

**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday:**

**May 3, 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, May 3, 2016.

The Planning Commissioners present or absent were as follows:

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

Absent: Mike Magelky

Chair Ulferts Stewart called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

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

**Item B: Minutes: Regular Meeting of April 5, 2016**

Member Scherling moved the minutes of the April 5, 2016 Planning Commission meeting be approved. Second by Member Fremstad. All Members present voted aye and the motion was declared carried.

**Item C: Wednesday, May 18, 2016 Brown Bag Luncheon**

Topic: Confirmation of Brown Bag Luncheon to be held on Wednesday, May 18, 2016. The topic to be discussed is forthcoming.

**Item D: Public Hearing Items:**

**Item 1: 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 AUGUST 2, 2016**

A Hearing had been set for February 2, 2016. At the February 2, 2016 meeting the Hearing was continued to March 1, 2016. At the March 1, 2016 meeting the Hearing was continued to April 5, 2016. At the April 5, 2016 meeting, the Hearing was continued to this date and time.

Member Brust moved this item be continued to the August 2, 2016 Planning Commission Meeting. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

**Item 2: Rocking Horse East Second Addition**

**Hearing on an application requesting a Conditional Use Permit to allow Manufacturing and Production, and Industrial Service uses in a GC, General Commercial zoning district on Lot 1, Block 2, Rocking Horse East Second Addition. (Located at 5302 51st Avenue South) (Brookstone Property): APPROVED**

Planner Maegin Rude presented the staff report and noted condition three has been changed from the information included in the packet. Ms. Rude stated all approval criteria have been met and staff is recommending approval with the change to condition three.

Member Steffes present.

Member Stofferahn moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow manufacturing and production, and industrial service uses 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 a fence, screen wall, or building extension.
2. No outdoor storage of equipment or supplies.
3. Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as defined by the Land Development Code.
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. Any expansion of the manufacturing and production, or industrial service use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.

7. The Conditional Use Permit shall terminate if the manufacturing and production, and industrial service uses cease for a period of more than 12 consecutive months.

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

**Item 3: West Acres Business Park 4th Addition  
Hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional on Lot 1, Block 3, West Acres Business Park 4th Addition. (Located at 4243 19th Avenue South) (FM Family YMCA, Inc.): 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 proposed zoning change from AG, Agricultural to P/I, Public and Institutional 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 Fremstad, Brust, Stofferahn, Scherling, Schneider, Steffes, Gunkelman, Fischer, and Ulferts Stewart voted aye. Absent and not voting: Member Magelky. The motion was declared carried.

**Item 4: Section 13, Township 138 North, Range 49 West  
Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-0, Single-Dwelling Residential on part of Section 13, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 8306 River View Road) (Carrie Haug): APPROVED**

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

Member Scherling moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from AG, Agricultural to SR-0, Single-Dwelling Residential, 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 Steffes. On call of the roll Members Scherling, Gunkelman, Fremstad, Stofferahn, Steffes, Fischer, Schneider, and Ulferts Stewart voted aye. Member Brust voted nay. Absent and not voting: Member Magelky. The motion was declared carried.

**Item 5: Harwood's 3rd Addition**

**Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential on Lot 6, Block 9, Harwood's 3rd Addition. (Located at 810 and 812 11th Street North) (Steve Hannig/Stacy Pritchard): APPROVED**

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

Martha Berryhill, 1354 12th Street North, spoke in favor of the proposal.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential 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 Gunkelman. On call of the roll Members Stofferahn, Scherling, Fremstad, Fischer, Brust, Schneider, Gunkelman, Steffes, and Ulferts Stewart voted aye. Absent and not voting: Member Magelky. The motion was declared carried.

**Item 6: Peter Sway Addition**

**Hearing on an application requesting a Conditional Use Permit to allow Group Living in an SR-2, Single-Dwelling Residential zoning district on Lot 16, Block 2, Peter Sway Addition. (Located at 1905 8th Street North) (Denise A. McGraw): DENIED**

Aaron Nelson presented the staff report. He submitted a signed petition to the Board from area property owners in opposition of the request. Mr. Nelson stated staff is recommending denial as not all of the approval criteria have been met.

Applicant Denise McGraw, spoke on behalf of the proposal.

The following area property owners spoke in opposition of the proposal stating the following concerns: existing structure too small for the proposed number of residents; on-street parking issues; illegal parking; and the existing restricted parking hours enforced by the City on both sides of the street.

Myla Alsaker, 2017 8th Street North  
Julie Sanderson, 2018 8th Street North

When requested to answer a question from the public, Street Department Director of Operations Benjamin Dow, explained the restricted parking hours are in place due to the proximity of the local high school.

Member Schneider moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Group Living uses within the SR-2, Single-Dwelling Residential zoning district be denied, as the proposal does not comply with Section

20-0909.D (1) of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Steffes, Fremstad, Gunkelman, Scherling, Fischer, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Member Magelky. The motion was declared carried.

At 4:00 p.m. the Board took a seven-minute recess.

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

**Item 7: Keeney and Devitts Second Addition**

**Continued Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay on Lots 8-10, Block 28, Keeney and Devitt's Second Addition. (14 and 22 6th Avenue North; and 519 Oak Street North) (Tricon Properties, LLC): CONTINUED TO JUNE 7, 2016**

A Hearing had been set for April 5, 2016. At the April 5, 2016 meeting the Hearing was continued to this date and time; however, staff is requesting the application be continued to June 7, 2016.

Aaron Nelson reviewed the background of this proposal, noting staff recently received an updated layout of the proposed development from the applicant. He stated staff is recommending this item be continued to provide time for staff's review of the updates, and to hold a neighborhood meeting for input from area property owners.

Applicant T.J. Haugrud spoke on behalf of the proposal.

The following area property owners spoke in opposition of the proposal sharing these concerns: parking; blocked access to an alley; added traffic activity to the only exit/entrance to the neighborhood; safety concerns; and retention of the historical aspects of the existing neighborhood:

Lon Johnston, 509 Oak Street North  
Sheri Fercho and son Ben Fercho, 4903 Rose Creek Parkway  
Merrill Piepkorn, 1321 3rd Street North  
Mary Jo Cayley, 702 Elm Street North  
Peg Winters, 818 1st Street North, Unit D  
Rosella Kotaska, 6 6th Avenue North

Member Brust moved this item be continued to the June 7, 2016 Planning Commission Meeting. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

At 5:00 p.m. the Board took a five-minute recess.

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

**Item 8: Great Northern Sixth Addition**

**Continued Hearing on an application requesting a Plat of Great Northern Sixth Addition (Minor Subdivision) a replat of Lot 1, Block 1, Great Northern Fifth Addition, and all of the vacated 36th Street North and 10th Avenue North adjacent to said Lot 1, Block 1, to the City of Fargo, Cass County, North Dakota. (3500 12th Avenue North) (Turman & Lang, Ltd.): CONTINUED TO JUNE 7, 2016**

A Hearing had been set for April 5, 2016. At the April 5, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to June 7, 2016.

Member Stofferahn moved this item be continued to the June 7, 2016 Planning Commission Meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

**Item 9: Hager's First Addition**

**a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial of the proposed Hager's First Addition. (Located at 2715 40th Avenue North) (Lowry Engineering): CONTINUED TO JUNE 7, 2016**

**b. Continued Hearing on an application requesting a Plat of Hager's First Addition (Minor Subdivision) on part of the Southeast Quarter of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2715 40th Avenue North) (Lowry Engineering): CONTINUED TO JUNE 7, 2016**

A Hearing had been set for April 5, 2016. At the April 5, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to June 7, 2016.

Member Stofferahn moved this item be continued to the June 7, 2016 Planning Commission Meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

**Item 10: Maple Valley Addition**

**Hearing on an application requesting a Conditional Use Permit to allow Residential Land Use within a LC, Limited Commercial zoning district on Lot 55, Block 1, Maple Valley Addition. (Located at 3599 60th Avenue South) (Brookstone Property): CONTINUED TO JUNE 7, 2016**

This was the time and date set; however, the applicant has requested the application be continued to June 7, 2016.

Member Stofferahn moved this item be continued to the June 7, 2016 Planning Commission Meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

**Item 11: Keeney and Devitts Second Addition**

**Hearing on an application requesting a Zoning Change from LC, Limited Commercial and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use on the east half of Block 37, Keeney and Devitt's Second Addition. (Located at 602, 608, 612, and 616 3rd Street North; 304 and 312 7th Avenue North) (Kilbourne Group): CONTINUED TO JUNE 7, 2016**

This was the time and date set; however, the applicant has requested the application be continued to June 7, 2016.

Member Stofferahn moved this item be continued to the June 7, 2016 Planning Commission Meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

**Item 12: Habitat Addition**

**a. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential with a PUD, Planned Unit Development Overlay on Block 1 of the proposed Habitat Addition. (Located at 1015, 1017, and 1021 13th Avenue South) (Lake Agassiz Habitat for Humanity): CONTINUED TO JUNE 7, 2016**

**b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan and Final Plan of the proposed Habitat Addition. (Located at 1015, 1017, and 1021 13th Avenue South) (Lake Agassiz Habitat for Humanity): CONTINUED TO JUNE 7, 2016**

**c. Hearing on an application requesting a Plat of Habitat Addition (Minor Subdivision) a replat of Lot 24, Block RR, Erskine's Addition and a plat of Auditor's Lot 1 of the Southwest Quarter of Section 7, Township 139 North, Range 48 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1015, 1017, and 1021 13th Avenue South) (Lake Agassiz Habitat for Humanity): CONTINUED TO JUNE 7, 2016**

This was the time and date set; however, the applicant has requested the application be continued to June 7, 2016.

Member Stofferahn moved this item be continued to the June 7, 2016 Planning Commission Meeting. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

The time at adjournment was 5:13 p.m.