

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

March 1, 2016:

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, March 1, 2016.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, Kristy Fremstad, John Gunkelman, Mike Magelky, Rocky Schneider, Kelly Steffes, Scott Stofferahn, Jan Ulferts Stewart

Absent: Mary Scherling

Chair Ulferts Stewart called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of February 2, 2016

Member Magelky moved the minutes of the February 2, 2016 Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, March 16, 2016 Brown Bag Luncheon

Topic: Public Arts Master Plan Discussion

Item D:

Item 1: Block 9 TIF Renewal Plan: APPROVED

Planning Director Jim Gilmour presented the 2016-01 Tax Increment Financing (TIF) Renewal Plan, and noted copies of the proposal have been submitted to the Board. Mr. Gilmour stated staff is recommending approval to present this plan before the City Commission.

Scott Neal, RDO's Vice President of Real Estate, spoke on behalf of the proposal.

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 2016-01 TIF Renewal Plan based on the finding that it is consistent with the GO2030 Fargo

Comprehensive Plan. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

**Item 2: Southwest Metro Transportation Plan update by MetroCOG:
APPROVED**

Adam Altenburg, Community and Transportation Analyst from the Fargo-Moorhead Metropolitan Council of Governments (MetroCOG) presented the report. Mr. Altenburg stated staff is recommending approval to present this plan before the City Commission.

Cindy Gray, AICP with SRF Consulting Group, spoke on behalf of the proposed plan.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Southwest Metro Transportation Plan as presented. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

Item E: Public Hearing Items:

**Item 1: Commerce on 52nd First Addition
Continued Hearing on an application requesting a Conditional Use Permit to allow a telecommunication support structure on part of Lots 10 and 11, Block 1, Commerce on 52nd First Addition. (Located at 5200 51st Avenue South) (Imaging Solutions): WITHDRAWN**

A Hearing had been set for February 2, 2016. At the February 2, 2016 meeting, the Hearing was continued to this date and time; however, the application has been withdrawn by the applicant.

**Item 2: Crestwood Condos Addition
Hearing on an application requesting a Plat of Crestwood Condos Addition (Minor Subdivision) a replat of Lots 7 and 8, Block 1 of Calico Prairie Addition to the City of Fargo, Cass County, North Dakota. (Located at 2840 and 2900 Calico Drive South) (Roers Development, Inc.): WITHDRAWN**

This was the time and date set; however, the application has been withdrawn by the applicant.

**Item 3: Kirkham's Second Addition
a. Continued Hearing on an application requesting a Growth Plan Amendment on Lots 7-11, Block 14, Kirkham's Second Addition. (Located at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North) (L2H Development, LLC): CONTINUED TO APRIL 5, 2016**

b. Continued Hearing on an application requesting 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 and extinguishment of the existing C-O, Conditional Overlay on Lots 7-11, Block 14, Kirkham's Second Addition. (Located

at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North) (L2H Development, LLC): CONTINUED TO APRIL 5, 2016

c. Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan for Commercial and Residential Development on Lots 7-11, Block 14, Kirkham's Second Addition. (Located at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North) (L2H Development, LLC): CONTINUED TO APRIL 5, 2016

A Hearing had been set for February 2, 2016. At the February 2, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to April 5, 2016.

Property owner Connie Norheim, 1013 16th Street North, spoke in opposition of the proposal.

Member Magelky moved this item be continued to the April 5, 2016 Planning Commission meeting. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

Item 4: Ekman Dakota View Addition

Hearing on an application requesting a Plat of Ekman Dakota View Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Dakota View Estates and Lot 1, Block 1, Ekman Addition to the City of Fargo, Cass County, North Dakota. (Located at 4002 and 4108 17th Avenue South) (Bridge Hospitality, LLC): CONTINUED TO APRIL 5, 2016

This was the date and time set for a Hearing on an application requesting a plat for property located at 4002 and 4108 17th Avenue South; however, the applicant has requested the Hearing be continued to April 5, 2016.

Member Magelky moved this item be continued to the April 5, 2016 Planning Commission meeting. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

Item 5: Osgood Estates Fourth Addition

Continued Hearing on an application requesting a Plat of Osgood Estates Fourth Addition (Minor Subdivision) a replat of Lots 38 and 39, Block 1, Osgood Estates Addition to the City of Fargo, Cass County, North Dakota. (Located at 5060 and 5072 43rd Avenue South) (Milestone Properties LLC): CONTINUED TO APRIL 5, 2016

A Hearing had been set for February 2, 2016. At the February 2, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to April 5, 2016.

Member Magelky moved this item be continued to the April 5, 2016 Planning Commission meeting. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

Item 6: Timber Parkway First Addition

Hearing on an application requesting a Plat of Timber Parkway First Addition (Minor Subdivision) an unplatted portion of the Southwest Quarter, Section 35, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3307 52nd Avenue South and 5013 36th Street South) (PACES Lodging): APPROVED

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

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed minor subdivision plat, Timber Parkway First 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 Stofferahn, Steffes, Fischer, Gunkelman, Fremstad, Schneider, Brust, Magelky, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 7: Sincebaugh Addition

Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan for a Parking Reduction and a Shared Parking Agreement on Lot 12, Block 3, Sincebaugh Addition. (Located at 4502 and 4550 37th Avenue South) (EAPC Architects Engineers): APPROVED

Planner Maegin Rude 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 the Conditional Use Permit to allow an Alternative Access Plan for a Parking Reduction and a Shared Parking Agreement be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. 82 off-street parking spaces are required on-site.
2. A recorded agreement for shared parking is in place.
3. A minimum of 5% of the parking lot shall contain planting islands.
4. The Conditional Use Permit will cease if the land use changes from an assisted living/senior living residence or religious institution.
5. Any expansion of the square footage of the group living use or religious institution use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.

Second by Member Fremstad. On call of the roll Members Fischer, Magelky, Steffes, Gunkelman, Fremstad, Brust, Schneider, Stofferahn, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

**Item 8: Section 1, Township 139 North, Range 49 West
Hearing on an application requesting a Conditional Use Permit to allow a telecommunication support structure within a GC, General Commercial zoning district on the unplatted part of the Southwest Quarter of Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2303 and 2305 Main Avenue) (Buell Consulting): APPROVED**

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

Applicant Rob Viera of Buell Consulting, spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a TSS structure within the GC, General Commercial zoning district be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. The base of the TSS must be enclosed by an opaque fence or wall of at least 6 feet in height and of a character necessary to provide adequate visual screening and to limit access to the TSS.
2. Place a cap on the height of the TSS structure to a maximum of 130 feet.

Second by Member Fischer. On call of the roll Members Fremstad, Brust, Fischer, Stofferahn, Steffes, Schneider, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

**Item 9: Spiry Third Addition
Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lots 1 and 2, Block 1, Spiry Third Addition. (Located at 4248 32nd Avenue South and 3253 42nd Street South) (32nd/42nd Properties, Inc.): APPROVED**

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

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Brust. On call of the roll Members Brust, Schneider, Steffes, Stofferahn, Fischer, Fremstad, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

At 3:57 p.m. the Board took a ten-minute recess.

After recess: All Members present except Member Scherling. Chair Ulferts Stewart presiding.

Item 10: Rocking Horse Farm 4th Addition

a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional of the proposed Rocking Horse Farm 4th Addition. (Located at 5801 52nd Avenue South) (Houston Engineering): APPROVED

b. Hearing on an application requesting a Plat of Rocking Horse Farm 4th Addition (Minor Subdivision) a plat of part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5801 52nd Avenue South) (Houston Engineering): APPROVED

Derrick LaPoint presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the following: 1) Zoning Change from AG, Agricultural to P/I, Public and Institutional and LC, Limited Commercial with a C-O, Conditional Overlay, and 2) Subdivision plat, Rocking Horse Farm 4th 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 Fremstad. On call of the roll Members Fremstad, Brust, Stofferahn, Schneider, Steffes, Magelky, Gunkelman, Fischer, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 11: Valley View Fourth Addition and Valley View Fifth Addition

a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to GC, General Commercial on Lot 2, Block 5, Valley View Fourth Addition and Lots 2 and 3, Block 5, Valley View Fifth Addition. (Located at 3650 Veteran's Boulevard South; 5651 38th Avenue South; 5650 56th Street South) (ARTEKTA Architects): APPROVED

b. Hearing on an application requesting a Conditional Use Permit to allow Residential Land Use within a GC, General Commercial zoning district on Lot 2, Block 5, Valley View Fourth Addition and Lots 2 and 3, Block 5, Valley View Fifth Addition. (Located at 3650 Veteran's Boulevard South; 5651 38th Avenue South; 5650 56th Street South) (ARTEKTA Architects): APPROVED

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: 1) approval be recommended to the City Commission of the proposed zoning change from LC, Limited Commercial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay, on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development

Code; and 2) the Conditional Use Permit to allow Residential Land Use within the GC, General Commercial zoning district be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. The maximum residential density shall be that of the MR-3, Multi-Dwelling Residential zoning district (24 units per acre).
2. The minimum open space required for each lot shall be 30% of the lot area.
3. Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.

Second by Member Steffes. On call of the roll Members Gunkelman, Fremstad, Stofferahn, Steffes, Magelky, Brust, Fischer, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 12: Loucille's Addition

a. Continued Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential and SR-2, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential of the proposed Loucille's Addition. (Located at 818, 820, 824, 828 14th Street North; 815 and 821 Barrett Street North) (Houston Engineering, Inc.): APPROVED

b. Continued Hearing on an application requesting a Plat of Loucille's Addition (Major Subdivision and Vacation) a vacation plat of an alley and a replat of Lots 8-12, Block 3, Kirkham's Addition to the City of Fargo, Cass County, North Dakota. (Located at 818, 820, 824, 828 14th Street North; 815 and 821 Barrett Street North) (Houston Engineering, Inc.): APPROVED

Derrick LaPoint presented the staff report. He noted staff has received several phone calls, letters, e-mails, and a petition that were included in the packet. Mr. LaPoint stated all approval criteria have been met and staff is recommending approval.

Applicant Erik Gunderson, EG & CO Properties, LLC, spoke on behalf of the application.

The following area property owners spoke in opposition of the proposal sharing their concerns about the loss of single-family homes in this area, and the increase of traffic on Barrett Street which is a paved alley and not a city street:

Martha Berryhill, 1354 12th Street North
Les Herbranson, 1042 14th Street North

Member Fremstad moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from SR-2, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential; 2) Vacation Plat (alley vacation); and 3) Subdivision plat, Loucille's 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 Stofferahn. On call of the roll Members Stofferahn, Fremstad, Fischer, Brust, Schneider, Magelky, Gunkelman, Steffes, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

**Item 13: Section 19, Township 140 North, Range 48 West
Continued Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on part of the Southwest Quarter of Section 19, Township 140 North, Range 48 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1201 32nd Avenue North) (Roers' Development Inc.): APPROVED**

Aaron Nelson presented the staff report and noted data from a traffic study, which was requested by the applicant, has been included in the packet. He reported the applicant held a neighborhood meeting on February 24, and has made modifications to the original proposal from feedback provided by the area residents. He also noted additional letters and documents staff received have been submitted to the Board. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

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

At 5:15 p.m. the Board took a five-minute recess.

After recess: All Members present except Member Scherling. Chair Ulferts Stewart presiding.

Richard Lane, PE at SRF Consulting Group, reviewed the traffic study data results.

The following area property owners spoke in opposition of the proposal stating the following concerns: North Dakota State University (NDSU) building into neighborhoods to provide student housing; City Staff not following the GO2030 Fargo Comprehensive Plan; the location of the apartment complex being too close to the McKinley Elementary School; the continuing need for more single-family housing; increased traffic and parking issues; and the population density this development will create.

Randy Grondahl, 3102 9th Street North
Thomas Lawrence, 1739 3rd Street North, also submitted a document to the Board
Sue Joelson, 3133 9-1/2 Street North
Michael Joelson, 3133 9-1/2 Street North
Carolyn Monzingo, 306 29th Avenue North
John Henning, 3225 Par Street Northeast
Tom Davies, 1739 3rd Street North
Brad Kasson, 3136 9-1/2 Street North

Jeff Avelsgaard, 2926 10th Street North
Maureen Davies, 1739 3rd Street North

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning map amendment from SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Fischer. On call of the roll Members Steffes, Fremstad, Magelky, Gunkelman, Fischer, Schneider, and Ulferts Stewart voted aye. Members Brust and Stofferahn voted nay. Absent and not voting: Member Scherling. The motion was declared carried.

The time at adjournment was 6:38 p.m.