

Member Stofferahn moved this item be continued to the March 1, 2016 Planning Commission meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

Item 2: Brandt Crossing Ninth Addition

Hearing on an application requesting a Plat of Brandt Crossing Ninth Addition (Minor Subdivision) a replat of Lot 2, Block 1, Brandt Crossing Seventh Addition to the City of Fargo, Cass County, North Dakota. (Located at 5250 32nd Avenue South) (City of Fargo): APPROVED

Planner Joe Nigg presented the staff report noting an updated plat has been submitted to the Board. Mr. Nigg stated 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 minor subdivision plat, Brandt Crossing Ninth 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 Fischer. On call of the roll Members Brust, Schneider, Steffes, Stofferahn, Fischer, Fremstad, Magelky, and Ulferts Stewart voted aye. Absent and not voting: Members Gunkelman and Scherling. The motion was declared carried.

Member Scherling present.

Item 3: Pierce's Third Addition

Hearing on an application requesting a Conditional Use Permit to allow Wholesale Sales in a GC, General Commercial zoning district on Lots 1 and 3, Block 1, Pierce's Third Addition. (Located at 3803 and 3817 Main Avenue) (Olaf Anderson): 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 Wholesale Sales in a 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 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. Outdoor storage areas shall not cover more than 50% of the open space of the development, nor be located within the front or street side setback areas of the development. Outdoor storage areas shall be fenced in a manner that is not visible from public right-of-way and shall have fence heights that will visually block any items stored within. Fences exceeding 8.5 feet in height must follow the required building setbacks as outlined within the Land Development Code.
3. The Conditional Use Permit shall terminate if the industrial service uses cease for a period of more than 12 consecutive months.

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

Item 4: Edgewood Second Addition

Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 12 and part of Lot 11, Block 8, Edgewood Second Addition. (Located at 3000 Elm Street North) (The Dakota Conference Corporation of Seventh-Day Adventists): APPROVED

Planner Derrick LaPoint presented the staff report and noted an updated draft of the proposed C-O, Conditional Overlay has been submitted to the Board. Mr. LaPoint stated all approval criteria have been met and staff is recommending approval.

John Postovit, 3001 2nd Street North, shared his concerns about future commercial development on this property if the proposal is approved.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from SR-2, Single-Dwelling Residential to LC, Limited 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. Second by Member Brust. On call of the roll Members Scherling, Fremstad, Stofferahn, Steffes, Magelky, Brust, Fischer, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Member Gunkelman. The motion was declared carried.

Item 5: Skaff's Third Addition

a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay to MR-3, Multi-Dwelling Residential with a new PUD, Planned Unit Development Overlay and the extinguishment of the existing Planned Unit Development (PUD) Overlay on Lots 1-4, Block 1, of the proposed Skaff's Third Addition. (Located at 4902 and 5002 16th Avenue South; 4955 17th Avenue South; 1632 51st Street South) (Paces Lodging): APPROVED

b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan and Final Plan of the proposed Skaff's Third Addition (Located at 4902 and 5002 16th Avenue South; 4955 17th Avenue South; 1632 51st Street South) (Paces Lodging): APPROVED

c. Hearing on an application requesting a Plat of Skaff's Third Addition (Minor Subdivision) a replat of Lots 1-4, Block 2, Skaff's First Addition to the City of Fargo, Cass County, North Dakota. (Located at 4902 and 5002 16th Avenue South; 4955 17th Avenue South; 1632 51st Street South) (Paces Lodging): APPROVED

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

Applicant and property owner Sam Skaff, and Chris Mack from Paces Lodging, spoke on behalf of the application.

Member Fischer moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the following: 1) Zoning Change from MR-3, Multi-Dwelling Residential with the existing PUD, Planned Unit Development to MR-3, Multi-Dwelling Residential with the new PUD, Planned Unit Development; 2) PUD, Planned Unit Development Master Land Use Plan and PUD, Planned Unit Development Final Plan; and 3) Skaff's Third Addition minor subdivision as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0908 and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Stofferahn, Scherling, Fremstad, Fischer, Brust, Schneider, Magelky, Steffes, and Ulferts Stewart voted aye. Absent and not voting: Member Gunkelman. The motion was declared carried.

Item 6: Section 27, Township 140 North, Range 49 West

Hearing on an application from North Dakota State University requesting to plat 301.77 acres as a Major Subdivision on the land described as, the east Half of Section 27, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Bounded by 19th Avenue North on the south, Interstate 29 on the east, the section line on the north, and the quarter section line on the west) (Zerr Berg Architects): APPROVED

Member Magelky declared a conflict of interest on this item and was excused from voting.

Joe Nigg presented the staff report noting an updated plat was submitted to the Board. Mr. Nigg stated all approval criteria have been met and staff is recommending approval.

Scott Kjos, Kjos Investments, shared his concerns regarding roadway connectivity to adjacent properties.

Josh Magelky, MBN Engineering, spoke on behalf of the application.

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission the proposed subdivision plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code; with the condition that there is a resolution to the flood protection infrastructure discussion prior to City Commission. Second by Member Fischer. On call of the roll Members Steffes, Scherling, Fischer, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. Member Fremstad voted nay. Member Magelky abstained from voting. Absent and not voting: Member Gunkelman. The motion was declared carried.

Item 7: Commerce on 52nd First Addition

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): CONTINUED TO MARCH 1, 2016

Planner Aaron Nelson presented the staff report. He stated the proposed telecommunication support structure does not meet the stealth design criteria as stated in the Land Development Code, and staff is recommending denial.

Applicant representative Rodney Young, Imaging Solutions, spoke on behalf of the proposal.

At 4:05 p.m. the Board took a five-minute recess.

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

The Board further discussed the stealth design criteria as it is defined in the Land Development Code.

Member Schneider moved to continue this item to the March 1, 2016 meeting. Second by Member Magelky. On call of the roll Members Fremstad, Fischer, Steffes, Magelky, Brust, Stofferahn, Schneider, Scherling, and Ulferts Stewart voted aye. Absent and not voting: Member Gunkelman. The motion was declared carried.

Item 8: Northern Sheyenne Land Second Addition

Hearing on an application requesting a Plat of Northern Sheyenne Land Second Addition (Major Subdivision) a replat of Lots 1 and 2, Block 1, Northern Sheyenne Land Addition to the City of Fargo, Cass County, North Dakota. (Located at 4800 and 4900 19th Avenue North) (Lightowler Johnson Associates): APPROVED

Aaron Nelson presented the staff report noting an updated plat has been submitted to the Board. Mr. Nelson stated 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 Northern Sheyenne Land Second Addition subdivision plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Fischer. On call of the roll Members Stofferahn, Steffes, Fischer, Fremstad, Schneider, Brust, Scherling, Magelky, and Ulferts Stewart voted aye. Absent and not voting: Member Gunkelman. The motion was declared carried.

Item 9: Rhett's Row Addition

Hearing on an application requesting a Plat of Rhett's Row Addition (Minor Subdivision) a replat of part of Auditor's Lot B, Block 15 and part of Auditor's Lot E, Block 14, Chapin's Addition to the City of Fargo, Cass County, North Dakota. (Located at 811 and 815 10th Avenue North) (Houston Engineering, Inc.): APPROVED

Derrick LaPoint presented the staff report. Mr. LaPoint noted staff held an open house for the public on January 21, 2016. He also noted staff received several phone calls along with letters and emails that were included in the packet, and an additional letter and petition that was submitted to the Board. Mr. LaPoint stated all approval criteria have been met and staff is recommending approval.

Board discussion ensued briefly reviewing the history of the current zoning in this area; the vacant property due to the demolition of a previous house; and how existing apartment sizes compare to the size of the proposed structure.

The following area property owners spoke in opposition of the proposal stating the following concerns: the proposed apartment complex changing the uniqueness of the Kennedy Court neighborhood; the density of the proposal in comparison to the small size of the lot; the lack of a detailed site plan available to preview; adding to the current parking issues; loss of open space; and the negative impact on property values.

Martha Berryhill, 1354 12th Street North
Lisa Hauck, 810 10th Avenue North.
Cherylyn Fausel, 814 Kennedy Court North
Helen and Blaise O'Connor, 2346 164th Avenue Southeast
Merrill Piepkorn, 1321 3rd Street North

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

Member Schneider moved the findings and recommendations of staff be denied as the proposal does not comply with the GO2030 Fargo Comprehensive Plan. The motion failed for lack of a second.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Rhett's Row Addition as the proposal complies with the adopted Area Plan, Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Fischer. On call of the roll Members Fischer, Magelky, Steffes, Fremstad, Stofferahn, and Ulferts Stewart voted aye. Members Brust, Scherling, and Schneider voted nay. Absent and not voting: Member Gunkelman. The motion was declared carried.

At 5:05 p.m. the Board took a five-minute recess.

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

Item 10: Loucille's Addition

a. 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.): CONTINUED TO MARCH 1, 2016

b. 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.): CONTINUED TO MARCH 1, 2016

This was the time and date set. The applicant has requested the application be continued to March 1, 2016.

Derrick LaPoint presented the staff report. He noted staff held an open house for the public on January 21, 2016. Mr. LaPoint stated staff is looking for a motion from the Board for the continuation of this item to March 1, 2016.

Member Brust moved this item be continued to the March 1, 2016 Planning Commission meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

Item 11: Kirkham's Second Addition

a. 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 MARCH 1, 2016

b. 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 MARCH 1, 2016

c. 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 MARCH 1, 2016

Member Brust declared a conflict of interest on this item and was excused from voting.

Aaron Nelson presented the staff report and noted that staff held an open house on January 21, 2016. He explained staff is bringing this item before the Board to allow preliminary discussion and to hear public comments. Mr. Nelson stated staff is recommending this item be continued to the March 1, 2016 Planning Commission meeting for the Board's recommendation.

Applicant representative Steve Iverson, L2H Development LLC, spoke on behalf of the proposal.

The following area property owners spoke in opposition of the proposal stating the following concerns: density and building size not being compatible with the neighborhood and the existing UMU, University Mixed-Use zoning; loss of limited single-family housing available within the City; adding to current parking issues; and issues of proper water drainage from these large buildings to adjacent property owners and their homes.

Jim Laschkewitsch, 1016 College Street North
Judy Wong, 1121 14th Street North
Connie Norheim, 1013 16th Street North
Lowell Disrud, 1106 14th Street North
Petronella Shirk, 1122 College Street North

Member Magelky moved this item be continued to the March 1, 2016 Planning Commission meeting. Second by Member Schneider. Member Brust abstained from voting. All other Members present voted aye and the motion was declared carried.

At 6:09 p.m. the Board took a five-minute recess.

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

E: Public Hearing Item – 5:00 p.m.:

Item 12: Section 19, Township 140 North, Range 48 West

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.): CONTINUED TO MARCH 1, 2016

Aaron Nelson presented the staff report noting additional letters from area property owners that have been submitted to the Board. Mr. Nelson also noted that staff held an open house on January 21, 2016. He explained staff is bringing this item before the Board to allow preliminary discussion and to hear public comments. Mr. Nelson stated staff is recommending this item be continued to the March 1, 2016 Planning Commission meeting for the Board's recommendation.

Discussion by the Board included future roadway and infrastructure needs; area drainage requirements; and how this development may affect McKinley Elementary School located at 2930 8th Street North.

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

The following area property owners spoke in opposition of the proposal stating the following concerns: density and size of the proposal not being compatible with the lot size or neighborhood; the need for more single-family homes in this area; increased traffic flow on 10th Street North; loss of property value; lack of adequate turning lanes; and loss of open space.

Amy Ruley, 3137 10th Street North
Pepper Eisenhardt, 3125 10th Street North
Thomas Lawrence, 2701 9-1/2 Street North
Michael Joelson, 3133 9-1/2 Street North
Annette LaPalm, 3138 10th Street North
Susan Joelson, 3133 9-1/2 Street North
Randy Grondahl – 3102 9th Street North
Jeff Avelsgaard, 2926 10th Street North

Member Steffes moved this item be continued to the March 1, 2016 Planning Commission meeting. Second by Member Brust. All Members present voted aye and the motion was declared carried.

F: Other Items:

Item 1: Annexation of approximately 162.274 acres of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Montplaisir Ag & Rental LLP/Perry Montplaisir): APPROVED

Joe Nigg presented the staff report for the proposed annexation stating all approval criteria have been met and staff is recommending approval.

The Board discussed including in future staff reports the criteria staff uses to review petitions for annexations to arrive at their recommendations.

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

The time at adjournment was 7:32 p.m.