BOARD OF PLANNING COMMISSIONERS
MINUTES

Regular Meeting: Tuesday: February 3, 2015:

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 4:00 o'clock p.m., Tuesday, February 3, 2015.

The Planning Commissioners present or absent were as follows:

Present: John Paulsen, Shara Fischer, Kristy Fremstad, John Gunkelman, Mary Scherling, Rocky Schneider, Terry Steen, Kelly Steffes, Jan Ulferts-Stewart

Absent: Mike Magelky, Jeff Morrau

Chair Paulsen called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Paulsen noted the continuation of Item Nos. 4 and 11 to the March 3, 2015 Planning Commission meeting.

Chair Paulsen also addressed Item D regarding an update on parking in the Civic Center Lot, during the construction of the 2nd Street floodwall and the new City Hall. He noted this lot will be closing at the end of April 2015. Chair Paulsen explained the Planning Commission will continue to meet on the first Tuesday of each month, but will need to adjust their meeting time from 4:00 p.m. to 5:00 p.m. to help accommodate parking needs. Chair Paulsen stated a notification will be issued before this time change officially goes into effect.

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

Item B: Minutes: Regular Meeting of January 6, 2015

Member Steen moved the minutes of the January 6, 2015 Planning Commission meeting be approved. Second by Member Scherling. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, February 18, 2015 Brown Bag Luncheon - CANCELLED

Item D: Update on Parking in Civic Center Lot

See announcement under Business Item A above.

Item E:
Item 1: Appeal of an Administrative Decision to Approve a Residential Protection Standard Waiver on Lots 7 through 9, Block 36, Northern Pacific Addition. (821 5th Avenue South) (Grace Lutheran Church): APPROVED
Planner Aaron Nelson presented the staff report for the appeal of an administrative decision to approve a Residential Protection Standard Waiver for property located at 821 5th Avenue South. He noted the appellant is requesting the following modifications be added to the waiver regarding the property line abutting his property: 1) a curb and gutter be installed at least 1 foot from the property line, and 2) landscaping be placed towards the front of the property to improve aesthetics from the street. Mr. Nelson stated staff does support the granting of a modified waiver and is recommending approval.

Appellant Scott Dahms, 423 8th Street South, spoke on behalf of the appeal.

Grace Lutheran Church Representative George Cusher, and Margaret Follingstad of YHR Partners, explained in further detail the original application they submitted. Ms. Follingstad added they are in favor of adding the suggested landscaping in lieu of a fence.

Further discussion ensued by the Board.

Member Ulferts-Stewart moved the findings and recommendations of staff be accepted and the modified waiver for the applicable residential protection standards be approved as presented, with the added modification that the applicant be required to place both parking concrete stops and a landscaping row in lieu of the fence stated in the staff report, as outlined in the Land Development Code Section 20-0704. Second by Member Fischer. On call of the roll Members Fremstad, Scherling, Steen, Fischer, Steffes, Schneider, Gunkelman, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

Public Hearing Items:
Item 1: Continued Hearing on an application requesting a Conditional Use Permit to allow Animal Confinement land uses within an AG, Agricultural zoning district on a portion of the Northeast Quarter of the Northwest Quarter of Section 15, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 4306 76th Avenue South) (Charlotte Tuhy): CONTINUED TO MARCH 3, 2015
A Hearing had been set for November 4, 2014. At the November 4, 2014 meeting the Hearing was continued to December 2, 2014. At the December 2, 2014 meeting the Hearing was continued to January 6, 2015. At the January 6, 2015 meeting the Hearing was continued to this date and time.

Aaron Nelson presented an overview of this continued item from the November 2014 Planning Commission Meeting. He noted staff has further reviewed all letters of opposition received from area property owners, copies of past sheriff reports, and the

photographs taken by staff during their on-site visit in December 2014. Mr. Nelson stated staff is recommending denial as the approval criteria for the requested Conditional Use Permit have not been met.

Applicant Charlotte Tuhy, 28953 15th Avenue North, Hawley, MN explained her intent is to construct a new kennel building, and convert the existing kennel building into an indoor storage area. She stated the new facility is being planned to fit into the City's future area growth plans.

Member Schneider moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Animal Confinement land uses with the AG, Agricultural zoning district be denied, as the proposal does not comply with Section 20-0909.D and all other requirements of the Land Development Code. Second by Member Fischer. On call of the roll Members Schneider, Scherling, Steffes, and Fischer voted aye. Members Steen, Fremstad, Gunkelman, Ulferts-Stewart, and Paulsen voted nay. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

Board discussion ensued concerning the possible options the applicant may pursue, and how this request compares to other existing kennels throughout the City.

Planning Administrator Nicole Crutchfield suggested another motion be made by the Board to continue this item, allowing both staff and the applicant time to explore what other options or ideas are available to them.

Member Ulferts-Stewart moved to recommend this item be continued for one month's time. Second by Member Scherling. On call of the roll Members Steen, Scherling, Steffes, Fischer, Fremstad, Gunkelman, Ulferts-Stewart, and Paulsen voted aye. Member Schneider voted nay. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

At 5:04 p.m. the Board took a ten minute recess.

After recess: All Members present except Members Magelky and Morrau.

Item 2: Continued Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan on Lot 1, Block 4 and Lot 1, Block 5, Urban Plains Center Addition and Lots 2 and 3, Block 1, Brandt Park Addition and Lot 1, Block 1, Urban Plains Recreational Addition and Lot 1, Block 1, Urban Plains Recreational Second Addition. (Located at 2978 Seter Parkway South; 5022 and 5074 28th Avenue South; 5050 30th Avenue South; 5225 and 5298 31st Avenue South) (Fargo Park District): APPROVED

A Hearing had been set for January 6, 2015. At the January 6, 2015 meeting the Hearing was continued to this date and time.

Aaron Nelson presented the staff report for the requested Conditional Use Permit. He explained this request is to establish a parking and access plan for the existing Scheels Arena, a new ice rink that will be attached to Scheels Arena, and a public park that will be developed across 51st Street South to the east of Scheels Arena. Mr. Nelson noted, per staff's request, the applicant hired the consulting firm KLJ Engineering in December 2014, to complete a parking study for the proposed parking uses. He referred to an updated site plan submitted to the Board today by the applicant, which includes the study results. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

Discussion followed regarding the lack of parking for past events held at the arena; the proposal for an alternative access plan in lieu of a parking ramp; the importance of structured agreements between all parties involved, which include the need for City access for emergency services during these events; and how this proposed project will fit into the scope of future development and expansion according to the City's area growth plan.

Ace Brandt, area property owner and owner of the Fargo Force Hockey Team, spoke in favor of the request.

Applicant Jim Larson, Director of Finance for the Park District, noted the improvements that have been made as a result of parking issues that occurred at several large events held at the Arena in the past.

John Kram, General Manager of Scheels Arena, concurred parking has improved and they do confer with the Fargo Police Department and Fire Department when planning for a large event.

Jenna Johnson, Director of Sanford Family Wellness, noted the importance of coordination among the facilities sharing the parking when events are planned.

Member Fischer moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow for an Alternative Access Plan on Lot 1, Block 4 and Lot 1, Block 5, Urban Plains Center Addition; Lots 2 and 3, Block 1, Brandt Park Addition; Lot 1, Block 1, Urban Plains Recreational Addition; and Lot 1, Block 1, Urban Plains Recreational Second Addition be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code. Second by Member Steen. On call of the roll Members Scherling, Gunkelman, Fremstad, Steffes, Steen, Fischer, Schneider, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

At 5:56 p.m. the Board took a five minute recess.

After recess: All Members present except Members Magelky and Morrau.

Item 3: Continued Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay zoning district on All of Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second, and PTP Additions; Lots 2 and 3, Block 1 and Blocks 2-5, Urban Plains By Brandt Second Addition; and Lot 2, Block 1, Amber Valley West Fourth Addition. (Located at 5225 and 4650 26th Avenue South; 4624-5497 28th Avenue South; 4651-5450 30th Avenue South; 5225 and 5298 31st Avenue South; 4525-4737 and 4921-4973 32nd Avenue South; 2653, 2877, 2911, 3065, and 3155 45th Street South; 2611-2777 47th Street South; 3030-3180 49th Street South; 2701-3079 51st Street South; 2633-2867 55th Street South; 2754-3155 Brandt Drive South; 2841-3151 Seter Parkway South; 4531-4574 Urban Plains Drive South) (Urban Plains Land Co): APPROVED

A Hearing had been set for January 6, 2015. At the January 6, 2015 meeting the Hearing was continued to this date and time.

Aaron Nelson presented the staff report and a review of the various zoning changes that have occurred at the above properties over the past years. He noted an update to the staff report which reflected the applicant to request removal of the restriction of off-premise advertising in order to allow billboards along Veterans Boulevard, 32nd Avenue South, and 45th Street South. Mr. Nelson added staff is suggesting a compromise that off-premise advertising be allowed as a conditional use rather than permitting off-premise advertising by right. Mr. Nelson stated staff is recommending approval as all approval criteria have been met.

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 to repeal and extinguish the existing C-O, Conditional Overlay district and establish a new C-O, Conditional Overlay district, with the revision to only allow off-premise advertising signs with a Conditional Use Permit; 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 Scherling. On call of the roll Members Scherling, Fremstad, Fischer, Steen, Schneider, Gunkelman, Steffes, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

Item 4: Continued Hearing on an application requesting a Plat of FTC Addition (Minor Subdivision) a replat of part of Lot 2 and all of Lot 3, Block 1, Burlington Northern I-29 South Industrial Center to the City of Fargo, Cass County, North Dakota. (Located at 3501 4th Avenue South) (360 Partners, LLC): CONTINUED TO MARCH 3, 2015

This was the time and date set. The applicant has requested the application be continued to March 3, 2015.

Item 5: Continued Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on part of Lot 3, Block 1, West Park Subdivision. (Located at 201 38th Street South) (Olaf Anderson): APPROVED

A Hearing had been set for January 6, 2015. At the January 6, 2015 meeting the Hearing was continued to this date and time.

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

Member Steen moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from GC, General Commercial to LI, Limited Industrial 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 Gunkelman, Fremstad, Fischer, Steffes, Steen, Schneider, Scherling, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

Item 6: Continued Hearing on an application requesting a Plat of Corwin FLP I First Addition (Minor Subdivision) on an unplatted portion of the Southeast Quarter of Section 3, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 4201 and 4215 Main Avenue) (Houston Engineering Inc./Tim Corwin Family Limited Partnership I): APPROVED

A Hearing had been set for January 6, 2015. At the January 6, 2015 meeting the Hearing was continued to this date and time.

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

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Corwin FLP I 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 Schneider. On call of the roll Members Steffes, Fischer, Gunkelman, Fremstad, Schneider, Steen, Scherling, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

Item 7a: Continued Hearing on an application requesting a Zoning Change from LC, Limited Commercial to MR-3, Multi-Dwelling with a PUD, Planned Unit Development Overlay on part of Lots 1 and 2, and All of Lots 17 and 18, Block 4, Harwood's Addition. (Located at 707 10th Street North) (Mutchler Bartram Architects, PC): APPROVED

Item 7b: Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan for a Residential Land Use on part of Lots 1 and 2, and All of Lots 17 and 18, Block 4, Harwood's Addition. (Located at 707 10th Street North) (Mutchler Bartram Architects, PC): APPROVED

A Hearing had been set for January 6, 2015. At the January 6, 2015 meeting the Hearing was continued to this date and time.

Aaron Nelson presented an overview on this continued item. He noted staff has received additional written comments from the public relating to concerns over the increased residential density, lack of existing parking, and the non-historical design of the building. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

Applicant Kenneth Bartram, 710 Lofts, LLC, spoke on behalf of his proposal addressing the stated concerns of area property owners.

Member Ulferts-Stewart moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission the following: 1) zone change from LC, Limited Commercial to MR-3, Multi-Dwelling Residential with a Planned Unit Development (PUD) Overlay; and 2) PUD Master Land Use Plan as the development proposal complies with the GO2030 Fargo Comprehensive Plan, Growth Plan, Standards of Article 20-06 and Section 20-0906.F of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following considerations:

1) All existing deciduous trees located within 30 feet of the northeast property corner shall be preserved and shall not be removed or damaged during the redevelopment of the subject property. In addition, existing trees located within 10 feet of any interior-side or rear lot line should be preserved to the extent practicable. The owner should coordinate with the City Forester to develop a tree protection plan during permitting and construction.

2) The existing approach onto 10th Street North shall be removed and replaced by a standard street boulevard. Vehicular access to the property shall be provided from the public alley only.

3) A pedestrian sidewalk shall be installed from the public sidewalk along 10th Street North to the entrance of the building.

4) No more than 16 dwelling units shall be permitted. There shall be a maximum of four (4) two-bedroom dwelling units permitted. Dwelling units having three (3) or more bedrooms shall be prohibited.

5) No fewer than 26 parking spaces shall be provided on-site.

6) Bicycle parking facilities, such as a bike rack or bike lockers, shall be provided on-site.

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

At 6:58 p.m. the Board took a five minute recess.

After recess: All Members present except Members Magelky and Morrau.

Item 8: Hearing on an application requesting a Plat of Craigs First Addition (Major Subdivision and Vacation) a replat of Lots 7, 8, and 9, Block 28, Roberts' Second Addition; Lots E and F, Block 28, Douglas' Second Subdivision; and a vacation of all of the alley common to Lots 7-12, Block 28, Roberts' Second Addition and Lots C, F, K, and the previously vacated alley, Block 28, Douglas' Second Subdivision to the City of Fargo, Cass County, North Dakota. (Located between 10th Street North and 11th Street North and 2nd Avenue North and 3rd Avenue North) (Craig Ventures): APPROVED

Planner Joe Nigg presented the staff report for the requested plat of Craigs First Addition. He noted an updated plat he submitted to the Board. Mr. Nigg stated 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 following: 1) approval of the Vacate Plat as it is consistent with and serves to implement adopted plans and policies of the City; and 2) Craigs First Addition major subdivision plat, as the project complies with the GO2030 Fargo Comprehensive Plan, Standards of Article 20-06 of the Land Development Code and all other applicable requirements of the land Development Code. Second by Member Scherling. On call of the roll Members Fremstad, Scherling, Steen, Fischer, Steffes, Schneider, Gunkelman, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

Item 9a: Hearing on an application requesting a Growth Plan Amendment within the boundaries of the proposed Prairie Farms Commercial Addition. (Located at 2900 52nd Avenue South) (L2H Development): APPROVED

Item 9b: Hearing on an application requesting a Zoning Change from AG, Agricultural to LC, Limited Commercial within the boundaries of the proposed Prairie Farms Commercial Addition. (Located at 2900 52nd Avenue South) (L2H Development): APPROVED

Item 9c: Hearing on an application requesting a Plat of Prairie Farms Commercial Addition (Major Subdivision) a plat of part of the Northeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2900 52nd Avenue South) (L2H Development): APPROVED

Joe Nigg presented the staff report for the requested growth plan amendment, zoning change, and plat of Prairie Farms Commercial Addition. Mr. Nigg referred to an

updated plat that was submitted to the Board. He also noted that area property owners were notified and no responses have been received by staff. Mr. Nigg stated 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) Growth Plan Amendment; 2) Zoning Change from AG, Agricultural to LC, Limited Commercial; and 3) Prairie Farms Commercial Addition major subdivision plat as presented, with the following condition to finalize the coordination needed to determine accurate depiction of the applicable 52nd Avenue South right-of-way easements, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Growth 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 Steen. On call of the roll Members Steen, Schneider, Scherling, Steffes, Fischer, Fremstad, Gunkelman, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

Item 10: Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling with the extinguishment of the C-O, Conditional Overlay on Lot 1, Block 1, Brandt Crossing Seventh Addition. (Located at 3230 Seter Parkway South) (Brandt Crossing LLC): APPROVED

Maegin Rude 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 LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with the extinguishment of the 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 Steffes. On call of the roll Members Fremstad, Steen, Scherling, Schneider, Steffes, Gunkelman, Fischer, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Magelky and Morrau. The motion was declared carried.

Item 11: Hearing on an application requesting a Conditional Use Permit to allow an attached telecommunication facility on an unplatted part of the Northeast Quarter of Section 36, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1800 North University Drive) (Insite – Real Estate Services): CONTINUED TO MARCH 3, 2015

This was the time and date set. The applicant has requested the application be continued to March 3, 2015.

The time at adjournment was 7:30 p.m.