

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

January 6, 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, January 6, 2015.

The Planning Commissioners present or absent were as follows:

Present: John Paulsen, Shara Fischer, Kristy Fremstad, John Gunkelman, Mike Magelky, Jeff Morrau, Terry Steen, Kelly Steffes, Jan Ulferts-Stewart

Absent: Mary Scherling, Rocky Schneider

Chair Paulsen 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 Gunkelman. All Members present voted aye and the motion was declared carried.

Item B: Minutes: Regular Meeting of December 2, 2014

Member Steen moved the minutes of the December 2, 2014 Planning Commission meeting be approved. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, January 21, 2015 Brown Bag Luncheon - CANCELLED

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 FEBRUARY 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 this date and time; however, the applicant has requested the application be continued to February 3, 2015.

Item 2a: 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): CONTINUED TO FEBRUARY 3, 2015

Item 2b: 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): CONTINUED TO FEBRUARY 3, 2015

Planner Aaron Nelson presented the staff report. He noted the request for the Planned Unit Development is to increase density and to reduce the parking requirements. He added staff met with the applicant and representatives from the Roosevelt Neighborhood Association to discuss this project. He stated residents had concerns regarding the increasing residential density within the neighborhood and the compatibility of the building within a historic neighborhood. Mr. Nelson noted staff would like to further review this application, and is seeking feedback from the Board and approval to continue this item to the February 3, 2015 Planning Commission Meeting.

Discussion was held regarding concerns about snow storage and the reduction of off-street parking.

Applicant Kevin Bartram with Mutchler Bartram Architects spoke on behalf of the project.

Martha Berryhill, 1354 12th Street North, spoke in support of the project and thanked staff and the applicant for meeting with the Roosevelt Neighborhood Association (RNA). She noted the RNA would like to see exterior finishes that are compatible to the existing neighborhood structures.

Seth Holden, 722 9th Street North, expressed his concerns regarding landscaping and the number of existing trees. Kevin Bartram stated the existing trees will remain on the property, and the drawings he has submitted show the new trees that will be added.

The resident manager of the apartment building adjacent to the property at 707 10th Street North, cited his concerns regarding the additional people this project will bring into the neighborhood, and the lack of on-street parking that will be available.

Further discussion was held regarding design modifications, design materials, and parking in relation to the proposed project.

Member Ulferts-Stewart moved the Hearing be continued to the February 3, 2015 Planning Commission Meeting. Second by Member Fischer. On call of the roll Members Steen, Steffes, Morrau, Fischer, Fremstad, Magelky, Gunkelman, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Schneider and Scherling. The motion was declared carried.

Item 3a: Hearing on an application requesting a Growth Plan Amendment within the boundaries of the proposed Laverne's Addition. (Located at 4301 19th Avenue North and 4200 32nd Avenue North) (Perry Montplaisir): CONTINUED

Item 3b: Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial of the proposed Laverne's Addition. (Located at 4301 19th Avenue North and 4200 32nd Avenue North) (Perry Montplaisir): CONTINUED

Item 3c: Hearing on an application requesting a Plat of Laverne's Addition (Major Subdivision) a plat of part of Section 27, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 4301 19th Avenue North and 4200 32nd Avenue North) (Perry Montplaisir): CONTINUED
This was the time and date set. The applicant has requested the application be continued.

Item 4: Hearing on an application requesting a Conditional Use Permit to allow an Industrial Land Use in a GC, General Commercial zoning district on Lot 2, Block 1, Dittmer Subdivision. (Located at 5949 53rd Avenue South) (Plecicity Kowalski Construction, Inc.): APPROVED WITH CONDITIONS

Assistant Planner Maegin Rude presented the staff report for the Conditional Use Permit (CUP) to allow Industrial Services in a GC, General Commercial zoning district, previously advertised for an Industrial Land Use in a GC, General Commercial zoning district. Ms. Rude distributed to the Board an e-mail staff received from an adjacent property owner regarding outdoor storage, earthwork on site, setbacks, and storm water. She stated all approval criteria have been met and staff is recommending approval.

Applicant Jason Plecity, Owner of Plecity Kowalski Construction, spoke on behalf of the project.

Ken Pawluk, 2808 28th Avenue South, expressed his concerns regarding the proposed CUP moving existing clutter closer to his property; the setbacks of the property; and the storm water drainage.

City Engineer April Walker stated the City has reviewed the proposed project, as part of the site plan review, in regards to if it is sized appropriately to handle the storm water that is expected to be generated from the site, and it does meet that requirement.

Member Magelky moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Industrial Services in 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 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 Fischer. On call of the roll Members Gunkelman, Fremstad, Morrau, Steffes, Magelky, Steen, Fischer, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Schneider and Scherling. The motion was declared carried.

At 5:11 p.m. The Board took a five-minute recess.

After recess: All Members present except Members Scherling and Schneider.

Item 5: Hearing on an application requesting a Conditional Use Permit to allow Residential Land Use in a GC, General Commercial zoning district on Lot 1, Block 1, Pladson Addition. (Located at 501 1st Street North and 508 Oak Street North) (Betsy's Acres LLC): APPROVED WITH CONDITIONS

Assistant Planner Maria Olson presented the staff report adding staff had received three inquiries from property owners, but no concerns were noted. She stated all approval criteria have been met and staff is recommending approval.

Discussion was held regarding concerns about the proximity of residential uses to the abutting railroad tracks. In particular, discussion was held regarding the fence separating the property from the railroad tracks. Applicant Scott Nelson stated the fence is 3-4 feet high, heavy duty, and the amount of shrubs along this fence would make it difficult to gain access over the fence.

Member Steffes moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow household living in a GC, General Commercial zoned 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 residential use shall be limited to one (1) dwelling unit. The existing single-dwelling unit located on the west side of the property shall not be considered part of this Conditional Use Permit.
- 2) The property owner shall have until May 1, 2015, to remove all vehicles and trailers from the areas of the property not paved with an all-weather surface. Failure to remove all vehicles and trailers from said area by May 1, 2015, will be considered a violation of the Land Development Code and will be subject to the remedies and penalties provided in the Land Development Code.

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

Item 6: 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): CONTINUED TO FEBRUARY 3, 2015

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

Item 7: Hearing on an application requesting a Conditional Use Permit to allow a major home occupation for a single-station beauty salon on Lot 9, Block 1, Fox Run Second Addition. (Located at 3519 42nd Avenue South) (Jodie Kottenbrock): APPROVED WITH CONDITIONS

Maria Olson presented the staff report, noting condition two has been changed to give more flexibility to the applicant regarding the number of customers that may visit the site per week. She said the applicant is requesting to offer services Monday through Friday, excluding Saturday and Sunday. Ms. Olson stated all approval criteria have been met and staff is recommending approval with the change to condition two.

Member Ulferts-Stewart moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a major home occupation for a single-station beauty salon 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) One off-street parking space shall be provided on-site for clients.
- 2) Customers may visit the site only between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday, and no more than 12 customers may visit the site in any single day.
- 3) No exterior changes to the front façade of the residence shall be made. Areas of the residence in which the home occupation is not located are exempt from this condition.

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

Item 8: 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.): CONTINUED TO FEBRUARY 3, 2015

This was the time and date set. Staff has requested the application be continued to February 3, 2015.

Item 9a: Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-1, Multi-Dwelling with the extinguishment of the C-O, Conditional Overlay on Lot 1, Block 5 of the proposed Valley View Fifth Addition. (Located at 3751 54th Street South; 5460 and 5640 36th Avenue South) (K Square Developers): APPROVED

Item 9b: Hearing on an application requesting a Plat of Valley View Fifth Addition (Minor Subdivision) a replat of Blocks 6, 7, 8, 9, and 10, Valley View Fourth Addition to the City of Fargo, Cass County, North Dakota. (Located at 3751 54th Street South; 5460 and 5640 36th Avenue South) (K Square Developers): APPROVED

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

Member Morrau moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the following: 1) zone change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-1, Multi-Dwelling and extinguishment of the existing C-O, Conditional Overlay; and 2) Valley View Fifth Addition plat as presented, 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 Magelky. On call of the roll Members Magelky, Steffes, Fremstad, Gunkelman, Steen, Morrau, Fischer, Ulferts-Stewart, and Paulsen voted aye. Absent and not voting: Members Schneider and Scherling. The motion was declared carried.

Item 10: 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): CONTINUED TO FEBRUARY 3, 2015

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

Item 11: 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): CONTINUED TO FEBRUARY 3, 2015

A Hearing had been set for December 2, 2014.

At the December 2, 2014 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to February 3, 2015.

Item 12: 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 FEBRUARY 3, 2015

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

Adjourned at 5:42 p.m.