

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

November 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, November 3, 2015.

The Planning Commissioners present or absent were as follows:

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

Absent: None

Chair Ulferts Stewart 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 Steffes. All Members present voted aye and the motion was declared carried.

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

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

Item C: Wednesday, November 18, 2015 Brown Bag Luncheon

Topic: Discussion on design elements in other cities.

Item D: Public Hearing Items:

Item 1: Text Amendment

Continued Hearing on a City of Fargo initiated application requesting a Text Amendment to amend Section 20-0702, Roadway Access and Driveways, of Article 20-07, Chapter 20 of the Fargo Municipal Code (Land Development Code). (City of Fargo): APPROVED

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

Planner Aaron Nelson stated all approval criteria have been met and staff is recommending approval.

Member Brust present.

Member Steffes moved the findings and recommendations of staff be accepted, and recommended staff continue to work on a final draft to further outline the details of this proposed text, and approval be recommended to the City Commission of the final draft to amend Section 20-0702 of Article 20-07 of Chapter 20 of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of Section 20-0904(E) (1-4) of the Land Development Code. Second by Member Fischer. On call of the roll Members Fremstad, Scherling, Brust, Fischer, Stofferahn, Steffes, Schneider, Magelky, Gunkelman, and Ulferts Stewart voted aye. The motion was declared carried.

Item 2: South Ridge First Addition

a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential, SR-4, Single-Dwelling Residential and P/I, Public and Institutional of the proposed South Ridge First Addition. (Located at 6483 21st Street South; 6470 19th Street South; 1990 and 2270 64th Avenue South) (PACES Lodging): APPROVED

b. Continued Hearing on an application requesting a Plat of South Ridge First Addition (Major Subdivision) an unplatted portion of the Northwest Quarter, Section 12, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 6483 21st Street South; 6470 19th Street South; 1990 and 2270 64th Avenue South) (PACES Lodging): APPROVED

A Hearing had been set for September 1, 2015. At the September 1, 2015 meeting the Hearing was continued to October 6, 2015. At the October 6, 2015 meeting the Hearing was continued to this date and time.

Planner Joe Nigg 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 following: 1) Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling, SR-4, Single-Dwelling and P/I, Public and Institutional; and 2) South Ridge First Addition major subdivision plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan and City Growth Plans, 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 Scherling. On call of the roll Members Brust, Schneider, Scherling, Steffes, Stofferahn, Fischer, Fremstad, Magelky, Gunkelman, and Ulferts Stewart voted aye. The motion was declared carried.

Item 3: Mills' Second Addition

Hearing on an application requesting a Plat of Mills' Second Addition (Minor Subdivision) a replat of part of Lot 1, Block 1, Mills' Addition to the City of Fargo, Cass County, North Dakota. (Located at 3730 36th Street South) (Dabbert Custom Homes LLC): WITHDRAWN

This was the time and date set for a Hearing on a plat of Mills' Second Addition; however, the application has been withdrawn by the applicant.

Item 4: Christianson 32nd Avenue South Addition

a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay of the proposed Christianson 32nd Avenue South Addition. (Located at 3401 32nd Avenue South) (Farm Power, Inc.): APPROVED

b. Hearing on an application requesting a Plat of Christianson 32nd Avenue South Addition (Major Subdivision) on an unplatted portion of the Southwest Quarter of Section 23, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3401 32nd Avenue South) (Farm Power, Inc.): APPROVED

Joe Nigg presented the staff report and submitted a draft copy of the conditional overlay to the Board. Mr. Nigg stated all approval criteria have been met and staff is recommending approval.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the following: 1) Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay; and 2) Christianson 32nd Avenue South Addition major subdivision plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Article 20-06, 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 Scherling, Gunkelman, Fremstad, Stofferahn, Steffes, Magelky, Brust, Fischer, Schneider, and Ulferts Stewart voted aye. The motion was declared carried.

Item 5: Text Amendment

Hearing on an application requesting a Text Amendment to amend Section 20-0705.D.3, Parking Lot Perimeter Landscaping, of Article 20-07, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to buffer standards. (L2H Development, LLC): 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 text amendment to amend Section 20-0705.D.3 of Article 20-07 of Chapter 20 of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of Section 20-0904(E) (1-4) of the Land Development Code. Second by Member

Gunkelman. On call of the roll Members Stofferahn, Scherling, Fremstad, Fischer, Brust, Schneider, Magelky, Gunkelman, Steffes, and Ulferts Stewart voted aye. The motion was declared carried.

Item 6: Autumn Fields Addition

Hearing on an application requesting a Conditional Use Permit to allow Residential Land Use within a GO, General Office zoning district on part of Lot 1, Block 1, Autumn Fields Addition. (Located at 4245 28th Avenue South) (Beyond Shelter, Inc.): APPROVED

Aaron Nelson presented the staff report and noted the legal description of this property has now been updated to Lot 3, Block 1, Autumn Fields Second Addition. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

Applicant Dan Madler of Beyond Shelter, Inc. spoke on behalf of the application, and submitted two additional documents to the Board for their review. Mr. Madler also noted an informative neighborhood meeting was held last week regarding the proposed project.

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

After recess: All Members present. Chair Ulferts Stewart presiding.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Residential Land Use within the GO, General Office, zoning district on Lot 3, Block 1, Autumn Fields Second Addition, 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 maximum residential density shall be that of the MR-3, Multi-Residential Dwelling zoning district (24 units per acre).
2. A minimum of 35% of the lot shall remain as open space.
3. Vehicular access to/from Saffron Drive South shall be prohibited.

Second by Member Fischer. On call of the roll Members Steffes, Fremstad, Magelky, Gunkelman, Scherling, Fischer, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. The motion was declared carried.

Item 7: Fredrikson Addition

Hearing on an application requesting a Conditional Use Permit to allow a major home occupation for a beauty salon in a SR-3, Single-Dwelling Residential zoning district on Lot 8 and the north 5 feet of Lot 9, Block 5, Fredrikson Addition. (Located at 1213 15th Street South) (Ashley Enterprises Inc.): APPROVED

Planner Derrick LaPoint presented the staff report stating all approval criteria have been met and staff is recommending approval with conditions.

Joe Burgum, 514 10th Avenue South, spoke in support of the request.

Member Magelky 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 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 homeowner may offer services a maximum of six (6) days per week, with up to eight (8) clients per day.
2. 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 Brust. On call of the roll Members Gunkelman, Fremstad, Fischer, Steffes, Magelky, Brust, Stofferahn, Schneider, Scherling, and Ulferts Stewart voted aye. The motion was declared carried.

Item 8: Laverne's Addition

a. Continued 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): WITHDRAWN

b. Continued 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): WITHDRAWN

A Hearing had been set for January 6, 2015. At the January 6, 2015 meeting the Hearing was continued. The application has been withdrawn by the applicant.

Item 9: 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): WITHDRAWN

A Hearing had been set for May 5, 2015. At the May 5, 2015 meeting the Hearing was continued to June 2, 2015. At the June 2, 2015 meeting the Hearing was continued to July 7, 2015. At the July 7, 2015 meeting the Hearing was continued to August 4, 2015. At the August 4, 2015 meeting the Hearing was continued to September 1, 2015. At the September 1, 2015 meeting the Hearing was continued to this date and time; however, the application has been withdrawn by the applicant.

E: Other Items:

Item 1: Review Rules of Internal Procedure and Operations of the City of Fargo Planning Commission: CONTINUED TO DECEMBER 1, 2015

Planning Administrator Nicole Crutchfield presented the draft copy of this document highlighting the staff's recommended changes. Ms. Crutchfield stated this item will be presented at the December meeting to allow the Board time for review before voting.

The time at adjournment was 5:20 p.m.