

FARGO PLANNING COMMISSION AGENDA
Tuesday, September 5, 2017 at 3:00 p.m.

- A: Approve Order of Agenda.
- B: Minutes: Regular Meeting of August 1, 2017.
- C: Brown Bag Luncheon - Wednesday, September 20, 2017.
- D: Public Hearing Items:
 - 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional, within the boundaries of the proposed **Grayland First Addition**. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk): CONTINUED TO OCTOBER 3, 2017
 - 1b. Continued hearing on an application requesting a Plat of **Grayland First Addition** (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk): CONTINUED TO OCTOBER 3, 2017
 - 2a. 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) (me): CONTINUED TO OCTOBER 3, 2017
 - 2b. 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) (me): CONTINUED TO OCTOBER 3, 2017
 - 2c. 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) (me): CONTINUED TO OCTOBER 3, 2017
 - 2d. 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, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO OCTOBER 3, 2017

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online 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 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.

- 3a. Hearing on an application requesting a zoning change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay within the boundaries of the proposed **Diamond Willow Addition**. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)
- 3b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Diamond Willow Addition**. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)
- 3c. Hearing on an application requesting a Plat of **Diamond Willow Addition** (Minor Subdivision) a replat of Lots 15 and 16, Block 15, Douglas Addition, to the City of Fargo, Cass County, North Dakota. (Located at 622 and 624 10th Avenue North) (Nate Anderson) (dk)
- 4a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial, within the boundaries of the proposed **Tunheim Addition**. (Located at 2778 40th Avenue North) (Nate Anderson/LJA) (dk)
- 4b. Hearing on and application requesting a Plat of **Tunheim Addition** (Major Subdivision) a plat of an unplatted portion of the Southeast Quarter of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 2778 40th Avenue North) (Nate Anderson/LJA) (dk)
- 5. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on Lot 1, Block 1, **Hinks Addition**. (Located at 4484 15th Avenue South) (Jim Bruget) (bv)
- 6. Hearing on an application requesting a Zoning Change from GC, General Commercial to DMU, Downtown Mixed-Use on portions of Lots 1-6, 7-9, and 19-24, Block 6, **Reeves Addition**. (Located at 502 North University Drive and 1321 5th Avenue North) (DFI AU LLC/Mike Zimney) (dl)
- 7. Hearing on an application requesting a Conditional Use Permit for an iconic sign on Lots 3-5, Block 2, **Roberts Addition**. (Located at 114 Broadway North) (DFI Black Building LLC/Mike Zimney) (dl)
- 8. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay, to GO, General Office, with a C-O, Conditional Overlay, on Lot 2, Block 1, **BNG Addition**. (Located at 3285 47th Street South) (Nate Vollmuth) (km)
- 9. Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, **Tyler's Addition**. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited) (an)

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10. Hearing on an application requesting an LDC Text Amendment to amend section 20-04 of the Fargo Municipal Code (Land Development Code) relating to the regulation of self-service storage in the DMU, Downtown Mixed Use, zoning district. (City of Fargo) (dl)
11. Hearing on an application requesting an Institutional Master Plan Amendment on part of **Section 31, Township 140 North, Range 48 West** of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1701 University Drive North) (North Dakota State University) (me)

E: Other Items:

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

August 1, 2017:

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, August 1, 2017.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Mary Scherling, Rocky Schneider, Melissa Sobolik, Kelly Steffes, Scott Stofferahn

Absent: None

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of July 6, 2017

Member Steffes moved the minutes of the July 6, 2017 Planning Commission meeting be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

Item C: Wednesday August 16, 2017 Brown Bag Luncheon

Topic: Roosevelt Neighborhood follow-up

Item D: Public Hearing Items:

Item 1: Grayland First Addition

1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional of the proposed Grayland First Addition. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District): CONTINUED TO SEPTEMBER 5, 2017

1b. Continued hearing on an application requesting a Plat of Grayland First Addition (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South)

(Ben Saucke/West Fargo Public School District): CONTINUED TO SEPTEMBER 5, 2017

A hearing had been set for July 6, 2017. At the July 6, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to September 5, 2017.

Member Sobolik moved this item be continued to the September 5, 2017 Planning Commission Meeting. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

Member Schneider present.

Item 2: Original Townsite Addition

Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use on the North 50 feet of Lots 11 and 12, Block 16, Original Townsite Addition. (Located at 111 9th Street South) (Doug Madsen): APPROVED

Planner Derrick LaPoint 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 zoning change from MR-3, Multi-Dwelling Residential, to DMU, Downtown Mixed-Use on the basis that it satisfactorily 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 Magelky, Schneider, Scherling, Steffes, Stofferahn, Morgan, Sobolik, Brust, Gunkelman, and Fischer voted aye. The motion was declared carried.

Item 3: Woodhaven Plaza Addition

Hearing on an application requesting a Conditional Use Permit to allow multi-dwelling structures for residential household living within a LC, Limited Commercial zoning district on Lot 2, Block 1, Woodhaven Plaza Addition. (Located at 4143 41st Avenue South) (Chris Hawley Architects): APPROVED

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

Mike Love, Houston Engineering, spoke on behalf of the application.

Member Steffes moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow multi-dwelling structures for residential household living in the LC, Limited Commercial zoning district be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. The maximum residential density shall be that of the MR-3, Multi-Dwelling zoning district (24 units per acre).
2. A minimum of 35% of the lot shall remain as open space.
3. Building colors to be compatible with existing development on Lot 1, Block 1, Woodhaven Plaza Addition
4. It is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.
5. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent street by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any street. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.
6. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
 - a. Parking lots or parking structures,
 - b. Any sidewalk or multi-use path along the perimeter of the lot,
 - c. Entrances of other buildings on the site,
 - d. Any sidewalk system along the perimeter streets adjacent to the Development, and
 - e. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator.

Second by Member Stofferahn. On call of the roll Members Schneider, Brust, Stofferahn, Scherling, Sobolik, Steffes, Magelky, Gunkelman, Morgan, and Fischer voted aye. The motion was declared carried.

Item 4: NSC Addition

4a. 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): CONTINUED TO SEPTEMBER 5, 2017

4b. 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): CONTINUED TO SEPTEMBER 5, 2017

4c. 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 SEPTEMBER 5, 2017

4d. 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): CONTINUED TO SEPTEMBER 5, 2017

Chair Fischer stated this item will be continued to the September 5, 2017 Planning Commission Meeting.

Member Brust moved this item be continued to the September 5, 2017 Planning Commission Meeting. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

Item 5: Bentley Place Second Addition

Hearing on an application requesting a Plat of Bentley Place Second Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Bentley Place First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3240 and 3270 Veterans Boulevard) (Nate Vollmuth/Paces Lodging): APPROVED

Assistant Planner Kylie Murphy 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 subdivision plat, Bentley Place Second Addition, as outlined in the staff report, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Stofferahn, Scherling, Sobolik, Morgan, Steffes, Schneider, Magelky, Gunkelman, Brust, and Fischer voted aye. The motion was declared carried.

Item 6: Anderson Park Addition

Hearing on an application requesting an Institutional Master Plan on Lot 1, Block 1, Anderson Park Addition. (Located at 4255 23rd Avenue South) (Red River Zoo): APPROVED

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

Applicant Sally Jacobson, Red River Zoo, spoke on behalf of the application.

Member Magelky moved the findings and recommendations of the staff be accepted and the Institutional Master Plan be approved as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, the Standards of Section 20-0911.E(1-3) 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 Steffes, Sobolik, Magelky, Gunkelman, Scherling, Morgan, Brust, Stofferahn, Schneider, and Fischer voted aye. The motion was declared carried.

Item 7: Tyler's Addition

Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, Tyler's Addition. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited): CONTINUED TO NOVEMBER 7, 2017

A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to September 6, 2016. At the September 6, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to January 4, 2017. At the January 4, 2017 meeting the Hearing was continued to February 7, 2017. At the February 7, 2017 meeting the Hearing was continued to March 7, 2017. At the March 7, 2017 meeting the Hearing was continued to April 4, 2017. At the April 4, 2017 meeting the Hearing was continued to May 2, 2017. At the May 2, 2017 meeting the Hearing was continued June 6, 2017. At the June 6, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to November 7, 2017.

Member Steffes moved this item be continued to the November 7, 2017 Planning Commission Meeting. Second by Member Brust. All Members present voted aye and the motion was declared carried.

Item E: Other Items:

Item 1: Proposed amendment of bylaws relating to which Commissioners may serve as officers.

Chair Fischer presented this item and opened up discussion to the Board.

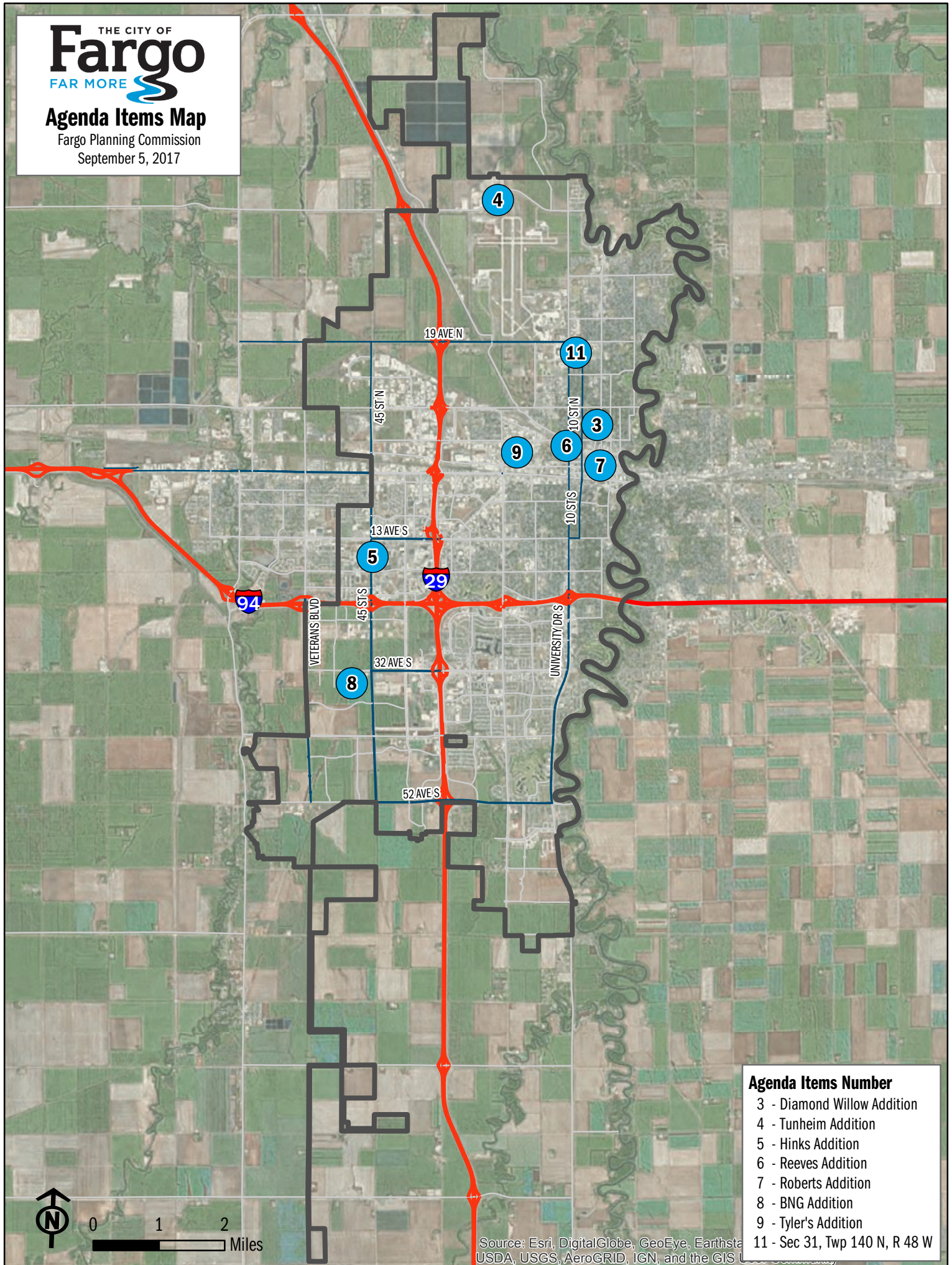
Discussion was held on the wording of the current bylaws regarding the eligibility of members to serve as Chair and Vice Chair of the Planning Commission.

Member Steffes moved to approve the bylaws as they are currently written. Second by Member Morgan. On call of the roll Members Brust, Morgan, Gunkelman, Magelky, Scherling, Schneider, Sobolik, Steffes, and Fischer voted aye. Member Stofferahn voted nay. The motion was declared carried.

The time at adjournment was 3:34 p.m.

Agenda Items Map

Fargo Planning Commission
September 5, 2017



Agenda Items Number

- 3 - Diamond Willow Addition
- 4 - Tunheim Addition
- 5 - Hinks Addition
- 6 - Reeves Addition
- 7 - Roberts Addition
- 8 - BNG Addition
- 9 - Tyler's Addition
- 11 - Sec 31, Twp 140 N, R 48 W

City of Fargo Staff Report			
Title:	Diamond Willow Addition	Date:	8/30/2017
Location:	622 and 624 10 th Avenue North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lots 15 and 16, Block 15, Douglas Addition		
Owner(s)/Applicant:	Vanderson Properties / Nathan Anderson	Engineer:	LJA
Entitlements Requested:	Minor Plat (replat of Lots 15 and 16, Block 15, Douglas Addition) Zoning Change (From MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan		
Status:	Planning Commission Public Hearing: September 5, 2017		

Existing	Proposed
Land Use: Single Dwelling Residential	Land Use: Multi-dwelling residential
Zoning: MR-3, Multi-Dwelling Residential	Zoning: MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.
Maximum Density Allowed: 24 dwelling units per acre	Maximum Density Allowed: PUD proposes an increase to 26 units per acre

Proposal:			
The applicant requests approval of three entitlements:			
<ol style="list-style-type: none"> 1. A zoning change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; and 2. PUD Master Land Use Plan within the boundaries of the proposed Diamond Willow Addition; 3. A plat of the Diamond Willow Addition, a replat of Lots 15 and 16, Douglas Addition, to create seven residential lots and one access lot for attached multi-dwelling residential development as shown in the table below. 			
BLOCK	LOT	AREA (square feet)	ZONING
1	1	1250	MR-3 with PUD
1	2	1100	MR-3 with PUD
1	3	1000	MR-3 with PUD
1	4	3700	MR-3 with PUD NOTE: not developed with residential; used as access
1	5	1250	MR-3 with PUD
1	6	1100	MR-3 with PUD
1	7	1100	MR-3 with PUD
1	8	1250	MR-3 with PUD

The subject property is located at 622 and 624 10th Avenue North. The applicant, Nathan Anderson, intends to build an attached home development with a total of seven units—one group of four units and one group of three units.

Zoning Change and PUD Overlay

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. Proposed modifications of the development standards of the MR-3 zone are shown in the chart below. In addition, this project applies Alternative Residential Development Options—Attached Housing (LDC Section 20-0506 B) that exempts attached housing from lot width, lot area, and building coverage requirements. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right.

	Current LDC Development Standards for the MR-3 Zone	PUD Modifications to MR-3 Development Standards
Lot Area	5,000 square feet	<i>Exempt per Alternative Development Options</i>
Residential Density	24 dwelling units per acre	<i>Increase to 26 dwelling units per acre</i>
Setbacks	Front—25' Rear—20' Street side—12.5' Interior side—10'	Front— <i>decrease to 10'</i> Rear— <i>decrease to 5'</i> Street side— <i>decrease to 5'</i> Interior side- <i>Exempt per Alternative Development Options</i>
Building Coverage	35%	<i>Exempt per Alternative Development Options</i>
Open Space	35%	<i>Decrease to 23%</i>

NOTE: The setbacks noted in the chart apply to the overall project site, not the individual lots within the site.

PUD Master Land Use Plan

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

Additional Information:

It is important to note that pursuant to Section 20-0302.F, unless otherwise expressly approved, access to a PUD must be from a collector and higher classification of street. The roadway that is adjacent to the property, 10th Avenue North, is a local street.

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 10th Avenue North, MR-3 with multi-dwelling use
- East: MR-3 with multi-dwelling use
- South: MR-3 with multi-dwelling use
- West: MR-3 with multi-dwelling use

Neighborhood Association Comments

The applicant has met with both the Neighborhood Coalition and the Roosevelt Neighborhood Association (RNA). The RNA's comments included:

- “It is just too much density for not much of a space.” The proposed number of units (seven) is too great for this site; the RNA would prefer four units
- Existing properties have become run down over the past 15 years and neighbors are concerned about how well the new properties would be maintained.
- The units should be sold, not rented.
- Opposed to the 5-foot setbacks in the fronts and think that needs to be more.
- Site has insufficient green space.
- More of a buffer between neighbors (fencing, hedging, landscaping) is necessary.
- Developer’s desire to “cash flow” the property compromises neighborhood integrity.

Area Plans:

No area plans apply.

Schools and Parks:

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

Parks: Mickelson Park & Softball Fields (901 Oak Street N) is located approximately a 0.50 miles east of the subject property and provides baseball/softball, concessions, playground, recreational trails, restroom, and sledding hill amenities.

Pedestrian / Bicycle: There is an on-road bike facility located along 7th Street North. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The applicant intends to demolish the two existing single-family residences. The applicant owns both of these residences, which are currently used as rental housing. The proposed PUD Overlay zoning district is intended to accommodate the redevelopment of this property. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the property. **(Criteria satisfied)**

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to

neighboring property owners. To date, staff has not received any inquiries into the application. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

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

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

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

The plan represents an improvement over what could have been accomplished through strict application of the base zoning district. This PUD allows for flexibility in terms of building placement and will allow for construction of attached housing on the project site. **(Criteria Satisfied)**

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

Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies the front, rear, and street side setbacks; residential density; and percentage of required open space outlined in Section 20-0501. All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**

3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the property. **(Criteria satisfied)**

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

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

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

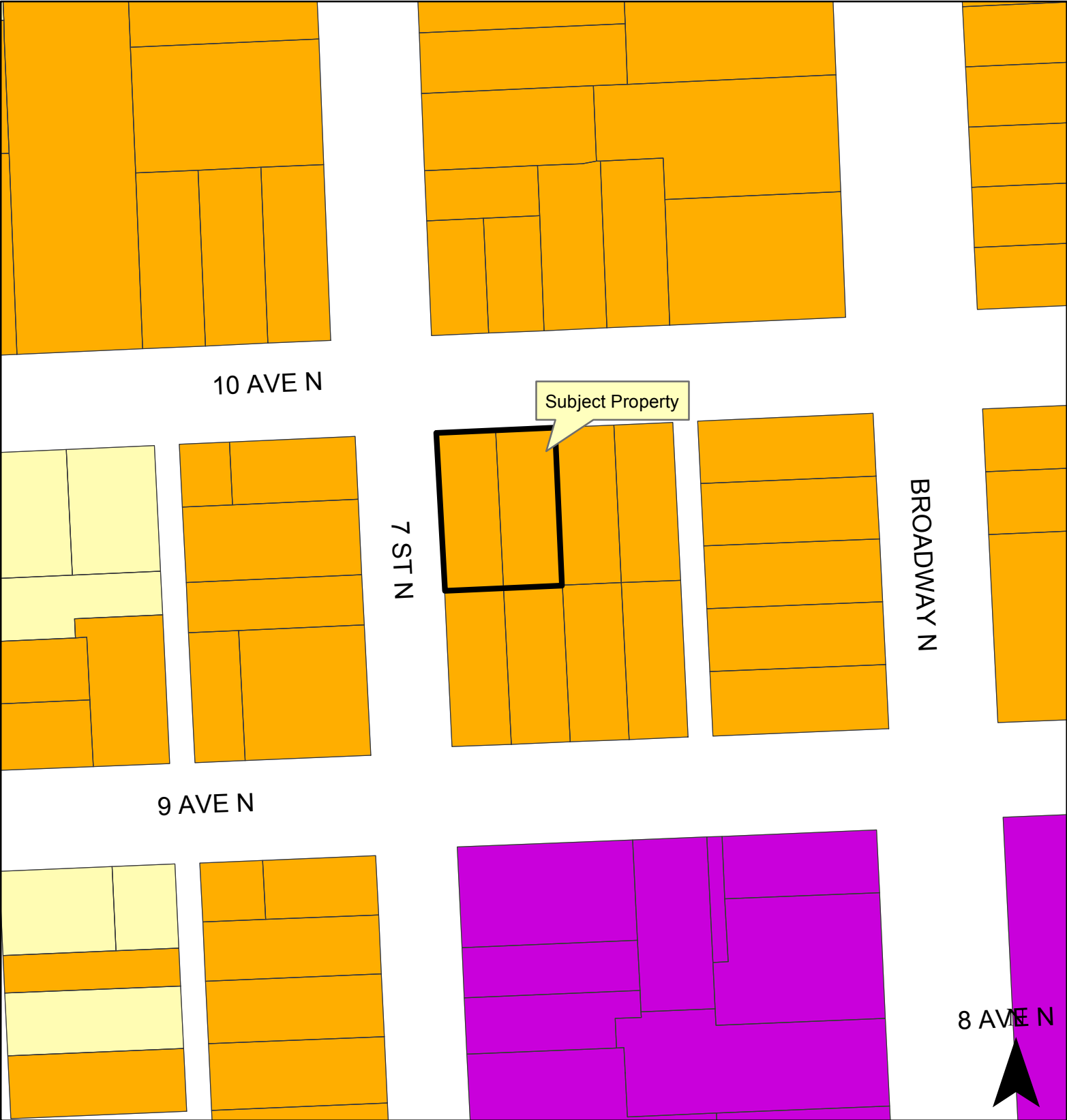
The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by construction of attached housing in this neighborhood which is already zoned for multi-dwelling residential. **(Criteria Satisfied)**

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan; and 3) a plat of the Diamond Willow Addition , as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."
Planning Commission Recommendation: September 5, 2017
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. PUD Narrative and Chart 4. PUD Master Land Use Plan

Plat (Minor), Zone Change and PUD Master Land Use Plan

Diamond Willow Addition

624 & 622 10 Ave N



Legend

AG	DMU	GC	GL	GO	LC	MR-1	MR-2	MR-3	MHP	N/C	NO	P/I	UML	SSP-2	SSP-3	SSP-4	SSP-5	City Limits
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Fargo Planning Commission
September 5, 2017

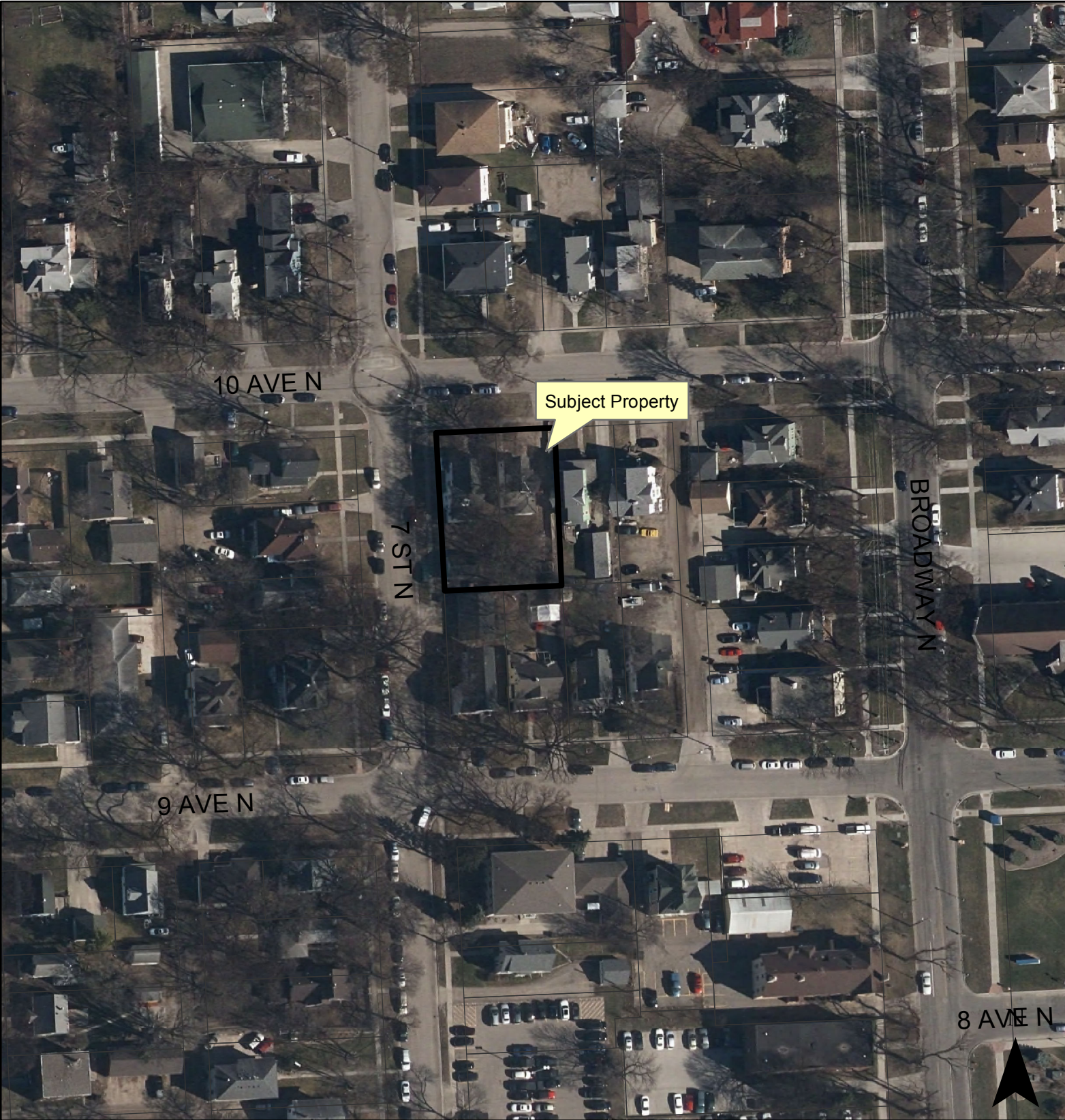
300

Feet

Plat (Minor), Zone Change and PUD Master Land Use Plan

Diamond Willow Addition

624 & 622 10 Ave N



DIAMOND WILLOW ADDITION

A REPLAT OF LOTS 15 AND 16, BLOCK 15, DOUGLAS ADDITION
TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNERS' CERTIFICATE

Lots 15 and 16, Block 15, DOUGLAS ADDITION, City of Fargo, County of Cass, State of North Dakota, containing 11,750 square feet, more or less, subject to rights of way and easements of sight and record.

Said owner has caused the above described tract of land to be surveyed and platted as DIAMOND WILLOW ADDITION to the City of Fargo, North Dakota, containing 1 Block and 8 Lots and do hereby dedicate to the public, for public use, all utility easements as shown on this plat.

Keith Van Hoorn, Vice President
VANDERSON PROPERTIES, LLC

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Keith Van Hoorn, Vice President of VANDERSON PROPERTIES, LLC, 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, Cass County, ND

My Commission Expires _____

SURVEYORS' CERTIFICATE AND ACKNOWLEDGMENT

I, Nathan G. Anderson, Professional 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 DIAMOND WILLOW ADDITION to the City of Fargo, Cass County, North Dakota; 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 _____, 20____.

PRELIMINARY

Nathan G. Anderson
Professional Land Surveyor
ND Reg. No. LS-8064

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Nathan G. Anderson, Professional Land Surveyor, 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, Cass County, ND

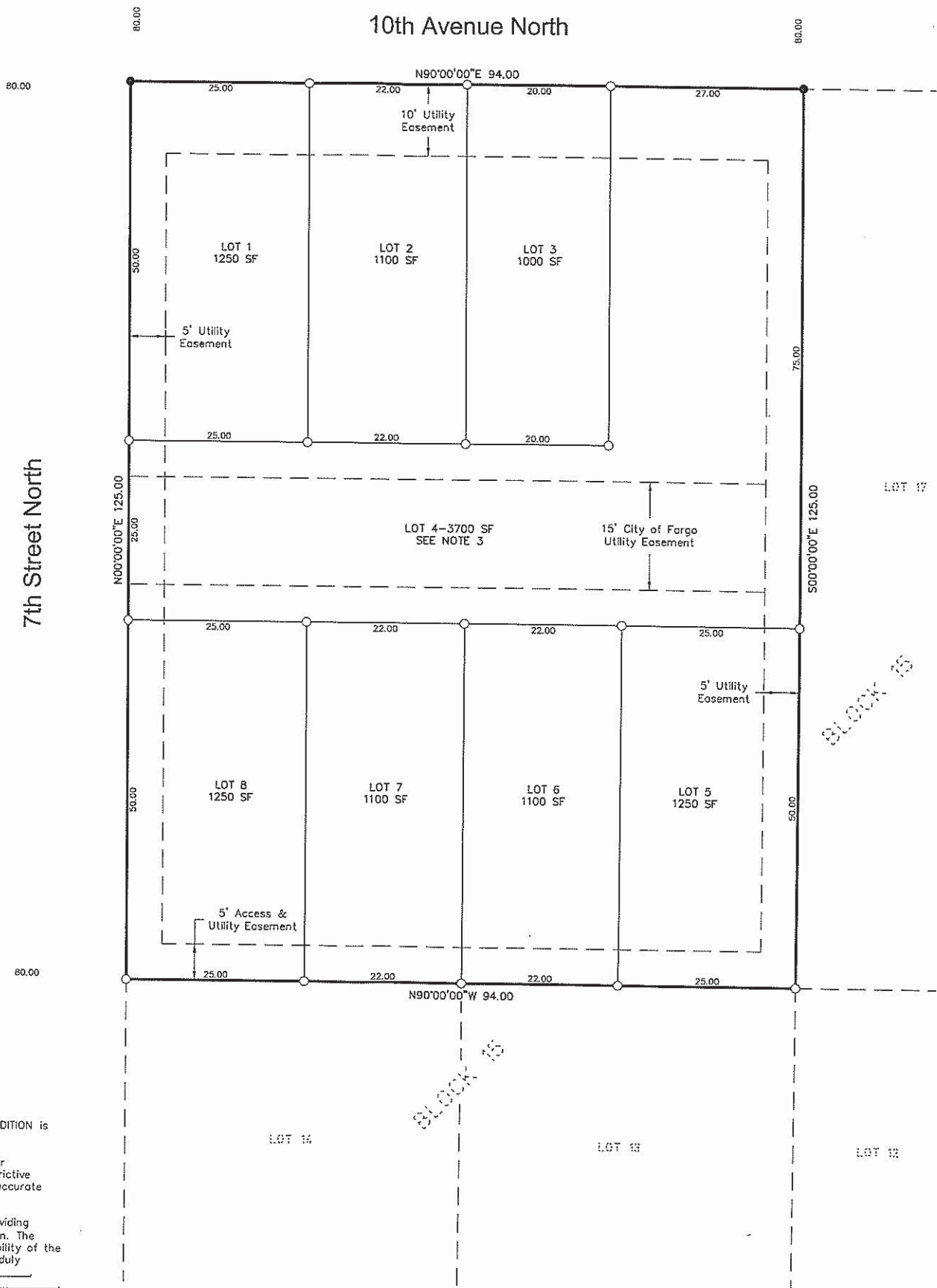
My Commission Expires _____

LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES 5/8" REBAR SET AND MARKED LS-8064
- DENOTES BOUNDARY LINE
- DENOTES LOT LINE
- - - DENOTES ADJACENT LOT LINE
- - - DENOTES UTILITY EASEMENT

SURVEYOR'S NOTES:

1. Basis of Bearing: The northerly line of Block 15, DOUGLAS ADDITION is assumed to bear N90°00'00"E
2. Lightowler, Johnson & Associates has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
3. Lot 4 is an unbuildable lot established for the purpose of providing ingress/egress from the adjacent lots to the public street system. The ownership, and maintenance of said Lot 4, shall be the responsibility of the Diamond Willow Homeowners Association, as stipulated within the duly established covenants as recorded on the _____ day of 2017, with the Cass County Recorder, as Document Number _____



CITY OF FARGO PLANNING COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Jan Ulferts Stewart, Chairperson
Fargo Planning Commission

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Jan Ulferts Stewart, Chairperson, Fargo Planning Commission, 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, Cass County, ND

My Commission Expires _____

FARGO CITY ENGINEER'S APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

April E. Walker, City Engineer

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared April E. Walker, City Engineer, 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, Cass County, ND

My Commission Expires _____

FARGO CITY COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, 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, Cass County, ND

My Commission Expires _____

DIAMOND WILLOW PUD NARRATIVE

DEVELOPER'S STATEMENT OF INTENT: Our goals with this development are to fortify the historic integrity of the Downtown residential neighborhoods by providing exterior architectural features that closely match structures adjacent to our project. In addition, we would like to be able to provide an affordable housing option in the Downtown area that may attract younger families to fill the schools, parks, and playgrounds.

The PUD will, generally, apply the MR-3, Multi-Dwelling Residential development standards, except as otherwise provided below:

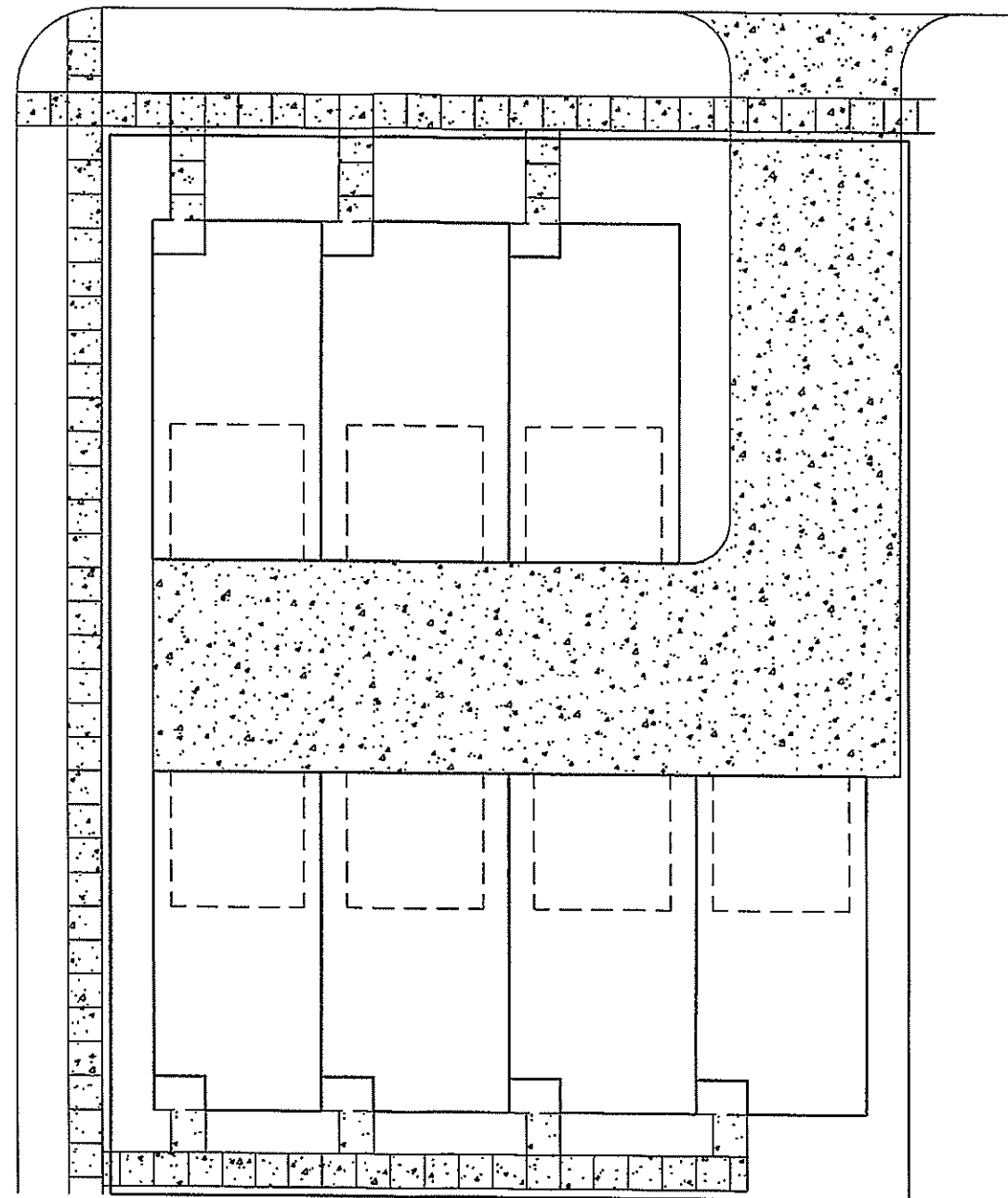
	Current LDC development standards for MR-3 zone	<i>PUD modifications to MR-3 development standards</i>	NOTES
Lot Area	5,000 sf	<i>Exempt—see NOTE below</i>	
Residential Density	24 du/ac	<i>26 du/ac</i>	
Setbacks	Front—25' Rear—20' Street side—12.5' Interior—10'	<i>Front—10' Rear—5' Street—5' Interior-Exempt—see NOTE below</i>	
Building Coverage	35%	<i>Exempt—see NOTE below</i>	
Landscaping—Open Space	35%	<i>23%</i>	

NOTE: This project applies Alternative Residential Development Options—Attached Housing (LDC Section 20-0506 B) that exempts attached housing from lot width, lot area, and building coverage requirements. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right. The setbacks noted above apply to the overall project site, not the individual lots within the site.

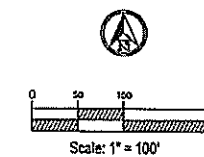
10th Avenue North

Diamond Willow PUD
Master Land Use Plan
August 30, 2017

7th Street North



Area Of Property = 11,750 SF
Building Coverage = 5,840 SF(49.7%)
Open Space = 2,652 SF(22.6%)



City of Fargo Staff Report			
Title:	Tunheim Addition	Date:	8/30/2017
Location:	2778 40 th Avenue North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Part of the SE Quarter, Sec. 14, T149N, R49W, City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Tunheim Construction / Nate Anderson-LJA	Engineer:	LJA
Entitlements Requested:	Major Subdivision (plat of Part of the SE Quarter, Sec. 14, T149N, R49W, City of Fargo, Cass County, North Dakota) Zoning Change (from AG, Agricultural to LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: September 5, 2017		

Existing	Proposed
Land Use: mostly undeveloped; storage	Land Use: Industrial
Zoning: AG, Agricultural	Zoning: LI: Limited Industrial
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: LI 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.
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Lot Coverage Allowed: Maximum lot coverage is 85%

Proposal:

The applicant requests approval of two entitlements:

1. A zoning change from AG, Agricultural to LI: Limited Industrial; and
2. A plat of the **Tunheim Addition**, a major subdivision which is a plat of Part of the SE Quarter, Sec. 14, T149N, R49W, City of Fargo, Cass County, North Dakota to create one lot for industrial development as shown in the table below.

BLOCK	LOT	AREA (acres)	ZONING
1	1	6.89	LI

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: LI, Industrial; warehouse and office
- East: P/I, Public/Institutional; airport
- South: LI and AG, Agricultural; residential and agricultural use
- West: Zoning unknown; residential use

Area Plans:

No area plans apply.

Schools and Parks:

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

Parks: Riverwood Park is located approximately 1.5 miles northeast of the project site and provides playground for ages 5-12, a shelter, and fields for several sports.

Pedestrian / Bicycle: There are off-road bike facilities along North University Drive north of 40th Avenue North that are located approximately 1.13 miles east of the project site that are a component of the metro area bikeways system.

Staff Analysis:**PLAT AND ZONE CHANGE**

ACCESS: The lot will be accessed from 25th Street North. The required right of way for 25th Street North is 80 feet. A 66-foot right of way exists. The plat will dedicate 14 feet of right of way, for a total of 80 feet.

AMENITIES PLAN: The applicant has provided a draft amenities plan providing details of the project's street, stormwater, and utilities within the project.

PARKS AND TRAILS: No park dedication is required, nor are there any trail connections to this property.

Zoning

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

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural. The proposed zoning of LI is consistent with adjacent properties to the north and south

(Criteria Satisfied)

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The lot in the subdivision will front on a dedicated public street, 25th Street North. Additional right of way for this street will be dedicated with the plat. This street will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no inquiries about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The 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." Staff finds this proposal is consistent with the purpose of the LDC and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

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

The proposed zoning for this property is LI: Limited Industrial. The LI zoning will accommodate the proposed industrial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the project.

(Criteria Satisfied)

- 2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The proposed zoning is LI, which will accommodate the proposed industrial development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

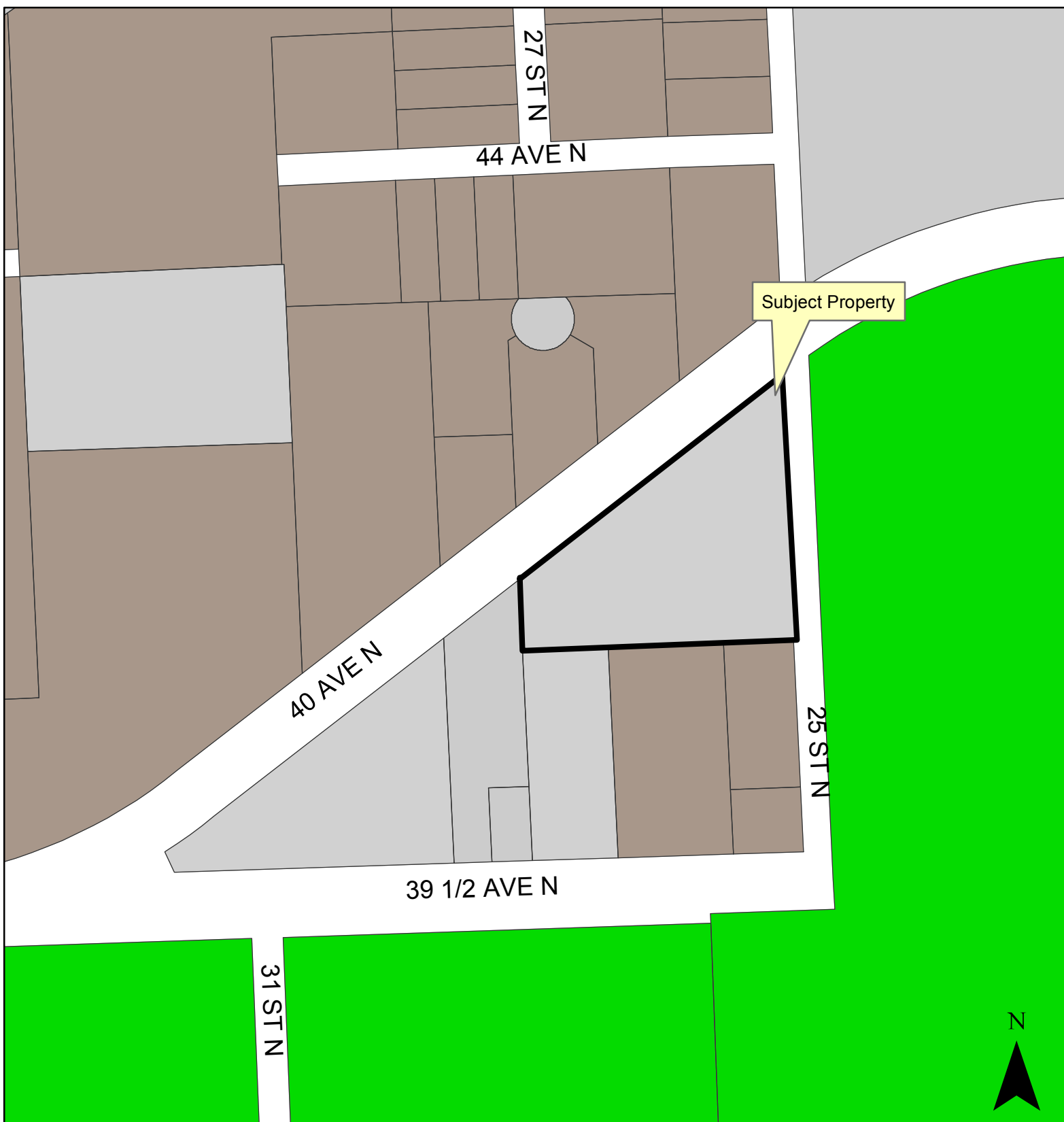
(Criteria Satisfied)

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to LI, Limited Industrial and 2) Tunheim Addition subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."
Planning Commission Recommendation: September 5, 2017
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Preliminary Plat 4. Draft Amenities Plan

Plat (Major) and Zone Change (AG to LI)

Tunheim Addition

2778 40th Avenue North



Legend

AG	LI	MHP	SR-2
DMU	LC	NCO	SR-3
GC	MR-1	PNT	SR-4
GO	MR-2	UML	SR-5
	MR-3		City Limits

Plat (Major) and Zone Change (AG to LI)

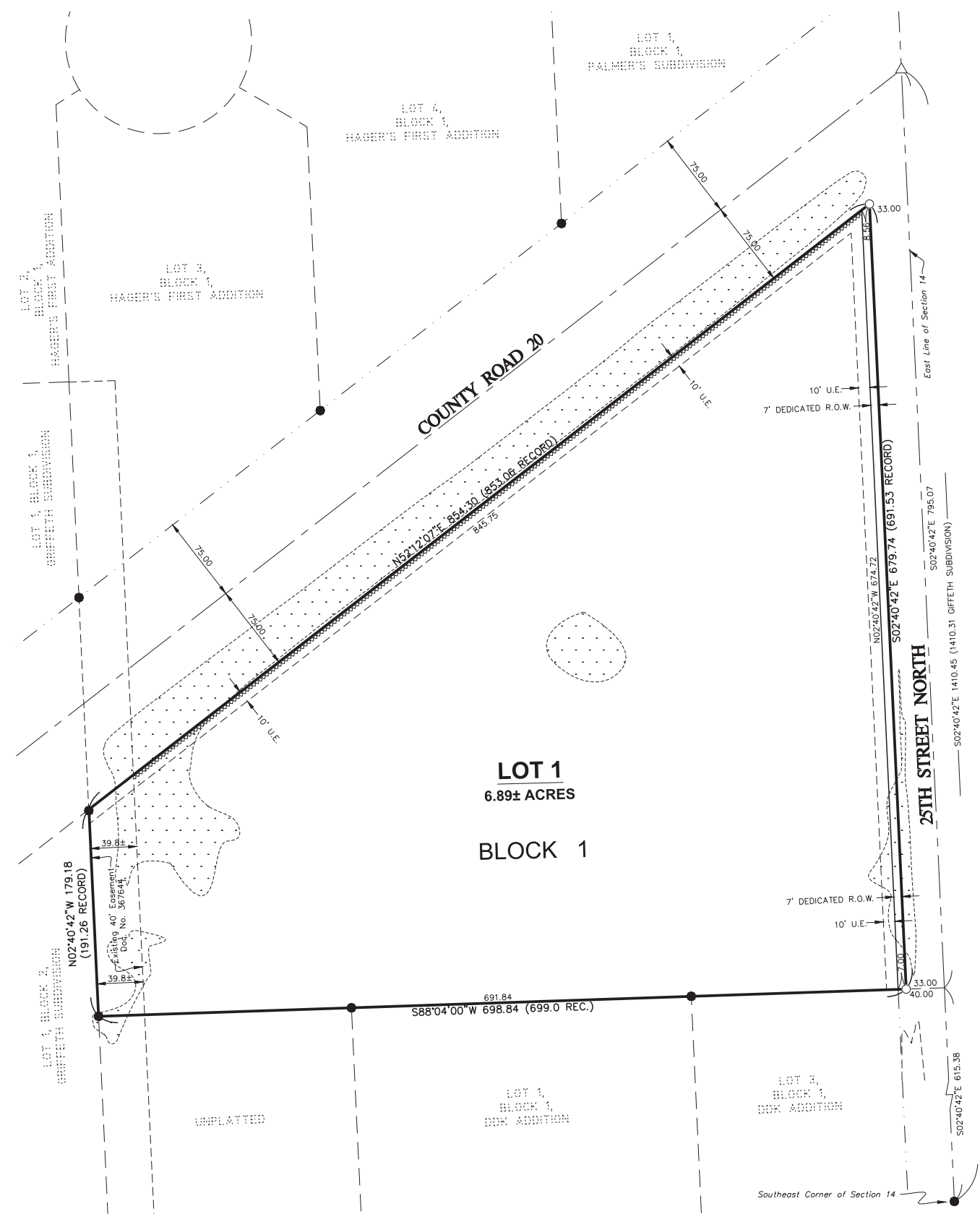
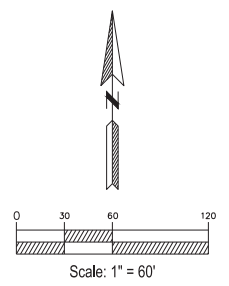
Tunheim Addition

2778 40th Avenue North



TUNHEIM ADDITION
PART OF THE SOUTHEAST QUARTER
SECTION 14, TOWNSHIP 140, RANGE 49 WEST
CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA
(A MINOR SUBDIVISION)

- LEGEND**
- DENOTES FOUND SURVEY MONUMENT
 - DENOTES 5/8" REBAR SET AND MARKED LS-8064
 - △ DENOTES COMPUTED POSITION (NOTHING SET)
 - DENOTES BOUNDARY LINE
 - - - DENOTES ADJACENT LOT LINE
 - - - DENOTES SECTION LINE
 - - - DENOTES RIGHT OF WAY
 - - - DENOTES EASEMENT LINE
 - U.E. DENOTES UTILITY EASEMENT
 - DENOTES NEGATIVE ACCESS EASEMENT
 - DENOTES 100 YEAR FLOOD PLAIN



TUNHEIM ADDITION
PART OF THE SOUTHEAST QUARTER
SECTION 14, TOWNSHIP 140, RANGE 49 WEST
CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNERS' CERTIFICATE

A tract of land located in the East Half (E $\frac{1}{2}$) of Section 14, Township 140 North, range 49 West, Cass County, North Dakota, more particularly described as follows: Beginning at a point seven hundred thirty-two (732.0) feet West and Six Hundred Fifteen (615.0) feet North of the Southeast corner of said Section 14; thence North and parallel with the East line of said Section 14 for a distance of one hundred ninety one and twenty-six hundredths (191.26) feet to the South right-of-way of Cass County Highway #20; thence Northeasterly along said Cass County Highway #20 right-of-way for a distance of eight hundred fifty-three and six hundredths (853.06) feet to a point on said county road right-of-way which is thirty-three (33.0) feet West of the East line of said Section 14; thence South and parallel to the East line of said Section 14 for a distance of six hundred ninety-one and fifty-three (691.53) feet; thence West and parallel to the South line of said Section 14 for a distance of six hundred ninety-nine (699.0) feet to the point of beginning. Said tract contains 7.08 acres, more or less.

Said owner has caused the above described tract of land to be surveyed and platted as TUNHEIM ADDITION to the City of Fargo, North Dakota, containing 1 Block and 1 Lot and do hereby dedicate to the public, for public use, all utility easements as shown on this plat.

Christopher Tunheim, President
TUNHEIM HOLDINGS, LLC

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Christopher Tunheim, President of Tunheim Holdings, LLC, 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, Cass County, ND

My Commission Expires_____.

CITY OF FARGO PLANNING COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Shara Fischer, Chairperson
Fargo Planning Commission

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Shara Fischer, Chairperson, Fargo Planning Commission, 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, Cass County, ND

My Commission Expires_____.

SURVEYORS CERTIFICATE AND ACKNOWLEDGMENT

I, Nathan G. Anderson, 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 TUNHEIM ADDITION to the City of Fargo, Cass County, North Dakota; 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 _____, 20____.

Nathan G. Anderson
Professional Land Surveyor
ND Reg. No. LS-8064

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Nathan G. Anderson, Professional Land Surveyor, 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, Cass County, ND

My Commission Expires_____.

FARGO CITY ENGINEERS APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Mark H. Bittner, City Engineer

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Mark H. Bittner, City Engineer, 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, Cass County, ND

My Commission Expires_____.

FARGO CITY COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, 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, Cass County, ND

My Commission Expires_____.

COUNTY AUDITORS TAX RECORD

I hereby certify that all delinquent taxes and special assessments on the above plat are paid and transfers entered.

Michael Montploisir, Cass County Auditor

**Site Amenities and
Project Plan
Tunheim Addition**

Location: The subject property is in the process of being platted as Tunheim Addition which is part of the Southeast Quarter of Section 14, Township 140 North, Range 49 West, Cass County, North Dakota. The property comprises approximately 6.89 acres

Details: The project includes 1 lot and is generally located on the South side of County Road 20 just West of and adjacent to 25th Street North. As approved, the project is intended to be developed as a single structure which will be the new office/shop for Tunheim Construction. The overall gross density calculates to approximately 0.14 units per acre.

Right of Way (ROW): The project accommodates right of way dedication extending south of 40th Avenue North (County Road 20) along 25th Street North for roadway and utilities and have been designated as a local roadway pursuant to §20.0702. Specific details are outlined below:

- ROW dedication of an additional 14 feet along the existing westerly right of way of 25th Street North will be platted to meet the 80 foot ROW requirement per City of Fargo.
- Street improvements will not be made as a part of this project.

Storm Water Management:

Storm Water Detention Facilities: All storm water quantity and quality will be met with the construction of a pond located in the northeasterly corner of the property.

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

Internal Flooding – rainfall or spring event induced:

1. Storm sewer systems designed and installed to city standards;

FEMA Floodplain Expansion: Building construction shall meet all Fargo Flood Proofing Code Requirements with the following:

- Point of risk on the lowest opening shall be BFE (893.0) + 2.0 feet (895.0 feet NAVD 88) or 41' WSEIA (894.0 + 1.2 = 895.2), whichever is greater;
- The adjacent shall be at 41' + 0.7 = 894.7 or BFE + 1.5 = 894.5, whichever is greater;
- Fill 15' away from building must be at or above BFE = 893.0;
- Sewer service back up valves shall be installed;
- Material shall be placed on each lot in a manner that conforms with the City of Fargo standards for compaction and FEMA regulations for Letter of Map Revisions by Fill (LOMR-F). The developer shall prepare a LOMR-F on behalf of the entire development, detailing the portions of the lot that are to be removed.
- Flood proof foundations are required.

Detached structures must be at BFE + 1 = 894.0. and otherwise meet the flood proofing requirements listed above.

Water Supply: Potable water shall be provided by the City of Fargo.

Engineering and Construction Improvements: The developer shall rely upon and collaborate with the City of Fargo Engineering Department on the design and construction of all public improvements, inclusive of sanitary sewer, storm sewer, water facilities and boulevards, as applicable.

Funding of Improvements: The following shall apply respective to assessed public improvements:

- Public improvements shall be assessed to the benefitting properties, pursuant to city policy;

This Amenities Plan is hereby approved

Chris Tunheim, Tunheim Construction

date

Mark Bittner, City Engineer

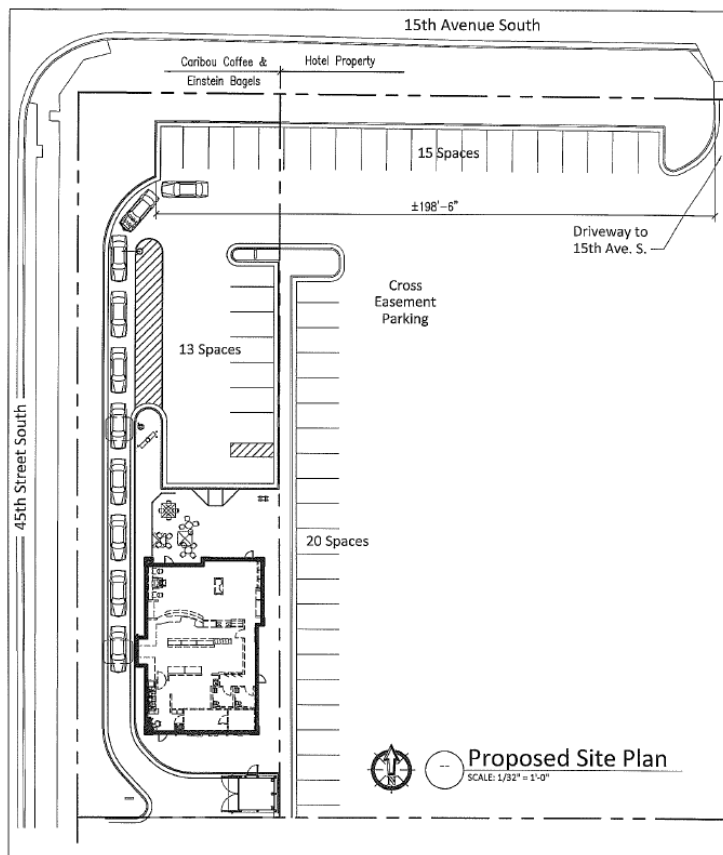
date

City of Fargo Staff Report			
Title:	Hinks Addition	Date:	08/28/2017
Location:	4484 15th Avenue South	Staff Contact:	Barrett Voigt
Legal Description:	Lot 1, Block 1, Hinks Addition		
Owner(s)/Applicant:	Skunk Creek Developers LLC/Jim Bruget	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for an Alternative Access Plan		
Status:	Planning Commission Public Hearing: September 5, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: Restaurant
Zoning: GC, General Commercial	Zoning: No Change
Uses Allowed: 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, aviation, surface transportation, and major entertainment events.	Uses Allowed: 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, aviation, surface transportation, and major entertainment events. Plus a CUP to allow for an Alternative Access Plan
Maximum Lot Coverage Allowed: 85% building coverage	Maximum Lot Coverage Allowed: 85% building coverage

Proposal:
<p>The applicant is requesting a Conditional Use Permit (CUP) to allow for an Alternative Access Plan for a reduction in the required off-street parking on Lot 1, Block 1, Hinks Addition. The applicant is proposing to build a new restaurant with a drive thru and an outdoor seating area on the vacant site of the subject property. Due to the size limitation of the site, the applicant would only be able to accommodate for 10 of the required 20 parking stalls (For more information, please refer to the site plan image below). Staff would also like to note that when site plans are reviewed, parking stalls that are partially located on the lot or blocked by the required 10 stacking spaces for the drive thru are not counted towards the required number of parking stalls.</p> <p>The applicant has a private parking agreement with the abutting hotel property to the east (4400 15th Avenue South) that would provide for the additional parking stalls that the restaurant would require. According to the applicant, the parking agreement with the abutting landowner would allow for an additional 35 parking spaces, 25 spaces beyond what is required.</p> <p>In addition, access to the subject property may only be made by traversing the abutting properties. To address this issue, the applicant has provided a recorded access easement that would allow for ingress and egress to the site. This access easement agreement document will be a requirement for the proposed CUP. Therefore, the applicant would like to request a CUP to allow for a parking reduction so that parking requirements may be met.</p>

After the application for the CUP entitlement request was submitted by the applicant, this project was reviewed by the Planning and Development, Engineering, Public Works, and Fire Departments of the City of Fargo ("staff"), whose comments are included in this report.



SITE PLAN PROVIDED BY APPLICANT

Surrounding Land Uses and Zoning Districts:

- North: Across 15th Avenue South, GC, General Commercial with financial services use
- East: GC, General Commercial with hotel use
- South: GC, General Commercial with restaurant use
- West: Across 45th Street South, GC, General Commercial with retail use

Area Plans:

No area plans apply.

Schools and Parks:

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

Parks: Rabanus Park (4315 18th Avenue SW) is located less than a ½ mile southeast of the subject property with amenities of basketball, grill, playground, recreational trails, rentals, restrooms, sand volleyball, and tennis.

Pedestrian / Bicycle: There is an off-road bike facility located along 45th Street South. This bike route is a component of the metro area bikeways system.

Staff Analysis:

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?** The applicant has submitted an application to request an Alternative Access Plan to facilitate a reduction in the required off-street parking for this property. All other applicable provisions of the LDC have been met or will need to be met through the site plan permitting process, if the Alternative Access Plan is approved. **(Criteria Satisfied)**
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?** The CUP and specifically the Alternative Access Plan, if approved, would allow investment and additional productivity from an underutilized property that is located on a major arterial. **(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 a walk-in inquiry from a nearby property. **(Criteria Satisfied)**
4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.** The proposed parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant to mitigate, to the extent practical, the potential negative impacts. **(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 site is in the process of a building permit request for new infill construction in an area that is already developed. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the 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?** Access and egress of the property is only possible through the parking lots of the properties in close proximity. To resolve this issue, the applicant has provided an access easement agreement with all properties in close proximity that have access points along 15th Avenue South and 45th Street South. This access agreement document will be a condition of the CUP. **(Criteria Satisfied)**

Recommended Conditions:

- 1) 10 parking spaces, unobstructed by the required drive thru stacking spaces, are required on site.
- 2) Any expansion of the square footage of the restaurant and/or retail use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 3) The Conditional Use Permit will cease if the land use changes from restaurant and/or retail.
- 4) A recorded access easement document is required for the properties of Lot 1-4, Block 1, Hinks Addition (4484 15th Avenue South, 4400 15th Avenue South, 1555 44th Street South, and 1600 45th Street South).
- 5) Pedestrian striping is required at pedestrian and vehicular mode conflicts across the driving lane between the properties of 4484 15th Avenue South and 4400 15th Avenue South.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow for an Alternative Access Plan for Lot 1, Block1, Hinks Addition as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- 1) 10 parking spaces, unobstructed by the required drive thru stacking spaces, are required on site.
- 2) Any expansion of the square footage of the restaurant and/or retail use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 3) The Conditional Use Permit will cease if the land use changes from restaurant and/or retail.
- 4) A recorded access easement document is required for the properties of Lot 1-4, Block 1, Hinks Addition (4484 15th Avenue South, 4400 15th Avenue South, 1555 44th Street South, and 1600 45th Street South).
- 5) Pedestrian striping is required at pedestrian and vehicular mode conflicts across the driving lane between the properties of 4484 15th Avenue South and 4400 15th Avenue South."

Planning Commission Recommendation: September 5, 2017

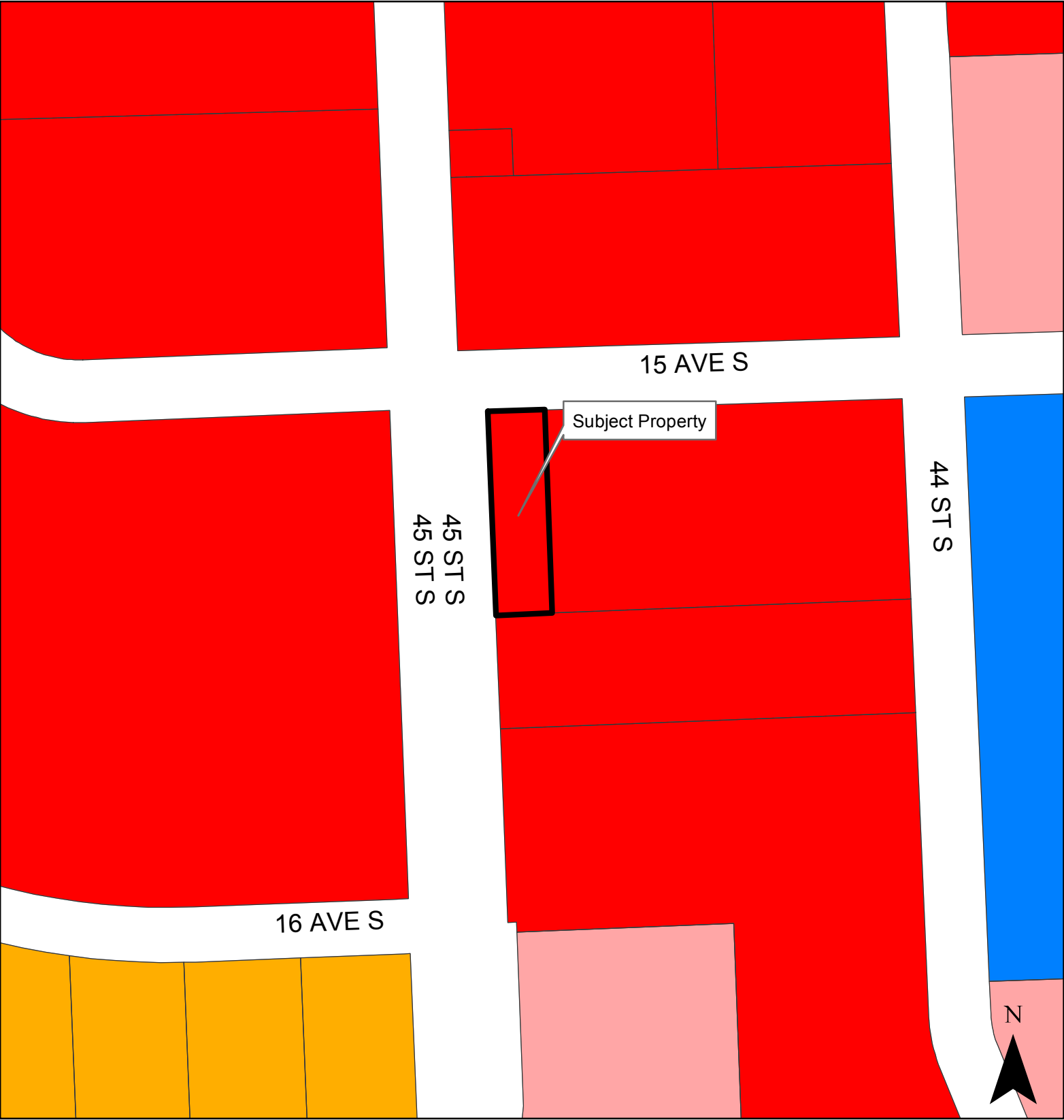
Attachments:

1. Zoning Map
2. Location Map

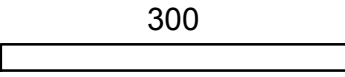
CUP (Alternative Access)

Hinks Addition

4484 15th Avenue South



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



Fargo Planning Commission
September 5, 2017

CUP (Alternative Access)

Hinks Addition

4484 15th Avenue South



**City of Fargo
Staff Report**

Title:	Reeves Addition	Date:	08/29/17
Location:	502 North University Drive & 1321 5th Avenue North	Staff Contact:	Derrick LaPoint
Legal Description:	Lots 1-6, 7-9, and 19-24, Block 6, Reeves Addition		
Owner(s)/Applicant:	DFI AU LLC/Mike Zimney	Engineer:	N/A
Entitlements Requested:	Zoning Change (from GC, General Commercial to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: September 5, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: Residential
Zoning: GC, General Commercial	Zoning: DMU, Downtown Mixed-Use with a C-O, Conditional Overlay
Uses Allowed: 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, aviation, surface transportation, and major entertainment events.	Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events. C-O: Later determination of the east setback through structural analysis and site accommodations to provide on-site storm water retention.
Maximum Building Coverage Allowed: 85%	Maximum Building Coverage Allowed: No maximum

Proposal:

The applicant is seeking a zoning change from GC, General Commercial to DMU, Downtown Mixed-Use, with a C-O, Conditional Overlay, on part of Lots 1-6, 7-9, and 19-24, Block 6, Reeves Addition. The subject properties are located at 502 North University Drive and 1321 5th Avenue North. The applicant is proposing to develop an affordable housing project on the vacant lot.

The applicant first approached staff to discuss the project and the process of obtaining state low income housing tax credits. The applicant inquired about the DMU zoning district and their location would be an appropriate area for DMU. Through past cases and previous downtown area planning, it has been determined that Planning staff would be supportive of DMU zoning request one-block west of University Drive.

Two primary concerns were brought up through the preliminary site plan coordination meeting.

First, Public Works and the Engineering Department shared concerns with the building's proximity to the retaining wall on the east side of the property adjacent to University Drive. The retaining wall is owned by the Department of Transportation (DOT) but is maintained by the City of Fargo. If the DMU zoning change were approved the building could be built on the property line adjacent to the wall with no setback. It was suggested that the GC, General Commercial, setback of 20-feet remain on the east property line until further structural analysis is conducted to determine if that setback should be greater or less than 20-feet.

Second, Public Works and the Engineering Department shared concerns with the existing storm water utilities servicing the property. The existing storm water utility and railroad owned lift station (north of the subject location) are at full capacity and cannot accommodate further development. If the DMU zoning change were approved the property would be exempt from storm water retention requirements. Language has been added to the C-O, Conditional Overlay, that the applicant shall not obtain a building permit until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require the applicant to meet the storm water requirements of the existing GC, General Commercial, zoning district.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial with vacant land and BNSF uses;
- East: Across University Avenue North, LI, Limited Industrial with light manufacturing use;
- West: GC, General Commercial with warehouse and office uses;
- South: Across 5th Avenue North, GC, General Commercial and LC, Limited Commercial with restaurant and warehouse uses.

Area Plans:

No area plans apply to the subject location.

Schools and Parks:

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

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1/4 mile west of the subject property and offers multipurpose field, grill, basketball, picnic table, playground, and recreational trails amenities.

Pedestrian / Bicycle: On road bike facilities are located along University Drive North. These facilities are a component of the metro area trail system.

Staff Analysis:

Zoning

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

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a new vision of the type of development for the property. Also, through area planning efforts and previous downtown plans, staff determined that the properties west of University Avenue could support the land use mix that DMU zoning allows for, including more residential uses downtown to support campus and downtown living. Through staff analysis, it was determined that the subject location would be an appropriate area for the DMU zoning district to expand.

(Criteria Satisfied)

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

The attached C-O, Conditional Overlay, notes that an approved storm water management plan or a developers agreement must be obtained prior to receiving a building permit. If an agreement is approved, the development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal.

(Criteria Satisfied)

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

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any verbal concerns or written comments regarding the proposed overlay zoning change. In addition, staff held an open house meeting for the surrounding property owners on August 22nd. Two individuals attended the meeting. The property owners inquired about the development plans. After the explanation, the property owners did not have any concerns with the proposed zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

In summary, staff is recommending approval with the following conditions:

1. Minimum setback on the east side of the property of 20 feet
 - a. The setback may be greater or less than 20 feet if a structural assessment is approved by the North Dakota Department of Transportation and City of Fargo.
 - b. The setback is intended to preserve the integrity of the existing retaining wall along the west side of University Drive.
2. With the existing storm water infrastructure and the transition from pervious to impervious, a building permit shall not be issued until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require meeting the storm water requirements for GC.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission approval of the proposed zoning change from GC, General Commercial to DMU, Downtown Mixed-Use, with a C-O, Conditional Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC with the following conditions:

1. Minimum setback on the east side of the property of 20 feet
 - a. The setback may be greater or less than 20 feet if a structural assessment is approved by the North Dakota Department of Transportation and City of Fargo.
 - b. The setback is intended to preserve the integrity of the existing retaining wall along the west side of University Drive.
2. With the existing storm water infrastructure and the transition from pervious to impervious, a building permit shall not be issued until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require meeting the storm water requirements for GC.

Planning Commission Recommendation: September 5, 2017

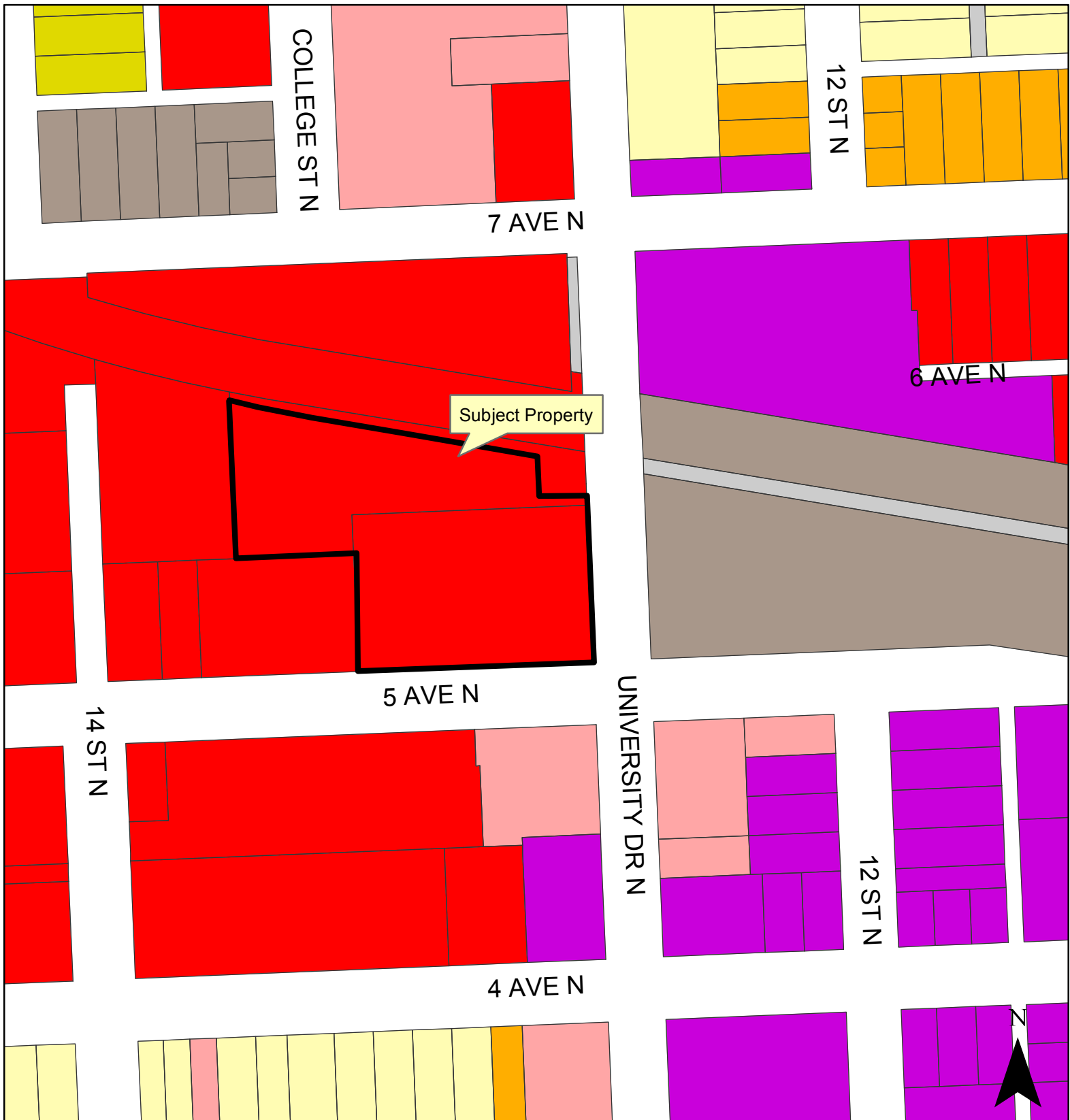
Attachments:

1. Zoning Map
2. Location Map
3. Draft C-O, Conditional Overlay

Zone Change (GC to DMU)

Reeves Addition

502 N University Dr &
1321 5th Avenue North



Legend

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

Zone Change (GC to DMU)

Reeves Addition

502 N University Dr &
1321 5th Avenue North



Section 1. The following described property:

Portions of Lots 1-6, 7-9 & 19-24, Block 6, Reeves Addition

is hereby rezoned from “GC”, General Commercial, District to “DMU”, Downtown Mixed-Use, District with a “CO”, Conditional Overlay, District as follows:

1. Minimum setback on the east side of the property of 20 feet
 - a. The setback may be greater or less than 20 feet if a structural assessment is approved by the North Dakota Department of Transportation and City of Fargo.
 - b. The setback is intended to preserve the integrity of the existing retaining wall along the west side of University Drive.
2. With the existing storm water infrastructure and the transition from pervious to impervious, a building permit shall not be issued until the City of Fargo and the applicant have an approved agreement for a storm water management plan, which may require meeting the storm water requirements for GC.

City of Fargo Staff Report			
Title:	Roberts Addition	Date:	8/26/17
Location:	114 Broadway	Staff Contact:	Derrick LaPoint
Legal Description:	Lots 3-5, Block 2, Roberts Addition		
Owner(s)/Applicant:	DFI Black Building LLC/Mike Zimney	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit to allow an iconic sign on Lots 3-5, Block 2, Roberts Addition		
Status:	Planning Commission Public Hearing: September 5, 2017		

Existing	Proposed
Land Use: Commercial	Land Use: No change
Zoning: DMU, Downtown Mixed-Use	Zoning: No Change
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.	Uses Allowed: No change Plus a CUP to allow an iconic sign.
Maximum Building Coverage Allowed: No maximum	Maximum Lot Coverage Allowed: No change

Proposal:
<p>The applicant is seeking approval of a Conditional Use Permit (CUP) to allow an iconic sign on Lots 3-5, Block 2, Roberts Addition. The proposed signage is intended to be placed on the Historic Black Building. Since the proposed signage is larger than what would be allow in the sign code, the applicant is seeking a CUP for an iconic sign.</p> <p><u>Intent of the Iconic Sign CUP</u> The intent of the iconic sign provision is intended to create a process whereby a proposed sign that does not meet the dimensional standards or other standards of the sign code, but, through design and artistic expression unrelated to its message, is culturally significant to our community, and is expected to serve a placemaking function either upon completion or with the passage of time.</p> <p><u>Background</u> In the late 1930s or early 1940s until the 1960s the Black Building had a prominent sign on the front façade. The original sign was identified with the word “Blacks” and that was changed to “Sears” at a later point. The applicant used photographic evidence to determine the size and orientation of the sign.</p> <p>The applicant is proposing to construct a new sign that would be in the original location, similar in size and design. The sign will incorporate white neon or LED tubing to mimic the vertical and horizontal lines on the original sign. The sign details are attached for your review.</p> <p>The applicant states that the impact of the new sign will highlight the restoration and renovation of the building giving</p>

residents and visitors a new exciting element to the streetscape. In addition, reincorporating the sign will also allow pedestrians to gain a better sense of what the streetscape on Broadway felt like in the middle of the 20th Century.

It should be noted that the Engineering Department will document an encroachment agreement for the proposed signage. The encroachment agreement consideration will be on the Monday, September 11, 2017 City Commission meeting.

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

Surrounding Land Uses and Zoning Districts:

- North: DMU, Downtown Mixed-Use with retail, apartment, and office uses
- East: Across Broadway, DMU, Downtown Mixed-Use with retail and apartment uses
- South: DMU, Downtown Mixed-Use with retail and office uses
- West: DMU, Downtown Mixed-Use with commercial parking use

Area Plans:

No area plans apply.

Schools and Parks:

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

Parks: Island Park (302 7th Street S) is located approximately ¼ mile south of the subject property and provides the amenities of cross country ski trails, grill, handball, picnic table, playground, restrooms, rentals, recreational trails, tennis and weddings.

Pedestrian / Bicycle: On road bike facilities are located along Broadway North. These facilities are a component of the metro area trail system.

Staff Analysis:

Iconic Sign Approval Criteria (Fargo Sign Code) & Conditional Use Permit Approval Criteria (Section 20-0909.D)

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

- 1. The proposed iconic sign represents an improvement over what could have been accomplished through the strict application of this ordinance for reasons unrelated to any message of the sign.**
The applicant is seeking to restore the historical character to an existing building in the downtown core. The applicant has intended to reconstruct the sign as it was originally built in the 1930s. The proposed sign will be documented with an encroachment agreement administered through the Engineering Department.
(Criteria Satisfied)
- 2. The proposed iconic sign is consistent with sound planning practice. A sign is consistent with sound planning practice when it is in furtherance with the city's comprehensive policy plan for the location of the sign.**
Promotion of public art and the design of signature streets, like Broadway, are goals outlined in Fargo's Go2030 Comprehensive Plan. Staff finds the proposed sign is consistent with the purpose of the historical element of downtown Fargo, the Fargo Sign Code, the Go2030 Comprehensive Plan, and other adopted policies of the City.
(Criteria Satisfied)
- 3. The proposed iconic sign, through design and artistic expression unrelated to its message, is culturally significant to the community.**
The Black Building has historical significance to downtown Fargo. When built, it was the tallest building in

Fargo and North Dakota. It served as a hub for many well-known establishments in Fargo. Staff finds that the proposed sign will bring back a historical element to the building and that the design is consistent with the original intent.

(Criteria Satisfied)

4. **The proposed iconic sign is expected to serve a placemaking function either upon completion or with the passage of time. A sign serves a placemaking function when it attracts people to the immediate area of the sign for purposes of social interaction.**

Since the late 1960s when the original sign was removed, the building has had limited signage. The proposed signage would create a sense of place by incorporating the historic design. The white neon or LED tubing would add to the iconic nature of Broadway.

(Criteria Satisfied)

5. **Approval of the proposed iconic sign will not arbitrarily or unreasonably result in favoritism of the proposed sign over another sign that is similarly situated in all relevant respects but for which a sign permit has been denied by the city in the previous two years.**

Staff is unaware of any past signs that have been denied near the subject location and this is the first case on record to pursue an iconic sign CUP. In addition, the proposed sign is unique to the Black Building. It is intended to be an identifier to the structure and staff has no data to suggest that the proposed sign would negatively impact the surrounding properties.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to approve the proposed iconic sign as the proposal complies with Fargo Sign Code, Section 20-0909.D (1-6) and all other requirements of the LDC.

Planning Commission Recommendation: September 5, 2017

Attachments:

1. Zoning Map
2. Location Map
3. Application
4. Sign Images

CUP (Iconic Sign)

Roberts Addition

114 Broadway North



THE CITY OF
Fargo
FAR MORE

Legend

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

300

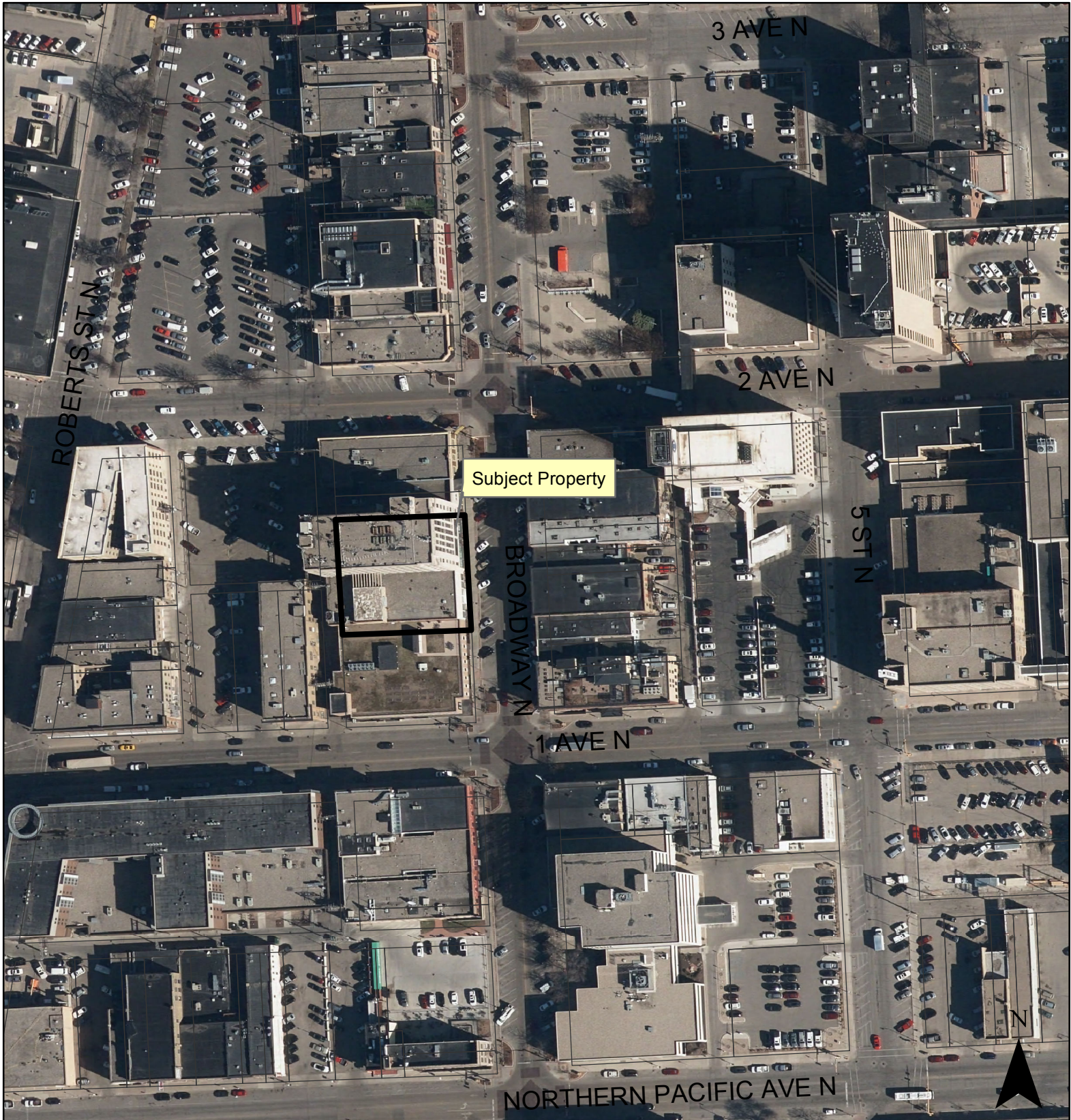
Feet

Fargo Planning Commission
September 5, 2017

CUP (Iconic Sign)

Roberts Addition

114 Broadway North



BLACK BUILDING – CONDITIONAL USE PERMIT

ICONIC SIGNS – SECTION 20-0909

BLACK BUILDING HISTORY

The Black Building, located at 118 Broadway North, Fargo, ND, was built from 1930 to 1931 in the Art Moderne style. It was built as a mixed use, 8-story building standing 122 feet tall. The building was originally built with retail on the basement, 1st, mezzanine, 2nd, and 3rd floors with offices on the 4th, 5th, 6th, 7th, and 8th floors. The building's main (east) façade faces Broadway North, the west façade faces an alley, and the north and south facades abut buildings on each side. The main façade is faced with Indiana limestone that continues to the north and south façades by one bay.

HISTORIC SIGN

The Black Building had a prominent primary façade sign that cantilevered over the sidewalk on Broadway. The sign was present between the late 1930s/early 1940s through the 1960s based on photographic evidence. The sign text and other minimal features changed once during this period. The first sign had the word “Black’s” (Figure 1), where it ultimately changed to “Sears” (Figures 2-4). Based from historic photos, it is estimated the original sign was 30’ tall, the base hung 6’9.5” over the pedestrian walkway, while the remainder hung 5’ (Figure 5). The date of the change is unknown. The historic sign was notably a dominant and character-defining feature for Broadway North during their presence. The date the sign was removed is unknown.

PROPOSED SIGN

The building's period of significance has been determined from 1931-1966, where the original sign was largely present. With the intention to restore the exterior to its period of significance, a new contemporary sign emulating the old in style and color would be affixed to the façade (Figures 6 & 7). The sign matches the original closely in depth, width, and height and overall use of colors designed to mirror the “Sears” representation. The sign will be placed in the near exact location on the façade as the original. Though mirroring, the sign contains differentiating features to tell the viewer it is a contemporary representation of the historic.

It is not permitted to design the sign with the base depth extending farther over the sidewalk than the depth of the top. Article 20-13 of Chapter 20 of the Fargo Municipal Code will not allow for the sign to overhang more than 5’ over the pedestrian walkway. Based from historic photos, it is estimated the original base hung 6’9.5” over the pedestrian walkway, while the remainder hung 5’.

To incorporate a more contemporary aesthetic, the large letters, mirroring the Art Deco font styles of “Blacks” and “Sears”, will have a silver face and a transparent edge that will glow at night when the internal light is on, giving the text a “halo” effect. White neon or LED tubing will be incorporated to mimic the vertical and horizontal lines on the original sign.

The impact of the new sign will highlight the restoration and renovation of the building giving residents and visitors a new exciting element to the streetscape. Reincorporating the sign will also allow pedestrians to gain a better sense of what the streetscape on Broadway North felt like during the middle of the 20th century.

SIGN DESIGN & INSTALLATION

The design of the sign is being guided by JLG Architects (project architect) and Collaborative Design Group (historic tax credits architect). The National Park Service and the State Historic Preservation Office is reviewing the design and providing feedback as it relates to the historic tax credits application. Jeff Knight Design created the branding for the project that emulates the historic art deco fonts of the original sign. Scenic Sign Company is developing shop drawings for the new sign incorporating the brand, the original sign design, and the design team's vision (Figures 6 & 7). Kilbourne Group will use the shop drawing specs to seek proposal from qualified sign companies for the fabrication and installation.

The sign will weigh 2,000 pounds requiring mechanical attachment to the limestone. Angles will be attached at the side of the sign frame and then bolted through the exterior limestone into the concrete superstructure. A similar installation can be seen at the Lorretta Building which is a neighboring historic building in Downtown Fargo.

National Park Service is requiring a new sign to use the original sign's anchor points to eliminate new penetrations into the limestone exterior. A site survey of the building was conducted by Scenic Sign Company to document the location, size, and quantity of original anchor points (Figure 8). It is believed the original sign also used guy wires extending to the north and south (Figure 2) to provide additional support. Heyer Engineering, the structural consultant for the Black Building restoration, has reviewed the preliminary sign design and developed a plan to bolt the new sign using thru-bolts through the exterior limestone at the original anchor locations and into the concrete superstructure. This method would meet all structural requirements for this sign and eliminate guy-wires.

APPROVAL CRITERIA

1. THE PROPOSED ICONIC SIGN REPRESENTS AN IMPROVEMENT OVER WHAT COULD HAVE BEEN ACCOMPLISHED THROUGH THE STRICT APPLICATION OF THIS ORDINANCE FOR REASONS UNRELATED TO ANY MESSAGE OF THE SIGN.

Kilbourne Group takes a very thoughtful approach to the renovation of historic buildings. As part of the renovation of the Black Building, Kilbourne Group is seeking historic tax credits; a program administered by the National Park Service which helps preserve historic buildings while also being an effective tool for building owners to undertake extensive renovations. To qualify, projects must meet the stringent Secretary of the Interior's Standards for Rehabilitation, driving the preservation of a property's historic materials and features.

The renovation intends to restore the building's exterior to more closely match its original conditions. As part of that effort, the ability to attach a blade sign

matching the original dimensions is a key component of bringing the building back to its original grandeur.

For a new sign to match the original design, the base will need to extend 6'9.5" – an additional 1'-9.5" – into the public ROW. This request is not to allow a larger sign for messaging purposes, as the "message" portion of the sign (BLACK) could be achieved without variance. The request is to allow the new sign to accurately match the size, proportion and detailing of the original – elements that are very important for this restoration.

Nearly every element of architecture reflects the feet, body, and head arrangement of the human body. Columns have a base, a shaft, and a cap. Traditional buildings have a base, a body, and a capital (roof). The original sign followed this arrangement of a base, body, and cap. The ability to extend the sign an additional 1'-9.5" will allow the new sign to duplicate the historic base pattern, a critical aesthetic of the original design.

2. THE PROPOSED ICONIC SIGN IS CONSISTENT WITH SOUND PLANNING PRACTICE. A SIGN IS CONSISTENT WITH SOUND PLANNING PRACTICE WHEN IT IS IN FURTHERANCE WITH THE CITY'S COMPREHENSIVE POLICY PLAN FOR THE LOCATION OF THE SIGN.

Kilbourne Group would prefer we were in a situation of restoring the original sign, instead of constructing a new sign paying homage to the original. While this is not the case, we do have an opportunity to once again create a sign, landmark, and piece of art fitting the scale, history, and prominence of the Black Building.

Signs often become so important to a community that they are valued long after their role as commercial markers has ceased. They become landmarks, loved because they have been visible at certain street corners—or from many vantage points across the city—for a long time. They become icons.¹

The GO2030 City of Fargo Comprehensive Plan identifies several initiatives and recommendations supporting public art and improved streetscapes, both of which can be achieved by the recreation of this iconic sign:

- "Incorporate public art into the public realm of the city" is Initiative #1 of the plan's Art and Culture section.
- The plan identifies Broadway as a signature street: "*Signature streets will be destination public spaces in Fargo. They will include streetscape enhancements including wide sidewalks, landscaping, benches, pedestrian scaled streetlights, and other amenities [emphasis added].*"
- "Incorporate public art into the public realm through infrastructure and other public projects."
- "Work with developers to maximize development ideas that incorporate public art opportunities."

¹ Preservation Brief 25: The Preservation of Historic Signs. (1991). National Park Service U.S. Department of the Interior.

The U.S Department of Interior who writes the *Secretary of the Interior's Standards for Rehabilitation*, supports the creation of new signs designed in a way to replicate a building's original sign. "New signs should respect the size, scale and design of the historic building"; "Materials characteristic of the building's period and style, used in the contemporary designs, can form effective new signs."²

Retailing expert and downtown planner and consultant, Bob Gibbs, emphasizes the importance signs have for downtowns; "Nothing contributes to strong retail sales and an attractive downtown as much as well-designed and properly scaled signage."³ While he supports cities adopting guidelines to ensure downtown signs are designed correctly, he also recognizes exceptions should be made for iconic signs. "A variance should be provided for the exceptionally creative landmark sign, such as a major piece of neon or sculptural work of art that fails to comply with existing sign ordinances."⁴

3. THE PROPOSED ICONIC SIGN, THROUGH DESIGN AND ARTISTIC EXPRESSION UNRELATED TO ITS MESSAGE, IS CULTURALLY SIGNIFICANT TO THE COMMUNITY.

The Black Building is the tallest historic building in Fargo, and when it was constructed, was the tallest building in North Dakota for several years. Since its construction, it has been one of the most prominent landmarks in downtown. The upper floors housed a number of professional offices, including the WDAY radio studio on the top floor, and Sears Roebuck & Co. was located on the first several floors. Many longtime residents of Fargo have fond memories of the Black Building, through shopping at Sears or visiting their dentist or doctor. Visitors to this downtown landmark would have been greeted by the large, iconic, neon-lit sign and what was described as "The largest neon installation of its kind the state" (Figure 9).

The planned restoration of the Black Building will repair years of neglect to allow the building to once again be the premium office space in Fargo, as it had originally been advertised after its construction. The restoration of the building's exterior and careful recreation of the building's iconic blade sign will reinforce this effort and once again create a visual landmark for downtown and Broadway.

² Preserving Historic Architecture: The Official Guidelines. (2013). U.S. Department of the Interior. Skyhorse Publishing

³ Gibbs, Robert J. (2012). Principles of urban retail planning and development. Hoboken, N.J. :John Wiley & Sons,

⁴ Gibbs, Robert J. (2012). Principles of urban retail planning and development. Hoboken, N.J. :John Wiley & Sons,

4. THE PROPOSED ICONIC SIGN IS EXPECTED TO SERVE A PLACEMAKING FUNCTION EITHER UPON COMPLETION OR WITH THE PASSAGE OF TIME. A SIGN SERVES A PLACEMAKING FUNCTION WHEN IT ATTRACTS PEOPLE TO THE IMMEDIATE AREA OF THE SIGN FOR PURPOSES OF SOCIAL INTERACTION.

Without doubt the Fargo Theatre's marquee and sign is the most photographed sign in downtown and serves as a landmark. This underscores the importance of how well-designed signs can serve as a landmark, support placemaking, and create a unique identity for downtown.

The historic Black Building sign was notably a dominant and character defining feature for Broadway during its presence through the 1960s. The impact of the new sign will highlight the restoration and renovation of the building giving residents and visitors a new exciting element to the streetscape. Reincorporating the sign will also allow pedestrians to gain a better sense of what the streetscape on Broadway North felt like during the middle of the 20th century.

5. APPROVAL OF THE PROPOSED ICONIC SIGN WILL NOT ARBITRARILY OR UNREASONABLY RESULT IN FAVORITISM OF THE PROPOSED SIGN OVER ANOTHER SIGN THAT IS SIMILARLY SITUATED IN ALL RELEVANT RESPECTS BUT FOR WHICH A SIGN PERMIT HAS BEEN DENIED BY THE CITY IN THE PREVIOUS TWO YEARS.

Kilbourne Group is not aware of any other group that has sought a conditional use permit for iconic signs. Additionally, the proposed sign's design reflects the original sign and we feel creates a situation where any future requests from other applicants would be reviewed against its respective building's historic context and not the findings of this application.

Appendix



Figure 1 – 193x



Figure 2 - 194x



Figure 3 - 194x



Figure 4 - 1956



Figure 5 - Estimated dimensions (original blueprints contain no sign drawings)

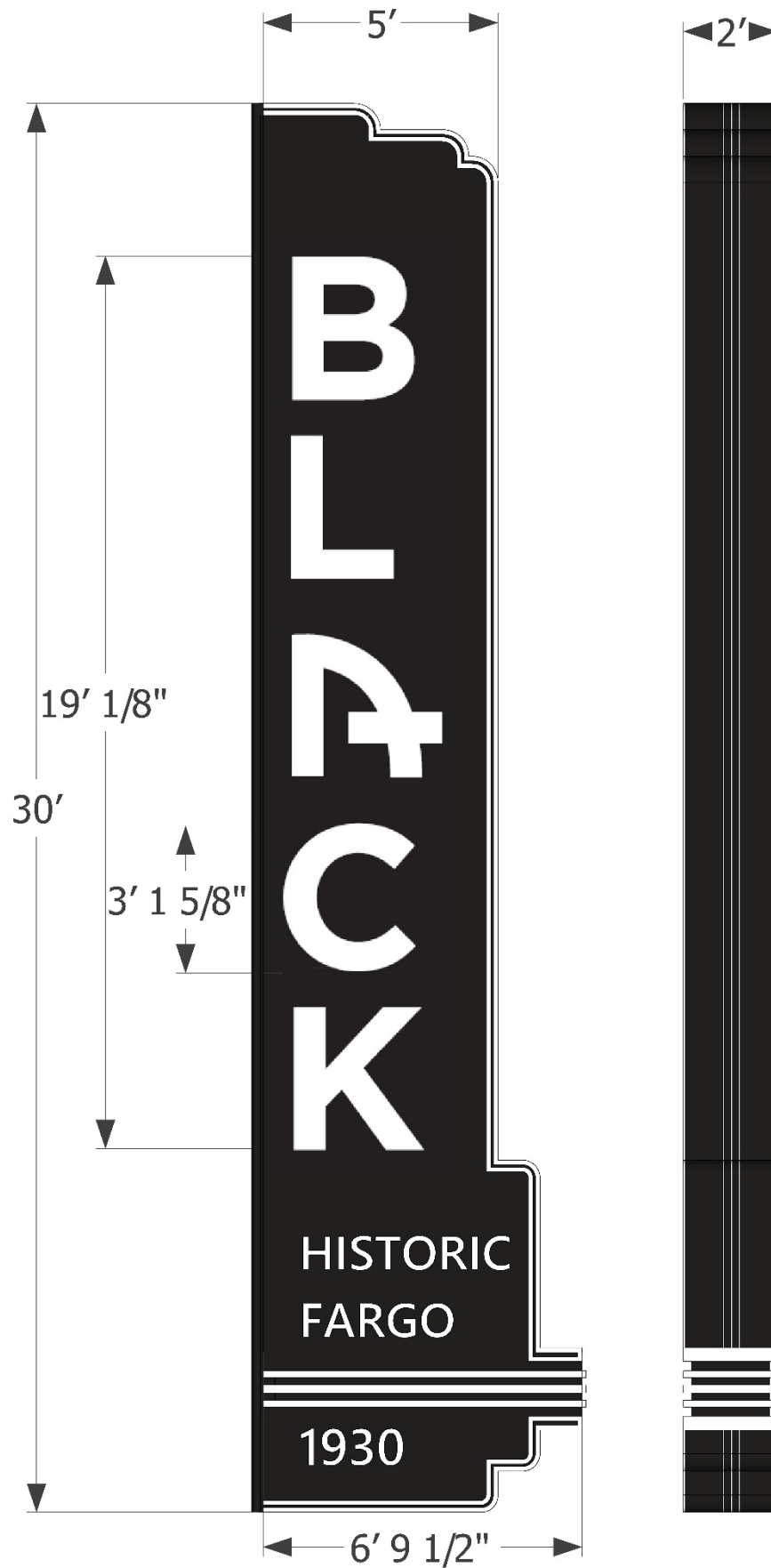


Figure 6 - Proposed sign design and dimensions. Note: message/text on base still be determined

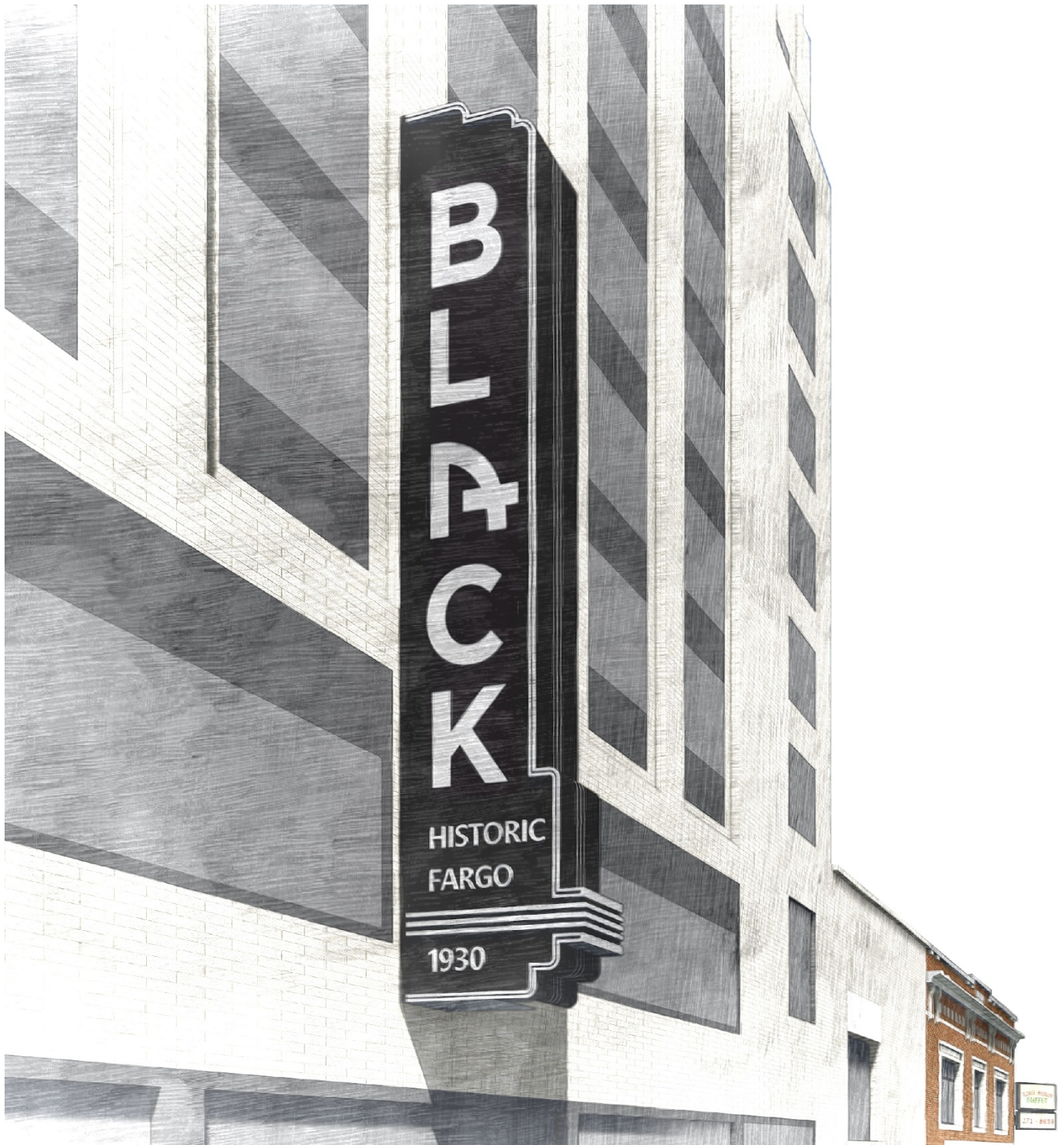


Figure 7 - Proposed sign design and dimensions. Note: message/text on base still be determined

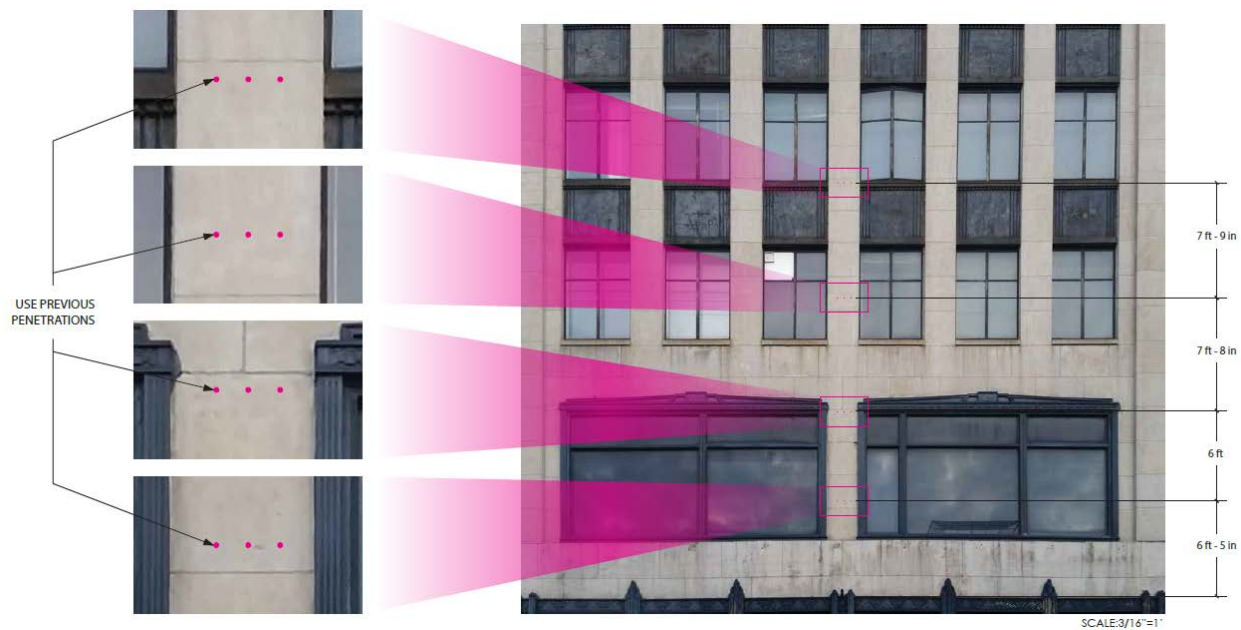


Figure 8 - Original sign's mounting locations which would be reused

THE
Largest Neon Installation
OF ITS KIND
In The State
PLACED ON BLACK BUILDING

1,174
actual manual
working hours
required to build
and erect



656 feet of
Neon Tubing
or enough for
20 average
size signs

THE BLACK BUILDING, FARGO, N. D.

The Only Exclusive Neon Manufacturing Plant in North Dakota.

Call or Write for Sketches and Estimates.

**COMET NEON SIGN
COMPANY, Inc.**

515 2nd Ave. No.

FARGO, N. D.

Phone 565

Figure 9 - "Blue Print" Black Building Advertisement for the building's sign

**City of Fargo
Staff Report**

Title:	BNG Addition	Date:	8/21/2017
Location:	3285 47th Street South	Staff Contact:	Kylie Murphy
Legal Description:	Lot 2, Block 1, BNG Addition		
Owner(s)/Applicant:	Nate Vollmuth	Engineer:	N/A
Entitlements Requested:	Zoning Change (from LC, Limited Commercial, with a C-O, Conditional Overlay, to GO, General Office, with a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: September 5, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: Office
Zoning: LC, Limited Commercial with a C-O, Conditional Overlay	Zoning: GO, General Office with a C-O, Conditional Overlay
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs , commercial parking, retail sales and service, self-service storage, vehicle repair , limited vehicle service.	Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs , and commercial parking. The C-O, Conditional Overlay, will not change as a part of this application
Maximum Lot Coverage Allowed: Maximum 55% building coverage	Maximum Lot Coverage Allowed: Maximum 65% lot coverage allowed

Proposal:

The applicant is seeking a zoning change from LC, Limited Commercial, with a C-O, Conditional Overlay to GO, General Office, with a C-O, Conditional Overlay on Lot 2, Block 1, BNG Addition. The subject property is located at 3285 47th Street South.

The applicant is proposing to build a two-story office building within 150 feet of a residentially zoned property; therefore, the subject property will have to comply with the residential protection standards (RPS) of the Land Development Code. When RPS standards apply to a LC, Limited Commercial, parcel a 35 foot height restriction applies. By rezoning the parcel to GO, under the RPS standards, the structure may not exceed 55 feet in height when located within 101 to 150 feet from any SR zoning district.

The existing Conditional Overlay (CO) was placed on the property in 2003 as part of the original zoning of the land. This rezoning does not request any changes to the existing Conditional Overlay.

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 vacant land use
- East: Across 47th Street South, LC, Limited Commercial with agricultural use
- South: Across 33rd Avenue South, SR-4, Single-Dwelling Residential with single family use
- West: LC, Limited Commercial with park use

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan indicates the subject property as being appropriate for Low/Medium or Medium/High Density

The subject property was rezoned from AG, Agricultural, to LC, Limited Commercial, in 2003.



Schools and Parks:

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

Parks: Brandt Crossing Park (5009 33rd Avenue S) is located approximately 500 feet west of the subject property and offers basketball, dog park, playground, shelter, and recreational trail amenities.

Pedestrian / Bicycle: There are off-road bike facilities located along 33rd Avenue South and Brandt Crossing Park that are a components of the metro area bikeways system.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

Staff is unaware of any zoning map error in regards to the subject property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property
(Criteria Satisfied)

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

The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified.

(Criteria Satisfied)

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

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any verbal concerns or written comments regarding the proposed overlay zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

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

Planning Commission Recommendation: September 5, 2017

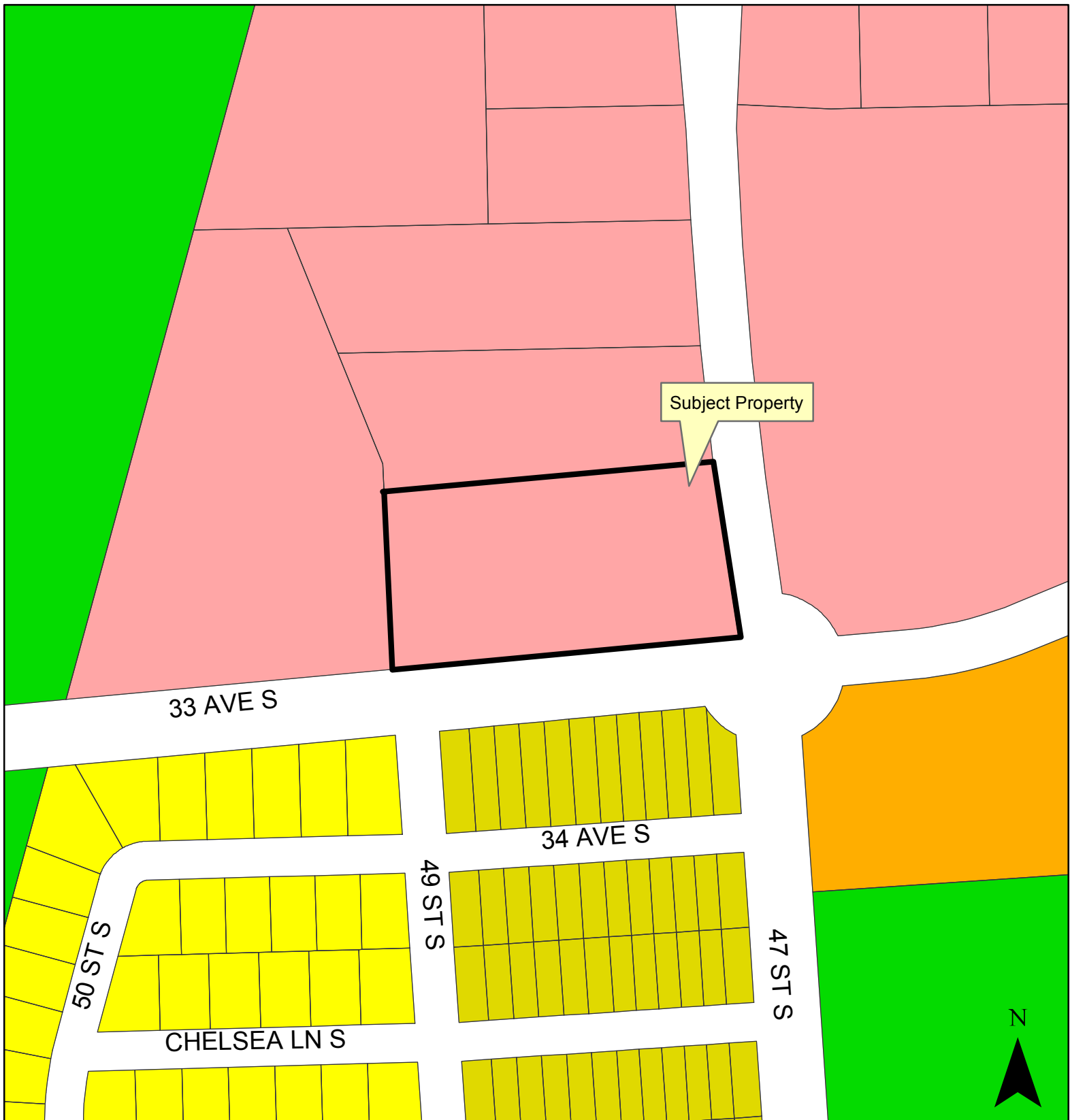
Attachments:

1. Zoning Map
2. Location Map

Zone Change (LC w/ a C-O to GO w/ a C-O)

BNG Addition

3285 47th Street South



Legend

AG	LC	MHP	SPR-2
DMU	LI	NNO	SPR-3
GC	MR-1	P/I	SPR-4
GO	MR-2	UMU	SPR-5
	MR-3		City Limits

300

Feet

Fargo Planning Commission

September 5, 2017

Zone Change (LC w/ a C-O to GO w/ a C-O)

BNG Addition

3285 47th Street South



City of Fargo Staff Report			
Title:	Tyler's Addition (Street Vacation)	Date:	08/30/17
Location:	22 nd Street North, Between 3 rd Ave N and 5 th Ave N	Staff Contact:	Aaron Nelson
Legal Description:	22 nd Street North, Between Block 11 and Block 12, Tyler's Addition to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Arnold Berg Jr. & Rail Crossings LLC/Perry Baatz (Fabricators Unlimited)	Engineer:	Houston Engineering Inc.
Entitlements Requested:	Street Vacation (a portion of 22 nd Street North)		
Status:	Planning Commission Public Hearing: September 5, 2017		

Proposal:
<p>The applicants are seeking City approval of a Street Vacation Plat with the intent to vacate the existing 22nd Street North right-of-way located between 3rd Avenue North and 5th Avenue North. The proposed street vacation includes 680 linear feet of unimproved public right-of-way (70 feet wide), which was originally platted in 1882.</p> <p>Although this portion of right-of-way was previously used as a railroad spur line and has no street improvements, there is an existing sanitary sewer main and an abandoned water main located within this right-of-way. Accordingly, a 25-foot-wide City sanitary sewer and water line easement will be retained along these water and sewer lines.</p>
Area Plans:
N/A
Schools and Parks:
<p>Schools: The subject property is located within the Fargo School District and is served by Madison Elementary, Ben Franklin Middle and Fargo North High schools.</p> <p>Parks: Cannon Park is located one block east of the subject property, and includes a playground and picnic shelter.</p> <p>Pedestrian / Bicycle: There is an on-road bike facility located along 1st Avenue North. This bike route is a component of the metro area bikeways system.</p>
Staff Analysis:
<p>According to the applicants, they currently utilize and maintain the proposed area to be vacated and there has been extensive mischief on the property in the past. The applicants are making this request in order to officially take ownership of the property and make further improvements upon the land, such as fencing and expansion of their businesses. As referenced above, except for an existing sanitary sewer main and abandoned water main, the section of right-of-way proposed to be vacated contains no public infrastructure such as streets, sidewalks, or street lights. As such, it is not utilized by the public and staff sees no need for the City to retain and maintain this section of right-of-way. Additionally, this vacation request was presented to the City's Public Works Project Evaluation Committee (PWPEC) in 2016. The PWPEC members voted unanimously to support the vacation of the right-of-way with the reservation of a City utility easement.</p>

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 dictates 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 vacate plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 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.

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.

The right-of-way in question has no street improvements; however, there is existing sanitary sewer infrastructure and an abandoned water line within a portion of this right-of-way. As noted on the proposed vacation plat, a sanitary sewer and water line easement will be retained by the City in order to allow perpetual maintenance of the infrastructure. The details of this easement will be outlined within an easement document that will be recorded along with the vacation plat. **(Criteria Satisfied)**

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

In accordance with the requirement of this section, a petition signed by all adjacent owners has been submitted for review and consideration, along with a plat of such public street. **(Criteria Satisfied)**

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

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.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the 22nd Street North street vacation plat as presented; as the proposal complies with the Go2030 Comprehensive Plan and standards of Chapter 40-39 of the North Dakota Century Code."

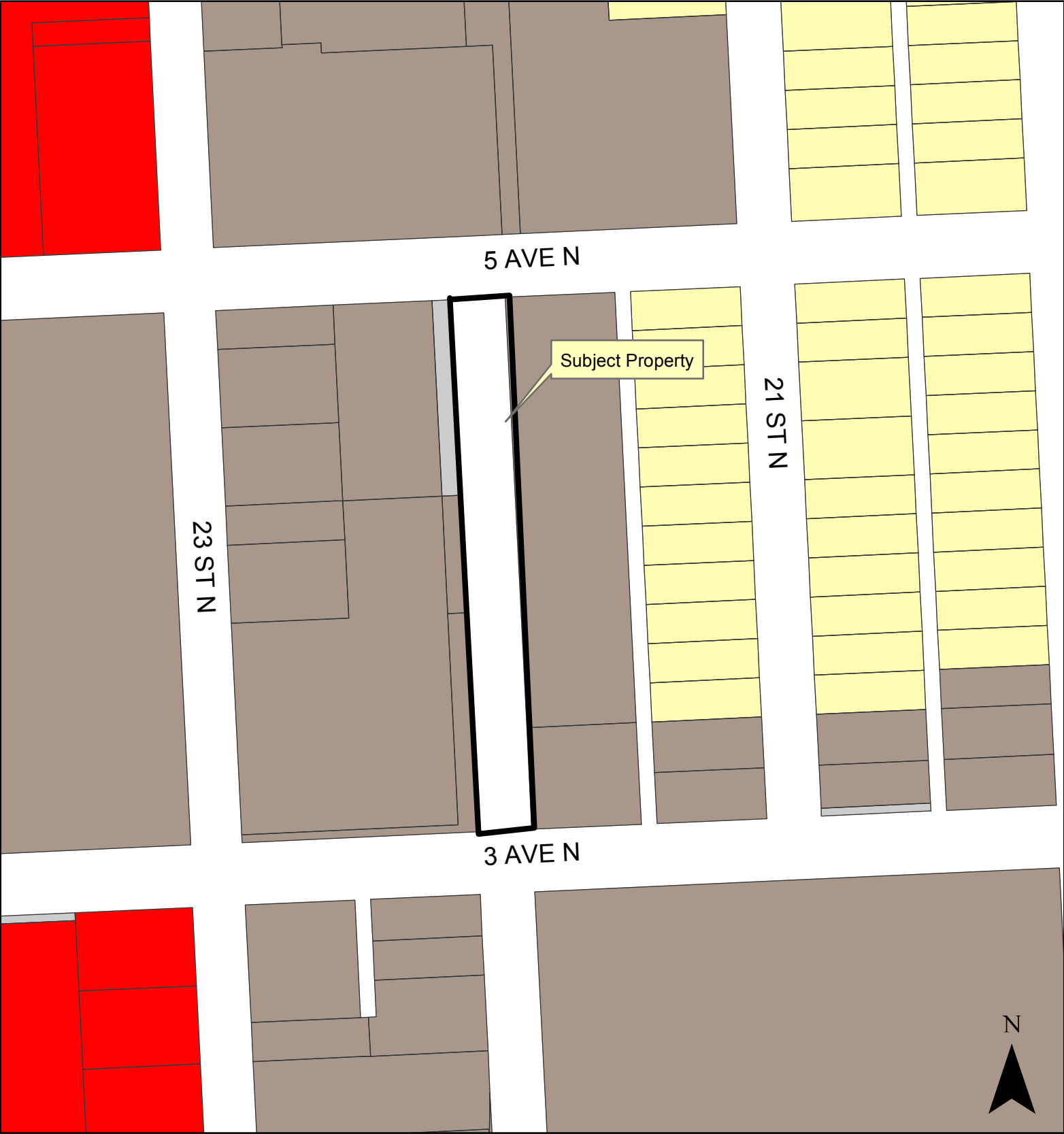
Planning Commission Recommendation: September 5, 2017**Attachments:**


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

Street Vacation

Tyler's Addition

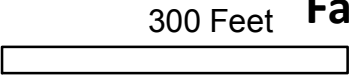
300 and 400 Blocks
of 22 Street North





Legend

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



Fargo Planning Commission
September 5, 2017

Street Vacation

Tyler's Addition

300 and 400 Blocks
of 22 Street North



STREET VACATION PLAT
OF 22ND STREET NORTH BETWEEN BLOCK 11 AND BLOCK 12, TYLER'S ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

DESCRIPTION OF AREA TO BE VACATED:
All of 22nd Street North, originally platted as Radcliffe Street by the plat of Tyler's Addition to Fargo, Cass County, North Dakota, lying between Block 11 and Block 12 of said Tyler's Addition.

DESCRIPTION OF SANITARY SEWER AND WATER LINE EASEMENT RETAINED BY THE CITY OF FARGO:
The west 25.00 feet of the east 35.00 feet of 22nd Street North, originally platted as Radcliffe Street by the plat of Tyler's Addition to Fargo, Cass County, North Dakota, lying between Block 11 and Block 12 of said Tyler's Addition.

OWNERS' CERTIFICATE:
Rail Crossing LLC, a North Dakota Limited Liability Company; and Arnold Berg Jr., a single man, certify that they are the owners of the property adjoining the area to be vacated and that this plat and description are correct.

OWNER:
Rail Crossing LLC
Owner of Lots 6 - 13, Block 11

State of North Dakota)
County of Cass) SS

Tom Thompson, President

On this _____ day of _____, 20____, before me personally appeared Tom Thompson, President of Rail Crossing LLC, a North Dakota Limited Liability Company, 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 said Limited Liability Company.

Notary Public: _____

OWNER:
Arnold Berg Jr.
Owner of Lots 1 - 5, Block 11, and Lots 14 - 26, Block 12

State of North Dakota)
County of Cass) SS

Arnold Berg Jr.

On this _____ day of _____, 20____, before me personally appeared Arnold Berg Jr., a single man, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

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

Dated this _____ day of _____, 20____.

Curtis A. Skarphol
Registered Land Surveyor No. 4723

On this _____ day of _____, 20____, before me personally appeared Curtis A. Skarphol, Registered Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

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

Mark H. Bittner, City Engineer

State of North Dakota)
County of Cass) SS

On this _____ day of _____, 20____, before me personally appeared Mark H. Bittner, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

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

Shara Fischer, Chair
Fargo Planning Commission

State of North Dakota)
County of Cass) SS

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

Notary Public: _____

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

Timothy J. Mahoney, Mayor

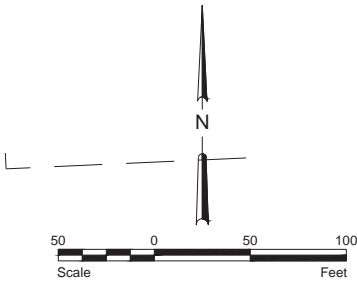
Attest:

Steven Sprague, City Auditor

State of North Dakota)
County of Cass) SS

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

Notary Public: _____



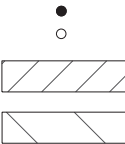
LEGEND

IRON MONUMENT FOUND
1/2" I.D. PIPE SET

INDICATES STREET AREA
VACATED WITH THIS PLAT

INDICATES SANITARY SEWER
AND WATER LINE EASEMENT
RETAINED BY THE CITY OF
FARGO.

BEARINGS SHOWN ARE BASED ON
FARGO GIS HORIZONTAL DATUM.



**City of Fargo
Staff Report**

Title:	LDC Text Amendment	Date:	8-28-2017
Location:	N/A	Staff Contact:	Derrick LaPoint
Owner(s)/Applicant:	City of Fargo/Zoning Administrator	Engineer:	N/A
Entitlements Requested:	LDC Text Amendment (Amending Section 20-04 of the Fargo Municipal Code (Land Development Code) relating to the regulation of self-service storage in the DMU, Downtown Mixed Use, zoning district.		
Status:	Planning Commission Public Hearing: September 5, 2017		

Proposed Text Amendment

The city staff is seeking approval of a text amendment to Table 20-0401 and Section 20-0402(J.2) of the Fargo Municipal Code (Land Development Code) relating to self-service storage in the DMU, Downtown Mixed Use, zoning district.

Background:

Staff has received a number of inquiries from property owners in downtown Fargo on potential land uses for the basements of existing businesses. A common request is owners seeking to have rentable storage in the otherwise undevelopable basement. Due to the large growth of residential in our downtown core and the lack of garages or areas for personal storages, there has been a growing need for more self-service storage in the downtown. The proposed text amendment would allow for property owners to develop self-service storage areas and rent them to individuals in need of extra storage. The text amendment would not allow for the storage of chemicals or other harmful materials. In addition, the proposed text amendment would not allow for a structure to be fully converted or built as a self-service storage building. The intent is for the storage to be accessory to a commercial or residential use and contained to a limited area.

These specific amendments to the LDC are shown in the attached draft ordinance document.

Staff Analysis:

In accordance with §20-0904.E Review Criteria of the Land Development Code, 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 proposed amendment is consistent with the intent and purpose of the LDC as it is intended to allow property owners with additional flexibility to fully utilize their building. The proposed text amendment would not allow for a structure to be fully converted or for new construction of a self-service storage building. The intent is for the storage to be accessory to a commercial or residential use and contained to a limited area. Specific use standards as defined by Section 20-0402 would provide regulations to control these factors. Self-service storage is already a defined land use in the Section 20-0402, use standards "J".

(Criteria Satisfied)

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

Staff finds that the amendment does not adversely affect the public health, safety, or general welfare. The proposed amendment is intended to be accessory to a commercial and residential use. In addition, further regulations would prohibit the storage of chemicals and other harmful materials.

(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 finds that the proposed amendment is necessary because of changing social and economic conditions. Staff finds that containing the self-service storage to the basement and accessory to the primary structure and primary use of the site will not negatively impact the surrounding properties.

(Criteria Satisfied)

20-0402.J. Self-Service Storage

1. ...Existing language as currently drafted in the code (see attachment)
2. Within the DMU, Downtown Mixed Use, zoning district self-service storage shall be allowed under the following conditions:
 - a. The self-service storage is located in the basement of the structure.
 - b. Storage of chemicals or other harmful materials are prohibited.

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 Table 20-0401 and Section 20-0402(J.2) of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC."

Planning Commission Recommendation: September 5, 2017

Attachments:

1. Draft LDC Text Amendment Ordinance

20-0402.J. Self-Service Storage

1. ...Existing language...
2. Within the DMU, Downtown Mixed Use, zoning district self-service storage shall be allowed under the following conditions:
 - a. The self-service storage is located in the basement of the structure.
 - b. Storage of chemicals or other harmful materials are prohibited.

City of Fargo Staff Report			
Title:	Section 31, Township 140 North, Range 48 West	Date:	8/31/2017
Location:	1701 University Drive North	Staff Contact:	Maegin Elshaug
Legal Description:	part of Section 31, Township 140 North, Range 48 West		
Owner(s)/Applicant:	North Dakota State University	Engineer:	N/A
Entitlements Requested:	Institutional Master Plan		
Status:	Planning Commission Public Hearing: September 5, 2017		

Existing	Proposed
Land Use: College	Land Use: College
Zoning: P/I, Public & Institutional	Zoning: P/I, Public & Institutional
Uses Allowed: P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.	Uses Allowed: P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
Maximum Lot Coverage Allowed: N/A	Maximum Lot Coverage Allowed: N/A

Proposal:
<p><i>Project review of development projects within the P/I zoning district can be accommodated in one of two ways. One option is for each project to be reviewed for compliance with the Land Development Code on an individual basis through Site Plan Review, as is typical with most types of building construction within other zoning districts. The other option is to secure approval of an Institutional Master Plan. Once an Institutional Master Plan is established for an institution, individual development projects within that institution are no longer required to undergo Site Plan Review and are considered to be approved so long as they are consistent with the approved Institutional Master Plan.</i></p> <p><i>The Institutional Master Plan is specific to the P/I zoning district and is intended to accommodate larger public/semi-public institutions that have unique development needs when compared to typical building construction. For example, an office building may undergo Site Plan Review at the time of construction and, once completed, may exist largely unchanged for decades. In contrast, large institutions, such as a university or airport, are generally not "completed" at the time of original construction. These institutions undergo continuous incremental development over time, such as an addition to a residence hall or the extension of a taxiway to accommodate a new aircraft hangar. The Institutional Master Plan is intended to better accommodate these unique development characteristics of institutions.</i></p> <p>The applicant is seeking approval of an Institutional Master Plan amendment for the purpose of satisfying the project review requirements for development within the P/I, Public & Institutional, zoning district. Specifically, North Dakota State University is seeking approval of an Institutional Master Plan amendment in order to accommodate LDC review of their plans to construct new facilities on the University Village site. This area is depicted in the NDSU Master Plan, which was updated in 2000, as indicated in a letter addressed to the Planning Department in March,</p>

2002. NDSU plans to demolish the existing older housing at University Village to build new campus housing. The first phase is construction on the southwest part of the property, with construction intended to begin in 2017. The Institutional Master Plan for the University Village block intends to confirm dimensional standards, landscaping and off-street parking requirements. It is the intent of NDSU to rebuild all of the older housing units in phases over several years.

While this project is not required to come in front of the Planning Commission for an Institutional Master Plan and instead could have gone through an administrative review for a Site Plan Permit, both staff and the applicant believe this is a good opportunity to exercise this Land Development Code section of the ordinance. The Institutional Master Plan tool allows for notification and communication to surrounding property owners and the public hearing process.

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial with Retail Sales and Services uses;
- East: Across 10th Street North is P/I, Public and Institutional with North High and Fargo Park District property;
- South: Across 17th Avenue North is MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development (NDSU Foundation housing project) and SR-3, Single-Dwelling Residential with detached homes;
- West: Across University Drive North is P/I, Public and Institutional with the FargoDome;

Area Plans:

The subject property is located within the North Dakota State University Campus Master Plan.

Schools and Parks:

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

Parks: Located approximately a quarter-mile to the east is the Coliseum ice arena (807 17 Avenue North).

Pedestrian / Bicycle: A shared use path exists along 19 Avenue North and an on-road bike facility begins at 19 Avenue North along University Drive North and continues south. Both facilities abut the subject property and connect to the metro area trail system.

Staff Analysis:

Institutional Master Plan Criteria: Section 20-0911(E) of the LDC states that the Planning Commission shall identify and evaluate all factors relevant to the application, and that the following criteria be met before an Institutional Master Plan can be approved:

- 1. Does the plan comply with all applicable provisions of the LDC and does it conform to the general intent and purpose of the LDC?**
Staff finds that the proposed plan complies with the intent and all applicable provisions of the LDC, as outlined within the attached Institutional Master Plan. **(Criteria Satisfied)**
- 2. Is the plan consistent with all adopted plans and policies of the City?**
The proposed plan is consistent with the existing land use plan for this area. This project removes and replaces outdated housing by providing units for accessibility and technology needs. This project also accommodates more parking on site. **(Criteria Satisfied)**

3. Will the proposed plan not cause substantial injury to the value of the other property in the neighborhood in which is it to be located?

The proposed plan will not cause substantial injury to the value of the other property in the neighborhood in which it is to be located. The proposed plan is consistent with the P/I zoning district and development standards of the Land Development Code. The application was notified to the Neighborhood Coalition, surrounding property owners and the Roosevelt Neighborhood Association (the Washington Neighborhood Association is not on record in our office with a representative). Staff received one inquiry on the project, which is attached. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the proposed Institutional Master Plan for NDSU and University Village, as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0911.E(1-3) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: September 5, 2017

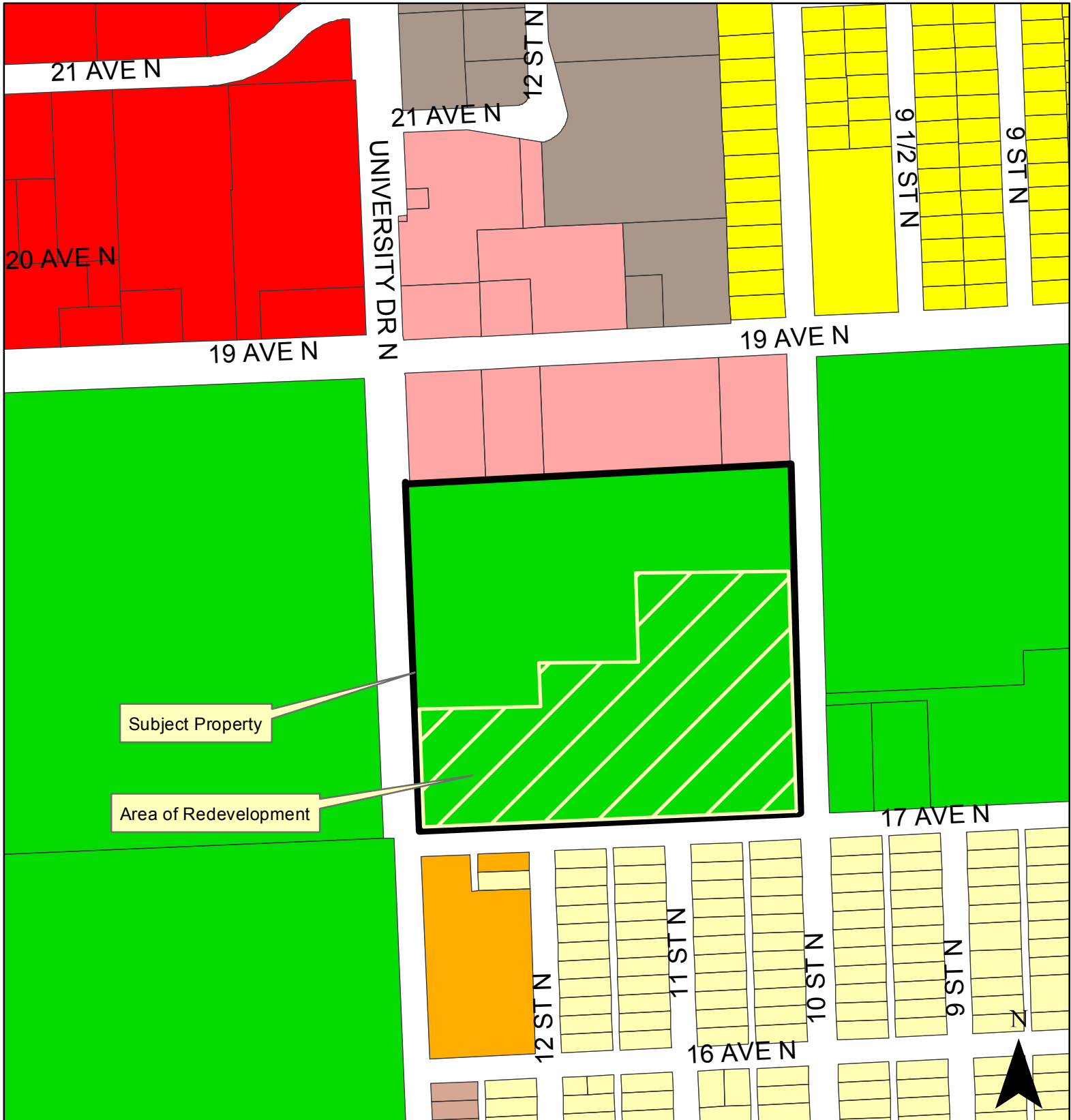
Attachments:

1. Zoning Map
2. Location Map
3. Institutional Master Plan amendment & Supplemental Information
4. Public Comment

Institutional Master Plan amendment

Section 31, Twp 140 N, R 48 W

1701 University Drive North



Legend

AG	LC	MHP	SR-2
DMU	LI	NOC	SR-3
GC	MR-1	P/I	SR-4
GI	MR-2	UMU	SR-5
GO	MR-3	City Limits	

Institutional Master Plan amendment

Section 31, Twp 140 N, R 48 W

1701 University Drive North



INSTITUTIONAL MASTER PLAN AMENDMENT

NORTH DAKOTA STATE UNIVERSITY

OVERVIEW

Subject Property: North Dakota State University

- Address: 1701 University Drive North (known as University Village)
- Legal Description: part of Section 31, Township 140 North, Range 48 West
- Area: approximately 22.75 Acres

Summary: This Institutional Master Plan amendment is an update to the North Dakota State University Campus Master Plan, primarily focusing on the campus housing east of University Drive and satisfying the project review requirements of the Land Development Code for part of North Dakota State University known as University Village. This Institutional Master Plan amendment outlines general phases of development and focuses on construction initiating in 2017. This Institutional Master Plan was drafted and reviewed in accordance with Section 20-0911 of the Land Development Code.

Planning Commission Approval Date:

This Institutional Master Plan was reviewed and approved in accordance with Section 20-0911 of the Land Development Code.

Nicole Crutchfield, Planning Administrator

Date

INSTITUTIONAL MASTER PLAN - PLANNING REQUIREMENTS (SECTION 20-0911.J)

EXISTING PROPERTY & USES

- 1) Illustrative Site Plans: See attached exhibit
- 2) Land and Building Use: College
- 3) Total Number of Units: 593 units (including existing West units and Niskanen units).
- 4) Building Height in Stories and Feet: 3-4 stories
- 5) Description of Parking & Loading: 1.68 cars/unit, approximate total 996 (with a gain of 498)

NEEDS OF THE INSTITUTION

- 1) Remove and replace University Village housing that was initially built in 1969.
- 2) This new housing will provide accessibility and modern telecommunications facilities.

- 3) This project will occur over several years, depending on funding and construction climate.

DEVELOPMENT ENVELOPE – APPLIED TO NEW CONSTRUCTION AS OF AUGUST 2017

- 1) Ground Floor Coverage: 87,000 SF
- 2) Building Heights: Maximum building height of 60 feet
- 3) Setbacks: In the P/I zoning the dimensional standards of the abutting zoning district within 150' apply. Given that there is an existing MR-3 zoning district property within the majority of the 150' feet, these dimensional standards apply as follows. The following setbacks will be maintained from the following lot lines:
 - Front (west lot line): 25 feet
 - Front (east lot line): 12.5 feet
 - Street Side (south lot line): 12.5 feet
 - Interior Side (north lot line): 10 feet

NEIGHBORHOOD PROTECTION STRATEGY

This project site is within 150 feet of single-family zoning and multi-family zoning districts, as such Section 20-0704, Residential Protection Standards (RPS) applies. Section 20-0304, is the application of the P/I Public Institutional zoning district standards. Per Section 20-0304.C.2, the building height limit is 60 feet. Sections 20-0704.C and 20-0704.G require lighting standards and dumpster screening, and will be verified at the time of building permit application.

LAND DEVELOPMENT CODE REVIEW – TO BE APPLIED FOR CONSTRUCTION DATED AUGUST 2017 AND LATER

USE (ARTICLE 20-04)

The proposed use of the property is for a College use. College is permitted by right within the P/I zoning district, subject to the use specific standard of Section 20-0402.G of the Land Development Code.

DIMENSIONAL STANDARDS (ARTICLE 20-05)

The dimensional standards for the property have been established as follows:

- 1) Building Heights: Maximum building height of 60 feet
- 2) Setbacks: The following setbacks will be maintained from the following lot lines:
 - Front (west lot line): 25 feet
 - Front (east lot line): 25 feet
 - Street Side (south lot line): 12.5 feet
 - Interior Side (north lot line): 10 feet
- 3) Total Open Space: 35%
- 4) Maximum Density: does not apply to the college use

PARKING & LOADING (SECTION 20-0701)

Although Off-Street Parking Schedule "A" refers College use category to utilize Off-Street Parking Schedule "C" Section 20-0701.B.3. This master plan defers to NDSU for parking analysis and need

description as the City understands the parking on this site will be managed by the University's parking system.

ROADWAY ACCESS & DRIVEWAYS (SECTION 20-0702)

Information on new access points will be coordinated with the City Engineer at time of building permit.

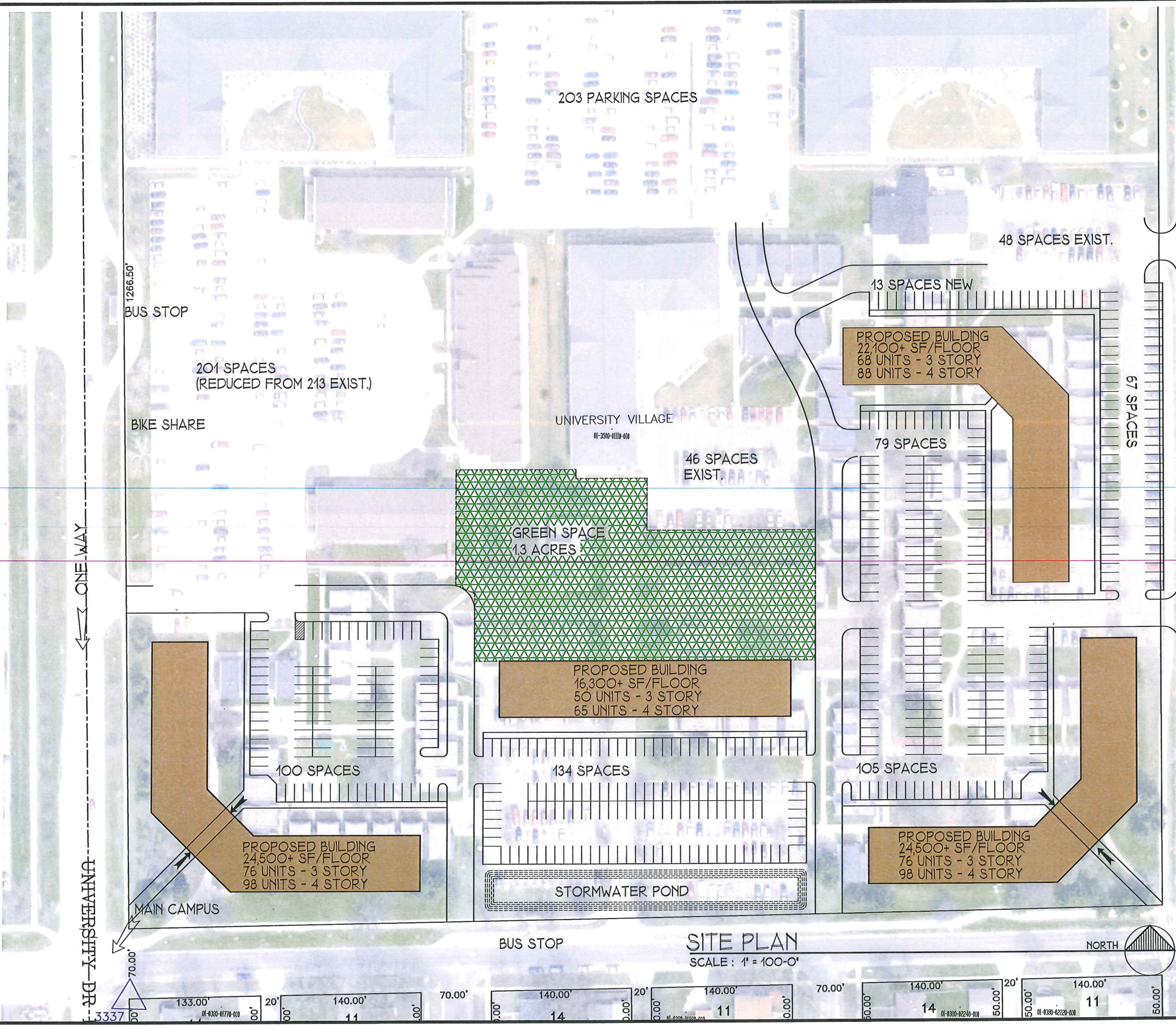
RESIDENTIAL PROTECTION STANDARDS (SECTION 20-0704)

Refer to previous section Neighborhood Protection Strategy for information about the application of this section of the LDC.

TREES & LANDSCAPING (SECTION 20-0705)

The Land Development Code requires the following trees and landscaping for the subject property. The University should coordinate directly with the City Forester for specific locations and recommendations at time of building permit.

- Street Trees:
 - University Drive: 1 per 50 linear feet
 - 10th Street North: 1 per 50 linear feet
 - 17th Avenue North: 1 per 35 linear feet
- Open Space and Open Space Plant Units:
 - Plant Units (3 per 1,000 square feet of lot area per Section 20-0702 3.b)
 - Location of plant units to meet Section 20-0705.4, to be confirmed with the building permit application or through the University's development of their own landscape plan, unless otherwise approved by the Zoning Administrator.
- Parking Lot Perimeter: For any parking lot located within the required building setback, the landscape buffer standards Section 20-0705.D.3 shall apply.
- Corner Visibility (Section 20-0706): All intersections of streets and driveways shall note this section of the LDC and apply this to the building permit application.



EXIST. WEST UNITS	= 62
NISKANEN UNITS	= 182
UNIVERSITY VILLAGE	= 244
TOTAL EXIST.	= 488

EXIST. WEST UNITS	= 62
NISKANEN UNITS	= 182
NEW UNITS 3 STORY	= 270
TOTAL	= 514
1.94 CARS/UNIT	

EXIST. WEST UNITS	= 62
NISKANEN UNITS	= 182
NEW UNITS 4 STORY	= 349
TOTAL	= 593
1.68 CARS/UNIT	

EXIST. PARKING TO REMAIN	
NORTH PARKING	203
WEST PARKING	201
MIDDLE PARKING	46
EAST PARKING	48
	498

NEW PARKING	
SW PARKING	100
SOUTH PARKING	134
SE PARKING	105
EAST PARKING	67
EAST PARKING	79
NORTH PARKING	13
	498

TOTAL PARKING	996
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NDSU NORTH DAKOTA
STATE UNIVERSITY
UNIVERSITY VILLAGE
APARTMENTS

Fargo, North Dakota

M | B | A

MUTCHLER BARTRAM ARCHITECTS, P.C.
505 N. Broadway, Suite 201, Fargo, North Dakota, 58102
Phone: 701-235-5563 Fax: 701-235-5435

MASTER SITE PLAN

Date 6-6-17 Project Number 17043

OPTION M2

NON-STATE FUNDED PROJECT**UV REPLACEMENT PHASE I****\$10,000,000**

Project type based on percentage of cost as per Master Plan section 3: 10% PED; 85% DMP; 5% LSS

MASTER PLAN ALIGNMENT

University Village was initially constructed in 1969 to provide additional housing for the increase in married students on campus. The Village currently consists of approximately 246 apartment units within 27 buildings. The apartments contain a living room, kitchen, bathroom and bedroom(s) but lack a laundry room within each building. They also have a need for the privacy, amenities, space and storage today's students seek in apartment-style living on campus. The current apartments lack accessibility because the two-bedroom units are two-story townhouses and the one-bedroom units are located on three levels. There is no elevator for the complex nor is there a central corridor – the doors to the units open directly to the exterior, similar to a motel concept.

All units are primarily concrete block construction so overall insulation is low. None of the existing buildings have improved safety features such as card access, exterior surveillance, or sprinkler systems. The original telecommunication wiring does not meet current standards and no affordable solution exists to provide campus internet connectivity. Finally, some buildings have foundation concerns that would require significant investment to correct. Demand for campus apartments remains high and wait lists are long. University Village is the oldest of NDSU's apartment facilities and represents almost half of the total available units. The need to demolish and replace these apartments is more cost effective than attempting repairs.

SCOPE OF WORK

Phase I would include removing approximately eight buildings of the existing 27 buildings and rebuilding one large 3-4 story complex. Unit types could consist of studio, one bedroom, two bedroom and/or three bedroom units, with an approximate total count of 93 units. Laundry, conference room and study spaces would be programmed in to add amenities that students are seeking. A common interior corridor will be included for safety and security, which is typical in apartment-style complexes. Wood construction would be used to be consistent with other market rate apartment construction in the local area. The project would include necessary upgrades to utilities, landscaping and adequate parking to ensure surrounding neighborhoods are not negatively impacted.

Based on the Legislature approving the project in April 2017, the Governor signing the bill in May, and selling the bonds immediately thereafter, the construction would be slated to start in June 2017. The construction schedule would be 12 months.

PROJECT COST ESTIMATE:**PROJECT TOTAL \$ 10,000,000.00****CONSTRUCTION COSTS**

General	\$5,796,700.00
Mechanical	1,350,000.00
Electrical	910,000.00
Site Work	- (included in General)
Landscaping	175,000.00
Demolition	- (included in General)
IT	- (included in Electrical)
Other	-
Sub Total	8,231,700.00
Contingency	823,170.00
Total Construction	\$9,054,870.00

SOFT COSTS

Design Fees	\$675,000.00
Owner costs	70,000.00
Permits	20,000.00
Advertising	2,000.00
Other	-
Sub Total	767,000.00
Contingency	78,130.00
Total Soft Costs	\$845,130.00

FF&E - PROPERTY COSTS

FF&E	\$100,000.00
Land Acquisition	-
Total FF&E/Other	\$100,000.00

FUTURE OPERATING COSTS: \$ 277,643

Future operating costs include all forecasted expenses needed to operate the new apartments.

FURNITURE, FIXTURES, AND EQUIPMENT

FF&E is estimated to be \$100,000 to outfit common areas. Apartment units would be primarily unfurnished. All or part of the FF&E may be funded from the bond. Any remaining would be funded from auxiliary local funds.

**SOURCE OF FUNDS: NO. 3 - OTHER FUNDS,
REVENUE BONDS**

This project will require a revenue bond for construction costs. All or part of the FF&E may be funded from the bond.

**SHARED SERVICES / EFFICIENCIES /
PHASING - PLANNING**

This project is a residential facility. We do not anticipate any shared services.

The predominant factor in tearing down was the cost to building new was slightly cheaper than fixing the structural issues and renovating the current building. There is also no cost-effective way to make the current facilities accessible.

NDSU is not requesting any State funding as the project would be funded through local revenue bonds. The UV project is too large to complete in one year and too many students would be displaced while construction is underway. Therefore, this is a two phase project with each phase occurring in different biennia.

Maegin Elshaug

From: Anthony wiese <anthonywiese@gmail.com>
Sent: Monday, August 28, 2017 12:37 PM
To: Maegin Elshaug
Subject: Looking for details of 1701 Univ Drive N plan

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.

Good afternoon Maegin,

I'm looking for a copy of the plans for the 1701 University Drive North project. Was bummed to find out NDSU hasn't offered a meeting to the neighborhood before getting to this phase.

Thank you,

Anthony Wiese
1633 12th St N.
Fargo, ND 58102