

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

July 5, 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 2:00 o'clock p.m., Tuesday, July 5, 2016.

The Planning Commissioners present or absent were as follows:

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

Absent: Kristy Fremstad, Mary Scherling,

Chair Ulferts Stewart called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of June 7, 2016

Member Fischer moved the minutes of the June 7, 2016 Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item C: Wednesday July 20, 2016 - Brown Bag Luncheon – CANCELLED

Item D: History and Analysis of Residential Development along Interstates 29 and 94 in Fargo

Senior Planner Donald Kress reviewed the history of residential development along Interstates 29 (I-29) and 94 (I-94). He referred to the information included in the packet, along with the codes staff follows during their review process of this type of application.

The Board further discussed policy addressing who determines when a sound barrier needs to be constructed; who is responsible for the cost of the sound barrier; and the guidelines the City follows set forth by the North Dakota Department of Transportation (ND DOT) and the Federal Highway Administration (FHWA).

Item E: Public Hearing Items:

Item 1: Maple Valley Addition

Continued 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): APPROVED WITH CONDITIONS

A Hearing had been set for May 3, 2016. At the May 3, 2016 meeting the Hearing was continued to June 7, 2016. At the June 7, 2016 meeting the Hearing was continued to this date and time.

Planner Maegin Elshaug presented the staff report. She noted staff met with the applicant on June 10 to further review the application. Ms. Elshaug stated staff is recommending denial based on their determination that not all of the approval criteria have been met.

Applicant Matthew Hauff, Brookstone Properties, spoke on behalf of the application. He presented an update to his original application to include the following conditions to be stated in the Conditional Use Permit:

1. Install 2 layers of 5/8" sheetrock with acoustic isolation material between layers on above grade west walls of west units. Install dual pane windows and doors on above grade west walls of west units.
2. Maximum allowable residential density of 11 units per acre.
3. Install earthen berm, with the exception of roadway ingress/egress, along west side of property, 4-5' tall and approximately 20' deep as proposed. Install landscaping at a minimum rate of 3 trees and 25 shrubs per 50 feet.
4. Provide access to future park land directly to the north of the property.

The Board further discussed Mr. Hauff's recommended conditions.

Member Gunkelman moved the findings and recommendations of staff be denied, and the Conditional Use Permit to allow Residential Land Use be approved because he believes all criteria have been met with the conditions submitted by the applicant. Second by Member Magelky. On call of the roll Members Fischer, Stofferahn, Steffes, Magelky, Gunkelman, and Ulferts Stewart voted aye. Members Brust and Schneider voted nay. Absent and not voting: Members Fremstad and Scherling. The motion was declared carried.

Item 2: Dakota Land Second Addition

Hearing on an application requesting a Conditional Use Permit to allow Household Living uses in a GC, General Commercial zoning district on Lots 1-3,

Block 2, Dakota Land Second Addition. (Located at 1709, 1745, and 1781 35th Street South) (Houston Engineering, Inc.): DENIED

Member Brust declared a conflict of interest on this item and was excused from voting.

Planner Aaron Nelson presented the staff report. He noted an update as an adjoining parcel that is within the boundaries of the project will be heard at the August 2, 2016 Planning Commission meeting. Mr. Nelson stated staff is recommending denial as not all approval criteria have been met.

Applicant Brian Pattengale, Houston Engineering, Inc., spoke on behalf of the proposal.

Board Discussion ensued regarding the similarities of this application and the CUP request in Item 1. Staff clarified that although they appear similar, this application involves property that includes four existing commercial billboards (off-premise advertising), that staff feels is not consistent with the intent of the Land Development Code.

Member Stofferahn moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Household Living in the GC, General Commercial zoning district be denied, as the proposal does not comply with Section 20-0909.D (1 & 2) of the Land Development Code. Second by Member Fischer. On call of the roll Members Stofferahn, Fischer, Magelky, and Ulferts Stewart voted aye. Members Schneider, Steffes, and Gunkelman voted nay. Member Brust abstained from voting. Absent and not voting: Members Fremstad and Scherling. The motion was declared carried.

At 3:25 p.m. the Board took a five-minute recess.

After recess: All Members present except Members Fremstad and Scherling. Chair Ulferts Stewart presiding.

Item 3: Osgood Townsite Eleventh Addition and Osgood Townsite Twelfth Addition

Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay on Lot 9, Block 1, Osgood Townsite Eleventh Addition and Lot 2, Block 2, Osgood Townsite Twelfth Addition. (Located at 4800 and 4850 46th Street South) (Security Self Storage): APPROVED

Member Brust declared a conflict of interest on this item and was excused from voting.

Planner Derrick LaPoint presented the staff report. He noted updated copies of the draft C-O, Conditional Overlay were submitted to the Board. Mr. LaPoint stated 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 LC, Limited Commercial with a C-O, Conditional Overlay to GC, General 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 Steffes. On call of the roll Members Stofferahn, Schneider, Steffes, Magelky, Gunkelman, Fischer, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Members Fremstad and Scherling. The motion was declared carried.

Item 4: Commerce on 12th Second Addition

Hearing on an application requesting a Plat of Commerce on 12th Second Addition (Minor Subdivision) a replat of Lot 1 and 8, Block 2, Commerce on 12th Addition to the City of Fargo, Cass County, North Dakota. (Located at 5523 13th Avenue North and 5518 14th Avenue North) (PACES Lodging): APPROVED

Senior Planner Donald Kress presented the staff report stating 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 proposed subdivision plat Commerce on 12th Second 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 Gunkelman, Stofferahn, Steffes, Magelky, Brust, Fischer, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Fremstad and Scherling. The motion was declared carried.

Item 5: Commerce on 12th Third Addition

Hearing on an application requesting a Plat of Commerce on 12th Third Addition (Minor Subdivision) a replat of Lot 2, Block 1, Commerce on 12th Addition to the City of Fargo, Cass, County, North Dakota. (Located at 1280 55th Street North) (PACES Lodging): APPROVED

Senior Planner Donald Kress 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 approval be recommended to the City Commission of the proposed subdivision plat Commerce on 12th Third 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 Brust. On call of the roll Members Stofferahn, Fischer, Brust, Schneider, Magelky, Gunkelman, Steffes, and Ulferts Stewart voted aye. Absent and not voting: Fremstad and Scherling. The motion was declared carried.

Item 6: Bentley Square Addition

Hearing on an application requesting a Plat of Bentley Square Addition (Minor Subdivision) a replat of Lot 1, Block 4, Brandt Crossing First Addition to the City

**of Fargo, Cass County, North Dakota. (Located at 4609 33rd Avenue South)
(Paces Lodging): APPROVED**

Maegin Elshaug presented the staff report noting an updated copy of the preliminary plat was submitted to the Board. Ms. Elshaug 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 subdivision plat Bentley Square 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 Steffes, Magelky, Gunkelman, Fischer, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Fremstad and Scherling. The motion was declared carried.

Item 7: Brandt Crossing Tenth Addition

a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lot 3, Block 1 of the proposed Brandt Crossing Tenth Addition. (Located at 3270 51st Street South) (PACES Lodging): APPROVED

b. Hearing on an application requesting a Plat of Brandt Crossing Tenth Addition (Minor Subdivision) a replat of Lot 3, Block 1, Brandt Crossing Sixth Addition to the City of Fargo, Cass County, North Dakota. (Located at 3270 51st Street South) (Paces Lodging): APPROVED

Maegin Elshaug presented the staff report. Ms. Elshaug noted an updated copy of the preliminary plat was submitted to the Board. She also read a letter staff received from an area property owner prior to the meeting today, opposing the requested zoning change. Ms. Elshaug stated all approval criteria have been met and staff is recommending approval.

Applicant Nate Vollmuth, PACES Lodging, spoke on behalf of the proposal.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial and 2) Subdivision Plat, Brandt Crossing Tenth 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 Steffes. On call of the roll Members Gunkelman, Fischer, Steffes, Magelky, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Fremstad and Scherling. The motion was declared carried.

Item 8: Valley View Addition

a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential on Lot 1, Block 7, Valley

View Addition. (Located at 3900 54th Street South) (BCH Builders LLC): APPROVED

b. Hearing on an application requesting a Conditional Use Permit to allow a day care facility of 13 or more children or adults in a MR-3, Multi-Dwelling Residential zoning district on Lot 1, Block 7, Valley View Addition. (Located at 3900 54th Street South) (BCH Builders LLC): APPROVED WITH CONDITIONS

Donald Kress presented the staff report noting a letter staff received in opposition that was submitted to the Board. Mr. Kress 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 proposed 1) Zoning Change from SR-4, Single-Dwelling Residential to MR-3, Multi-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; and 2) the Conditional Use Permit to allow a day care facility of 13 or more children or adults in a 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 property shall be limited to one daycare facility of 13 or more children or adults.

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

Item 9: Valley View Addition

Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential on Lot 1, Block 8, Valley View Addition. (Located at 3900 51st Street South) (BCH Builders LLC): APPROVED

Donald Kress 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 approval be recommended to the City Commission of the proposed zoning change from SR-4, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the 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 Fischer, Magelky, Steffes, Gunkelman, Brust, Schneider, Stofferahn, and Ulferts Stewart voted aye. Absent and not voting: Fremstad and Scherling. The motion was declared carried.

Item 10: Section 2, Township 138 North, Range 49 West

a. Hearing on a staff initiated application requesting a Zoning Change from AG, Agricultural to SR-2 Single-Dwelling Residential on Auditor's Lot 11 of the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2701 64th Avenue South) (City of Fargo): APPROVED

b. Hearing on an application requesting a Plat of Auditor's Lot 11 of the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2701 64th Avenue South) (City of Fargo): APPROVED

Aaron Nelson presented the staff report. He noted the name of the proposed plat will soon be Commemorative Addition, and the address will also change to 6313 27th Street South. Mr. Nelson stated all approval criteria have been met and staff is recommending approval of the staff-initiated applications.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, the 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 Fischer, Steffes, Schneider, Magelky, Gunkelman, and Ulferts Stewart voted aye. Members Brust and Stofferahn voted nay. Absent and not voting: Members Fremstad and Scherling. The motion was declared carried.

Item 11: College 2nd Addition

Hearing on an application requesting a Conditional Use Permit to allow community service and an alternative access plan in an SR-3, Single-Dwelling Residential zoning district on Lots 16-18, Block 30, College 2nd Addition. (Located at 725 28th Street North) (Legacy Children's Foundation): CONTINUED TO AUGUST 2, 2016

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to August 2, 2016.

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

Item E: Other Items:

1. Nomination and Election of Officers

Chair Ulferts Stewart called on the Nominating Committee Member Steffes to proceed with her report.

Member Steffes moved, on behalf of the Nominating Committee, to extend the term an additional year for Chair Jan Ulferts Stewart; and nominated Shara Fischer as the Vice Chair. Second by Member Magelky. All Members present voted aye and the motion was declared carried.

2. Rules of Internal Procedure and Operations of the City of Fargo Planning Commission

Chair Ulferts Stewart stated official copies of this item, approved at the June 7, 2016 Planning Commission meeting, will be distributed to the Board in the next few days.

The time at adjournment was 4:03 p.m.