

FARGO PLANNING COMMISSION AGENDA  
Tuesday, October 2, 2018 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of September 4, 2018
- C: Brown Bag Luncheon - Wednesday, October 17, 2018
- D: Public Hearing Items:
- 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay within the boundaries of the proposed **Rocking Horse Farm 6th Addition**. (Located at 5801 52nd Avenue South) (Janice L. Promersberger/Houston Engineering) (me): CONTINUED TO NOVEMBER 6, 2018
- 1b. Continued hearing on an application requesting a Plat of **Rocking Horse Farm 6th Addition** (Minor Subdivision) on a portion of the Southeast Quarter of Section 32, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5801 52nd Avenue South) (Janice L. Promersberger/Houston Engineering) (me): CONTINUED TO NOVEMBER 6, 2018
- 2a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential, LC, Limited Commercial, and SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed **St. Paul's Newman Center Addition**. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development) (dk): CONTINUED TO NOVEMBER 6, 2018
- 2b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within in the boundaries of the proposed **St. Paul's Newman Center Addition**. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development) (dk): CONTINUED TO NOVEMBER 6, 2018
- 2c. Continued hearing on an application requesting a Plat of **St. Paul's Newman Center Addition** (Minor Subdivision) a replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Block 9, Bolley's Addition, City of Fargo, Cass County, North Dakota. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development) (dk): CONTINUED TO NOVEMBER 6, 2018
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Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online at [www.FargoND.gov/streaming](http://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](http://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 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

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

3. Hearing on an application requesting a Plat of **Landis Farms Addition** (Minor Subdivision) a replat of Lots 3 and 4, Block 1, Northern Sheyenne Land Addition, City of Fargo, Cass County, North Dakota. (Located at 5002 19th Avenue North) (Tina Jacobson/Ben Hippe, LJA) (an): CONTINUED TO NOVEMBER 6, 2018
4. Hearing on an application requesting a Conditional Use Permit for household living in the LC, Limited Commercial Zone, on a portion of Lot 1, Block 1, **Sincebaugh Addition**. (Located at 4501 37th Avenue South) (Good Samaritan Society (me))
5. Hearing on an application requesting Zoning Change to establish the Jefferson Neighborhood Historic Overlay Zoning District on all of **Eddy Place Addition**; Blocks 10-16 and 24-43, **Eddy & Fullers Auditors Lots**; Blocks 1, 6, and 7, **Case, Peake, & Hall Addition**; and Blocks 1, 6, and 7, **Fullers Addition**. (Located South of 1st Avenue South, West of 14th Street South and University Drive South, North of 6th Avenue South and East of 15th Street South) (kb): CONTINUED TO NOVEMBER 6, 2018
6. Hearing on an application requesting an LDC Text Amendment to amend Articles 20-02 through 20-07 and Article 20-09 of the Fargo Municipal Code (Land Development Code) relating to the correction of typos and errors; the clarification of existing standards; building material requirements in the DMU, Downtown Mixed-Use, zoning district; standards eligible for modification within a PUD, Planed Unit Development, zoning district; setbacks for accessory structures; floor area for home occupations; processes for alternative access plans; and vehicle drive-thru stacking spaces. (City of Fargo) (an)

E: Other Items:

1. Review renewal plans for the Roosevelt Neighborhood. (jg)

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**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday, September 4, 2018**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, September 4, 2018.

The Planning Commissioners present or absent were as follows:

Present:        Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Rocky Schneider, Melissa Sobolik, Scott Stofferahn, Brad Bachmeier

Absent:        Maranda Tasa, Mary Scherling

Chair Fischer called the meeting to order.

**Business Items:**

**Item A:        Approve Order of Agenda**

Chair Fischer noted the following Agenda items:

- Item 1c has been continued to November 6, 2018
- Item 3 has been withdrawn by the applicant
- Item 5a and 5b have been continued to October 2, 2018

Member Schneider requested Item 6 be heard after Item 2.

No action was taken on this item.

**Item B:        Minutes: Regular Meeting of August 7, 2018**

Member Magelky moved the minutes of the August 7, 2018 Planning Commission meeting be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

**Item C:        September 19, 2018 Brown Bag Luncheon**  
Topic: To Be Determined

**Item D:        Public Hearing Items:**

**Item 1:        NSC Addition**

**1a.    Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): APPROVED**

**1b.    Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of**

**the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): APPROVED**

**1c. Continued hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO NOVEMBER 6, 2018**

**1d. Continued hearing on an application requesting a Plat of NSC Addition (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District): APPROVED**

A Hearing had been set for August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued to September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to February 6, 2018. At the February 6, 2018 meeting, the Hearing was continued to May 1, 2018. At the May 1, 2018 meeting, the Hearing was continued to July 3, 2018. At the July 3, 2018 meeting, the Hearing was continued to this date and time.

The applicant has requested that item 1c. be continued to November 6, 2018.

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Growth Plan Amendment; 2) Zoning Change from AG, Agricultural to P/I, Public and Institutional; and 3) Subdivision Plat, NSC Addition as outlined within the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0905.H, and Section 20-0906.F(1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Sobolik, Morgan, Bachmeier, Stofferahn, Schneider, Magelky, Gunkleman, and Fischer voted aye. Absent and not voting: Members Scherling and Tasa. The motion was declared carried.

**Item 2: Urban Plains by Brandt Fourth Addition**

**Continued hearing on an application requesting a Plat of Urban Plains by Brandt Fourth Addition (Minor Plat) on Lots 2 and 3, Block 1, Urban Plains by Brandt Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5616 26th Avenue South) (Urban Plains Land Co., LLC/Houston Engineering): APPROVED**



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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat, Urban Plains by Brandt Fourth Addition as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Magelky, Schneider, Sobolik, Stofferahn, Morgan, Bachmeier, Gunkelman, and Fischer voted aye. Absent and not voting: Members Scherling and Tasa. The motion was declared carried.

Item 6 was heard after Item 2.

**Item 3: Osgood Townsite 11th Addition**

**Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay on Lot 6, Block 1, Osgood Townsite 11th Addition. (Located at 4821 45th Street South) (James & Kristen Bullis Family, LLLP/Cassie Schmidt): WITHDRAWN**

A hearing had been set for this date and time; however, the applicant has requested this item be withdrawn.

**Item 4: St. Paul's Newman Center Addition**

**4a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential, LC, Limited Commercial, and SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed St. Paul's Newman Center Addition. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development): CONTINUED TO OCTOBER 2, 2018**

**4b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within in the boundaries of the proposed St. Paul's Newman Center Addition. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development): CONTINUED TO OCTOBER 2, 2018**

**4c. Hearing on an application requesting a Plat of St. Paul's Newman Center Addition (Minor Subdivision) a replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Block 9, Bolley's Addition, City of Fargo, Cass County, North Dakota. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211,**

**1213, 1215, 1223 11th Avenue North) (Roers Development): CONTINUED TO OCTOBER 2, 2018**

Planning Director Nicole Crutchfield presented background and commentary on the roles of the Planning Department and Planning Commission. She noted an overview of the application process and provided a definition of a PUD, Planned Unit Development.

Planning Coordinator Donald Kress presented the staff report stating that staff is recommending this item be continued to October 2, 2018. He noted that additional documents were submitted to the Board.

Member Magelky absent.

Discussion was held regarding the current land use plan and details of when the application was submitted.

Applicant Larry Nygard, Roers Development, spoke on behalf of the application.

Discussion continued regarding the description of faith-based housing, ownership of the lots, proposed density, the unified development and interdependence of the lots, targeted market for tenants, and the changes the project has undergone.

At 4:30 p.m., the Board took a ten-minute recess.

After recess: All Members present except Members Magelky, Scherling, and Tasa. Chair Fischer presiding.

Ken Enockson, 1202 8th Street North, and Harold Thompson, 1309 9th Street North, Roosevelt Neighborhood Association representatives, gave a presentation of an overview of the neighborhood concerns, including permanent loss of single-family homes affecting neighborhood schools, the cycle of neglect of homes, parking issues, and building height and density concerns.

The following property owners spoke in opposition to the proposal stating the following concerns: Fargo's current high vacancy rate in apartment housing; building height; a need to maintain housing stock in core neighborhoods; the attendance decline of the neighborhood schools; declining enrollment at NDSU; the noticeable number of vacant rental properties; consistency of the project with the Roosevelt/NDSU Neighborhood plan; parking concerns for the Newman Center and the multi-dwelling residential; the concern of having to repeatedly appear before the Planning Commission and City Commission in the interest of the neighborhood.

Connie Norheim, 1013 16th Street North  
Ken Lepper, 1021 8th Avenue North  
Jean Bultman, 1137 11th Street North  
Tracey Walvatne, 1123 4th Street North  
Luke Champa, 723 15th Avenue North

Kay Schwarzwalter, 723 3th Avenue South  
Ken Runsvold, 1030 Oak Street  
Jerry McDonald, 1026 North Broadway Ave  
Les Herbranson, 1042 14th Street North  
Jim Syvertson, 1354 4th Street North  
Julie Brummund, 727 7th Street North #3

Discussion continued regarding tax incentives.

City Attorney Eric Johnson noted there has been no application for tax incentives has been submitted.

Member Bachmeier moved to accept the recommendation of staff and continue this item to the October 2, 2018 Planning Commission meeting. Second by Member Gunkelman. On call of the roll Members Gunkelman, Sobolik, Stofferahn, Morgan, Bachmeier, Schneider, and Fischer voted aye. Absent and not voting: Members Magelky, Tasa, and Scherling. The motion was declared carried.

**Item 5: Rocking Horse Farm 6th Addition**

**5a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay within the boundaries of the proposed Rocking Horse Farm 6th Addition. (Located at 5801 52nd Avenue South) (Janice L. Promersberger/Houston Engineering): CONTINUED TO OCTOBER 2, 2018**

**5b. Hearing on an application requesting a Plat of Rocking Horse Farm 6th Addition (Minor Subdivision) on a portion of the Southeast. Quarter of Section 32, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5801 52nd Avenue South) (Janice L. Promersberger/Houston Engineering): CONTINUED TO OCTOBER 2, 2018**

A hearing had been set for this date and time; however, the applicant has requested this item be continued to October 2, 2018.

**Item 6: Legacy I 2nd Addition**

**Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential on part of Lot 14 and all of Lot 15, Block 3, Legacy I 2nd Addition. (Located at 2127 58th Avenue South) (Clarence and Noreen Aadland, Maureen Olson, Cleo Jahnke, Barry and Lori Ann Schwan):**

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive

Plan, the Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Sobolik, Magelky, Gunkelman, Morgan, Schneider, Stofferahn, Bachmeier, and Tasa voted aye. Absent and not voting: Members Tasa and Scherling. The motion was declared carried.

**Item 7: Text Amendment**

**Hearing on an application requesting an LDC Text Amendment to amend Section 20-0504.G of Article 20-05 of the Fargo Municipal Code (Land Development Code) relating to the measurement of building height. (City of Fargo): APPROVED**

Ms. Bagley presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held regarding the background of this text amendment.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Text Amendment to Section 20-0504.G of the Fargo Municipal Code (Land Development Code) as outlined within the staff report, as the proposal meets the approval criteria of Subsection 20-0904.E (1-3) of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Gunkelman, Sobolik, Bachmeier, Morgan, Stofferahn, Schneider, and Fischer voted aye. Absent and not voting: Members Magelky, Tasa, and Scherling. The motion was declared carried.

**Item E: Other Items:**

**Item 1: Request for Planning Commission approval of a variance to restrictive covenants on Lot 2, Block 2, Airport First Addition. (Located at 2601 and 2629 12th Street North) (Alpha Omega Development/Spartan Garages LLC et al.): APPROVED**

Mr. Nelson presented the staff report and background on the application stating all approval criteria have been met and staff is recommending approval.

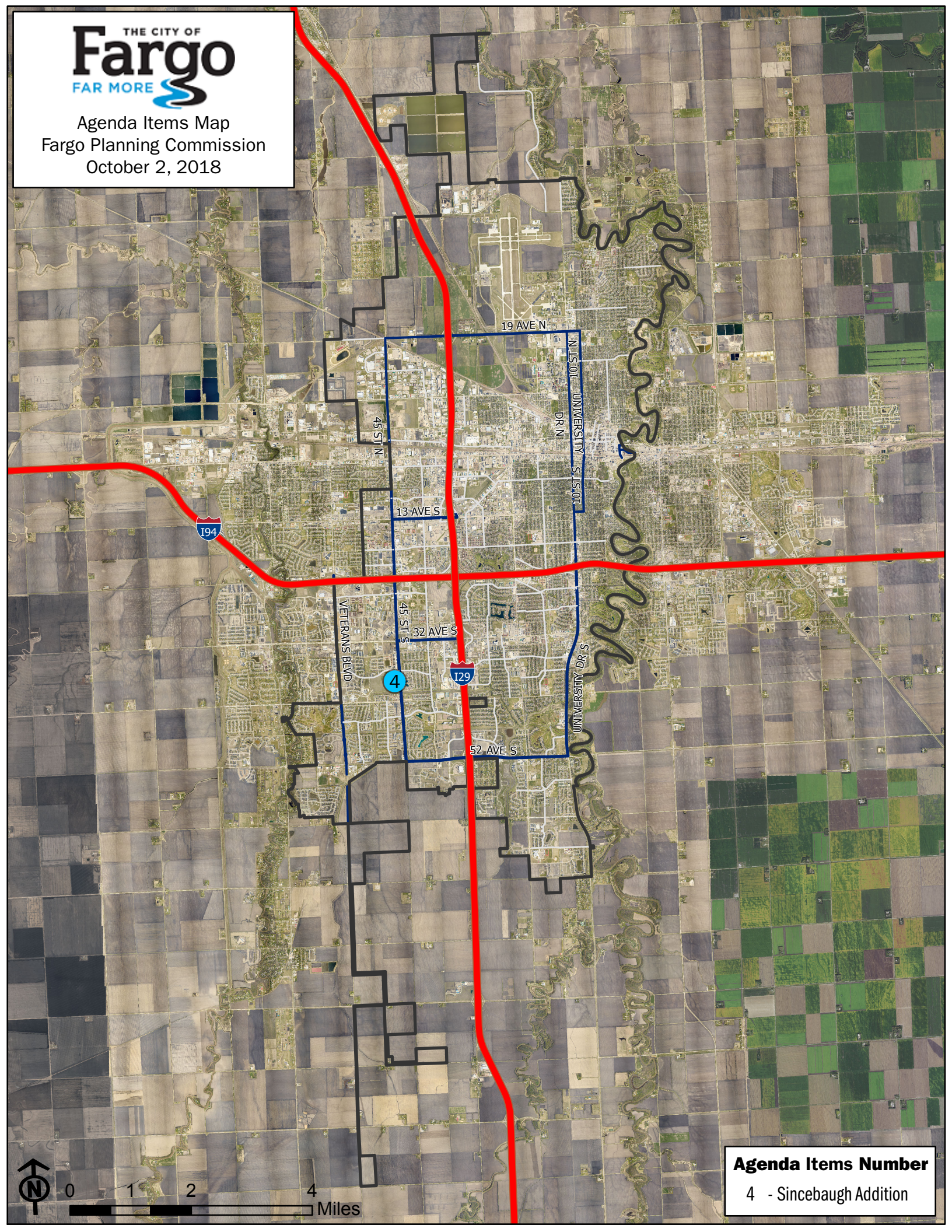
Applicant Garret Smith spoke on behalf of the application.

Member Stofferahn moved the findings and recommendations of staff be accepted and the variance to the restrictive covenants of Airport 1st Addition be approved as presented on Lot 2, Block 2, Airport 1st Addition. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Chair Fischer read a plaque commemorating Kelly Steffes for her time and service to the Fargo Planning Commission.

The time at adjournment was 6:18 p.m.





**Agenda Items Number**  
4 - Sincebaugh Addition



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	<b>Sincebaugh Addition</b>	<b>Date:</b>	9/26/18
<b>Location:</b>	4501 37 <sup>th</sup> Avenue South	<b>Staff Contact:</b>	Maegin Elshaug
<b>Legal Description:</b>	A portion of Lot 1, Block 1, Sincebaugh Addition		
<b>Owner(s)/Applicant:</b>	Good Samaritan Society	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> to allow household living within the LC, Limited Commercial, Zoning District		
<b>Status:</b>	Planning Commission Public Hearing: October 2, 2018		

<b>Existing</b>
<b>Land Use:</b> Vacant
<b>Zoning:</b> LC, Limited Commercial
<b>Uses Allowed:</b> Colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.
<b>Maximum Lot Coverage Allowed:</b> Maximum 55% building coverage

<b>Proposed</b>
<b>Land Use:</b> Household Living (multi-dwelling)
<b>Zoning:</b> No Change
<b>Uses Allowed:</b> Colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.  <b>Plus a CUP to allow household living.</b>
<b>Maximum Lot Coverage Allowed:</b> No Change

**Proposal:**

The applicant is requesting a Conditional Use Permit (CUP) to allow household living within the LC, Limited Commercial, Zoning District, on a portion of Lot 1, Block 1, **Sincebaugh Addition**. The subject property encompasses approximately 4.52 acres and is located at 4501 37<sup>th</sup> Avenue South. According to the applicant, the Evangelical Lutheran Good Samaritan Society, the purpose of the CUP is to allow for the construction of a 45-unit multi-dwelling apartment complex for senior housing on the subject property. A preliminary site plan provided by the applicant is to the right.

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

**Surrounding Land Uses and Zoning Districts:**

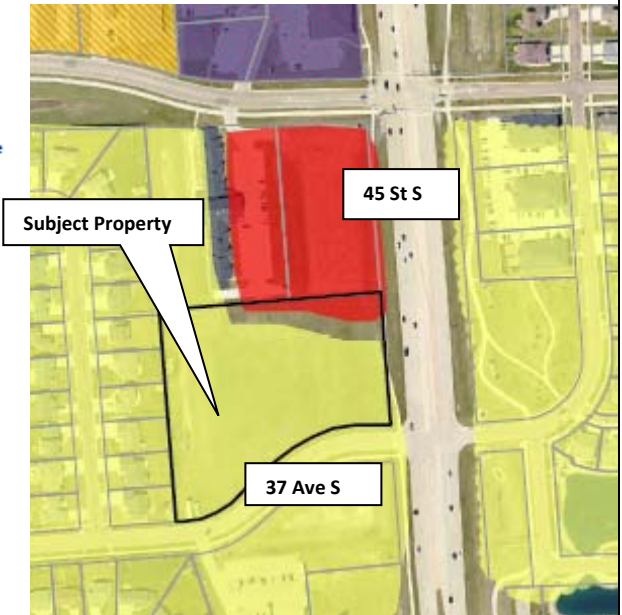
- North: LC, Limited Commercial with CUP, with uses of assisted living facility and office (under construction);
- East: Across 45<sup>th</sup> Street South; P/I with park land use;
- South: Across 37<sup>th</sup> Avenue South; LC, Limited Commercial with an assisted living facility use and church;
- West: Adjacent to the subject property, SR-2, Single-Dwelling Residential with detached household living use.



**Preliminary Site Plan**

**Area Plans:**

The subject property is located within the Proposed Future Land Use in Southwest Fargo, July 2003 Area Plan, which is an amendment of the Southwest Area Plan as contained within the *Urban Fringe and Extraterritorial Area of the City of Fargo* land use plan. Within this plan, portions of land in this area adjacent to 45<sup>th</sup> Street are identified as being appropriate for commercial uses, whereas much of the surrounding property is designated as appropriate for low-medium density residential use.



**Context:**

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

**Neighborhood:** The subject property is located in the Brandt Crossing Neighborhood.

**Parks:** Across 45<sup>th</sup> Street South is Vista Village Park (3750 45th Street S), owned by the Fargo Park District with open space and trail amenities.

**Pedestrian / Bicycle:** There are off-street bike facilities located along 45th Street South and along the county drain to the south. All facilities are components of and connect to the metro area bikeways system.

**Staff Analysis:**

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

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

- 1. Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**  
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Promoting infill development is a key initiative in the Comprehensive Plan. Table 20-0401 of the LDC states that household living is allowed in the LC zoning district with a conditional use permit. The CUP is for residential land use, and with the zoning district of LC with the CUP, the property could be built as residential, commercial, or a combination. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**
- 2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**  
Staff finds that this proposed conditional use permit to allow for residential use to be located within this area

will contribute to and promote the welfare of the public as it will provide additional senior housing options. **(Criteria Satisfied)**

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

Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received 6 inquires of calls, walk-ins and emails, with no noted concern. **(Criteria Satisfied)**

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

Staff finds that the proposed conditional use permit to allow household living should not dominate the immediate neighborhood or prevent any other sites from being used due to the fact that 1) there is a similar use (group living) located adjacent to the property and 2) the proposed conditions of the CUP seek to limit the intensity of the use. The suggested conditions include the residential density of MR-1, which allows 16 units per acre. With approximately 4.52 acres, there could be 72 units located on the property. Currently, the plan proposes 45 units. Based on this information, staff finds that the proposed conditional use permit meets this criterion. **(Criteria Satisfied)**

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

The subject properties are located within an area of the City that is largely developed with public infrastructure. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the petitioner to utilize the property as proposed. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

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

The subject property has vehicular access to 37<sup>th</sup> Avenue South. The Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

**Recommended Conditions:**

- 1) The maximum residential density shall be that of the MR-1 zoning district (16 units per acre).
- 2) A minimum of 35% of the lot shall remain as open space.

**Staff Recommendation:**

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

- 1) The maximum residential density shall be that of the MR-1 zoning district (16 units per acre).
- 2) A minimum of 35% of the lot shall remain as open space.

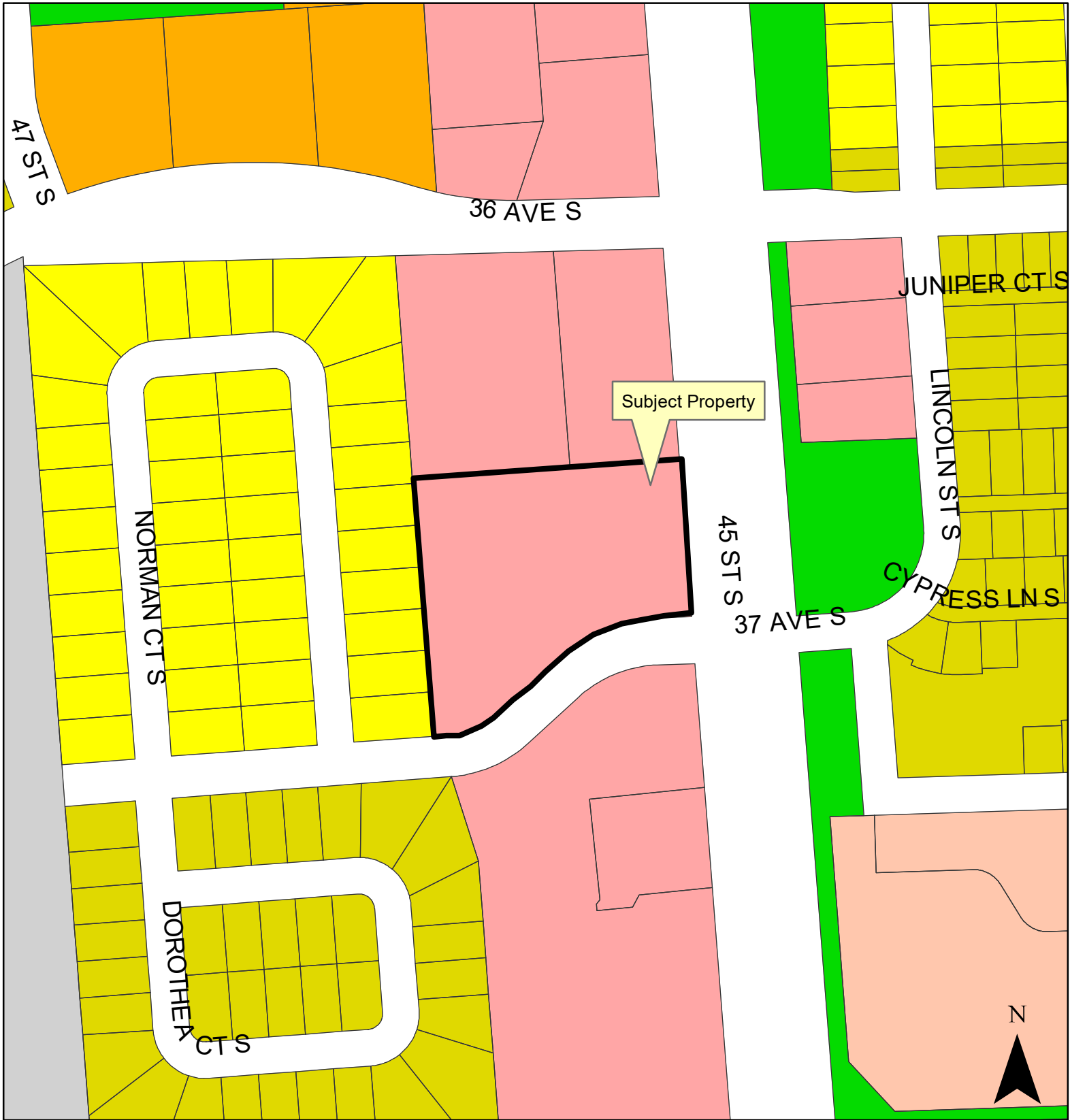


<b>Planning Commission Recommendation: October 2, 2018</b>
<b>Attachments:</b>
<ol style="list-style-type: none"><li>1. Zoning Map</li><li>2. Location Map</li></ol>

# CUP (Household Living in LC)

## Sincebaugh Addition

4501 37th Avenue South

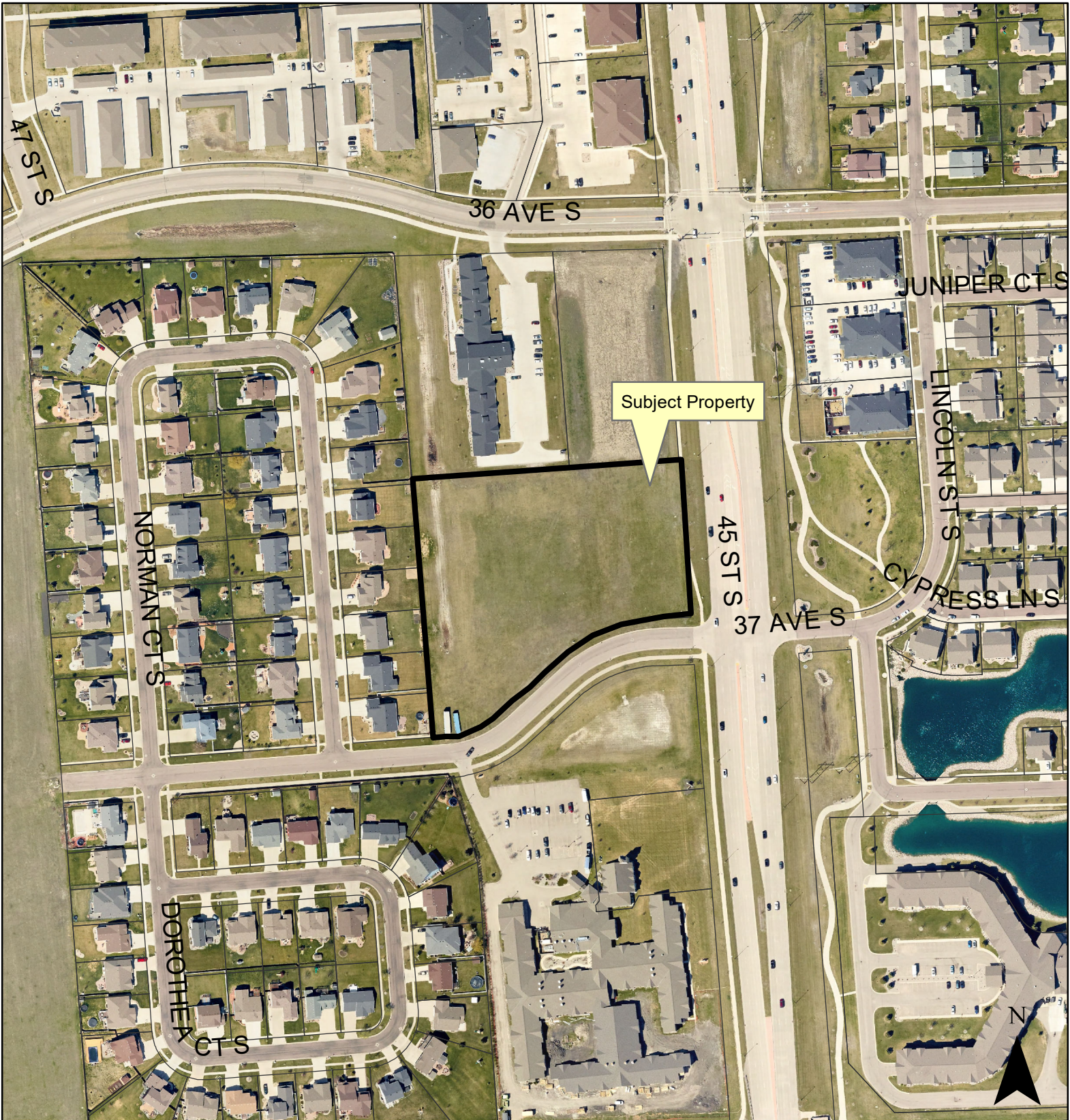




# CUP (Household Living in LC)

## Sincebaugh Addition

4501 37th Avenue South





<b>City of Fargo Staff Report</b>			
<b>Title:</b>	LDC Text Amendment	<b>Date:</b>	9-26-2018
<b>Location:</b>	N/A	<b>Staff Contact:</b>	Barrett Voigt/Aaron Nelson/Donald Kress
<b>Owner(s)/Applicant:</b>	City of Fargo/Zoning Administrator	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>LDC Text Amendment</b> (Amending Articles 20-02 through 20-07 and Article 20-09 of the Fargo Municipal Code (Land Development Code) relating to the correction of typos and errors; the clarification of existing standards; building material requirements in the DMU, Downtown Mixed-Use, zoning district; standards eligible for modification within a PUD, Planned Unit Development, zoning district; setbacks for accessory structures; floor area for home occupations; and vehicle drive-thru stacking spaces.)		
<b>Status:</b>	Planning Commission Public Hearing: October 2, 2018		

<b>Proposed Text Amendment</b>
PROPOSAL:
<p>The city staff is seeking approval of a text amendment of Sections 20-02 through 20-07 and Section 20-09 of the Fargo Municipal Code (Land Development Code) relating to the correction of typos and errors; the clarification of existing standards; building material requirements in the DMU, Downtown Mixed-Use, zoning district; standards eligible for modification within a PUD, Planned Unit Development, zoning district; setbacks for accessory structures; floor area for home occupations; and vehicle drive-thru stacking spaces.</p>
BACKGROUND:
<p>For the past couple of years, the Planning and Development Department staff has compiled and maintained a list of Land Development Code (LDC) language edit proposals. Staff would like to take the opportunity at this Planning Commission meeting to provide the Planning Commission with a list of some of these LDC language edit proposals for review. The purpose and intent of the proposed edits are to correct grammar errors or clarify language so that it may more effectively convey how the ordinance is implemented in practice. Proposed edits to the effected LDC sections are provided below in a manner whereby only the relevant paragraph with edits in red font are displayed. Extensive section language was removed from this staff report document so that the report could maintain a short and concise format. If a more</p>

comprehensive investigation is needed to view the effected sections in their entirety, the Land Development Code document can be accessed online at the following Uniform Resource Locator (URL): [https://library.municode.com/nd/fargo/codes/code\\_of\\_ordinances?nodeId=CH20LADECO](https://library.municode.com/nd/fargo/codes/code_of_ordinances?nodeId=CH20LADECO)

## PROPOSED LDC ORDINANCE LANGUAGE EDITS:

**The Zoning Administrator and staff proposed the following changes to Sections 20-02 through 20-07 and Section 20-09:**

**a.) 20-0212D.3.b. (DMU Design Standards Language)**

*3. Building Siting and Design*

*The standards of this subsection apply to all development.*

*a. Front Setback*

*No front setback shall be required unless buildings immediately adjacent to the subject site are set back, in which case a setback equal to the average setback of the adjacent buildings shall be required. In no case shall setbacks of greater than 10 feet be required.*

*b. Materials*

*(1) Required*

*All walls ~~visible from the street that front a public street~~ shall be finished with architectural materials such as brick, glass, stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), or curtain walls. When the DMU development is detached/attached single family or small scale multi-dwelling in nature, typical residential structure exterior materials may be accepted (e.g. residential grade vinyl siding, composite brick, residential grade steel siding).*

**b.) 20-0216D. (UMU Design Standards Language Section)**

~~E.~~ *Alternative Design Standards.*

**c.) 20-0302E. (PUD Eligible Modifications Language)**

*E. Standards Eligible for Modification*

*The following otherwise applicable standards may be modified by the Board of City Commissioners during the PUD Master Land Use Plan approval process. Standards not listed are not eligible for modification.*

*1. Allowed Uses*

*The Board of City Commissioners shall establish the list of uses allowed in a PUD zoning district during the PUD Master Land Use Plan approval process (See Sec. 20-0908).*

*2. Lot Size*

*The minimum lot size standards of the underlying zoning district may be modified by the Board of*

*City Commissioners during the PUD review and approval process.*

**3. Residential Density**

*The maximum density standards of the underlying zoning district may be modified by the Board of City Commissioners during the PUD review and approval process.*

**4. Setbacks**

*The minimum setback standards of the underlying zoning district may be modified by the Board of City Commissioners during the PUD review and approval process.*

**5. Height**

*The maximum height limits of the underlying zoning district may be modified by the Board of City Commissioners during the PUD review and approval process.*

**6. Building Coverage**

*The maximum building coverage standards of the underlying zoning district may be modified by the Board of City Commissioners during the PUD review and approval process.*

**7. Parking**

*The minimum off-street parking standards of the underlying zoning district may be modified by the Board of City Commissioners during the PUD review and approval process.*

**8. Landscaping**

*The minimum landscaping standards, including, without limitation, Street Tree, Ground Cover Planting, Open Space Landscaping and Parking Lot Perimeter standards of the underlying zoning district may be waived and/or altered by the Board of City Commissioners during the PUD review and approval process.*

**9. Residential Protection Standards**

*The residential protection standards of the LDC may be modified by the Board of City Commissioner during the PUD review and approval process and the residential protection standards shall apply to an approved PUD unless they are so modified.*

**10. Open Space**

*The minimum Open Space standards of the underlying zoning district may be waived and/or altered by the Board of City Commissioners during the PUD review and approval process.*

**d.)20-0402.N.3.e (TSS Use Standards)**

~~As provided by Sec. 20-0401, TSSs in DMU and P/I zoning districts and TSSs which exceed the maximum building height for the applicable zoning district, but are not more than 125 feet in height in AG, SR-0 SR4, MR-1 MR-3, UMU, NC, NO, LC and GO zoning districts are Conditional Uses and are therefore subject to the Conditional Use review process of Sec. 20-0909:~~

As provided by Sec. 20-0401, in AG, SR-0—SR-5, MR-1—MR-3, UMU, MHP, NO, NC, GO, LC, DMU, and P/I zoning districts, TSSs which exceed the maximum height for TSSs permitted by-right for the applicable zoning district, but are not more than 125 feet in height are Conditional Uses and are therefore subject to the Conditional Use review process of Sec. 20-0909:

**e.)20-0403B.3 (Accessory Use Dimensional Standards Language)**

**3. Rear Setback**

a. In all zoning districts, ~~other than~~ excluding the UMU zoning district, when located within the rear yard area, accessory structures ~~shall be~~ are exempt from the rear and interior-side setback requirements, ~~provided that they of the underlying zoning district and~~ shall be set back at least 3 feet from rear and interior-side lot lines. This 3-foot setback shall not apply to fences or walls.

**f.) 20-0403C. (Accessory Home Occupations Definitions)**

**C. Home Occupations**

Many types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this section are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations require that home occupations (an accessory use) remain subordinate to the allowed principal use (household living) and that the residential viability of the dwelling unit is maintained. For the purposes of this section, a home includes a dwelling unit and/or a garage.

**g.) 20-0502 (Non-Residential Dimension Standards Language)**

§20-0502 - Nonresidential District Standards

The dimensional standards of Table 20-0502 apply to all development in nonresidential zoning districts.

Table 20-0502

Dimensional Standard						
	GO	LC	DMU	GC	LI	GI
Minimum Lot Size						
Minimum Setbacks (Ft.)						
Front	20	10	0	20	20	50
Interior Side	5	5	0	5 <del>[2]</del>	10 <sup>[1]</sup>	20 <sup>[1]</sup>
Street Side	20	10	0	20	20	50
Rear	15	15	0	15	20	20
Watercourse Setback	[3]	[3]	[3]	[3]	[3]	[3]

Maximum Building Coverage (Pct. of Lot)	65	55	100	85	85	85
Maximum Height (Ft.)	60	35/60 <sup>[42]</sup>	None	None	None	None

Source: 4039 (2000), 4225 (2002), 4818 (2012).

[1] No setback required when adjacent to DMU

[2] The 35-foot height restriction applies whenever residential protection standards apply, or when the Limited Commercial parcel is within 300 feet of SR zoning. Otherwise, the height limit shall be 60 feet in Limited Commercial zoning districts.

[3] Watercourse setbacks for all residential, nonresidential and overlay/special purpose zoning districts are as set forth in Section 20-0508.

**h.) 20-0612 (Subdivision Design and Improvements Language)**

*§20-0612 - Waivers*

*The Planning Commission shall be authorized to recommend and the Board of City Commissioners shall be authorized to approve Modifications or Waivers of the Subdivision Design and Improvement Standards of this article in accordance with the Subdivision Waiver provisions of Sec. ~~20-0907-E20-0907-D.~~*

**i.) 20-0701G. (Parking and Loading Language)**

*G. Parking and Loading Area Design*

*Off-street parking and loading areas must be designed and constructed to accepted construction standards in the industry. Unless otherwise expressly stated in this Land Development Code or approved by the City, all required off-street parking spaces shall have an all-weather surface. In LI or GI zoning districts only, rear yard vehicular circulation area, not including parking spaces, may be crushed concrete or similar material as approved by the Zoning Administrator. In addition, the use of gravel as an off-street parking and loading area surface material is permitted in any SR zoning district per Sec. 20-0701.D.2.b.*

**j.) 20-0701I.2.b. (Parking and Loading Language)**

2. Design and Layout

Required stacking spaces are subject to the following design and layout standards.

a. Size

Stacking spaces must be a minimum of 8 feet by 20 feet in size.

b. Location



Stacking spaces may not impede on- or off-site traffic movements or movements into or out of required off-street parking spaces.

c. Design

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the City Engineer for traffic movement and safety.

**k.) 20-0704A.2 (Residential Protection Standards Language)**

§20-0704 - Residential Protection Standards

A. General

1. Purpose

The Residential Protection Standards of this section are intended to protect residential properties and neighborhoods from the adverse impacts sometimes associated with adjacent multi-dwelling development and nonresidential development, whether public or private.

2. Applicability <sup>[1]</sup>

The standards of this section apply to:

- a. All multi-dwelling development when such development occurs on a site located within 150 feet of any SR or MHP zoning districts; and
- b. All non-residential development when such development occurs on a site located within 150 feet of any SR, MR or MHP zoning districts.

[1] For purposes of the residential protection buffers, property zoned AG-Agricultural that is identified as being future residentially-zoned property on any growth plan approved under §20-0905 shall be deemed to be SR-, MR-, or MHP-zoned property.

**l.) 20-0705C.1 (Landscape Opens Space Requirements Language)**

*C. Open Space Landscaping*

*1. Applicability*

*The Open Space Landscaping standards of this subsection shall apply to ~~all~~ any development that contains three or more attached dwelling units in SR-3, ~~or~~ SR-4, or SR -5 zoning districts ~~developments containing three or more attached dwelling units~~ and to in all any development in MR-1 ~~or~~ and more intensive zoning districts.*

m.) 20-0901 (Development Review Procedures Compliance with North Dakota Century Code Table)

Procedure	Sec. No.	Review (R), Decision-Making (DM) and Appeal (A) Bodies				
		Staff	HPC	BOA	PC	BCC
LDC Text Amendments	20-0904	R			R	DM
Area Plan	20-0905	R			R	DM
Zoning Map Amendments	<del>20-0201</del> <u>20-0906</u>	R	R <sup>[1]</sup>		R	DM
<b>Subdivision</b>	20-0907					
Minor					R	DM
Major		R			R	DM
<b>Planned Unit Developments</b>	20-0908					
Master Land Use Plan		R			R	DM
PUD Rezoning		R			R	DM
Final Development Plan		R			DM	A
<b>Conditional Use Permits</b>	20-0909	R			DM	A
<b>Site Plan Review</b>	20-0910	DM			A	A <sup>[2]</sup>
<b>Institutional Master Plan</b>	20-0911	R			DM	A
<b>Certificates of Appropriateness</b>	20-0912	R & DM <sup>[3]</sup>	DM & A <sup>[3]</sup>			A <sup>[2]</sup>
<b>Building Permits/Certificates of Occupancy</b>	20-0913	DM		A		

Variances	20-0914			DM		A
Written Interpretations	20-0915	DM		A		
Appeals of Administrative Decisions	20-0916			DM		A

n.) 20-0907B. (Subdivision Process Illustration Graphic)

### Minor Subdivisions



**o.) 20-0914I.3. (Variance Appeal Language)**

*3. Action on Appeal*

*The Board of City Commissioners shall consider the appealed decision as a new matter in a public hearing and, at the close of the public hearing, act to approve or deny the original application for a Variance. The procedure and required notice shall be the same as required of the original action before the Board of Adjustment. A concurring vote of a super majority of the Board of City Commissioners shall be required to approve of any variance request.*

**Staff Analysis:**

In accordance with §20-0904.E Review Criteria of the Land Development Code, the proposed text amendments that satisfy all of the following criteria may be approved.

**1. The amendment must be consistent with the purpose of this Land Development Code;**

Section 20-0104 of the LDC stipulates that the purpose and intent of the Land Development Code is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. The above-mentioned edits have already received review for purpose and intent to implement City plans and policies that protect the health safety, and general welfare of the citizens of Fargo. It is the intention of staff to provide the edits so that grammar errors are corrected and clarification is provided to the language so that implementation of the ordinances are more transparent to the public. The proposed edits would not alter or change the original purpose and intent of the language.

**(Criteria Satisfied)**

**2. The amendment must not adversely affect the public health, safety, or general welfare;**

Staff finds that the amendments do not adversely affect public health, safety, or general welfare. The proposed edits above are intended to clarify the language so that public health, safety, and general welfare may be preserved.

**(Criteria Satisfied)**

**3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected.**

Staff advocates that the proposed amendments are necessary so that by proactively providing clarification and transparency, it is anticipated that the LDC language will be further enabled to confront or resolve any challenges that result from changes in social values, new planning concepts or economic conditions.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion “To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed text amendment to Sections 20-02 through 20-07 and Section 20-09 of the Fargo Municipal Code (Land Development Code), relating to the correction of typos and errors; the clarification of existing standards; building material requirements in the DMU, Downtown Mixed-Use, zoning district; standards eligible for modification within a PUD, Planned Unit Development, zoning district; setbacks for accessory structures; floor area for home occupations; and vehicle drive-thru stacking spaces, as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC.”

**Planning Commission Recommendation:** October 2, 2018



## MEMORANDUM

**TO: FARGO PLANNING COMMISSION**

**FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR**

**DATE: SEPTEMBER 27, 2018**

**SUBJECT: RENEWAL PLAN REVIEW**

With assistance from the Planning and Development Department, I have prepared three Renewal Plans for redevelopment in the Roosevelt Neighborhood. The plans are attached for your review.

These plans were prepared to be consistent with City plans and as part of the review process; the plans are referred to the Planning Commission for review and recommendation as to their conformity with the GO2030 Comprehensive Plan.

I am requesting that the Planning Commission make a recommendation to the City Commission that these Renewal Plans are consistent with the GO2030 Comprehensive Plan of the City of Fargo.

Attachments

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**RENEWAL PLAN**

**DISTRICT NO. 2018-01**

**CITY OF FARGO, NORTH DAKOTA**

**September, 2018**

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## RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2018-01

This is a renewal plan for property within Block 19 of Beardsley's Addition. The plan identifies property already appropriate for redevelopment, but does not describe in detail the plans for redevelopment. When the type of redevelopment is available for review, this plan will be amended to describe the project to be constructed. Also, the boundary may be expanded to include the redevelopment of other properties within the block.

### Subsection 1.1. Definitions.

For the purposes of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

"City" means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

"City Commission" or "Commission" means the Fargo City Commission.

"Comprehensive Plan" means the City's GO 2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

"County" means Cass County, North Dakota.

"Development" means the construction of new buildings, structures, or improvements; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

"Renewal Area" means the property described in Subsection 1.4 of this Plan.

"Renewal Plan" or "Plan" means this Plan adopted by the Commission for the Renewal Area.

"State" means the State of North Dakota.

"Tax Increment Financing Act" or "TIF Act" means North Dakota Century Code, Section 40-58-20, as amended.

"Tax Increment Bonds" means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the TIF District as stated in this Plan, or any obligations issued to refund the Tax Increment Bonds.

"Tax Increment Financing District" or "TIF District" means Tax Increment Financing District No. 2018-01.



“Urban Renewal Law” means North Dakota Century Code, Chapter 40-58.

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area is authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a “workable program” for the use of public and private resources to facilitate the development of industrial or commercial properties, eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slum and blighted areas, or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan 2018-01, the City Commission intends to make the following findings:

- (a) The Renewal Area includes a blighted area.

**Factual basis:** This Renewal Area is blighted due to the presence of deteriorated or deteriorating structures (unsound basements or foundations, inadequate roofing, deteriorated siding and windows) which substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. Photos of the Renewal Area can be found in Attachment A.

- (b) The Renewal Area is a residential property.

**Factual basis:** The renewal area is residential and considered blighted as described in (a) above. Blighted residential areas are eligible for renewal.

- (c) The Renewal Area is appropriate for a development or renewal project.

**Factual basis:** The renewal area is designated in the Roosevelt/NDSU Neighborhood Land Use Plan for higher-density residential development. The property is zoned University Mixed Use, which allows and requires higher density housing.

- (d) Comparable replacement dwellings or housing is available to persons displaced by the proposed redevelopment project.

**Factual basis:** Many of the properties are vacant. There are vacant houses and apartments in the neighborhood and north Fargo.

- (e) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.

**Factual basis:** The City Commission has found that the proposed development is consistent with the goals that are embodied in the GO 2030 Comprehensive Plan. Most notably, the proposed development seeks to address several key initiatives of the GO 2030 plan, including initiatives for/to Promote Infill, Quality New Development, and High Quality Affordable Housing near NDSU. In addition, the proposed development conforms to the Roosevelt/NDSU Neighborhood Land Use Plan. The proposed use of the property is consistent with zoning, adjacent residential land use and transportation facilities. The proposed development will not burden the existing infrastructure as the property is served with the water and sewer main lines.

#### Subsection 1.4. Description of Renewal Area

The renewal area is located southwest of NDSU in the Roosevelt Neighborhood. This subsection provides maps showing information on properties on the block. The boundary of the renewal area is three areas on the block, with the yellow line as the perimeter.

All of the property within the renewal area on this block is zoned University Mixed Use (UMU). The rest of the block is zoned UMU, except for one property zoned MR-3 which allows multifamily housing. See Attachment B.

There are 22 properties on the block, a mix of single-family and multi-family buildings. There are 12 multi-family buildings with a total of 80 multi-family housing units. Multi-family buildings range in size from two to 24 units. There are also 10 single-family houses. Most of the single-family houses are quite old, with seven over 100 years in age and of the 10 buildings in the renewal area, 9 are over 75 years old. See Attachment C.

There are 10 properties in the renewal area. Of those 10, 7 are single-family houses and three appear to be single-family houses that were converted to apartments with two or four units per building.

Dakota Drive Investments, LLC is the owner of 10 of the 22 properties. Two single-family houses appear to be owner occupied. The other 10 properties are apartments, ranging from 1 to 24 units in size. See Attachment D.

Six houses in the renewal area are vacant, severely blighted and dilapidated. A garage on one of the properties burned recently and is a burned out shell. The owner of these properties plans to demolish these houses with the encouragement of the City. See Attachment E that shows the location of the dilapidated houses.

### Subsection 1.5. Demolition of Structures and Redevelopment

Plans for the future redevelopment is not known at this time. It is expected to be multi-family housing for students and staff at North Dakota State University. The type of housing will depend on market conditions at the time of the development. The housing will comply with the current or future zoning of the area.

The Development of the Renewal Area includes the following initial activities:

Demolition & Site Cleaning/Grading – This cost is the estimate of the cost to remove existing buildings and foundations, trees and concrete, and inspect for and remove asbestos, plus fill and grade the site. The estimate is \$15,000 per structure. The City will encourage the owner of dilapidated and substandard properties on this block to demolish the properties and maintain the property as green space until new structures can be developed.

Land Acquisitions – The developer has already acquired the properties. Some additional land may be acquired adjacent to already purchased property. Any public assistance for land purchase would be determined based on a financial review of future redevelopment plans.

Administration – Administration costs are equal to about five percent of the development assistance of the above costs.

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement. The development agreement costs will be determined after a review by City financial advisors. The maximum allowed costs will be specified in the development agreement.

### Subsection 1.6. Land Use Attributes.

- (a) Zoning. The property is zoned UMU (University Mixed Use). No zoning or platting changes are required to allow redevelopment on these properties.
- (b) The property is zoned UMU ((University Mixed Use), which allows commercial and requires residential density of 18 units per acre.
- (c) Building Requirements. All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.
- (d) Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.) The land use objective for this project complies with the UMU (University Mixed Use) zoning district, the redevelopment goals of the GO 2030 Comprehensive Plan and the Roosevelt Neighborhood Plan. The development

provides for new residential dwelling units within an existing residential neighborhood.

#### Subsection 1.7. Redevelopment and Financing

The City of Fargo may consider providing Tax Increment Financing to assist with redevelopment of this area. However, a Tax Increment Financing is not being created as part of this renewal plan. Creation of a Tax Increment Financing District and an agreement to assist the developer would require amendment of this plan and adoption of a developer's agreement.

The City anticipates that implementation of this Renewal Plan may involve certain public costs. Under North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allow the use of funds received from tax increments to be applied to certain specified costs. If the City decides to provide costs those costs would be for property acquisition, demolition and site cleanup, and public works improvements.

If the City decides to finance certain costs of the Development, it will be through the issuance of a Tax Increment Financing Note to the Developer. The maximum term of the note would be 15 years. Based on current tax rates, annual TIF revenue would be approximately 1.4% of the increased value.

The amount of any public assistance will be based on City of Fargo Tax Increment Financing policies, a review of the financial needs of the project, the vacancy rate for apartments in the vicinity of NDSU and the quality of the new development.

By adoption of this Renewal Plan, the City of Fargo is encouraging owners of dilapidated structures to demolish those structures immediately and to maintain that property as green space until they are ready to build new on the property. Property owners are also encouraged to maintain existing structures to comply with city housing codes, or demolish the structures.

#### Subsection 1.8. Renewal Plan Amendments

The City anticipates that this Renewal Plan will be amended prior to final implementation. These amendments may expand the renewal area to other properties on the block, provide details on the new buildings, provide incentives to the developer, create a Tax Increment Financing District and incorporate a schedule for implementation.





1037 17<sup>th</sup> St N





1021 17<sup>th</sup> St N





1017 17<sup>th</sup> St N





1013 17<sup>th</sup> St N





1009 17<sup>th</sup> St N





1044 16<sup>th</sup> St N





1042 16<sup>th</sup> St N





1038 16<sup>th</sup> St N





1036 16<sup>th</sup> St N





1036 16<sup>th</sup> St N





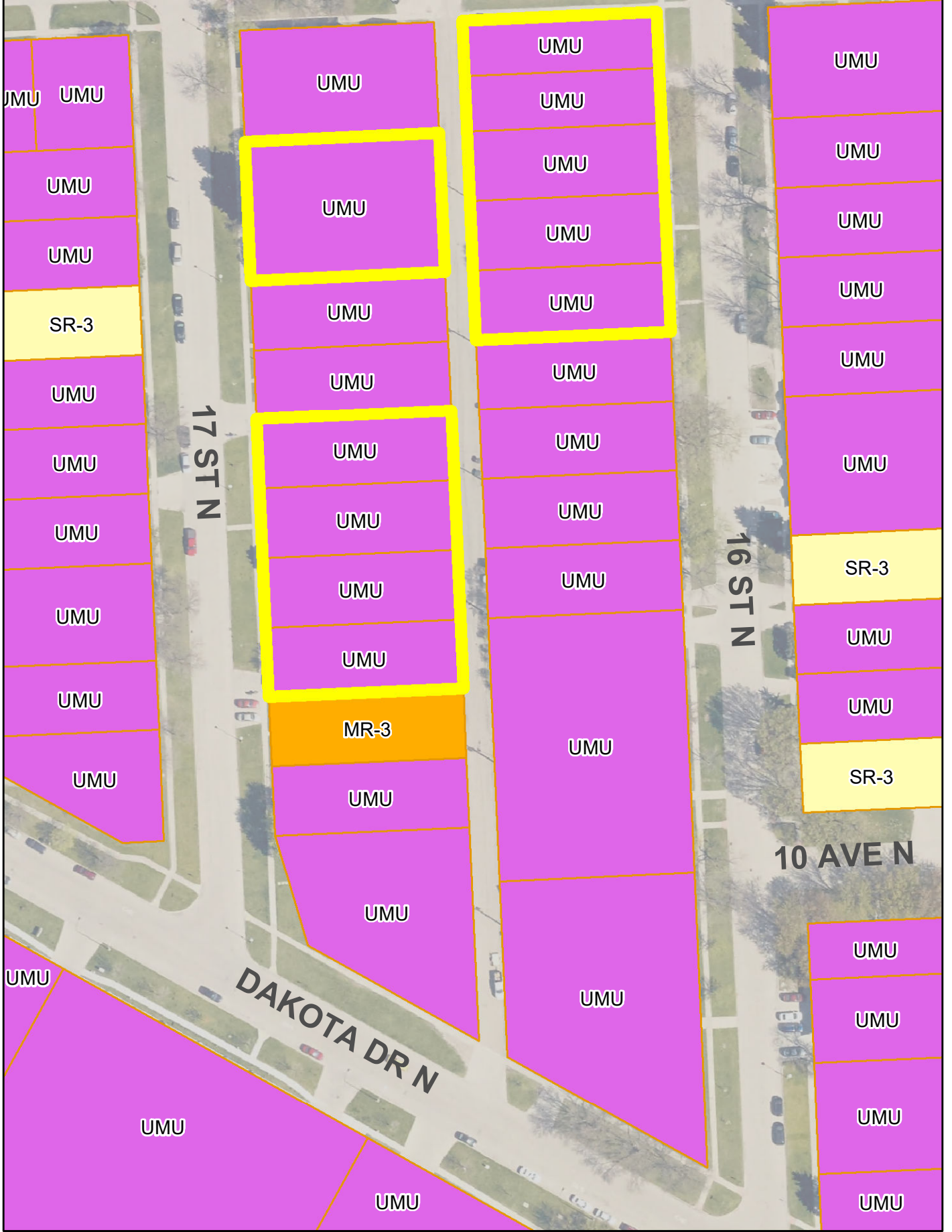
1030 16<sup>th</sup> St N





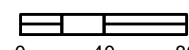
11 AVE N

ATTACHMENT B



 Renewal Area

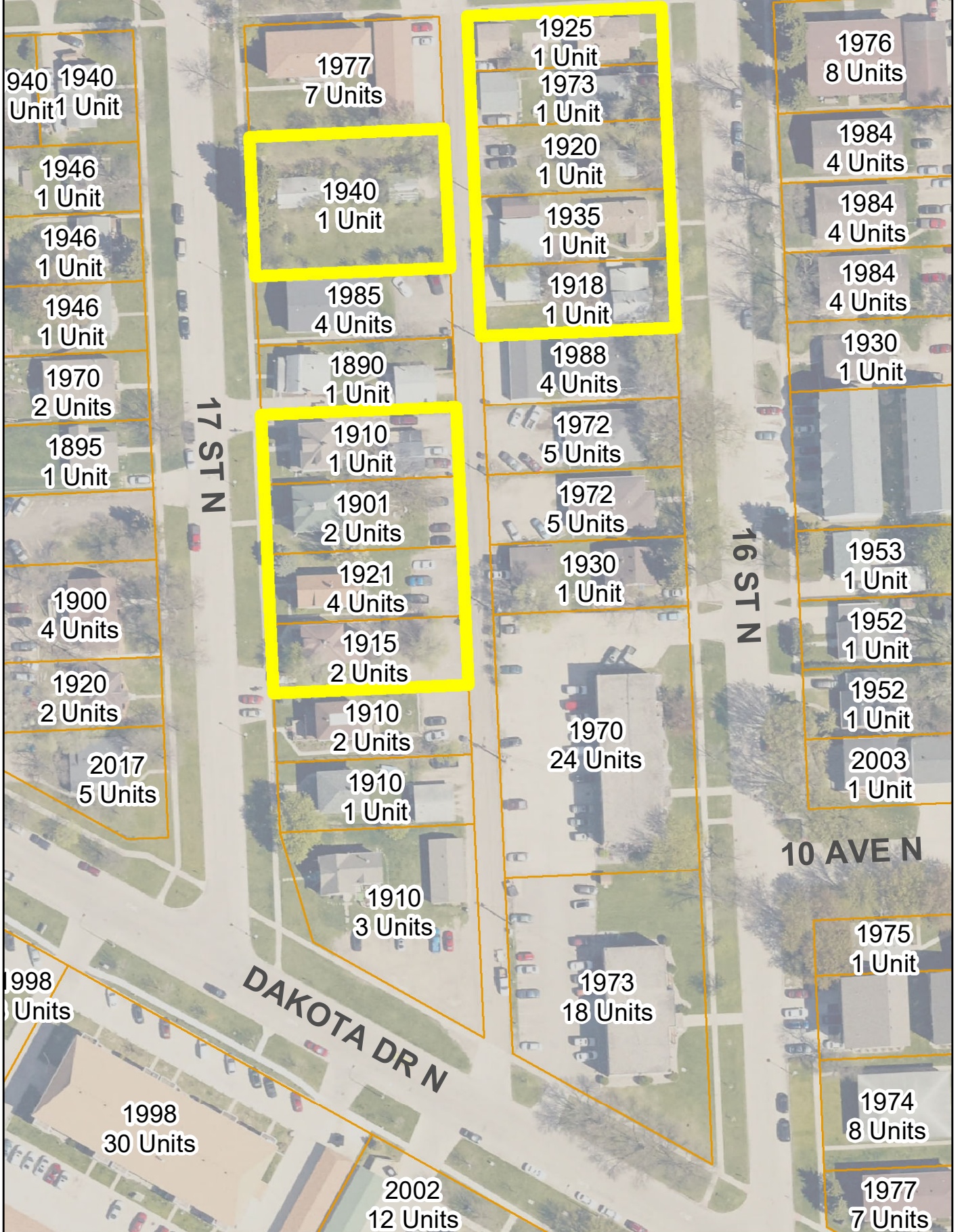
# Renewal Area 2018-01 Zoning

 Feet  
0 40 80



11 AVE N

ATTACHMENT C



17 ST N

16 ST N

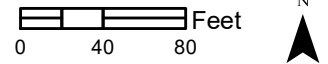
10 AVE N

DAKOTA DR N

Renewal Area

# Renewal Area 2018-01

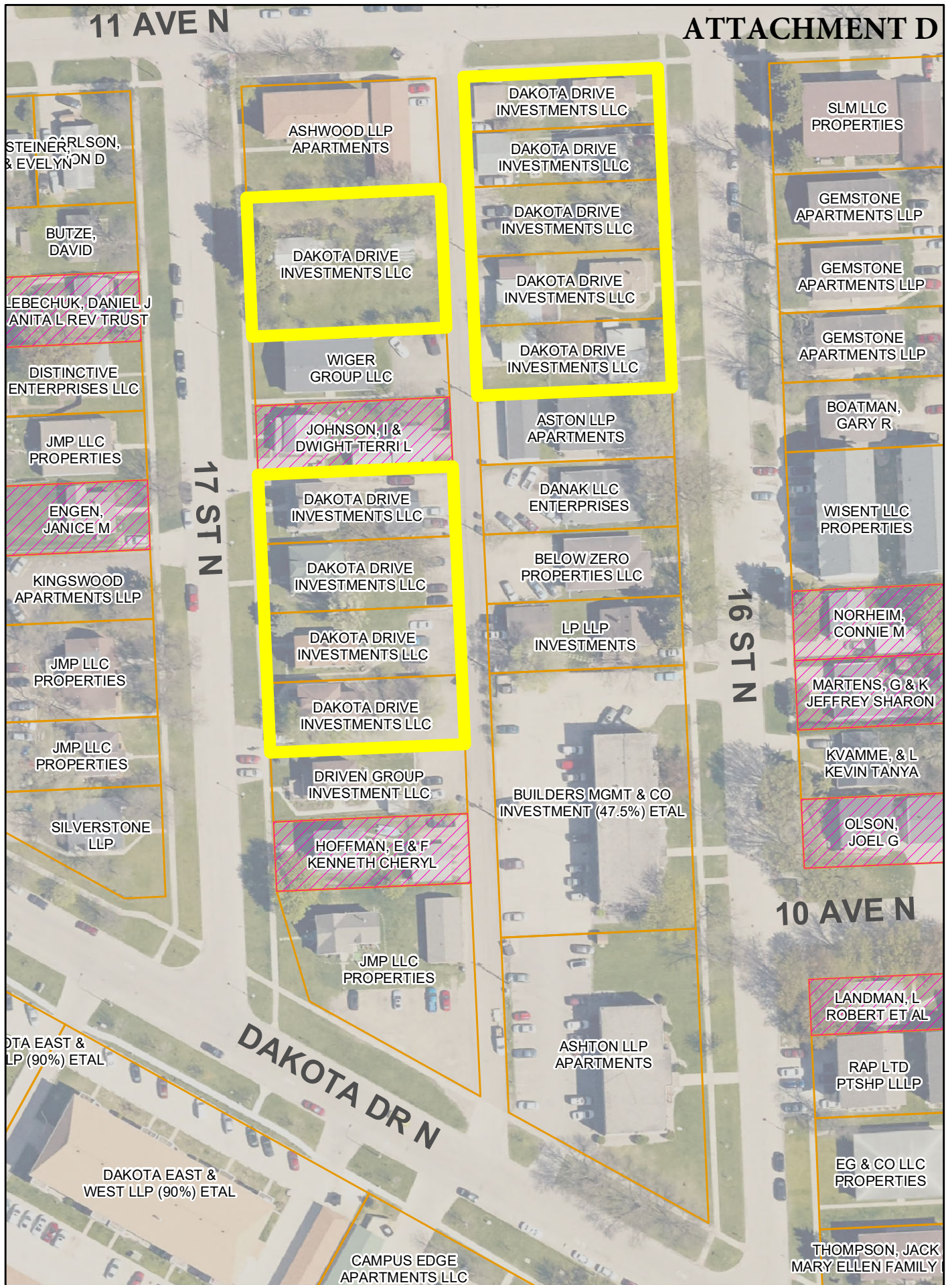
Year Built & Unit Count







11 AVE N

ATTACHMENT D



-  Renewal Area
-  Owner Occupancy

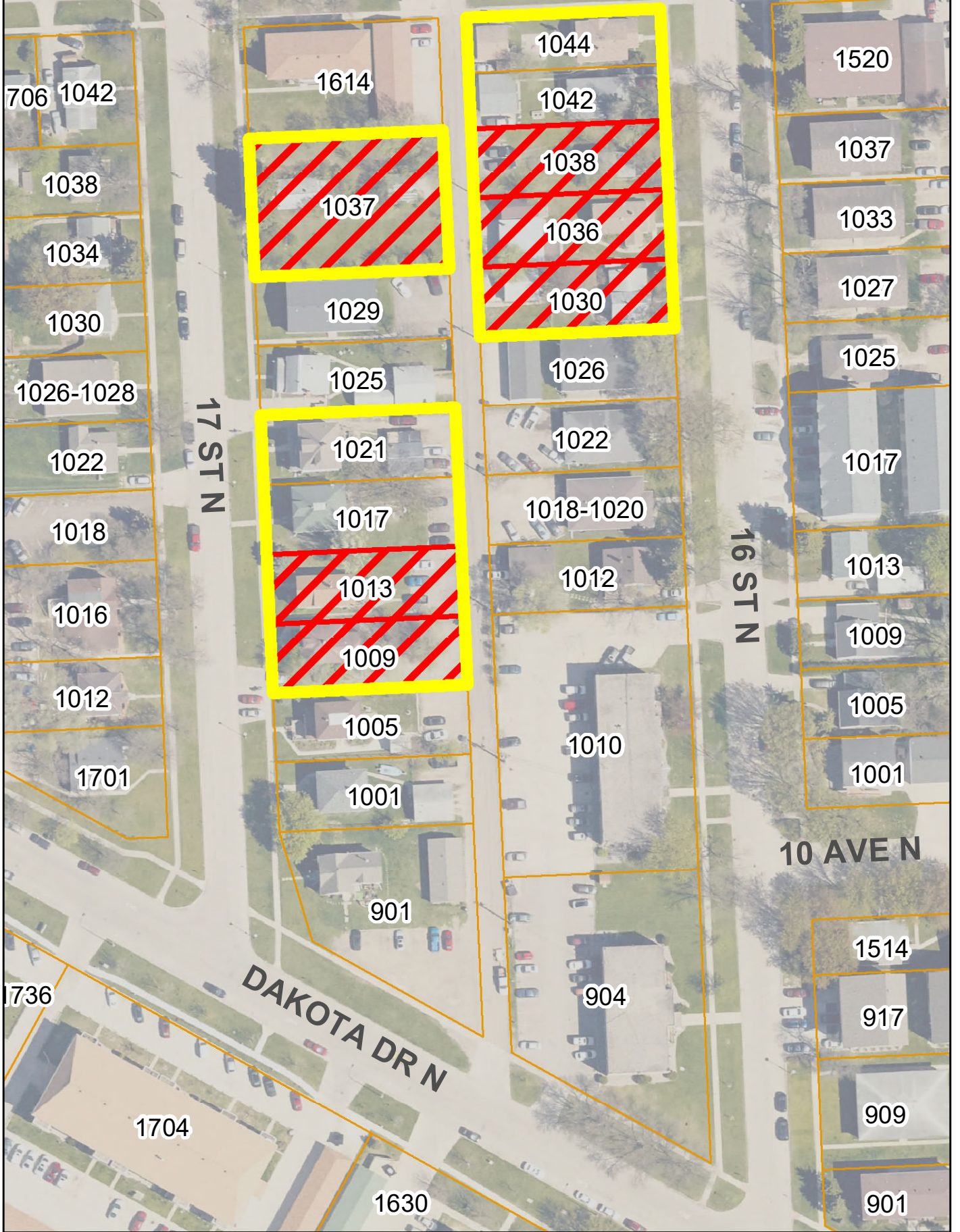
Renewal Area 2018-01







11 AVE N

ATTACHMENT E



-  Renewal Area
-  Dilapidated House

# Renewal Area 2018-01

## Dilapidated Houses to be Demolished



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**RENEWAL PLAN**

**DISTRICT NO. 2018-02**

**CITY OF FARGO, NORTH DAKOTA**

**September, 2018**

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## RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2018-02

This is a renewal plan for property within Block 2 of Beardsley's Addition. The plan identifies property already appropriate for redevelopment, but does not describe in detail the plans for redevelopment. When the type of redevelopment is available for review, this plan will be amended to describe the project to be constructed. Also, the boundary may be expanded to include the redevelopment of other properties within the block.

### Subsection 1.1. Definitions.

For the purposes of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

"City" means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

"City Commission" or "Commission" means the Fargo City Commission.

"Comprehensive Plan" means the City's GO 2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

"County" means Cass County, North Dakota.

"Development" means the construction of new buildings, structures, or improvements; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

"Renewal Area" means the property described in Subsection 1.4 of this Plan.

"Renewal Plan" or "Plan" means this Plan adopted by the Commission for the Renewal Area.

"State" means the State of North Dakota.

"Tax Increment Financing Act" or "TIF Act" means North Dakota Century Code, Section 40-58-20, as amended.

"Tax Increment Bonds" means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the TIF District as stated in this Plan, or any obligations issued to refund the Tax Increment Bonds.

"Tax Increment Financing District" or "TIF District" means Tax Increment Financing District No. 2018-02.

“Urban Renewal Law” means North Dakota Century Code, Chapter 40-58.

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area is authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a “workable program” for the use of public and private resources to facilitate the development of industrial or commercial properties, eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slum and blighted areas, or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan 2018-02, the City Commission intends to make the following findings:

- (a) The Renewal Area includes a blighted area.

**Factual basis:** This Renewal Area is blighted due to the presence of deteriorated or deteriorating structures (unsound basements or foundations, inadequate roofing, deteriorated siding and windows) which substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. Photos of the Renewal Area can be found in Attachment A.

- (b) The Renewal Area is a residential property.

**Factual basis:** The renewal area is residential and considered blighted as described in (a) above. Blighted residential areas are eligible for renewal.

- (c) The Renewal Area is appropriate for a development or renewal project.

**Factual basis:** The renewal area is designated in the Roosevelt/NDSU Neighborhood Land Use Plan for higher-density residential development. The property is zoned University Mixed Use, which allows and requires higher density housing.

- (d) Comparable replacement dwellings or housing is available to persons displaced by the proposed redevelopment project.



**Factual basis:** Many of the properties are vacant. There are vacant houses and apartments in the neighborhood and north Fargo.

- (e) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.

**Factual basis:** The City Commission has found that the proposed development is consistent with the goals that are embodied in the GO 2030 Comprehensive Plan. Most notably, the proposed development seeks to address several key initiatives of the GO 2030 plan, including initiatives for/to Promote Infill, Quality New Development, and High Quality Affordable Housing near NDSU. In addition, the proposed development conforms to the Roosevelt/NDSU Neighborhood Land Use Plan. The proposed use of the property is consistent with zoning, adjacent residential land use and transportation facilities. The proposed development will not burden the existing infrastructure as the property is served with the water and sewer main lines.

#### Subsection 1.4. Description of Renewal Area

The renewal area is located southwest of NDSU in the Roosevelt Neighborhood. This subsection provides maps showing information about the properties on the block. The boundary of the renewal area is two areas on the block, with the yellow line as the perimeter.

All of the properties within the renewal area on this block are zoned University Mixed Use (UMU). The rest of the block is zoned UMU, except for one property which is zoned Public Institutional and is a NDSU building. See Attachment B.

There are 14 properties on the block, a mix of single-family and multi-family buildings, a vacant lot, a commercial building with a dry cleaner and an NDSU building. There are 8 multi-family buildings with a total of 56 multi-family housing units. Multi-family buildings range in size from 2 to 24 units. There are also 3 single-family homes. Two of the single-family homes are quite old, at 98 and 100 years old. There is one owner occupied single-family house, which is 50 years old. See Attachment C.

There are 7 properties in the renewal area. Of those seven, two are single-family houses. There are two apartment buildings built in the 1980's, another is a 25-unit apartment building constructed in 1968 and one is a vacant lot.

Roers Development, through three different LLC's, owns 7 of the 14 properties on the block. One single-family house appears to be owner occupied. The other 6 properties include 4 apartment buildings, a NDSU building and a dry cleaner. See Attachment D.

There is one house in the renewal area that is vacant, severely blighted and dilapidated. The owner of the property plans to demolish this house with the encouragement of the City. See Attachment E that shows the location of the dilapidated house.

### Subsection 1.5. Demolition of Structures and Redevelopment

Plans for the future redevelopment is not known at this time. It is expected to be multi-family housing for students and staff at North Dakota State University. The type of housing will depend on market conditions at the time of the development. The housing will comply with the current or future zoning of the area.

The Development of the Renewal Area includes the following initial activities:

Demolition & Site Cleaning/Grading – This cost is the estimate of the cost to remove existing buildings and foundations, trees and concrete, and inspect for and remove asbestos, plus fill and grade the site. The estimate is \$15,000 per structure. The City will encourage the owner of dilapidated and substandard properties on this block to demolish the properties and maintain the property as green space until new structures can be developed.

Land Acquisitions – The developer has already acquired the properties. Some additional land may be acquired adjacent to already purchased property. Any public assistance for land purchase would be determined based on a financial review of future redevelopment plans.

Administration – Administration costs are equal to about five percent of the development assistance of the above costs.

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement. The development agreement costs will be determined after a review by City financial advisors. The maximum allowed costs will be specified in the development agreement.

### Subsection 1.6. Land Use Attributes.

- (a) Zoning. The property is zoned UMU (University Mixed Use). No zoning or platting changes are required to allow redevelopment on these properties.
- (b) The property is zoned UMU ((University Mixed Use), which allows commercial and requires residential density of 18 units per acre.
- (c) Building Requirements. All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.
- (d) Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.) The land use objective for this project complies with the UMU

(University Mixed Use) zoning district, the redevelopment goals of the GO 2030 Comprehensive Plan and the Roosevelt Neighborhood Plan. The development provides for new residential dwelling units within an existing residential neighborhood.

#### Subsection 1.7. Redevelopment and Financing

The City of Fargo may consider providing Tax Increment Financing to assist with redevelopment of this area. However, a Tax Increment Financing is not being created as part of this renewal plan. Creation of a Tax Increment Financing District and an agreement to assist the developer would require amendment of this plan and adoption of a developer's agreement.

The City anticipates that implementation of this Renewal Plan may involve certain public costs. Under North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allow the use of funds received from tax increments to be applied to certain specified costs. If the City decides to provide costs those costs would be for property acquisition, demolition and site cleanup, and public works improvements.

If the City decides to finance certain costs of the Development, it will be through the issuance of a Tax Increment Financing Note to the Developer. The maximum term of the note would be 15 years. Based on current tax rates, annual TIF revenue would be approximately 1.4% of the increased value.

The amount of any public assistance will be based on City of Fargo Tax Increment Financing policies, a review of the financial needs of the project, the vacancy rate for apartments in the vicinity of NDSU and the quality of the new development.

By adoption of this Renewal Plan, the City of Fargo is encouraging owners of dilapidated structures to demolish those structures immediately and to maintain that property as green space until they are ready to build new on the property. Property owners are also encouraged to maintain existing structures to comply with city housing codes, or demolish the structures.

#### Subsection 1.8. Renewal Plan Amendments

The City anticipates that this Renewal Plan will be amended prior to final implementation. These amendments may expand the renewal area to other properties on the block, provide details on the new buildings, provide incentives to the developer, create a Tax Increment Financing District and incorporate a schedule for implementation.





1121 17<sup>th</sup> St N



1119 17<sup>th</sup> St N





1119 17<sup>th</sup> St N





1115 17<sup>th</sup> St N





1120 16<sup>th</sup> St N



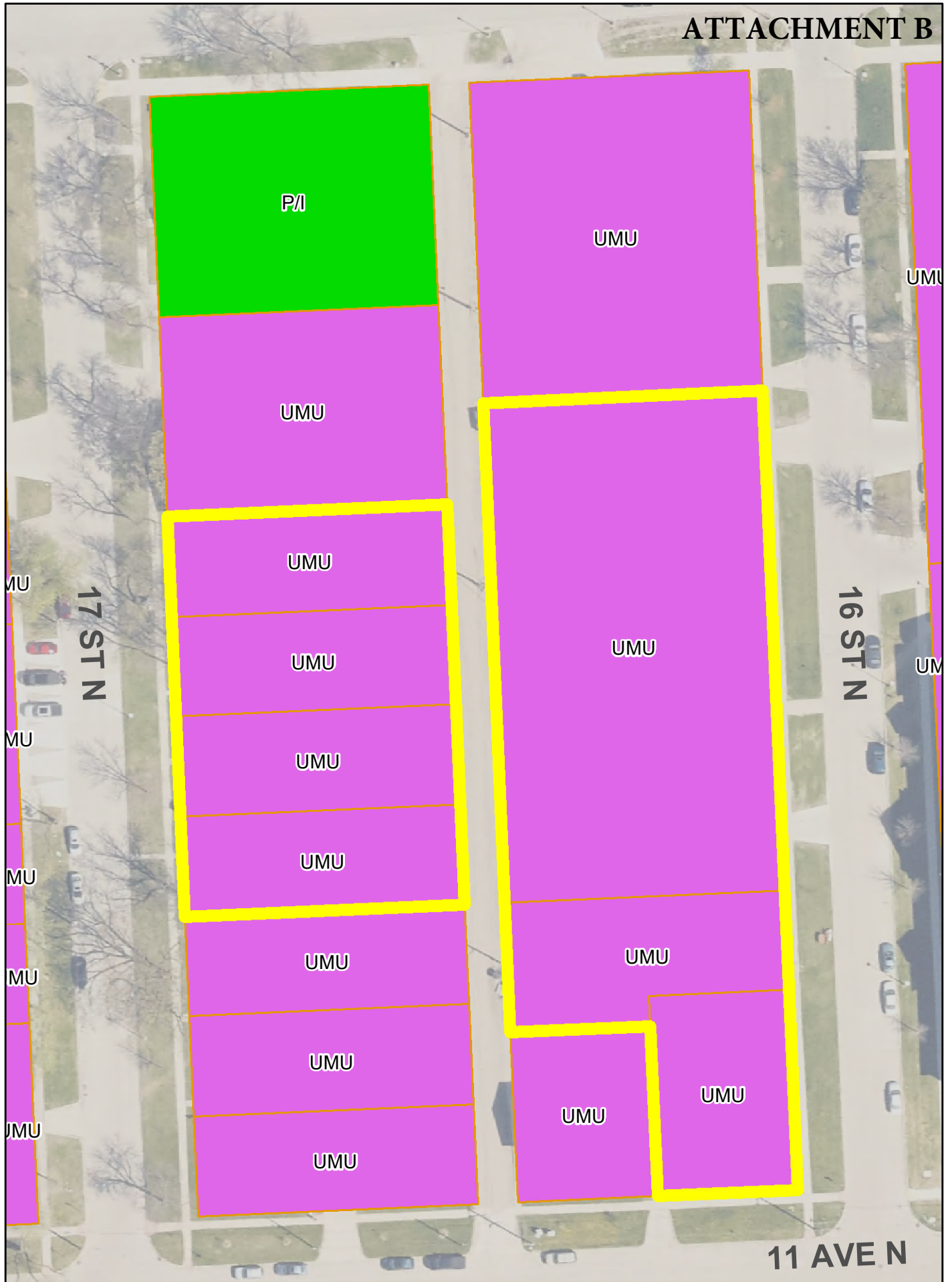
1106 16<sup>th</sup> St N






1102 16<sup>th</sup> St N





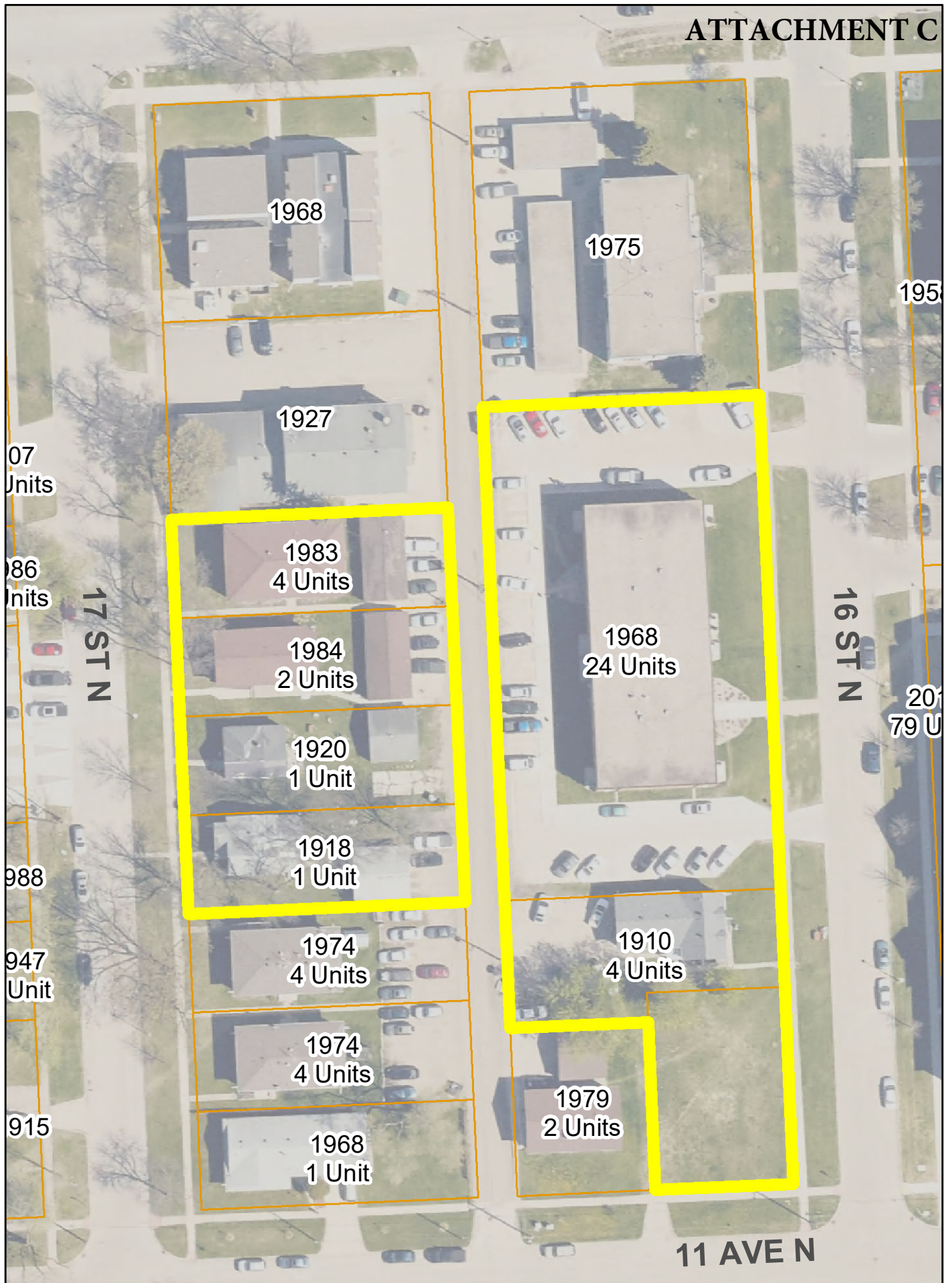
 Renewal Area

# Renewal Area 2018-02 Zoning

 Feet  
0 25 50



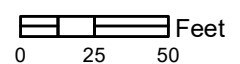




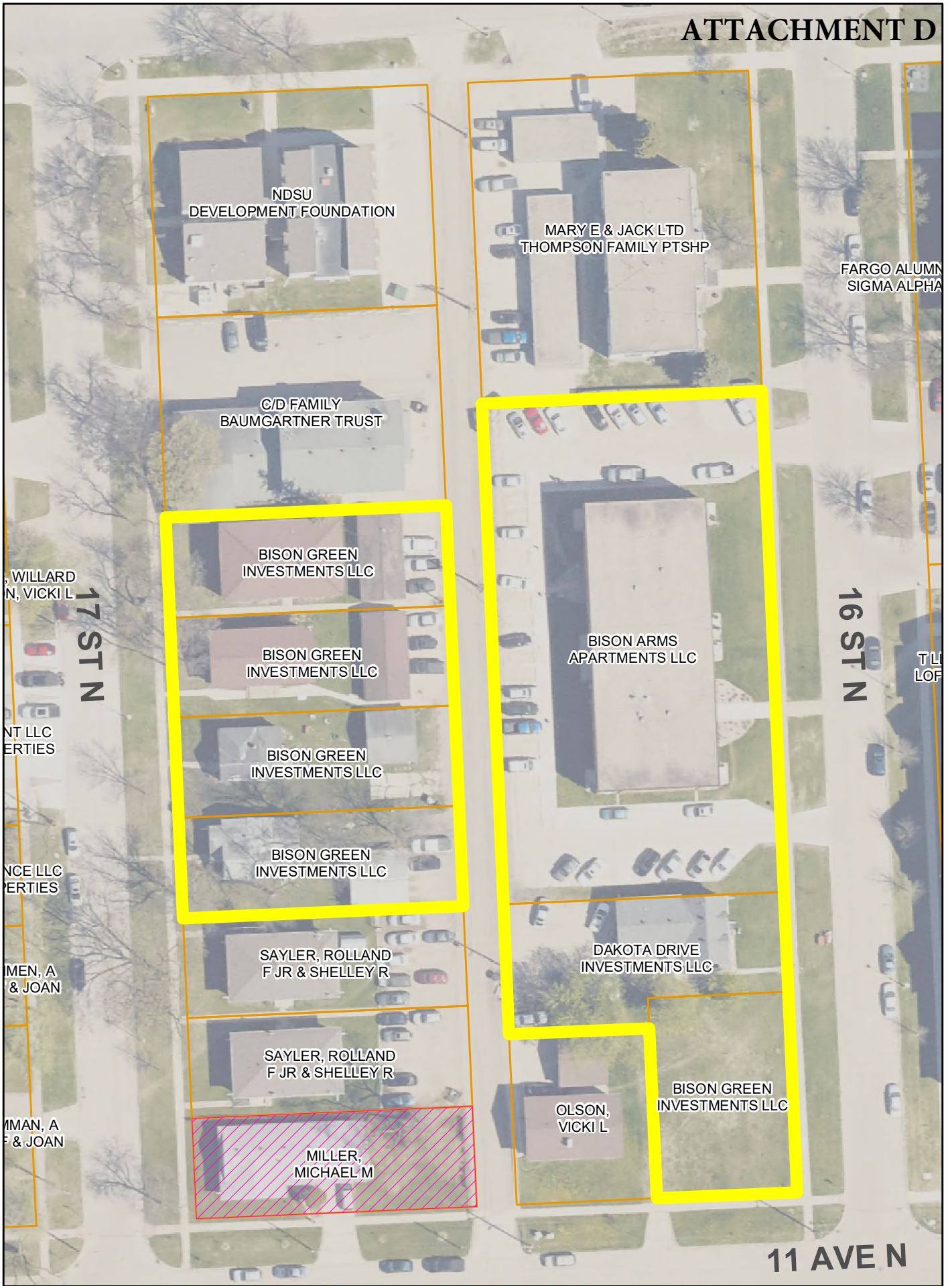
 Renewal Area



# Renewal Area 2018-02

Year Built & Unit Count

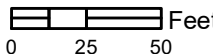





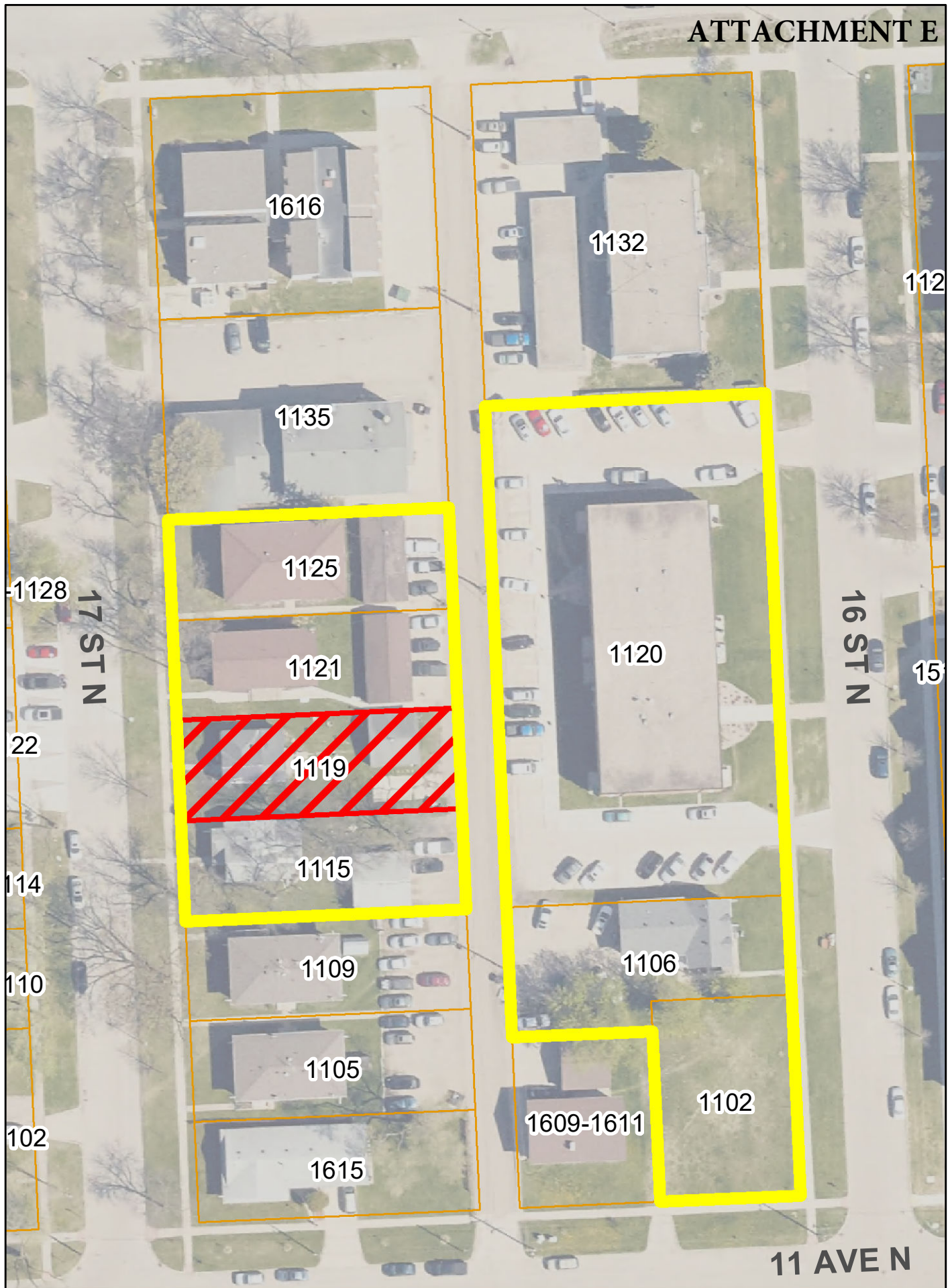




 Renewal Area  
 Owner Occupancy

# Renewal Area 2018-02

 Feet  
 N

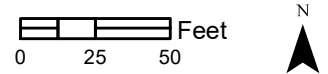




-  Renewal Area
-  Dilapidated House

# Renewal Area 2018-02

Dilapidated Houses to be Demolished



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**RENEWAL PLAN**

**DISTRICT NO. 2018-03**

**CITY OF FARGO, NORTH DAKOTA**

**September, 2018**

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## RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2018-03

This is a renewal plan for property within Block 3 of Beardsley's Addition. The plan identifies property already appropriate for redevelopment, but does not describe in detail the plans for redevelopment. When the type of redevelopment is available for review, this plan will be amended to describe the project to be constructed.

### Subsection 1.1. Definitions.

For the purposes of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

"City" means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

"City Commission" or "Commission" means the Fargo City Commission.

"Comprehensive Plan" means the City's GO 2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

"County" means Cass County, North Dakota.

"Development" means the construction of new buildings, structures, or improvements; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

"Renewal Area" means the property described in Subsection 1.4 of this Plan.

"Renewal Plan" or "Plan" means this Plan adopted by the Commission for the Renewal Area.

"State" means the State of North Dakota.

"Tax Increment Financing Act" or "TIF Act" means North Dakota Century Code, Section 40-58-20, as amended.

"Tax Increment Bonds" means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the TIF District as stated in this Plan, or any obligations issued to refund the Tax Increment Bonds.

"Tax Increment Financing District" or "TIF District" means Tax Increment Financing District No. 2018-03.

"Urban Renewal Law" means North Dakota Century Code, Chapter 40-58.

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area is authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a “workable program” for the use of public and private resources to facilitate the development of industrial or commercial properties, eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slum and blighted areas, or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan 2018-03, the City Commission intends to make the following findings:

- (a) The Renewal Area includes a blighted area.

**Factual basis:** This Renewal Area is blighted due to the presence of deteriorated or deteriorating structures (unsound basements or foundations, inadequate roofing, deteriorated siding and windows) which substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. Photos of the Renewal Area can be found in Attachment A.

- (b) The Renewal Area is a residential property.

**Factual basis:** The renewal area is residential and considered blighted as described in (a) above. Blighted residential areas are eligible for renewal.

- (c) The Renewal Area is appropriate for a development or renewal project.

**Factual basis:** The renewal area is designated in the Roosevelt/NDSU Neighborhood Land Use Plan for higher-density residential development. The property is zoned University Mixed Use, which allows and requires higher density housing.

- (d) Comparable replacement dwellings or housing is available to persons displaced by the proposed redevelopment project.

**Factual basis:** Many of the properties are vacant. There are vacant houses and apartments in the neighborhood and north Fargo.

- (e) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.

**Factual basis:** The City Commission has found that the proposed development is consistent with the goals that are embodied in the GO 2030 Comprehensive Plan. Most notably, the proposed development seeks to address several key initiatives of the GO 2030 plan, including initiatives for/to Promote Infill, Quality New Development, and High Quality Affordable Housing near NDSU. In addition, the proposed development conforms to the Roosevelt/NDSU Neighborhood Land Use Plan. The proposed use of the property is consistent with zoning, adjacent residential land use and transportation facilities. The proposed development will not burden the existing infrastructure as the property is served with the water and sewer main lines.

#### Subsection 1.4. Description of Renewal Area

The renewal area is located southwest of NDSU in the Roosevelt Neighborhood. This subsection provides maps showing information for properties on the block. The boundary of the renewal area is one area on the block, with the yellow line as the perimeter. This block is zoned University Mixed Use (UMU). See Attachment B.

There are 18 properties on the block, a mix of single-family, duplexes and multi-family buildings. There are three multi-family buildings, each with 12 housing units. Three of the properties are two unit buildings. There are also ten single-family houses. Seven of the single-family homes are quite old, being over 70 years old.

There are 7 properties in the renewal area. Of those seven properties, six are single-family houses and one appears to be single-family house converted to a two unit building. See Attachment C.

Bison Gold Investments is the owner of 7 of the 18 properties on the block. Two single-family houses on the block appear to be owner occupied. The other nine properties appear to be rental housing. See Attachment D.

There are two houses in the renewal area that are vacant, severely blighted and dilapidated. The owner of these properties plans to demolish these houses with the encouragement of the City. See Attachment E that shows the location of the dilapidated houses.

#### Subsection 1.5. Demolition of Structures and Redevelopment

Plans for the future redevelopment is not known at this time. It is expected to be multi-family housing for students and staff at North Dakota State University. The type of housing will depend on market conditions at the time of the development. The housing will comply with the current or future zoning of the area.



The Development of the Renewal Area includes the following initial activities:

Demolition & Site Cleaning/Grading – This cost is the estimate of the cost to remove existing buildings and foundations, trees and concrete, and inspect for and remove asbestos, plus fill and grade the site. The estimate is \$15,000 per structure. The City will encourage the owner of dilapidated and substandard properties on this block to demolish the properties and maintain the property as green space until new structures can be developed.

Land Acquisitions – The developer has already acquired the properties. Any public assistance for land purchase would be determined based on a financial review of future redevelopment plans.

Administration – Administration costs are equal to about five percent of the development assistance of the above costs.

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement. The development agreement costs will be determined after a review by City financial advisors. The maximum allowed costs will be specified in the development agreement.

#### Subsection 1.6. Land Use Attributes.

- (a) Zoning. The property is zoned UMU (University Mixed Use). No zoning or platting changes are required to allow redevelopment on these properties.
- (b) The property is zoned UMU ((University Mixed Use), which allows commercial and requires residential density of 18 units per acre.
- (c) Building Requirements. All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.
- (d) Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.) The land use objective for this project complies with the UMU (University Mixed Use) zoning district, the redevelopment goals of the GO 2030 Comprehensive Plan and the Roosevelt Neighborhood Plan. The development provides for new residential dwelling units within an existing residential neighborhood.

#### Subsection 1.7. Redevelopment and Financing

The City of Fargo may consider providing Tax Increment Financing to assist with redevelopment of this area. However, a Tax Increment Financing is not being created as part of this renewal plan. Creation of a Tax Increment Financing District and an agreement to assist the developer would require amendment of this plan and adoption of a developer's agreement.

The City anticipates that implementation of this Renewal Plan may involve certain public costs. Under North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allow the use of funds received from tax increments to be applied to certain specified costs. If the City decides to provide costs those costs would be for property acquisition, demolition and site cleanup, and public works improvements.

If the City decides to finance certain costs of the Development, it will be through the issuance of a Tax Increment Financing Note to the Developer. The maximum term of the note would be 15 years. Based on current tax rates, annual TIF revenue would be approximately 1.4% of the increased value.

The amount of any public assistance will be based on City of Fargo Tax Increment Financing policies, a review of the financial needs of the project, the vacancy rate for apartments in the vicinity of NDSU and the quality of the new development.

By adoption of this Renewal Plan, the City of Fargo is encouraging owners of dilapidated structures to demolish those structures immediately and to maintain that property as green space until they are ready to build new on the property. Property owners are also encouraged to maintain existing structures to comply with city housing codes, or demolish the structures.

#### Subsection 1.8. Renewal Plan Amendments

The City anticipates that this Renewal Plan will be amended prior to final implementation. These amendments may, provide details on the new buildings, provide incentives to the developer, create a Tax Increment Financing District and incorporate a schedule for implementation.





1137 18<sup>th</sup> St N





1133 18<sup>th</sup> St N





1133 18<sup>th</sup> St N





1129 18<sup>th</sup> St N





1125 18<sup>th</sup> St N





1121 18<sup>th</sup> St N

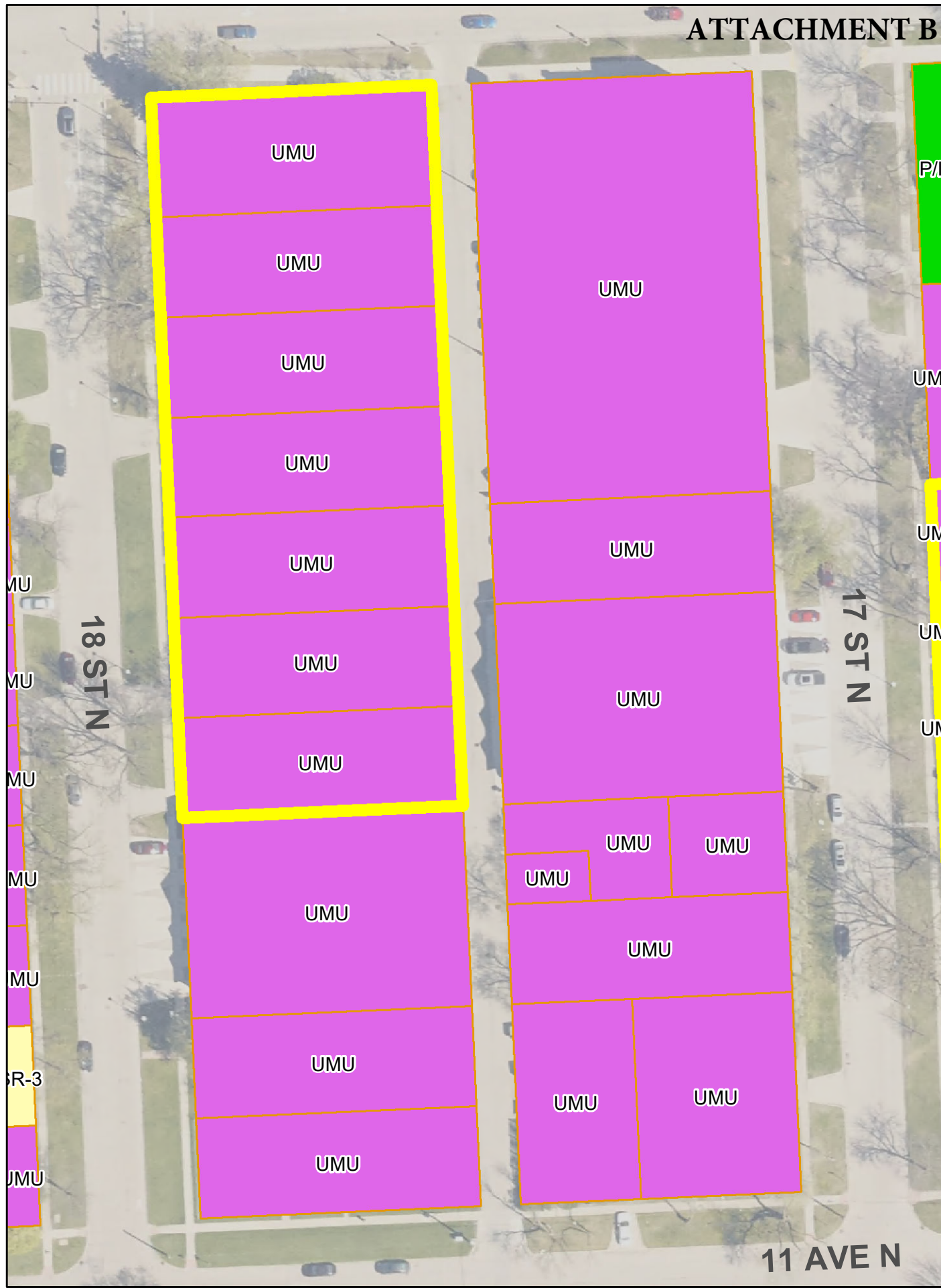





1117 18<sup>th</sup> St N

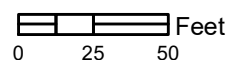




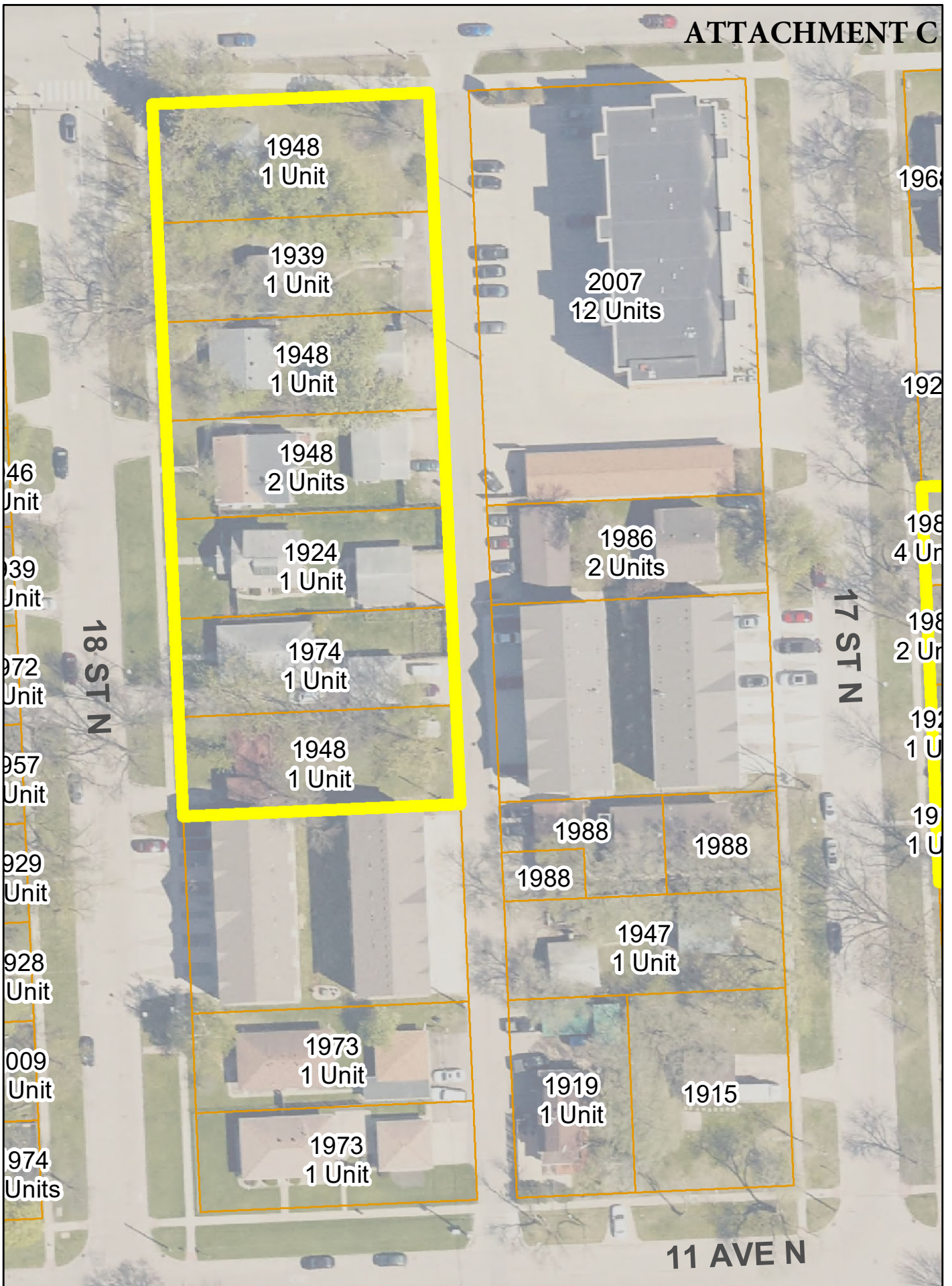


 Renewal Area

# Renewal Area 2018-03 Zoning

 Feet  
0 25 50

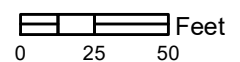




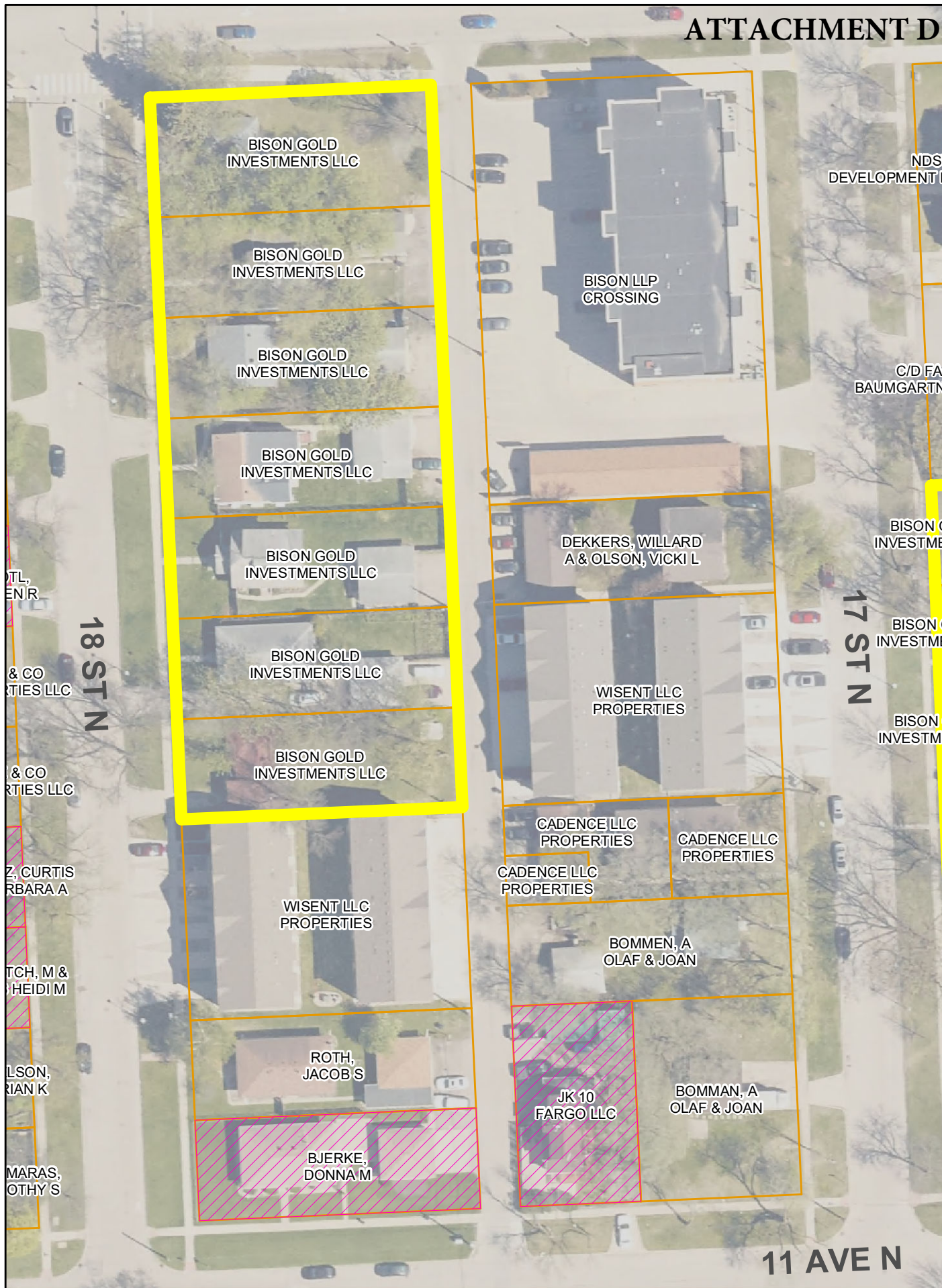
 Renewal Area

# Renewal Area 2018-03

Year Built & Unit Count

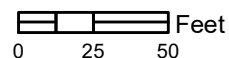




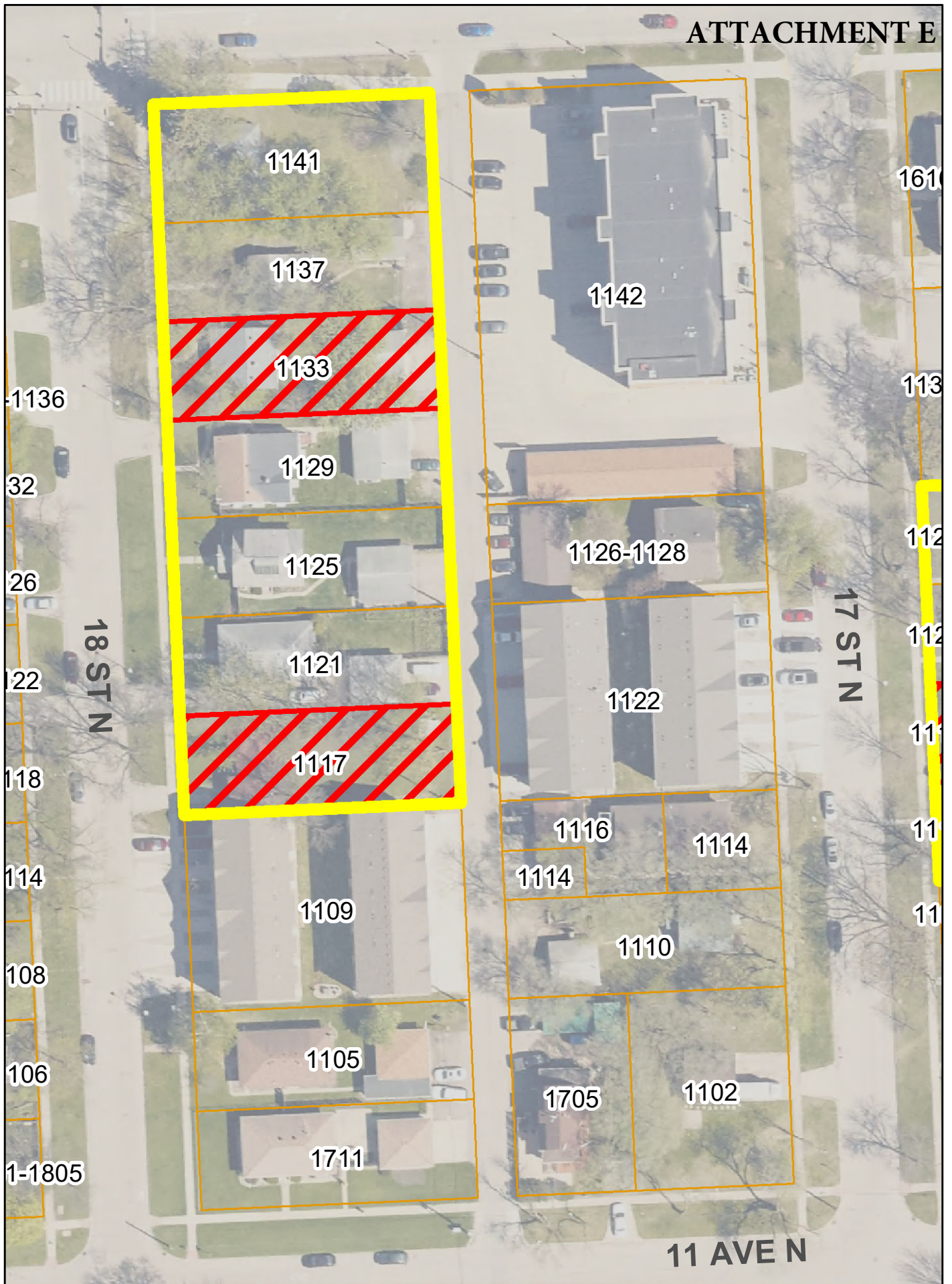




- Renewal Area
- Owner Occupancy

# Renewal Area 2018-03







-  Renewal Area
-  Dilapidated House

# Renewal Area 2018-03

Dilapidated Houses to be Demolished

