff - Code Enforcement and Rental Program
2. Presentation by MetroCOG staff – Red River Greenway Study

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

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

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

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, December 6, 2022

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, December 6, 2022.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, John Gunkelman, Art Rosenberg, Dawn Morgan, Thomas Schmidt, Brett Shewey

Absent: Jennifer Holtz, Scott Stofferahn

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of November 1, 2022

Member Schmidt moved the minutes of the November 1, 2022 Planning Commission meeting be approved. Second by Member Tasa. All Members present voted aye and the motion was declared carried.

Member Morgan present.

Item C: Public Hearing Items:

Item 1: Westrac Fourth Addition

Hearing on an application requesting a Plat of Westrac Fourth Addition (Minor Subdivision) a replat of part of Lots 2 and 3, Block 3, Westrac Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2900, 2920, 2924, 2928, 2932, and 2936 Fiechtner Drive South) (LJS Investments, LLP/ Nate Vollmuth): APPROVED

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Westrac Fourth Addition, as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, and Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by

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

Item 2: Dakota Air Parts Addition

Hearing on an application requesting a Plat of Dakota Air Parts Addition (Major Subdivision) a replat of Lots 1-3, Block 1, DDK Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2505 39 1/2 Avenue North; 3910 and 4020 25th Street North) (MACO Leasing Inc./Nate Vollmuth): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Dakota Air Parts Addition, as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, Sections 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Shewey. On call of the roll Members Gunkelman, Shewey, Morgan, Schmidt, Tasa, and Schneider voted aye. Absent and not voting: Members Stofferahn, Rosenberg, and Holtz. The motion was declared carried.

Member Rosenberg present.

Item 3: Edition Fourth Addition

Hearing on an application requesting a Plat of Edition Fourth Addition (Minor Subdivision) a replat of Lot 1, Block 1, Edition Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4803 and 4809 38th Street South) (Bluegrass Offices, LLC/Houston Engineering, Inc.): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Edition Fourth Addition, as outlined within the staff report, as the proposal complies with the 2003 Southwest Future Land Use Plan, the Standards of Article 20-06, Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Schmidt, Morgan, Rosenberg, Gunkelman, Tasa, Shewey, and Schneider voted aye. Absent and not voting: Members Holtz and Stofferahn. The motion was declared carried.

Item 4: The District of Fargo Fifth Addition

Hearing on an application requesting a Plat of The District of Fargo Fifth Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, The District of Fargo Fourth Addition to the City of Fargo, Cass County, North Dakota. (Located at 3788 and 3770 55th Avenue South) (RRCOM LL/Houston Engineering): APPROVED

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

Discussion was held on the retention pond location.

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

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat The District of Fargo Fifth Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Section 20.0907.B&C and the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schmidt. On call of the roll Members Tasa, Gunkelman, Rosenberg, Schmidt, Morgan, Shewey, and Schneider voted aye. Absent and not voting: Members Holtz and Stofferahn. The motion was declared carried.

Item 5: Land Development Code Text Amendment

Hearing on an application requesting a Text Amendment to amend Sections 20-0401, 20-0402, 20-0403, 20-1001, 20-1002, 20-1202, and 20-1203 of the Fargo Municipal Code (Land Development Code) relating to definitions, regulations, use standards, nonconformities, and references regarding adult entertainment centers and adult establishments. (City of Fargo): APPROVED

Planning and Development Assistant Director Mark Williams introduced the application and introduced Attorney Scott Bergthold to speak on behalf of the application. Mr. Williams noted all approval criteria have been met and staff is recommending approval. Additional information, including a printout of slides and a list of related court cases, was provided to Board Members.

Mr. Bergthold stated it has been over twenty years since the language of this section of the Fargo Land Development Code has been updated.

Discussion was held on the future rewrite of the Land Development Code, and if this section would be to be readdressed at that time.

Mr. Williams noted that this amendment would be a foundation for new language in the upcoming rewrite and this would assist towards some of the needed work in the future.

Discussion continued on the timing of addressing this section of the Land Development Code, if there was an acceptable amount of areas in town where adult establishments could be located, and the business buffer distance.

Mr. Bergthold indicated this amendment would clean up the language of this section in the Land Development Code, and that the 1250 foot buffer has been in place since 1998.

Planning and Development Director Nicole Crutchfield clarified that the text amendment before the Board is to clarify and define the definitions that are in the Land Development Code, and nothing is changing regarding regulations.

Further discussion was held on bike paths and if they were defined as recreation facilities, and if data was looked at regarding the location of bike paths in relation to the buffer for adult establishments.

Mr. Bergthold stated this amendment is to make sure we have updated language moving forward, and he noted a flash drive of the related cases he discussed is on file in the Planning and Development Department.

Additional discussion was held on the prioritization process of updating the Land Development Code, providing a sufficient number of allowable sites, but also providing a buffer, and the timing of updating this section.

Member Morgan moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Land Development Code Text Amendment to Sections 20-0401, 20-0402, and 20-1202 of the Fargo Municipal Code (Land Development Code) relating to definitions, regulations, use standards, nonconformities, and references regarding adult entertainment centers and adult establishments. Second by Member Rosenberg. On call of the roll Members Tasa, Gunkelman, Morgan, Rosenberg, and Schneider voted aye. Members Schmidt and Shewey voted nay. Absent and not voting: Members Stofferahn and Holtz. The motion was declared carried.

Item D: Other Items:

Item 1: Planned Unit Development Final Plan for Metropolitan Park 3rd Addition: APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the locations of parking, the detention pond, and dog park on site.

Applicant Representative Nate Vollmuth, Goldmark Design and Development, spoke on behalf of the application.

Member Schmidt moved the findings and recommendations of staff be accepted and the Planned Unit Development Final Plan for Lot 1, Block 1, Metropolitan Park Third Addition be approved, as outlined in the staff report, as the proposal complies with the Planned Unit Development Master Land Use Plan, Section 20-0908.D of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Rosenberg, Gunkelman,

Shewey, Morgan, Tasa, Schmidt, and Schneider voted aye. Absent and not voting: Members Holtz and Stofferahn. The motion was declared carried.

Item 2: Introduction to BLOC Mixed-Use development on the 1600 block of University Drive South.

Planning Coordinator Maegin Elshaug presented an introduction to the proposed BLOC mixed-use development. She noted this application is tentatively scheduled for the January 3, 2023 Planning Commission meeting. Ms. Elshaug shared that an open house meeting will be held this evening (December 6, 2022) at the Sky Commons Conference Center, from 5:00p.m. to 6:30p.m. for residents to provide input.

Applicant Jesse Craig provided a brief overview of the proposed project.

Discussion was held on University Drive traffic flow, pedestrian accommodations, how this plan aligns with the GO2030 Fargo Comprehensive Plan, and the plan for the current businesses onsite.

Ms. Derrig spoke on behalf of the Engineering Department regarding the pedestrian corridor and University Avenue right-of way.

Discussion continued regarding access from the side streets, sidewalk and neighborhood buffers, and the speed of traffic on University Drive.

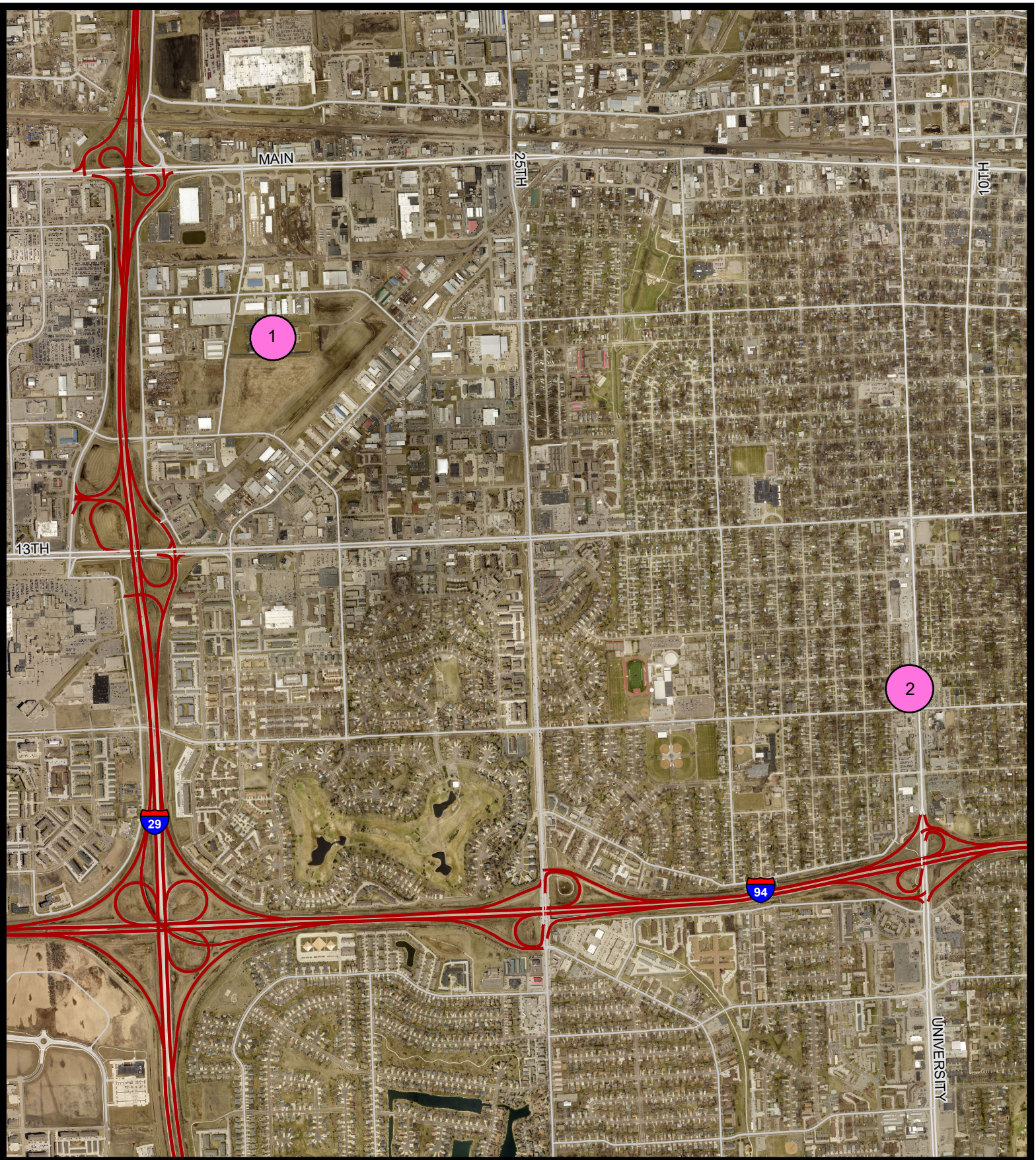
Ms. Crutchfield encouraged residents to attend the meeting this evening and noted those unable to attend are able to send their comments to the Planning Department at Planning@FargoND.gov.

Item 3: 2023 Planning Commission Calendar

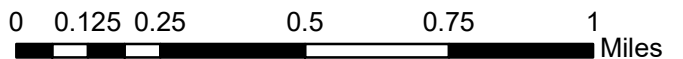
The 2023 Planning Commission meeting dates were provided in the packet. Chair Schneider noted a couple meeting dates will be held on Thursdays due to holidays.

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

The time at adjournment was 4:24 p.m.



Agenda Item Number
1 -- Cass County Corrections Second Addition
2a, 2b & 2c -- Duane's Pizza Addition



City of Fargo Staff Report			
Title:	Cass County Corrections 2 nd Addition	Date:	12/29/2022
Location:	450 34th Street South; 502 28th Street South; 3309 Westrac Drive South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lot 1, Block 1, and Lot 1, Block 2, Cass County Corrections Addition; Lot 4, Block 1, Westrac Third Addition, and part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian		
Owner(s)/Applicant:	Cass County Government / Houston Engineering, Inc.— Mike Love	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Major Subdivision , (replat of Lot 1, Block 1, and Lot 1, Block 2, Cass County Corrections Addition; Lot 4, Block 1, Westrac Third Addition, and part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, including a Vacation of a portion of 28th Street South)		
Status:	Planning Commission Public Hearing: January 3 rd , 2023		
Existing		Proposed	
Land Use: Detention facility (Cass County Jail)		Land Use: No change proposed	
Zoning: LI, Limited Industrial		Zoning: No change proposed	
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities		Uses Allowed: No change proposed.	
Maximum Lot Coverage Allowed: 55%		Maximum Lot Coverage Allowed: No change	
Proposal:			
<p><i>NOTE ON HEARING NOTICE: The hearing notice included additional property that is not on this plat. At the time of noticing, staff was intending to include the City-owned property adjacent to 28th Street South on this plat. However, after further review, staff determined just to vacate the 28th Street South right of way (ROW) adjacent to the City-owned property but not to replat the lots adjacent to it at this time.</i></p> <p>The applicant request one entitlement:</p> <ol style="list-style-type: none"> 1. A major subdivision, to be known as Cass County Corrections 2nd Addition, a replat of Lot 1, Block 1, and Lot 1, Block 2, Cass County Corrections Addition; Lot 4, Block 1, Westrac Third Addition, and part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, including a Vacation of a portion of 28th Street South. 			

The subject property is located at 450 34th Street South; 502 28th Street South, and 3309 Westrac Drive South and encompasses approximately 27.42 acres.

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

Surrounding Zoning Districts and Land Uses:

- North: LI; undeveloped; City-owned for drain
- East: LI, GI, General Industrial, and AG, Agricultural: City-owned drainage facility and Burlington Northern Santa Fe railroad property (undeveloped)
- South: LI with a C-O, conditional overlay: under development for industrial uses
- West: LI: industrial uses

Area Plans:

The subject property is not covered by a growth plan or area plan.

Context

Neighborhood: The subject property is not located in a designated neighborhood.

Schools: A portion of the subject property is located within the Fargo Public School District and is served by Jefferson Elementary, Ben Franklin Middle, and Fargo North High schools. A portion of the subject property is located within the West Fargo School District and is served by L.E. Berger Elementary, Cheney Middle, and West Fargo High Schools. Note that there is no existing or proposed residential uses on any of the subject property.

Parks: Metro Recreation Center, 3110 Main Avenue, located approximately 0.31 miles north of the subject property, features indoor turf year round making it a very versatile facility. The space is great for soccer, football, lacrosse, tag and even golf putting.

Pedestrian / Bicycle: There are no trails or shared use paths adjacent to or near the subject property.

MATBUS Routes: The subject property is a stop on MATBUS Route 20. The stop is located on the east side of 34th Street at the Cass County Jail entrance.

Staff Analysis:

MAJOR SUBDIVISION

Cass County government intends to expand the jail facility to the east. This requires additional area, which led Cass County to propose vacating the portion of 28th Street South right of way (ROW) adjacent to their property.

The vacation of right of way is detailed in a separate section below.

The subdivision plat replats Lot 1, Block 1, and Lot 1, Block 2, Cass County Corrections Addition; Lot 4, Block 1, Westrac Third Addition, and part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian.

Lot 1, Block 1 of the proposed plat incorporates the following existing properties:

- Lot 1, Block 1, Cass County Corrections Addition
- Lot 1, Block 2, Cass County Corrections Addition
- Lot 4, Block 1, Westrac Third Addition
- Unplatted portion of the Southwest Quarter of Section 11, Township 139 North, Range 49 West
- The portion of the vacated 28th Street South right of way between Blocks 1 and 2 of the Cass County Corrections Addition.

Cass County will grant the City a stormwater easement over the easterly portion of this lot, as depicted on the plat. That portion of the lot will be unbuildable.

Lot 2, Block 1 of the proposed plat incorporates the following existing properties:

- The portion of the vacated 28th Street South right of way between the northerly boundary of Lot 1, Block 1 of this plat and 4th Avenue South. This lot will be owned by the City.

VACATION OF RIGHT OF WAY

The plat includes a vacation of a portion of 28th Street South right of way (ROW) south of 4th Avenue South. The 28th Street South ROW was dedicated on the Burlington Northern I-29 South Industrial Center Addition in 1983. This right of way has never been improved and it dead-ends at the southerly property line of the Cass County Corrections Addition. No provision was made in that addition to extend 28th Street any further south. When the property adjacent to the south was platted in 2021, further extension of this right of way to the south was not required.

Staff supports the proposed vacation of this portion of the 28th Street South ROW. Findings specific to this vacation are below.

NDCC 40-39-07 requires a minimum 30 day notice period prior to City Commission hearing for vacations of right of way.

Major Subdivision

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

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

The subject property is zoned LI, Limited Industrial. No zone change is proposed. Cass County government is intending to expand the jail facility to the east. The proposed use of a detention facility is consistent with the LI zoning. This property is not covered by a growth plan or future land use plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

- 2. Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The subject property is zoned LI, Limited Industrial. No zone change is proposed. This property is not covered by a growth plan or future land use plan. The proposed use of a detention facility is consistent with the LI zoning. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public

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

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). In this case, the petition for vacation and the plat are included in the applicant's overall subdivision application and plat. Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C. The final decision on vacation of right of way is made by the City Commission.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

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

(Criteria Satisfied)

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

In accordance with the requirement of this section, this information is included on the plat and its application. **(Criteria Satisfied)**

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

Documentation of said action is located within both the Planning project file and Auditor's file.
(Criteria Satisfied)

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

This procedure---hearing by the City Commission following the appropriate notice period--is the next step in the vacation process. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **Cass County Corrections 2nd Addition**, including vacation of right of way, as outlined in the staff report, as the proposal complies with the Standards of Article 20-06, and Sections 20-0907.C of the LDC and all other applicable requirements of the LDC, and of North Dakota Century Code Chapter 40-39."

Planning Commission Recommendation: January 3rd, 2023

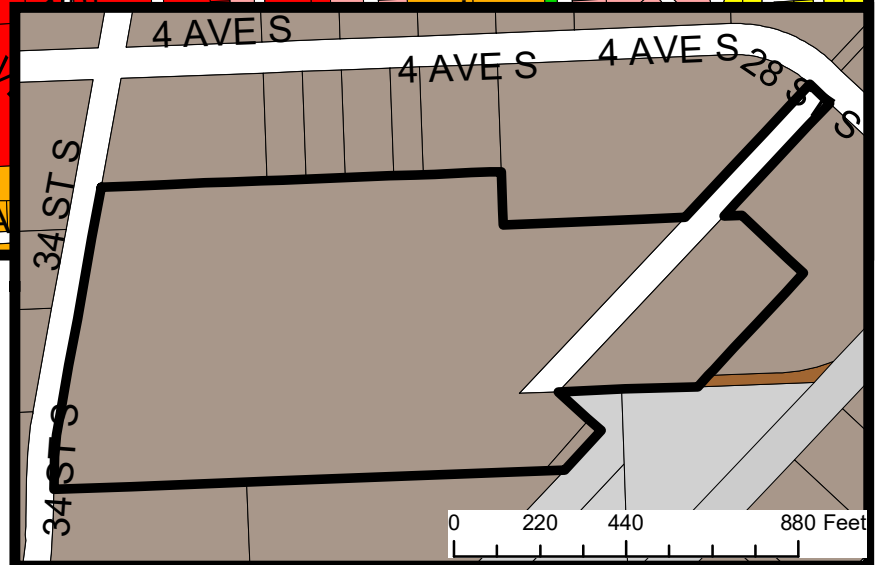
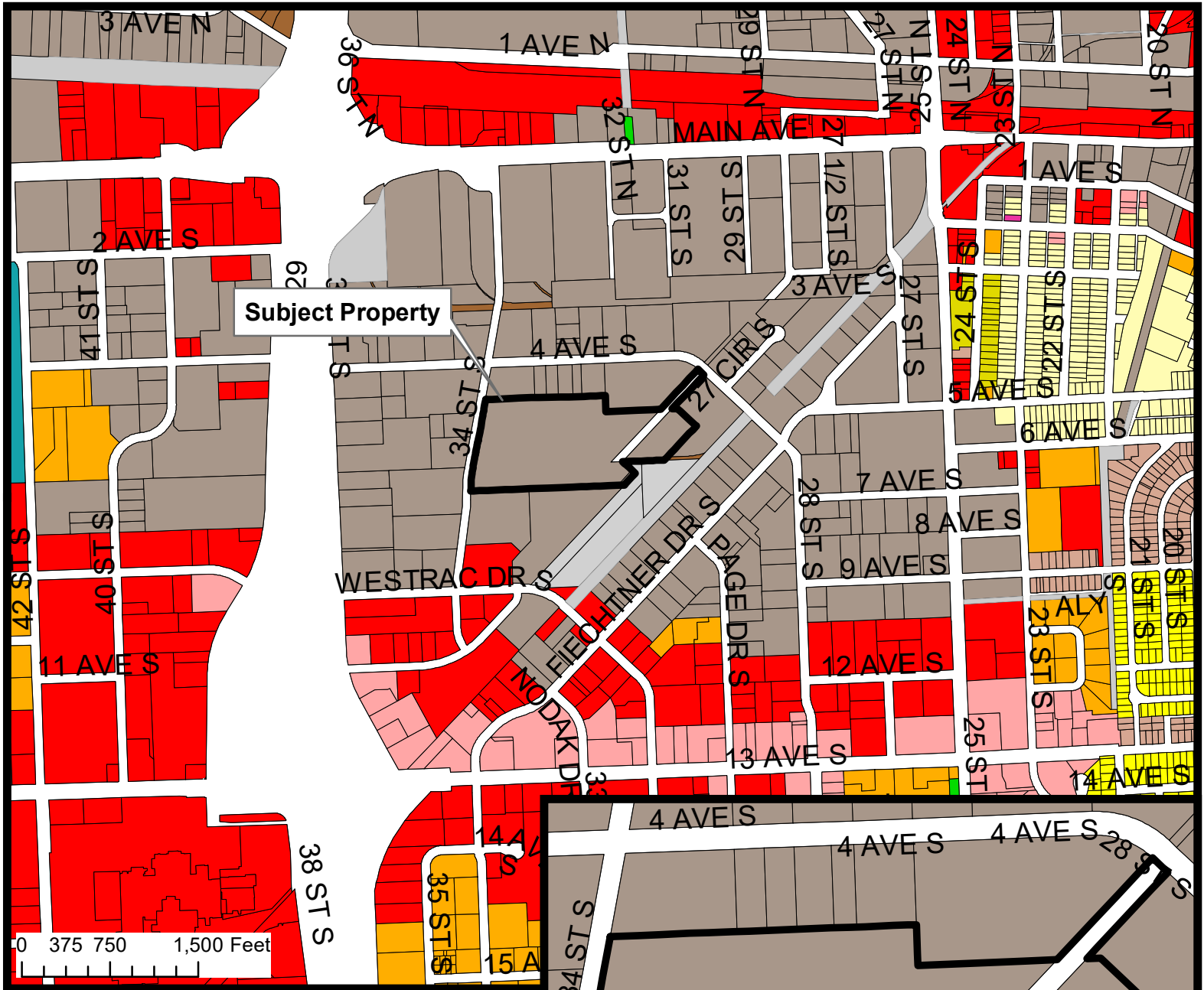
Attachments:

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

Major Subdivision (including vacation of a portion of 28th Street South)

450 34 Street South
3309 Westrac Drive South,
502 28 Street South

Cass County Corrections 2nd Addition



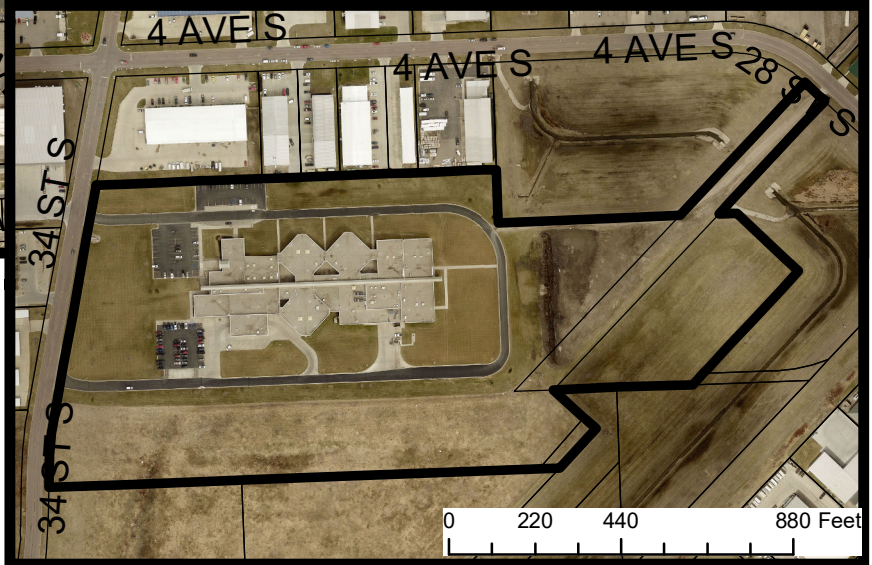
Legend

AG	DMU	GGC	GO	LC	MRR-1	MRR-2	MRR-3	MHP	NC	NO	UMU	20000	20000-2	20000-3	20000-4	20000-5	City Limits
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Major Subdivision (including vacation of a portion of 28th Street South)

450 34 Street South
3309 Westrac Drive South
502 28 Street South

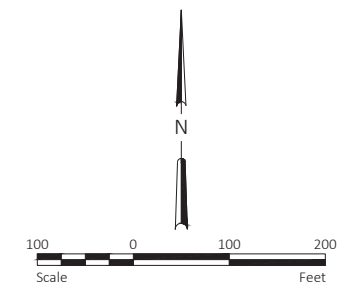
Cass County Corrections 2nd Addition



CASS COUNTY CORRECTIONS 2ND ADDITION

A MAJOR SUBDIVISION

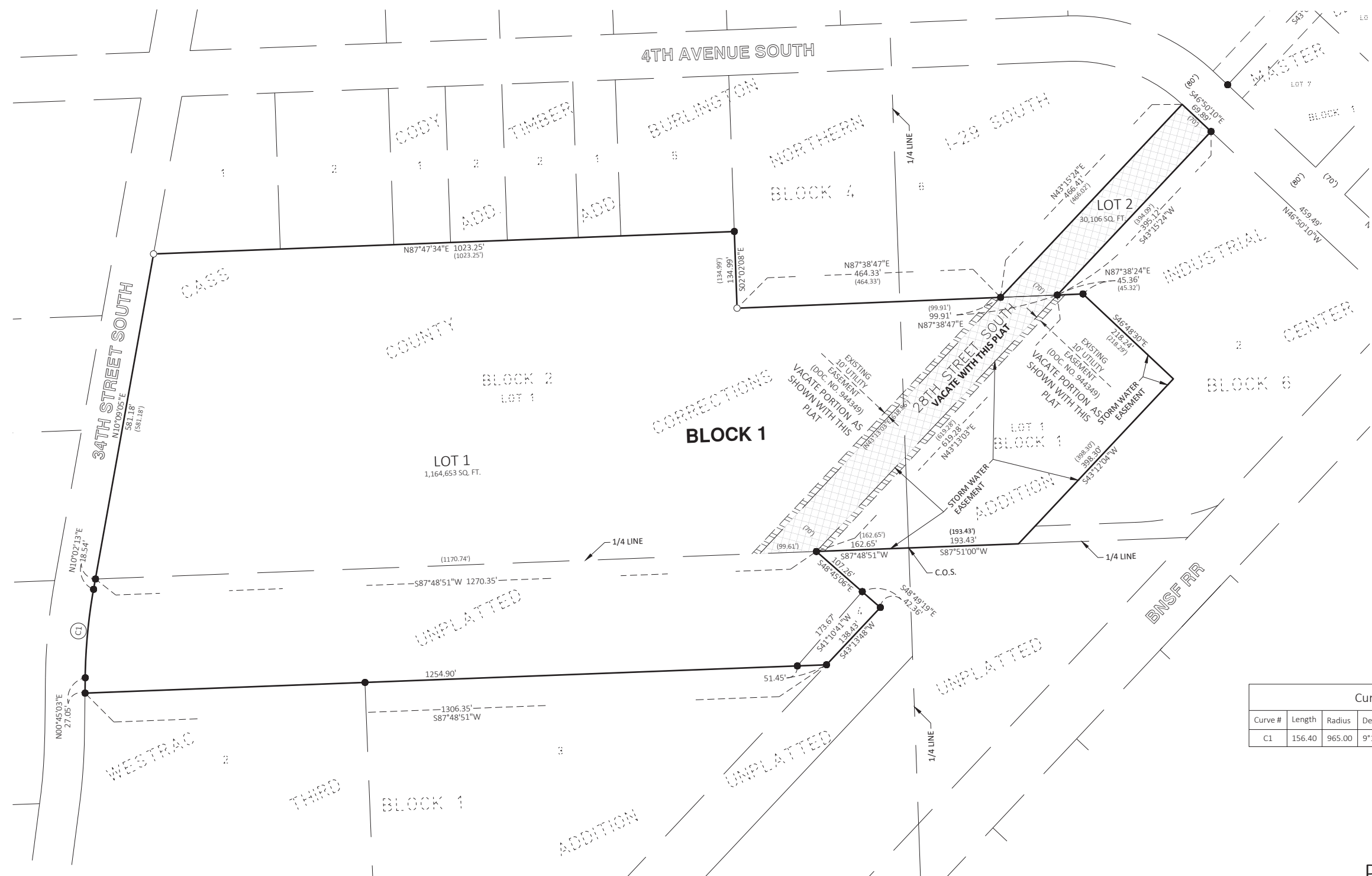
BEING A VACATION OF A PORTION OF 28TH STREET SOUTH AND ADJACENT UTILITY EASEMENTS;
 A REPLAT OF LOT 1, BLOCK 1, & LOT 1, BLOCK 2, CASS COUNTY CORRECTIONS ADDITION TO THE CITY OF FARGO;
 A REPLAT OF VACATED 28TH STREET SOUTH; A REPLAT OF LOT 4, BLOCK 1, WESTRAC THIRD ADDITION TO THE CITY OF FARGO;
 AND A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 139 NORTH,
 RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
 TO THE CITY OF FARGO,
 CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
UTILITY EASEMENT	-----
EXISTING LOT LINE	-----
EXISTING UTILITY EASEMENT	-----
VACATE EXISTING UTILITY EASEMENT WITH THIS PLAT	▨▨▨▨
VACATE EXISTING STREET RIGHT-OF-WAY WITH THIS PLAT	▩▩▩▩

BEARINGS SHOWN ARE BASED ON THE FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992.



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	156.40	965.00	9°17'10"	N05°23'38"E	156.23

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PRELIMINARY PLAT

CASS COUNTY CORRECTIONS 2ND ADDITION

A MAJOR SUBDIVISION

BEING A VACATION OF A PORTION OF 28TH STREET SOUTH AND ADJACENT UTILITY EASEMENTS;
 A REPLAT OF LOT 1, BLOCK 1, & LOT 1, BLOCK 2, CASS COUNTY CORRECTIONS ADDITION TO THE CITY OF FARGO;
 A REPLAT OF VACATED 28TH STREET SOUTH; A REPLAT OF LOT 4, BLOCK 1, WESTRAC THIRD ADDITION TO THE CITY OF FARGO;
 AND A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 139 NORTH,
 RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
 TO THE CITY OF FARGO,
 CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE, VACATION AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Cass County Government is the owner and proprietor of Lot 1, Block 1, and Lot 1, Block 2, Cass County Corrections Addition to the City Fargo, Cass County, North Dakota; Lot 4, Block 1, Westrac Third Addition to the City of Fargo, Cass County, North Dakota; and that part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of said Cass County Corrections Addition; thence North 87°48'51" East, along the southerly line of said Cass County Corrections Addition, for a distance of 1270.34 feet to the southwest corner of Lot 1, Block 1, said Cass County Corrections Addition; thence South 48°45'06" East, along the easterly line of a tract of land described in Document No. 1252241, on file at the Cass County Recorder's Office, for a distance of 107.26 feet to the most northerly corner of Lot 4, Block 1, Westrac Third Addition, on file at said Recorder's Office; thence South 41°10'41" West, along the northwesterly line of said Lot 4, for a distance of 173.67 feet to the most westerly corner of said Lot 4; thence South 87°48'51" West, along the northerly line of Block 1, said Westrac Third Addition, for a distance of 1254.90 feet to a point of intersection with the easterly line of 34th Street; thence North 00°45'03" East, along the easterly line of said 34th Street, for a distance of 27.05 feet to a point of tangential curve to the right, having a radius of 965.00 feet; thence northerly, along the easterly line of said 34th Street and along said curve, for a distance of 156.40 feet, through a central angle of 09°17'10"; thence North 10°02'13" East, along the easterly line of said 34th Street, for a distance of 18.54 feet to the Point of Beginning.

Together with that portion of 28th Street South being vacated with this plat and being more particularly described as follows:

Beginning at the southwest corner of Lot 1, Block 1, said Cass County Corrections Addition; thence South 87°48'51" West, along the southerly line of said Cass County Corrections Addition, for a distance of 99.61 feet to the southeast corner of Lot 1, Block 2, said Cass County Corrections Addition; thence North 43°13'03" East, along the southeasterly line of Lot 1, said Block 2, said southeasterly line being the northwesterly line of said 28th Street South, for a distance of 618.86 feet to the most easterly corner of Lot 1, said Block 2; thence North 87°38'47" East, along the north line of said Cass County Corrections Addition, for a distance of 99.91 feet to a corner point on the northwesterly line of Lot 1, said Block 1, said northwesterly line being the southeasterly line of said 28th Street South; thence South 43°13'03" West, along the southeasterly line of said 28th Street South, for a distance of 619.28 feet to the Point of Beginning.

And that the City of Fargo, a North Dakota Municipal Corporation, is the owner and proprietor of that portion of 28th Street South, originally dedicated on the plat of Burlington Northern I-29 South Industrial Center to the City of Fargo, being vacated with this plat and being more particularly described as follows:

Beginning at the most northerly corner of Lot 2, Block 6, said Burlington Northern I-29 South Industrial Center; thence South 43°15'24" West, along the northwesterly line of said Lot 2, said northeasterly line being the southeasterly line of said 28th Street South, for a distance of 395.12 feet to a corner point on the north line of Lot 1, Block 1, Cass County Corrections Addition; thence South 87°38'47" West, along the north line of said Cass County Corrections Addition, for a distance of 99.91 feet to the most easterly corner of Lot 1, Block 2, said Cass County Corrections Addition, said most easterly corner being the southeast corner of Lot 6, Block 4, said Burlington Northern I-29 South Industrial Center; thence North 43°15'24" East, along the southeasterly line of said Lot 6, said southeasterly line being the northwesterly line of said 28th Street South, for a distance of 466.41 feet to the most easterly corner of said Lot 6; thence South 46°50'10" East, for a distance of 69.89 feet to the Point of Beginning.

The entire above described tracts of land contained within this plat being 27.428 acres, more or less.

And that said parties do hereby vacate the utility easements as designated for vacation on this plat, do hereby vacate that portion of 28th Street South as designated for vacation on this plat, and do hereby cause the same to be surveyed and platted as **CASS COUNTY CORRECTIONS 2ND ADDITION** to the City of Fargo, Cass County, North Dakota. Cass County Government does hereby dedicate to the City of Fargo, the storm water easement as depicted on this plat.

OWNERS:

Lot 1, Block 1, Cass County Corrections 2nd Addition
 Cass County Government

 Robert Wilson, Cass County Administrator

 Brandy Madrigga, Cass County Finance Director

State of North Dakota)
) ss
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared Robert Wilson, Cass County Administrator, and Brandy Madrigga, Cass County Finance Director, known to me to be the people who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of Cass County Government.

Notary Public: _____

Lot 2, Block 1, Cass County Corrections 2nd Addition
 City of Fargo

 Timothy J. Mahoney, Mayor

 Steven Sprague, City Auditor

State of North Dakota)
) ss
 County of Cass)

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

SURVEYOR'S CERTIFICATE:

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify on this _____ day of _____, 20____, that the plat hereon is a true and correct representation of the survey thereof, that all distances are correctly shown on said plat in feet and decimals of a foot, and that the monuments for the guidance of future surveys have been placed in the ground as shown.

 Curtis A. Skarphol
 North Dakota PLS No. 4723

State of North Dakota)
) ss
 County of Cass)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Curtis A. Skarphol, known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

Notary Public: _____

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this _____ day of _____, 20____.

 Brenda E. Derrig, PE, City Engineer

State of North Dakota)
) ss
 County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

 Rocky Schneider, Chair
 Fargo Planning Commission

State of North Dakota)
) ss
 County of Cass)

On this _____ day of _____, 20____, before me personally appeared Rocky Schneider, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

 Timothy J. Mahoney, Mayor

Attest: _____
 Steven Sprague, City Auditor

State of North Dakota)
) ss
 County of Cass)

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

Notary Public: _____

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City of Fargo Staff Report			
Title:	Duane's Pizza Addition	Date:	12/29/2022
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 and Final 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:	Planning Commission Public Hearing: January 3, 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.</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.</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): 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 and Final 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 space 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).

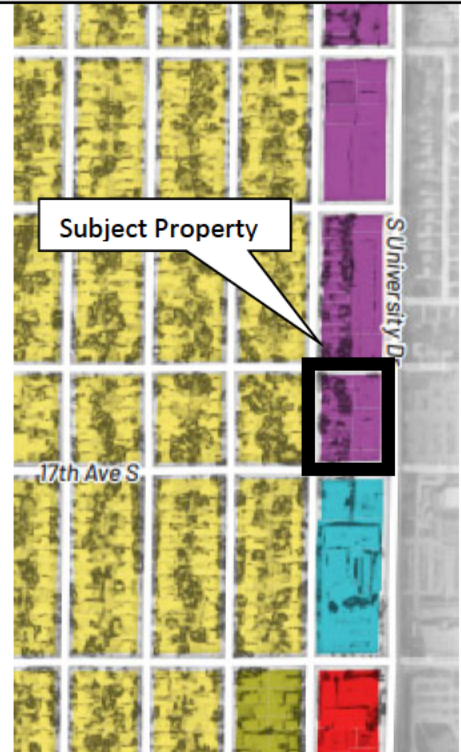
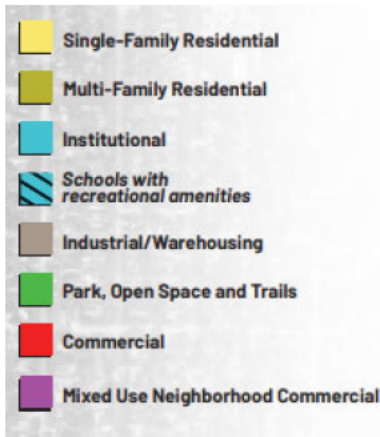
This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

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:

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.

PUD Final Plan

The purpose of the PUD Final Plan is to confirm that the final development plans are consistent with the intent and layout of the PUD master land use plan. The final plan has not been reviewed for consistency with the master land use plan due the need for finalization of the PUD Master Land Use Plan and Ordinance. Staff is recommending continuation of the Final Plan until details of the Master Plan and PUD ordinance are confirmed. If this project is approved, the applicant will also need to submit for a building permit, where departments will review the plans for compliance with their respective codes and the final plan will be reviewed against the building permit submittal.

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.

PUD Final Plan Section 20-0908.D:

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

- **An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**
- **A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**
- **A reduction in the amount of open space;**
- **Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**

- Any change within 50 feet of any SR or MR zoning district;
- Any change determined by the Planning Commission to represent an increase in development intensity;
- A substantial change in the layout of buildings.

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.

Staff Recommendation:

Staff is recommending approval with conditions for the Zoning Change, the Planned Unit Development Master Plan, and the Minor Subdivision plat, and continuation of the Final Plan.

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed 1) Zoning Change from 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

And,

To continue the PUD Final Plan, with the following conditions:

- Civil site plan, landscape plan, elevation plans, and building materials are received and reviewed by staff against PUD ordinance
- Amenities and design requirements reviewed by staff against PUD ordinance
- Hearing at Planning Commission prior to building permit issuance"

Planning Commission Recommendation: January 3rd, 2023

Attachments:

1. Zoning Map
2. Location Map
3. PUD Narrative
4. PUD Master Land Use Plan
5. PUD Final Plan
6. PUD Renderings
7. Preliminary Plat
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

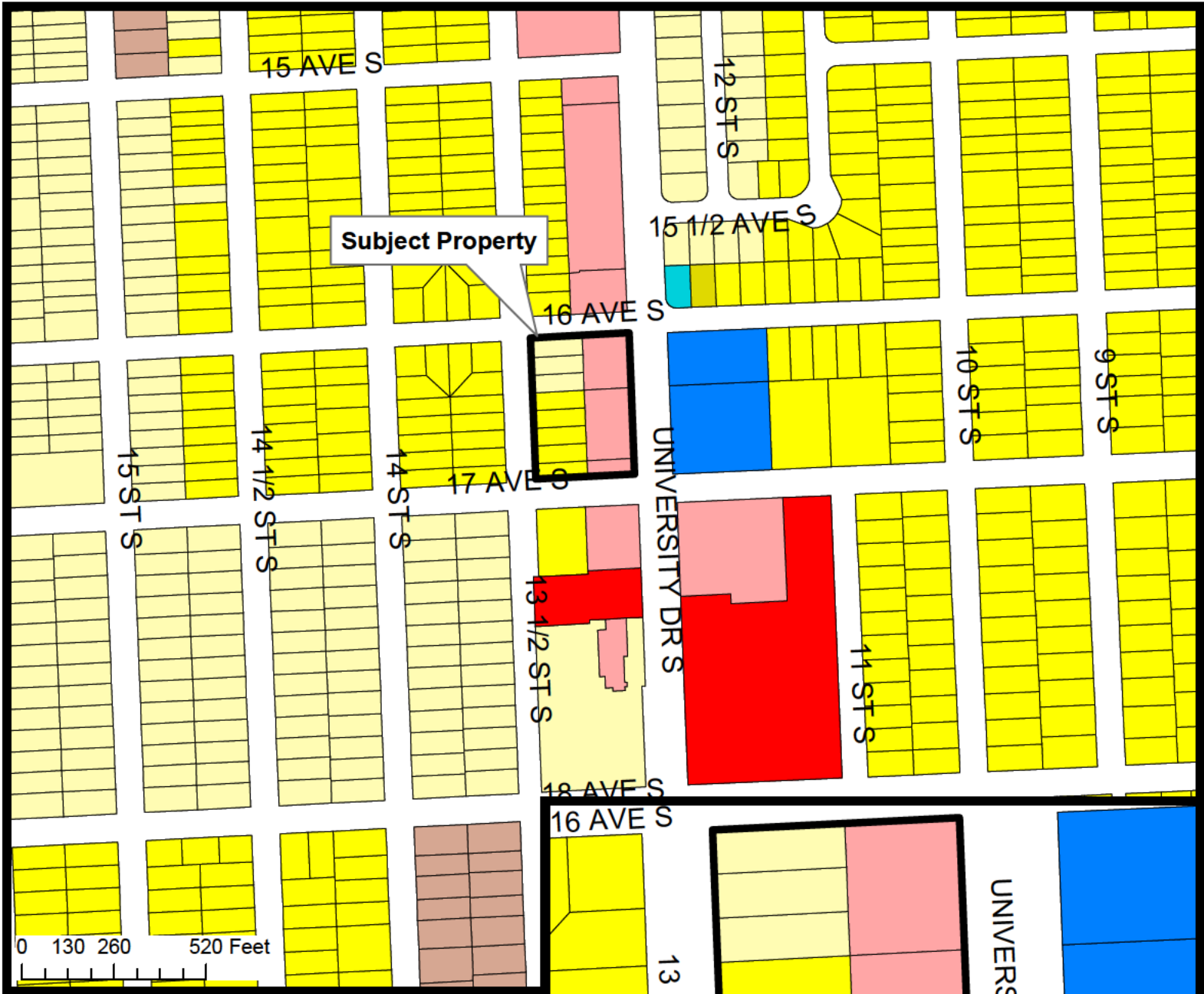
Minor Subdivision, Zone Change (SR-2, SR-3 and LC to LC with Planned Unit Development (PUD), PUD, Overlay; PUD, Master Land Use Plan and Final Plan

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

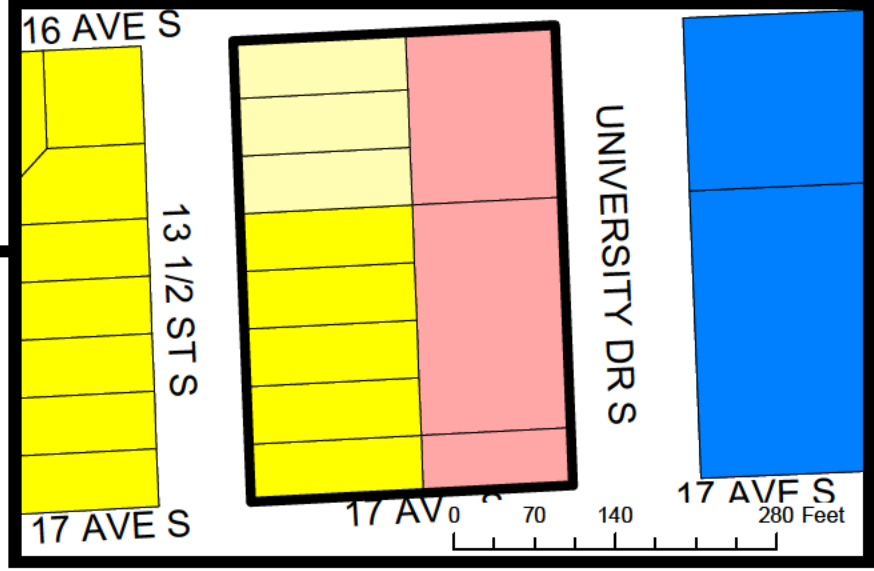
1602, 1606, 1610, 1614, 1618, 1622 & 1626 13 1/2 Street South

1321 17 Avenue South

Duane's Pizza Addition



0 130 260 520 Feet



0 70 140 280 Feet



Legend

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

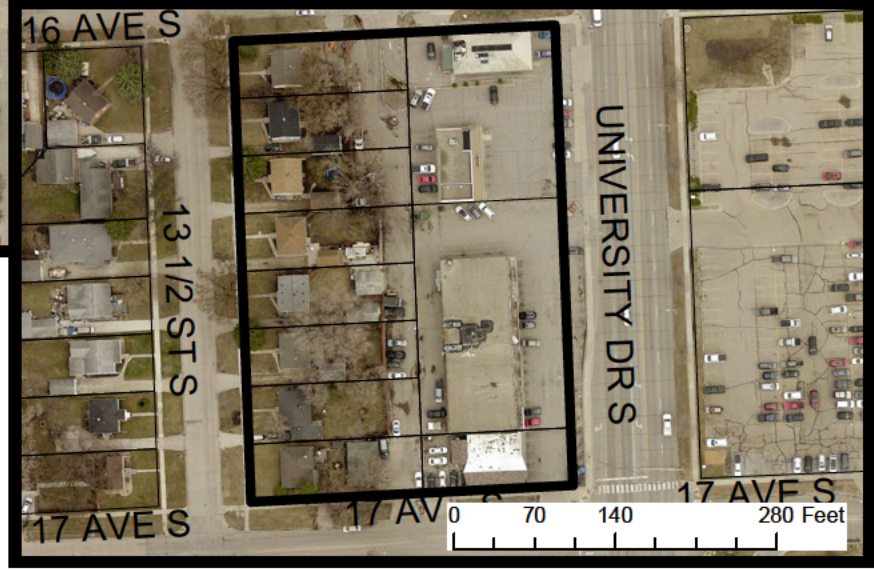
Minor Subdivision, Zone Change (SR-2, SR-3 and LC to LC with Planned Unit Development (PUD), PUD Overlay; PUD, Master Land Use Plan and Final Plan

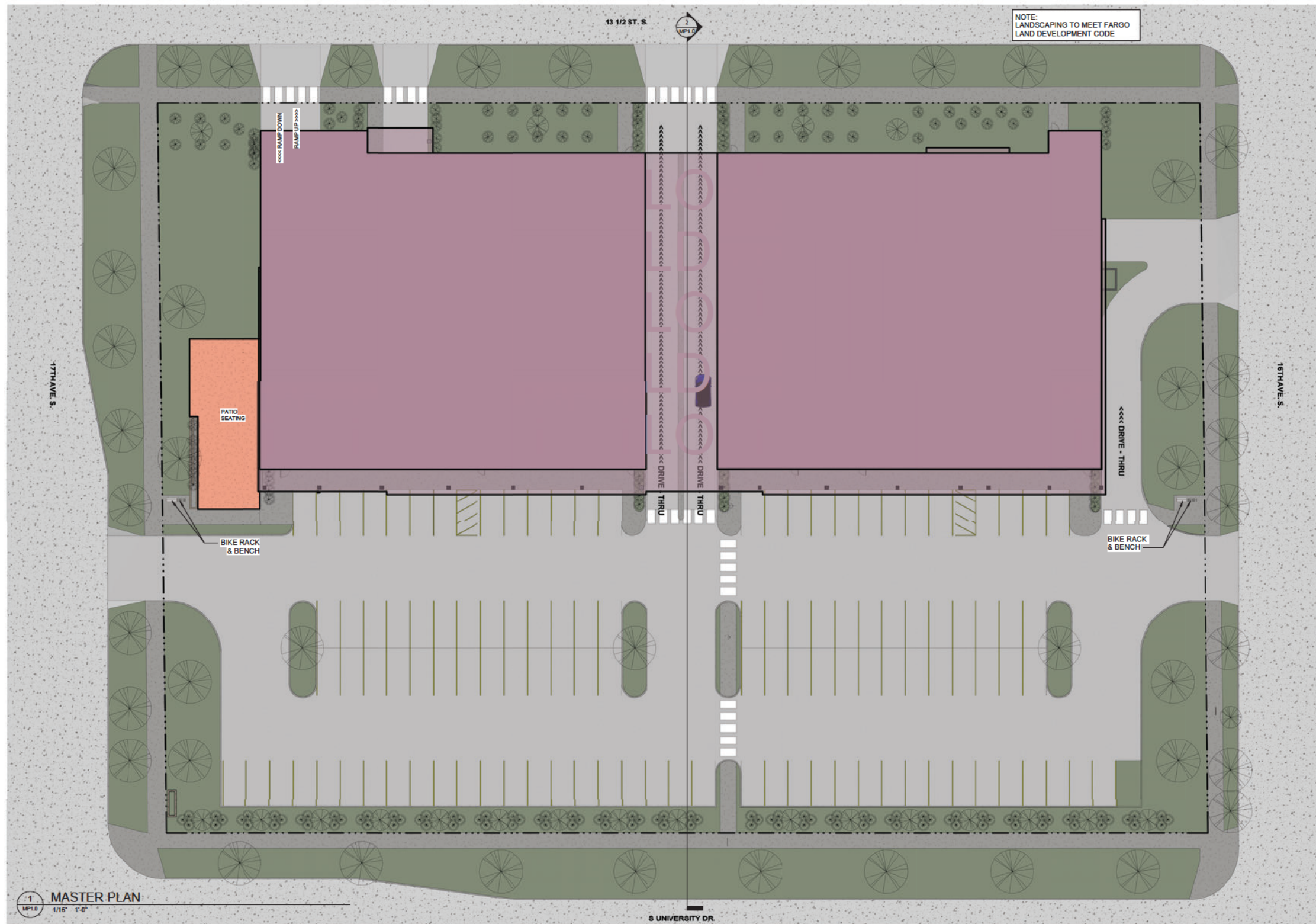
1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627 & 1629 University Drive South

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

1321 17 Avenue South

Duane's Pizza Addition





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
12/27/2022 4:38:38 PM

Revision Date:

Job Number:
2022.12

Sheet Name:
MASTER PLAN

Sheet Number:
MP1.0



11/07/22 08:07:17 AM Z:\Lowry Shared Files\Projects_2022\2041 - University Mix Use Building - Great Street\Drawings\2041_Prelim\Site\2041_C.dwg



ESTIMATED SITE QUANTITIES		
ITEM	QUANTITY	UNIT

NOTES:
1. _____

LOWRY
ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104

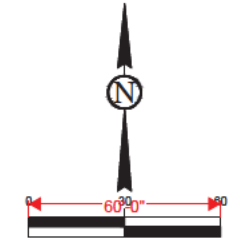
REVISIONS

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

PRELIMINARY
NOT FOR
CONSTRUCTION

LE JOB #	22041
PROJECT DATE:	08/08/2022
CHECKED BY:	SAS
DRAWN BY:	PWB
APPROVED BY:	AJT

OVERALL
SITE
PLAN



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



Rendering provided by developer



Rendering provided by developer



Rendering provided by developer



Rendering provided by developer



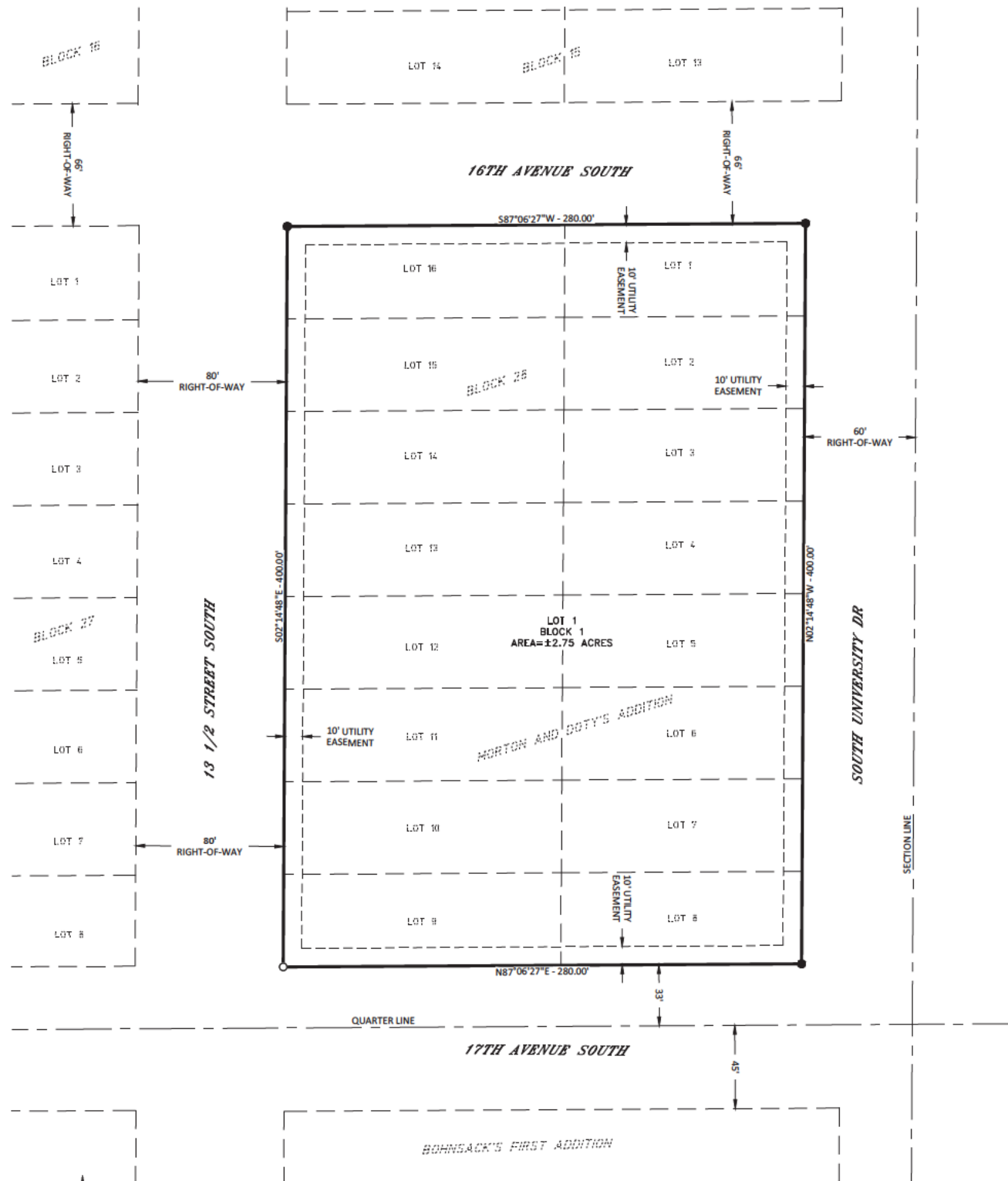
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Rendering provided by developer

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



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)
)SS
COUNTY OF CASS)

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)
)SS
COUNTY OF CASS)

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)
)SS
COUNTY OF CASS)

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)
)SS
COUNTY OF CASS)

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)
)SS
COUNTY OF CASS)

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)
)SS
COUNTY OF CASS)

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.

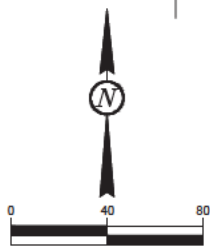
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- - - EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- - - NEW EASEMENT LINE

SURVEY INFORMATION

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



SHEET 1 OF 1



02/28/23 12:30:04 PM I:\2023\1201\6818\Shared Files\Cole A. NeSet - Shared Files\Cole A. NeSet - Shared Files\2023\Project\2023_08_21\19_University Replat (Duane's Pizza House)\University Replat.dwg

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

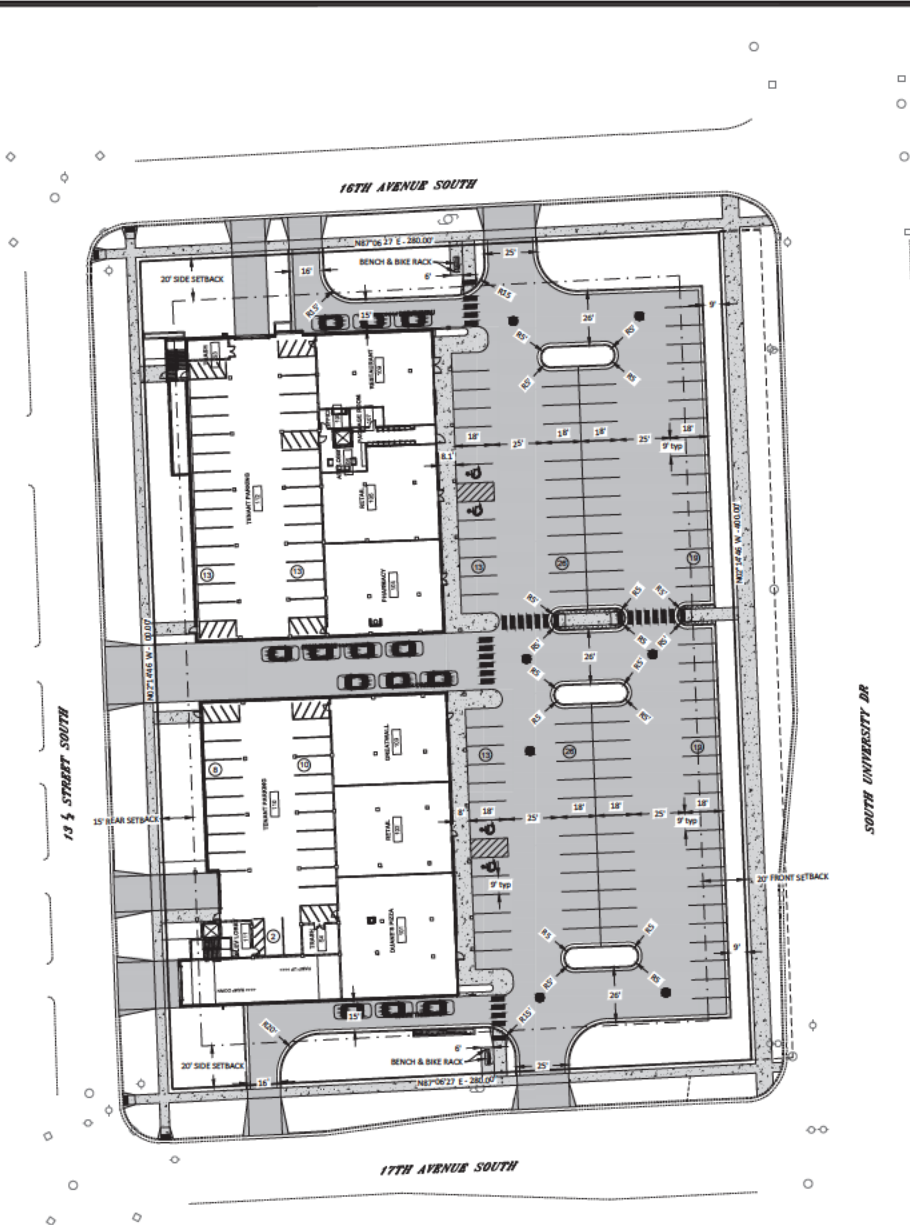
Based on shared parking analysis, the proposed 278 parking spaces is expected to accommodate the shared parking demand of 278 parking spaces.

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.

AK0225 UNDES - 1612 Lowry Blend Pkg1462.dwg - 2022 11-15-23 11:03 AM User: Rkang, Owner: Rkang, Design: Rkang, 1 - Project: 220101-10 - C-4



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:	SAB
DRAWN BY:	PMB
APPROVED BY:	AJT

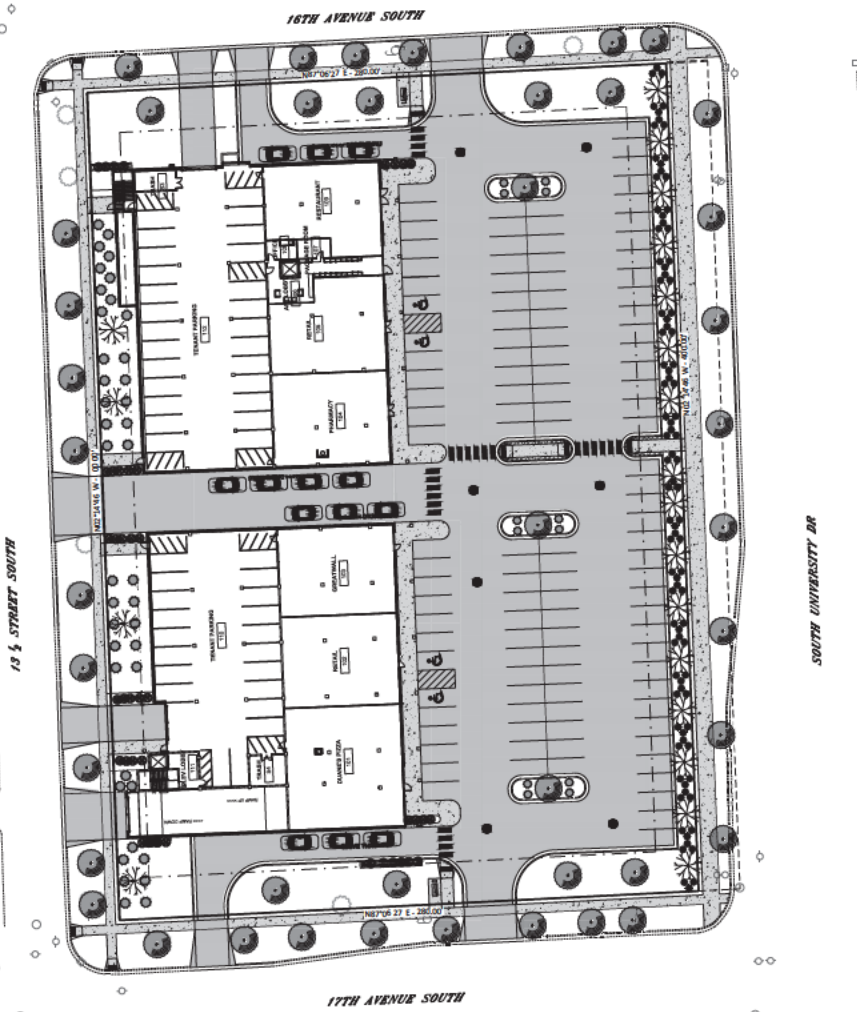


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UTILITIES UNDERGROUND LOCATION SERVICE
1-800-795-6555

OVERALL
SITE
PLAN

C-4

N00252 1823229046 2 Lowry Revise Part 4 of 6 2022 230 1 13/08/2023 11:03 AM 10.00 Bldg. Civil (Bldg. Design) 2305 1 10.00/08/2023 10.00



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

LANDSCAPING REQUIREMENTS		
OPEN SPACE REQUIREMENTS		
CITY REQUIREMENTS	SITE REQUIREMENTS	PROVIDED
3 PLANT UNITS PER 1 000 SF	111 992 SF / 1 000 * 3 = 3 36 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. = $\frac{111992}{50}$ = 8 TREES S. UNIVERSITY = $\frac{111992}{50}$ = 8 TREES 17TH AVE S. = $\frac{111992}{35}$ = 8 TREES 19 1/2 ST. S. = $\frac{111992}{35}$ = 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	$\frac{111992}{50}$ = (4 TREES 40 SHRUBS)	4 TREES 40 SHRUBS

- LANDSCAPING NOTES:**
- AT THE TIME OF PLANTING TREES SHALL HAVE A MIN. OF 2" CALIPER TRUNK.
 - 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.
 - CONTRACTOR SHALL PROVIDE A 1 YEAR WARRANTY ON ALL LANDSCAPE MATERIAL TO INCLUDE WORKMANSHIP FOR INSTALLATION FROM DATE OF FINAL ACCEPTANCE.
 - CONTRACTOR TO COORDINATE WITH MECHANICAL REGARDING LANDSCAPING IN AND AROUND AIR INTAKE OR EXHAUST UNITS.
 - CONTRACTOR TO ALLOW 5' CLEARANCE FROM UNDERGROUND UTILITY PIPING TO PLANT NGS.
 - ALL OTHER PLANTING / LANDSCAPE REQUIREMENTS PER FRANCHISE REQUIREMENTS.
 - ALL TREES SHALL BE APPROVED BY CITY FORESTER.



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 UTILITIES UNDERGROUND LOCATION SERVICE
 1-800-795-6555

<p style="font-size: small;"> LOWRY ENGINEERING 5006 51ST AVENUE SOUTH, SUITE A FARGO, NORTH DAKOTA 58104 </p>																														
<p style="font-size: x-small; font-weight: bold;">REVISIONS</p> <table border="1" style="width: 100%; height: 150px;"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>																														
MIX USE BUILDING 16TH AVES S & SOUTH UNIVERSITY DR FARGO, ND																														
PRELIMINARY NOT FOR CONSTRUCTION																														
LE JOB # 220 1 PROJECT DATE: 06 08 2022 CHECKED BY: SAB DRAWN BY: JCK 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 SEIBER	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	12th Street N Ste 232	[REDACTED]
Sandra Olson	1606 15 ST S	[REDACTED]
Mark McAllister	1417 Sumner Dr	[REDACTED]
D. Larkin	1013 S 16 Av Fargo	[REDACTED]
RACHEL ASKEW	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]

SIGN IN SHEET

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: [REDACTED]@ [REDACTED].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

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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

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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

MEMORANDUM

TO: Planning Commissioners

FROM: Donald Kress, Fargo Department of Planning and Development

DATE: December 28th, 2022

RE: **Item D.1 on January 3rd, 2023 Planning Commission agenda**

Item D.1 on the January 3rd, 2023 Planning Commission agenda is “Presentation by Inspections Director and Inspections Staff—Code Enforcement and Rental Program.”

This presentation is being made to introduce code enforcement and rental inspectors to the Commission and have them talk about their process and goals, and to hear from the Inspections Director background on the Rental Program Ordinance, which is currently in development.

Presenters and staff for this presentation include:

Shawn Ouradnik	Inspections Director
Chris Rose	Assistant Inspections Director
Laura Langdahl	Code Enforcement Inspector
Gregory Conlin	Code Enforcement Inspector

A question-and-answer period will follow the presentation.

To: City of Fargo Planning Commission
From: Ari Del Rosario, Assistant Transportation Planner
Date: December 28, 2022
Re: **Red River Greenway Study Presentation**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) has been working with Confluence on an update to the Red River Greenway Study.

The study focuses on enhancing (or repairing) the greenway as it currently exists, filling greenway facility gaps within the existing network, extending the greenway to the north and south along the Red River in Fargo or its near-term growth area, and connecting to and incorporating public drainage channels (Drains 27 and 53) and associated existing or planned facilities along those channels. The last consultant-lead Red River Greenway Study was completed in 2008 and looked at both North Dakota and Minnesota sides of the Red River. The City of Moorhead completed a Red River Greenway study in 2014. The scope of this study focuses on the Fargo side of the Red River and public drains that connect to the river within the City of Fargo.

A draft document is available for review and Metro COG is currently seeking public input on the draft document through December 30, 2022.

The draft document can be viewed here:

<https://confluence.mysocialpinpoint.com/red-river-greenway>

The purpose of this presentation is to inform the City of Fargo Planning Commission of the study and collect any feedback to incorporate into the final document.

The study is scheduled to be brought to the Policy Board for adoption in mid-February.