

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

June 2, 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, June 2, 2015.

The Planning Commissioners present or absent were as follows:

Present: John Paulsen, Shara Fischer, Kristy Fremstad, Mike Magelky, Jeff Morrau, Mary Scherling, Rocky Schneider, Terry Steen, Kelly Steffes

Absent: John Gunkelman, Jan Ulferts-Stewart

Chair Paulsen called the meeting to order.

Chair Paulsen made the following announcements:

- 1) Public Hearing Item No. 1 will be continued to December 1, 2015.
- 2) Public Hearing Item Nos. 3 and 8 are continued to July 7, 2015.
- 3) Public Hearing Item No. 6b has been withdrawn at the request of the applicant.

Business Items:

Item A: Approve Order of Agenda

No action was taken by the Board.

Item B: Minutes: Regular Meeting of May 5, 2015

Member Morrau moved the minutes of the May 5, 2015 Planning Commission meeting be approved. Second by Member Steen. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, June 17, 2015 Brown Bag Luncheon

Topic: Discussion on North Side Area Planning, etc.

Item D: Public Hearing Items:

Item 1: Butler Business Park Addition

Continued Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan for a Parking Reduction on Lot 1, Block 1 of the proposed Butler Business Park Addition (currently known as part of Lot 1 and all

of Lots 2-11, Block 7, Burlington Northern I-29 South Industrial Center, and part of Lot 1, Block 1, Truck Center Addition.) (Located at 3500 Main Avenue and 100 36th Street South) (Hyde Development): CONTINUED TO DECEMBER 1, 2015

A Hearing had been set for May 5, 2015. At the May 5, 2015 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to December 1, 2015

Item 2: Amity South At Cottagewood First Addition

a. Continued Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay of the proposed Amity South At Cottagewood First Addition (Located at 3801 and 4101 51st Avenue South) (Verity Homes of Fargo, LLC): APPROVED

b. Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan for a Residential Land Use of the proposed Amity South At Cottagewood First Addition. (Located at 3801 and 4101 51st Avenue South) (Verity Homes of Fargo, LLC): APPROVED

c. Continued Hearing on an application requesting a Plat of Amity South At Cottagewood First Addition (Minor Subdivision) a replat of Lots 28 and 29, Block 1, Cottagewood First Addition to the City of Fargo, Cass County, North Dakota. (Located at 3801 and 4101 51st Avenue South) (Verity Homes of Fargo, LLC): APPROVED

A Hearing had been set for April 7, 2015. At the April 7, 2015 meeting the Hearing was continued to May 5, 2015. At the May 5, 2015 Hearing the meeting was continued to this date and time.

Planner Aaron Nelson presented the staff report for the properties mentioned above at Amity South At Cottagewood First Addition. He noted copies of an e-mail staff received from Fire Chief Steven Dirksen regarding private drives, have been submitted to the Board. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

Discussion by the Board included concerns such as current and future property owners understanding it is their responsibility – not the City of Fargo’s – for the maintenance and all expenses incurred for the private infrastructure within the development including required fire code safety equipment; placement of sidewalks, alleys, and streets; and parking restrictions and accommodations for residents and/or their guests.

Applicant Arthur Goldhammer, Verity Homes, spoke on behalf of the proposal and addressed the Board’s questions and concerns.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) subdivision plat,

Amity South At Cottagewood First Addition; 2) zoning change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a Planned Unit Development (PUD) Overlay; and 3) a PUD Master Land Use Plan as outlined within the staff report, as the proposal complies with the adopted Area Plan, the GO2030 Comprehensive Plan, the Standards of Article 20-06, Standards of Section 20-0906.F (1-4), Section 20-0908.D and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Steen, Schneider, Scherling, Steffes, Morrau, Fischer, Fremstad, Magelky, and Paulsen voted aye. Absent and not voting: Members Gunkelman and Ulferts-Stewart. The motion was declared carried.

Item 3: Harwood's Addition

Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan for a Commercial Development Land Use on the West Half of Lot 1, Block 7, Harwood's Addition. (Located at 701 University Drive North) (Stahl Architects): CONTINUED TO JULY 7, 2015.

A Hearing had been set for May 5, 2015. At the May 5, 2015 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to July 7, 2015.

Item 4: Edgewood First Addition

Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to LC, Limited Commercial on part of Lot 1, Block 1, Edgewood First Addition. (Located at 2801 Broadway North) (Ralph Van Horn): APPROVED

Assistant Planner Maria Olson presented the staff report for the requested zone change with a conditional overlay. She noted staff has received three phone calls from area property owners, with one caller stating their opposition. Ms. Olson 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 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 Steen. On call of the roll Members Scherling, Fremstad, Morrau, Steffes, Magelky, Steen, Fischer, Schneider, and Paulsen voted aye. Absent and not voting: Members Gunkelman and Ulferts-Stewart. The motion was declared carried.

Item 5: Timber Creek First Addition

Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to GO, General Office on Lot 23, Block 5, Timber Creek First Addition. (Located at 5100 Prosperity Way South) (PLC Investments, LLC): APPROVED

Planner Joe Nigg presented the staff report for the requested zoning change. He noted an e-mail staff received from an area property owner that has been submitted to the

Board. Mr. Nigg stated 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 the proposed zoning change from MR-1, Multi-Dwelling Residential to GO, General Office and to repeal and re-establish a Conditional Overlay, as outlined within the staff report, 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 Schneider. On call of the roll Members Morrau, Scherling, Fremstad, Fischer, Steen, Schneider, Magelky, Steffes, and Paulsen voted aye. Absent and not voting: Members Gunkelman and Ulferts-Stewart. The motion was declared carried.

At 5:03 p.m. The Board took a five minute recess.

All Members present after recess except Members Gunkelman, Schneider, and Ulferts-Stewart.

Item 6: Corwin FLP I First Addition

a. Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on all of Corwin FLP I First Addition. (Located at 4201 and 4215 Main Avenue) (Daniel M. Wilson): APPROVED

b. Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan for a Parking Reduction on all of Corwin FLP I First Addition. (Located at 4201 and 4215 Main Avenue) (Daniel M. Wilson): WITHDRAWN

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

Member Schneider present.

Item 7: Spiry Third Addition

Hearing on an application requesting a Conditional Use Permit to allow a day care facility of 13 or more children or adults within the MR-3, Multi-Dwelling

Residential zoning district on part of Lot 2, Block 1, Spiry Third Addition. (Located at 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 the Conditional Use Permit to allow a day care of 13 or more children or adults within the MR-3, Multi-Dwelling Residential 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 condition:

- 1) The Conditional Use Permit shall not automatically terminate upon sale or transfer of property, but shall run with the land.

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

Item 8: Text Amendment

Hearing on an application requesting a Text Amendment to amend Section 20-1202 (9) of Article 20-12, and Section 20-0701.G of Article 20-07, Chapter 20 of the Fargo Municipal Code (Land Development Code), relating to surface materials for vehicular circulation. (Paces Lodging): CONTINUED TO JULY 7, 2015

A Hearing had been set for this date and time; however, the applicant has requested the application be continued to July 7, 2015.

Item 9: Commerce on 52nd First Addition

Hearing on an application requesting a Conditional Use Permit to allow Industrial Service Land Use within a GC, General Commercial zoning district on Lots 5-7, Block 1, Commerce on 52nd First Addition. (Located at 5115, 5131, 5143, and 5171 51st Avenue South) (Houston Engineering, Inc.): APPROVED

Derrick LaPoint 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 the Conditional Use Permit to allow Industrial Service uses 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 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) Off-street parking, loading, and vehicular circulation areas, (including circulation areas internal to storage yards), shall have an all-weather surface, as defined by the Land Development Code.
- 4) The Conditional Use Permit shall terminate if the industrial service uses cease for a period of more than 12 consecutive months.

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

Item 10: Western State Bank Addition

Hearing on an application requesting a Plat of Western State Bank Addition (Minor Subdivision) a replat of Lot 2, Block 2, The Pines At The District Addition to the City of Fargo, Cass County, North Dakota. (Located at 4201 53rd Avenue South) (Houston Engineering, Inc.): APPROVED

Assistant Planner 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 subdivision plat, Western State Bank 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 Fremstad, Scherling, Steen, Fischer, Morrau, Steffes, Schneider, Magelky, and Paulsen voted aye. Absent and not voting: Members Gunkelman and Ulferts-Stewart. The motion was declared carried.

Item 11: Text Amendment

Hearing on an application requesting a City of Fargo initiated Text Amendment to amend Section 20-0401, Use Table, of Article 20-04, Chapter 20 of the Fargo Municipal Code (Land Development Code), relating to Industrial Land Uses within GC, General Commercial zoning districts and other miscellaneous corrections and edits. (City of Fargo): APPROVED

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

Member Fischer moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed text amendment to Section 20-0401, Use Table, of Article 20-04, Chapter 20 of the Fargo Municipal Code (Land Development Code), relating to industrial land-uses within the GC, General Commercial zoning district, and other miscellaneous corrections and edits, as the proposal meets the approval criteria of Subsection 20-0904.E (1-3) of the Land Development Code. Second by Member Steffes. On call of the roll Members Steen, Schneider, Scherling, Steffes, Morrau, Fischer, Fremstad, Magelky, and Paulsen voted aye. Absent and not voting: Members Gunkelman and Ulferts-Stewart. The motion was declared carried.

Item E: Other Items

Item 1: Consideration of 707 10th Street North Tax Increment Financing Plan (TIF): APPROVED

Planning Administrator Jim Gilmour presented the 2015-01 Tax Increment Financing (TIF) Renewal Plan. He explained the role of the Planning Commission's review of this plan is to make sure the plan is consistent with the GO2030 Fargo Comprehensive Plan, and with the current zoning. Mr. Gilmour stated staff is recommending approval to present this plan before the City Commission.

Member Steen moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the 2015-01 TIF Renewal Plan based on the finding that it is consistent with the GO2030 Fargo Comprehensive Plan. Second by Member Fremstad. On call of the roll Members Fremstad, Steen, Morrau, Scherling, Schneider, Steffes, Magelky, Fischer, and Paulsen voted aye. Absent and not voting: Members Gunkelman and Ulferts-Stewart. The motion was declared carried.

The time at adjournment was 5:34 p.m.