

FARGO PLANNING COMMISSION AGENDA  
Tuesday, March 6, 2018 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of February 6, 2018

C: Brown Bag Luncheon - Wednesday, March 21, 2018

D: Public Hearing Items:

1. Continued hearing on an application requesting a Plat of **MVM Addition** (Minor Subdivision) a replat of Lot 1, Block 5, Southwood Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3502 36th Street South) (J&J Investments/Brendan Muldoon) (dk)
2. Continued hearing on an application requesting a Plat of **Cityscapes Business Park Addition** (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian to the City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth) (dk): CONTINUED TO APRIL 3, 2018
- 3a. Continued 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 **Villas at Shadow Crest Addition**. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): WITHDRAWN
- 3b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Villas at Shadow Crest Addition**. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): WITHDRAWN
- 3c. Continued hearing on an application requesting a Plat of **Villas at Shadow Crest Addition** (Major Subdivision), including a subdivision waiver for reduced right of way width, a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): WITHDRAWN
- 4a. 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 **Villas at Shadow Crest Addition**. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk)

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

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

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

- 4b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Villas at Shadow Crest Addition**. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk)
- 4c. Hearing on an application requesting a Plat of **Villas at Shadow Crest Addition** (Major Subdivision), including a Subdivision Waiver for reduced street right of way width and for sidewalks with an Alternative Access Plan, a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk)
- 5a. Hearing on an application requesting a Growth Plan Amendment on Lots 4-9, Block 14, **Kirkham's Second Addition**. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an)
- 5b. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential, to LC, Limited Commercial with a PUD, Planned Unit Development Overlay on Lots 4-9, Block 14, **Kirkham's Second Addition**. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an)
- 5c. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan for Lots 4-9, Block 14, **Kirkham's Second Addition**. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an)
- 6a. Hearing on an application requesting a CUP, Conditional Use Permit, to allow household living in a LC, Limited Commercial, zoning district on a portion of Lot 4, Block 1, **Urban Plains Northeast Retail Addition**. (Located at 2720, 2740, 2760, and 2780 47th Street South and 4680 28th Avenue South) (Urban Plains Land Co., LLC/Clay Dietrich) (kb)
- 6b. Hearing on an application requesting a Plat of **Urban Plains Northeast Retail 3rd Addition** (Minor Subdivision) on a portion of Lots 3 and 4, Block 1, Urban Plains Northeast Retail Addition to the City of Fargo, Cass County, North Dakota. (Located at 2720, 2740, 2760, and 2780 47th Street South and 4680 28th Avenue South) (Urban Plains Land Co., LLC/Clay Dietrich) (kb)
7. Hearing on an application requesting a Conditional Use Permit for warehouse, wholesale sales, manufacturing and production, and industrial services in the GC, General Commercial on Lots 1 and 2, Block 1, **Rocking Horse East 2nd Addition**. (Located at 5301 and 5353 51st Avenue South) (FLO, LLC/Don Dabbert Jr.) (me)
8. Hearing on an application requesting a Plat of **The Basins on 100th Addition** (Minor Subdivision) a replat of Lot 6, Block 1, Commerce on I29 Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4000 98th Avenue South) (RI Properties, LLC) (dk)

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9. Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan on an unplatted portion of the Northeast Quarter of **Section 12, Township 139 North, Range 49 West**. (Located at 1345 Main Avenue) (International Market Plaza, LLC/Fowzia Adde) (bv): WITHDRAWN

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**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday, February 6, 2018**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, February 6, 2018.

The Planning Commissioners present or absent were as follows:

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

Absent:         Maranda Tasa, Melissa Sobolik

Chair Fischer called the meeting to order.

**Business Items:**

**Item A:        Approve Order of Agenda**

Chair Fischer noted the following Agenda items:

- Items 1a, 1b, 1c, and 1d are continued to the May 1, 2018 Planning Commission meeting.
- Items 2, 4a, and 4b are continued to the April 3, 2018 Planning Commission meeting.
- Items 5, 8a, 8b, and 8c are continued to the March 6, 2018 Planning Commission meeting.

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

**Item B:        Minutes: Regular Meeting of January 4, 2018**

Member Steffes moved the minutes of the January 4, 2018 Planning Commission meeting be approved. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

**Item C:        February 21, 2018 Brown Bag Luncheon**

Topic: Case Status reports

**Item D:        Public Hearing Items:**

**Item 1:        NSC Addition**

**1a.    Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed NSC Addition. (Located at**

**6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO MAY 1, 2018**

**1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO MAY 1, 2018**

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

**1d. Continued hearing on an application requesting a Plat of NSC Addition (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO MAY 1, 2018**

A Hearing had been set for August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued to September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to May 1, 2018.

**Item 2: Craigs Oak Grove Addition**

**Continued hearing on an application requesting a Plat of Craigs Oak Grove Addition (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig): CONTINUED TO APRIL 3, 2018**

A Hearing had been set for November 7, 2017. At the November 7, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to April 3, 2018.

**Item 3: Cityscapes Business Park Addition**

**Continued hearing on an application requesting a Plat of Cityscapes Business Park Addition (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1,**

**Township 139 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth): CONTINUED TO MARCH 6, 2018**

A Hearing had been set for November 7, 2017. At the November 7, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to this date and time.

Planning Director Nicole Crutchfield presented the staff report stating that the approval criteria have not been met and staff is recommending denial of the application.

Member Morgan present.

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

Applicant Rick Flacksbarth, Cityscapes Development, spoke on behalf of the application.

Discussion was held on the history of the property and the buried drain, the purpose and necessity of the City's minimum requested easement, and the pending legal issues on the property.

Mr. Flacksbarth distributed a handout to the Board of the drain easements along the line of the drain above and below the property.

Member Schneider moved to continue this item to the March 6, 2018 Planning Commission meeting. Second by Member Stofferahn. On call of the roll Members Schneider, Stofferahn, Scherling, Steffes, Magelky, Gunkelman, Morgan, and Fischer voted aye. Absent and not voting: Members Sobolik and Tasa. The motion was declared carried.

**Item 4: Madelyn's Meadows Addition**

**4a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, within the boundaries of the proposed Madelyn's Meadows Addition. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): CONTINUED TO APRIL 3, 2018**

**4b. Continued hearing on an application requesting a Plat of Madelyn's Meadows Addition (Major Subdivision) a replat of a portion of the Northeast 1/4 of the Southeast 1/4 of Section 11, T138N, R49W, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): CONTINUED TO APRIL 3, 2018**

A Hearing had been set for December 5, 2017. At the December 5, 2017 meeting, the hearing was continued to this date and time; however, the applicant has requested this item be continued to April 3, 2018.

**Item 5: MVM Addition**

**Continued hearing on an application requesting a Plat of MVM Addition (Minor Subdivision) a replat of Lot 1, Block 5, Southwood Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3502 36th Street South) (J&J Investments/Brendan Muldoon): CONTINUED TO MARCH 6, 2018**

A Hearing had been set for January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to March 6, 2018.

**Item 6: Simonson First Addition**

**6a. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay within the boundaries of the proposed Simonson First Addition. (Located at 3825 53rd Avenue South) (Arch Simonson/Lowry Engineering): APPROVED**

**6b. Continued hearing on an application requesting a Plat of Simonson First Addition (Minor Subdivision) a replat of Lot 2, Block 1, The District of Fargo Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3825 53rd Avenue South) (Arch Simonson/Lowry Engineering): APPROVED**

A Hearing had been set on Item 6b. for January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to this date and time.

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change to repeal and re-establish a C-O, Conditional Overlay on Lots 1 and 2, Block 1, of the proposed Simonson First Addition subdivision plat, and 2) Subdivision Plat, Simonson First Addition as outlined within the staff report, as the proposal complies with the adopted Area Plan, the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4), the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Steffes, Magelky, Gunkelman, Scherling, Morgan, Stofferahn, Schneider, and Fischer voted aye. Absent and not voting: Members Sobolik and Tasa. The motion was declared carried.

**Item 7: PTP Addition**

**Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay on Lot 1, Block 1, PTP Addition. (Located at 2856 Brandt Drive South) (David Schultz): APPROVED**

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

Applicant David Schultz spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change to repeal and re-establish a C-O, Conditional Overlay, as the proposal complies with the Adopted Area Plan, the Standards of Article 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 Gunkelman, Steffes, Magelky, Morgan, Stofferahn, Schneider, Scherling and Fischer voted aye. Absent and not voting: Members Sobolik and Tasa. The motion was declared carried.

**Item 8: Villas as Shadow Crest Addition**

**8a. 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 Villas at Shadow Crest Addition. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): CONTINUED TO MARCH 6, 2018**

**8b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed Villas at Shadow Crest Addition. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): CONTINUED TO MARCH 6, 2018**

**8c. Hearing on an application requesting a Plat of Villas at Shadow Crest Addition (Major Subdivision) a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): CONTINUED TO MARCH 6, 2018**  
A Hearing had been set for this date and time; however, the applicant has requested this item be continued to March 6, 2018.

**Item 9: Collins Fourth Addition**

**Hearing on an application requesting a Plat of Collins Fourth Addition (Minor Subdivision) a replat of part of Lot 2, Block 1, Collins Third Subdivision to the City of Fargo, Cass County, North Dakota and vacated portions of 36th Avenue South and 39th Street South. (Located at 3949 37th Avenue South and 3600 39th Street South) (Larkin Properties LLP/Houston Engineering, Inc.): APPROVED**  
Planning Coordinator Aaron Nelson presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Collins Fourth Addition as outlined within 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 Steffes. On call of the roll Members Morgan, Magelky, Steffes, Gunkelman, Scherling, Schneider, Stofferahn, and Fischer voted aye. Absent and not voting: Members Sobolik and Tasa. The motion was declared carried.

**Item 10: The Edge Addition**

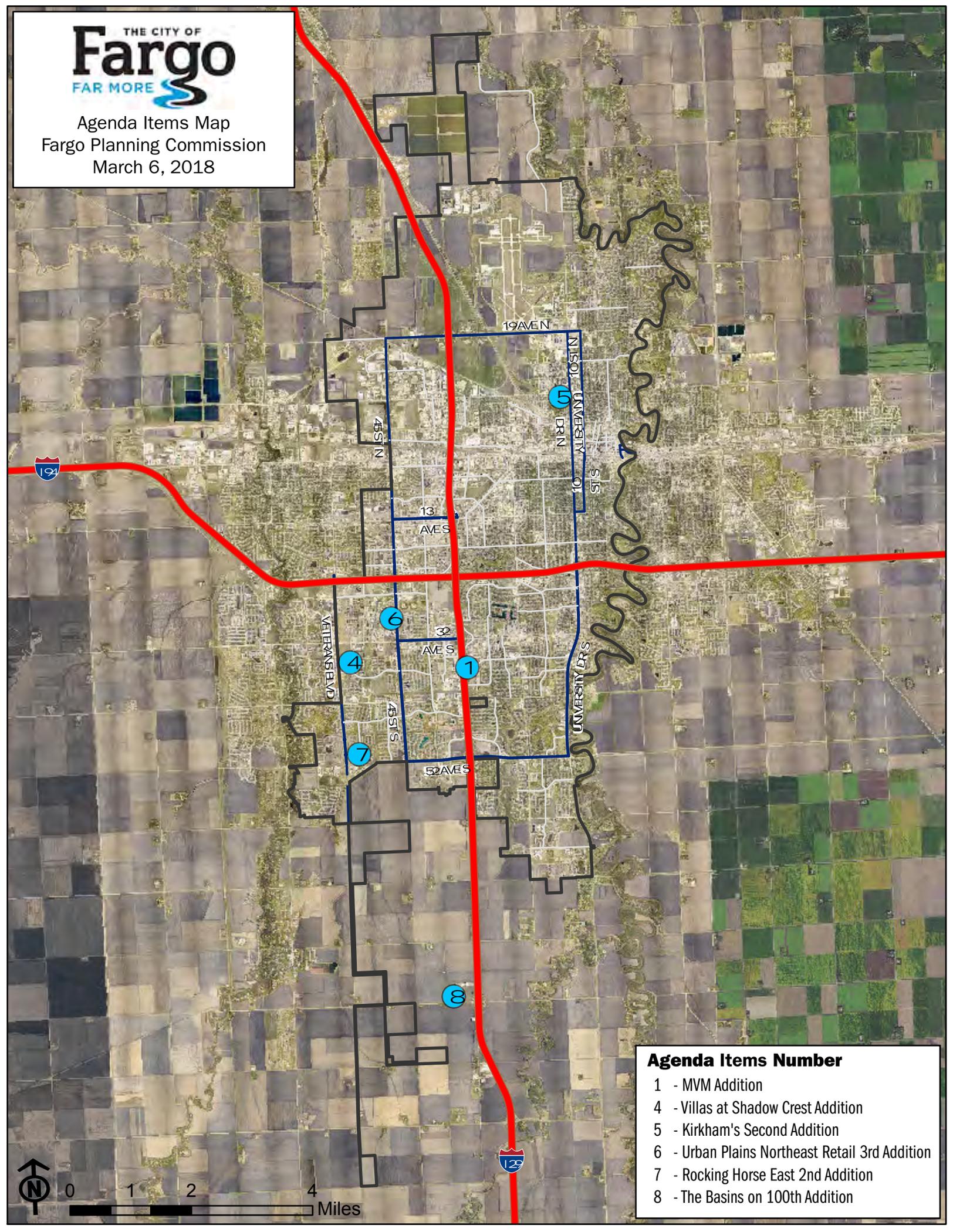
**Hearing on an application requesting a Plat of The Edge Addition (Minor Subdivision) a replat of Lots 1-9 and 19-24, Block 6 and a portion of a vacated alley in said Block 6, and a portion of vacated 6th Avenue North in Reeves Addition to the City of Fargo, Cass County, North Dakota. (Located at 1321 5th Avenue North and 502 University Drive North) (DFI A, LLC/Erin Anderson - Commonwealth Development Corporation): APPROVED**

Assistant Planner Kylie Bagley 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 subdivision plat, The Edge Addition as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Scherling, Morgan, Stofferahn, Steffes, Schneider, Gunkelman, Magelky, and Fischer voted aye. Absent and not voting: Members Sobolik and Tasa. The motion was declared carried.

**Item E: Other Items:**

The time at adjournment was 4:00 p.m.



- Agenda Items Number**
- 1 - MVM Addition
  - 4 - Villas at Shadow Crest Addition
  - 5 - Kirkham's Second Addition
  - 6 - Urban Plains Northeast Retail 3rd Addition
  - 7 - Rocking Horse East 2nd Addition
  - 8 - The Basins on 100th Addition

| <b>City of Fargo<br/>Staff Report</b> |  |                          |                              |
|---------------------------------------|--|--------------------------|------------------------------|
| <b>Title:</b>                         | MVM Addition   | <b>Date:<br/>Update:</b> | 12/27/2017<br>3/1/2018       |
| <b>Location:</b>                      | 3502 36 <sup>th</sup> Street South   | <b>Staff Contact:</b>    | Donald Kress, senior planner |
| <b>Legal Description:</b>             | Lot 1, Block 5 of Replat of Lots 6-17, Block 1; Lots 13 & 14, Block 3; Lots 1-6, Block 4 of Southwood Park   |                          |                              |
| <b>Owner(s)/Applicant:</b>            | Bob Hegg—J&J Investments<br>/ Brendan Muldoon—PRG<br>Commercial Real Estate  | <b>Engineer:</b>         | Moore Engineering            |
| <b>Entitlements Requested:</b>        | <b>Minor Plat</b> (replat of Lot 1, Block 5, of Replat of Lots 6-17, Block 1; Lots 13 & 14, Block 3; Lots 1-6, Block 4 of Southwood Park Addition) |                          |                              |
| <b>Status:</b>                        | Planning Commission Public Hearing: March 6, 2018  |                          |                              |

| <b>Existing</b>  | <b>Proposed</b>   |
|--|---|
| <b>Land Use:</b> Light manufacturing and vacant  | <b>Land Use:</b> Light manufacturing (proposed Lot 1); parking lot (proposed Lot 2) |
| <b>Zoning:</b> LI, Limited Industrial  | <b>Zoning:</b> No change  |
| <b>Uses Allowed:</b> LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation. | <b>Uses Allowed:</b> No change  |
| <b>Maximum Lot Coverage Allowed:</b> 85%   | <b>Maximum Lot Coverage Allowed:</b> No change                                      |

| <b>Proposal:</b>  |
|---|
| <p><i>PROJECT HISTORY NOTE: This project is continued from the January 4 and February 6, 2018, Planning Commission meetings.</i></p> <p>The applicant requests approval of one entitlement:</p> <ol style="list-style-type: none"> <li>1. A plat of the <b>MVM Addition</b>, a replat of Lot 1, Block 5 of Replat of Lots 6-17, Block 1; Lots 13 &amp; 14, Block 3; Lots 1-6, Block 4 of Southwood Park, to create two lots for commercial development.</li> </ol> <p>The subject property is located at 3502 36<sup>th</sup> Avenue South. The applicant intends to create two lots. Lot 1 lot will contain the existing commercial building. Lot 2 will have no development on it. It is intended to be</p> |

sold to the adjacent property owner to the east as an additional parking lot. The Engineering Department has advised the applicant that, for storm water purposes, the subject parcel (Lot 2 of the MVM Addition) along with the parcel it is developed with, will be looked at as a “common development”; that is, the two adjacent parcels will be considered as one for the purposes of storm water management. Should a parking lot be constructed on the subject parcel, Engineering will want the owner to capture all the storm water from the new construction, and as much as possible from the existing built-up area, for detention and water quality treatment purposes. Engineering is NOT requiring the existing pavements be removed and replaced for this.

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: Auto repair shop with LI zoning
- East: Manufacturing with LI zoning
- South: Retail use (Fleet Farm) with GC, General Commercial zoning
- West: Interstate Highway 29 right of way—ND Department of Transportation

**Area Plans:**

No area plans apply.

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo School District and is served by Centennial Elementary, Discovery Middle, and Davies High schools.

**Neighborhood:** The subject property is located in the Stonebridge Neighborhood.

**Parks:** Stonebridge Park #2 (3520 32nd Street S) is located less than 700 feet east of the subject property and provides basketball, multipurpose field, playground, recreational trails, and disc golf amenities.

**Pedestrian / Bicycle:** There is an off-road bike facility located along 35th Avenue South that is a component of the metro area bikeways system.

**Staff Analysis:**

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

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

This project site is not within an area plan. The zoning for the project site is LI, Limited Industrial. This zoning will accommodate the proposed limited 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. No comments have been received. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed plat of the **MVM Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** March 6, 2018

**Attachments:**

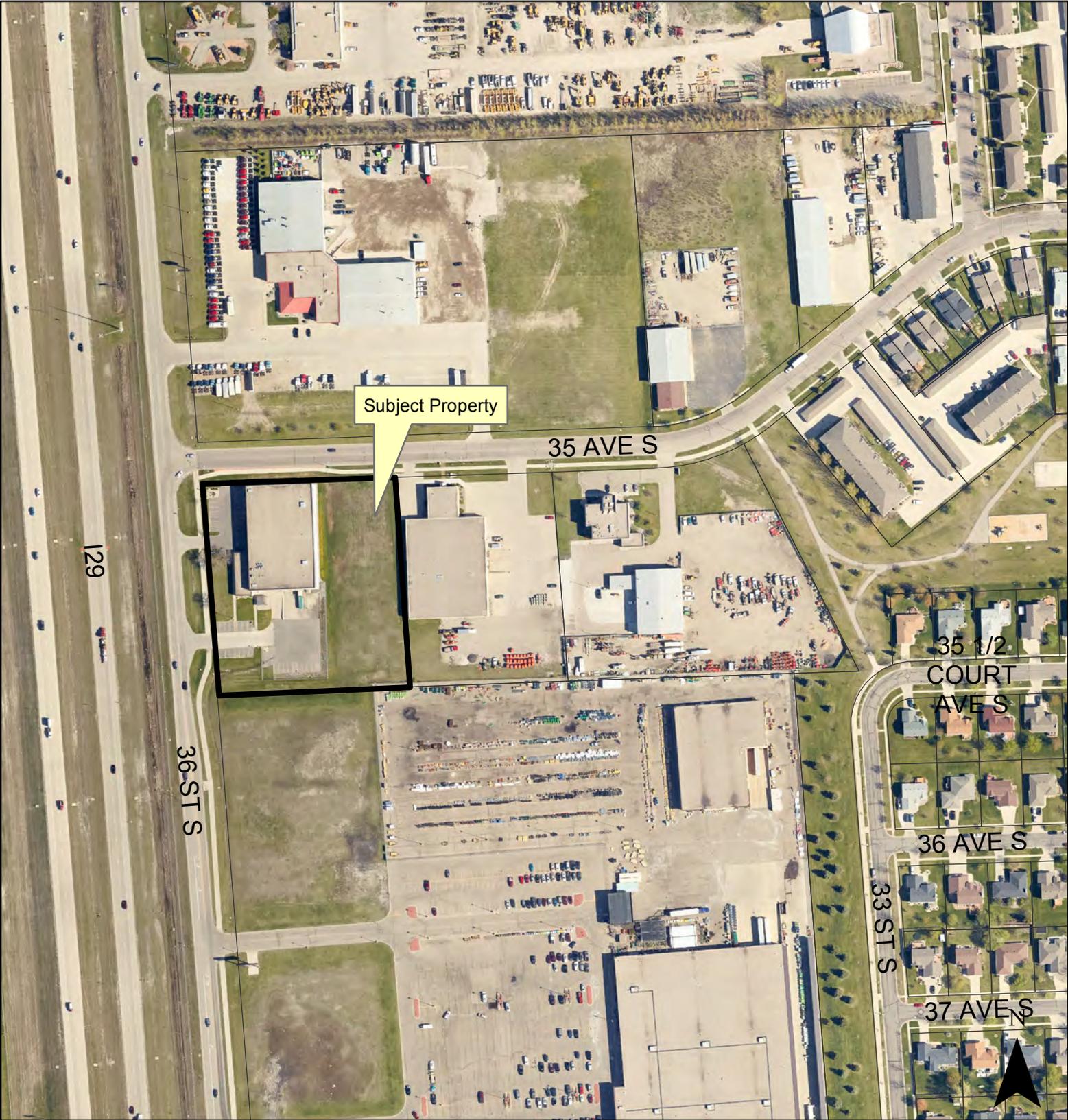
1. Zoning Map
2. Location Map
3. Preliminary Plat



# Plat (Minor)

## MVM Addition

3502 36th Street South



A MINOR SUBDIVISION PLAT OF  
**MVM ADDITION**

TO THE CITY OF FARGO, A REPLAT OF LOT 1, BLOCK 5 OF THE PLAT OF "REPLAT OF LOTS 6-17, BLOCK 1; LOTS 13 AND 14, BLOCK 3; LOTS 1-6, BLOCK 4 OF SOUTHWOOD PARK" TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



**CERTIFICATE**

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "MVM ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 1, BLOCK 5 OF THE PLAT OF "REPLAT OF LOTS 6-17, BLOCK 1; LOTS 13 AND 14, BLOCK 3; LOTS 1-6, BLOCK 4 OF SOUTHWOOD PARK" TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOT 1, BLOCK 5, REPLAT OF LOTS 6-17, BLOCK 1; LOTS 13 AND 14, BLOCK 3; LOTS 1-6, BLOCK 4 OF SOUTHWOOD PARK TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 3.40 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



STEVEN W. HOLM  
REGISTERED LAND SURVEYOR  
REG. NO. LS-6571  
COUNTY OF CASS

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**DEDICATION**

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "MVM ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 1, BLOCK 5 OF THE PLAT OF "REPLAT OF LOTS 6-17, BLOCK 1; LOTS 13 AND 14, BLOCK 3; LOTS 1-6, BLOCK 4 OF SOUTHWOOD PARK" TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY AND DRAINAGE EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: J & J INVESTMENTS, LLC

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF J & J INVESTMENTS, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE: ALERUS FINANCIAL, N.A.

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF ALERUS FINANCIAL, N.A.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**FARGO PLANNING COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

SHARA FISCHER, CHAIR

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**FARGO CITY COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

TIMOTHY J. MAHONEY, MAYOR

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

STEVEN SPRAGUE, CITY AUDITOR

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**CITY ENGINEER'S APPROVAL**

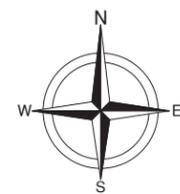
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

MARK H. BITTNER, CITY ENGINEER

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK H. BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



0 50  
Scale in Feet

BASIS OF BEARINGS:  
THE NORTH LINE OF LOT 1,  
BLOCK 5, HAS AN ASSUMED  
BEARING OF N88°01'51"E.

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
- (370.00') RECORD DISTANCE
- PLAT BOUNDARY LINE
- LOT LINE
- EXISTING LOT LINE
- - - - EASEMENT LINE
- ▨ ZONE AE, FIRM MAP NO. 38017C0779G

**EASEMENT OF RECORD**

1. CASS COUNTY ELECTRIC COOPERATIVE, DOC. NO. 681418

| <b>City of Fargo<br/>Staff Report</b> |  |                       |                                    |
|---------------------------------------|--|-----------------------|------------------------------------|
| <b>Title:</b>                         | Villas at Shadow Crest Addition  | <b>Date:</b>          | 2/28/2018                          |
| <b>Location:</b>                      | 5601 34 <sup>th</sup> Avenue South   | <b>Staff Contact:</b> | Donald Kress, planning coordinator |
| <b>Legal Description:</b>             | Lot 1, Block 2, Schatz Third Addition  |                       |                                    |
| <b>Owner(s)/Applicant:</b>            | Jon Youness/Eagle Ridge Development  | <b>Engineer:</b>      | Bolton & Menk                      |
| <b>Entitlements Requested:</b>        | <b>Major Subdivision</b> (a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota including a Subdivision Waiver for reduced street right of way width and for sidewalks with an Alternative Sidewalk Plan); <b>Zoning Change</b> (From MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay) and a <b>PUD Master Land Use Plan</b> |                       |                                    |
| <b>Status:</b>                        | Planning Commission Public Hearing: March 6, 2018  |                       |                                    |

| <b>Existing</b>   | <b>Proposed</b>   |
|---|---|
| <b>Land Use:</b> Undeveloped  | <b>Land Use:</b> Residential  |
| <b>Zoning:</b> MR-3, Multi-Dwelling Residential   | <b>Zoning:</b> MR-3, Multi-Dwelling Residential with Planned Unit Development   |
| <b>Uses Allowed:</b> MR-3, Multi-Dwelling 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. | <b>Uses Allowed:</b> MR-3, Multi-Dwelling 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. |
| <b>Maximum Density Allowed (Residential):</b> MR-3 Allows 24 dwelling units per acre  | <b>Maximum Density Allowed:</b> MR-3 Allows 24 dwelling units per acre  |

**Proposal:**

*PROJECT HISTORY NOTE: The Planning Commission agenda for the March 6, 2018 Planning Commission meeting notes agenda items 3a, 3b, and 3c, a plat, zone change, and PUD master land use plan for Villas at Shadowcrest, as being withdrawn. This is an earlier version of this project. As the applicant has changed the street configuration and increased the number of lots, the current project is agenda items 4a, 4b, and 4c.*

The applicant requests three entitlements:

1. A major subdivision, entitled **Villas at Shadow Crest Addition**, a three block, 22 lot subdivision, which is a plat of a portion of the Lot 1, Block 2, Schatz Third Addition, City of Fargo, Cass County, North Dakota. The plat includes Subdivision Waiver for reduced street right of way width and for sidewalks with an Alternative Sidewalk Plan
2. A zoning change from MR-3, Multi Dwelling Residential to MR-3 with a PUD, Planned Unit Development
3. A Planned Unit Development (PUD) overlay and master land use plan

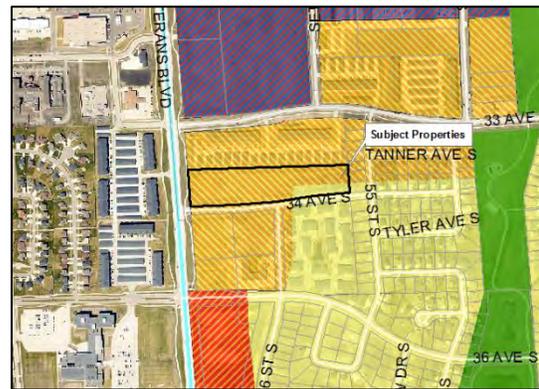
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

**Surrounding Land Uses and Zoning Districts:**

- North: Multi-dwelling residential with MR-3 zoning.
- East: Single-dwelling residential with SR-3 zoning
- South: Multi-dwelling residential with MR-1 zoning and LC, Limited Commercial with a CO, Conditional Overlay with vacant land
- West: Undeveloped with MR-3 zoning

**Area Plans:**

The 2003 Southwest Future Land Use Plan designates the area of this project as “Low/Medium Density or Medium/High Density”. The existing MR-3 zoning is consistent with this land use designation. The proposed PUD does not change the density of this project.



**Context:**

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

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

**Parks:** Brandt Crossing (5009 33rd Avenue South) is located approximately less than 1,000 feet east of the subject property and provides the amenities of basketball, dog park, playground, recreational trails, and shelter.

**Pedestrian / Bicycle:** There are off-road bike facilities along Veterans Boulevard that are a component of the metro area bikeways system.

**Staff Analysis:**

PLAT

The plat proposes to create 21 residential lots to be developed into three and four-unit townhome buildings, and one multifamily lot that will not be a part of the PUD. Each residential unit is to be located on an individual lot.

| BLOCK | LOTS | ZONING     | LAND USE   |
|-------|------|------------|--|
| 1     | 1-7  | MR-3 w/PUD | Attached single-dwelling residential   |
| 2     | 1-14 | MR-3 w/PUD | Attached single-dwelling residential   |
| 3     | 1    | MR-3       | No development proposed at this time; note that the PUD does <b>not</b> apply to Block 3 |

The plan includes requests for a subdivision waiver for modification of waiver of certain subdivision design and improvement standards related to street width, cul-de-sacs, and sidewalks. The need for these modifications and waivers and the findings related to them are detailed under the “Subdivision Waiver for Street Width” and “Subdivision Waiver for Sidewalks” sections beginning on page 6 below.

**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 exempt attached housing from lot width, lot area, and building coverage requirements of the underlying zoning district, and do not require an interior side setback on the “attached” side of a lot containing an attached house. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right but the application is confirmed for compliance with the subdivision process.

|                        | <b>Current LDC Development Standards for the MR-3 Zone</b>      | <b>PUD Modifications to MR-3 Development Standards</b>   |
|------------------------|---|--|
| Lot Area               | 5,000 square feet   | <i>Exempt per Alternative Development Options</i>  |
| Lot Width              | 50'   | <i>Exempt per Alternative Development Options</i>  |
| Setbacks               | Front—25'<br>Rear—20'<br>Street side—12.5'<br>Interior side—10' | Front— <i>decrease to 10'</i><br>Rear— <i>no change</i><br>Street side— <i>decrease to 10'</i><br>Interior side- <i>Exempt per Alternative Development Options</i>   |
| Open Space Landscaping | 3 plant units per 1,000 square feet of lot area                 | <i>3.5 plant units per 1,000 square feet of total lot area. Applicant proposes total planting units and open space shall be calculated based on the entire project and not based on each individual lot. Applicant will develop a cohesive landscape plan for all 21 residential lots.</i> |
| Building Coverage      | 35%   | <i>Exempt per Alternative Development Options</i>  |
| Open space             | 35%   | <i>30%</i>   |

**PUD Master Land Use Plan**

The applicant has submitted a project narrative and PUD Master Land Use which further describe and depict 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.

**ACCESS:** The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat.

**IMPROVEMENTS BY DEVELOPER:** The developer proposes to install the public improvements himself, rather than relying on the City for this installation. The developer shall work with Engineering to

create a developer's agreement regarding this installation. This agreement will be reviewed by the Public Works Project Evaluation Committee (PWPEC) with a final decision from the City Commission.

**STORMWATER:** The applicant has proposed stormwater detention on the adjacent property to the north, which is under the same ownership as this project. Engineering has reviewed this concept with the applicant, but at this time does not have the required documentation regarding ownership and maintenance of this detention facility, nor the calculations to determine the actual size and capacity of the detention facility. Approval of this project is contingent on Engineering receiving and approving the applicants detailed stormwater plan.

## **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 MR-3. The proposed zoning change adds the PUD overlay to the MR-3 zone for Blocks 1 and 2 of the development. The MR-3 zone remains the underlying zoning. **(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. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets 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, staff has received one phone call from the public relating to preservation of the existing trees on the lot. 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." The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan; this plan designates this property as appropriate for "Low/Medium Density or Medium/High Density" residential development. The project proposes 21 residential units on two acres, yielding a gross density of approximately 10.5 dwelling units per acre, which does not exceed the maximum density of 24 dwelling units per acre allowed in the MR-3 zone. Note that this density calculation excludes the area of Block 3, which is not proposed to be developed at this time. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth 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 and the landscaping requirements of the MR-3 zone. All other standards and requirements as set forth in the LDC have been met or are accounted for through the application of the Alternative Development Options—Attached Housing. **(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 and will dedicate additional 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 a compact design in this neighborhood which is already zoned for multi-dwelling residential. **(Criteria Satisfied)**

**Subdivision**

The LDC stipulates that the following criteria are 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 zoning for the development on this property is MR-3. The MR-3 zone will accommodate the proposed single-family development and is consistent with the “Low/Medium Density or Medium/High Density” designation for this property in the 2003 Future Land Use Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call from the public relating to preservation of the existing trees on the lot. **(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 current zoning is MR-3. The proposed zoning change will add the PUD overlay to the MR-3 zone on Blocks 1 and 2. This zoning is consistent with the 2003 Southwest Future Land Use Plan, which designates this property for "Low/Medium Density or Medium/High Density" residential 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. Note that the applicant proposes to do the initial installation of the public improvements himself, and shall work with Engineering to create a developer's agreement that will address this installation. This agreement will be reviewed by PWPEC with a final decision by the City Commission.

**(Criteria Satisfied)**

**Subvision Waiver For Sidewalk**

This project requires a subdivision waiver for sidewalk as:

- the sidewalk on the west side does not continue to the property line and
  - the crossings of Hallmark Street and Promontory Street are effectively midblock crossings.
- LDC 20-0609 requires a subdivision waiver for sidewalks in these situations. This waiver must include an alternate sidewalk plan. The applicants PUD Master Land Use plan (copy attached) serves as this alternate sidewalk plan, as it depicts the proposed location of sidewalks throughout the subdivision.

**1. Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**

The sidewalk on the west side of Hallmark Street is proposed to stop approximately 26 feet short of the north end of Hallmark Street. That adjacent property to the north is an apartment complex; there is no adjacent public sidewalk on that property to connect with. This sidewalk connects across Hallmark Street to the public sidewalk on Block 2 of the subdivision.

The crossings of Promontory Street, connecting the sidewalk on Block 1 with the sidewalk on Block 2, and of Hallmark Street, connecting the sidewalk on Block 3 with the sidewalk on Block 2, are considered midblock crossings as there is no actual intersection of streets at this crossing point. Staff recommends that these crossings be striped.

Pedestrian connectivity and circulation via standard width public sidewalks within dedicated public right of way is maintained throughout the subdivision despite these proposed modifications.

**(Criteria Satisfied)**

2. **Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

Approval of the sidewalk waiver would waive the requirement to construct approximately 26 feet of sidewalk which would have no further connection to the north and allow midblock crossings across Hallmark Street and Promontory Street. **(Criteria Satisfied)**

3. **Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**

Only the sidewalk requirement of Section 20-0609 of the LDC would be affected by approval of this waiver. **(Criteria Satisfied)**

**Subdivision Waiver For Street Width**

This project requires a subdivision waiver for streets for right of way width as the applicant proposes reduction in overall right of way width, paving width, and boulevard configuration, and to account for there being no cul-de-sacs installed at the north ends of Hallmark Street and Promontory Street.

1. **Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**

Hallmark Street and Promontory Street are local streets with parking on one side within an MR-3 zoned area. LDC 20-0611(G)(1) specifies a 70-foot wide ROW. The standards between the required and proposed ROW are depicted in the chart below:

| <b>STANDARD</b>   | <b>LDC</b>                 | <b>PROPOSED</b>  |
|-------------------|----------------------------|--|
| Overall width     | 70 feet                    | 54 feet  |
| Lanes             | 2                          | 2  |
| Paving width      | 32 feet                    | 29 feet  |
| Sidewalk width    | 4.5 feet each side         | 4.5 feet each side   |
| Sidewalk location | 2.0 feet off property line | 0.5 feet off property line with 2.0 easement to allow sidewalk construction and repair |

Staff supports the ROW modification for the following reasons:

- The streets are approximately 220 feet long, only serve this subdivision, and are unlikely to continue in the future, as they do not align with any existing public street.
- There are no individual driveways for the residences along the street.
- The revised ROW still provides adequate boulevard width for snow storage and an uninterrupted boulevard for on-street parking.

LDC section 20-0611(F) requires a cul-de-sac for dead end streets. Though Hallmark Street and Promontory Street appear to “dead end”—that is, not continue beyond the north property line of the subdivision—vehicular connectivity is provided between the two streets via a dedicated public right of way. Staff supports this modification for the following reason:

- The streets are connected within the subdivision by a dedicated public right of way, identified on the plat as “Alley,” that allows circulation between Hallmark Street and Promontory Street. City Fire and Public Works Departments have determined that this connectivity is sufficient for their purposes of fire access and truck turning. This, a cul-de-sac is not necessary at the north ends of these streets. **(Criteria Satisfied)**

- 2. Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

Approval of the subdivision waiver for ROW width and cul de sac, as described above, would allow the applicant's project design for compact development while still providing sufficient right of way and connectivity to provide access, truck turning, snow storage, and on-street parking on one side of the street, as well as pedestrian circulation throughout the subdivision on dedicated public sidewalks. **(Criteria Satisfied)**

- 3. Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**

Only the street standards requirement of Section 20-0609 of the LDC would be affected by approval of this waiver. **(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 **Villas at Shadowcrest Addition**, contingent on Engineer reviewing and approving the applicant's detailed stormwater detention plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use 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:** March 6, 2018

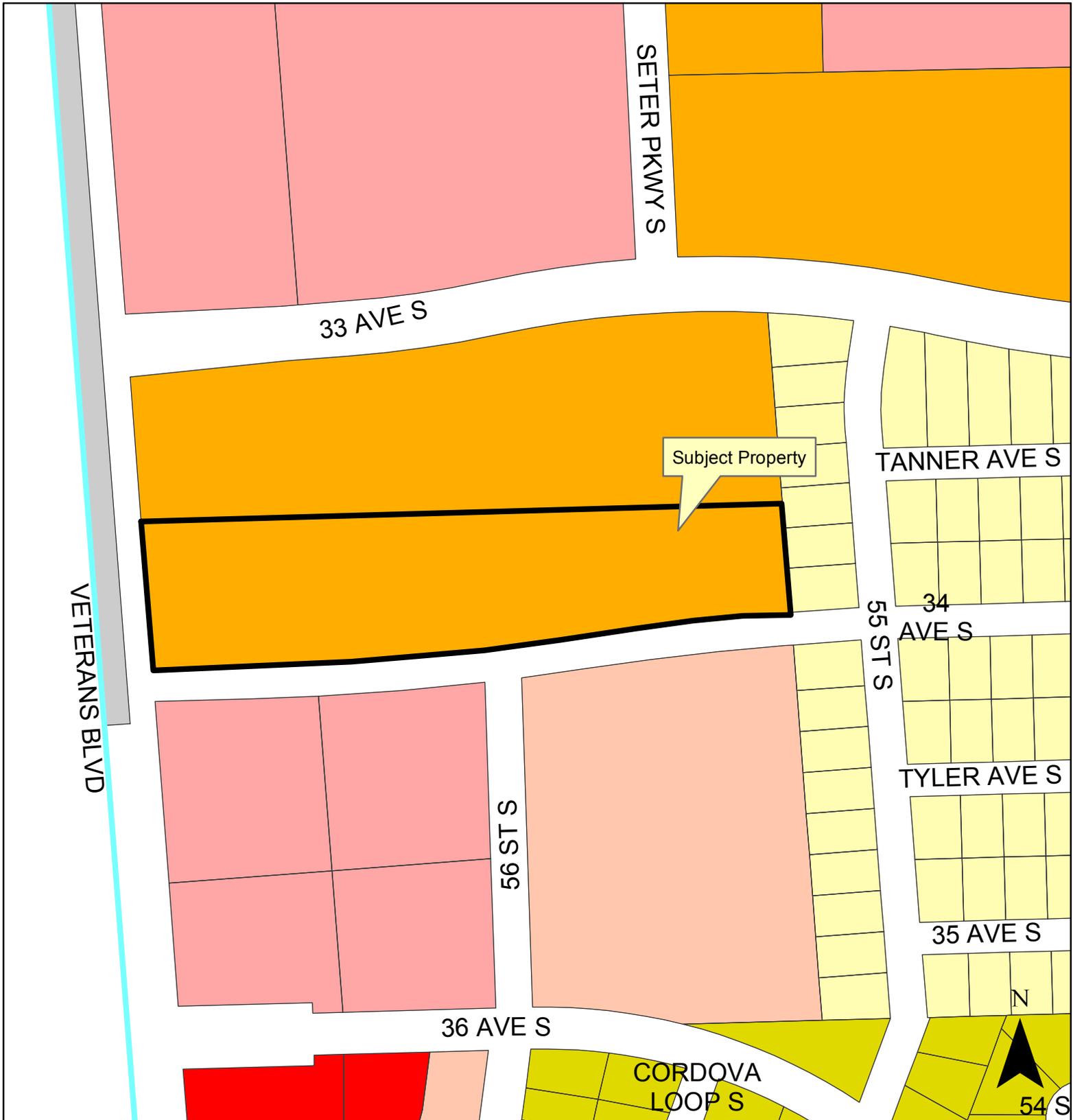
**Attachments:**

1. Zoning Map
2. Location Map
3. Draft Preliminary Plat
4. PUD Narrative
5. Draft PUD Master Plan
6. Project Cross Section
7. Draft Amenities Plan

# Plat (Major), PUD and Zone Change (MR-3 to MR-3 w/ a PUD)

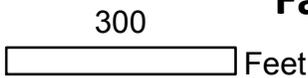
## Villas at Shadow Crest Addition

5601 34th Avenue South



**Legend**

- |     |      |     |             |
|-----|------|-----|-------------|
| AG  | LC   | MHP | SS          |
| DMU | ML   | NOC | SS-2        |
| GC  | MR-1 | NO  | SS-3        |
| GO  | MR-2 | P/J | SS-4        |
|     | MR-3 | UMI | SS-5        |
|     |      |     | City Limits |



**Fargo Planning Commission**

**March 6, 2018**

N

54 S

# Plat (Major), PUD and Zone Change (MR-3 to MR-3 w/ a PUD)

## Villas at Shadow Crest Addition

5601 34th Avenue South



**LEGEND**

- 5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC. NO. LS-8251
- MONUMENT FOUND
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE
- ▨ 10 FOOT WIDE UTILITY EASEMENT TO BE VACATED WITH RECORDING OF THIS DOCUMENT



ORIENTATION OF THIS BEARING SYSTEM IS PER THE PLAT OF SCHATZ THIRD ADDITION



# VILLAS AT SHADOW CREST ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF SCHATZ THIRD ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

**OWNERS DESCRIPTION AND DEDICATION**

KNOWN ALL MEN BY THESE PRESENTS, That OWNERS NAME as owner of a parcel of land located in the Northwest Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota and more particularly described as follows:

Lot One, Block Two, of SCHATZ THIRD ADDITION to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Containing 312,934 square feet of land, more or less.

Said owner has caused the above described parcel of land to be surveyed and platted as "VILLAS AT SHADOW CREST ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby vacate the 10 foot wide utility easements as shown for vacation on this plat and do hereby dedicate to the public for public use all Streets, Alley, Utility Easements and Sidewalk Easements as shown on the plat and do hereby dedicate to Block 1 the 14 foot wide private ingress/egress easement in Block 1 as shown on this plat for the purposes so stated, and do hereby dedicate to Block 2 the 14 foot wide private ingress/egress easement in Block 2 as shown on this plat for the purposes so stated.

OWNER:

By: NAME, TITLE

State of North Dakota }  
County of Cass }

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2018 before me personally appeared NAME, TITLE, 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 COMPANY-LLC

Notary Public

**CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL**

Approved by City Engineer this \_\_\_\_ day of \_\_\_\_\_, 2018.

Mark Bittner, City Engineer

State of North Dakota }  
County of Cass }

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2018 before me personally appeared Mark Bittner, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same.

Notary Public

**CITY OF FARGO PLANNING COMMISSION APPROVAL**

Approved by the City of Fargo Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 2018.

Shara Fischer, Planning Commission Chair

State of North Dakota }  
County of Cass }

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2018 before me personally appeared Shara Fischer, Planning Commission Chair, 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

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT**

I, Bruce W. Skipton, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

Bruce W. Skipton, Professional Land Surveyor  
North Dakota License Number LS-8251

State of North Dakota }  
County of Cass }

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2018 before me personally appeared Bruce W. Skipton, 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.

Notary Public

**FARGO CITY COMMISSION APPROVAL**

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_ day of \_\_\_\_\_, 2018.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor  
County of Cass }

State of North Dakota }

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2018 before me personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor 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

SEE SHEET 2 OF 2

BLOCK 2  
LOT 1  
BLOCK 3  
LOT 1  
SCHATZ THIRD ADDITION

HALLMARK ST.

PROMONTORY ST.

BRANDT CROSSING FIRST ADDITION  
BLOCK 14

BRANDT CROSSING AT BRANDT ADDITION  
BLOCK 3

34 AVENUE SOUTH

DRAFT PLAT--applicant to revise to remove Lot 2 from Block 3



preliminary  
2/26/18  
SHEET 1 OF 2



**Project Narrative:**

EagleRidge Development submits this proposed planned unit development (PUD) request to create an upscale, maintenance provided, urban lifestyle in the popular Veteran’s Boulevard corridor. This neighborhood will consist of 21 for sale townhomes. Unlike previous projects which have been before the planning commission, our request includes these lot fronting City owned right of way. Block 2 will consist of 14 individually serviced townhome lots that share a private alley along the rear property line. Block 1 will consist of 7 individually serviced townhome lots which have a private alley in the rear of the lots. These homes will be a combination of 2 bedroom 2.5 bathroom and 3 bedroom 2.5 bathroom styles.

The purpose of the proposed PUD is to help create a more urban lifestyle setting in which the garages are hidden from view and the homes are built with minimal front yards that are filled with well-maintained landscaping. The renderings below highlight the maintenance free landscaping that these homes will present. In order to achieve this goal, the PUD is addressing (2) main points. The first is to amend the setbacks for these structures. Since these buildings have attached units, we are proposing a shared wall setback of 0’. To create more of an urban feel, we are requesting that the front setback and street side setbacks be reduced to 10’ and interior side yards be reduced to 5’. As a result of these setback adjustments, we are requesting that the maximum building coverage be amended to 62.5% and the lot area be adjusted to a minimum of 2,046 sf.

As the market and buyer habits change, it is important for communities to be able to provide desired housing types. There is a desire from buyers in our community to own their own home, but these buyers have no interest in lawn maintenance or snow removal. This has kept some of the Fargo’s residents from buying a house. This proposed style better fits the lifestyle of today’s generation.

This project will also help buffer the existing homes to the east of this project from a denser style of development for which the property is currently zoned, and which is anticipated by the developer.

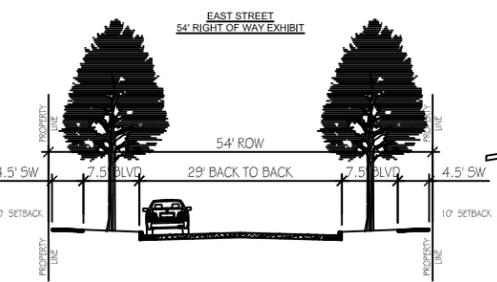
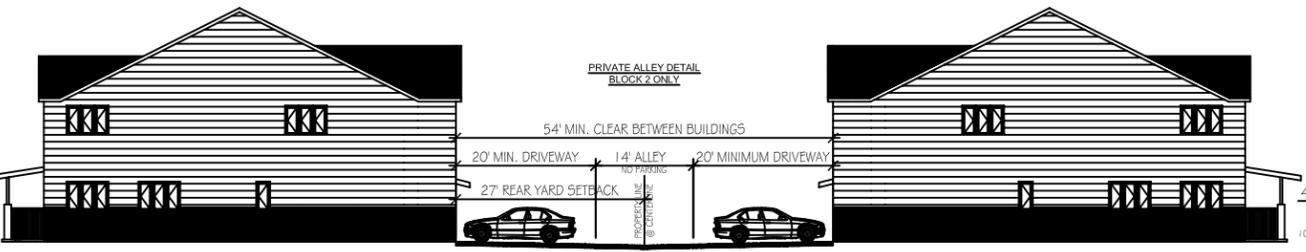
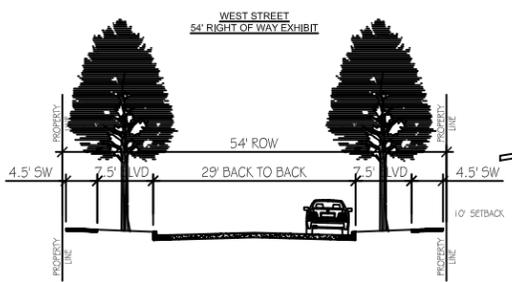
We appreciate your time and help in creating more housing option for Fargo’s diverse and growing population.



Sincerely,



Jonathan Youness  
Director of Development  
EagleRidge Development



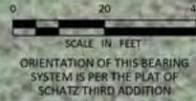
# SITE PLAN VILLAS AT SHADOW CREST ADDITION

DRAFT MASTER LAND USE PLAN  
Applicant to revise to remove dimensions

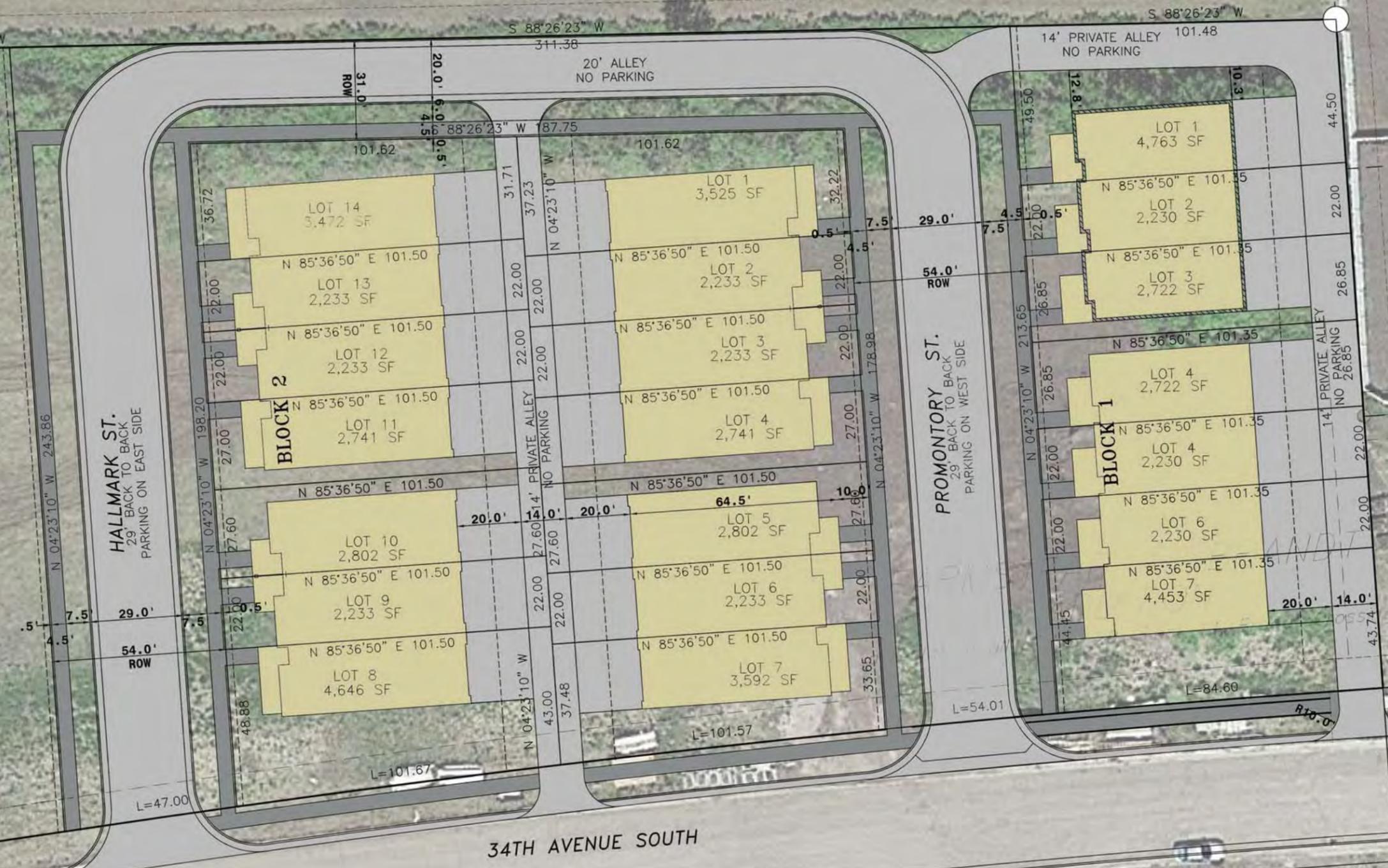
A REPLAT OF LOT 1, BLOCK 1 OF SCHATZ THIRD ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

February 28, 2018

BLOCK 3  
LOT 1  
135,999 SF



| Lot                  | Block | Area          | Landscaping Area | Porch Area   | Open Space Area | Open Space % | Building Area | Lot Coverage |
|----------------------|-------|---------------|------------------|--------------|-----------------|--------------|---------------|--------------|
| 1                    | 1     | 4,763         | 1,202.6          | 120.8        | 1,323           | 27.8%        | 1,082         | 22.7%        |
| 2                    | 1     | 2,230         | 271.5            | 120.8        | 392             | 17.6%        | 1,090         | 48.9%        |
| 3                    | 1     | 2,722         | 705.7            | 120.8        | 827             | 30.4%        | 1,082         | 39.8%        |
| 4                    | 1     | 2,722         | 705.7            | 120.8        | 827             | 30.4%        | 1,082         | 39.8%        |
| 5                    | 1     | 2,230         | 271.5            | 120.8        | 392             | 17.6%        | 1,090         | 48.9%        |
| 6                    | 1     | 2,230         | 271.5            | 120.8        | 392             | 17.6%        | 1,090         | 48.9%        |
| 7                    | 1     | 4,453         | 2,200.2          | 120.8        | 2,321           | 52.1%        | 1,082         | 24.3%        |
| <b>Total</b>         |       | <b>21,350</b> | <b>5,629</b>     | <b>846</b>   | <b>6,474</b>    | <b>30.3%</b> | <b>7,598</b>  | <b>35.6%</b> |
| 1                    | 2     | 3,525         | 1,407            | 150          | 1,557           | 44.2%        | 1,280         | 36.3%        |
| 2                    | 2     | 2,233         | 285              | 89           | 374             | 16.7%        | 1,276         | 57.1%        |
| 3                    | 2     | 2,233         | 285              | 89           | 374             | 16.7%        | 1,276         | 57.1%        |
| 4                    | 2     | 2,741         | 699              | 144          | 842             | 30.7%        | 1,280         | 46.7%        |
| 5                    | 2     | 2,802         | 699              | 89           | 788             | 28.1%        | 1,280         | 45.7%        |
| 6                    | 2     | 2,233         | 249              | 89           | 338             | 15.1%        | 1,276         | 57.1%        |
| 7                    | 2     | 3,592         | 1,471            | 144          | 1,615           | 45.0%        | 1,280         | 35.6%        |
| 8                    | 2     | 4,646         | 2,490            | 144          | 2,634           | 56.7%        | 1,280         | 27.6%        |
| 9                    | 2     | 2,233         | 285              | 89           | 374             | 16.7%        | 1,276         | 57.1%        |
| 10                   | 2     | 2,802         | 767              | 89           | 856             | 30.6%        | 1,280         | 45.7%        |
| 11                   | 2     | 2,741         | 699              | 144          | 842             | 30.7%        | 1,280         | 46.7%        |
| 12                   | 2     | 2,233         | 285              | 89           | 374             | 16.7%        | 1,276         | 57.1%        |
| 13                   | 2     | 2,233         | 286              | 89           | 375             | 16.8%        | 1,276         | 57.1%        |
| 14                   | 2     | 3,472         | 1,390            | 150          | 1,540           | 44.4%        | 1,280         | 36.9%        |
| <b>Total</b>         |       | <b>39,719</b> | <b>11,293</b>    | <b>1,591</b> | <b>12,884</b>   | <b>32.4%</b> | <b>17,896</b> | <b>45.1%</b> |
| <b>Project Total</b> |       | <b>61,069</b> | <b>16,922</b>    | <b>2,437</b> | <b>19,359</b>   | <b>31.7%</b> | <b>25,494</b> | <b>41.7%</b> |



**Site Amenities and Project Plan for Villas at Shadow Crest**  
**February 19, 2018**

The Site Amenities and Project plan of Villas at Shadow Crest Addition on December 20<sup>th</sup>, 2017 is hereby adopted and incorporated by reference as the Site Amenities and Project Plan for *Villas at Shadow Crest*, subject to the following changes and additions:

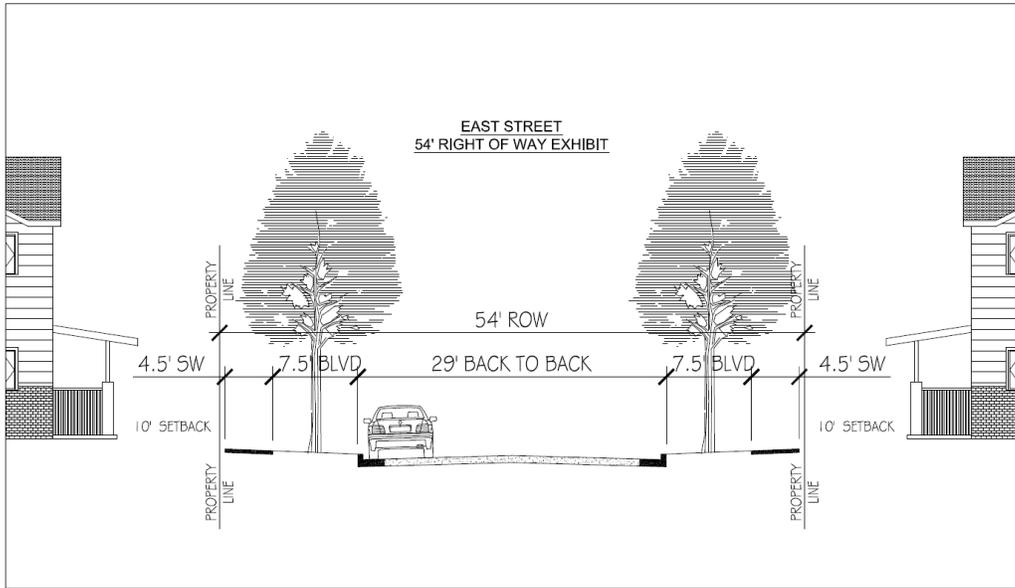
**Location:** Villas at Shadow Crest is legally described as Lots 1 through 7 of Block 1, Lots 1 through 14 of Block 2, and Lots 1 and 2, Block 3 Villas at Shadow Crest Addition to the City of Fargo, Cass County, North Dakota. The project consists of 2.0 acres.

**Details:** The subdivision provides for 21 residential lots to be developed into three and four-unit townhome buildings, and two multifamily lots that will not be a part of the PUD. Each residential unit is to be located on an individual lot. The project is intended be located within the current base zoning district of MR-3 (Multi-Dwelling Residential), along with a PUD (Planned Unit Development) overlay zoning district. Lots 1 and 2 Block 3 shall not be governed by the PUD.

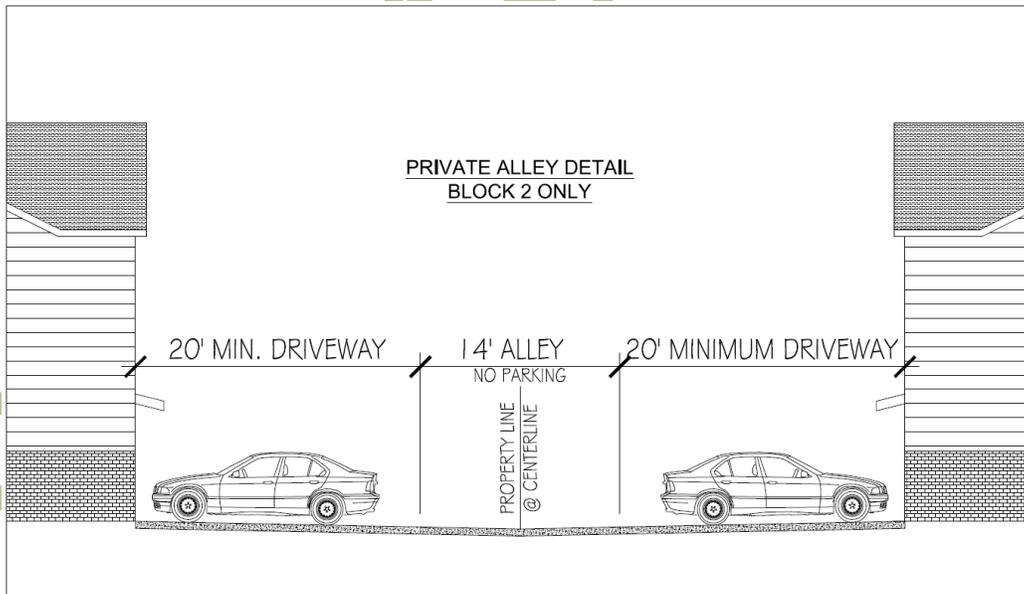
**Right of Way (ROW).** The project accommodates right of way dedication for public roadway and utilities, with specific details outlined below:

ROW dedication for Hallmark Street and Promontory Street shall be 54'

- Street widths shall be 29 feet from back of curb to back of curb with parking allowed on one side of the street with appropriate signage installed with the public improvements.
- Street lighting shall be installed per City of Fargo standards.
- A 4.5' sidewalk shall be installed within the right of way and the outside edge shall be installed 0.5' off the property line.
- A minimum 7.5' boulevard shall be maintained.
- 31' ROW shall be dedicated for a public alley connecting Hallmark Street and Promontory Street.
- The alley shall be constructed with 20' of paving including curb and gutter.
- A 4.5' sidewalk shall be constructed south of the paving within the alley ROW connecting the east sidewalk with Hallmark St to the west sidewalk within Promontory St. This sidewalk shall be constructed 0.5' off the property line to maintain a minimum 6' boulevard.



**Private Alley:** A private concrete alley shall be constructed along the rear property lines on Block 1 and Block 2 as shown on the plat. This concrete alley shall be a minimum of 6" reinforced concrete and all maintenance shall be the responsibility of the association. All snow removal from the alley shall be the responsibility of the Association.



**Infrastructure:**

Infrastructure Installation: The Developer of the project will install all on-site public roads, alleys, approaches, storm sewer, sanitary sewer, water, & street lights. The project shall be designed by a registered engineer. Infrastructure layout and design parameters can be found on the submitted PUD Site Plans.

The infrastructure within right of way shall be public and will be turned over to the City of Fargo upon completion and acceptance of the construction by the Engineering Department. The construction of the alley shall be private and the City will not be responsible for infrastructure funding, installation, maintenance, or repair.

Infrastructure Funding: The Developer of the project will fund the entire cost of improvements to the site.

Infrastructure Maintenance and Repair: The Association shall be responsible for any and all future maintenance and repair for the private alley infrastructure. The expense and burden of future maintenance and repair shall rest solely on the Association and the Owners as outlined in the Association Documents. The infrastructure within the right of way shall be public and the City will be responsible for infrastructure maintenance or repair in accordance with current standards.

**Association:** The project will be managed by a professional property management company hired by the Board of Directors. The Board of Directors shall consist of individuals elected by the owners of the lots. The Association shall be governed by the *Villas at Shadow Crest Townhomes Declaration of Restrictive Covenants, Party Wall Covenants*, and the *Villas at Shadow Crest Owner's Association By-Laws* (Association Documents).

Capital Improvement Fund: A Capital Improvement Fund shall be created by the Association. The Fund will be used to ensure the success of the Association in the future. Its only purpose will be to have a reserve for capital improvements such as private alley repairs, sidewalk repairs, and landscaping repairs.

Association Dues: Monthly dues of 115% of Association expenses will be privately assessed by the Association and collected from the owners. The property management company will handle this responsibility. Excess cash will be transferred to the Capital Improvement Fund yearly, with the approval of the Board. These fees will cover Property Management Company fees, landscaping fees, snow removal, lawn care, and other miscellaneous costs.

**Sidewalks:** The public sidewalk within the City Right of Way will be installed by the Developer. The sidewalks shall be located in accordance with the plan. Sidewalks shall be maintained by the Association.

**Landscaping:** Landscaping will be installed pursuant to the City of Fargo requirements (LDC §20- 0705). Required landscaping will be installed by the Developer and the Association shall be fully responsible for all future upkeep.

**Parking and Traffic Rules and Regulations:** The “public alley” shall be 1-way with traffic allowed to travel from west too east. Proper signage shall be installed. Private alleys shall be marked as 1-way allowing traffic to enter from the South and exit to the North. No parking shall be allowed within the alleys. A “No Parking” sign shall be installed at each end of the alleys. Parking will be allowed on the east side of both Hallmark St. and Promontory St. Pavement width for this public street were designed in accordance with the Urban Street Standards Table 20-0611-1 to allow for parking on one side of the street.

**Snow Removal:** Snow removal for the private alley and public sidewalks will be performed by an agent hired by the Property Management Company. Owners and/or tenants will be responsible for snow removal from steps, landings, and balconies. The City will not be responsible for snow removal except for Hallmark Street, Promontory Street, and the public Alley.

**Garbage Collection:** Garbage collection shall be performed by the City of Fargo Solid Waste.

**Easements:** The Developer has entered into easements for the following within the plat:

- a. Block 1 - 14 Foot Wide Private Ingress/Egress Easement.
- b. Block 2 – 14 Foot Wide Private Ingress/Egress Easement (7' Each Side of the rear property line)

**Flood Protection:**

Storm Water Detention Facilities: The proposed development shall construct a detention pond in conjunction with the adjacent landowner on the southeast corner of Lot 30, Block 14 of Brandt Crossing 1<sup>st</sup> Addition.

FEMA Floodplain Expansion: These lots are not within the current effective floodplain and are outside of the 41' inundation area and are therefore not subject to City of Fargo flood proofing requirements.

**Sump Pump:** Sump pumps shall be installed within the Units that have basements or crawl spaces in the Project which will drain to storm water inlets.

| <b>City of Fargo<br/>Staff Report</b> |   |                       |              |
|---------------------------------------|---|-----------------------|--------------|
| <b>Title:</b>                         | Kirkham's 2nd Addition  | <b>Date:</b>          | 2/27/2018    |
| <b>Location:</b>                      | 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North  | <b>Staff Contact:</b> | Aaron Nelson |
| <b>Legal Description:</b>             | Lots 4-9, Block 14, Kirkham's 2nd Addition  |                       |              |
| <b>Owner(s)/Applicant:</b>            | Jay Alsop, APM/Chris Hawley Architects  | <b>Engineer:</b>      | N/A          |
| <b>Entitlements Requested:</b>        | <b>Growth Plan Amendment</b> (To change the future land use designation from Low Density Residential to <del>Primarily Residential with Commercial</del> <u>High Density Residential</u> ); <b>Zoning Change</b> (from SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential to <del>LC, Limited Commercial,</del> <u>MR-3, Multi-Dwelling Residential</u> , with a PUD, Planned Unit Development Overlay on Lots 4-11); and a <b>PUD Master Land Use Plan</b> . |                       |              |
| <b>Status:</b>                        | Planning Commission Public Hearing: March 6, 2018   |                       |              |

| <b>Existing</b>   |
|---|
| <b>Land Use:</b> Household Living (Detached House & Duplex)   |
| <b>Zoning:</b> SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential   |
| <b>Uses Allowed:</b><br>SR-3 – Detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities<br><br>MR-2 – Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities |
| <b>Maximum Density Allowed:</b> SR-3 allows a maximum of 8.7 units per acre and MR-2 allows a maximum of 20 dwelling units per acre.  |

| <b>Proposed</b>  |
|--|
| <b>Land Use:</b> Household Living (Multi-Dwelling Structure)   |
| <b>Zoning:</b> MR-3, Multi-Dwelling Residential, with PUD, Planned Unit Development, Overlay   |
| <b>Uses Allowed:</b><br>MR-3 – Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities |
| <b>Maximum Density Allowed:</b> MR-3 with proposed PUD overlay would allow a maximum of 86 units per acre.   |

| <b>Proposal:</b>  |
|---|
| <p>The applicant is seeking approval of a 1) growth plan amendment, 2) zoning map amendment, and 3) PUD Master Land Use Plan. The intent of these three applications is to allow the development of a multi-dwelling structure. The proposed structure would consist of six levels—one below ground and five stories above ground. The lower level and first floor would accommodate off-street parking while the second through fifth floors would contain 82 dwelling units. Of these 82 residential units, 48 would be studio units, 8 would be one-bedroom units, 22 would be two-bedroom units, and 4 would be three-bedroom units, for a total of 112 bedrooms.</p> <p><u>Growth Plan Amendment</u><br/>The growth plan amendment is intended to modify the 2009 Future Land Use Map that was adopted as an addendum to the 2004 Roosevelt-NDSU Neighborhood Plan. Within the Future Land Use Map, the subject property</p> |

is located in the northwest corner of an area designated as *Low Density Residential*. The proposed growth plan amendment would reclassify this area as *High Density Residential*.

### Zoning Change

The zoning map amendment would rezone the subject property from SR-3 (Single-Dwelling Residential) and MR-2 (Multi-Dwelling Residential) to MR-3 (Multi-Dwelling Residential). In addition, the zoning map amendment would also establish a PUD (Planned Unit Development) overlay zoning district for the subject property. This PUD overlay is intended to modify a handful of the MR-3 zoning standards and to establish additional development requirements relating to bicycle parking, sidewalk connectivity, and architectural standards.

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The proposed PUD overlay is intended to modify the following specific MR-3 zoning standards:

- Increase the maximum residential density from 24 to 86 units per acre;
- Reduce the minimum front setback from 25 feet to 10 feet;
- Reduce the minimum rear setback from 20 feet to 10 feet;
- Increase the maximum height from 60 feet to 63 feet;
- Increase the maximum building coverage from 35% of the lot area to 65% of the lot area;
- Reduce the minimum required open space from 35% of the lot area to 22% of the lot area;
- Modify the minimum off-street parking ratio for multi-dwelling structures from 1.5 parking stalls per efficiency unit and 2.25 parking stalls per 1 or more bedroom unit to 1.6 parking stalls per unit.
- Increase the maximum building height (as required by the Residential Protection Standards) from 45 feet and 55 feet to 63 feet.

In addition to these modifications, the PUD overlay would also establish the following additional requirements for the development:

- Requirements for bicycle parking;
- Requirements for pedestrian walkway connectivity; and
- Architectural standards regarding building orientation, building materials, ground-floor transparency, and building articulation. These architectural standards are consistent with those of the adjacent UMU zoning district.

A copy of the draft PUD ordinance language is attached.

### PUD Master Land Use Plan

The PUD Master Land Use Plan will establish the general layout of the proposed development, including the physical location of the building, parking areas, open spaces, and amenities. The PUD Final Plan and all future building and construction plans would need to conform with the PUD Master Land Use Plan. In summary, the building is centrally located on the subject property with open space located on the southeast corner. There are off-street parking spaces located adjacent to the public alley on the west side of the property. There are two levels of interior parking located on the lower level and first floor. The second through fifth floors consist of residential dwelling units. The proposed PUD Master Land Use Plan is attached.

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

### **Surrounding Land Uses and Zoning Districts:**

- North: LC, Limited Commercial, with retail sales and services
- East: Across 14th Street North; MR-3, Multi-Dwelling Residential, MR-2, Multi-Dwelling Residential, and SR-3, Single-Dwelling Residential, with group living and household living uses

- South: MR-2, Multi-Dwelling Residential, with household living use
- West: Across the alley; UMU, University Mixed-Use, and P/I, Public and Institutional, with education, retail sales and service, and household living uses

**Area Plans:**



The subject property is located within the Roosevelt-NDSU Neighborhood. The Roosevelt-NDSU Neighborhood Plan was adopted in 2004, and has a stated vision for the neighborhood to be “a place where the past, present and future come together in a diverse and vibrant environment that is attractive to both homeowners and to students because it is safe, clean, alive and unique.” The Plan outlines three goals to help reach this vision, relating to housing, safety, and quality of life.

A Future Land Use Plan for the Roosevelt-NDSU Neighborhood (adopted in late 2009 as an addendum to the 2004 Neighborhood Plan) was created to provide a framework for development and to provide guidance in decision making for home-owners, landlords, and developers. The future land use plan identifies the subject property as being located in the northwest corner of an area designated as *Low Density Residential*. The area to the north and west of this area has a future land-use classification of *Primarily Residential with Commercial*.

**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.

**Neighborhood:** The subject property is located within the Roosevelt-NDSU Neighborhood.

**Parks:** Johnson Soccer Complex (1420 11th Avenue N) is located approximately 250 feet southwest of the subject property and offers amenities including multi-purpose fields, picnic tables, playground, restrooms, shelter, and soccer fields.

**Pedestrian / Bicycle:** Several bike facilities are located in close proximity to the subject property. On–road bike facilities are located along 11th Avenue North and the adjacent western alley. Off–road facilities are located along 12th Avenue North. All facilities are components of the metro area bikeways system.

**Staff Analysis:**

Background:

The owner of the subject property, Jay Alsop, previously submitted an entitlement application for a mixed-use project on the northern half of the subject property and including the adjacent credit union property to the north, in November of 2015. That project was reviewed by the Planning Commission on February 2, 2016 before being continued to the following month. That application was subsequently continued several more times at the request of the applicant before ultimately being withdrawn prior to the Planning Commission taking any action on it.

In the time since that previous application, the owner has acquired several additional properties to the south of the previous project area and has partnered with a new architecture team to design the proposed PUD project. An early version of the project was introduced in November of 2017, along with a partial application. This version proposed a larger mixed-use building that included the credit union property located north of the subject property. At the time of the submittal of the completed application, this concept was revised to remove the credit union from the project, making it a single-use residential development.

Public Communications:

On November 2, 2017, the applicant, owner, and about a dozen residents of the neighborhood met at City Hall in order to go over the proposed project and to discuss. (At that time, the proposed project was a mixed-use building which would have included the credit union property to the north of the subject property.) The applicant presented an overview and details of the project, answered questions, and heard comments from the public. There were a number of concerns expressed from the public. Most of the concerns raised were relating to the perceived inconsistency of the proposed project with the character and scale of the neighborhood south and east of the subject property (such as density, building height, architectural style).

Upon the subsequent submittal of this application, public notices were sent out to property owners within 300 feet of the subject property on February 9, 2018, in accordance with Section 20-0901.F of the LDC. Upon request of the Roosevelt Neighborhood Association, additional notice letters were mailed to property owners within 1,000 feet of the subject property. On February 27, 2018, staff received a packet of written comments containing comments and signatures from neighborhood residents, the Roosevelt Neighborhood Association, and Horace Mann Area Neighborhood Association. This packet of comments and signatures is attached.

An open house was scheduled for March 1, 2018 to provide a formal opportunity for the public to review and comment on the proposed growth plan amendment. As of the writing of this staff report (February 27, 2018), the open house has not yet taken place. Comments received at the open house will be presented to the Planning Commission at the March 6 Planning Commission meeting. The applicant will be present at the open house to answer any questions from the public regarding the proposed application.

Representatives of the Roosevelt Neighborhood Association have stated that comments submitted in 2016 for the owner’s previous development application are applicable to the current application, and have requested that those comments be included with this staff report. Although the previously proposed project was of a different design and that application was withdrawn prior to the submittal of this current application, the previous application was similar to the current application. As such, staff has attached these previous comments to this staff report for reference, along with the staff report and packet materials from February 2, 2016.

Dimensional Standards:

The proposed PUD would establish a maximum residential density of 86 units per acre. Compared to adjacent residential zoning districts, the proposed density is less restrictive than the MR-3, MR-2, and SR-3 zoning districts (which have maximum densities of 24, 20, and 8.7 units per acre, respectively), but is more restrictive than the UMU zoning district (which requires a *minimum* density of 18 units per acre). The table below summarizes how the proposed PUD dimensional standards relate to those of the adjacent residential zoning districts.

| Dimensional Standard                            | SR-3                | MR-2                 | MR-3   | UMU    | Proposed PUD |
|---|---------------------|----------------------|--------|--------|--------------|
| Density (units per acre)                        | 8.7 Max             | 20 Max               | 24 Max | 18 Min | 86 Max       |
| Front Setback                                   | 20'                 | 25'                  | 25'    | 10'    | 10'          |
| Interior Side Setback                           | 5' or 10% lot width | 25' or 15% lot width | 10'    | 5'     | 10'          |
| Rear Setback                                    | 15'                 | 20'                  | 20'    | 15'    | 10'          |
| Maximum Building Coverage (percent of lot area) | 40%                 | 35%                  | 35%    | 75%    | 65%          |
| Minimum Open Space (percent of lot area)        | N/A                 | 35%                  | 35%    | N/A    | 22%          |
| Maximum Height                                  | 35'                 | 45'                  | 60'    | 60'    | 63'          |

Parking & Access:

For multi-dwelling structures, the Land Development Code currently requires off-street parking spaces to be provided at a ratio of 1.5 spaces per efficiency dwelling unit and 2.25 spaces per units that are one-bedroom and larger. (These ratios do not apply to multi-dwelling structures located within the UMU zoning district where the minimum ratio is 1.25 parking stalls per unit, nor within the DMU zoning district where there are no minimum parking requirements). The proposed project would include 48 efficiency units and 34 units that are one-bedroom or larger. This would equate to 149 total off-street parking spaces per the minimum ratios of the LDC. The proposed PUD application would modify these parking minimums to require 1.6 spaces per unit (of any size), which would

equate to 132 off-street parking stalls. This ratio would result in a reduction of 17 parking spaces, given the breakdown of efficiency and non-efficiency units. The table below shows how the proposed ratio relates to the LDC parking ratios.

| Multi-Dwelling Unit Type | LDC Parking Ratio | Proposed Parking Ratio | Change                                      |
|--------------------------|-------------------|------------------------|---|
| Efficiency Unit          | 1.5 per unit      | 1.6 per unit           | Increase of 1 parking space per 10 units    |
| 1+ Bedroom Unit          | 2.25 per unit     | 1.6 per unit           | Reduction of 1 parking space per 1.54 units |

The proposed project includes 132 off-street parking stalls within the subject property. Thirteen parallel parking spaces will be provided on the west side of the lot, just east of the alley. The remaining 120 parking spaces will be provided within the building on the lower level and first floor. Access to the internal parking will be from 14<sup>th</sup> Street, on the east side of the building.

The PUD Overlay would require that sidewalk connections and bicycle parking facilities be incorporated into the design of the project, to encourage multi-modal access to the property. The property is located adjacent to the NDSU campus, which provides opportunity for walking and biking trips, as opposed to vehicle trips.

The subject property is also located in close proximity to several existing bus routes. MATBUS Routes 13, 31, 32E, 32W, and 34 all run within a block of the subject property, providing access to destination such as the NDSU campus and downtown Fargo.

**Current Status:**

As referenced throughout this staff report, the applicant’s proposal has evolved over time. As of the writing of this staff report, staff continues to work with the applicant to confirm and solidify the details of the PUD, and communicate these details to interested citizens. In order to provide additional time for all parties involved to communicate and respond to the details of this PUD project, staff is recommending continuation of the application. It is staff’s intent to present this application at the March 6 Planning Commission meeting in order to introduce the project and to hear public comments, but to recommend continuation of the application to April 3 in order to give all parties involved additional time to coordinate and finalize the details of the application. In summary, staff intends for this application to be heard by the Planning Commission twice. Once on March 6 for information, discussion, and public hearing purposes, and again on April 3 for a second public hearing and recommendation from the Planning Commission.

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

Although the Roosevelt-NDSU Future Land Use Plan does not address amendments, the 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:

1. Is the proposed change consistent with surrounding land uses, both existing and future?
2. Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.
3. How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?
4. How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?

**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?
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 properties are developed?
3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?
4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

**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;
2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;
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 properties are developed;
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;
5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.

**Staff Recommendation:**

At this point, staff is bringing this item to Planning Commission for a public hearing in order to hear public comments and to allow preliminary discussion by the Planning Commission. At this time staff is recommending that this item be continued to the April Planning Commission meeting. It is staff's intent to bring this item to the April Planning Commission meeting for a second public hearing and a recommendation from Planning Commission.

**Suggested Motion:** "To continue this item to the April 3<sup>rd</sup> Planning Commission meeting."

**Planning Commission Recommendation:** March 6, 2018

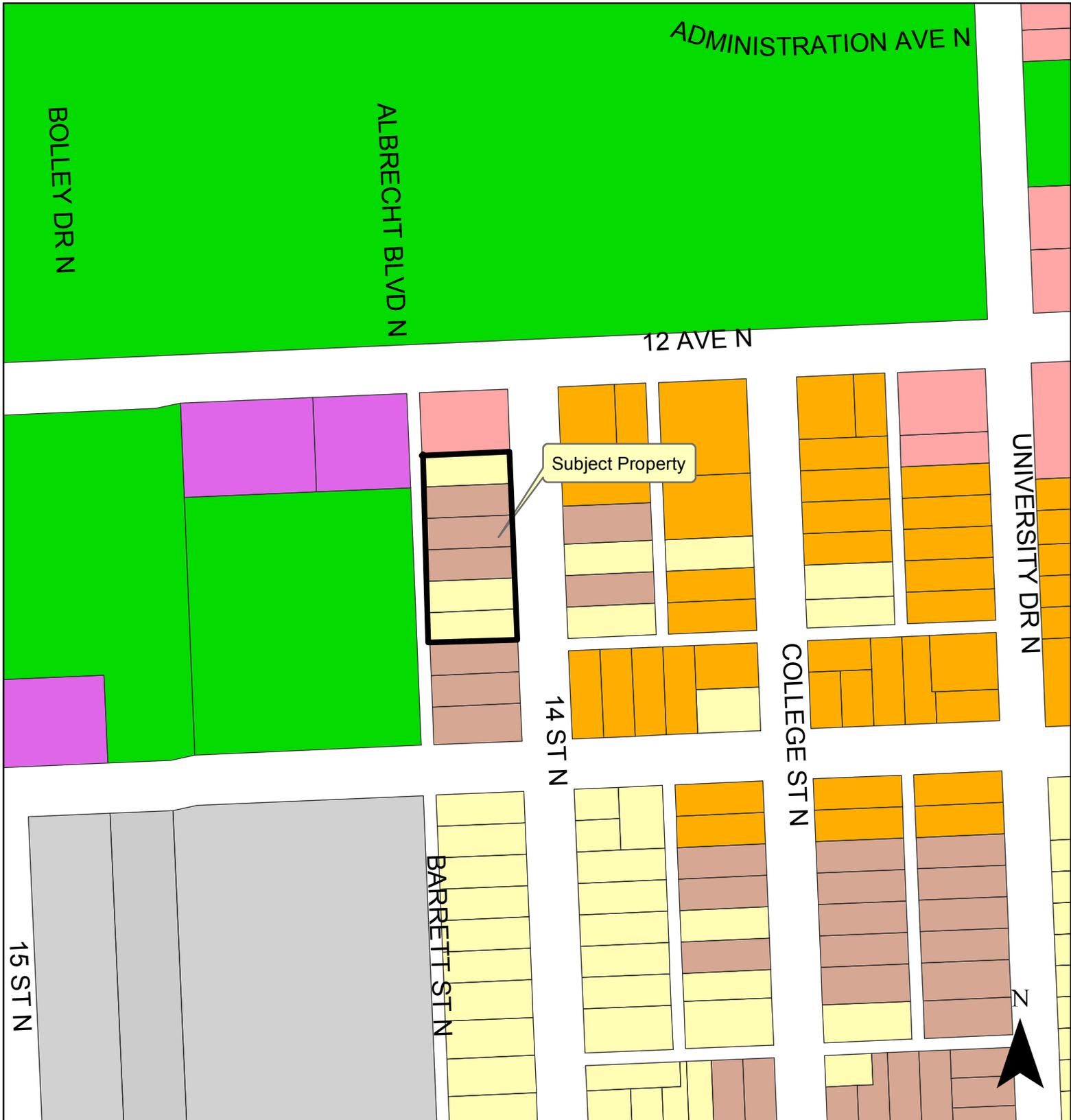
**Attachments:**

1. Zoning Map
2. Location Map
3. Growth Plan Change Map
4. Draft PUD Ordinance
5. Draft PUD Master Land Use Plan
6. Project narrative & letters from applicant
7. Illustrative renderings & project plans
8. Public Comments
9. Planning Commission packet (including Staff Report & Public Comments) from the withdrawn 2016 application.

# PUD Master Land Use Plan, Zone Change (SR-3 & MR-2 to LC), & Growth Plan Amendment

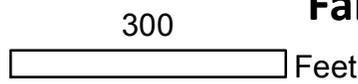
## Kirkhams 2nd Addition

1114, 1118, 1122, 1128, 1132, and 1136 14th St N



**Legend**

|   |   |   |  |
|---|---|---|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #d3d3d3; border: 1px solid black;"></span> AG  | <span style="display: inline-block; width: 15px; height: 15px; background-color: #f08080; border: 1px solid black;"></span> LC    | <span style="display: inline-block; width: 15px; height: 15px; background-color: #4682b4; border: 1px solid black;"></span> MHP         | <span style="display: inline-block; width: 15px; height: 15px; background-color: #ffff00; border: 1px solid black;"></span> SR-3 |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #ff0000; border: 1px solid black;"></span> DMU | <span style="display: inline-block; width: 15px; height: 15px; background-color: #d2b48c; border: 1px solid black;"></span> MDR-1 | <span style="display: inline-block; width: 15px; height: 15px; background-color: #000000; border: 1px solid black;"></span> NCO         | <span style="display: inline-block; width: 15px; height: 15px; background-color: #ffff00; border: 1px solid black;"></span> SR-4 |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #800000; border: 1px solid black;"></span> CC  | <span style="display: inline-block; width: 15px; height: 15px; background-color: #d2b48c; border: 1px solid black;"></span> MDR-2 | <span style="display: inline-block; width: 15px; height: 15px; background-color: #000000; border: 1px solid black;"></span> UML         | <span style="display: inline-block; width: 15px; height: 15px; background-color: #ffff00; border: 1px solid black;"></span> SR-5 |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #800000; border: 1px solid black;"></span> GO  | <span style="display: inline-block; width: 15px; height: 15px; background-color: #d2b48c; border: 1px solid black;"></span> MR-3  | <span style="display: inline-block; width: 15px; height: 15px; background-color: #000000; border: 1px solid black;"></span> City Limits |  |

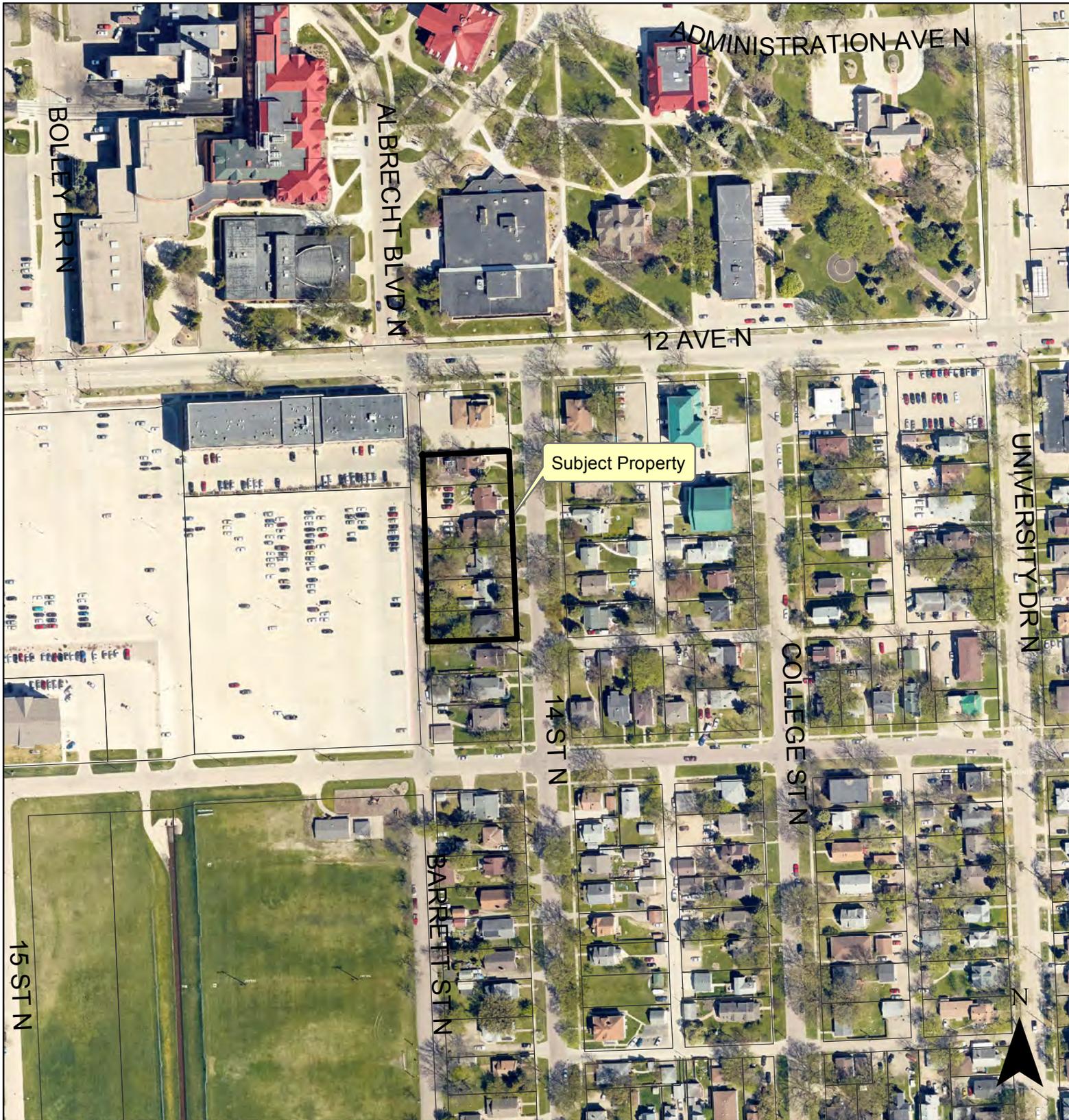


**Fargo Planning Commission**  
**March 6, 2018**

# PUD Master Land Use Plan, Zone Change (SR-3 & MR-2 to LC), & Growth Plan Amendment

## Kirkhams 2nd Addition

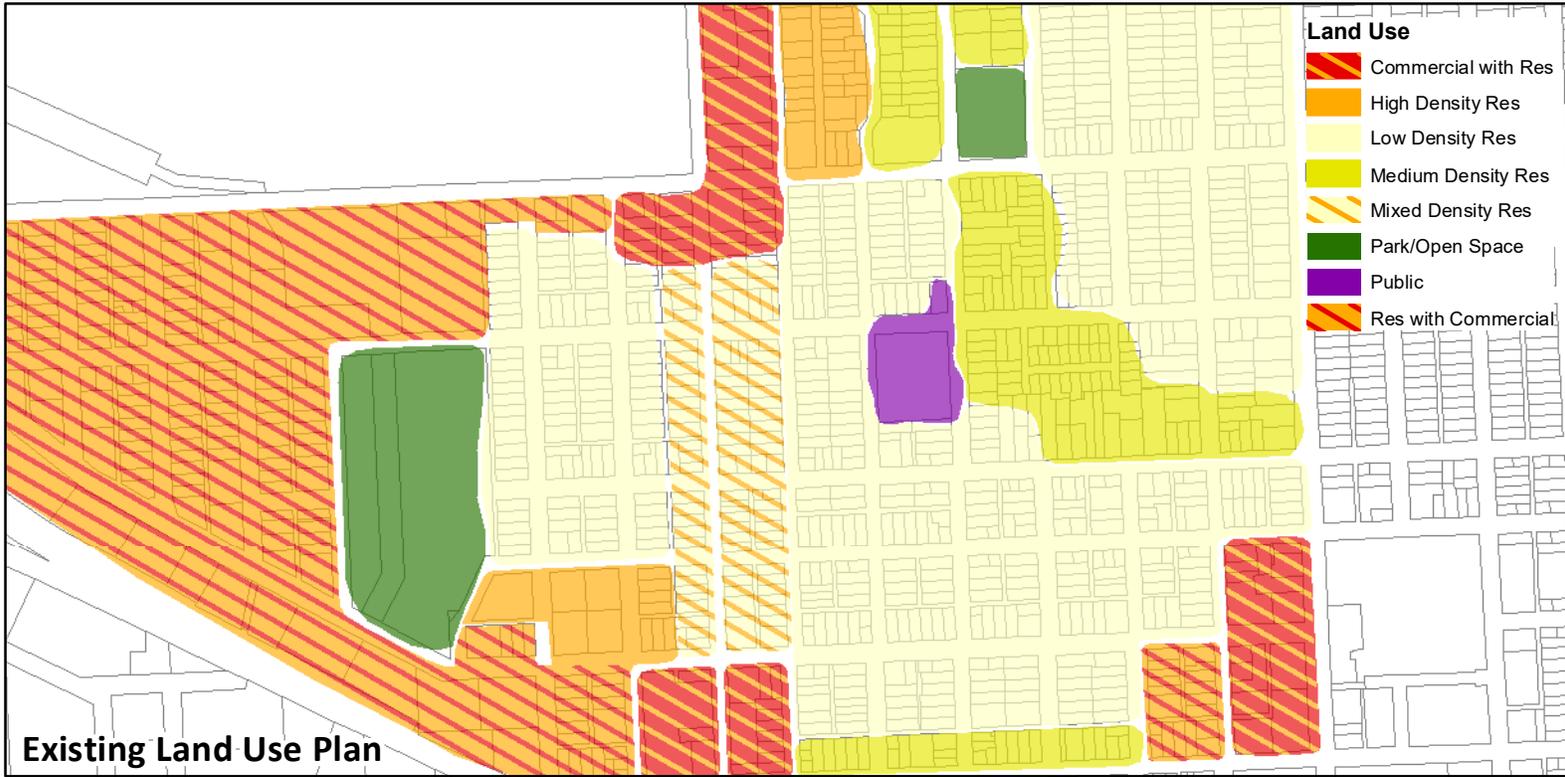
1114, 1118, 1122, 1128, 1132, and 1136 14th St N



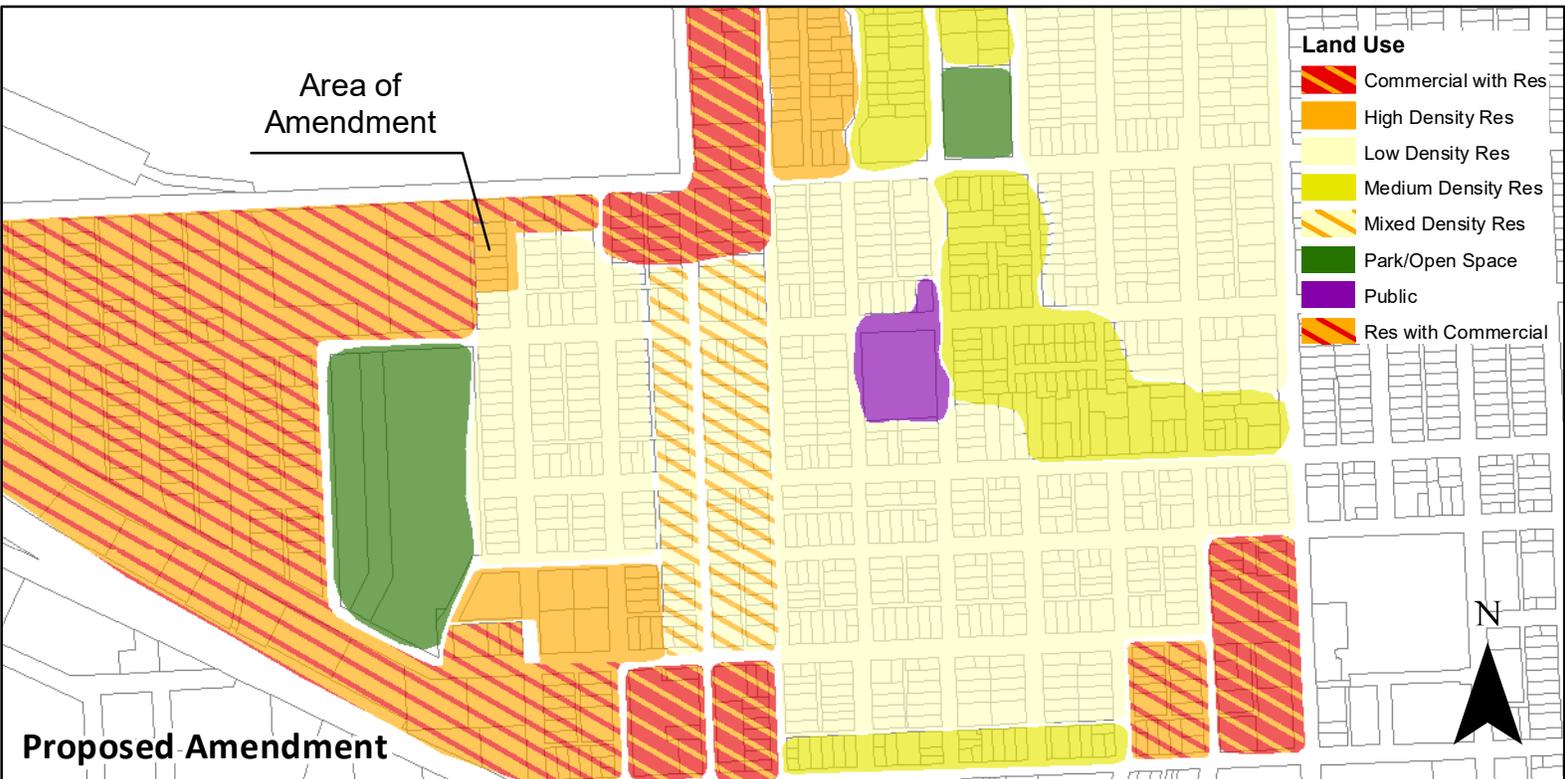
# Proposed Growth Plan Amendment Roosevelt-NDSU Future Land Use Plan

1114, 1118, 1122, 1128,  
1132 & 1136 14th St N

## Kirkham's Second Addition



Existing Land Use Plan



Proposed Amendment



Draft PUD Overlay  
Kirkham's 2<sup>nd</sup> Addition  
2-27-2018

This PUD Overlay shall modify the base zoning requirements as follows.

Residential Density: The maximum residential density allowed shall be 86 dwelling units per acre.

Setbacks:

- The minimum front setback shall be 10 feet.
- The minimum rear setback shall be 10 feet.

Height: The maximum height shall be 63 feet.

Building Coverage: The maximum building coverage shall be 65% of the lot area.

Open Space: The minimum open space shall be 22% of the lot area.

Parking: The minimum off-street parking requirements for the Household Living (multi-Dwelling Structure) use category shall be 1.6 parking spaces per unit.

Residential Protection Standards: The building height restrictions of the Residential Protection Standards (LDC §20-0704.D) shall be modified to allow a building height of up to 63 feet.

Additional Standards:

- Bicycle parking facilities, such as a bike rack or bike lockers, shall be provided on site.
- An on-site system of pedestrian walkways shall be provided between building entrances and public sidewalks located along the perimeter of the block.
- Building Orientation:
  - 1) At least one primary building entry shall face a public street.
  - 2) The building shall be designed to have all exterior walls with equal design consideration, to include materials, color, articulation and general aesthetics for the purpose of access and appreciation by the general public.
  - 3) Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows or entrance areas.
- Materials:
  - 1) All walls shall be finished with architectural materials such as brick, glass, stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), seamless steel siding with a ceramic hybrid paint finish, fiber cement siding, or curtain walls. Building elevation materials shall be commercial grade, durable, and have a multi-generational life span.

Draft PUD Overlay  
Kirkham's 2<sup>nd</sup> Addition  
2-27-2018

- 2) The following materials may not be used other than for purposes of providing accent: insulated metal panels; wood-based materials; asphalt; and decorated concrete block. When these materials are used, the materials must be of commercial grade.
  - 3) The use of architectural metal panels and wood panels for enclosure of mechanical equipment shall be permitted.
  - 4) Mirrored glass or one-way glass with a reflectance of greater than 40 percent shall be prohibited from covering more than 40 percent of exterior walls.
- Ground-Floor Transparency:  
At least 25 percent of the ground-floor façade of buildings along public streets must be comprised of windows, doors and other transparent elements (e.g. glass block). Calculations shall be based on the total square feet of the elevation of the ground floor. Existing buildings along sidewalks to which interior renovations or structural improvements are proposed shall be excluded from this requirement; however, in no case shall the existing transparency be reduced.
  - Articulation:
    - 1) Offsets
      - a) As to building elevation walls, as visible above ground, that are longer than 100 feet wall plane projections or recesses having a depth of at least two feet and extending for a minimum of 25% of the length of such walls must be incorporated into the building design..
      - b) As to building heights taller than 35 feet, horizontal design features on the building's façade must be incorporated into the building design. Examples of horizontal design features include moldings, balconies, wainscoting, water tables, sills or changes in color, texture or material.
    - 2) Architectural features
      - a) The building design shall include integrated design features to avoid monotony, to create visual interest, and to enhance the pedestrian scale, all of which is to be designed to create compatibility with the surrounding neighborhood. Examples of features that can be included are:
        - i) Canopies
        - ii) Cornices
        - iii) Eaves
        - iv) Arched entries, balconies, or breezeway entrances
        - v) Stone or brick accent walls
        - vi) Decorative stone or brick banding
        - vii) Verandas, porches, balconies or decks
        - viii) Projected walls or dormers
        - ix) Variation of roof lines
        - x) Decorative caps or chimneys

# PUD MASTER LAND USE PLAN



MASTER PLAN  
SCALE 1" = 30'-0"





CHRISHAWLEY  
ARCHITECTS  
2534 UNIVERSITY DRIVE  
FARGO, ND 58103  
701.478.4600

February 22, 2018

**Re: Outline Response to Public Comment: Roosevelt Commons Housing**

City of Fargo Planning and Zoning,

Based on public comment submitted as a part of the 2016 proposal and subsequent meetings, please see an outline of changes made to the plan as a response to those concerns:

- The proposed project is much different from the 2016 proposal and responsive to many concerns outlined in the planning process, neighborhood meetings and conversations with City of Fargo staff.
- In response to density, this plan is less dense than the original scheme and in line with a UMU project.
- In response to the extension of the Growth Plan to accommodate the new zoning, this area has been designated as a candidate for higher density housing.
- Green space requirements meet the UMU requirements and landscape buffering is planned as a part of the project.
- Regarding the character of the neighborhood, the materials and selections are in line with high quality building materials outlined in the UMU design guidelines.
- The historic house that is now housed by the bank is to remain and is not a part of this project.
- This application is no longer asking for a Limited Commercial Zoning change, just a combining of multiple MR and SR into a single MR Zoning.
- UMU and the current Growth Plan need to be adjustable to accommodate available land, the need for rehabilitation of unmaintained housing stock and a market driven product.
- PUD's are a necessary tool for cities to accommodate a unique approach to redevelopment and to stray away from haphazard land development
- The new project replaces tired housing stock with a new way of accommodating students, staff and other residents in a communal setting with shared common space and outdoor space via rooftop patios, green space and lounge areas.
- Higher density multi-family projects are necessary in accommodating affordable housing. Single family rental or ownership is not affordable for everyone.
- Building façade stepping is a response to keeping all adjacent facades to SR under the 35'
- Please note that rear setback is an attempt to pull the project closer to the parking lot and away from the neighboring SR
- Two-level covered parking has been integrated into the project to accommodate parking concerns

Thank you for hearing our response.

Sincerely,

Chris Hawley, AIA  
Architect/Owner's Representative



2534 UNIVERSITY DRIVE  
FARGO, ND 58103  
701.478.4600

February 22, 2018

**Re: Growth Plan Amendment: Roosevelt Commons Housing**

City of Fargo Planning and Zoning,

The proposed High Density Multi-family project is an important project for the City of Fargo as it continues to grow and meet the challenges of appropriate housing solutions. With its approval, we are simply allowing for the expansion of the current City of Fargo Growth Plan. This project is right on the edge of what has been labeled Limited Commercial as well as High Density University Student Housing. This project would change from low density residential (SR) to high density multi-family (MR). Why approve this modification?

- Growth Plans are intended to be a guide for development and are by no means a "hard line" of how growth unfolds. This is merely an adjustment to the boundary.
- Density is critical in providing affordable housing options for the city as it grows. This offers less infrastructure and cost to the city and its residents.
- The current housing stock is currently dilapidated rental housing and is suffering from deferred maintenance. It is overdue for a reinvented housing option.
- Building amenities such as rooftop patios, main level common space offer a great connection to the university campus and provide an isolated public gathering space away from the SR neighbors
- The plan abides by the 35' height restriction set in place by the Residential Protection Standards (within 75' of SR)
- Building massing, height, site orientation, landscape buffers, "human scale" canopies, ground level window fenestration and timeless building materials give a respectful nod to the neighborhood
- Even though this is outside of the UMU Zoning district, the building design is in line with its design standards outlined in the City of Fargo Land Use Ordinance
- This is a great extension of a university neighborhood where walking is encouraged and the automobile becomes less of a focus.
- The current plans offer a coherent and holistic housing solution. This is in contrast to haphazard development that offers a "mixed bag" of development or "spotty" land use.

Thank you for hearing our request.

Sincerely,

Chris Hawley, AIA  
Architect/Owner's Representative



2534 UNIVERSITY DRIVE  
FARGO, ND 58103  
701.478.4600

February 22, 2018

**Re: PUD Narrative: Roosevelt Commons Housing**

City of Fargo Planning and Zoning,

The proposed project is a key piece to the future growth of the NDSU community as well as the continued growth of the City of Fargo. The project will provide an innovative and exciting new housing solution for NDSU students and staff.

Please note that this plan is an expansion of the City of Fargo Growth Plan and Roosevelt Neighborhood Plan (currently sharing a border with multiple limited commercial properties). This area has been featured in both as a possible expanded location for higher density housing. This project typology is a needed response to the continued growth of the neighborhood, NDSU and the City of Fargo.

Also, please consider that the plan is in response to neighborhood meetings, letters from the surrounding land owners and feedback from planning staff. The building heights, parking requirements and overall massing as it related to the neighborhood SR zoning was carefully thought out and integrated into the design as a part of the proposed solution. This project is a sensitive approach to appropriate land use, existing neighborhoods and the overall character of the area.

The PUD includes a site plan and renderings for reference in the application. The attached table is to act as a summary of the standards that are to be met or modified as it relates to the Multifamily Zoning request.

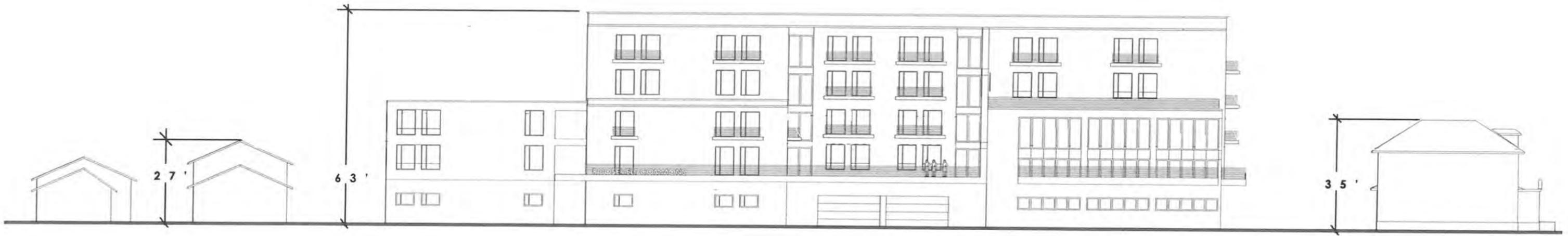
The PUD process is a critical component to a creative, community-driven process to housing development and offers a much needed vehicle for economic vitality, community building and creating customized living solutions through good design. We feel like this project offers that creative solution.

Thank you for hearing our request.

Sincerely,

Chris Hawley, AIA  
Architect/Owner's Representative



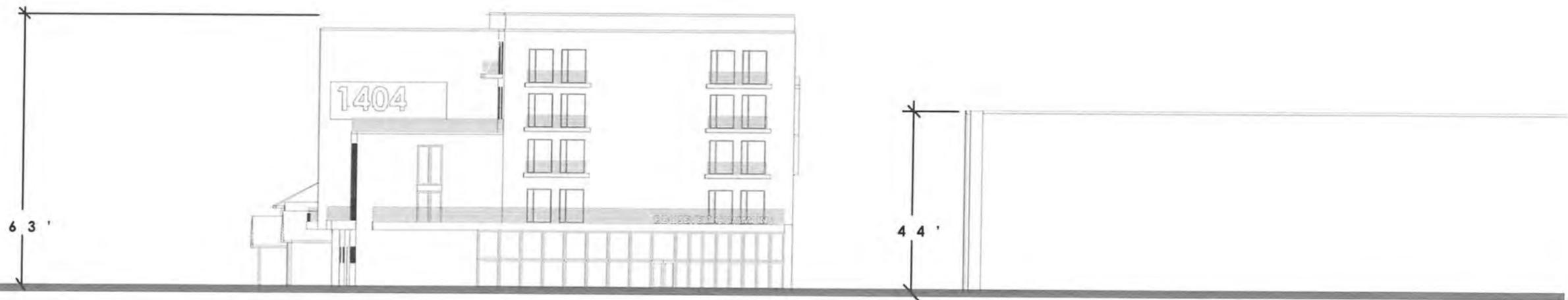


**R O O S E V E L T   C O M M O N S   H O U S I N G**

FARGO, ND

WEST VIEW





R O O S E V E L T C O M M O N S H O U S I N G

F A R G O , N D

S O U T H V I E W





ROOSEVELT COMMONS HOUSING  
FARGO, ND





ROOSEVELT COMMONS HOUSING  
FARGO, ND





ROOSEVELT COMMONS HOUSING  
FARGO, ND





ROOSEVELT COMMONS HOUSING  
FARGO, ND





ROOSEVELT COMMONS HOUSING  
FARGO, ND



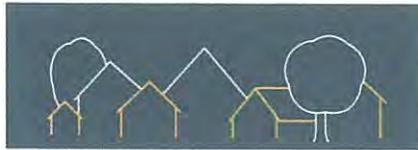
City of Fargo  
Department of Planning & Development  
200 3<sup>rd</sup> Street North  
Fargo, ND 58102

February 27, 2017

Acknowledgement of receipt for the following documents regarding **Kirkham's 2<sup>nd</sup> Addition**:

- |   |         |
|---|---------|
| 1. Roosevelt Neighborhood Association Letter        | 1 page  |
| 2. Horace Mann Area Neighborhood Association Letter | 1 page  |
| 3. Letter from Jim & Barb Laschkewitsch             | 2 pages |
| 4. Letter from Judy Wong/Will Shirk                 | 2 pages |
| 5. Petition Signatures from Fraternities            | 8 pages |

RECEIVED  
2-27-18 DL



## **ROOSEVELT NEIGHBORHOOD ASSOCIATION**

**ROOSEVELT ELEMENTARY SCHOOL  
1026 NORTH 10<sup>TH</sup> STREET  
FARGO, ND 58102**

Date: February 27, 2018

Dear Members of the Planning Commission:

Roosevelt Neighborhood has been working on a response to the proposed project in Kirkham's Second Addition. We were informed yesterday that the project had a significant change to the Growth Plan Application and Zoning Change request. In the original application, the developer wanted a Limited Commercial zoning request and is now requesting MR-3 zoning. This impacts how the neighborhood would respond to the project. There is not sufficient time to get comments into the Planning Department by the deadline set forth to get information to the Planning Commissioners. We intend to get our responses to this project as soon as the RNA is able.

We believe that zoning changes, growth amendments, and planned unit developments should provide additional benefit to the neighborhood and the City, and were created to allow for flexibility in design. In the proposed project, there is no additional benefit to the City or neighborhood, and it only maximized the density of the project. This proposed project needs to blend into our two-story, historical family friendly neighborhood. A PUD and zoning change needs to support the neighborhood plan and its goals.

There are issues with this proposed project with the setbacks for the project, building height, high-density and the parking.

In 2016, the RNA collected 120 signatures and comments from the neighborhood, stating the Land Development Code (LDC) and the NDSU/Roosevelt Neighborhood Future Land Use Plan must be followed. These concerns still apply for this proposed development today and need to be considered. We have also collected another 48 signatures from neighbors that we are submitting now. This reflects the concern we have as residents and neighbors as to the scope and density of the proposed project and what it will do to our neighborhood.

We are not opposed to redevelopment in the neighborhood when it needs to occur. When it does occur, we believe it needs to respect the rights of the residents in the neighborhood. It must follow the neighborhood protection standards, established zoning, good planning practices, and the land development code. We hope to find an alternative that would be acceptable.



February 27, 2018

Dear Commissioners,

We, the board of Horace Mann Area Neighborhood Association, are writing in support of the Roosevelt Neighborhood Association efforts to preserve their neighborhood. It has come to our attention that that homes are being torn down and a large multi unit apartment is being planned in their stead. We specifically refer to the Kirkham's Second Addition proposal led by Chris Hawley Architects and APM, LLLP.

As we understand it, this would require the Planning Commission to approve changes to both the zoning from SR-3 and MR-2 to MR-3, as well as approve a PUD and a growth plan amendment. We, as an adjacent neighborhood, oppose this request outright. Not only does the proposed apartment unit not fit aesthetically into the neighborhood, but it ignores the Land Development Code requirements to blend apartment units into existing neighborhoods. An essential goal for any development in existing neighborhoods is to integrate and compliment the surrounding area. Also, the requested set-backs of 10' and building height of 63' do not comply with Residential Protection Standards. Truly a developer's market for building in the Roosevelt Neighborhood at this time, just submit any plan and you'll get approved. If this development is allowed, precedence will be set and we can expect many more to follow, in Roosevelt Neighborhood and all surrounding neighborhoods.

We're certain that the Roosevelt folks feel the same way we do in the Horace Mann neighborhood; we understand that development needs to happen, growth is a good thing, but we continue to be amazed at the lack of any sort of thoughtful design being proposed. Rather than continue to fight proposal after proposal, we believe that solid Neighborhood Plans will assist in informing any developer the expectations of proposed development and we have faith that the Planning Commission and the City Commission would stand firm on those plans.

I was honored to be part of the Downtown Master Plan development committee, and at the conclusion (of the Commission adopted plan) we stated next steps were the creation of Neighborhood Master Plans, as the health and vibrancy of our Downtown relies on the health and vibrancy of our supporting Downtown neighborhoods. We beg you to consider putting ALL developer lead plans requesting zone changes on hold until a Neighborhood Master Plan can be put in place. The Roosevelt neighbors have been fighting off (not always with success) poorly designed, density driven, and geographically inconsistent projects for decades now. There needs to be *planned* growth for our inner city neighborhoods if we are to retain any sort of identity. We truly believe with today's building climate that existing housing stock in some of our older neighborhoods may soon be the only true starter homes available for young families. If we don't protect them, as citizens and as City Staff, who will?

David Huebner – President  
Merrill Piepkorn – Vice President  
Jordan Runsvold – Treasurer

Dawn Nygord – Member at large  
Tracy Walvatne – Member at large  
Warren Kessler - Historian

1016 College Street  
Fargo, ND 58102  
February 22, 2018

City Planning Commission  
200 3rd St. N.  
Fargo, ND 58102

Dear Sir, or Ma'am,

We are requesting that you reject the proposed project in Kirkham's Second Addition near our home that will remove several single-family homes and put in place an ultra-high density apartment building. Instead please find and approve an alternative to the project that will work in our neighborhood.

We continue to be frustrated by the unwillingness of the developer to work within the existing zoning and neighborhood protection standards that exist in our neighborhood. Zoning in our city has a purpose to prevent harm to existing residents. It should protect the welfare of the neighborhood and the existing property values. We realize as the owner of these properties, the developer has a right to redevelopment, but we feel that the high density being proposed will be a significant detriment to our neighborhood.

In the Growth Plan Amendment memo dated January 16, 2018, the developer's representative states that "This project is right on the edge of what has been labeled Limited Commercial as well as designated University Student Housing."

We were heavily involved in the creation of the University Mixed Use (UMU) district starting in 2007, and participated in many meetings over several years to establish the district. When it was approved, Roosevelt Neighborhood gave approximately a dozen city blocks, or nearly 30 percent of the neighborhood land mass to the UMU district. We feel that we were given certain promises that the City would limit development and rezoning in the rest of the neighborhood. UMU was supposed to be where these high-density buildings would be located.

In fact, the Staff Report on the UMU from October 2008 stated "The intent of the district is to promote high quality development in certain districts, while preserving the single family owner occupied housing within the neighborhood." It further reported "Staff believes the new zoning ordinance will divert pressure from the central portions in the neighborhood and hopefully move it to the west portions of the area."

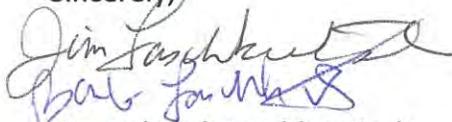
Further in the Growth Plan Amendment Memo, the developer's representative notes "The current housing stock is currently dilapidated rental housing and is suffering from deferred maintenance." We would like to point out, that up until a short while ago, these were nice home-owner occupied houses. Within a few short years, this developer has implemented a systematic cycle of degradation to these homes, through deferred maintenance, renting them, and by destruction of property. We watched in dismay last summer as the developer used bulldozers and trucks to remove all trees, landscaping, fencing, and amenities in the backyards of these very homes, in order to create parking lots. When contacted by the City, the developer stated that he was not making parking lots, and removed the trees so that there weren't any more parties. Unfortunately, many of the tree stumps remain, contributing to the dilapidation that the developer is claiming.

We maintain that this proposed project:

- Is out of character with our neighborhood's history, architecture, building size and scale
- Creates incompatible density with the only purpose being to financially benefit the developer
- Is not in the UMU district, where higher density would be more appropriate
- Will hurt property values in our area, and will destroy a residential neighborhood in Fargo

We once again ask you to NOT support this project for the reasons we have brought forward.

Sincerely,



Jim and Barb Laschkewitsch

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

Planning Commission  
City of Fargo  
200 3rd St. N.  
Fargo, ND 58102

February 27, 2017

Dear Members of the Planning Commission:

On February 26, we were informed by Aaron Nelson, City Planner, that the City staff would not support the developer's request for Limited Commercial (LC) zoning change. The City staff suggested a zoning change to MR-3.

We have been finalizing our opposition write-up and submission based on:

- a. the developer's LC zoning change application dated 1/16/18.
- b. the developer's LC growth plan amendment application and narrative dated 1/16/18;
- c. the developer's LC planned unit development (PUD) application and narrative dated 1/16/18;

On February 26, we received new narratives for the growth plan amendment and PUD dated 2/22/18 including another narrative regarding outline response to public comments. The MR-3 growth plan amendment, PUD and zoning change applications have been back-dated to 1/16/18. *(The same date as the LC applications.)*

We were informed that we needed to provide responses by 2/27/17 in order to have them included in a packet for your review. This is certainly not sufficient time considering we were notified and provided information on 2/26/17.

We were to address our LC opposition at the Open House meeting held at the Planning Department Office on 3/1/17. We must now refocus the opposition as MR-3. We anticipate there may not be adequate time to fully address all concerns.

We will provide a more complete write-up as to the reasons why we disagree with the developer's modification requests before the Planning Commission Meeting scheduled for 3/6/17. We hope this will allow time for you to review the reasons for the opposition to the development as proposed.

For the majority, the LDC for MR-3 would integrate the proposed development into the neighborhood. The maximum height does affect the neighborhood. The Bison Block is in the UMU District and only 45 feet high. The majority of homes and fraternities are 2 stories. The proposed development height would not blend into the surrounding area.

On such a short notice, below is a table reflecting the present thoughts of the neighborhood.

|   | <b>LDC for MR-3</b><br><i>Neighborhood Preference</i>  | <b>Developer's</b><br><b>Modifications</b>    |
|---|--|---|
| <b>Maximum Height</b>   | 60 feet<br><i>Prefer no higher than 35 feet and no grading/berm.</i>                                   | 63 feet<br>60 feet with a 3 feet grading/berm |
| <b>Front Setback</b><br>Setback Averaging                           | 25 feet<br><i>The entire neighborhood has a 25 feet setback based on Setback Averaging</i>             | 10 feet                                       |
| <b>Interior Setback</b><br><i>(Residential Protection Standard)</i> | 15 feet<br><i>15 feet is a residential protection standard and should be retained.</i>                 | 5 feet  |
| <b>Rear Setback</b>   | 20 feet<br><i>Accept per LDC for MR-3</i>  | 10 feet                                       |
| <b>Maximum Building Coverage</b>                                    | 35%<br><i>Accept per LDC for MR-3</i>  | 64.4%   |
| <b>Density</b>  | 24 units per acre<br><i>31 units per acre would be acceptable</i>                                      | 85 units per acre                             |
| <b>Parking</b><br><b>Multi-Dwelling Structures</b>                  | 1.25 spaces for efficiencies<br>2.25 spaces for one or more bedrooms<br><i>Accept per LDC for MR-3</i> | 1.6 spaces per unit                           |

The proposed enormous 63' tall 5 story building sitting on a 3' high pedestal (berm) will overpower the 2 story homes and First Community Credit Union. With a 10' front setback, the massive building will dominate the residential homes which have a 25' front setback.

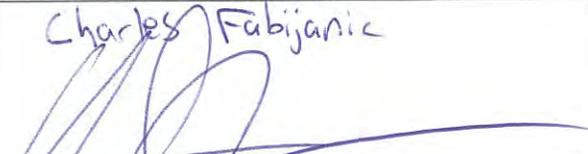
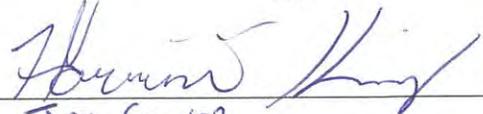
Sincerely,

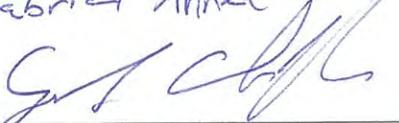
*Judy Wong Will Shirk*  
Judy Wong Will Shirk

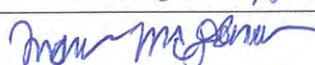
**Opposition to the Proposed Planned Unit Development District on 14<sup>th</sup> Street  
(Block 14, Kirkham's 2<sup>nd</sup> Addition)**

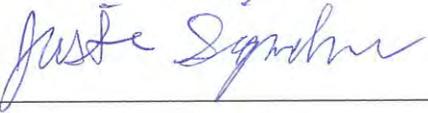
We, the undersigned, oppose the proposed development on 14<sup>th</sup> Street. The neighborhood is a low density residential location. Any development should adhere to the NDSU-Roosevelt Future Land Use Plan, the Roosevelt-NDSU Neighborhood Plan and the Land Development Code.

Any building constructed should follow NDSU President Bresciani's suggested model. Parking needs to be on-site for tenants, visitors and customers. The number of spaces must agree with the off-street parking schedule in the Land Development Code.

| PRINT and SIGN  | TKE<br>1131 14 <sup>th</sup> St | SPD 1372 12 <sup>th</sup> Ave N<br>(Engineer) | COMMENTS  |
|---|---------------------------------|---|---|
| Charles Fabijanac<br> |                                 | X   |   |
| Harrison King<br>    | X                               |   | The building is too large for the given space the developer has.  |
| Jay Swanson<br>     | X                               |   | There should be more parking spots if the building is that size, if you can't do that don't make the building that big. |
| Travis O'Brien<br> | X                               |   | stick with the current regulations, don't change them and make exceptions.  |
| Benjamin Johnson<br>Ben Johnson   | X                               |   |   |

| PRINT and SIGN   | TKE | SPD<br>(Engineer) | COMMENTS  |
|--|-----|-------------------|---|
| Ryan Kienitz<br>              | X   |                   | Address: T-Lotts - 1515 11 <sup>th</sup> Ave. N., Fargo, ND 58102<br><br>The building will be <u>excessively</u> large for the area the developer intends to build the newly proposed complex on. In addition parking spaces would be a significantly larger problem. Value of closely-located properties would also be affected in a negative way in my opinion and therefore I oppose the approval of this apartment complex. |
| Gabriel Ahnee<br>             | X   |                   | 519 33 <sup>rd</sup> Ave W Apt 107<br>West Fargo, ND 58078  |
| Daniel Johnson<br>            | X   |                   |   |
| Cole Howard<br>               | X   |                   |   |
| Jacob Leey<br>              | X   |                   |   |
| Nicholas Wallen<br>         | X   |                   | 1345 Broadway N Apt 332 Fargo, ND 58102<br>I don't live in the house, so I already have to park at least 2 blocks away from the house. Without adequate parking, I would need to walk much further to get to my house.  |
| Donovan Mcbinley-Colman<br> | X   |                   |   |
| Trevor Kleineschay<br>      | X   |                   |   |

| PRINT and SIGN  | TKE | SPD<br>(Engineer) | COMMENTS  |
|---|-----|-------------------|---|
| John Myhra<br>       | X   |                   | they should have less units & more parking please   |
| Austin Brewer<br>    | X   |                   | Absolutely Develop this area! I think it's a great idea for the city. However, I agree with the petition that the parking problem needs to be fixed.  |
| Carter Brueshoff<br> | X   |                   | The building should be downsized and less parking problems would occur.   |
| Thomas Fyffe<br>      |     | X                 | as a student I have troubles finding parking already and with adding <del>more</del> more and condensed residential living it would make trying to find parking unfathomable. I am a student that lives off campus without a parking pass for NDSU. |
| Cole  |     |                   | also limits are set for a reason and should only be changed with a general consensus. Therefore I feel the building should be reduced in size and kept within legal constraints.  |
| Cole Honeyman<br>   |     | X                 |   |
| Mark McDonald<br>   |     | ✓                 | Too tall, too dense. I feel like it doesn't fit in with the rest of the building. It's too dense compared to the buildings around it. Also no parking.  |
| Carlin Mische<br>   |     | X                 | I can tell the housing is needed but city building code should be enforced. The setbacks especially need to be enforced.<br><small>in a parking lot</small>   |

| PRINT and SIGN  | TKE | SPD<br>(Engineer) | COMMENTS   |
|---|-----|-------------------|--|
| Max Kollar<br>          |     | X                 |  |
| NICK TUCKER<br>         |     | X                 |  |
| Andrew Gass<br>         |     | X                 | Parking is a bigger problem than living arrangements for NDSU students.  |
| Isaac Rost<br>          |     | X                 | There is already a big parking problem in this neighborhood. The current building plan will only make this worse.  |
| Grant German<br>      |     | X                 | I feel that building the complex will cause loitering problems, since we all ready have people coming to our lot to smoke.   |
| Justin Signalness<br> |     | X                 | parking is the biggest issue not places to live. <del>And</del> Building is going to go up anyway, its to tall for this area and the setback should be enforced. <del>the</del> Neats to be reduced in size. |
|   |     |                   |  |
|   |     |                   |  |

**Opposition to the Proposed Planned Unit Development District on 14<sup>th</sup> Street  
(Block 14, Kirkham's 2<sup>nd</sup> Addition)**

We, the undersigned, oppose the proposed development on 14<sup>th</sup> Street. The neighborhood is a low density residential location. Any development should adhere to the NDSU-Roosevelt Future Land Use Plan, the Roosevelt-NDSU Neighborhood Plan and the Land Development Code.

Any building constructed should follow NDSU President Bresciani's suggested model. Parking needs to be on-site for tenants, visitors and customers. The number of spaces must agree with the off-street parking schedule in the Land Development Code.

| <p align="center">↓ PRINT and SIGN ↓</p>   | <p align="center">Farmhouse<br/>1144 College St</p> | <p align="center">COMMENTS</p> |
|--|---|--------------------------------|
| <p>Patrick Tate<br/>331 Reed Hall</p> <p>Chance Fanta<br/>111 Churchill Hall</p> |   |                                |
| <p>Eric Curtiss<br/>Eric Curtiss</p>   | <p align="center">✓</p>                             |                                |
| <p>David Ehlers<br/>David Ehlers</p>   | <p align="center">✓</p>                             |                                |
| <p>Drew Kemreth<br/>Drew Kemreth</p>   | <p align="center">✓</p>                             |                                |
| <p>Bryce Lynne<br/>Bryce Lynne</p>   | <p align="center">✓</p>                             |                                |

| PRINT and SIGN   | Farmhouse | COMMENTS  |
|--|-----------|---|
| LUCAS RUBASH<br> | ✓         | PLEASE I WANT THE BUILDING TO ACCOMMODATE FOR RESIDENTS PARKING |
|  |           |   |
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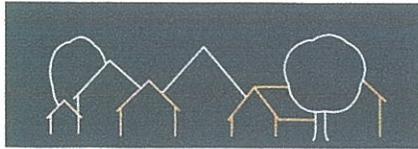
City of Fargo  
Department of Planning & Development  
200 3<sup>rd</sup> Street North  
Fargo, ND 58102

March 1, 2017

Acknowledgement of receipt for the following documents regarding **Kirkham's 2<sup>nd</sup> Addition**:

- |  |         |
|--|---------|
| 1. Roosevelt Neighborhood Association Memo<br>Opposition to the Proposed Development   | 7 pages |
| 2. Roosevelt Neighborhood Association Memo<br>PUD Application/Narrative --<br>Not Adhering to the Land Development Code      | 3 pages |
| 3. Roosevelt Neighborhood Association Memo<br>Developer's Growth Plan Amendment & PUD Narrative ---<br>Inaccurate Statements | 4 pages |
| 4. Roosevelt Neighborhood Association Memo<br>Outline Response to Public Comment -- Inaccuracies                             | 2 pages |
| 5. Fargo Neighborhood Coalition  | 1 page  |
| 6. Jefferson Area Neighborhood Association   | 1 page  |
| 7. Judy Wong/Will Shirk Letter   | 3 pages |
| 8. Lowell and Rachael Disrud Memo  | 1 page  |

RECEIVED  
3-1-18 DE



## ROOSEVELT NEIGHBORHOOD ASSOCIATION

ROOSEVELT ELEMENTARY SCHOOL  
1026 NORTH 10<sup>TH</sup> STREET  
FARGO, ND 58102

**Date:** March 1, 2018

**To:** Planning Commission  
City of Fargo

**From:** Roosevelt Neighborhood Association

**Subject: Opposition to the Proposed Development at Block 14, Kirkham's Second Addition**

The Roosevelt Neighborhood Association (RNA) is aware of the application to remove several historical homes. Our neighborhood has close ties with NDSU. Many generations of NDSU faculty, staff and alumni have lived in these homes. With this proposed project, a large, multi-tenant building is planned in their place.

The Neighborhood accepts redevelopment if it follows the NDSU/Roosevelt Future Land Use Plan, the Land Development Code (LDC) and the Residential Protection Standards.

The proposed development goes against the LDC, NDSU/Roosevelt Future Land Use Plan, established zoning, sound planning practices, the stated goals of the Roosevelt-NDSU Neighborhood plan and the character of our neighborhood. This proposed development will destroy the single-family residential home environment and character of the neighborhood in terms of density, height, setbacks and parking.

In 2004, the Roosevelt Neighborhood sacrificed 28.3% of its acreage to provide quality student housing for NDSU (the UMU District). The Neighborhood made this significant sacrifice by agreeing to the rezoning of a considerable amount of our Neighborhood with the promise that the City would enforce limited development in the remaining part of the neighborhood.

This was a joint effort between the neighborhood, the City Planning Department, the Planning Commission and the City Commission. Commitments were made to the Roosevelt Neighborhood that the UMU District would alleviate high density development in the remainder of the residential neighborhood. The proposed development is exactly the type of high-density project for which the UMU District was designed. The location of this development is an inappropriate encroachment on the neighborhood.

Below are the reasons why the RNA is opposed to the development as it is currently proposed:

1. ***The following table provides a comparison of the LDC requirements for MR-3 versus the developer's modification and reduction requests.***

The developer's requests are unrealistic and unreasonable for the character of the neighborhood in terms of height, setbacks, density, building coverage and parking.

|   | <b>LDC for MR-3</b>  | <b>Developer's Modifications</b>              | <b>Comments</b>  |
|---|--|---|--|
| <b>Density</b>                                      | 24 units per acre  | 86 units per acre                             | 3.6 times allowed  |
| <b>Maximum Building Coverage</b>                    | 35%  | 65%   | 1.9 times allowed  |
| <b>Maximum Height</b>                               | 60 feet  | 63 feet<br>60 feet with a 3 feet grading/berm | The Bison Block is in the UMU District and only 45 feet high.<br><br>The majority of homes and fraternities are 27'-35'. |
| <b>Front Setback</b><br>See #4<br>Setback Averaging | 25 feet  | 10 feet                                       | The neighborhood has a 25 feet setback.  |
| <b>Rear Setback</b>                                 | 20 feet  | 10 feet                                       | 50% reduction  |
| <b>Parking</b><br><i>Multi-Dwelling Structures</i>  | 1.25 spaces for efficiencies<br>2.25 spaces for one or more bedrooms | 1.6 spaces per unit                           | Dependent on the type and number of units.   |

***A Comparison between MR-3, the NDSU Foundation Addition and this Developer's Modifications***

|                           | <b>MR-3</b>       | <b>NDSU Foundation Addition</b>  | <b>Developer's Modifications</b>   |
|---------------------------|-------------------|--|--|
| <b>Density</b>            | 24 units per acre | 32 units per acre  | 86 units per acre  |
| <b>Building Coverage</b>  | 35 %              | 33%  | 65%  |
| <b>Front Setback</b>      | 25'               | 10' appropriate<br><i>Covers entire block</i><br><br><i>Situated across street from NDSU</i> | 10' inappropriate<br><i>In the middle of a block</i><br><br><i>Situated across street from residential homes</i> |
| <b>Building Height</b>    | 60'               | 55'  | 63'  |
| <b>Building Placement</b> |                   | Bldg. is separated from residential homes by a large parking lot                             | No separation  |

It should be noted that the T-lot parking area west of Barrett Street buffers the neighborhood from the 60' T-lofts. The Bison Block which is also in the UMU District transitions into the neighborhood with a height of 45'.

***2. The development does not support the Roosevelt-NDSU Neighborhood Plan or its goals as adopted by the City of Fargo in 2004.***

The goals of the Roosevelt-NDSU Neighborhood Plan are to:

- Stabilize the neighborhood housing stock.  
The demolition or removal of single-family housing is not preserving the housing stock.

- Discourage the conversion of single unit homes to multi-unit properties.  
The proposed 82 rental apartment building is in stark contrast to this goal.
- Preserve the neighborhood's rich history and general quality of life.
- Support the maintenance of the Roosevelt Elementary School as a neighborhood anchor and asset.

The proposed building is targeting NDSU students as tenants. The reduction of single-family housing will decrease the support of Roosevelt Elementary School as indicated by the purchase of the residential properties.

**3. *The up-zoning is contrary to the NDSU/Roosevelt Future Land Use Plan adopted by the City of Fargo in 2009.***

Implementation of the NDSU/Roosevelt Future Land Use Plan began when some home properties were down-zoned. This includes three of the lots in the proposed PUD district. This major zoning change was completed in 2010. A cite found under CityofFargo.com explains the rationale of the Future Land Use Plan. It states:

*"A neighborhood land use plan represents the community vision for future use and development of land within the neighborhood.*

*It provides a broad set of policies that can be used in making decision on projects that come before city officials. It serves a guide to any change in character of individual properties as they change in usage over time.*

*It provides a rational basis for establishing and modifying zoning."*

By approving the down-zoning, the City reaffirmed its intention for the neighborhood to be Low Density Residential. This is reflected in the City of Fargo Staff Report dated 1/5/09. It states:

*"Because the Future Land Use plan designates this area of the neighborhood as suitable for single family dwelling, a future zoning change from Single Dwelling to Multi-Dwelling (an up-zoning in density) would generally not be supported by staff in the future."*

Up-zoning will reverse the implementation of the Low Density Residential goal the City has for this neighborhood.

The proposed PUD, with its ultra-high density, violates the spirit and specific intent of the NDSU/Roosevelt Future Land Use Plan.

**4. *The proposed development would establish:***

- *a precedent contrary to the Roosevelt-NDSU Neighborhood Plan.*
- *a pattern that can be applied to other core neighborhoods such as Clara Barton, Horace Mann, Hawthorne, Jefferson, Madison-Unicorn, McKinley and Washington.*

It also sends a message to developers that the LDC, NDSU/Roosevelt Neighborhood Future Land Use Plan or any other plan does not have to be followed when a developer states the need for NDSU student housing.

Each decision made by the Commission is not an isolated act. It forms a precedent that effectively ensures the direction of future development. Once the Commission grants a PUD for development on this site, it will be very hard for the Commission to deny the same or similar projects in any of the city neighborhoods.

**5. *There are no changes in conditions of the Neighborhood to warrant the requested zoning changes.***

The UMU District was created to encourage housing to support NDSU and is designated in the NDSU/Roosevelt Future Land Use Plan for that specific purpose. The UMU District is not fully redeveloped. Other recent developments that will provide housing that supports NDSU include:

- (1) the NDSU Foundation Addition (1600 block on University Drive);
- (2) the University Village complex is being rebuilt to a higher density;
- (3) a new dormitory is being built by NDSU; and
- (4) the U32 Apartments (Pony Land) has only completed phase one of multiple phases.

It should be noted that the December 2017 Quarterly Rental Vacancy Report shows North Fargo to have a 10% vacancy rate (3% to 4% is healthy). The vacancy rate is likely well above 10% according to the report because most managers are now offering free month rental incentives.

The above listed redevelopments will keep pace with the anticipated increases in the student population. There is no need to carve out another section of the Roosevelt Neighborhood.

**6. *The development does not follow sound planning practice.***

The proposed PUD district is not consistent with sound planning practice.

- (1) The application proposes an ultra-high density project in an area designated in the NDSU/Roosevelt Future Land Use Plan as Low Density Residential. The proposed PUD has a density of 86 units per acre adjacent to and in an area where the desired zoning has a maximum of 8.7 to 24 units per acre. This would appear to be an example of poor planning practices.
- (2) Up-zoning properties which were recently down-zoned is generally poor planning practice. The homes located at 1114, 1118 and 1136 14th Street North were down-zoned to SR-3 in 2010.

**7. *The Roosevelt Neighborhood has already sacrificed enough land to provide housing for NDSU. The UMU District was created specifically for this purpose. Its primary goal is to provide quality housing for NDSU. The land within the boundaries of the UMU District is 28.3% of Roosevelt's total acreage.***

The Roosevelt Neighborhood sacrificed:

- 28.3%** of the Roosevelt Neighborhood total acreage is within the UMU District.
- 17.8%** of the total acres available for redevelopment in the Roosevelt Neighborhood are within the UMU District.

**8. *The development is significantly out of character with the adjacent land uses and architecture of the Roosevelt Neighborhood.***

This can be achieved by following the LDC Residential Protection Standards and Setback Averaging.

Since the developer has chosen not to adhere to the Residential Protection Standards and Setback Averaging the development is out of character with the Roosevelt Neighborhood. Below is a summary of why it does not blend into the neighborhood.

A. Density

The development is proposing 86 units per acre. 86 units per acre is an ultra-high density which should not be situated in the neighborhood.

The NDSU/Roosevelt Neighborhood Future Land Use Plan encourages low density from 8.7 to 24 units per acre. A density of 86 units per acre is in stark contrast to the adjacent land uses. This is shown in the table below.

|                              |                     |      |                |
|------------------------------|---------------------|------|----------------|
| Bison Block                  | <i>UMU District</i> | 31   | units per acre |
| Sigma Phi Delta Fraternity   | <i>MR-3</i>         | 14.5 | units per acre |
| Tau Kappa Epsilon Fraternity | <i>MR-3</i>         | 15.6 | units per acre |
| SR 3                         |                     | 8.7  | units per acre |
| MR 2                         |                     | 20   | units per acre |
| MR 3                         |                     | 24   | units per acre |

To safeguard residential areas in the Roosevelt Neighborhood, the UMU District was created in 2009 to allow significantly higher densities with the promise that the City would limit development in the rest of the Neighborhood, by utilizing the NDSU/Roosevelt Future Land Use Map.

B. Green Space

The building coverage will be significantly more than what is currently allowed in the neighborhood. The proposed PUD is requesting a 65% building coverage. MR-3 zoning limits building coverage to 35%. The result will be a significant loss of green space.

C. Building

The building is out of character with the architecture of the Roosevelt Neighborhood.

The proposed building is 63 feet. The nearest buildings to the proposed development has a maximum building height of 45 feet. This includes:

- (1) the Bison Block;
- (2) the NDSU Library;
- (3) three fraternities – FarmHouse, Sigma Phi Delta and Tau Kappa Epsilon;
- (4) the Credit Union.

The proposed building would be next to a 2 story home and First Community Credit Union. Even with reduced massing, a 63 feet building next to these buildings is inappropriate. At maximum, any approved project should be limited to a 3-story (35 foot) with reduced massing.

*The residential home and credit union adjacent to the proposed apartment building are like midgets standing next to a NBA basketball player.*

**9. The development does not adhere to the Land Development Code adopted by the City of Fargo. See RNA Memo – PUD Application/Narrative Deficiencies for more details.**

- A. PUDs were created to allow flexibility in design by allowing the density (buildings) to be shifted or clustered on the property. Conventional building standards are allowed to be modified to accomplish this. This would not apply to this development since there is only one building.
- B. The PUD application is incomplete per LDC 20-0302. The narrative does not provide any description of the additional benefits to the city in exchange for the requested modifications. Incomplete applications may not be processed per the LDC.

C. The developer has never provided the required written description of additional benefits for the City in exchange for the requested modifications per LDC 20-0302. (See RNA Memo - PUD Application/Narrative Deficiencies for more details.)

**10. It appears the developer refuses to discuss the LDC issues for the reason that he did not perform his due diligence before purchasing the properties.**

(1) The developer did not to check the NDSU/Roosevelt Future Land Use Plan. It states:

*The future-land-use plan guides development and landowners so confidence can be used when making investments into property.*

(2) The developer did not to check with City Planning and assumed it was not necessary to provide on-site parking. In 2017 the developer chose to purchase more property to fulfill the parking requirements.

(3) The developer paid \$1,725,000 for the 6 properties. This is \$866,400 over the appraised value or double the assessed value of the properties.

(4) The developer wants to obtain a desired return on his investments by requesting the ultra-high density.

(5) It is not the responsibility of the City or the Roosevelt Neighborhood to ensure a more profitable use of the land by the developer in order for him to obtain his desired return caused by his failure to perform the necessary due diligence.

The RNA would like the following:

|  |   |               |
|--|---|---------------|
| <b>Density *</b>                             | 20 units per acre                           | MR-2 Standard |
| <b>Building Coverage</b>                     | 35%   | MR-2 Standard |
| <b>Building Height **</b>                    | 35 feet and will not include a grading/berm |               |
| <b>Interior Setback</b>                      | 25 feet                                     | MR-2 Standard |
| <b>Rear Setback</b>                          | 20 feet                                     | MR-2 Standard |
| Setback - supported by LDC Setback Averaging |   |               |
| <b>Front Setback</b>                         | 25 feet                                     | MR-2 Standard |
| <b>Parking</b>                               | 1.25 spaces for efficiencies                |               |
| LDC - Parking Schedule A                     | 2.25 spaces for one or more bedrooms        |               |
| <b>Minimum Open Space</b>                    | 35%   | MR-2 Standard |

\* The maximum density of 31 units per acre, which is the same as the Bison Block, was offered to the developer in 2016 and rejected.

\*\* At the February 2, 2016 Public Hearing, a Commissioner requested the developer to reduce the 45 foot building height to 35 feet. Now in 2018, the developer is asking for a height of 63 feet.

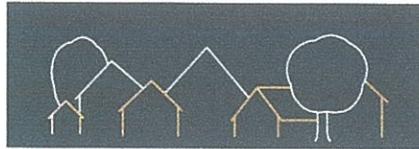
IN CONCLUSION, a PUD does allow leniency in the development, but only to support the Neighborhood Plan and its goals, not to ensure a greater return to the developer or to achieve a community wide goal at the cost and sacrifice of an individual neighborhood. It cannot be used to undermine the integrity, current or future, of a neighborhood.

We are resident property owners who expect the promises and protections given by the City of Fargo to be fulfilled. We assume the City of Fargo will follow the policies and intentions found in the documents which it has adopted – *The NDSU/Roosevelt Land Use Plan and the Roosevelt/NDSU Neighborhood Plan*.

We as property owners are looking to the future. We can't get to the future and future promises of the Plan if the City regresses and changes course in mid-stream.

We are owners who pay taxes and have invested in our properties and in the Neighborhood, whose future is tied to the neighborhood, and who were promised by the City that our neighborhood would develop in a certain fashion. The proposed development does not support the future vision of the Roosevelt Neighborhood.

To provide housing for NDSU, the Neighborhood made a significant sacrifice in agreeing to the rezoning of a considerable amount of our Neighborhood. It was with the promise that the City would enforce limited development in the remaining part of the neighborhood.



## ROOSEVELT NEIGHBORHOOD ASSOCIATION

**ROOSEVELT ELEMENTARY SCHOOL  
1026 NORTH 10<sup>TH</sup> STREET  
FARGO, ND 58102**

**Date:** March 1, 2018

**To:** Planning Commission  
City of Fargo

**From:** Roosevelt Neighborhood Association

**Subject: PUD Application/Narrative -- Not Adhering to the Land Development Code**

This proposed development is a continuation of the project which was brought before the Planning Commission in 2016. The original plan called for inclusion of First Community Credit Union (FCCU) as part of the proposed development. After two years, the developer was unable to secure an agreement with the credit union to partner together on this project. Therefore, the FCCU property is no longer included in the proposed development. However, the developer has acquired three additional properties.

The issues in terms of setbacks, height, density and parking continue. The 120 signatures collected in 2016 and comments, stating the Land Development Code (LDC) and the NDSU/Roosevelt Neighborhood Future Land Use Plan must be followed, still apply for this proposed development. Another 48 signatures from the fraternities (Sigma Phi Delta, Tau Kappa Epsilon and Farmhouse) collected in 2016 which were held due to the developer's continuance are now being submitted.

1. The developer is still requesting many modifications and reductions. These modifications do not fit into the neighborhood's character. They are also unrealistic and unreasonable in terms of the magnitude of change.

|   | <b>LDC for MR-3</b> | <b>Developer's Modifications</b> | <b>Comments</b>   |
|---|---------------------|----------------------------------|---|
| <b>Density</b>                                      | 24 units per acre   | 86units per acre                 | 3.6 times allowed   |
| <b>Maximum Building Coverage</b>                    | 35%                 | 65%                              | 1.9 times allowed   |
| <b>Front Setback</b><br>See #4<br>Setback Averaging | 25 feet             | 10 feet                          | Setback Averaging results in 25 feet.<br><br>The entire neighborhood has a 25 feet setback. |
| <b>Rear Setback</b>                                 | 20 feet             | 10 feet                          | 50% reduction   |

|  | LDC for MR-3  | Developer's Modifications   | Comments   |
|--|---|---|--|
| <b>Maximum Height</b>                            | 60 feet   | 63 feet<br>60 feet with a 3 feet grading/berm   | The Bison Block is in the UMU District and only 45 feet high.<br><br>The majority of homes and fraternities are 27'–35'. |
| <b>Parking<br/>Multi-Dwelling<br/>Structures</b> | 1.25 spaces for efficiencies<br>2.25 spaces for one or more bedrooms  | 1.6 spaces per unit   | Dependent on the type and number of units.   |
| <b>Residential Protection Standards</b>          | 35' height within 75 feet of an SR Zoning District;<br><br>45' height within 76-100 of an SR Zoning District;<br><br>45' height within 150 of an MR 2 | 35' height within 75'<br><br>63' height within 76'-100'<br><br>63' height within 150' | Accept<br><br>Does not meet requirement<br><br>Does not meet requirement   |
| <b>Minimum Open Space</b>                        | 35%   | 22%   | 37% reduction  |

2. A request for PUD modifications must include an exchange of additional benefits. The exchanges must provide additional benefits to the city. This development on 14<sup>th</sup> Street does not offer any additional benefits to the city.

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

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

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

The developer must describe what is offered in exchange for the following modifications:

- a. the reduction of required setbacks
- b. the increased building coverage (from 35% to 64.4%)
- c. the increased density (*from 24 units per acre to 86 units per acre*)

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

3. PUDs were created to allow for flexibility in design. This is cited under LDC 20-0302 A.1 which states: PUDs *“Provide flexibility in architectural design, placement, and clustering of buildings; . . . PUDs are normally used to shift the permitted density from one portion of a property to a smaller area to enable more efficient and concentrated development on a single parcel of land by moving or clustering the buildings on the property.*

This development is in contradiction to the purpose of a PUD. The density which correlates to the buildings are not being moved or clustered on the property since the developer has only one building.

4. To allow buildings to be shifted or clustered, the PUDs allow for modifications or reduction of some standards. The standards that may be modified are listed under LDC 20-0302. This LDC section also states that any standard not listed may not be modified.

**Setback Averaging** is not listed nor is it part of any listed standard. Therefore, it is not eligible for modification. The front setback should remain at 25 feet. LDC 20-0504 D.2 – Setback Averaging – states when a block is zoned in different zoning districts, the front setback requirements of the district that requires the greater front setback shall apply along its entire length.

**When a conflict arises between sections of the LDC, the most restrictive prevails.** This is cited under LDC 20-0106. This would mean the 25 feet should remain for the front setback.

5. This project is being presented as a PUD in the hopes that all of the modifications and reductions will be approved without regard to the protections in the LDC that are granted to existing neighborhoods. These include the Residential Protection Standards (RPS) and Setback Averaging. Residential Protection Standards, Setback Averaging are intended to blend new developments into existing neighborhoods.

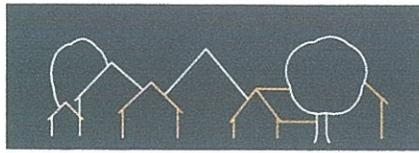
The sole purpose of the developer’s PUD is to increase building coverage, building height, density and to ensure a more profitable use of the land.

The application/narrative does not comply with the LDC. The developer did not provide the required description of the additional benefits to the city in exchange for the requested modifications. His application/narrative is incomplete.

For informational purposes:

LDC 20-0908 B.2: *No application shall be processed until the application is complete.*

LDC 20-0902: *The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the city or other parties to show that the criteria have not been meet.*



## ROOSEVELT NEIGHBORHOOD ASSOCIATION

ROOSEVELT ELEMENTARY SCHOOL  
1026 NORTH 10<sup>TH</sup> STREET  
FARGO, ND 58102

**Date:** March 1, 2018

**To:** Planning Commission  
City of Fargo

**From:** Roosevelt Neighborhood Association

**Subject: Developer's Growth Plan Amendment & PUD Narrative --- Inaccurate Statements**

There are many inaccurate comments in the developer's narrative to support his application. While each inaccuracy is small, the effect in totality is to shift one's perspective to the developer's point of view. These inaccuracies are addressed below.

### **1. Growth Plan Amendment – Roosevelt Commons Housing**

- a. The developer states: *This project is right on the edge of what has been labeled LC as well as designated University Student Housing (University Mixed Use). . . . Merely a small adjustment to the boundary.*

This is not just a small adjustment. This is setting a precedent to:

- (1) convert low density residential to ultra-high density multi-residential.
- (2) continually chip away at the Roosevelt neighborhood.

The Roosevelt Neighborhood willingly sacrificed significant land for the UMU District. The dividing line for the UMU District is Barrett Street. The developer is using the PUD to create a UMU outside of the existing UMU District.

*Where will the next adjustment to the boundary occur?*

- b. The developer states: *The current housing stock is dilapidated rental housing and is suffering from deferred maintenance.*

It should be noted that the developer owns all of the houses which he is claiming as dilapidated. The developer has overpaid for the "dilapidated" properties from 168% to 265% of the appraised value. He paid \$866,400 over the appraised value for 6 of the properties. See Attachment, *Acquisitions by Developer for Proposed Development*.

In 2015, he acquired 3 properties, 2 of which were in such good shape, he wanted to save the homes and relocate them. Approximately 2 1/2 years later, these homes are dilapidated. The developer states the three homes acquired in 2016 from homeowners are now dilapidated. This supposedly has occurred in less than 1 1/2 years.

It would appear the developer, who acquired these properties as good homes, has allowed them to become dilapidated in a short period of time.

- c. The developer states: *The current plans offer a coherent and holistic housing solution. This is in contrast to haphazard development that offers a "mixed bag" of development or "spotty" land use.*

To paraphrase the developer, without a PUD overlay any development would be haphazard. However, the LDC allows different zoning districts to co-exist. The LDC allows for creation of non-haphazard neighborhoods through the use of the Residential Protections and Setback Averaging.

The LDC with its Residential Protection Standards and Setback Averaging is designed to blend new developments into existing neighborhoods. Since the developer is not following all of the Residential Protection Standards and Setback Averaging, the developer's project can be considered a haphazard development.

## 2. PUD Narrative – Roosevelt Commons Housing

The combined effect of inaccurate statements by the developer tries to shift one's perspective to the developer's point of view. This point of view implies that the city identified the area for redevelopment. This is, of course, not true.

- a. The developer states: *. . . this project is a key to the future growth of the NDSU community as well as the continued growth of the City of Fargo. The project will provide an innovative and exciting new housing solution for NDSU students and staff.*

There is no mention of the Roosevelt Neighborhood upon whose land the project is to be constructed. This PUD is ignoring the existing neighborhood and the overall character of the area.

- b. The developer states: *. . . this plan is an expansion of the City of Fargo Growth Plan and Roosevelt Neighborhood Plan (currently sharing a border with multiple limited commercial properties). This area has been featured in both as a possible expanded location for higher density housing.*

The developer's plan is not an expansion of the Roosevelt-NDSU Neighborhood Plan.

When the Fargo City Commission adopted the Roosevelt-NDSU Neighborhood Plan, it stated in its resolution that:

*. . . This work resulted in a document entitled the Roosevelt-NDSU Neighborhood Plan which consists of a series of goals, objectives, and strategies for action, that when taken together with other identified plans, promote the desired future development of the Roosevelt-NDSU neighborhood.*

The NDSU/Roosevelt Neighborhood Future Land Use Plan indicates the proposed development to be low density residential. The Land Use Plan states:

*With the inclusion of the Future Land Use plan into the NDSU-Roosevelt Neighborhood Plan, a new tool is created to guide land use decisions. The Future Land Use Plan acts as a guide to elected officials, planning commission, staff, and landowners, when deciding on the appropriateness of land use requests. When a land use proposal comes forward, the Future Land Use map is first consulted to compare compatibility.*

Fargo's Go2030 initiative (Fargo Growth Plan) speaks of redevelopment in generalities and does not feature specific neighborhoods.

There is only one limited commercial property – the First Community Credit Union -- that is adjacent to this proposed development.

c. The developer states: . . . *the plan is in response to neighborhood meetings* . . .

Two meetings were held. The first meeting in 2016 was to request comments on the cosmetic appearance of the building – none provided as the developer was unwilling to discuss the size of the building. The November 2017 meeting was to view his new master plan under LC zoning. Neighborhood comments were ignored and the site plan remains unchanged.

d. The developer states: *This project is a sensitive approach to appropriate land use, existing neighborhoods and the overall character of the area.*

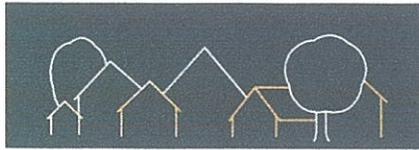
The development is not a sensitive approach when the NDSU/Roosevelt Neighborhood Future Land Use Plan, the LDC and its residential protection standards are ignored and not followed. The character of the neighborhood is not being considered.

e. The following table provides a comparison of the LDC for MR-3 versus developer’s PUD modifications. The comments reflect the LDC and the neighborhood’s concern toward the developer’s requested modifications.

|  | <b>LDC for MR-3</b>  | <b>Developer’s Modifications</b>                                 | <b>Comments</b>  |
|--|--|--|--|
| <b>Allowed Uses</b>  | Multi-Dwelling Structure   | High Density Multi-Family Residential                            | See Table 20-0401.<br>There is no mention of density.  |
| <b>Residential Density</b>                                       | 24 units per acre  | 86 units per acre  | Developer cited “no maximum or minimum requirement”.<br><br><b>3.6 times allowed</b>   |
| <b>Front Setback</b><br>Setback Averaging<br>Per LDC 20-0504 D 2 | 25 feet  | 10 feet<br><i>Building façade is at 15’ with canopies at 10’</i> | The neighborhood has a 25 feet setback as required per Setback Averaging.  |
| <b>Rear Setback</b>  | 20 feet  | 10 feet  | 50% reduction  |
| <b>Maximum Height</b>  | 60 feet  | 63 feet<br><i>60 feet with a 3 feet grading/berm</i>             | No grading/berm.<br><br>The Bison Block is in the UMU District and only 45 feet high.<br><br>The majority of homes and fraternities are 27’–35’. |
| <b>Maximum Building Coverage</b>                                 | 35%  | 65%  | <b>1.9 times allowed</b>   |
| <b>Parking</b><br><i>Multi-Dwelling Structures</i>               | 1.25 spaces for efficiencies<br>2.25 spaces for one or more bedrooms | 1.6 spaces per unit  | Dependent on the type and number of units.   |

|   | <b>LDC for MR-3</b>                                     | <b>Developer's Modifications</b> | <b>Comments</b>           |
|---|---|----------------------------------|---------------------------|
| <b>Residential Protection Standards</b> | 35' height within 75 feet of an SR Zoning District;     | 35' height within 75'            | Accept                    |
|   | 45' height within 76-100 feet of an SR Zoning District; | 63' height within 76'-100'       | Does not meet requirement |
|   | 45' height within 150 feet of an MR 2                   | 63' height within 150'           | Does not meet requirement |
| <b>Minimum Open Space</b>               | 35%   | 22%                              | 37% decrease              |

It appears the developer continues to ignore the concerns of the neighborhood and create his own dimensional standards without regard to the LDC. A precedent will be set for future developments in any city neighborhood if this is approved as proposed.



## ROOSEVELT NEIGHBORHOOD ASSOCIATION

ROOSEVELT ELEMENTARY SCHOOL  
1026 NORTH 10<sup>TH</sup> STREET  
FARGO, ND 58102

**Date:** March 1, 2018

**To:** Planning Commission  
City of Fargo

**From:** Roosevelt Neighborhood Association

**Subject:** Outline Response to Public Comment -- Inaccuracies

There are many inaccurate comments in the developer's response to public comments.

These inaccuracies are addressed below.

- a. The developer states: *The proposed project is much different from the 2016 proposal and responsive to many concerns outlined in the planning process, neighborhood meetings . . .*

The developer is asking for the same setback modifications. Some of these results do not meet the Residential protections.

The project is still ultra-high density.

The concerns addressed by the neighborhood remain unchanged. The developer ignores following the Dimensional Standards and the Residential Protection Standards in the Land Development Code. The requested modifications were and are currently designed to maximize the developer's profit with little regard to the neighborhood.

- b. The developer states: *In response to density, this plan is less dense than the original scheme and in line with a UMU project.*

The 2016 project proposed 90 units per acre by eliminating the required on-site parking. The current plan allows for the required on-site parking. Therefore the two projects cannot be compared.

The proposed 2018 project showing 86 units per acre is not less than 84 units per acre proposed in the 2017 project.

The proposed project is not in the UMU district. The Bison Block which is in the UMU district has a density of 31 units per acre.

- c. The developer states: *In response to the extension of the Growth Plan to accommodate the new zoning, this area has been designated as a candidate for higher density housing.*

The NDSU/Roosevelt Future Land Use Plan shows the area to be Low-Density Residential.

- d. The developer states: *The historic house that is now housed by the bank is to remain and is not a part of this project.*

The original plan in 2016 called for inclusion of First Community Credit Union (FCCU) as part of the proposed development. After two years, the developer was unable to purchase the property or secure an agreement with the credit union to partner together on this project. Therefore, the FCCU property is no longer included in the proposed development.

This is contrary to the developer's narrative for the 2016 and 2017 project regarding FCCU (1404 12<sup>th</sup> Avenue North). It states:

*Project: APM LLLP mixed use redevelopment PUD 1128, 1132, 1136 14<sup>th</sup> Street North and 1404 12<sup>th</sup> Avenue North, Fargo, ND 58102*

*Owner: APM LLLP (Jay Alsop)*

*The aforementioned properties were recently brought under control of the above listed owner.*

- e. The developer states: *UMU and the current Growth Plan need to be adjustable to accommodate available land, the need for rehabilitation of unmaintained housing stock and a market driven product.*

In 2004, the Roosevelt Neighborhood sacrificed 28.3% of its acreage to provide quality student housing for NDSU (the UMU District). The UMU District was created specifically for this purpose. Its primary goal is to provide quality housing for NDSU. It is not completely developed and provides available land.

The Neighborhood made a significant sacrifice by agreeing to the rezoning of a considerable amount of our Neighborhood with the promise that the City would enforce limited development in the remaining part of the neighborhood.

- f. The developer states: *PUD's are a necessary tool for cities to accommodate a unique approach to redevelopment and to stay away from haphazard land development.*

PUDs can be a haphazard development when they do not integrate with the surrounding area.

The LDC, with its Residential Protection Standards and Setback Averaging, is designed to blend new developments into existing neighborhoods. Since the developer is not following all of the Residential Protection Standards and Setback Averaging, the developer's project can be considered a haphazard development.



Fargo Neighborhood Coalition

[fargoneighborhoodcoalition@gmail.com](mailto:fargoneighborhoodcoalition@gmail.com)

February 28, 2018

The Fargo Neighborhood Coalition stands in opposition to the five-story high-density apartment building that Jay Alsop intends to build in a single family residential district known as the Roosevelt Neighborhood.

An extensive study has recently been completed by the City of Fargo recommending the preservation of the Roosevelt Neighborhood and the limitation of the heights of new buildings to 35 feet.

The fact that developers are given incentives and then are allowed to overlook residential protection standards and the guidelines of the Land Development Code is setting the stage for more abuses by developers.

The Fargo Neighborhood Coalition opposes this project because the developer proposes to demolish six single-family homes and ignore core neighborhood preservation standards.

Fargo Neighborhood Coalition

[fargoneighborhoodcoalition@gmail.com](mailto:fargoneighborhoodcoalition@gmail.com)



28 February 2018

The Jefferson Neighborhood Association supports the Roosevelt Neighborhood in its opposition to the high-density apartment building proposed on 14<sup>th</sup> Street and 12<sup>th</sup> Ave North. Jay Alsop plans to demolish six homes for his project.

Neighborhood preservation is at the top of Jefferson Neighborhood's list of goals. The proposal for an 85-unit mega-plex in place of single family homes in the Roosevelt neighborhood is unacceptable. This five- story proposed building does not fit in the Roosevelt Neighborhood and does not follow the Land Development Code and the Residential Protection Standards.

Jefferson Neighborhood Board of Directors

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

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

March 1, 2018

Dear Members of the Planning Commission:

We are not opposed to multi-residential development; development is going to occur no matter what happens. We want the development to blend into this neighborhood. We do not want to see the single-family residential home environment and character of the neighbor destroyed in terms of density, height, setbacks and parking.

The Roosevelt Neighborhood is a vision that appeals to development oriented planners, local developers and NDSU. The proposed development should follow the NDSU/Roosevelt Future Land Use Plan, the Land Development Code and the Residential Protection Standards.

The Roosevelt Neighborhood Association (RNA) has tried to offer an alternative to the developer. However, the developer ignored the RNA letter and refused to work with the residents of the neighborhood.

The proposed building is excessively large for the size of this lot. The building coverage is 65%. In addition, the proposed 5 story 82 rental complex is grossly out of scale with our single-family mixed residential neighborhood. The proposed development is taller than the Bison Block and is 3 times its density. The Bison Block is in the UMU District. The proposed building is not.

This enormous 63' tall 5 story building sitting on a 3' high pedestal (berm) will overpower the 2 story homes and First Community Credit Union. With a 10' front setback, this extremely massive building will dominate the residential homes which have a 25' front setback.

This development appears to be wedged in with little respect for its neighbors.

In 2015, the developer did not have the required parking with his 3 properties. To fulfill the LDC parking requirements, the developer purchased another 3 properties in 2016 to provide for the required parking. The developer has overpaid \$866,000 for his properties. To compensate for his poor business decisions, he expects the neighborhood to accept a development too massive and does not integrate into the neighborhood.

LDC must be followed and not ignored. It is designed to protect the residential properties and neighborhoods from adverse effects associated with multi-residential development. Below is a table which expresses our concern that the requested modifications and reductions do not allow the development to integrate into the neighborhood.

|  | <b>LDC for MR-3</b>   | <b>Developer's Modifications *</b>  | <b>Comments</b>  |
|--|---|---|--|
| <b>Maximum Building Coverage</b>         | 35%   | 65%   | 1.9 times allowed  |
| <b>Density</b>                           | 24 units per acre /   | 86 units per acre   | 3.6 times allowed  |
| <b>Maximum Height</b>                    | 60'   | 63'<br>60' with a 3 feet grading/berm   | The adjacent Bison Block is 45' high.<br>The majority of homes and fraternities are 27' - 35'. |
| <b>Front Setback</b>                     | 25'   | 10'   | The neighborhood has a 25' setback as required per Setback Averaging.                          |
| <b>Rear Setback</b>                      | 20'   | 10'   | 50% reduction  |
| <b>Parking Multi-Dwelling Structures</b> | 1.25 spaces for efficiencies<br>2.25 spaces for one or more bedrooms  | 1.6 spaces per unit   | Dependent on the type and number of units.   |
| <b>Residential Protection Standards</b>  | 35' height within 75 feet of an SR Zoning District;<br><br>45' height within 76-100 feet of an SR Zoning District;<br><br>45' height within 150 feet of an MR 2 | 35' height within 75'<br><br>63' height within 76'-100'<br><br>63' height within 150' | Accept<br><br>Does not meet requirement<br><br>Does not meet requirement                       |
| <b>Minimum Open Space</b>                | 35%   | 22%   | 37% reduction  |

\* The developer is asking for modifications to 6 of the 9 eligible standards.

The purpose of this PUD is to increase the size and density of the project. The developer has exercised poor judgment and overpaid for the properties. He is now attempting to increase the profitability of the project by abusing the intent and purpose of PUDs to create a development that is significantly out of character with the adjacent land uses and architecture of the Roosevelt Neighborhood.

This is a single family neighborhood. The developer is replacing 4 single family homes with a multi-residential structure. With a PUD, there is an exchange of benefits. While the neighborhood allows a multi-residential development, what is the developer providing to the neighborhood in return?

The applications submitted by the developer to the City are incomplete. The developer has not complied with LDC 20-0302 C. A PUD application must include a description of additional benefits for the City/Neighborhood in exchange for the requested modifications. His previous applications dated November 2015 and December 2017 including the present January 2018 application lacked the required description in the narrative. The requested modifications are null and void as the developer has not provided an exchange of any additional benefits.

A considerable amount of time has been invested in the project by the developer, the City and the Roosevelt Neighborhood. In the interest of saving time, the development should be approved without the requested modifications for setbacks, increase in density, building coverage and building height.

Sincerely,

Judy Wong

Will Shirk

February 27, 2018

To: City of Fargo Planning Commission

From: Lowell and Rachael Disrud

Re: Proposed development by Alsop on 14<sup>th</sup> Street North

We live at 1106 14<sup>th</sup> Street North and own the property at 1102 14<sup>th</sup> Street North, properties directly south of the proposed development. Others in our Roosevelt Neighborhood Association are addressing concerns about this proposed development and we agree with them completely. We would like to add a few comments from a personal point of view since we live immediately south of this proposed development.

1. **This was not a blighted neighborhood.** Before the developer purchased these properties, at an extremely inflated price, four of the six properties were owner occupied. The back yards had many 80+ year old trees, garages, yards, patios, and ornamental plantings. The developer removed all trees, garages, plantings, and patios and made gravel or dirt parking areas. When questioned, he said it was to avoid renters partying. However, remnants of some of the privacy fences were used to construct a party place around one of the back yards with late night loud parties. He is the one who has made this a blighted neighborhood.
2. **This block was historically an area for homes of NDSU faculty and was a family neighborhood.** We need more affordable housing in family oriented neighborhoods for NDSU faculty and staff rather than more student housing.
3. **There is not a need for more student oriented apartments in this neighborhood,** particularly not massive, high density, tall buildings. Many apartment buildings in the NDSU area have "For Rent" signs in front of them now. Vacancy rate is over 15%. A large apartment complex is being constructed on University drive near NDSU (NDSU Foundation Addition) and a dorm is being constructed on campus which will provide even more student housing.
4. **High concentrations of student housing next to or in family neighborhoods have a negative impact on the neighborhood.** Currently, on weekends throngs of students walk east from T Lofts into the neighborhoods looking for places to party. Several police officers are kept busy Friday and Saturday nights breaking up loud parties. When the partiers wander home late at night they destroy street signs, damage yard ornaments, damage young trees, and vandalize vehicles. Their screaming, hollering, and inappropriate language are very disruptive. Another concentration of hundreds of students in the same area will only make the problem worse.
5. **This development will result in extreme traffic congestion on 14<sup>th</sup> street.** This street carries a high volume of traffic now with bus, vehicle, bike, and pedestrian traffic. Adding 130 more vehicles on this street will cause extreme congestion and traffic hazards.

City planning, zoning, and ordinances are put in place for the safety, health, and well-being of the citizens of the community. This proposal is asking you to ignore previous planning, zoning, and ordinances for the financial benefit of one developer at the expense of the citizens of this community.

We strongly encourage you to reject this proposal.

Note: This staff report and the subsequent information and comments are from the February 2, 2016 Planning Commission meeting packet. This material is included as an attachment to Items 5a, 5b, & 5c, for informational purposes, as noted within the staff report.

|        |                |
|--------|----------------|
| Item # | 11a, 11b & 11c |
|--------|----------------|

| City of Fargo<br>Staff Report |  |                       |                          |
|-------------------------------|--|-----------------------|--------------------------|
| <b>Title:</b>                 | Kirkham's Second Addition  | <b>Date:</b>          | 1-27-2016                |
| <b>Location:</b>              | 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North   | <b>Staff Contact:</b> | Aaron Nelson/Maegin Rude |
| <b>Owner(s)/Applicant:</b>    | APM LLLP / L2H Development, LLC  | <b>Engineer:</b>      | N/A                      |
| <b>Reason for Request:</b>    | <b>Zoning Change</b> from SR-3, MR-2 and LC, with a C-O to LC, with a PUD overlay; a <b>PUD Master Land Use Plan</b> ; and a <b>Growth Plan Amendment</b> ; all on Lots 7-11, Block 14, <b>Kirkham's Second Addition</b> |                       |                          |
| <b>Status:</b>                | Planning Commission Public Hearing: February 2, 2016   |                       |                          |

| Existing  | Proposed  |
|---|---|
| <b>Land Use:</b> Detached housing and credit union  | <b>Land Use:</b> Multi-dwelling housing and credit union  |
| <b>Zoning:</b> SR-3, MR-2 and LC with a C-O   | <b>Zoning:</b> LC with a PUD Overlay  |
| <b>Uses Allowed:</b><br>SR-3 – Single-Dwelling Residential Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities<br><br>MR-2 – Multi-Dwelling Residential Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities<br><br>LC – Limited Commercial. 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. | <b>Uses Allowed:</b><br>LC – Limited Commercial. 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. |
| <b>Maximum Density Allowed:</b><br>SR-3: 8.7 dwelling units per acre<br>MR-2: 20 dwelling units per acre<br>LC: Maximum 55% building coverage   | <b>Maximum Density Allowed:</b><br>LC: Maximum 55% building coverage  |

| Proposal   |
|--|
| <p>The applicant is seeking approval of 1) a zoning change from SR-3, Single-Dwelling Residential, MR-2, Multi-Dwelling Residential, and LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a PUD, Planned Unit Development overlay, 2) a PUD Master Land Use Plan, and 3) a Growth Plan Amendment. The subject property is located at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North and encompasses approximately 0.8 acres</p> <p>The purpose of the application is to allow for the redevelopment of the subject property into a new mixed-use multi-dwelling structure that would include commercial space (a credit union) along 12<sup>th</sup> Avenue N. The proposed</p> |

development would consist of a four-story, 72-unit structure, including eighteen (18) studios, forty (40) 1-bedroom, and fourteen (14) 2 and 3 bedroom units. The ground level floor of the structure would be separated by a drive-through for the credit union, while floors 2, 3 and 4 would be connected. The structure would include four (4) ground level parking spaces and seventy-two (72) underground parking spaces, with access to the underground parking off of Barrett Street.

The applicant has applied for a PUD overlay in order to tailor development standards to the specifics of the proposed project. Specifically, the following modifications to the underlying LC zoning district are being proposed:

- Allowed Uses: The allowable uses would be modified to allow Household Living. Household Living is a conditional use in the LC zoning district. While the underlying LC zoning district does not have a maximum residential density, the applicant is proposing up to 72 dwelling units, which would equate to a maximum residential density of 90 units per acre.
- Setbacks: The need for modification of the LC setback requirements is dependent upon which side of the subject property is designated as the "front." If the north side of the property were to be designated as the front, then no modifications would be needed. If, however, the east side of the property were to be designated as the front, then the modification would be needed for the front (east) and rear (west) of the property. The rear setback would need to be modified from 15 feet to 10 feet, and the front setback averaging provisions of Section 20-0504.D would need to be waived.
- Height: The LC zoning district restricts building height to a maximum of 35 feet for properties within 300 feet of an SR zoning district or for properties subject to residential protection standards (otherwise the maximum height is 60 feet). The applicant has proposed to modify this height restriction from 35 feet to 45 feet.
- Parking: Within the LC zoning district, 72 dwelling units and a 3,000 square-foot bank would require 161 off-street parking spaces to be provided on-site. The standard parking requirements are broken down as follows:
  - 18 efficiency units @ 1.5 spaces per unit = 27 spaces
  - 54 bedroomed units @ 2.25 spaces per unit = 121.5 spaces
  - 3,000 ft<sup>2</sup> bank @ 1 space per 250 ft<sup>2</sup> = 12 spaces

The applicant is proposing a modification to these parking requirement in order to reduce the required number of on-site parking stall from 161 to 76, which is a reduction of 85 on-site parking stalls. In addition to providing 76 parking stall on-site (72 underground and 4 at grade), the applicant is currently working with NDSU in order to secure 30-40 off-site parking stalls in NDSU's adjacent "T-Lot" parking lot, which is located on the west side of Barrett Street N. If these off-site parking stalls can be secured, the applicant would be able to provide a total of 106-116 parking stalls (on- and off-site), which would be a reduction of 55-45 total parking stalls.

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

In addition to the zoning map amendment and PUD Master Land Use Plan, the applicant has applied for a growth plan amendment in order to modify the Roosevelt-NDSU Future Land Use Map which is contained within a 2009 update to the 2004 Roosevelt-NDSU Neighborhood Plan. The proposed amendment is intended to show an increase the proposed future land use of *Primarily Residential with Commercial* and a corresponding decrease in the proposed future land use of *Low Density Residential*.

**Surrounding Zoning and Land Uses Include:**

- North: Across 12th Avenue North is P/I, Public and Institutional with the NDSU campus;
- East: Across 14<sup>th</sup> Street North is MR-3 and MR-2, Multi Dwelling Residential, with group living and detached housing;
- South: MR-2 with detached housing;
- West: UMU, University Mixed-Use and P/I with mixed-use apartments/retail sales and services and a parking lot.

## Area Plans

The subject property is located within the Roosevelt-NDSU Neighborhood. The Roosevelt-NDSU Neighborhood Plan was adopted in 2004, and was geared towards addressing escalating problems of parking, over-occupancy, loud parties, housing transitions from owner-occupancy to renter-occupancy, and general disrepair of property.

One goal outlined in the plan is to stabilize the neighborhood's housing stock. Within this goal, the plan notes strategies that encourage a balanced mix of quality housing.

A Future Land Use Plan for the Roosevelt-NDSU Neighborhood (adopted in late 2009 as an addendum to the 2004 Neighborhood Plan) was created to provide a framework for development and to provide guidance in decision making for home-owners, landlords, and developers. The future land use plan identifies the subject property as being located on the boundary between two distinct future land-use classifications: *Primarily Residential with Commercial* and *Low Density Residential*. Although the Future Land-Use Plan is intended to act as a general guideline for development patterns and is not intended to act as a rigid regulatory document, the applicant has requested an amendment to the Plan in order to shift this boundary to the south. The Growth Plan Amendment seeks to transition the low density residential land use into residential with commercial.

### Roosevelt Land Use Plan

#### Land Use

|   |                     |
|---|---------------------|
|  | Commercial with Res |
|  | High Density Res    |
|  | Low Density Res     |
|  | Medium Density Res  |
|  | Mixed Density Res   |
|  | Park/Open Space     |
|  | Public              |
|  | Res with Commercial |



## Schools and Parks:

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

**Parks:** The subject property is located within a tenth-mile of the Johnson Soccer Complex (1420 11<sup>th</sup> Avenue North), which provides amenities of trails, playgrounds, shelters, and athletic fields.

**Pedestrian / Bicycle:** An off-road bike facility is located along 12<sup>th</sup> Avenue North, and an on-road bike facility is located along Barrett St, both of which abut the subject property, and connect to the metro area trail system.

## Staff Analysis:

Engineering and Planning staff have noted concern of the parking reduction request and traffic impact to the area. The intersection at 12<sup>th</sup> Avenue North and Barrett Street is a unique intersection which includes a traffic signal with the potential for vehicle stacking. A traffic/parking impact study was noted as necessary to the applicant at an earlier predevelopment meeting. Because the PUD is asking for a reduction in required parking, justification is needed for the reduction. Staff has asked that the study also addresses the impacts of the proposed driveway locations.

The Engineering Department has concerns with storm sewer capacity in this location. The only storm sewer in this area is located on 12<sup>th</sup> Avenue North, and was only designed to handle a two-year rain event at the time it was constructed. There is no storm sewer along Barrett Street or 14<sup>th</sup> Street North at this location. Accordingly, Engineering has concern with the potential for storm water from Barrett Street to flow into the access point to the underground parking for the structure. Engineering staff has indicated that because of the lack of storm water infrastructure in this area, a storm water model (modeling a 100-year rain event) would be required at the time of building permitting. Depending upon the results of this storm water model, potential storm water protection measures could impact the layout of the proposed site plan. In order to address this concern, the applicant has hired an engineering firm to model the storm water characteristics of this area.

Staff received comments from the City Forester regarding the need for a tree protection plan for the public street trees. The City Forester provided additional information on removal, pruning, and relocation street trees along 12<sup>th</sup> Avenue North and 14<sup>th</sup> Street South. Scott also noted concern with the relocation of some of the existing houses that could create a challenge for the street trees. This information was passed along to the applicant.

Thanks to an active and organized Roosevelt Neighborhood Association and a willingness on behalf of the applicant, staff was able to facilitate an open-house meeting at which the applicant was able to discuss the proposed development, answer questions, and hear comment from residents of the neighborhood. The applicant noted that they recognized the fact that the proposal would not be completely supported by the neighborhood, but that they were looking for input from the neighborhood regarding building materials and colors. The open-house took place on January 21<sup>st</sup> and was well attended by over 20 citizens, many of which voiced concerns with the applicant's proposal. Comments from the neighborhood included concern with building setbacks and height not matching the neighborhood character, lack of parking, the potential for high density residential in contrast to the existing low density, and the demolition of buildings of historic interest. Residents also had concern with students partying and parking in the neighborhood, including along Barrett Street. In addition to comments heard at the open-house, staff has received additional written comments and a petition with signatures against the applicant's proposal. Written documents received so far are attached. It should also be noted that the applicant has made some changes to the proposed development after hearing comments at the open-house. Originally, the proposed development had no setback along Barrett Street and was proposed to be 10 feet from the south property line. The applicant has since shifted the building east to provide at least a 10-foot setback from Barrett Street and has provided a 15-foot setback from the south property line.

### **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?
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?
3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?
4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

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

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

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

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

1. Is the proposed change consistent with surrounding land uses, both existing and future? The
2. Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.
3. How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are their physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?
4. How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?

**Staff Recommendation:**

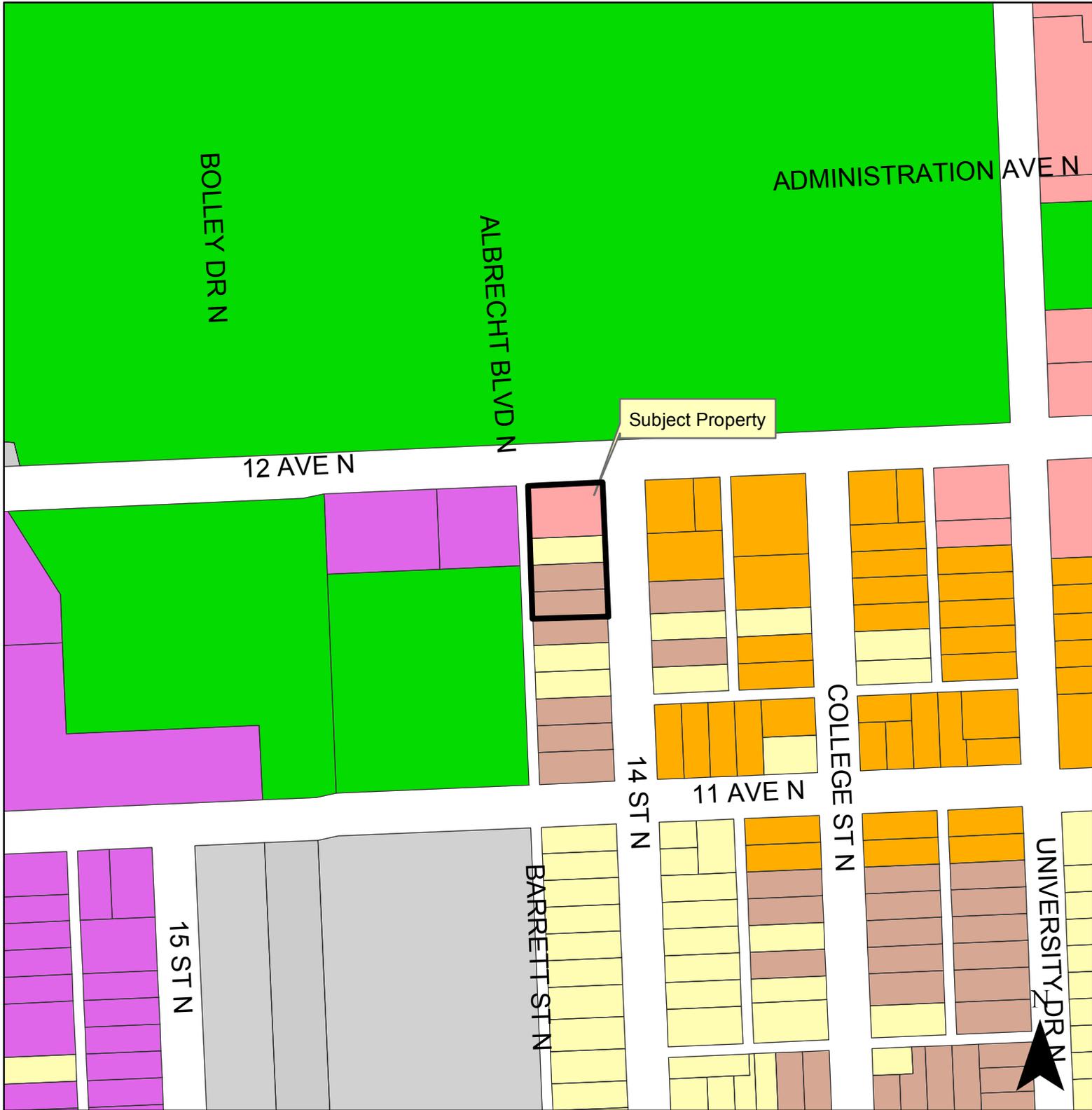
At this point, staff is bringing this item to Planning Commission for a public hearing in order to hear public comments and to allow preliminary discussion by the Planning Commission. At this time staff is recommending that this item be continued to the March Planning Commission meeting. It is staff's intent to bring this item to the March Planning Commission meeting for a second public hearing and a recommendation from Planning Commission.

**Planning Commission Recommendation:** February 2, 2016

# Growth Plan Amendment, Zone Change (SR-3, MR-2 & LC w/ C-O to LC) & PUD

## Kirkham's Second Addition

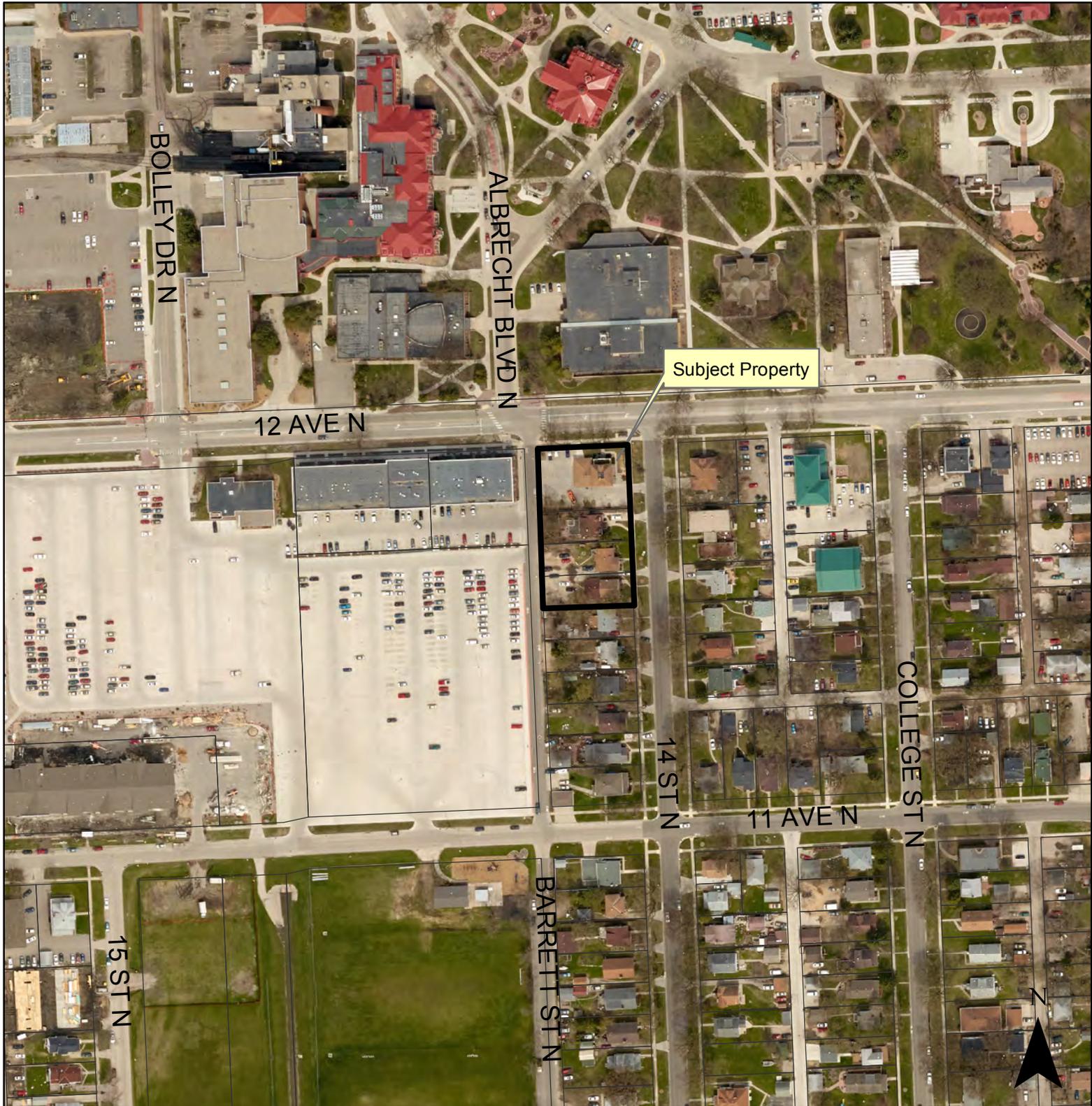
1404 12th Ave N;  
1128, 1132 & 1136 14th St N



# Growth Plan Amendment, Zone Change (SR-3, MR-2 & LC w/ C-O to LC) & PUD

## Kirkham's Second Addition

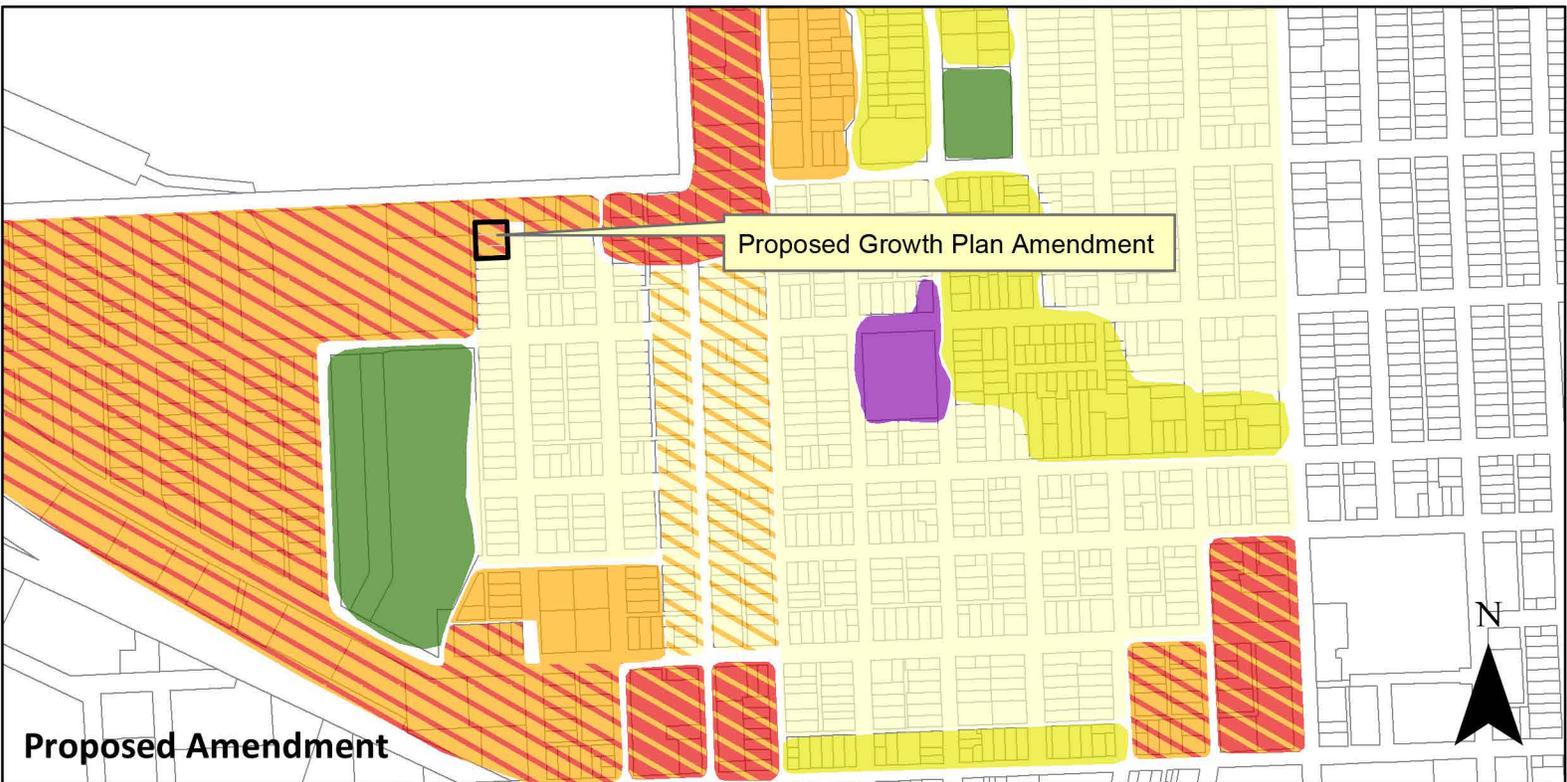
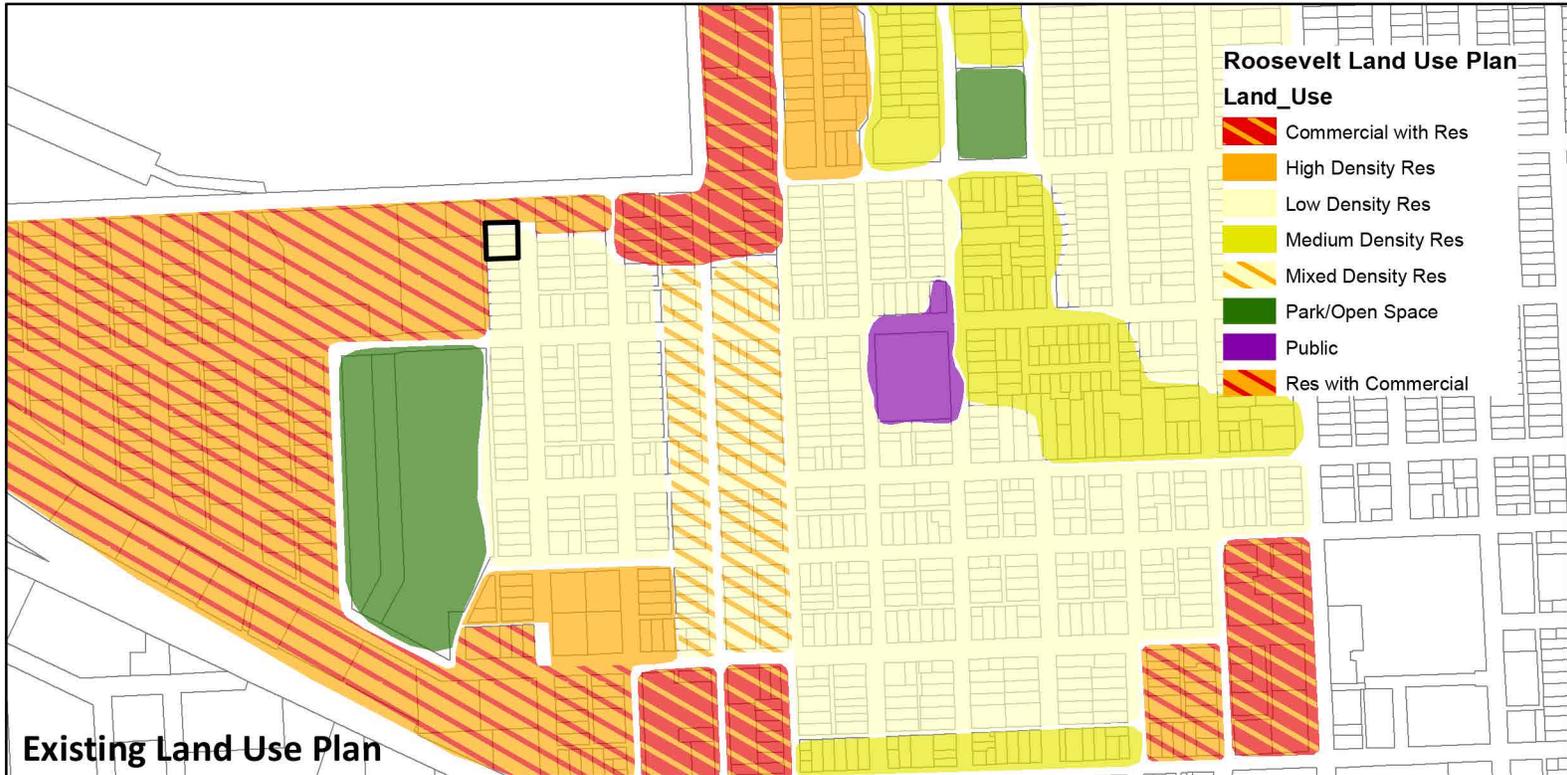
1404 12th Ave N;  
1128, 1132 & 1136 14th St N



# Growth Plan Amendment, Zone Change (SR-3, MR-2 & LC w/ C-O to LC) & PUD

1404 12th Ave N;  
1128, 1132 & 1136 14th St N

## Kirkham's Second Addition



**MEMORANDUM**

**DATE:** January 27, 2016

**FROM:** Planning Commission

**FROM:** Aaron Nelson, Planner  
Maegin Rude, Planner

**RE:** Kirkham's Second Addition – supplemental attachments list

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|  |          |
|--|----------|
| PUD Narrative  | 2 Pages  |
| PUD Master Plan  | 1 Page   |
| PUD Floor Plans (conceptual plans)                                     | 3 Pages  |
| Comments received (as of January 27, 2016)                             | 48 Pages |
| Neighborhood Meeting attendance sheet, January 21                      | 2 Pages  |
| Packet distributed by the Applicant at January 21 Neighborhood Meeting | 10 Pages |



Date: December 21, 2015  
Project: APM LLLP mixed use redevelopment PUD 1128, 1132, 1136 14<sup>th</sup> Street North,  
and 1404 12<sup>th</sup> Avenue North, Fargo, ND 58102  
To: City of Fargo, Planning and Development  
From: Steve Iverson, owner's representative   
Owner: APM LLLP (Jay Alsop)  
3130 Fiechtner Drive  
Fargo, ND 58103  
[jay@liveapm.com](mailto:jay@liveapm.com)

The aforementioned properties were recently all brought under control of the above listed owner. The properties located at 1128 and 1132 14<sup>th</sup> Street are currently zoned MR-2 and are occupied by renters, as is the property located at 1136 14<sup>th</sup> Street which is zoned SR-3. The property located at 1404 12<sup>th</sup> Avenue North is currently zoned LC and is the home to First Community Credit Union (FCCU).

The existing sites together are 250' wide x 140' deep – 35,000 square feet. The proposed project seeks to assemble the four parcels into one and rezone it LC with a PUD supporting a mixed use project. The project will contain the new First Community Credit Union along with up to 72 apartment units aimed at graduate students and NDSU employees. A parking agreement is being worked through with NDSU's T Lot to provide parking spaces beyond those provided at grade for the bank and those in the underground facility beneath the residential component of the project.

The owner's intentions are to relocate two of the three movable residential structures elsewhere in the Roosevelt neighborhood, raze the one that is not movable, and also raze the FCCU structure and ultimately provide a new space for them as the retail anchor component to a four story mixed use project on the four properties.

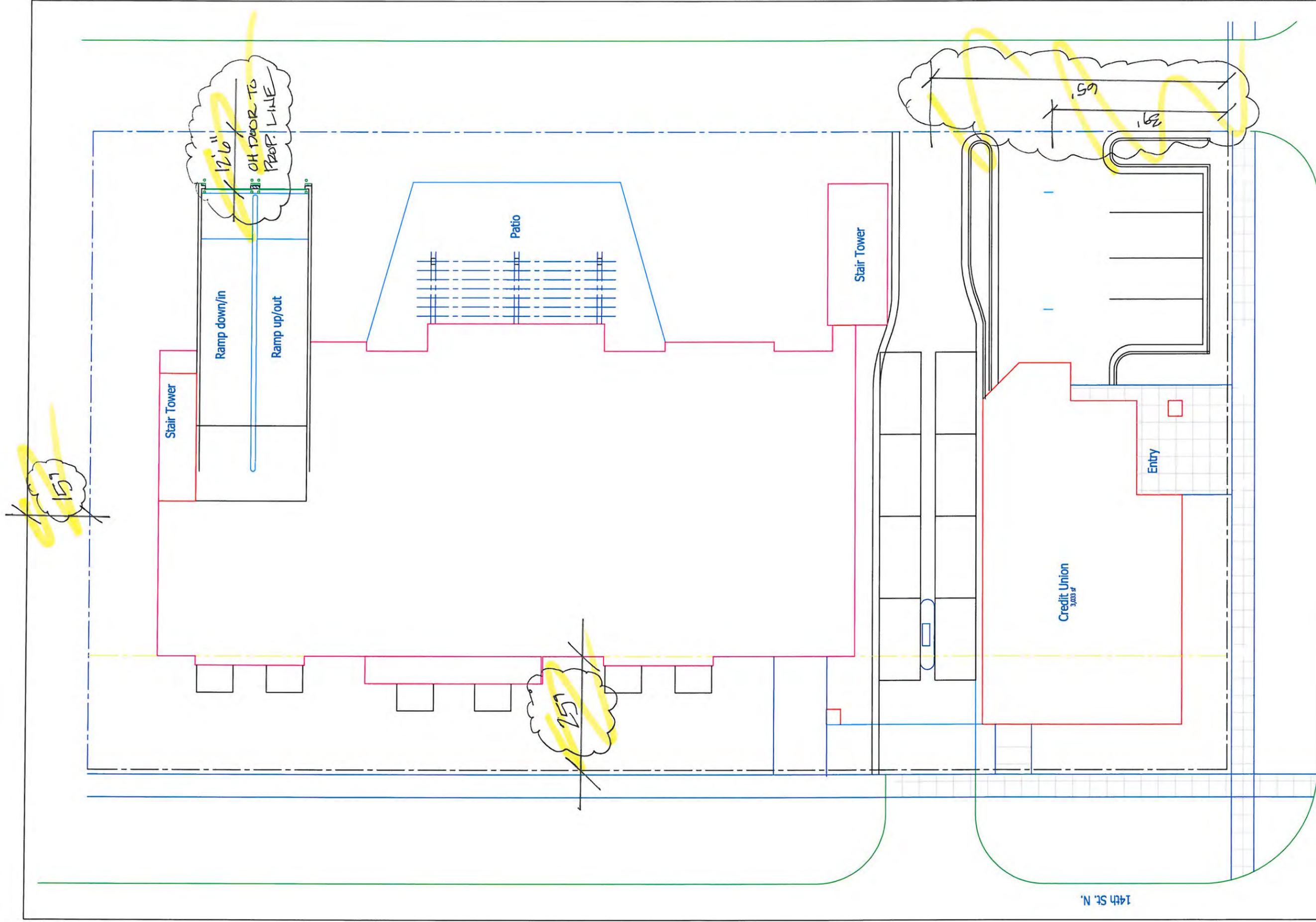
The owner and his architect have met with various leaders of the Roosevelt Neighborhood Association. Although the owner acknowledges the RNA will never fully support the project as conceived, he still genuinely sought their input on the style of the structure, building materials and colors to ensure the project is compatible as possible with the adjacent neighborhood.

Project/parking details follow:

- 72 dwelling units including 18 studios, 40 1 BR, and 14 2/3 BR units requiring 1.25 spaces per unit applying the UMU residential parking reduction outlined in Ss. 20-0701.4.b. Parking reductions are allowed with a PUD and this application seeks to apply UMU rules as part of the PUD. The project residential component will thus require 90 spaces.



- 3,000 SF GFA of branch bank office space requiring 1 space per 250 SF. Bank component will thus require 12 spaces.
- The project therefore requires 102 spaces as presented. The drawings included in the application package provide 72 in the underground parking garage and an additional 4 at grade. The owner of the project is working with NDSU to secure an additional 30-40 at grade spaces in the T-Lot adjacent the westerly property line of the subject property.
- If this project were to come in as a straight MR zoned property, it would require 22.5 spaces for the 18 studios and 121.5 more for the 54 1,2, and 3 bedroom units – 143 total. The bank space requires an additional 12 spaces for a total of 155 if this mixed use project were to be permitted through traditional zoning and/or conditional use permit mechanisms. As noted previously, the project will provide at least 102 with a cooperative parking agreement with NDSU's T-Lot immediately adjacent the project. Therefore the PUD seeks to reduce parking by 53 spaces.
- Residential protection standards for height allowances will be honored, with the average height of the structure not exceeding 35' within 75' of the SR-3 lot to the south, nor will it exceed 45' (allowable in MR-2 zoning that two properties currently are) 76' and beyond from the SR-3 zoned lot at 1124 14<sup>th</sup> Street. However as the PUD seeks to rezone all five properties to LC as the underlying zoning district to accommodate mixed use, the PUD also seeks a variance of the 35' height allowance of LC to allow up to 45'.
- The project seeks a variance of the rear yard setback abutting the alley on the westerly property line. LC zoning requires a 15' setback and depending on the design of the ramp in/out of the underground parking garage and also stair tower for the residential component, the project may need 10'. The actual setback will be set at final plan approval, but until full design for construction is complete it would be beneficial to consider 10' being approved and acceptable.

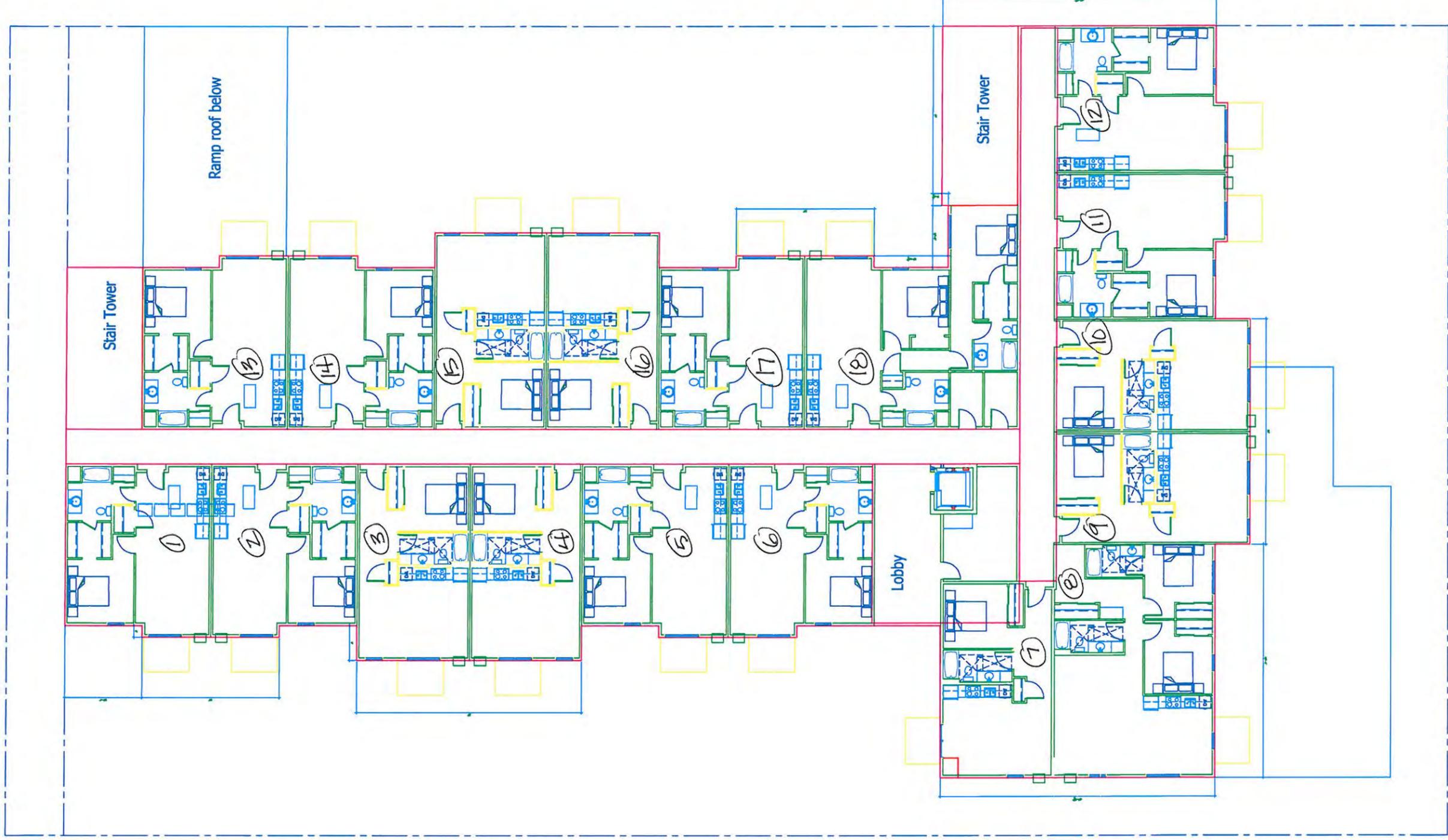


14th St. N.

**First Community Credit Union &  
Apartment Building**

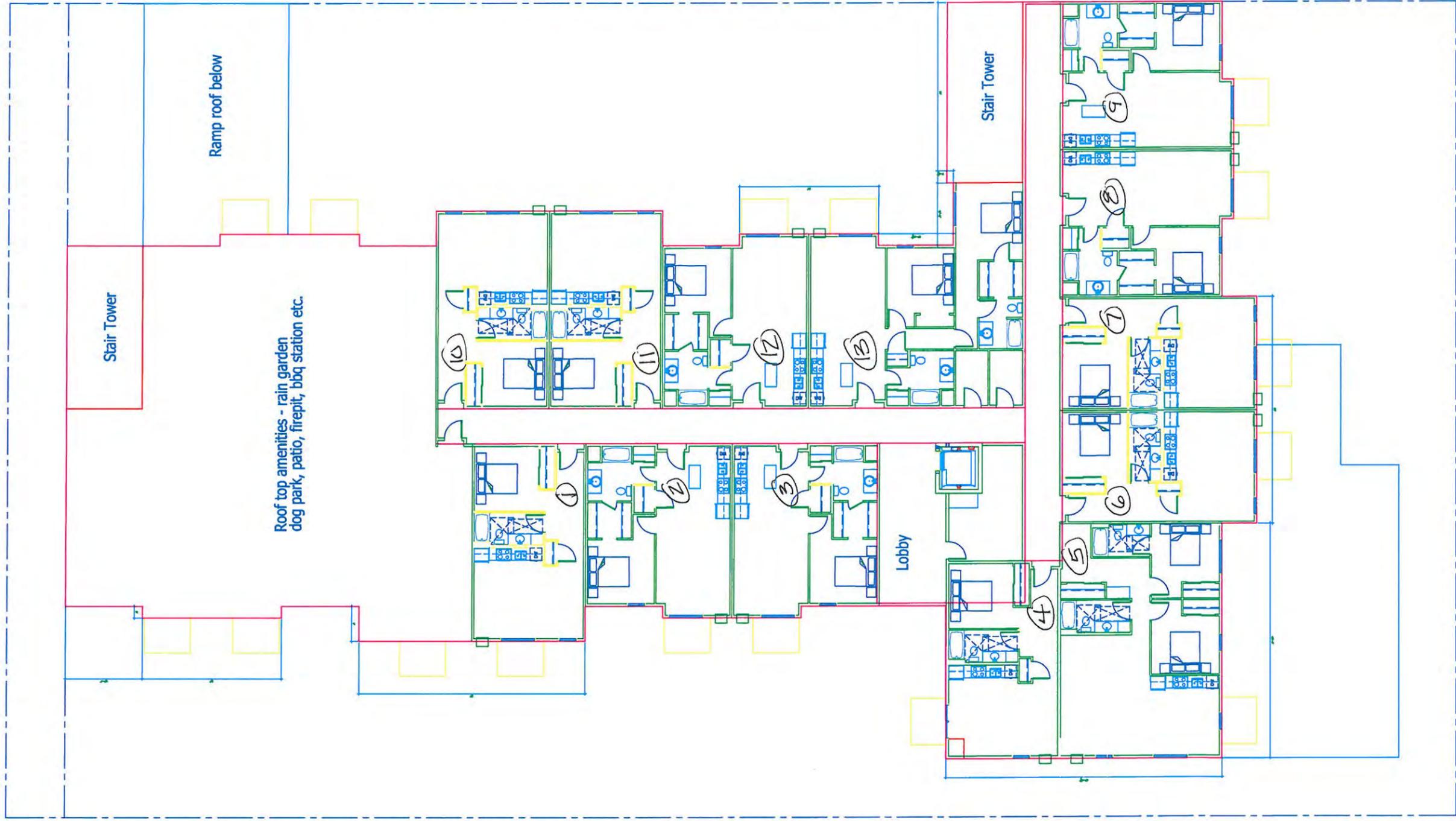
12th Avenue North

**Main Level  
Floor Plan**



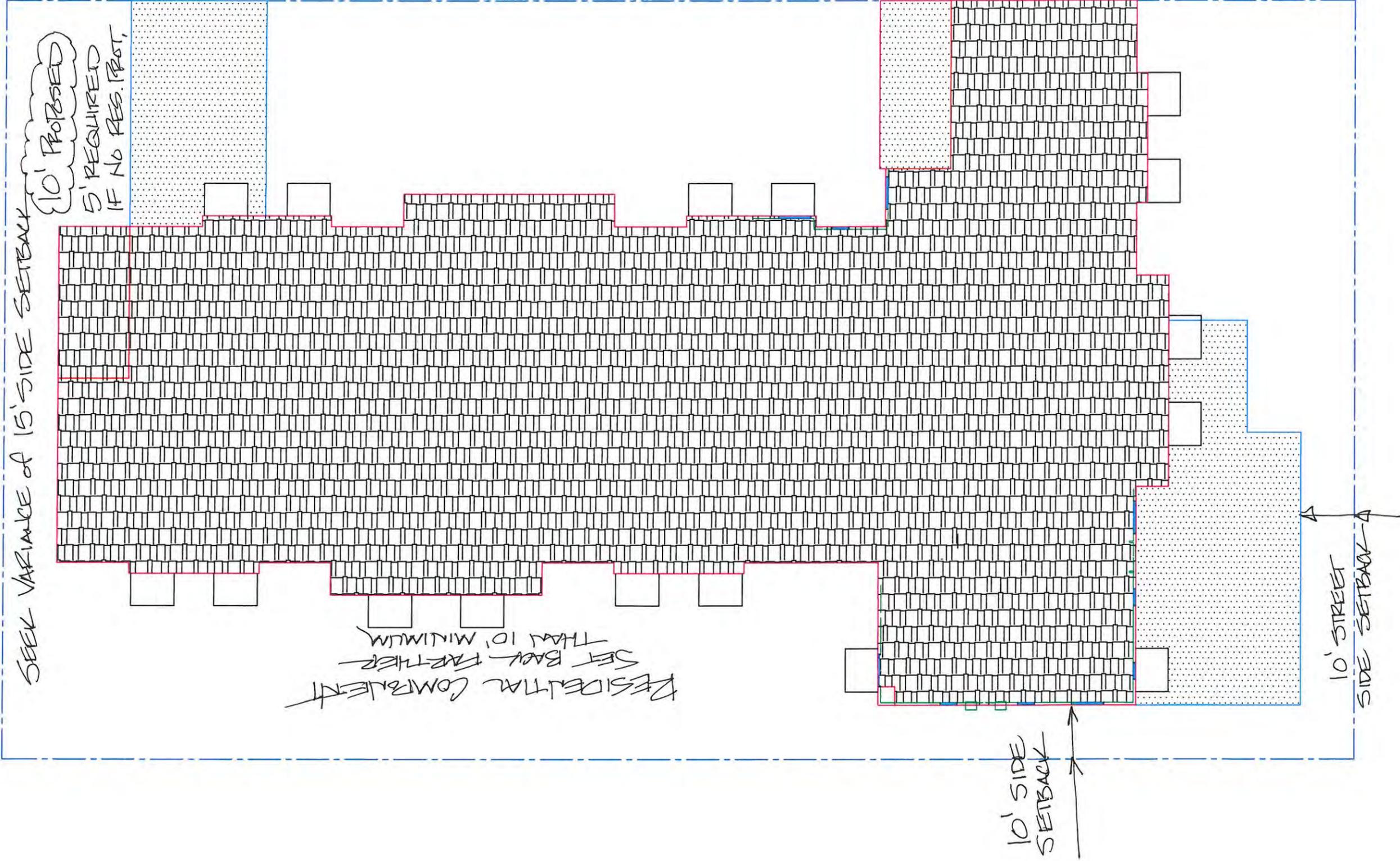
**First Community Credit Union &  
Apartment Building**

**Levels 2-3  
Floor Plan**  
18 units ea



**First Community Credit Union &  
Apartment Building**

**Level 4  
Floor Plan  
13 UNITS**



SEEK VARIANCE OF 15' REAR SETBACK  
 PROPOSED 0' SETBACK  
 SIMILAR TO DMU ZONING

First Community Credit Union & Apartment Building PUD Master Land Use Plan

## Aaron Nelson

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**From:** Jasmine Markusen  
**Sent:** Monday, January 25, 2016 8:33 AM  
**To:** Aaron Nelson; Derrick LaPoint; Maegin Rude  
**Subject:** FW: Comment Sheet: Neighborhood Meeting - January 21, 2016

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Natasha Neihart [mailto:neihartteam@cableone.net]  
**Sent:** Saturday, January 23, 2016 11:29 AM  
**To:** Commission E-mail <Commission@cityoffargo.com>; Planning E-mails <Planning@cityoffargo.com>; Nicole Crutchfield <ncrutchfield@cityoffargo.com>  
**Subject:** Comment Sheet: Neighborhood Meeting - January 21, 2016

### **Comment Sheet: Neighborhood Meeting - January 21, 2016**

**I believe that every project should demand a complete site plan before an application is accepted. If the project does not meet the Land Development Code standards, the application should not be accepted by Planning. Why does a short staffed Planning Department waste their time, the Planning Commission's, the City Commission's and the public's time with untenable ill-defined unreasonable projects?** For example the Kirkham Addition proposed zone change lacks adequate parking and set-backs; it exceeds density standards by 10-20 fold and the height standards by several folds also.

1. How can you justify a PUD proposed on the corner of 12th Avenue N and 14th Street N (Roosevelt neighborhood), based upon the following restrictions listed in your Land Development Code on page 168?

- A PUD Final Plan shall be approved by the Planning Commission if it is determined by the

Planning Commission to be in substantial compliance with the approved PUD Master Land Use Plan. The PUD Final Plan shall be deemed to be in substantial compliance with the PUD Master Land Use Plan so long as, when compared with the PUD Master Land Use Plan, it does not result in:

- a. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;
- b. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;
- c. A reduction in the amount of open space;
- d. Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;
- e. Any change within SO feet of any SR or MR zoning district;
- f. Any change determined by the Planning Commission to represent an increase in development intensity; or

g. A substantial change in the layout of buildings.

2. It seems that the other two projects (Rhett's Row Addition and Loucile's Addition) proposed also conflict with these same reasonable neighborhood protection guidelines.

Any proposal should not result in:

- a. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;
- b. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;
- c. A reduction in the amount of open space;
- d. Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;
- e. Any change within 50 feet of any SR or MR zoning district;
- f. Any change determined by the Planning Commission to represent an increase in development intensity; or
- g. A substantial change in the layout of buildings.

Sincerely,

Natasha Neihart  
Fargo citizen

# Comment Sheet

Neighborhood Meeting - January 21, 2016

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## Comments:

**I believe that every project should demand a complete site plan before an application is accepted. If the project does not meet the Land Development Code standards, the application should not be accepted by Planning. Why does a short staffed Planning Department waste their time, the Planning Commission's, the City Commission's and the public's time with untenable, ill-defined, and unreasonable projects that do not comply with existing city codes?** For example the Kirkham Addition proposed PUD zone change lacks adequate parking and setbacks; it exceeds density standards by 10-20 fold; it exceed the height standards by several fold, and it lacks a 50-foot buffer zone.

How can you justify any one of the three proposed Roosevelt apartments based upon the following restrictions in your Land Development Code?

- a. The proposed density greatly exceeds the current zoning and current land uses for the existing Kirkham, Rhett's Row, and Loucille's Additions. The suggested densities are inappropriate for these residential neighborhoods.
- b. The massive size of the proposed buildings lack fifty-foot buffer zones to separate them from any of the adjacent Single Residence zones.
- d. There are two places in the core of Fargo that have the worst traffic: NDSU environs and downtown Broadway. From personal experience I know the NDSU T-lots in the vicinity of Roosevelt are highly congested and sometimes it is nearly impossible to find a spot. Since the T-lots are as far as 2.2 – 2.6 miles apart and it can take four to fifty minutes to travel from one on 12<sup>th</sup> Avenue N to one on 19<sup>th</sup> Avenue N (per Google Maps), it is insincere to not provide adequate parking on the proposed apartment/retail lots. The Kirkham Addition PUD proposal of 72-75 more units represents 150 additional cars that will need parking spaces at all hours of the day. How many more cars will be associated with the Rhett's Row and the Loucille's Additions that will directly impact the parking in the Roosevelt neighborhood?
- e. Any setbacks should respect the existing residential setbacks. Anything less is a substantial change in the layout of buildings. A zero setback means a total disregard for the need of pedestrians to maneuver through the area safely, the realities of fire truck access and storm water runoff.
- f. If it is known that illegal drug dealing is occurring in the Roosevelt neighborhood, as stated by the presenter at the meeting, it is a police matter that should be dealt with. It is not a justification for tearing down a neighborhood and building a high-rise. Reference the Chicago high-rise fiasco for example.

Currently the three Additions (Kirkham, Rhett's Row and Loucille's) have reasonable protection guidelines in place, try to work within your existing guidelines when considering any changes. **Why do you make every issue so hard for yourselves and your citizens?**

Tom Neihart  
701 261-0397

City of Fargo  
Department of Planning & Development  
200 3<sup>rd</sup> Street North  
Fargo, ND 58102

January 26, 2016

**The following documents are being delivered to your office regarding the opposition to the development in Kirkham's 2nd Addition.**

- |  |                           |
|--|---------------------------|
| 1. Roosevelt Neighborhood Association Memorandum | 9 pages plus 1 attachment |
| 2. Petition against the Proposed Development     | 26 pages                  |
| 3. Letter from Jim & Barb Laschkewitsch          | 2 pages                   |
| 4. Letter from Judy Wong/Will Shirk              | 4 pages                   |
| 5. Comment Sheet                                 | 1 page                    |

RECEIVED  
1-26-16 DE



**Roosevelt Neighborhood Association**  
PO Box 5314  
Fargo, ND 58105-5314

January 25, 2016

**To:** Planning Commission  
City of Fargo

**From:** Roosevelt Neighborhood Association

**Subject: PROPOSED DEVELOPMENT AT BLOCK 14, KIRKHAM'S SECOND ADDITION**

The Roosevelt Neighborhood Association became aware of the application to remove several historical homes in our neighborhood. A large, multi-tenant building with commercial space is planned in their place. We are opposed to this project.

The proposed development goes against the city land development code, future land use plan, established zoning, sound planning practices, the stated goals of the neighborhood plan and the character, history, and quality of life in our neighborhood.

We participated in the 2009 designation of a significant portion of our neighborhood for the UMU District for higher density housing that would be accessible to students of North Dakota State University. This was a joint effort with the City Planning Department, Planning Commission and City Commission. Commitments were made to the Roosevelt Neighborhood that the UMU District would alleviate high density development in the remainder of the residential neighborhood. The proposed development is exactly the type of high-density project for which the UMU District was designed.

We urge you to vote against this proposal. Our opposition is addressed below.

**OPPOSITION TO THE PROPOSED DEVELOPMENT AT BLOCK 14, KIRKHAM'S SECOND ADDITION**

The Roosevelt Neighborhood Association (RNA) opposes the proposed Planned Unit Development (PUD) District. While a PUD does allow for leniency in the development standards, the proposed development does not support the Roosevelt/NDSU Neighborhood Plan and its goals. In addition, the size, nature and intensity of this development will dominate the immediate Neighborhood. The proposed development is more suitable elsewhere, i.e., the University Mixed-Use (UMU) District.

The reasons why the proposed development is opposed by the RNA:

- 1. The development is not an improvement over what could have been accomplished through strict application of the applicable base zoning standards.***

The development is too dense, green space is lost and is significantly out of character with the adjacent land uses and architecture of the Roosevelt Neighborhood.

## A. Density

The proposed 72 rentals (*in the developer's memorandum*) in the structure would achieve a density of 90 units per acre. The 60 rentals (*shown in the floor plans*) would equate to 75 units per acre. These densities are contrary to the designated Low Density Residential Land Use established in the NDSU/Roosevelt Future Land Use Plan. The Plan was adopted by the City of Fargo in 2009.

3 lots in the development are currently zoned as SR-3 and MR-2. Low Density Residential (SR-3) has a maximum density of 8.7 units per acre. MR-2 has a maximum density of 20 units per acre. The proposed development has a density of either 75 or 90 units per acre. This is a huge jump from 8.7 to 20 to 90 units per acre. Both 75 and 90 units per acre is an ultra-high density situation in a residential neighborhood.

Single family residences are to the south of the proposed development. A density of 8.7 units per acre is encouraged by the NDSU/Roosevelt Future Land Use Plan.

The Bison Block is to the west of the proposed development and is in the UMU District where a higher density is allowed. The Bison Block has a density of 30 units per acre based on the living units.

Two fraternities (Engineers and TKE) are directly east of the proposed development. Comparing the number of units in a fraternity to the number of units for the proposed development is incorrect.

A fraternity is a group-living residence. Group living is several persons who legally reside in a building as a household. An apartment building is a multitude of households located in a single structure. According to the City of Fargo Land Development Code, four sleeping units in group living is equal to one dwelling unit.

Using the above equivalency, the result gives a density of 12.45 units per acre for the Engineers Fraternity and 15.56 units per acre for the TKE Fraternity

The proposed density of either 75 or 90 units per acre is not compatible with the Neighborhood. It will create undue density and congestion along with the high student traffic which already exists in the Neighborhood. A density of 30, 50, 70 or 90 is too high to be compatible with adjacent land uses in the Neighborhood.

To safeguard residential areas in the Roosevelt Neighborhood, the UMU District was created in 2009 to allow significantly higher densities with the promise that the City would limit development in the rest of the Neighborhood, by utilizing the NDSU/Roosevelt Future Land Use Map.

## B. Green Space

The residential district standards limit building coverage to 35%. The proposed PUD assumes a 55% building coverage. This is a 57% increase in building coverage. The result is a significant loss of green space at the ground level.

The building coverage will be significantly more than what is currently in the neighborhood. The proposed development does not blend into the neighborhood.

C. Out of character with the architecture of the Roosevelt Neighborhood

The proposed building is 4-stories. Only 3-story buildings are located within a 300 foot radius of the proposed PUD. This includes the Bison Block, the NDSU Library and three fraternities – FarmHouse, Engineers and TKE.

Furthermore, there are no 4-story buildings within 500 feet in the Roosevelt residential area.

The proposed building would be next to a 1.5 story home. Even with reduced massing, a 4-story (45 feet) building next to this home is inappropriate. It should be a 3-story (35 feet) with reduced massing, i.e. a 2 or 2.5-story transition.

*The residential home adjacent to the proposed apartment building is like a midget standing next to a NBA basketball player.*

D. Out of character with the Land Uses

There is such a contrast between the proposed 75 or 90 units per acre and current density of 8.7 and 20 units per acre. It is incompatible with the current Neighborhood land uses.

**2. Variances are designed to accommodate unique physical characteristics of the land.**

L.D.C. Section 20-0914 addresses the purpose of variances. Variances are to accommodate unique physical characteristics of the land; they are not intended as a means to put the property to a more profitable use. The variance should also not have an adverse effect on the public or on neighboring property.

The proposed PUD has 6 variances: 1) Density; 2) Building Height; 3) Parking Reduction; 4) Rear Setback; 5) Front Setback; 6) Interior Setback.

The sole purpose of these variances is to ensure a more profitable use for the developer by increasing size, scale and density. The variances would cause adverse effects on neighboring property as addressed throughout this document.

**3. *The development does not support the Roosevelt/NDSU Neighborhood Plan or its goals as adopted by the City of Fargo in 2004.***

The goals of the Roosevelt/NDSU Neighborhood Plan are to:

- Stabilize the neighborhood housing stock

The demolition or removal of structures is not preserving the house stock.

- Discourage the conversion of single unit homes to multi-unit properties.

The proposed 60 or 72 rental apartment building is in stark contrast to this goal.

- Preserve the neighborhood's rich history and general quality of life

The demolition of the historic home located at 1404 12th Avenue North would be a loss for the Roosevelt Neighborhood, NDSU and the City of Fargo.

The home is currently occupied by a credit union. This was a home to C. B. Waldron, Stepan Popel, George Tibert, the Phi Kappa Sorority and other alumni.

The first occupant, George Tibert, was superintendent of Buildings at the North Dakota Agricultural College (NDAC).

NDSU's Waldron Hall was named after C. B. Waldron and his brother L.R. Waldron. C.B. Waldron was the first NDAC instructor, head of the Horticulture and Forestry Department and served as both Dean and Vice Dean of Agriculture at NDAC.

Stepan Popel, NDAC professor of French language and literature, was a chess champion. He won three Paris City Chess Championships, three Michigan State Championships. In 1957, Stepan beat Bobby Fischer (who later became the world's chess champion). He was also an eleven-time chess champion of North Dakota.

This building is at least 100 years old, having been constructed somewhere between 1912 and 1915. Purportedly, it was built from material left over from buildings at NDSU. The structure incorporates NDSU's unique architecture and materials to gracefully transition into the Roosevelt Neighborhood from NDSU.

- Support the maintenance of the Roosevelt Elementary School as a neighborhood anchor and asset.

The proposed building is targeting NDSU students as tenants. The reduction of single family housing will decrease the support of Roosevelt Elementary School.

**4. *The up-zoning is contrary to the NDSU/Roosevelt Land Use Plan adopted by the City of Fargo in 2009.***

Implementation of the NDSU/Roosevelt Future Land Use Plan began when some home properties within 300 feet of the proposed development area were down-zoned. This includes one of the lots in the proposed PUD district. This major zoning change was done in 2010.

By approving the down-zoning, the City re-affirmed its intention for the neighborhood to be Low Density Residential. Up-zoning will reverse the implementation of the Low Density Residential goal the City has for this neighborhood.

The proposed PUD violates the spirit and specific intent of the NDSU/Roosevelt Future Land Use Plan.

**5. *The development would establish a precedent contrary to the Roosevelt/NDSU Neighborhood Plan. This development would establish a pattern that can be applied to other neighborhoods such as Longfellow, Horace Mann, Hawthorne, Jefferson, and Madison-Unicorn.***

Each decision made by the Commission is not an isolated act. It forms a precedent that effectively ensures the direction of future development. Once the Commission grants a PUD for development on this site, it will be very hard for the Commission to deny the same or similar projects in the future.

This trend is not supported by the NDSU/Roosevelt Future Land Use Plan, adopted by the City in 2009. This trend will be detrimental to the Roosevelt Neighborhood as more and more residential homes would be demolished. This trend will destroy the integrity of our neighborhood.

**6. *There are no changes in conditions of the Neighborhood to warrant the requested zoning changes.***

The UMU District was created to encourage housing to support NDSU and is designated in the NDSU/Roosevelt Future Land Use Plan for that specific purpose. The UMU District is not fully redeveloped. There is also the University Avenue corridor which is east of NDSU that is not fully redeveloped.

Ongoing redevelopment in the UMU District and University Avenue corridor should keep pace with the anticipated increases in the student population. There is no need to carve out another section of the Roosevelt Neighborhood.

**7. *The development does not follow sound planning practice nor does it adhere to the Land Development Code adopted by the City of Fargo.***

A. The proposed PUD district is not consistent with sound planning practice.

1. The application proposes an extremely high density project in an area designated in the NDSU/Roosevelt Future Land Use Plan as Low Density Residential. The proposed PUD has a density of 75 or 90 units per acre adjacent to and in an area where the desired zoning would have a maximum of 8.7 units per acre. This would appear to be an example of poor planning practices.

2. Up-zoning properties which were recently down-zoned is a generally poor planning practice. The home located at 1136 14<sup>th</sup> Street was down-zoned to SR-3 in 2010.

B. The proposed PUD does not adhere to the Limited Commercial (LC) Dimensional Standards.

The LC Dimensional Standards Section 20-0502 in the City of Fargo Land Development Code states the maximum height as 35 feet if an SR District is within 300 feet of the LC District.

There are multiple SRs within 300 feet of the proposed PUD. A 4-story building does not meet this height requirement.

C. Front Set-back does not meet Land Development Code 20-0504.

“When a block is zoned in different zoning districts, the front setback requirements of the district that requires the greater setback shall apply along its entire length.”

The proposed development shows a 10 foot setback on 14th street near 12th Avenue. The entire front setback should be a 25 foot set-back to match the MR and SR standards.

D. Rear Setback proposed creates a public safety hazard.

The proposed development has a (DMU) rear setback of zero (0) feet. This is another example of poor planning practices. There is no buffer between the Barrett Street roadway and the rear lot line, thus the proposed building will be directly adjacent to the roadway. The building is likely to be damaged by vehicular collisions. This situation will create a huge liability for the City of Fargo if the building should be damaged during routine roadway maintenance, such as snow removal.

In addition, the 0 foot setback creates a dangerous alley condition with the heavy student pedestrian foot traffic.

8. ***The Roosevelt Neighborhood has already sacrificed enough land to provide housing for NDSU. The UMU District was created specifically for this purpose. Its primary goal is to provide quality housing for NDSU. The land within the boundaries of the UMU District is 28.3% of Roosevelt's total acreage.***

The Roosevelt Neighborhood sacrificed:

**28.3%** of the Roosevelt Neighborhood total acreage is within the UMU District.

**17.8%** of the total acres available for redevelopment in the Roosevelt Neighborhood are within the UMU District. (See Attachment I)

9. ***Other Areas of Concern***

A. Number of parking spaces for the number of units

The number of spaces is being underestimated. The 2.25 parking spaces should be kept for each of the 1, 2 & 3 bedroom units. (L.D.C. 20-0701 Schedule A)

Many students try to reduce their rent cost by having more roommates than allowed by city code. Moreover, the NDSU website under Residence Life states maximum occupancy for a one bedroom is 2 people and a 2 bedroom is 4 people. This implies more than 1.25 parking spaces per unit is necessary.

There is no parking allowed on 12th Avenue or on 14th Street.

B. Landscaping

The developer is requesting a reduction of the interior setback from the distance required by the Residential Protection Standards – 15 feet to 10 feet. (L.D.C. Section 20-0704). This will have an adverse effect on the adjacent property. Flooding problems will be an issue for the homeowner (1122 N 14 St) next to the proposed building.

This has happened to a homeowner (1122 College St) who is south of a large 3-story building. There is sufficient water accumulation to cause flooding at this home during a heavy rainstorm with water cascading off the 3-story building from a south wind. This home-owner had to spend \$6,000 for drain tile to keep the house dry.

Incidents of this type should not be allowed to occur and should not be at the homeowner's own expense.

Landscaping must address flooding issues for any adjacent homeowners. It is only sound design practice.

C. Building Size

The proposed building needs to be down-sized and the 14th Street setback needs to match the residential homes and fraternities in the 1100 block. The neighborhood is a low density residential designated location.

*The proposed building is like placing a semi-trailer in the "T-Lot" after removing a model T and 3 classic vehicles, then asking for feedback on architectural style, materials and color schemes. No amount of embellishments or beautifications can disguise the semi-trailer amongst the cars and pickups.*

D. Public Health, Safety and General Welfare

1. A safe surrounding is delivered with single-family homes. Neighbors know each other and keep an eye on each other's property. Any suspicious activities are reported. Huge apartment complexes do not allow one to know each other nor what is happening around them.
2. The foot traffic crossing Barrett Street will be increased with tenants going to and from their cars in the T-Lot.

With a rear setback of 0 feet, there is no buffer between buildings, pedestrians and vehicles. T-Lot parkers already use Barrett Street as a sidewalk to and from the NDSU campus.

3. Unfortunately many students do not respect private property. They already trespass on neighboring properties. Trespassers have done malicious damage as they pass through property. An increase in density will only increase the problem.

College students, with new freedoms, sometimes engage in unacceptable behaviors, including the inappropriate use of alcohol and criminal mischief in the neighborhoods that they call home.

*Please note that the above listed reasons are also reasons that the RNA does not feel that the City of Fargo Land Development Code (L.D.C) Section 20-0908 and 20-0906 is being met under the approval process for the proposed PUD District. All review criteria must be met under each of the two applications for approval. The identified criteria which the RNA feel are not being met are as follows:*

*Section 20-0908*

7. PUD Master Land-Use Plan Review Criteria (5 criteria)

- a. *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;*  
**[See Reason #1 & 2]**
- d. *The development is consistent with and implements the planning goals and objectives contained in the Area Plan, the Comprehensive Plan and other adopted policy documents;*  
**[See Reasons #3, 4 & 5]**
- e. *The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.*  
**[See Reasons #2, 7 & 9]**

and

*Section 20-0906*

F. Zoning Map Amendment Approval Criteria (4 criteria)

1. *The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;*  
**[See Reason #6]**

4. *The proposed amendment is consistent with the purpose of this Land Development Code, the applicable Growth Plan and other adopted policies of the City.*  
**[See Reasons #2, 3, 4 & 5]**

*Moreover, the Burden of Proof, Section 20-0902 has not been fulfilled. The burden is not on the City or other parties to show that the criteria have not been met. The applicant has not addressed in his application that the development conforms to all applicable review and approval criteria.*

*Section 20-0914.E.1 of the L.D.C. states that “A variance may be granted by the Board of Adjustment upon an affirmative finding that all conditions exist”. The RNA does not feel the developer has addressed or met the following criteria:*

*Section 20-0914.E.1 (5 criteria)*

- a. *The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner’s intentional actions;*  
**[See Reasons #1, 2 & 7]**
- b. *The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;*  
**[See Reason #9]**
- c. *The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;*  
**[See Reasons #1, 2, 3, 4, 5, 6, 7, 8 & 9]**
- d. *The variance desired will not adversely affect the public health, safety or general welfare.*  
**[See Reasons #7 & 9]**

IN CONCLUSION, a PUD does allow leniency in the development, but only to support the Neighborhood Plan and its goals, not to ensure a greater return to the developer or to achieve a community wide goal at the cost and sacrifice of an individual neighborhood. It cannot be used to undermine the integrity, current or future, of a neighborhood.

We are resident property owners who expect the promises and protections given by the City of Fargo to be fulfilled. We assume the City of Fargo will follow the policies and intentions found in the documents which it has adopted – *The NDSU/Roosevelt Land Use Plan and the Roosevelt/NDSU Neighborhood Plan.*

We as property owners are looking to the future. We can’t get to the future and future promises of the Plan if the City regresses and changes course in mid-stream.

We are owners, who pay taxes, who have invested in our properties and in the Neighborhood, whose future is tied to the neighborhood, and who were promised by the City that our neighborhood would develop in a certain fashion. The proposed development does not support the future vision of the Roosevelt Neighborhood.

Roosevelt Neighborhood sacrificed 17.8% of its buildable acreage to provide housing for NDSU (the UMU District). The UMU District was specifically designated for the kind of development that is being proposed for the Kirkham 2<sup>nd</sup> addition. The Neighborhood made a significant sacrifice in agreeing to the rezoning of a considerable amount of our Neighborhood with the promise that the City would enforce limited development in the remaining part of the neighborhood.

The proposed PUD violates the spirit and specific intent of the NDSU/Roosevelt Future Land Use Plan.

The Roosevelt Neighborhood does not want a development of this size, nature and intensity to dominate our friendly campus-neighborhood area.

Attachment: UMU District Percentage of Roosevelt Neighborhood

**UMU District Percentage of the Roosevelt Neighborhood**

|   | Zoning District | Acres *    | Percent * | Acres upon which buildings are or can be constructed * | 11 lots located in the UMU District are not counted as UMU | Revised Acres upon which buildings are or can be constructed |
|---|-----------------|------------|-----------|--|--|--|
| Public/Institutions<br><i>(Schools, Parks, Waterways, Land owned by other Institutions)</i> | P/I             | 282.032139 | 38.4      | 0.000000   |  |  |
| Roads, Streets, Boulevards  | (right-of-way)  | 169.071995 | 23.0      | 0.000000   |  |  |
| Agricultural  | AG              | 14.095821  | 1.9       | 14.095821  |  | 14.095821  |
| General Commercial  | GC              | 0.950506   | 0.1       | 0.950506   |  | 0.950506   |
| General Industrial  | GI              | 0.994754   | 0.1       | 0.994754   |  | 0.994754   |
| Limited Commercial  | LC              | 8.760910   | 1.2       | 8.760910   |  | 8.760910   |
| Limited Industrial  | LI              | 5.662646   | 0.8       | 5.662646   |  | 5.662646   |
| Multi-Residential   | MR-1            | 0.308197   | 0.0       | 0.308197   | <b>3 lots are MR-2</b>                                     | 0.308197   |
| "   | MR-2            | 26.080846  | 3.6       | 26.080846  | -0.482   | 25.598846  |
| "   | MR-3            | 55.626163  | 7.6       | 55.626163  |  | 55.626163  |
| Single Residential  | SR-2            | 3.038064   | 0.4       | 3.038064   | <b>8 lots are SR-3</b>                                     | 3.038064   |
| "   | SR-3            | 117.145906 | 16.0      | 117.145906   | -1.286   | 115.859906   |
| "   | SR-4            | 1.159447   | 0.2       | 1.159447   |  | 1.159447   |
| University Mixed Use  | UMU             | 48.690639  | 6.6       | 48.690639  | 1.768  | 50.458639  |
| <b>Totals</b>   |                 |            | 99.9      | 282.513899   | 0.000  | 282.513899   |

**UMU Acres available for building**      **17.86%**      [50.458639 / 282.513899]

This does not include Public or Institutional Land and Right-of-Way  
Such as waterways, parks, roadways, schools and land owned by institutions.

\* Acres and percentages obtained from the City Planning Department.  
A mapping software ESRI's Arc Maps was used to do the calculations.

**Opposition to the Proposed Planned Unit Development District on 14<sup>th</sup> Street  
(Block 14, Kirkham's 2<sup>nd</sup> Addition)**

We, the undersigned, oppose the proposed development on 14<sup>th</sup> Street. The neighborhood is a low density residential location. Any development should adhere to the NDSU-Roosevelt Future Land Use Plan and the Roosevelt-NDSU Neighborhood Plan.

| PRINT and SIGN  | Own | Rent | RESIDENT ADDRESS                   | COMMENTS  |
|---|-----|------|------------------------------------|---|
| Lowell & Rachael Disrud<br><i>Lowell Disrud</i>                 | X   |      | 1102 14 <sup>th</sup> Street North | <i>I am in full agreement with the above statement as well as the extensive reasoning being presented to you by others in our neighborhood.</i>   |
| Lowell & Rachael Disrud<br><i>Jaschael Disrud<br/>(Rachael)</i> | X   |      | 1106 14 <sup>th</sup> Street North | <i>This is an historic neighborhood. The integrity of our city from downtown to NDSU has been a commitment made by the city of Fargo. It is important to honor that commitment. The height, density and inadequate setbacks are serious concepts as all the destruction of historic structures.</i> |
| Renee & Marvin Kelley<br><i>Renee Kelley<br/>Marvin Kelley</i>  | X   |      | 1115 14 <sup>th</sup> Street North |   |

| PRINT and SIGN                    | Own | Rent | RESIDENT ADDRESS                   | COMMENTS   |
|-----------------------------------|-----|------|------------------------------------|--|
| Judy Wong                         | X   |      | 1121 14 <sup>th</sup> Street North | <p>A 4-story building does not fit nor blend into the neighborhood. There are <u>no</u> 4-story buildings within a 500 foot radius in the residential neighborhood or within a 300 foot radius of the proposed development.</p> <p>The neighborhood is <u>low density residential</u>. The future land map, neighborhood plan and down-zoning of homes were approved by the city – a promise to keep the future vision of the Roosevelt Neighborhood.</p>                                |
| Michael Shirk<br>Michael L. Shirk | X   |      | 901 11 <sup>th</sup> Ave North     | <p>The property at 1126 College Street Built by Rick Berg and managed by Goldmark Properties demonstrates that this size building does not fit the neighborhood. It has caused drainage, run off, and snow accumulation problems. It has problems with sanitation pickup. there are parking problems. Automobile traffic has taxed the infrastructure. Foot traffic has increased, and people trespass on adjoining properties, causing mischief and damage. <del>then only in</del></p> |
|                                   |     |      |                                    | <p>It Dominates the neighborhood and dwarfs the homes around it.</p> <p>I can only imagine the magnitude and quantity of issues a facility that is 6 or 7 times larger than the problem property at 1126 college street will bring.</p> <p>M/S 1-17-16</p>   |
| Mackin Berryhill                  | X   |      | 1354-12 <sup>th</sup> St N.        |  |

| PRINT and SIGN                                    | Own | Rent | RESIDENT ADDRESS              | COMMENTS  |
|---|-----|------|-------------------------------|---|
| Petronella E. Shirk<br><i>Petronella E. Shirk</i> | X   |      | 1122 Colledge St              | Too big for the neighborhood.<br>Doesn't blend in, makes it look commercial<br>not residential. Way too many cars in a<br>already burdened area of car traffic.<br>should keep the historical <del>the</del> buildings like<br>NDSU had done with some. |
| Michelle Fischer<br><i>Michelle Fischer</i>       | X   |      | 1115 14th St N                | New to Fargo + ND from<br>CA - came here to <del>be</del> safe<br>+ live in a smaller<br>neighborhood   |
| Mary Ann Schaan<br><i>Mary Ann Schaan</i>         | X   |      | 1115 Colledge St.<br>Fargo ND | This is in opposition<br>to our neighborhood<br>feel. Too large?<br>what about parking —  |
| Mike Schaan<br><i>Mee</i>                         |     | X    | 1115 Colledge St<br>Fargo     |   |

| PRINT and SIGN                                 | Own | Rent | RESIDENT ADDRESS                       | COMMENTS  |
|--|-----|------|--|---|
| (Gen)<br>Genevieve B. Eidem<br>Genevieve Eidem | X   |      | 420 6 <sup>th</sup> Ave S.             | Former owner of 1136 14 <sup>th</sup> St. N. I would not like to see this neighborhood compromised by a 92 unit apt. bldg. Hopefully this plan can be down-scaled to please both neighbors + developers !!! |
| Sandra Holbrook                                | X   |      | 4367 14 <sup>th</sup> St S<br>Fargo ND | Concerned about proposed application of UML zoning principles to area beyond UML  |
| Rose Tekaleh                                   | X   |      | 1114 14 <sup>th</sup> St N<br>Fargo    | Have issues with current design   |
| Jaret Cyr                                      |     | X    | 1341 11 <sup>th</sup> Ave. N           | May make the neighborhood too busy, the homes are too nice to fear down.  |

| PRINT and SIGN                       | Own | Rent | RESIDENT ADDRESS            | COMMENTS  |
|--------------------------------------|-----|------|-----------------------------|---|
| Tara Anaketo<br>Tara Anaketo         | X   |      | 1106 College St N           | Keep single family homes -<br>Not enough parking + too<br>many turnover renters |
| Cecilee Turmo<br>Cecilee Turmo       |     | X    | 1342 11th Ave N             | Keep single family<br>housing for Roosevelt<br>Elementary families              |
| Jeff Stout<br>JEFF STOUT             |     | X    | 1011 14th St N<br>FARGO, ND | Not enough space for<br>vehicles, and a four<br>story apartment building        |
| LyBreche Granger<br>LyBreche Granger |     | X    | 1011 14th St N<br>Fargo, ND | NOT enough space for vehicles<br>Keep single families                           |

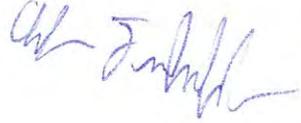
| PRINT and SIGN                          | Own | Rent | RESIDENT ADDRESS | COMMENTS  |
|---|-----|------|------------------|---|
| Harve Grange<br><i>Harve Grange</i>     |     | X    | 1011 14th St N   | To many People low density.<br>to many cars more accidents.<br>Not enough parking             |
| Brian Badger<br><i>Brian Badger</i>     |     | X    | 1011 14th St N   | low density Too many people<br>To many cars   |
| Sophie Johnson<br><i>Sophie Johnson</i> |     | X    | 1013 14th St. N. | <u>NOT</u> enough parking<br>as it is! <del>no</del><br>need to tear down historic buildings. |
| Juan Gomez<br><i>Juan Gomez</i>         |     | X    | 1951 Dakota Dr.  | low density, too many people<br>parking problem   |

| PRINT and SIGN                       | Own | Rent | RESIDENT ADDRESS                      | COMMENTS  |
|--------------------------------------|-----|------|---------------------------------------|---|
| Brandon Quick<br>Brandon<br>Zerull   |     | X    | 1105<br>College St N                  | A lot of nice houses in this neighborhood and would really ruin the "small town" feel of this neighborhood                |
| Drew Peterson<br>Drew Peterson       |     | X    | 1136 14 <sup>th</sup><br>Street North | This is a nice neighborhood and it would be a shame to see a new development in this area. These houses need to be saved! |
| Jammy Sue Nyland<br>Jammy Sue Nyland |     | X    | 1011 14 <sup>th</sup> St N            | This is a family neighborhood and a 4 story building is way to much for here  |
| Tom Fuston<br>Thomas Fuston          |     | X    | 1011 14 <sup>th</sup> St N            | This is a nice family neighborhood a 4 story building is too much for here & the houses need to be saved                  |

| PRINT and SIGN  | Own | Rent  | RESIDENT ADDRESS  | COMMENTS  |
|---|-----|---|---|---|
| <p>Seamus Williams<br/>                     Blake Sin<br/>                     W. M.<br/>                     Samuel Taylor<br/>                     Josephine Klemm</p>  |     | <p>✓</p>  | <p>1335 11<sup>th</sup> Ave N<br/>                     ↓<br/>                     1339 11<sup>th</sup> Ave N</p>                              | <p>We love the current feel of a "neighborhood". If an apartment building came in, it would ruin the "home" feel.</p>                                   |
| <p>Andrew Arnold<br/>                     Jacob Sumner<br/>                     Andrew Lindner<br/>                     Christina Bowers<br/>                     Chet Zapzalka<br/>                     Alexis VanHoutte</p> |     | <p>✓<br/>                     ✓<br/>                     ✓<br/>                     ✓<br/>                     ✓<br/>                     ✓</p> | <p>1119 14<sup>th</sup> Ave N<br/>                     "<br/>                     "<br/>                     "<br/>                     "</p> | <p>We love the current neighborhood and the houses that are being rented. It would make the neighborhood look too industrial, and would not fit in.</p> |
| <p>Ryan Longnecker<br/>                     Kyle Kniffen<br/>                     Ben Mach<br/>                     Ryan Murphy</p>   |     | <p>✓<br/>                     ✓<br/>                     ✓<br/>                     ✓</p>   | <p>1128 14<sup>th</sup> St. N<br/>                     1128 14<sup>th</sup> St. N<br/>                     1128 14<sup>th</sup> St. N</p>     | <p>This is our home<br/>                     Its a friendly and quaint neighborhood</p>   |
| <p>Sam Amoth<br/>                     Marina Kallias</p>  |     | <p>✓<br/>                     ✓</p>   | <p>1128 14<sup>th</sup> St n.<br/>                     upper<br/>                     1128 14<sup>th</sup> St N</p>                           | <p>Personalized homes are slowly dwindling, please stop forcing low income into grouped housing!</p>  |

| PRINT and SIGN                       | Own | Rent | RESIDENT ADDRESS                              | COMMENTS   |
|--------------------------------------|-----|------|---|--|
| <p>Laura Powell<br/>Laura Powell</p> |     | X    | <p>10114 St. N<br/>Fargo, ND</p>              | <p>Not enough parking<br/>at the area from family<br/>too many units to build<br/>building for family<br/>neighborhood</p> |
| <p>Terri Nelson<br/>Turner</p>       |     | X    | <p>1011 14th St N<br/>Fargo, ND</p>           | <p>not enough space<br/>or car parking<br/>to many ppl</p>   |
| <p>Kevin<br/>Schwab</p>              |     | X    | <p>1118<br/>COLLEGE ST<br/>N<br/>Fargo ND</p> | <p>To many people<br/>In Neighborhood</p>  |
| <p>AL Rostand<br/>Al Rostand</p>     |     | X    | <p>1118<br/>College St.</p>                   | <p>Too much traffic &amp; people<br/>already &amp; lack of parking</p>   |

| PRINT and SIGN                 | Own | Rent | RESIDENT ADDRESS       | COMMENTS   |
|--------------------------------|-----|------|------------------------|--|
| Phil Rene<br>Phil Rene         |     | X    | 1122 College<br>ST N.  | Keep the homes<br>and what it is.                              |
| King Frazier<br>King Frazier   |     | X    | 1100 college<br>street | I love the way it's<br>set up now. Please keep<br>it the same. |
| Jaci Witty<br>Jaci Witty       |     | X    | 1118 college<br>ST. N. | I love our neighborhood<br>the way it is! :)                   |
| Michael Sasso<br>Michael Sasso |     | ✓    | 1131 14th              | Parking  |

| PRINT and SIGN   | Own | Rent     | RESIDENT ADDRESS                                    | COMMENTS   |
|--|-----|----------|---|--|
| <p>Tyler Linty<br/> </p>      |     | <p>✓</p> | <p>1131 college st</p>                              | <p>Don't destroy NDSU history.<br/>                     It is important to so many<br/>                     to keep a GREAT legacy.<br/>                     Thank you!<br/>                     keep the small town feel!</p> |
| <p>Adam Frankenfeld<br/> </p> |     | <p>✓</p> | <p>1125<br/>                     college st</p>     | <p>I came to NDSU for<br/>                     the "small town feel"</p>   |
| <p>Tre' Dempsey</p>  |     | <p>✓</p> | <p>1109 College<br/>                     St. N.</p> | <p>Good people that don't want to<br/>                     see city and neighborhood go to<br/>                     waste.</p>   |
| <p>Kyle Martineau<br/> </p> |     | <p>✓</p> | <p>1105 college<br/>                     st N</p>   |  |

| PRINT and SIGN               | Own | Rent | RESIDENT ADDRESS                            | COMMENTS  |
|------------------------------|-----|------|---|---|
| Ryan Rogress<br>Ryan Ree     |     | X    | 1339 11th ave W<br>Fargo ND                 | Keeping the character of the neighborhood/<br>Keeping traffic down on on the street<br>and keeping parking open for current residents |
| Matt Lawler                  |     | X    | <del>1335</del> 1335 11th Ave N<br>Fargo ND | Keeping the history of the<br>houses  |
| Brenda<br>Monson             |     | X    | 1110 College<br>St. N.<br>Fargo             | Bad traffic, no parking   |
| Jeremy Gause<br>Jeremy Gause |     | X    | 1110 College<br>St. N<br>Apt 1<br>Fargo     | —   |

| PRINT and SIGN                   | Own | Rent | RESIDENT ADDRESS            | COMMENTS  |
|----------------------------------|-----|------|-----------------------------|---|
| Aren Schlusser<br>Aren Schlusser |     | X    | 1110 College St<br>apt #4   | will be a huge eye sore   |
| Josh<br>LaCroix                  |     | X    | 1112 College St.<br>Apt. 2  | Keep local businesses   |
| Michael<br>Tallefsen             |     | X    | 1114 College St N<br>Apt. 1 | Dont need more apartments   |
| Raeann<br>Malmberg               |     | X    | 1118 college<br>St N.       | living in a home is more<br>appealing.<br>+ don't need more residential<br>buildings. |

**Opposition to the Proposed Planned Unit Development District on 14th Street  
(Block 14, Kirkham's 2nd Addition)**

We, the undersigned, oppose the proposed development on 14th Street. The neighborhood is a low-density residential location. Any development should adhere to the NDSU-Roosevelt Future Land Use Plan and the Roosevelt-NDSU Neighborhood Plan.

| PRINT and SIGN                 | Own | Rent | RESIDENT ADDRESS                 | COMMENTS   |
|--------------------------------|-----|------|----------------------------------|--|
| Greg Scheel<br>Greg Scheel     | X   |      | 917 14 St. N.<br>Fargo, ND 58102 | Keep it low density  |
| Odette Scheel<br>Odette Scheel | X   |      | 917 14th St N<br>Fargo ND 58102  | This is still a family neighborhood.<br>Don't tear it down |
| Thelma Nelson                  | X   |      | 2004 N 14 <sup>th</sup> St       |  |
| Abel Lem                       | X   |      | 1001 14 <sup>th</sup> St N       |  |

| PRINT and SIGN                          | Own | Rent | RESIDENT ADDRESS                 | COMMENTS                              |
|---|-----|------|----------------------------------|---------------------------------------|
| Jeff Iller<br>Jeff Iller                |     | X    | 1110 14 <sup>th</sup> St N Fargo |                                       |
| Brendon<br>Disrud,<br>Beth Fin          |     | X    | 1102 14 <sup>th</sup> St N       |                                       |
| Alex Runhoit<br><del>Alex Runhoit</del> |     | X    | 1102 14 <sup>th</sup> St. N      | Can build, but too big at the moment. |
| Julie Ibanez<br>Julie Ibanez            |     | X    | 1102 14 <sup>th</sup> St. N      |                                       |

| PRINT and SIGN  | Own | Rent | RESIDENT ADDRESS                       | COMMENTS |
|---|-----|------|--|----------|
| Nick DeLora<br>        |     | X    | 1110 14th St. N<br>Fargo, ND<br>58102  |          |
| Kasey Lynn<br>         |     | X    | 1102 14th St. N.<br>Fargo, ND<br>58102 |          |
| Sarina Sandstrom<br> |     | X    | 1102 14th St. N<br>Fargo, ND<br>58102  |          |
| Chase M. Lock<br>    |     | X    | 1110 14th St. N.<br>Fargo, ND<br>58102 |          |

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| PRINT and SIGN                          | Own | Rent | RESIDENT ADDRESS            | COMMENTS |
|---|-----|------|-----------------------------|----------|
| Brew ABRAHAMSON<br>Brew ABRAHAMSON      |     | X    | 905 college st<br>Fargo, ND |          |
| Robert Eastman<br>Robert Eastman        |     | X    | 901 college st.             |          |
| <del>Steve Rogvet</del><br>Steve Rogvet |     | X    | 821 College St              |          |
| Eathan Gunkle<br>Eathan Gunkle          |     | X    | 815 college st              |          |

| PRINT and SIGN                              | Own | Rent | RESIDENT ADDRESS         | COMMENTS |
|---|-----|------|--------------------------|----------|
| Aaron Lockwood<br><i>AL</i>                 | X   |      | 1018 College St. N.      |          |
| PAULA PETERSEN<br><i>P.P.</i>               | X   |      | 1007 COLLEGE ST N        |          |
| Kyla Wald<br><i>Kyl Wald</i>                | X   |      | 920 College St. N        |          |
| Travis Kasowski<br><i>T.K.</i>              |     | X    | 919 college St N         |          |
| Ryan Stott<br><i>R Stott</i>                |     | X    | <del>1359</del> 10th Ave |          |
| Miranda Etienne<br><i>M Etienne</i>         |     | X    | 1331 10th Ave N          |          |
| Barb Laschewitsch<br><i>B Laschewitsch</i>  | X   |      | 1016 college St          |          |
| Jim Laschewitsch<br><i>Jim Laschewitsch</i> | X   |      | 1016 college St          |          |

| PRINT and SIGN                            | Own | Rent | RESIDENT ADDRESS                  | COMMENTS |
|---|-----|------|-----------------------------------|----------|
| Josh Smith<br><i>Josh Smith</i>           |     | X    | 1333 10 <sup>th</sup> Ave N       |          |
| Pat Schillace<br><i>Pat Schillace</i>     | X   |      | 1429 10 <sup>th</sup> St. N       |          |
| James Cherry<br><i>James Cherry</i>       |     | X    | 1001 college St<br>No. Apt. 1     |          |
| Wade Anliker<br><i>Wade Anliker</i>       |     | X    | 1011 college St N                 |          |
| Matthew Paulson<br><i>Matthew Paulson</i> |     | X    | <del>1027</del> 1027 college St N |          |
| Karl Kenner<br><i>Karl Kenner</i>         |     | X    | 1031 college St N                 |          |
| Zach Heil<br><i>Zach Heil</i>             |     | X    | 1033<br>college St                |          |
| Andrew Sechin<br><i>Andrew Sechin</i>     |     | X    | 1035 college St                   |          |

| PRINT and SIGN                         | Own | Rent | RESIDENT ADDRESS              | COMMENTS                |
|--|-----|------|-------------------------------|-------------------------|
| Kris Drexler<br>Ken Buhk               | R   |      | 1032<br>college st            | No way                  |
| Adrienne Long<br>Adrienne Long         |     | X    | 1022<br>college St.           | Stay local ☺            |
| Buy House<br>Dy & Home                 | X   |      | 1028 College St               | 4 story - NO<br>parking |
| Linda Johnson<br>Linda M. Goh          | X   |      | 1363 10 <sup>th</sup> Ave. N. |                         |
| Jim Gaschkewitsch<br>Jim Gaschkewitsch | X   |      | 1015 14 <sup>th</sup> St N    |                         |
| Kenneth ELFSTRUM<br>Kenneth Elfstrum   | X   |      | 1173-11 <sup>th</sup> Ave N   |                         |
| Barb Laschewitsch<br>Barb Laschewitsch | X   |      | 1015 14 <sup>th</sup> St N    |                         |
|  |     |      |                               |                         |

| PRINT and SIGN | Own | Rent | RESIDENT ADDRESS                              | COMMENTS |
|----------------|-----|------|---|----------|
| Justin Kasper  | /   |      | 1565 10 <sup>th</sup> AVE N<br>Fargo ND 58102 |          |
|                |     |      |   |          |
|                |     |      |   |          |
|                |     |      |   |          |

**Opposition to the Proposed Planned Unit Development District on 14th Street  
(Block 14, Kirkham's 2nd Addition)**

We, the undersigned, oppose the proposed development on 14th Street. The neighborhood is a low-density residential location. Any development should adhere to the NDSU-Roosevelt Future Land Use Plan and the Roosevelt-NDSU Neighborhood Plan.

| PRINT and SIGN                     | Own               | Rent | RESIDENT ADDRESS                 | COMMENTS |
|------------------------------------|-------------------|------|----------------------------------|----------|
| Les Herbranson<br>Les Herbranson   | X                 |      | 1042-14th ST N                   |          |
| Barb Herbranson<br>Barb Herbranson | X                 |      | 1042-14 <sup>th</sup> St. N.     |          |
| Renee J. Nelson<br>Renee J. Nelson | <del>X</del><br>X |      | 1033 14th St, N<br>Fargo, N. Dak |          |
| ORVILLE NELSON<br>Orville Nelson   | X                 |      | 1033 - 14 St. N<br>Fargo - ND    |          |

Witnessed by Les & Barb Herbranson

Jury, 2016  
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| PRINT and SIGN     | Own | Rent | RESIDENT ADDRESS                         | COMMENTS |
|--------------------|-----|------|--|----------|
| Mike Nelson        |     |      | 1033 14th St N                           |          |
| MIKE NELSON        |     |      | 1033 14th St N                           |          |
| Ava Dalbol         |     |      |  |          |
| Ava Dalbol         | X   |      | 1028 14th St N                           |          |
| Adam Almeida       |     | ✓    |  |          |
| Adam Almeida       |     |      | 1036 14th St. N.<br>Fargo, N.D. 58102    |          |
| Jeanette Rodriguez |     |      |  |          |
| Jeanette Rodriguez |     | ✓    | 1036 14th St. N.<br>Fargo, N.D.<br>58102 |          |

Witnessed by Les & Barb Herbranson

J.      y, 2016  
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| PRINT and SIGN                   | Own | Rent | RESIDENT ADDRESS                      | COMMENTS |
|----------------------------------|-----|------|---------------------------------------|----------|
| Juan Rodriguez<br>Juan Rodriguez |     | X    | 1036 14th St<br>N Fargo ND<br>58102   |          |
| Amy Carey<br>Amy Carey           | X   |      | 1037-14th St. N<br>Fargo<br>58102     |          |
| DONALD R. CAREY<br>D RY          | X   |      | 1037 14TH ST. N<br>FARGO, ND<br>58102 |          |
| Dan Blomberg<br>Dan Blomberg     |     | X    | 1006 14th St N<br>Fargo ND            |          |

Witnessed by Les + Barb Herbranson

J      y, 2016

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| PRINT and SIGN   | Own | Rent | RESIDENT ADDRESS                              | COMMENTS |
|--|-----|------|---|----------|
| Gwenneth Rittgers<br>G. Paulette Rittgers              |     | ✓    | 1016 14th St N<br>Apt 5<br>Fargo, ND<br>58102 |          |
| Edward Onwan<br>Edward Onwan                           |     | ✓    | 1016 14th St. N.<br>Apt. 2<br>Fargo, ND 58102 |          |
| Catherine Chilton-Werner<br>Catherine Chilton-Werner ✓ |     |      | 1030 14th St N<br>Fargo ND 58102              |          |
| Josanne M Werner<br>Josanne M Werner ✓                 |     |      | 1030 14th St N<br>Fargo ND 58102              |          |

Witnessed by Les + Barb Herbranson

J. [ ] y, 2016  
Pa. 26  
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| PRINT and SIGN                        | Own | Rent | RESIDENT ADDRESS         | COMMENTS |
|---------------------------------------|-----|------|--------------------------|----------|
| ROBERT DALBOL<br><i>Robert Dalbol</i> | X   |      | 1028 14 <sup>TH</sup> ST |          |
|                                       |     |      |                          |          |
|                                       |     |      |                          |          |
|                                       |     |      |                          |          |

1016 College Street  
Fargo, ND 58102  
January 24, 2016

City Planning Commission  
200 3rd St. N.  
Fargo, ND 58102

Dear Sir, or Ma'am,

We were recently made aware of an application in the Roosevelt Neighborhood in Kirkham's 2<sup>nd</sup> Addition to remove several houses in order to build an extremely large apartment building. We are residents that live less than a block away from this proposed development. We've enjoyed a healthy mix of university staff and faculty, students, and people from all walks of life in a walkable family-friendly neighborhood. We just feel that this proposed building is really destructive to the area that adds so much to the quality of life in Fargo. This type of ultra-high density living arrangement is detrimental to the fabric of a neighborhood, especially in an area that is zoned and planned for residential living. It goes against city land development and zoning codes.

We have heard it said many times by city officials that the lack of affordable single family housing is one of the biggest problems that Fargo faces. Yet this proposal removes exactly this type of housing in favor of high density. It is frustrating that this proposal really doesn't follow proper setbacks, building heights, acceptable density, or the character of our neighborhood. Traffic, parking, and safety are certainly significant concerns of ours. It seems apparent that the reason that the developer wants all these variances from the neighborhood zoning and character is to make sure that they have a more profitable outcome, at the expense of all the neighbors. While beneficial to a developer, is not beneficial to our City.

The whole process involved in getting a development such as this approved, seems to be an extremely aggressive and unfair process. It is geared toward taking advantage of inexperienced and unorganized neighborhood residents, to the advantage of the developer who brings lawyers, architects, builders and consultants. We as neighbors were given only ten days' notice that a public open house was being held. Further, we discovered that the Planning Commission vote was only ten days after the public open house. Three weeks to destroy a century old neighborhood is completely unfair.

It was very interesting to learn as we walked the neighborhood and talked to folks this past week that NDSU students don't want to live in these high-density buildings either. The high rents, clustered living, and lack of parking are not what they are seeking. They want peaceful, hometown neighborhood living that we've enjoyed for nearly three decades, and that they likely enjoyed in their own hometowns.

We feel like we need to remind you that just over six years ago, our neighborhood participated reluctantly in the creation of the University Mixed Use District. It was promised that this would alleviate the development pressure on the rest of the neighborhood, if we would go along with signing over sixteen square blocks of our neighborhood to high density university housing. This area was only supposed to be west of Johnson Park. Now only a few years later, we are seeing the same type of proposal on our neighborhood by developers that pressure neighbors to sell their properties so that they can put in more high density housing in an area where it was not supposed to be allowed.

Fargo will lose if you approve this proposal. This project does not help our community and will set an extremely poor precedent that will ultimately destroy a great neighborhood. It also opens up this kind of development to other neighborhoods. We urge you to vote against this as it shows disregard of zoning, neighbor property rights, and the character and quality of life in this neighborhood.

Sincerely,

Handwritten signatures of Jim and Barb Laschkewitsch in blue ink. The signature for Jim is on top and Barb is below it.

Jim and Barb Laschkewitsch

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

Planning Commission  
 City of Fargo  
 200 3rd St. N.  
 Fargo, ND 58102

January 25, 2016

Dear Members of the Planning Commission:

We are opposed to the proposed development at Block 14, Kirkham's Second Addition. The development is not meant for this neighborhood. It is more appropriate for the University Mixed-Use (UMU) District. The UMU District is an area sacrificed by the Roosevelt Neighborhood Association solely for the purpose of providing housing for NDSU students. The UMU District has limited residential protection standards. However, with the rest of the neighborhood, the residential protection standards do apply and need to be addressed by the developer.

Below is a table which expresses our concern that the development variances are not blending into the neighborhood and more appropriate for the UMU District.

| Developer Proposes:   | Neighborhood Statics / Comments:  |
|---|---|
| <p><b>UMU Density</b><br/>           90 units per acre <i>(per developer's memo)</i><br/>           75 units per acre <i>(per floor Plan)</i></p> | <p><b>Low Density</b>            8.7 units per acre<br/> <b>Medium Density</b>        20 units per acre <i>(MR-2)</i></p> <p>A development having a density of 30, 40, 50, 60 or 70 is out of character with the neighborhood.</p> <p>To the west of the development is the Bison Block. The Block is in the UMU District with a density of 30 units per acre.</p> <p>To the east of the development (fraternities – Engineers &amp; TKE) with a density of 12.5 and 15.5 units per acre.</p> |

|   |  |
|---|--|
| <p><b>UMU Residential Parking Reduction</b><br/>1.25 parking space per unit</p>   | <p><b>SRs/MRs</b><br/>2.25 parking space</p> <p>The 2.25 parking space should be kept. The developer can work with the T-Lot to obtain the necessary off-site parking.</p> <p>Many students will have more roommates than allowed by city code. The NDSU website under Residence Life states <u>maximum occupancy for a one bedroom is 2 people and a 2 bedroom is 4 people</u>. Clearly, 1.25 parking spaces per unit is not enough.</p>  |
| <p><b>UMU Height</b>      60 feet<br/>Developer proposes 45 feet as in MR-2</p> <p>Developer's memorandum states it will be a 3-story building, <u>but</u> the floor plan shows a 4-story building.</p> | <p><b>SRs/MR-1 Height</b>      35 feet<br/><b>MR-2 Height</b>      45 feet</p> <p>MR-2 allows for 45 feet, but "the development will be characterized by <u>1 to 3 story buildings</u>" (<i>L.D.C. Section 20-0205</i>). The 45 feet allows for garden level apartments plus 3 more stories.</p> <p>There are <u>no 4-story buildings within a 300 feet</u> radius of the proposed development. The following large buildings near the development are <u>all 3-story or less</u>: Bison Block (<i>which is in the UMU District</i>), NDSU Library, Burgum Hall, Engineer Fraternity, TKE Fraternity, FarmHouse Fraternity.</p> <p>This is out of character with the Neighborhood.</p> |
| <p><b>DMU Rear Setback</b><br/>0 foot from Barrett Street</p> <p><i>Limited Commercial is a 15 feet setback</i></p>   | <p><b>Rear Setback</b></p> <p><b>SRs</b>      15 feet<br/><b>MRs</b>      20 Feet</p> <p>0 foot setback creates a safety hazard.</p> <p>There is no buffer between pedestrians and vehicles.</p> <p>T-Lot parkers already use Barrett Street as a sidewalk to and from attending classes at NDSU.</p> <p>The city can be held liable for damaging the building during snow removal.</p>  |

|   |  |
|---|--|
| <p><b>14<sup>th</sup> Street Front Setback</b></p> <p>Developer does not show the distance from the building to the lot line, except for the 2 lots of the Credit Union (Commercial Component) – 10 feet front setback</p> <p><i>L.D.C. Section 20-0504 states that any block with different zoning districts, the maximum depth of the front setbacks will be applied to the entire length of the block.</i></p> <p><i>Currently, the zoning is SR-3 &amp; MR-2 which have a setback of 25 feet.</i></p> | <p><b>14<sup>th</sup> Street Front Setback</b><br/> <b>SRs/MRs</b>                      25 feet</p> <p>The Commercial Component setback should remain at 25 feet. When the zoning was first changed to Limited Commercial in 2009, the Roosevelt Neighborhood had no objections as the setback remained 25 feet.</p> <p>Developer states “Residential Component setback farther than 10 feet minimum”. This statement could mean anything between 10 feet to 25 feet. This is not specific and <u>must be designated as 25 feet.</u></p> <p>The building’s 14<sup>th</sup> Street Front Setback should match the 25 foot setback of the neighboring homes.</p> |
| <p><b>Interior Setback</b></p> <p>Developer wants a reduction from 15 feet to 10 feet.</p>  | <p><b>Interior Setback – House to the South of Development</b></p> <p>Flooding problems will be an issue for the homeowner next to the proposed 4-story building.</p> <p>This has happened to a homeowner at 1122 College St who is south of a large 3-story building. <u>The 10 feet setback is not enough.</u></p> <p>Building design which creates flooding for adjacent property should be addressed by building code, building design and landscaping. The flooding should not be left for the homeowner to address after the development is completed.</p> <p>Residential Protection Standards are to protect the adjacent homeowners.</p>               |
| <p><b>Building Coverage</b>    Percentage of building to the land<br/> <b>Limited Commercial</b>                      55%</p>   | <p><b>Building Coverage</b>    Percentage of building to the land<br/> <b>SRs/MRs</b>    35%</p> <p>This is a 57% increase in building coverage.</p> <p>The building will cover 55% of the land which is out of character with the neighborhood.</p> <p>The result is a significant loss of <u>green space</u> at the ground level.</p>  |

|  |   |
|--|---|
| <p><b>Demolition of:</b><br/>First Community Credit Union (1404)</p> | <p><b>Historic Building</b><br/>100+ years old home with ties to NDSU. Purportedly built with bricks left over from NDAC.</p> <p>Many alumni have lived in the home including C.B. Waldron. Waldron Hall on NDSU campus is named after him.</p> <p><i>Please note:</i><br/>1128 N 14 St was the home of John Oakey, Fargo Commissioner.<br/>1136 N 14 St was the home of Orv Eidem, NDSU marching band director.</p> <p>Old and historic neighborhoods disappear one and two homes at a time. Once gone, they are gone forever.</p> |
|--|---|

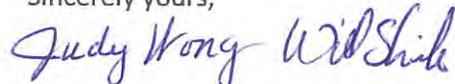
In gathering the petitions, it provided an insight that not all students prefer apartment living. Many students who are renters commented that they prefer living in houses. The houses provide a friendlier small town neighborhood environment. In addition, these student renters do not like the idea of destroying homes with historical value, especially when they have ties to NDSU. They also commented the same concerns of the homeowners regarding such a huge 4-story apartment complex which would dominate the neighborhood, the increase of parking problems and congestion with the 72 rentals.

Variations are not intended as a means to put the property into a more profitable use (*L.D.C Section 20-0914*). They are designed to accommodate unique physical characteristics of the land. It was obvious the developer's purpose was to create a greater return after the developer's presentation at the January 21<sup>st</sup> open house. The audience was allowed to ask questions and hear the developer's response. The question asked was why it was necessary to have a 4<sup>th</sup> story on the building, to which Mr. Alsop stated that it was for economic reasons.

A planned unit development does allow leniency in a development, but only to support the Neighborhood Plan and its goals, not to ensure a greater return to the developer or to achieve a community wide goal at the cost and sacrifice of an individual neighborhood.

By adopting the Roosevelt/NDSU Neighborhood Plan and NDSU Roosevelt Future Land Use Plan, the City promised that our neighborhood would develop in a certain manner. The proposed development does not support the goals of either plan. The development violates both the spirit and intent of these documents.

We worked hard with the Roosevelt Neighborhood Association to help create the NDSU/Roosevelt Future Land Use Plan and Neighborhood Plan. The plans adopted by the City of Fargo are a guide to the future of this neighborhood. We cannot get to the future goals if the City changes course in mid-stream. We expect our City leaders to fulfil the promises that are contained in these documents.

Sincerely yours,  
  
 Judy Wong                      Will Shirk

# Comment Sheet

Neighborhood Meeting - January 21, 2016

## Contact Information

Please Print

Property Owner Name: PETRONELLA SHIRK

Address of Property: 1122 College St No Fargo N.D 58102

Mailing Address (if different than above) \_\_\_\_\_

Phone Number: 701-232-8454

Email: \_\_\_\_\_

Comments: *the credit union building is historically tied to NDSU. It was built & lived in by one of the professors. The architecture is something to keep.*  
I have lived in my home since 1955. This was an area of family homes and close to schools. NDSU had about 2000 students. I have seen lots of change but the idea of a 4 story, 72 unit apartment building makes no sense. Being a one bedroom does not guarantee only one person will occupy the unit and live on the lease. Why should this huge building not be required to have 2 parking spots per 1 bed unit. They could lower the height but that would bring in less income and they want more to more rapidly pay off the mortgage. That amount of cars will do some alley parking and to prevent a ticket we will park with an old ticket. I found this situation and called the police. Oh yes they will park right in front of your garage door and you can't get out. They will park anywhere. If NDSU lets them use "T" lot for apartment cars, where are the students who would have parked in "T" lot go? Our streets are so full of cars, the students think nothing of parking beside the fire hydrant. 4 stories is way too high next to a home. The snow blows over and drops on the property next door and a hard S. wind and rain will hit the side of the 4 plex, run down and it can't soak into the ground that fast, where will it go when the ground is soaked will it seep into the neighbors basement? Yes! I know because a 3 story rental side was built beside me. It has been costly \$6500.00 outside the bedroom in the basement can't be restored and used until I'm sure the water will no longer seep in. I have 2 sump pumps on that side that go constantly out to beyond the front of the house, my house and the 10 plex are 21 feet apart. I have never had this problem on the south side of my house, we do not need a high density building in our neighborhood.

P. E. Shirk

January 27, 2016

Dear Fargo Planning Commission

I am writing this concerning the proposed building of an apartment on 14<sup>th</sup> street north, south of 12<sup>th</sup> avenue. We live at the south end of that same block at 1106 14<sup>th</sup> street north. I feel that the proposed building is inappropriate for our neighborhood and am strongly opposed to it, as it is planned, for the following reasons.

1. The proposed height of the building (45 feet) is significantly higher than any other building in the vicinity thus not fitting into the neighborhood of primarily single family homes.
2. The size of the building leaves very little green space in this part of the neighborhood.
3. The concentration of students that will be housed in this complex will significantly increase congestion of both foot and vehicle traffic at the already busy intersection of 12<sup>th</sup> avenue and Albrecht Drive.
4. Adequate parking will not be provided on the property.
5. Since the development of large apartment complexes to the west (T Lofts) we have seen a significant increase in students walking into the neighborhood from these apartments looking for places to party. This in turn results in problems with loud parties, vandalism, and other undesirable activities associated with young people consuming alcohol. Another large concentration of young people living in our neighborhood will significantly increase these problems.

A few years ago the area west of here, 15<sup>th</sup> street and west, was zoned for high density residences and 14<sup>th</sup> street and east was zoned low density. That decision came after serious deliberation and input from many concerned citizens. There are many reasons that this area should remain primarily single family homes and lower density rental properties.

Sincerely

A handwritten signature in black ink, appearing to read "Lowell Disrud". The signature is written in a cursive, flowing style.

Lowell Disrud

# Roosevelt Neighborhood Meeting

1/21/2016

**Please Print** Your Name and Address on This Sheet:

| NAME                 | ADDRESS                     | PHONE NUMBER   |
|----------------------|-----------------------------|----------------|
| Pamella Shirk        | 1122 College St N,          | 701-832-8454   |
| Judy Wong            | 1121 N 14 St                | (701) 232-4883 |
| Will Shirk           | 1121 14 St N                | 232-4883       |
| Barb Herbranson      | 1042-14 St. N.              | 280-0971       |
| Les Herbranson       | 1042-14 St. N.              | 280-0971       |
| Michael Wood         | 1106 N. 14 <sup>th</sup> St | 293-1505       |
| A. Weiland           | 1202 9 <sup>th</sup> St S   | 297-5109       |
| Gen Eidem            | 420 6 <sup>th</sup> Ave S.  | 237-3299       |
| Lowell P. srud       | 1106 145 <sup>th</sup> N    | 238-5249       |
| Nim Laschewitz       | 1016 College St             | 280-9188       |
| Martha Berryhill     | 1354-12 St U                | 701-235-9165   |
| Deborah Frederickson | 823-8 <sup>th</sup> St S    | 701-235-4112   |
| Helen O'Connor       | 803-10th Ave. N.            | 701-793-4359   |
| Sonathan P. kalek    | 2807 Longfellow Rd N        | 701-866-3751   |
| Rose Kalek           | 1114 14 <sup>th</sup> St N  | 701-239-4813   |

SIGN IN SHEET

1/21/2016

**Please Print** Your Name and Address on This Sheet:

**NAME**

**ADDRESS**

**PHONE NUMBER**

Cheryl Lynn Fauser | 814 Kennedy Ct N, Fargo | 701-293-5054

Carol A Stensgaard | 814 = 10<sup>th</sup> Ave. No Fargo | 701-799-2154

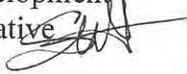
Mark Smith | 814 Kennedy Ct N, Fargo | 701-293-5054

Ken Erickson | 1202 8<sup>th</sup> St N Fargo | 701-235-5133

Rose Tiskaleh | 1114 14<sup>th</sup> St N Fargo | 701-239-4813

SIGN IN SHEET



Date: December 21, 2015  
Project: APM LLLP mixed use redevelopment PUD 1128, 1132, 1136 14<sup>th</sup> Street North, and 1404 12<sup>th</sup> Avenue North, Fargo, ND 58102  
To: City of Fargo, Planning and Development  
From: Steve Iverson, owner's representative   
Owner: APM LLLP (Jay Alsop)  
3130 Fiechtner Drive  
Fargo, ND 58103  
[jay@liveapm.com](mailto:jay@liveapm.com)

The aforementioned properties were recently all brought under control of the above listed owner. The properties located at 1128 and 1132 14<sup>th</sup> Street are currently zoned MR-2 and are occupied by renters, as is the property located at 1136 14<sup>th</sup> Street which is zoned SR-3. The property located at 1404 12<sup>th</sup> Avenue North is currently zoned LC and is the home to First Community Credit Union (FCCU).

The existing sites together are 250' wide x 140' deep – 35,000 square feet. The proposed project seeks to assemble the four parcels into one and rezone it LC with a PUD supporting a mixed use project. The project will contain the new First Community Credit Union along with up to 72 apartment units aimed at graduate students and NDSU employees. A parking agreement is being worked through with NDSU's T Lot to provide parking spaces beyond those provided at grade for the bank and those in the underground facility beneath the residential component of the project.

The owner's intentions are to relocate two of the three movable residential structures elsewhere in the Roosevelt neighborhood, raze the one that is not movable, and also raze the FCCU structure and ultimately provide a new space for them as the retail anchor component to a four story mixed use project on the four properties.

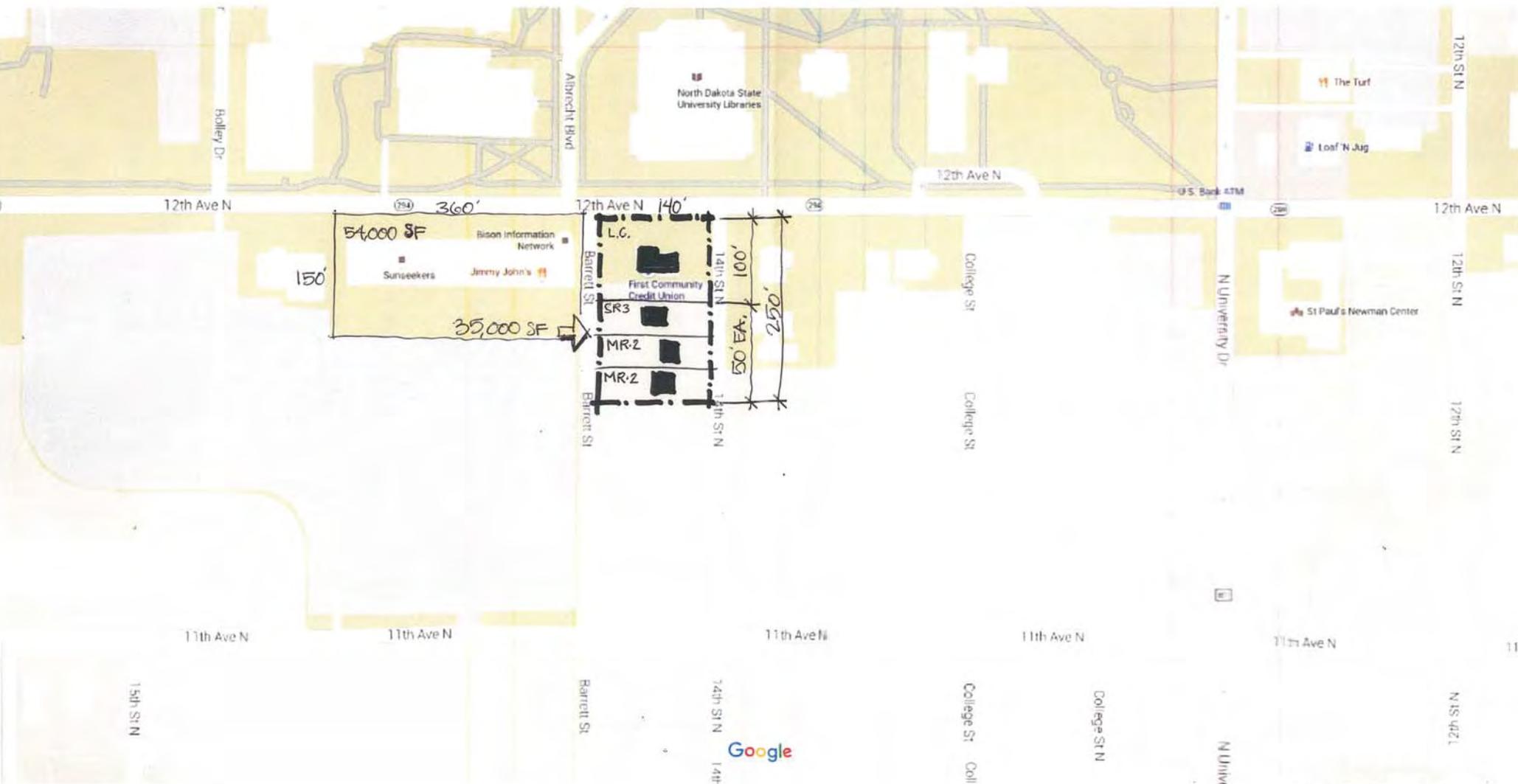
The owner and his architect have met with various leaders of the Roosevelt Neighborhood Association. Although the owner acknowledges the RNA will never fully support the project as conceived, he still genuinely sought their input on the style of the structure, building materials and colors to ensure the project is compatible as possible with the adjacent neighborhood.

Project/parking details follow:

- 72 dwelling units including 18 studios, 40 1 BR, and 14 2/3 BR units requiring 1.25 spaces per unit applying the UMU residential parking reduction outlined in Ss. 20-0701.4.b. Parking reductions are allowed with a PUD and this application seeks to apply UMU rules as part of the PUD. The project residential component will thus require 90 spaces.



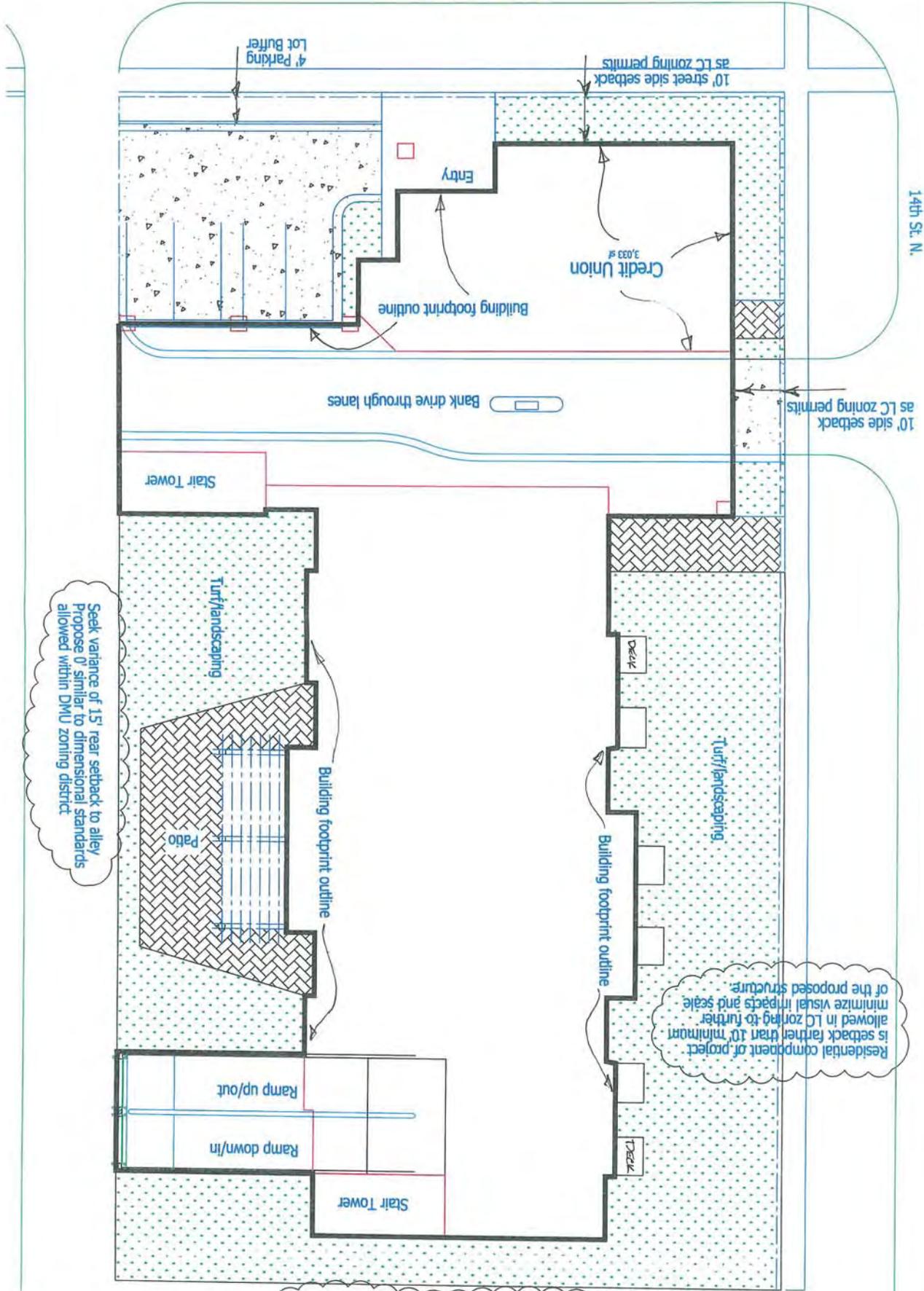
- 3,000 SF GFA of branch bank office space requiring 1 space per 250 SF. Bank component will thus require 12 spaces.
- The project therefore requires 102 spaces as presented. The drawings included in the application package provide 72 in the underground parking garage and an additional 4 at grade. The owner of the project is working with NDSU to secure an additional 30-40 at grade spaces in the T-Lot adjacent the westerly property line of the subject property.
- If this project were to come in as a straight MR zoned property, it would require 22.5 spaces for the 18 studios and 121.5 more for the 54 1,2, and 3 bedroom units – 143 total. The bank space requires an additional 12 spaces for a total of 155 if this mixed use project were to be permitted through traditional zoning and/or conditional use permit mechanisms. As noted previously, the project will provide at least 102 with a cooperative parking agreement with NDSU's T-Lot immediately adjacent the project. Therefore the PUD seeks to reduce parking by 43 spaces.
- Residential protection standards for height allowances will be honored, with the average height of the structure not exceeding 35' within 75' of the SR-3 lot to the south, nor will it exceed 45' (allowable in MR-2 zoning that two properties currently are) 76' and beyond from the SR-3 zoned lot at 1124 14<sup>th</sup> Street. However as the PUD seeks to rezone all five properties to LC as the underlying zoning district to accommodate mixed use, the PUD also seeks a variance of the 35' height allowance of LC to allow up to 45'.
- The project seeks variances of two setbacks. One is the 15' setback required from the south property line to meet residential protection standards. The project seeks a 10' setback. Second is the rear yard setback abutting the alley on the westerly property line. LC zoning requires a 15' setback and depending on the design of the ramp in/out of the underground parking garage, the project may need 0'. The actual setback will be set at final plan approval, but until full design for construction is complete it would be beneficial to consider 0' being approved. This would be similar to a DMU project, which requires no setbacks.



# First Community Credit Union & Apartment Building PUD Master Land Use Plan

12th Avenue North

14th St. N.



Seek variance of 15' rear setback to alley. Propose 0' similar to dimensional standards allowed within DMU zoning district.

Residential component of project is setback farther than 10' minimum allowed in LC zoning to further minimize visual impacts and scale of the proposed structure.

Seek variance of 15' residential protection side setback 10' proposed. Straight LC zoning allows 5'

1/21/2016

1439 ND-294 - Google Maps

Google Maps 1439 ND-294



Image capture: Oct 2013 © 2016 Google

Fargo, North Dakota  
Street View - Oct 2013







1/21/2016

1126 14th St N - Google Maps

1126 14th St N

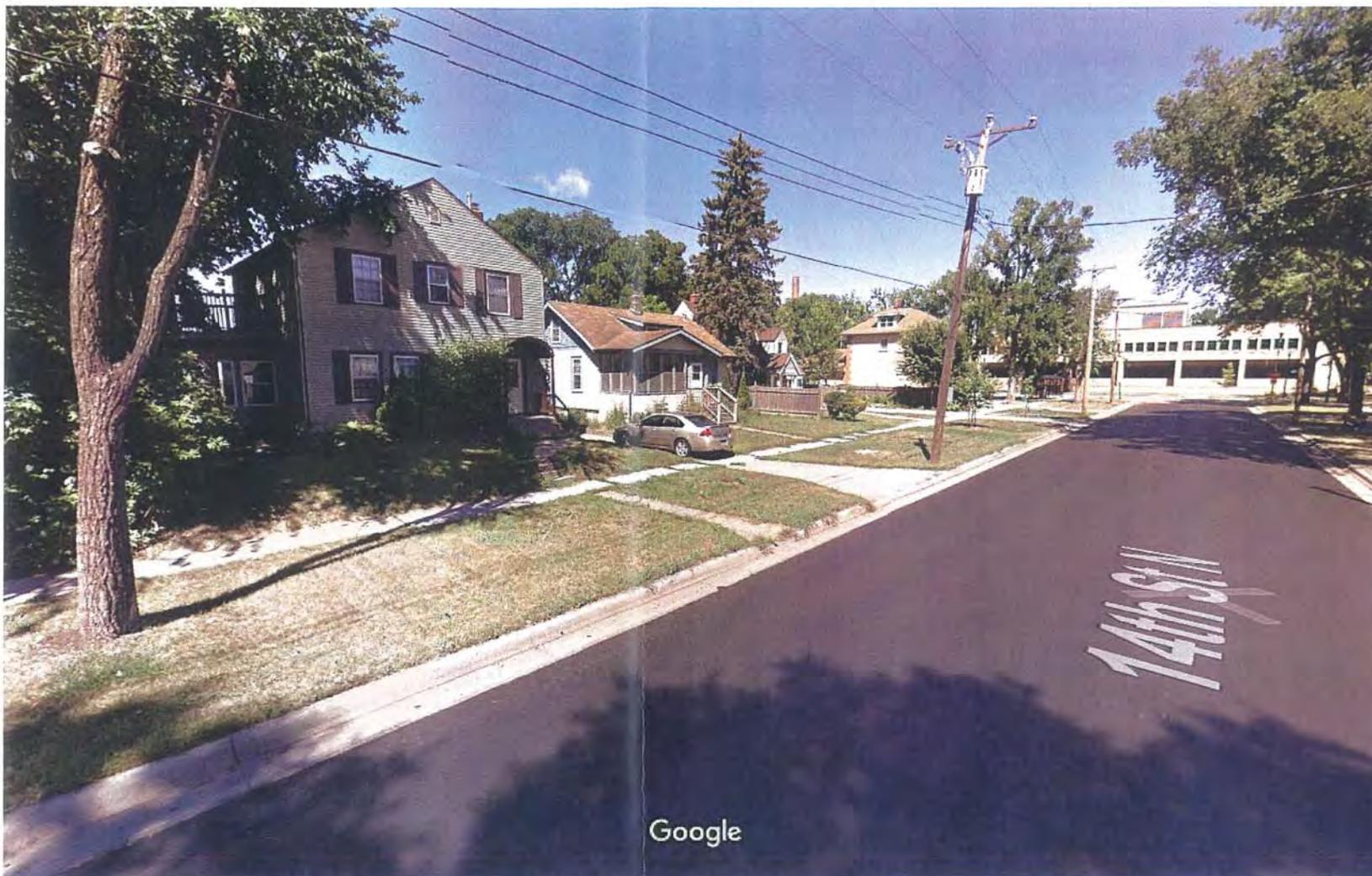


Image capture: Aug 2013 © 2016 Google

Fargo, North Dakota  
Street View - Aug 2013



| <b>City of Fargo<br/>Staff Report</b> |  |                       |              |
|---------------------------------------|--|-----------------------|--------------|
| <b>Title:</b>                         | Urban Plains Northeast Retail 3rd Addition   | <b>Date:</b>          | 2/28/18      |
| <b>Location:</b>                      | 2720, 2740, 2760, and 2780 47th Street South, 4680 28th Avenue South, and 2911 45th Street South   | <b>Staff Contact:</b> | Kylie Bagley |
| <b>Legal Description:</b>             | A portion of Lots 3 and 4, Block 1, Urban Pains Northeast Retail Addition  |                       |              |
| <b>Owner(s)/Applicant:</b>            | Urban Plains Land Co., LLC/Clay Dietrich   | <b>Engineer:</b>      | Mead & Hunt  |
| <b>Entitlements Requested:</b>        | <b>Conditional Use Permit</b> to allow household living within the LC, Limited Commercial, Zoning District and a <b>Minor Subdivision</b> (Replat a portion of Lots 3 and 4, Block 1, Urban Pains Northeast Retail Addition to the City of Fargo, Cass County, North Dakota) |                       |              |
| <b>Status:</b>                        | Planning Commission Public Hearing: March 6, 2018  |                       |              |

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

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

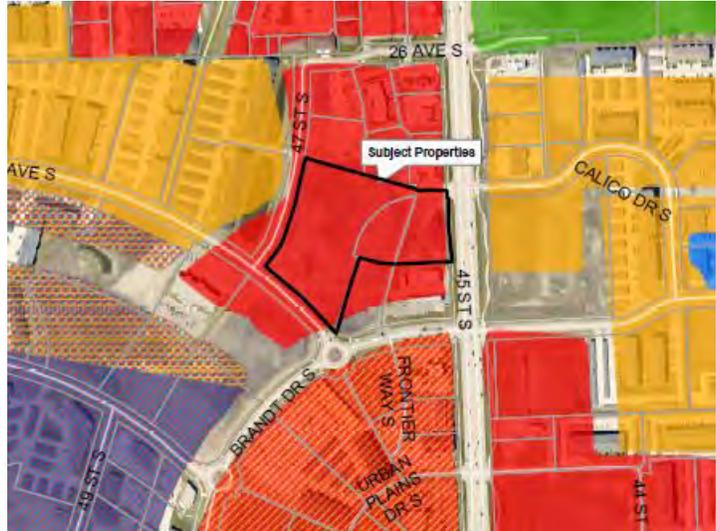
| <b>Proposal:</b>  |
|---|
| <p>The applicant is requesting a Conditional Use Permit to allow household living within the LC, Limited Commercial, Zoning District and a Minor Subdivision, entitled <b>Urban Plains Northeast Retail 3<sup>rd</sup> Addition</b>. The minor subdivision will replat a portion of Lots 3 and 4, Block 1, Urban Plains Northeast Retail Addition, and are located at 2720, 2740, 2760, and 2780 47th Street South, 4680 28th Avenue South, and 2911 45th Street South. The subject property encompasses approximately 8.74 acres. According to the applicant, the purpose of the CUP is to allow for the construction of an apartment complex on the subject property on the propose Lot 1, Block 1 Urban Plains Northeast Retail 3<sup>rd</sup> Addition.</p> <p>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.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: LC, Limited Commercial with office and vacant land uses</li> <li>• East: Across 45<sup>th</sup> Street South; LC, Limited Commercial with vacant land use</li> <li>• South: Adjacent to the subject properties, across Brandt Drive South, and across 28th Avenue South; LC, Limited Commercial with office, retail sales and service, financial services, vacant land, and household living, multi-dwelling structure</li> <li>• West: Across 47th Street South and 28th Avenue South; LC, Limited Commercial with office and</li> </ul> |

household living, multi-dwelling structure use

**Area Plans:**

The subject properties are located within the bounds of the 2003 Southwest Future Land Use Plan. This plan identifies “Commercial” use as preferred land uses for this area.

|  |
|--|
| ■ Commercial                                       |
| ■ Commercial or Medium/High Density                |
| ■ Commercial or Medium/High or Park/Open Space     |
| ■ Commercial or Park/Open Space                    |
| ■ Either Industrial or Commercial                  |
| ■ Either Office or Commercial                      |
| ■ Either Office or Medium/High Density Residential |
| ■ Industrial                                       |
| ■ Low/Medium Density Residential                   |
| ■ Low/Medium Density or Medium/High Density        |
| ■ Medium/High Density Residential                  |
| ■ Medium/High Density or Park/Open Space           |
| ■ Office   |
| ■ Office or Commercial or Medium/High Density      |
| ■ Park/Open Space                                  |
| ■ Public   |
| ■ Public or Commercial                             |
| ■ Public or Low/Medium Density                     |
| ■ Public or Office                                 |
| ■ Storm Water                                      |



**Schools and Parks:**

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

**Neighborhood:** The subject properties are located in the Urban Plains Neighborhood.

**Parks:** Anderson Softball Complex (2424 45th Street S) is located approximately 750 feet northeast of the subject property and offers the amenities of baseball/softball fields, concessions, picnic tables, playground, restrooms, and shelter.

**Pedestrian / Bicycle:** There are off-street bike facilities located along 45th Street South, Brandt Drive South, and 28th Avenue South. All facilities are components 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:

- **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**  
The purpose of the LDC is to implement Fargo’s Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP is intended to allow for high density residential land use within the Urban Plains development, which is intended to be a mixed-use, walkable center. The proposed CUP would allow for both residential and commercial development of this property. 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)**

- Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff suggests that this proposed conditional use permit to allow for residential dwellings to be located within this area will contribute to and promote the welfare of the public. The proximity of the subject property to existing businesses, jobs, and amenities provides an opportunity for residents to live and work within close proximity, reducing the need to commute via automobile. Staff finds that the proposed conditional use permit at this location will contribute to and promote the welfare of the public.  
**(Criteria Satisfied)**
- 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 and Alternative Access Plan were sent out to property owners within 300 feet of the subject property. To date, staff has received no protest regarding the proposed use.  
**(Criteria Satisfied)**
- Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

Staff suggests that the proposed conditional use permit to allow household living should not dominate the immediate neighborhood or prevent any other sites from being used due to the fact that 1) there are existing residential land uses within the Urban Plains area and 2) the proposed conditions of the CUP seek to preserve open space and to provide for efficient connectivity for both people and vehicles in relation to surrounding properties. Based on this information, staff finds that the proposed conditional use permit meets this criterion.  
**(Criteria Satisfied)**
- Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**

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

The subject property has vehicular access to 28<sup>th</sup> Avenue South and 47<sup>th</sup> Street South. There is also underutilized capacity for on-street parking on these adjacent streets. Additionally, the proposed mix of commercial and residential uses reduces the dependency on vehicular transportation for residents of the development. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.  
**(Criteria Satisfied)**

Recommended Conditions:

- The maximum residential density shall be that of the MR-3 zoning district (24 units per acre).
- A minimum of 35% of the lot shall remain as open space.
- Parking lot approaches must be spaced at least 100 feet away from the roundabouts located on Brandt

Drive South, as measured along the existing public access easements beginning at the Brandt Drive South right-of-way and ending at the centerline of such parking lot approach.

**Minor Subdivision**

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

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

The subdivision is intended to replat a portion of Lots 3 and 4, Block 1, Urban Plains Northeast Retail Addition into two lots and one block to accommodate future 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 not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

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

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

**(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) Subdivision Plat, **Urban Plains Northeast Retail 3<sup>rd</sup> Addition** as outlined within 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 and 2) Conditional Use Permit to allow for an Alternative Access Plan as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- The maximum residential density shall be that of the MR-3 zoning district (24 units per acre).
- A minimum of 35% of the lot shall remain as open space.
- Parking lot approaches must be spaced at least 100 feet away from the roundabouts located on Brandt Drive South, as measured along the existing public access easements beginning at the Brand Drive South right-of-way and ending at the centerline of such parking lot approach.

**Planning Commission Recommendation: March 6, 2018**

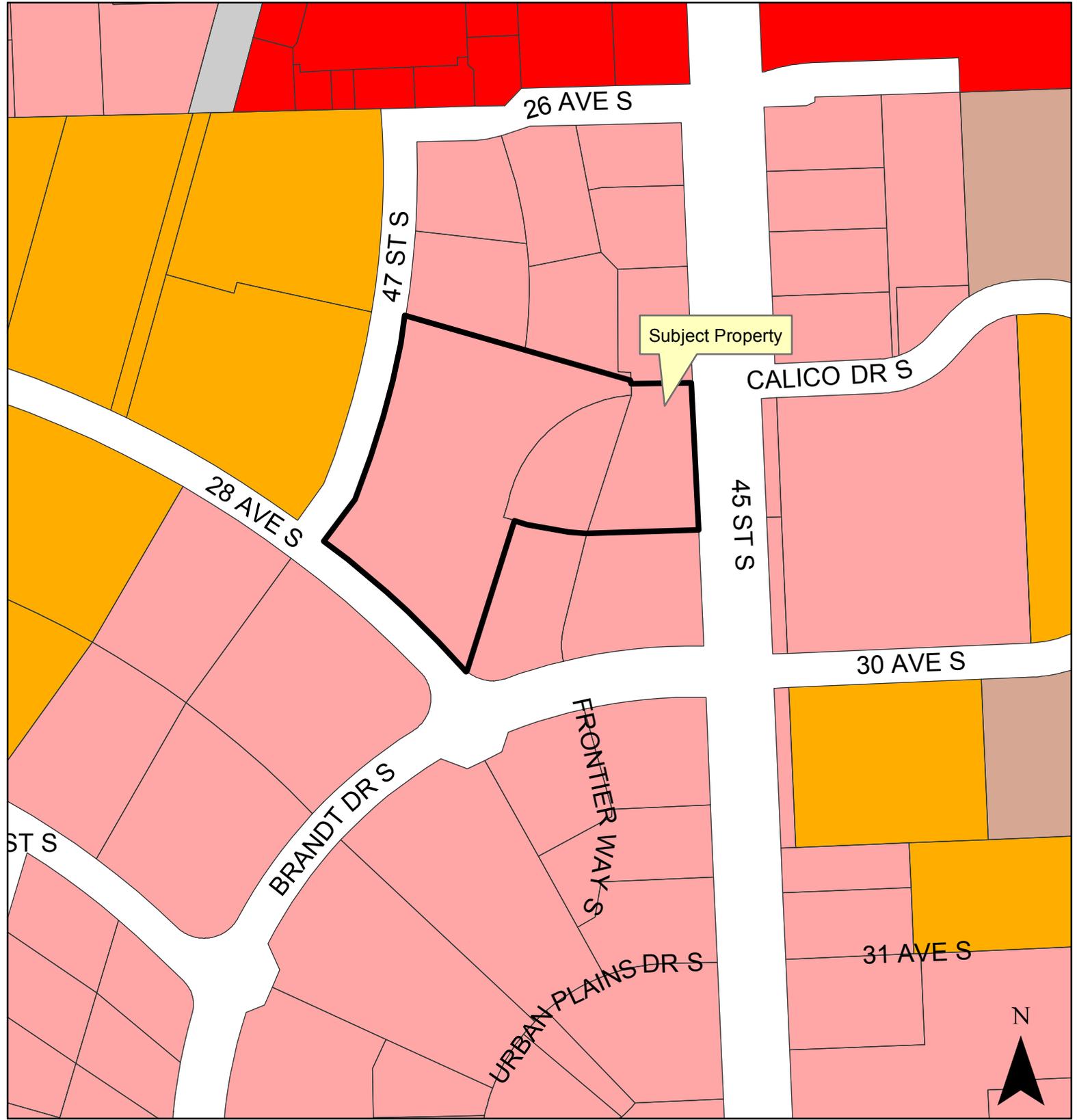
**Attachments:**

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Preliminary Site Plan

# Plat (Minor) & CUP (Household Living in LC)

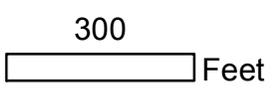
## Urban Plains Northeast Retail 3rd Addition

2720, 2740, 2760 & 2780  
47th St S & 4680 28th Ave S



**Legend**

|     |       |     |             |
|-----|-------|-----|-------------|
| AG  | LC    | MHP | SSS-1-1     |
| DMU | LC    | NC  | SSS-1-2     |
| GC  | MRP-1 | NO  | SSS-2-1     |
| GI  | MRP-2 | P/T | SSS-2-2     |
| GO  | MR-3  | UML | SSS-3-1     |
|     |       |     | City Limits |



Fargo Planning Commission  
March 6, 2018

# Plat (Minor) & CUP (Household Living in LC)

## Urban Plains Northeast Retail 3rd Addition

2720, 2740, 2760 & 2780  
47th St S & 4680 28th Ave S



# URBAN PLAINS NORTHEAST RETAIL THIRD ADDITION

A REPLAT OF PART OF LOTS 3 AND 4, BLOCK 1 OF URBAN PLAINS NORTHEAST RETAIL ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

**OWNER'S CERTIFICATE:**  
KNOW ALL PERSONS BY THESE PRESENTS: That URBAN PLAINS LAND COMPANY, LLC a North Dakota Limited Liability Company, is the owner of a tract of land located in part of Lot 3 and Lot 4, Block 1, Urban Plains Northeast Retail Addition to the City of Fargo as filed and on record at the Office of the Recorder, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Lot 4; thence South 74 degrees 20 minutes 21 seconds East, along the north line of said Lot 4, a distance of 547.86 feet; thence South 02 degrees 28 minutes 19 seconds East, 8.07 feet; thence North 89 degrees 53 minutes 46 seconds East, 142.79 feet to the northeast corner of said Lot 4; thence South 02 degrees 28 minutes 19 seconds East, along the east line of said Lot 4 a distance of 340.66 feet to the northeast corner of Lot 5 of said Block 1, thence South 87 degrees 30 minutes 32 seconds West, along the north line of said Lot 5, a distance of 262.04 feet to the northwest corner of said Lot 5; thence northwesterly 171.58 feet on the arc of a non-tangential curve concave to the northeast, said curve having a central angle of 11 degrees 44 minutes 18 seconds, a radius of 837.50 feet and a chord length of 171.28 feet which bears North 79 degrees 26 minutes 41 seconds West; thence South 17 degrees 43 minutes 36 seconds West, 369.29 feet to the south line of said Lot 4; thence northwesterly, along said south line, 8.04 feet on the arc of a non-tangential curve concave to the southwest, having a central angle of 09 degrees 35 minutes 03 seconds, a radius of 2,645.76 feet and a chord length of 442.05 feet which bears North 47 degrees 27 minutes 41 seconds West; thence North 36 degrees 00 minutes 50 seconds East, along the west line of said Lot 4, 116.23 feet; thence continuing northeasterly along said west line, 446.69 feet on the arc of a non-tangential curve, to the point of beginning, said curve being concave to the northwest, having a central angle of 12 degrees 26 minutes 00 seconds, a radius of 2,058.44 feet and a chord length of 445.81 feet which bears North 15 degrees 39 minutes 35 seconds East.

Said tract of land contains 8.75 acres, more or less, and is subject to all easements and rights of way of record.

And that said party has caused the same to be surveyed and replatted as **Urban Plains Northeast Retail Third Addition** to the City of Fargo, Cass County, North Dakota.

**OWNER:**  
Urban Plains Land Company, LLC

Ace A. Brandt, President

State of North Dakota )  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Ace A. Brandt, President, 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 Urban Plains Land Company, LLC.

Notary Public: \_\_\_\_\_

**MORTGAGEE:**  
Bell State Bank & Trust (formerly known as State Bank and Trust)

State of North Dakota )  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, 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 \_\_\_\_\_.

Notary Public: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:**  
I, Gary Ness, Professional 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 survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Gary Ness, Professional Land Surveyor No. LS-3461

State of North Dakota )  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Gary Ness, Professional 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 )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Mark H. Bittner, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: \_\_\_\_\_

**FARGO PLANNING COMMISSION APPROVAL:**  
Approved by the City of Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Shana Fischer, Chair  
Fargo Planning Commission

State of North Dakota )  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Shana 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\_\_\_\_.

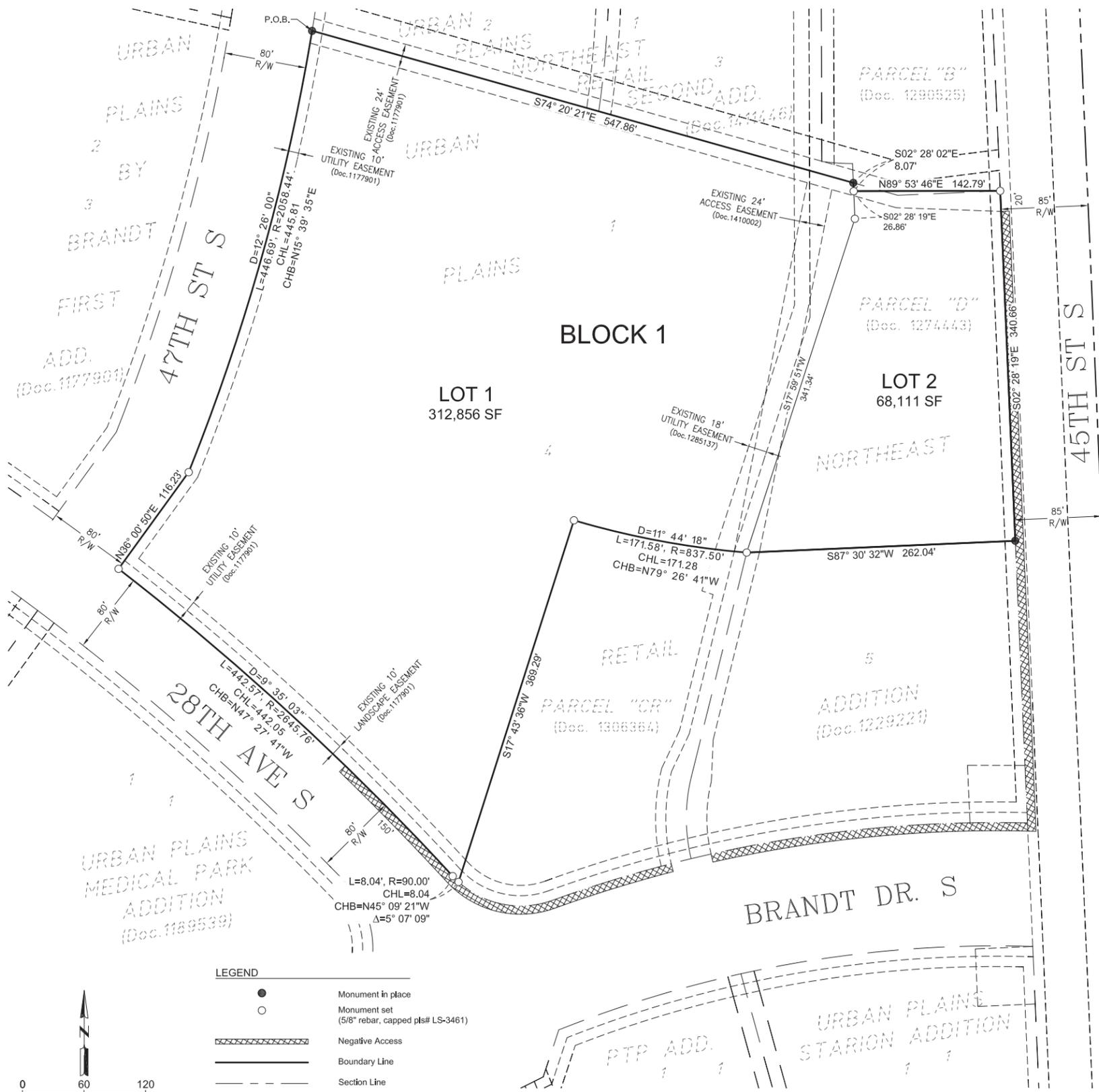
Timothy J. Mahoney, Mayor

Attest:  
Steven Sprague, City Auditor

State of North Dakota )  
County of Cass )

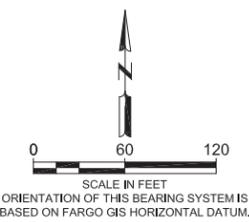
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed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

Notary Public: \_\_\_\_\_



**LEGEND**

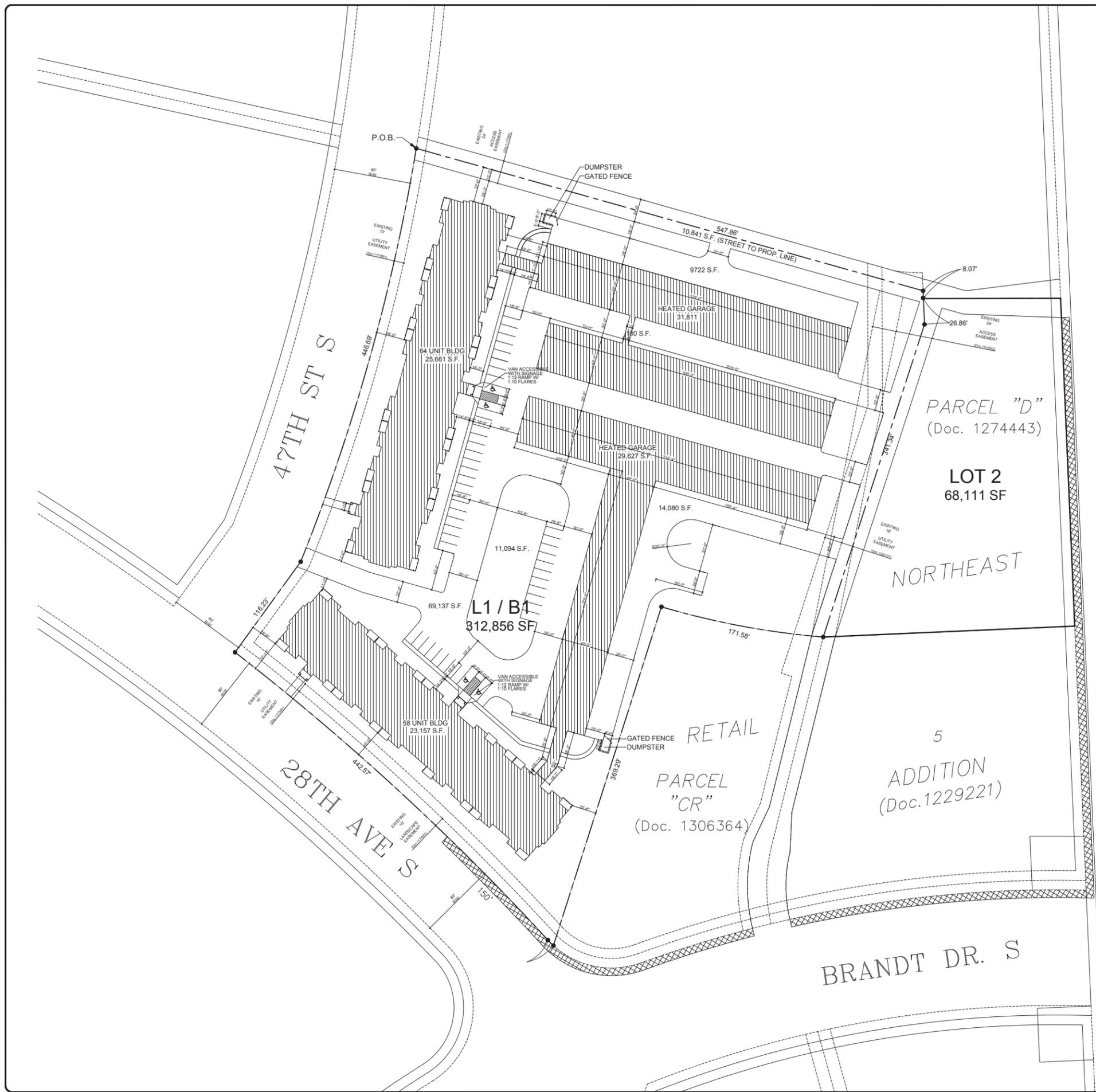
|           |  |
|-----------|--|
| ●         | Monument in place                              |
| ○         | Monument set (5/8" rebar, capped pls# LS-3461) |
| ▨         | Negative Access                                |
| —         | Boundary Line                                  |
| - - -     | Section Line                                   |
| - · - · - | Existing Property Line                         |
| - · - - - | Easement Line                                  |



**Mead & Hunt**  
Phone: 701-566-6450  
meadhunt.com

Project No.  
4571100-180396.01  
SHEET 1 OF 1

**PRELIMINARY**



|                          |               |         |
|--------------------------|---------------|---------|
| TOTAL BUILDING SIZE:     | 48,818 SQFT.  | 15.60%  |
| TOTAL GARAGE SIZE:       | 61,438 SQFT.  | 19.64%  |
| TOTAL BUILDING COVERAGE: | 110,256 SQFT. | 35.24%  |
| TOTAL PAVEMENT SIZE      | 92,506 SQFT.  | 29.57%  |
| TOTAL LOT COVERAGE:      | 202,762 SQFT. | 64.81%  |
| TOTAL OPEN SPACE:        | 110,094 SQFT. | 35.19%  |
| TOTAL LOT SIZE:          | 312,856 SQFT. | 100.00% |

MEZZO APARTMENTS:  
 URBAN PLAINS NORTHEAST RETAIL THIRD ADDITION  
 LOT 1 / BLOCK 1  
 CITY OF FARGO, ND  
 SCALE: 1" = 50'-0"

**BUILDINGS & UNITS**

64 PLEX  
 EFF. BEDROOMS = 4  
 1 - BEDROOMS = 22  
 2 - BEDROOMS = 26  
 3 - BEDROOMS = 12

58 PLEX  
 EFF. BEDROOMS = 4  
 1 - BEDROOMS = 22  
 2 - BEDROOMS = 20  
 3 - BEDROOMS = 12

TOTAL UNITS:  
 EFF. BEDROOMS = 8  
 1 - BEDROOMS = 44  
 2 - BEDROOMS = 46  
 3 - BEDROOMS = 24

TOTAL: 122

**PARKING**

TOTAL UNITS:  
 114 UNITS X 2.25 (REQUIRED SPACES) = 257  
 8 EFF. UNITS X 1.25 (REQUIRED SPACES) = 10  
 REQUIRED SPACES: 267

GARAGE UNITS:  
 GARAGES: 71 (1 STALL) = 71  
 GARAGES: 74 (2 STALL) X 2 = 148

PARKING SPACES:  
 STANDARD = 45  
 STANDARD ACCESSIBLE = 0  
 VAN ACCESSIBLE = 4

TOTAL: 268

**AREA INCREASE**

TOTAL 64 PLEX = 25,661 SF  
 If = [ FIP - 0.25 ] W/30  
 .75 = [ 762/762 - 0.25 ] 30/30  
 12,000 X .75 = 9,000 + 12,000 =  
 21,000 MAX SF ALLOWED

TOTAL 58 PLEX = 23,157 SF  
 If = [ FIP - 0.25 ] W/30  
 .75 = [ 848/848 - 0.25 ] 30/30  
 12,000 X .75 = 9,000 + 12,000 =  
 21,000 MAX SF ALLOWED

**LANDSCAPE REQUIREMENTS**

TOTAL UNITS NEEDED 3 PER 1000 SQFT.  
 312,856 SQFT. X 3/1000 = 939 UNITS

LARGE MATURE DECIDUOUS TREES: . X 10 = . UNITS  
 LARGE MATURE EVERGREEN TREES: . X 10 = . UNITS  
 MATURE SHRUBS: . X 1 = . UNITS

LANDSCAPE KEY

- DECIDUOUS
- EVERGREEN
- SHRUB

PROJECT: **APART**

FILE:

DRAWN BY: **M.A.M.**

SALESMAN:

START DATE:

PROJ. TIME:

SQ. FT.

REVISIONS:

**DIETRICH CONSTRUCTION**

4151 398th St SW Ste A  
 Fargo, ND  
 701-235-1853 PH  
 701-235-9768 FAX

I hereby certify that this plan, specification, report was prepared by me, or under my direct supervision, and that I am a duly Registered Architect under the laws of the State of North Dakota

Reg. No. \_\_\_\_\_  
 Date \_\_\_\_\_

**DISCLAIMER OF WARRANTIES**

THIS PLAN IS THE PROPERTY OF DIETRICH CONSTRUCTION, LLC. DIETRICH CONSTRUCTION, LLC. AND ITS REPRESENTATIVES SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, OR INADEQUACIES IN THIS PLAN OR FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR ANY SUCH DAMAGE.

**MEZZO APARTMENTS**

**ATTENTION**

ANY USE, REPRODUCTION, COPYING, MODIFICATION, OR DERIVATIVE WORK OF THE PLAN (S) FURNISHED BY DIETRICH CONSTRUCTION LLC. IS A VIOLATION OF THE UNITED STATES FEDERAL COPYRIGHT ACT.

## Kylene Bagley

---

**From:** Mark Buchholz <mdbuchholz@gmail.com>  
**Sent:** Wednesday, February 28, 2018 8:16 PM  
**To:** Kylene Bagley  
**Cc:** dalebrucebuchholz@gmail.com  
**Subject:** Re: Meeting

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

Kylene,

I am writing you in regards to my concerns (not only as a property owner, but also as a citizen and tax payer of the Fargo Moorhead area) regarding to another conditional use request (basically a re zoning wrapped differently) in urban plains. We own and developed the first apartments in Urban Plains. At the time it was “supposed” to be a maximum 200 units per the developer. I completely understand the developer took the risk, needs to respond to the market, and has financial goals with a development. I want to be clear, I am no way writing this for concern of competition as I believe competition is great for our city. There has been several projects prior to this that the goal line has moved and I chose not to bother the city with my comments. However, now I feel enough is enough. If you simply refer to the city of Fargo’s own growth plan they have determined per studies that a range of housing choices within a development has lead to healthier and more successful overall developments. There have been several areas in the past that Fargo has allowed for large “clusters” of multi family units. This has always proved to be a negative for the city. In terms of quality of housing, overall maintenance, traffic control, and emergency services such as police, fire department, etc... In my conversation with planning I predicted that you will not hear a lot of negative feedback in this particular situation. Is there not any opposition? Or other factors? I feel it is important to point out that the developer has either employed other property owners or partnered on projects on almost every single project since ours in the development (less a few smaller commercial projects). This would include the proposed site future project that will be proposed. Other owners will not have an unbiased mindset because they are partners at some level. I have watched this development over the years and am saddened by what has happened. Now that I am hoping and imploring the city to use some common sense and oppose this conditional use request (re zoning request). At this point as multi family vacancy is at record highs I believe this is the time to stand for what has worked for the city (clearly there is not an under supply issue). I also believe we should have serious concerns about the maintenance of properties and overall developments due to the stress of high vacancy and incentives on the financial health of projects. Finally if approved, I believe this would set a dangerous precedent moving forward and puts the city in a precarious position. Thank you for hearing my concerns. I know overall development is good for the city, but the city has done an amazing job of “growing smarter” rather than just growing. Let’s get this one right and set a precedent to continue growing smart in the future.

Mark Buchholz  
[701-371-1646](tel:701-371-1646)

On Feb 28, 2018, at 4:44 PM, Kylene Bagley <[kbagley@FargoND.gov](mailto:kbagley@FargoND.gov)> wrote:

Mark,

I will send you a copy once it has been emailed to the commissioners. The Planning Department is supporting the Conditional Use Permit for residential housing.

| City of Fargo<br>Staff Report |  |                       |                |
|-------------------------------|--|-----------------------|----------------|
| <b>Title:</b>                 | Rocking Horse East 2 <sup>nd</sup> Addition  | <b>Date:</b>          | 2-28-2018      |
| <b>Location:</b>              | 5301 and 5353 51st Avenue South  | <b>Staff Contact:</b> | Maegin Elshaug |
| <b>Owner(s)/Applicant:</b>    | FLO, LLC/Don Dabbert Jr.   | <b>Engineer:</b>      | N/A            |
| <b>Reason for Request:</b>    | <b>Conditional Use Permit</b> for Warehouse, Wholesale sales, Manufacturing and Production, and Industrial Services in the GC, General Commercial zoning district on Lots 1 & 2, Block 1, Rocking Horse East 2 <sup>nd</sup> Addition. |                       |                |
| <b>Status:</b>                | Planning Commission hearing March 6, 2018  |                       |                |

| Existing   |
|--|
| <b>Land Use:</b> Vacant  |
| <b>Zoning:</b> GC, General Commercial with a Conditional Use Permit (CUP)  |
| <b>Uses Allowed:</b> 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 |
| <b>Existing CUP for industrial services and manufacturing and production uses.</b>   |
| <b>Maximum Building Coverage Allowed:</b> Maximum 85% building coverage  |

| Proposed   |
|--|
| <b>Land Use:</b> Warehouse, Wholesale Sales, Manufacturing and Production, and Industrial Services   |
| <b>Zoning:</b> GC, General Commercial with a Conditional Use Permit (CUP)  |
| <b>Uses Allowed:</b> 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 |
| <b>Plus CUP to allow for warehouse, wholesale sales, manufacturing and production, and industrial services uses.</b>   |
| <b>Maximum Building Coverage Allowed:</b> Maximum 85% building coverage  |

| Proposal:  |
|--|
| <p>The applicant is seeking approval of a Conditional Use Permit (CUP) to allow Warehouse, Wholesale sales, Manufacturing and Production, and Industrial Service uses in a GC, General Commercial, zoning district on Lots 1 &amp; 2, Block 1, Rocking Horse East 2<sup>nd</sup> Addition. The subject property is located at 5301 and 5353 51st Avenue South and encompasses approximately 1.9 acres. The applicant is requesting the CUP in order to allow industrial uses in the future.</p> <p>In 2014, the Planning Commission approved a CUP for Industrial Services and Manufacturing and Production. The property has not been developed and has since been sold. The original application received in January of 2018 included the uses of Warehouse and Wholesale Sales. The applicant amended the application to include all four industrial uses on one CUP; Warehouse, Wholesale sales, Manufacturing and Production, and Industrial Services with the intent that if the application is approved, the new CUP will replace the previously approved CUP. If the Planning Commission denies the application, the approved 2014 CUP for Industrial Services and Manufacturing and Production will remain.</p> |

Upon development of the property for industrial uses, the standards of Section 20-0402.R Industrial Uses in General Commercial Zoning will apply to the site. It is typical for staff to coordinate details of the site plan at the time of these applications, as the standards in Section 20-0402.R often impact the layout of the site. The preliminary plan submitted by the applicant appears to not meet several of the standards of Section 20-0402.R. At this time, staff and the applicant have not been able to coordinate and staff has not received an updated site plan that addresses the requirements. It has been communicated to the applicant that Section 20-0402.R and any approved conditions of the CUP will need to be addressed at the time of site plan permit review.

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

**Surrounding Zoning and Land Uses Include:**

- North: P/I, Public and Institutional with park and stormwater infrastructure use;
- East: Across 53rd Street South; GC, General Commercial with CUP with warehouse and office uses;
- South: Across 51st Avenue South; GC, General Commercial with CUP with warehouse, office, and retail sales and service uses;
- West: GC, General Commercial, with warehouse and office uses.

**Area Plans:**

The subject properties are located within the bounds of the 2003 Southwest Future Land Use Plan which designates this area as suitable for Medium/High Density Residential, Commercial, and Storm Water land uses.



- Commercial
- Commercial or Medium/High Density
- Commercial or Medium/High or Park/Open Space
- Commercial or Park/Open Space
- Either Industrial or Commercial
- Either Office or Commercial
- Either Office or Medium/High Density Residential
- Industrial
- Low/Medium Density Residential
- Low/Medium Density or Medium/High Density
- Medium/High Density Residential
- Medium/High Density or Park/Open Space
- Office
- Office or Commercial or Medium/High Density
- Park/Open Space
- Public
- Public or Commercial
- Public or Low/Medium Density
- Public or Office
- Storm Water

**Schools and Parks:**

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

**Neighborhood:** The subject properties are located within the bounds of the Osgood Neighborhood.

**Parks:** Veteran’s Park (4951 53rd Street S) abuts the property to the north.

**Pedestrian / Bicycle:** An off-road bike facility is located directly north of the subject properties and 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?**

According to Section 20-0104 of the LDC, 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. The proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, the potential negative impact on future residential land-uses to the north and west. Therefore, staff finds that the proposal is consistent with the purpose of the LDC. **(Criteria Satisfied)**

**2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. Staff is proposing conditions which would address the negative impacts of the proposed uses but that also allow the neighborhood to utilize the convenience of these businesses. **(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 reason to believe the proposed use will cause injury to the value of other property in the vicinity. In accordance with the notification requirements of the City, notice of the proposal was sent to surrounding property owners as well as published in the Forum newspaper. To date, one inquiry has been received regarding the application with no noted concern. In addition, staff believes that the conditions outlined with the Conditional Use Permit further ensure that the industrial uses use will not negatively affect the value of the surrounding property over the long term. **(Criteria Satisfied)**

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

Staff does not believe that the location, size, nature or intensity of the use will prevent development and use of neighboring property in accordance with applicable zoning districts. The proposed uses are consistent with the adjacent commercial properties that have been granted similar Conditional Use Permits over the past several years. In addition to the proposed CUP conditions, use-specific standards of LDC Section 20-0402.R apply to industrial uses in the GC zoning district and provide for additional protection of the surrounding area. **(Criteria Satisfied)**

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

The subject property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability to utilize the property as proposed. Based on this information staff finds that adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

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

The commercial property has access to the public street system at 51<sup>st</sup> Avenue South and 53 Street South that can adequately accommodate truck/commercial traffic. In addition, the Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

**Recommended Conditions:**

- 1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
- 2) No outdoor storage of equipment or supplies.
- 3) Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the LDC.
- 4) The manufacturing, production, or processing of food and/or animal products shall not be permitted.
- 5) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 6) A vegetative buffer shall be provided along the north property boundary if truck docks are present for the purposes of protecting residential development from more intense land-uses and providing visual screening. The vegetative buffer shall consist of two rows of plantings: one row of shrubs having a mature height of at least 6 feet, planted with a spacing of 8 feet, and one row of trees of varying species with a mature height ranging between 15-25 feet, planted with a spacing of 20 feet. The trees shall have mature heights of staggering altitude. These plantings shall be in addition to plantings required by Sections 20-0402.R and 20-0705.
- 7) Any expansion of industrial uses shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 8) The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow for Warehouse, Wholesale Sales, Manufacturing and Production, and Industrial Services in the GC, General Commercial as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- 1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
- 2) No outdoor storage of equipment or supplies.
- 3) Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the LDC.
- 4) The manufacturing, production, or processing of food and/or animal products shall not be permitted.
- 5) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 6) A vegetative buffer shall be provided along the north property boundary if truck docks are present for the purposes of protecting residential development from more intense land-uses and providing visual screening. The vegetative buffer shall consist of two rows of plantings: one row of shrubs having a mature

height of at least 6 feet, planted with a spacing of 8 feet, and one row of trees of varying species with a mature height ranging between 15-25 feet, planted with a spacing of 20 feet. The trees shall have mature heights of staggering altitude. These plantings shall be in addition to plantings required by Sections 20-0402.R and 20-0705.

- 7) Any expansion of industrial uses shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 8) The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

**Planning Commission Recommendation:** March 6, 2018

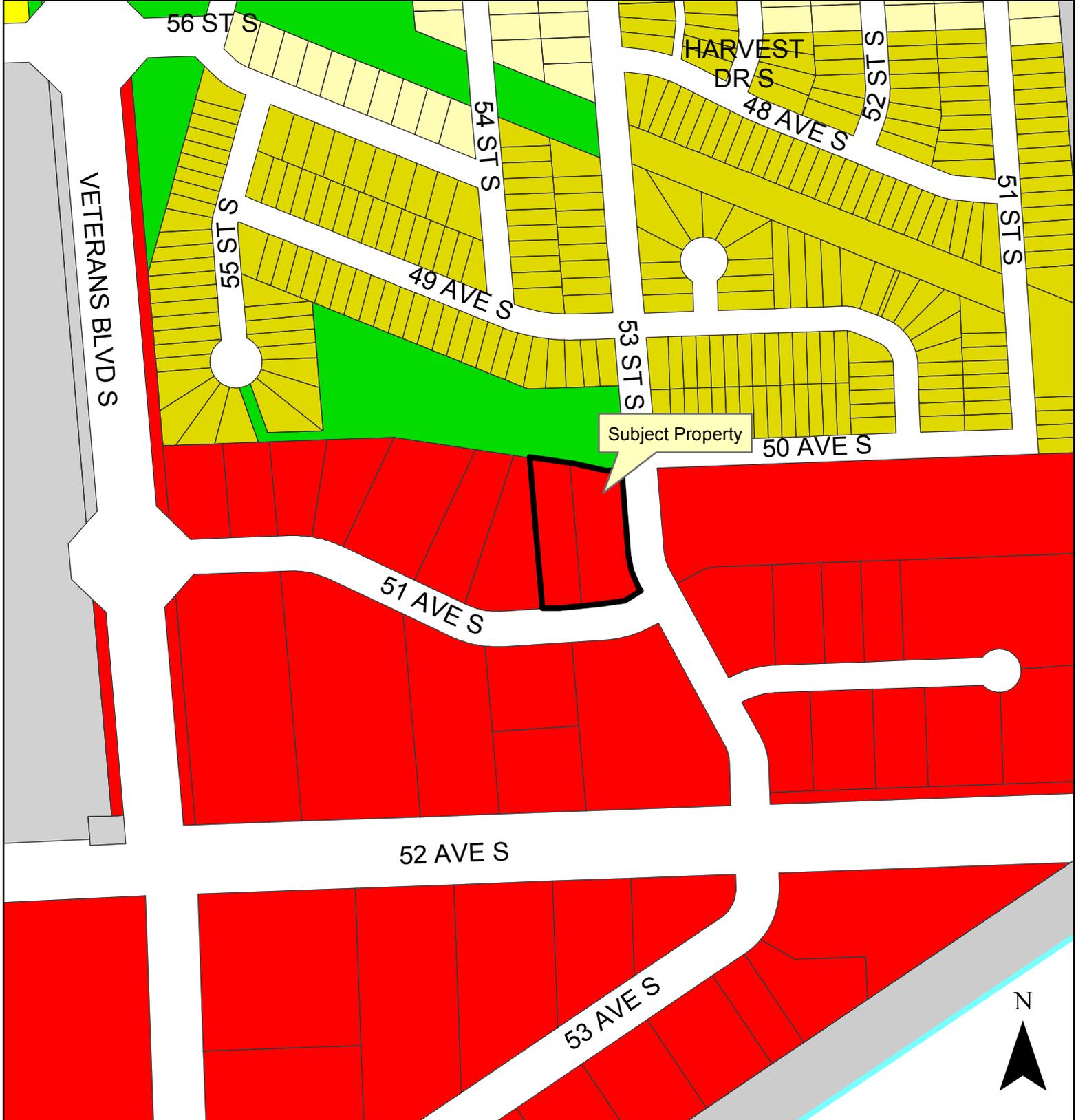
**Attachments:**

- 1. Zoning Map
- 2. Location Map
- 3. Preliminary Site Plan

# CUP (Wholesale Sales, Manufacturing/Production, Warehouse and Industrial Services)

## Rocking Horse East Second Addition

5301 & 5353 51st Ave S



**Legend**

|     |      |     |             |
|-----|------|-----|-------------|
| AG  | LC   | MHP | SR-2        |
| DMU | MR-1 | NC  | SR-3        |
| GC  | MR-2 | P/I | SR-4        |
| GO  | MR-3 | UML | SR-5        |
|     |      |     | City Limits |

300 Feet

Fargo Planning Commission  
March 6, 2018

# CUP (Wholesale Sales, Manufacturing/Production, Warehouse and Industrial Services)

## Rocking Horse East Second Addition

5301 & 5353 51st Ave S





| <b>City of Fargo<br/>Staff Report</b> |   |                       |                         |
|---------------------------------------|---|-----------------------|-------------------------|
| <b>Title:</b>                         | The Basins At 100th Addition  | <b>Date:</b>          | 3/1/18                  |
| <b>Location:</b>                      | 4000 98th Avenue South  | <b>Staff Contact:</b> | Donald Kress            |
| <b>Legal Description:</b>             | Lot 6, Block 1, Commerce on I-29 Addition   |                       |                         |
| <b>Owner(s)/Applicant:</b>            | RI Properties, LLC /Jesse Riley   | <b>Engineer:</b>      | Moore Engineering, Inc. |
| <b>Entitlements Requested:</b>        | Minor Subdivision (Replat of Lot 6, Block 1, Commerce on I29 Addition, to the City of Fargo, Cass County, North Dakota) |                       |                         |
| <b>Status:</b>                        | Planning Commission Public Hearing: March 6, 2018   |                       |                         |

| <b>Existing</b>  |
|--|
| <b>Land Use:</b> Warehouse   |
| <b>Zoning:</b> LI, Limited Industrial  |
| <b>Uses Allowed:</b> 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. |
| <b>Maximum Lot Coverage Allowed: 85% building coverage</b>   |

| <b>Proposed</b>                                |
|--|
| <b>Land Use:</b> No Change                     |
| <b>Zoning:</b> No Change                       |
| <b>Uses Allowed:</b> No Change                 |
| <b>Maximum Lot Coverage Allowed: No Change</b> |

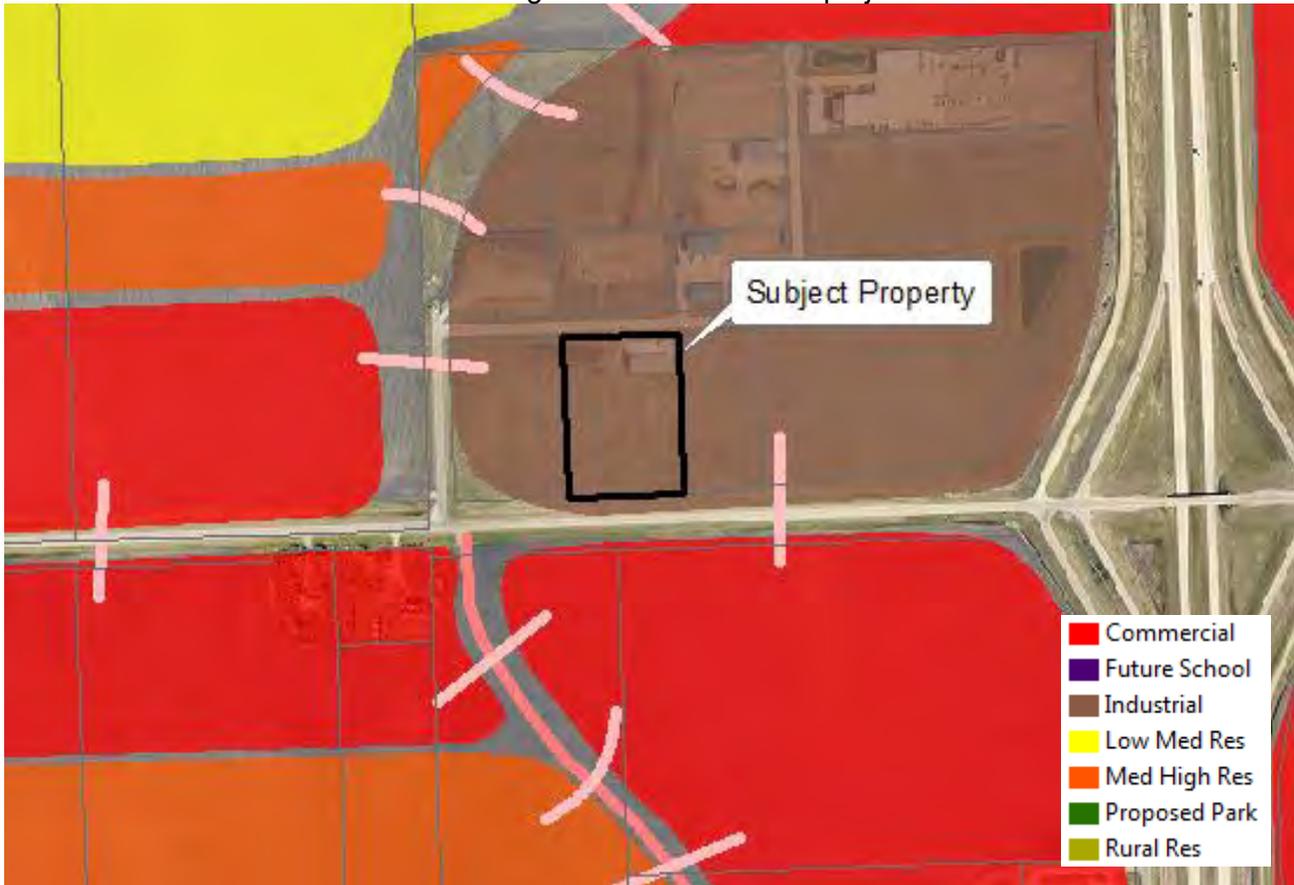
| <b>Proposal:</b>   |
|--|
| <p>The applicant is seeking approval of a minor subdivision, entitled <b>The Basins At 100th Addition</b>, which is a replat of Lot 6, Block 1, Commerce on I29 Addition. The subject property is located at 4000 98th Avenue South and encompasses approximately 5.95 acres. The property is zoned LI: Limited Industrial.</p> <p>The plat proposes to create four lots for limited industrial development. All four lots touch public right of way. The lots range from 0.99 to 1.98 acres in area. There is no minimum required lot area in the LI zone.</p> <p>The lots are accessed by a private cul-de-sac driveway from 98<sup>th</sup> Avenue South. This cul-de-sac meets the diameter requirement (96 feet) to be consistent with Fire code. No access from this lot is allowed onto 100<sup>th</sup> Avenue South due to the negative access easement that was part of the original Commerce on I-29 plat (100<sup>th</sup> Avenue South is a future arterial).</p> <p>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.</p> |

**Surrounding Land Uses and Zoning Districts:**

- North: Across 98th Avenue South; LI, Limited Industrial with vacant land
- East: LI, Limited Industrial with vacant land use
- South: Across 100th Avenue South; AG, Agricultural with agricultural uses.
- West: LI, Limited Industrial with vacant land use

**Area Plans:**

The 2007 Tier 2 South Land Use Plan designates the area of this project as “Industrial.”



**Schools and Parks:**

**Schools:** The subject property is located within Fargo School District, including Bennett Elementary, Discovery Middle, and Davies High schools.

**Neighborhood:** The subject property is not located within the bounds of a designated neighborhood.

**Parks:** Rutten Family Park (No address available) is located approximately a little over a half mile northeast of the subject property and offers the amenities that are unknown at this time.

**Pedestrian / Bicycle:** No bike facilities are available at this location.

**Staff Analysis:**

**Minor Subdivision**

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

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

The adopted area plan for this property, the 2007 Tier 2 South Land Use Plan, designates this property for “industrial” land use. The zoning for the project site is LI, Limited Industrial. This zoning will accommodate the proposed limited 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. No comments have been received. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

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

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

**(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 subdivision plat, **The Basins At 100th Addition** as outlined within 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.”

**Planning Commission Recommendation:** March 6, 2018

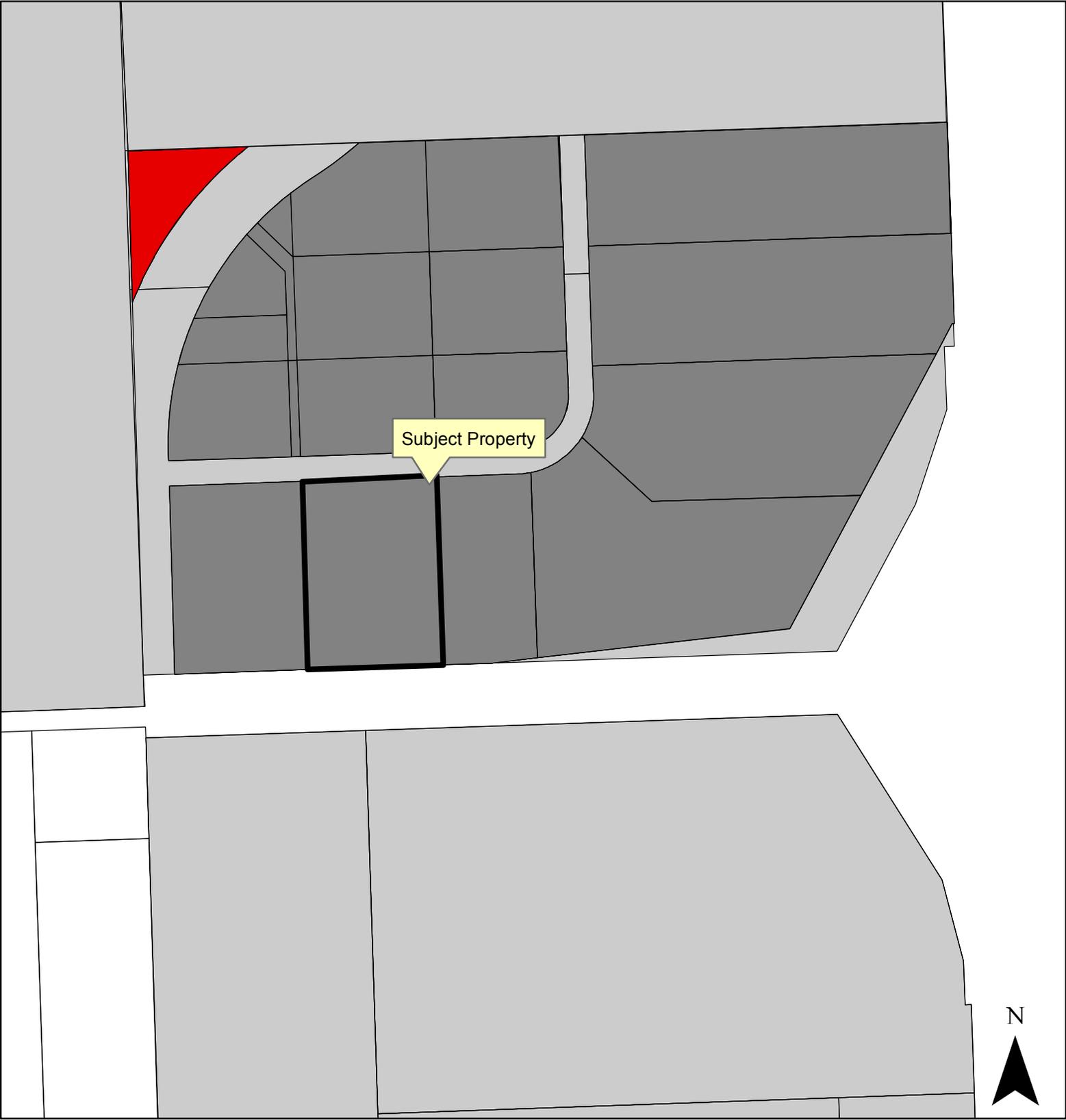
**Attachments:**

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

# Plat (Minor)

## The Basins on 100th Addition

4000 98th Avenue South



**Legend**

|     |      |     |             |
|-----|------|-----|-------------|
| AG  | LC   | MHP | SSP         |
| DMU | LI   | NC  | SSP-2       |
| GC  | MR-1 | P/T | SSP-3       |
| GO  | MR-2 | UML | SSP-4       |
|     | MR-3 |     | SSP-5       |
|     |      |     | SSP-6       |
|     |      |     | SSP-7       |
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|     |      |     | SSP-99      |
|     |      |     | SSP-100     |
|     |      |     | City Limits |

300 Feet

Fargo Planning Commission  
March 6, 2018

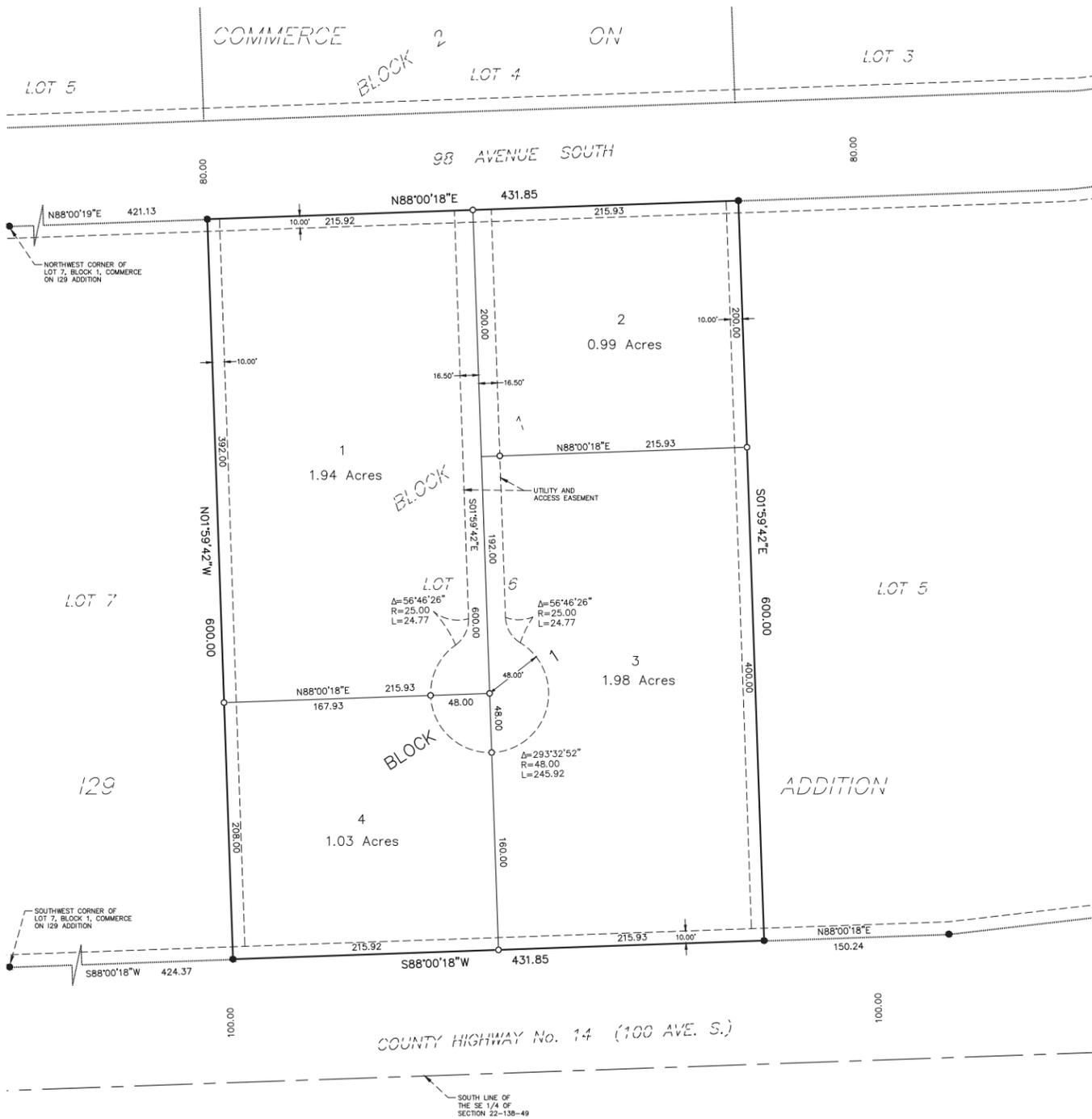
# Plat (Minor)

## The Basins on 100th Addition

4000 98th Avenue South



**A MINOR SUBDIVISION PLAT OF  
THE BASINS AT 100TH  
TO THE CITY OF FARGO, A REPLAT OF LOT 6, BLOCK 1 OF THE PLAT OF  
COMMERCE ON I29 ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA**



**CERTIFICATE**

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "THE BASINS AT 100TH" TO THE CITY OF FARGO, A REPLAT OF LOT 6, BLOCK 1 OF THE PLAT OF COMMERCE ON I29 ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOT 6, BLOCK 1, COMMERCE ON I29 ADDITION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 5.95 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

STEVEN W. HOLM  
REGISTERED LAND SURVEYOR  
REG. NO. LS-6571



STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**DEDICATION**

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "THE BASINS AT 100TH" TO THE CITY OF FARGO, A REPLAT OF LOT 6, BLOCK 1 OF THE PLAT OF COMMERCE ON I29 ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY AND ACCESS EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: RI INVESTMENTS LLC

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF J & J INVESTMENTS, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE: TBD

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF ALERUS FINANCIAL, N.A.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**FARGO PLANNING COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

SHARA FISCHER, CHAIR

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**FARGO CITY COMMISSION APPROVAL**

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**CITY ENGINEER'S APPROVAL**

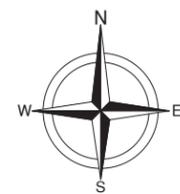
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

MARK H. BITTNER, CITY ENGINEER

STATE OF NORTH DAKOTA)  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK H. BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



Scale in Feet  
0 60

BASIS OF BEARINGS:  
THE PLAT OF COMMERCE ON I29  
ADDITION AS RECORDED.

- LEGEND**
- IRON MONUMENT FOUND
  - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
  - PLAT BOUNDARY LINE
  - LOT LINE
  - EXISTING LOT LINE
  - - - EASEMENT LINE
  - SECTION LINE

**EASEMENT OF RECORD**