



City of Grand Forks
Staff Report

City Council – Special Meeting – August 23, 2021

APPROVED & ACCEPTED
by City Council

08/23/2021

Maureen Storstad
Maureen Storstad
City Auditor

Agenda Item: 2.3 Ordinance to Amend Zoning Map to include The Beacon PUD, Lot 2, Block 2, Renewal Resubdivision No. 5, located at 710 1st Ave N.

Prepared by: Andrea Edwardson, Interim Deputy City Planner

Submitted by: Ryan Brooks, Interim City Planner

Staff Recommended Action: Final approval of the request from EPIC Companies LLC, on behalf of Northern Pacific, LLC for approval of an ordinance to amend the zoning map to rezone and exclude from the Central Business District (B-4) and to include within the Beacon PUD (Planned Unit Development), Concept Development Plan, Lot 2, Block 2, Renewal Resubdivision No. 5, to the City of Grand Forks, ND, located at 710 1st Ave North. Recommend City Council hold a public hearing and give final approval to the attached ordinance on August 16, 2021.

July 7, 2021 – Committee Recommended Action: Motion by Matejcek, second by Kuhn for approval of staff recommendation with Budke and Sande opposing. Motion passed.

July 19, 2021 – Council Action: Motion by Weigel, second by Vein to approve. Motion carried 6-1, with Sande dissenting.

August 4, 2021 – Committee Recommended Action (Public Hearing):

Motion by Sande, second by Reichert for approval of staff recommendation. Motion carried unanimously.

August 16, 2021 – Council Action (Public Hearing):

Public Hearing Held. Item moved to August 23rd Special City Council Meeting.

Motion by Vein, second by Weber to postpone action to a future special meeting with date to be determined. Motion carried unanimously.

August 23, 2021 – Council Action – Special Meeting:

Motion by Sande, second by Vein to approve. Motion carried unanimously.

Update for Final Approval:

Signage: Staff has worked with EPIC Companies on the signage for the property that was highlighted as a concern at both P&Z and City Council preliminary meetings. The last section of the amended PUD document provides additional specifics on the requested Event Center Type II Signage, as well as limitations for all other signage for the overall complex. Staff added dimming requirements for the electronic elements as well as limited allowed sign square footages for upper floors of the building. Also attached is a concept

rendering of the Event Center sign, with the intended location to be approximately where the existing pylon sign for the old hotel is on site, though location is subject to change as a result of ND Department of Transportation approvals and requirements being met. The ownership of the event center sign is to be determined through the development agreement.

Items highlighted in red in the PUD document are those that have changed since preliminary approval. In order to allow for some flexibility to slightly shift buildings to accommodate utility infrastructure, staff has amended the setback requirements to reflect maximum setbacks. The distances provided are based off of the current site plan with the intention that if shifts are necessary, the buildings may get closer to N 8th Street, Demers and 1st Ave N, but may not go any farther back from property lines than the distances provided in the PUD document.

Staff is expecting a parking and traffic study for the development and will provide an update prior to the P&Z meeting.

Parking: Brief summary of Draft Parking/Traffic Study from KLJ (consultants hired to complete the plan): There are no traffic operations impacts that cause unacceptable operations, and no improvements to the roadway system are necessary as a result of the project. Parking does have demand that slightly exceeds the supply of the immediate site, but that supply will be supported by the surrounding area. The report shows 100% occupancy, which should ONLY occur from midnight to 4AM, when there won't be an event, and **there is sufficient parking** on site during that time. From 5-10PM on weekdays, residential occupancy would be anticipated to be at 83%, so with a typical weekday event of 250 people, the parking shortage on the immediate vicinity is 24 vehicles, and should easily be accommodated by adjacent parking and the Central Ramp.

Update from P&Z July 19 Meeting -

Signage: Some Planning & Zoning Commissioners expressed concerns over the signage being requested, particularly the digital Type II Event Center Signage proposed. They felt that allowing digital elements at this site, when they are prohibited throughout the rest of the B-4, was not desirable. Other Commissioners felt more flexible requirements should be put in place to allow for digital signage to be installed in an appropriate manner throughout downtown, and were supportive of the request. Staff indicated additional information regarding signage would be evaluated and brought forward upon final approval and please see full background description for more information as well.

Process: Some Planning & Zoning Commissioners also expressed concerns over process, preferring the project ask for variances to the newly adopted Downtown Design Standards through the Downtown Design Review Board as established in the standards. However, the developer and staff began conversations last fall regarding process and decided a PUD would be pursued based on the site layout, which has not changed significantly from the

developer's original proposal brought forward to Council back in late fall of last year. At that time, the Design Standards had not been brought forward and timing of them being approved was being pursued, but uncertain with specific dates. Staff also felt the unconventional use of the public plaza that is incorporated as the focal feature of the development warranted a PUD and rezoning in order to appropriately address development items that needed variances. The PUD process also leaves open the option to include any zoning restrictions that may arise out of the project's development agreement with the City.

BACKGROUND:

The proposed project encompasses the former Townhouse Hotel site at 710 1st Avenue North. The roughly 4-acre property is proposed to be redeveloped by EPIC Companies with the demolition of the existing hotel and the new construction of three 7-story mixed-use buildings with a public plaza element between the buildings. The three buildings will house commercial space on the first floor and residential condos and apartments on the upper floors. Accessory uses accompanying the main buildings and plaza include surface and underground parking as well as a signage.

Staff consulted the Downtown Action Plan while reviewing the proposal and found the overall concept of the project meets the Downtown Action Plan Development Goals:

- Be part of a bigger picture.
- Be unique.
- Be connected to Greenway and Town Square
- Be pedestrian oriented.

The public plaza element and surrounding buildings create a unique development that was not contemplated during the creation of the Downtown Action Plan, however the development strategies and goals of the plan apply. The Beacon will pull activity towards this currently under-utilized area of downtown and potentially result in subsequent reinvestment in neighboring properties. We are already starting to see this as the former Cole Papers location kitty-corner to this site at 2nd Avenue and N 8th Street was recently sold and potential exists for new owners to create a transformative and more active use. In addition, there is a Greenway access at 2nd Ave North, providing a straight shot on 2nd from this development to the Greenway (there is a pedestrian/bicycle access between Central's buildings at 2nd Ave and N 5th Street).

The Downtown Action Plan indicated the need to update the Downtown Design Standards (which were recently approved) and that these standards be applied to new developments to ensure the new construction utilizes quality design and materials that will create a legacy for these buildings as well as continue to build on the urban character of downtown. The attached PUD document is based upon the Design Standards with certain amendments made in order to appropriately incorporate the plaza element and items agreed upon in negotiating the development agreement, such as surface parking and signage. As the

development agreement is still being drafted and negotiated, items are subject to change between preliminary and final approvals.

The attached PUD document generally follows existing B-4 zoning code with additions included regarding design standards. The standards incorporated into the PUD are the same architectural standards included in the overall Downtown Design Standards with limits on what percent of the façade can be covered by certain materials, window/glazing requirements, transitions between commercial first floors and upper stories, and other exterior building elements. The standards also get into various other site elements including parking lot design, dumpster screening, pedestrian access, etc. City Planning staff have worked with EPIC Companies to address any discrepancies from the Design Standards and have negotiated adjustments needed to accommodate the plaza and the unique vision of the development.

In addition to the design standards, EPIC Companies is conducting a parking and traffic study of the development that will help inform the right-of-way impacts to the surrounding streets. Staff is anticipating the report will verify the number of stalls provided via on-site underground and surface parking as well as the adjacent on-street parking is enough to support the day-to-day demands of the development for the residential and commercial units. Staff anticipates event parking will be absorbed on-street by adjacent blocks and events will utilize the Central Parking Ramp, located 1.5 blocks away from the site. The results of the study will be available at time of final approval. An additional request will be made to City Council to include the property into the Municipal Parking System as outlined in Chapter 14 of City Code. This allows for lesser off-street parking counts with the condition that the developer may be assessed a fee for stalls they do not provide based on the calculations outlined in Chapter 14. The developer is opting to include some on-site to satisfy market demands as shown by the eastern surface lot as well as underground parking.

A specific area the proposal deviates from the downtown design standards is in regards to signage. The typical commercial wall or projecting (flag) signs allowances are standard to the B-4 sign code. However, staff included limitations on wall signage for the upper floor residential units to be similar to the R-4 sign allowances. In addition, the Beacon proposal includes a request to allow a Type II Event center signage in the same location as the existing pole sign adjacent to Demers Avenue. Type II Event Center signage is limited to 225 square feet and a height of 30ft. The Beacon sign would be double-sided like the existing pole sign. Type II Event Center signage can be found in town as the secondary signage for the Alerus (South 42nd St) and the Ralph Englestad Arena (North Columbia Road). The Alerus and The Ralph Englestad also have Type I Event Center Signage which allows for 1,000 square feet and a height limit of 50ft.

Code defines the event center signage as:

Sign, event center (Type I and Type II). A sign that displays the name of the event center on a

reader board (video, electronic, or fixed lettering) and may also direct attention to the following: sponsors of the activities within the event center; sponsors of the event center; and businesses, commodities, services, activities, or entertainment conducted, sold, or offered in the event center.

Type I event center sign. A sign with a maximum height of fifty (50) feet from normal sidewalk grade and a maximum width of fifty-five (55) feet. The sign surface area is a maximum of one thousand (1,000) square feet.

Type II event center sign. A sign with a maximum height of thirty (30) feet from normal sidewalk grade and a maximum width of twenty-five (25) feet. The sign surface area is a maximum of two hundred twenty-five (225) square feet.

Type II Sign examples



Alerus Center, S 42nd St - sign



Ralph Englestad – N. Columbia Road Sign

The event center signage would be allowed to incorporate a digital element. Digital / Electronic / video board signs are prohibited in the B-4 sign code and as a result, if approved, this will be a unique feature to the complex and to downtown.

In addition to the event center signage, staff is evaluating signage options based on the recently approved Design Standards as they relate to EPIC's model of signage for the overall complex and residential building names, as well as signage for commercial tenants. Staff will evaluate to see if any additional requests need to be made or included in the PUD.

A replat of the property will be submitted in conjunction with final zoning approval as well. The replat will subdivide the complex and place the various elements onto their own lots.

Note: The City of Grand Forks is negotiating a development agreement with EPIC as a requirement of the TIF financing approval for this project. That agreement is a separate approval process from this request as this request focuses solely on the zoning of the property, its proposed uses, the architectural design elements of the buildings, and other planning & zoning related elements.

Staff recommends preliminary approval.

ANALYSIS AND FINDINGS OF FACT:

- Requires two actions by both the Planning and Zoning Commission and the City

Council.

SUPPORT MATERIALS:

- PUD Document
- PUD Concept Plan Map
- Sign Rendering for Event Center Type II Sign
- Parking & Traffic Study Report (to be provided prior to P&Z meeting)
- Rezoning Ordinance

The Beacon PUD (Planned Unit Development)
Lot 2, Block 2 Renewal Resubdivision No. 5

Ordinance Number: _____

Planning & Zoning Commission Final Approval: _____

City Council Final Approval: _____

(1) Statement of Intent.

- (A) This project incorporates a large outdoor public event space in between private mixed-use buildings that incorporate a mixture of commercial and residential uses. The intention is to create an entertainment district where the focal feature of the event space and adjacent buildings contributes to the expansion of downtown through a lively, walkable, and connected space.
- (B) Intent is to follow Chapter 18-0217A Downtown Design Standards and to incorporate elements of the existing Downtown Grand Forks character into this development. This document varies from the design standards where necessary in order to provide for the success of the event center space and surrounding buildings for a unique experience. This document shall supersede any conflicting requirements found in Chapter 18-0217A Downtown Design Standards.

(2) Uses Permitted: All uses are subject to the provisions stated herein and other applicable regulations of the Grand Forks Land Development Code, Chapter 18 of the Grand Forks City Code.

- (A) All uses permitted in B-4 Central Business District (18-0217).
- (B) Outdoor Event Center and associated temporary uses.
- (C) Signs as provided below in section 10 of this document.
- (D) Off-street parking and loading, including surface lots.

(3) Impervious surface area. No limit but must comply with City of Grand Forks storm water regulations.

(4) Building Setback Requirements.

- (A) N 8th Street – maximum setback of 14 feet
- (B) Demers Ave - maximum setback of 55 feet
- (C) 2nd Ave N – maximum setback of 80 feet
- (D) Side yard setback (east property line) – minimum 5 feet

(5) Massing and Scale Standards.

- (A) Development to follow requirements as set forth in Chapter 18-0217A (11) Massing & Scale Standards unless otherwise described herein.

(B) Development to follow “Storefront” requirements as described in 18-0217A (11) (H), Table 1 relating to Buildings Massing & Scale, except for:

1. Figure E - *Street or Public Space Facing Blank Wall Requirement which requires:* Ground floor - No square area more than 25% of the ground-level facade without a window. Due to underground parking access off on 2nd Ave, the window coverage requirement for Buildings 1 & 2 of the Beacon Development are waived as part of PUD approval. Upper floor coverage requirement still in effect as stated in Table 1.

(6) Architectural Materials Standards.

(A) Development to follow requirements as set forth in Chapter 18-0217A (12) Architectural Material Standards unless otherwise described herein.

(B) Development to follow “Storefront” and “Non-Street Facing or Alley Facing Façade” requirements as stated in Table 18-0217A (14)(B) Prohibited and Special Exception Materials.

(7) Screening applications.

(A) *Trash receptacles, dumpsters, and loading facilities.* All outdoor dumpsters and loading facilities shall be accessed from alleys or non-major streets. They must be screened from street view with fencing or landscaping.

1. *Interior trash compactor to be accessed from N 8th Street.* Compactor to be fully enclosed within the building and architectural design of the pick up/loading area to blend into the overall design character of the building so as not to be a noticeable style deviation.

(B) *Utility equipment.* Equipment such as air conditioner units or exhaust fans shall be **screened from view and screening elements shall blend in with surrounding architectural materials so as to be unnoticeable as possible.**

(8) Off-Street Parking and Loading.

(A) An update to the Downtown Parking Study was completed in conjunction with this project and indicates _____ off-street parking stalls are satisfactory in conjunction with the available on-street parking adjacent to the site as well as the proximity to the Central Parking Ramp for event parking.

(B) Properties located within the boundaries of the Municipal Parking System shall provide off-street parking as required by Chapter XIV, article 2 of the Grand Forks City Code;

(C) Off-Street parking and loading area shall be constructed and designed in accordance with Section 18-0302 unless otherwise stated herein.

(D) Driveways and access lanes to refuse containers and compactors shall be constructed in accordance with the City of Grand Forks Standard Construction Specifications Manual.

(E) Development to follow Chapter 18-0217A (10) (D)-(H) Parking & Access Standards, (D) Landscaping Treatment, (E) Screening Requirements, (F) Interior lot Landscaping, (G) Pedestrian Connections, and (H) Parking Lot Layout requirements.

(9) Streetscaping standards.

(A) Development to follow Chapter 18-0217A Streetscaping standards.

(10) Signage.

(A) Signage to follow 18-0301 (8) B-4 Sign code unless otherwise specified below.

- 1) The Beacon Development and property is to follow 18-0301 Signs for general sign regulations as well as 18-0301 (8) the B-4 sign code, as amended from time to time.
- 2) On-Premise signage:
 - a) One free standing Event Center, Type II sign is allowed for the whole PUD area. ~~Event Center, Type II signage may be a wall sign, but should the event center sign be a wall sign no additional freestanding sign is to be permitted.~~
 - i) Sign, event center (Type II). A sign that displays the name of the event center on a reader board (video, electronic, or fixed lettering) and may also direct attention to the following: sponsors of the activities within the event center; sponsors of the event center; and businesses, commodities, services, activities, or entertainment conducted, sold, or offered in the event center.
 - (1) Type II event center sign. A sign with a maximum height of thirty (30) feet from normal sidewalk grade and a maximum width of twenty-five (25) feet. The sign surface area is a maximum of two hundred twenty-five (225) square feet.
 - (2) ~~Sign location on approved concept map subject to change, but shall be no closer to Demers Avenue than existing pylon sign location.~~
 - b) Complex Branding Signage – “The Beacon”
 - i) Wall signage indicating the complex name shall permitted and limited to 150 square feet in size, per building.
 - c) Individual Building Name Signage
 - i) Each building is to be individually named and signage for each building is intended to identify and brand the various residential structures within The Beacon complex. Wall Signage surface area for individual building names shall be limited to 75 square feet per building face.
 - d) Commercial Tenant Signage
 - i) First Floor Commercial Tenant signage is to be limited to ten percent of storefront face, with overall storefront face to be calculated at 20’ Height x Width of each individual storefront, on each building face.
 - ii) Signage types allowed to follow B-4 sign code section 18-0301 (8).
 - iii) Commercial tenant signage is to be located no higher than between first and second floor levels, and prohibited on upper levels of the building.
- 3) Plaza signage is considered to be “interior” signage that has limited visibility from the right of way. As such the signage and visual displays utilized for events are not restricted by overall signage square footage requirements as described in the PUD document and in the B-4 sign code.

- a) Plaza signage to be considered signage relating to plaza events, sponsors, and operations.
 - i) Plaza signage to be directed interior to site and have minimal to no visibility to right of way.
 - b) Commercial, complex, and building name signage shall meet square footage and other sign requirements as specified within this section.
- 4) Electronic digital signs for complex, building name, and commercial signage are prohibited. Only Event Center Type II signage is permitted to be digital. Interior plaza-related digital elements are permitted but must be directed interior to the plaza with minimal or limited visibility from right of way.
- a) *Dimmer control.* Electronic signs must have an automatic dimmer control to automatically reduce the illumination at night and during times of reduced ambient light.



GENERAL NOTES:

1. Concept Map is intended to show general layout of development. See PUD document for full zoning requirements of the site.

<p>PROPERTY INFORMATION</p> <p>THE BEACON by EPIC 701 1ST AVE NO GRAND FORKS, ND 58203</p> <p>LEGAL DESCRIPTION LOT 2, BLOCK 2 RENEWEL RESUBDIVISION NO. 5</p> <p>ZONING Beacon PUD, see PUD document for specific site development requirements.</p> <p>DEVELOPMENT THE BEACON by EPIC</p> <p>OWNER / DEVELOPER EPIC COMPANIES</p>	<p>PROJECT INFORMATION</p> <p>BUILDING BUILDING INFORMATION BUILDING HEIGHT = ? PER IBC DEFINITION</p> <p>OCCUPANCY = ? CONSTRUCTION TYPE = ? SPRINKLER SYSTEM = ? FFE = ? (V.)</p>
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<p>PARKING REQUIREMENTS</p>	<p>PARKING PROVIDED</p> <table border="1"> <tr> <th colspan="2">PARKING SCHEDULE</th> <th></th> </tr> <tr> <td>PARKING SPACE - STANDARD - ADA 9' X 18'-6" - 90 DEG</td> <td></td> <td>7</td> </tr> <tr> <td>PARKING SPACE - ADA 9' X 18' - 45 DEG</td> <td></td> <td>0</td> </tr> <tr> <td>PARKING SPACE 9' X 18' - 90 DEG</td> <td></td> <td>109</td> </tr> <tr> <td>PARKING SPACE 9' X 18' - 45 DEG</td> <td></td> <td>0</td> </tr> <tr> <td>UNDERGROUND PARKING</td> <td></td> <td>103</td> </tr> </table> <table border="1"> <tr> <th colspan="3">ACCESSIBLE PARKING (REQUIRED)</th> </tr> <tr> <th>TOTAL PARKING SPACES PROVIDED</th> <th>REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES</th> <th>PROVIDED</th> </tr> <tr> <td>219</td> <td></td> <td>9</td> </tr> </table>	PARKING SCHEDULE			PARKING SPACE - STANDARD - ADA 9' X 18'-6" - 90 DEG		7	PARKING SPACE - ADA 9' X 18' - 45 DEG		0	PARKING SPACE 9' X 18' - 90 DEG		109	PARKING SPACE 9' X 18' - 45 DEG		0	UNDERGROUND PARKING		103	ACCESSIBLE PARKING (REQUIRED)			TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES	PROVIDED	219		9
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LOT, HEIGHT, AREA & YARD REQUIREMENTS

SITE SCHEDULE		
Name	Surface Area	Percent Coverage
Site - Overall	184,000 SF (4.22 AC)	100%
Building Footprint 1	12,991 SF	
Building Footprint 2	12,603 SF	
Building Footprint 3	12,789 SF	
Paved Surface		
Green Space		
Impervious Surface		
Max Impervious Surface		

COMMERCIAL SPACE		
Building 1	Building 2	Building 3
Floor 1: 11,300 SF	Floor 1: 10,085 SF	Floor 1: 11,300 SF

PROJECT:

THE BEACON BY EPIC

LOCATION:

GRAND FORKS, ND

CLIENT:

EPIC COMPANIES



Burian & Associates, LLC
1171 Gold Drive South, Suite 220
Fargo, ND 58103
(701) 478-7999

REV #	DESCRIPTION	DATE

PROJECT MANAGER:

DRAWING BY: CALEB KJETLAND

JURISDICTION:

DATE: 06/25/2021

SHEET TITLE:

**Beacon PUD
Concept Development Plan
(Zoning Map)**

SHEET NUMBER:

JOB/FILE NUMBER:



© COPYRIGHT BURIAN & ASSOCIATES, LLC, 2021. ALL RIGHTS RESERVED. C:\Users\calab\Bureau & Associates, LLC Shared Files\Clients\Epic Companies\P11-0002 The Beacon\030 Preliminary Engineering\PROJECT TEMPLATE\CAD\CONSTRUCT\SC - SP\Draw - SITE PLANS - Jul 30 2021 10:43:00 am PLOTTED BY: calab



Video Board = 200sf

Beacon = 25 sf (Sign to be modified to fit what is left after video board, Rendering is concept)

Sign Allowed= 225sf

ORDINANCE NO. 4806

An ordinance to **amend the zoning map** of the City of Grand Forks North Dakota, to rezone and exclude from the Central Business District (B-4) and **to include within the Beacon PUD (Planned Unit Development), Concept Development Plan, Lot 2, Block 2, Renewal Resubdivision No. 5**, to the City of Grand Forks, ND, located at 710 1st Avenue North.

Be it ordained by the City Council of the City of Grand Forks, North Dakota, pursuant to its home rule charter that:

Section 1. Amending Clause

The Zoning Map of the City of Grand Forks, established by Section 18-0205(2), of the Grand Forks City Code of 1987, as amended, is hereby amended as follows:

To rezone and exclude from the Central Business District (B-4) and **to include within the Beacon PUD (Planned Unit Development), Concept Development Plan, Lot 2, Block 2, Renewal Resubdivision No. 5**, to the City of Grand Forks, ND, located at 710 1st Avenue North.

All conditions and regulations relating thereto are prescribed in 18-0223 of the Grand Forks City Code and future amendments thereto, together with the attached/approved **Beacon PUD (Planned Unit Development) Concept Development Document and Plan** of the described district area.

Section 2. Effectivity

This ordinance shall be in full force and effect after its passage and approval as provided by law.

Brandon Bochenski, Mayor

ATTEST:

Maureen Storstad, City Auditor

Introduction and first reading: 07/19/2021
Public Hearing: 08/16/2021
Second Reading and final passage: 08/23/2021
Approved: 08/23/2021
Published: Not required by law.