

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

October 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, October 6, 2015.

The Planning Commissioners present or absent were as follows:

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

Absent: Mike Magelky

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 Fischer. All Members present voted aye and the motion was declared carried.

Item B: Minutes: Regular Meeting of September 1, 2015

Member Steffes moved the minutes of the September 1, 2015 Planning Commission meeting be approved. Second by Member Brust. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, October 21, 2015 Brown Bag Luncheon

Topic: Area Plans

Item D: Resolution of Appreciation for John Paulsen

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FARGO:

WHEREAS, John Q. Paulsen was appointed to the Fargo Planning Commission on June 19, 1995 and served for 20 years; and presided as Chair 19 years; and

WHEREAS, John Q. Paulsen has provided outstanding leadership and guidance to the City of Fargo and community by graciously volunteering his time and expertise by providing invaluable insights and guidance; and

WHEREAS, John Q. Paulsen respectfully and professionally facilitated fair and organized public hearings, guiding thoughtful direction and equal treatment of our community members; and

WHEREAS, John Q. Paulsen participated with the Planning Commission on the creation and adoption of the following:

GO2030 Fargo Comprehensive Plan,
2007 Growth Plan,
the Fargo Land Development Code,
Historic Overlay Ordinances,
Arts and Culture Commission,
the Fargo Sign Code; and

WHEREAS, John Q. Paulsen continually brought new and creative ideas as a Member of the following:

the Study of the 13th Avenue South Corridor Steering Committee,
the Renaissance Zone Advisory Committee,
the Family HealthCare Center Board of Directors,
the Metropolitan Council of Government Policy Board,
the Library Board,
the Fargo Dome Authority,
the Fargo Comprehensive Plan Steering Committee,
the Community Development Committee; and

WHEREAS, John Q. Paulsen has set an example of dedication to principle which has been an inspiration to his fellow commissioners; and

WHEREAS, John Q. Paulsen allowed City staff, his fellow Planning Commissioners, and the public the privilege of working with an individual who has served with great professionalism, dedication, and distinction.

NOW, THEREFORE, BE IT RESOLVED, that the Fargo Planning Commission does hereby acknowledge with gratitude and appreciation the time commitment John Q. Paulsen has dedicated to the Fargo Planning Commission.

BE IT FURTHER RESOLVED, that this Resolution be inscribed upon the permanent record of the Planning Commission and thereby the City of Fargo, and that a certified copy be forwarded to Mr. Paulsen.

Member Steffes moved the Resolution of Appreciation for John Q. Paulsen be approved. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

New Planning Commission meeting time: APPROVED

Chair Ulferts Stewart introduced this item, asking for consideration of changing the regular Planning Commission meeting time from 4:00 p.m. to 3:00 p.m.

Member Schneider moved Planning Commission meetings be held the first Tuesday of each month at 3:00 p.m. beginning January 1, 2016. Second by Member Scherling. On

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

Item E: Public Hearing Items:

Item 1: Maple Valley Second Addition

a. Continued Hearing on an application requesting a Zoning Change from LC, Limited Commercial and AG, Agricultural to SR-4, Single-Dwelling Residential of the proposed Maple Valley Second Addition. (Located at 3281 63rd Avenue South and 3019 64th Avenue South) (Advantage Realtors): APPROVED

b. Continued Hearing on an application requesting a Plat of Maple Valley Second Addition (Major Subdivision) a vacation plat of certain easements, a replat of Lot 1, Block 8, Maple Valley Addition, and a plat of part of the West Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3281 63rd Avenue South and 3019 64th Avenue South) (Advantage Realtors): APPROVED

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

A Hearing had been set for 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.

Planner Derrick LaPoint 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: 1) zone change from AG, Agriculture and LC, Limited Commercial to SR-4, Single-Dwelling Residential and AG, Agriculture; 2) Maple Valley Second Addition subdivision plat; and 3) Vacation Plat as presented; as the proposal complies with the GO2030 Fargo Comprehensive 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 Schneider. On call of the roll Members Fremstad, Brust, Fischer, Stofferahn, Steffes, Schneider, Gunkelman, and Ulferts Stewart voted aye. Member Scherling abstained from voting. Absent and not voting: Member Magelky. 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 and P/I, Public and Institutional of the proposed South Ridge First Addition. (Located at 6483 21st Street South; 1990 and 2270 64th Avenue South) (PACES Lodging): CONTINUED TO NOVEMBER 3, 2015

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; 1990 and 2270 64th Avenue South) (PACES Lodging): CONTINUED TO NOVEMBER 3, 2015

A Hearing had been set for September 1, 2015. At the September 1, 2015 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to November 3, 2015.

Item 3: Text Amendment

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): CONTINUED TO NOVEMBER 3, 2015

This was the date and time set; however staff has requested the application be continued to November 3, 2015.

Item 4: Asleson Farms Third Addition

Hearing on an application requesting a Plat of Asleson Farms Third Addition (Minor Subdivision) a replat of Lots 1, 2, 3, and 4, Block 1 of Asleson Farms Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 3401, 3481, 3523, and 3575 41st Street South) (Valley Realty Inc.): APPROVED

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

Item 5: Gamma Fargo Addition

Hearing on an application requesting a Plat of Gamma Fargo Addition (Minor Subdivision) a replat of Block 1 of Pracs Addition to the City of Fargo, Cass County, North Dakota. (Located at 4801, 4837, and 4901 Amber Valley Parkway) (Helenske Design Group): APPROVED

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

Item 6: Vista Village Fifth Addition

Hearing on an application requesting a Plat of Vista Village Fifth Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Vista Village Addition to the City of Fargo, Cass County, North Dakota. (Located at 3611, 3625, and 3633 Lincoln Street South) (Olson Family Holdings, LLC): 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 approval be recommended to the City Commission of the proposed subdivision plat, Vista Village Fifth 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 Fremstad. On call of the roll Members Steffes, Fremstad, Gunkelman, Scherling, Fischer, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Member Magelky. The motion was declared carried.

Item 7: Prairie Grove Fourth Addition

Hearing on an application requesting a Plat of Prairie Grove Fourth Addition (Minor Subdivision) a replat of Lot 2, Block 1, Prairie Grove First Addition to the City of Fargo, Cass County, North Dakota. (Located at 5257 27th Street South) (L2H Development LLC): APPROVED

Derrick LaPoint presented the staff report stating 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, Prairie Grove Fourth 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 Gunkelman, Fremstad, Fischer, Steffes, Brust, Stofferahn, Schneider, Scherling, and Ulferts Stewart voted aye. Absent and not voting: Member Magelky. The motion was declared carried.

Item 8: Knollbrook Addition

Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on all of Lots 1-4, 15, and 16; and part of Lots 13 and 14, Block 1, Knollbrook Addition. (Located at 3025 7th Street North and 3030 Broadway North) (Adam Walker): APPROVED

Planner Aaron Nelson 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 zoning change from SR-2, Single Dwelling 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 Steffes. On call of the roll Members Stofferahn, Steffes, Fischer, Gunkelman, Fremstad, Schneider, Brust, Scherling, and Ulferts Stewart voted aye. Absent and not voting: Member Magelky. The motion was declared carried.

Item 9: Sisters of Mary Addition

Hearing on an application requesting a Conditional Use Permit to allow manufacturing and production in a GC, General Commercial zoning district on Lot 1, Block 1, Sisters of Mary Addition. (Located at 1102 Page Drive South) (Bullet Central LLC): APPROVED

Aaron Nelson presented the staff report noting the uniqueness of this item. He stated the use of manufacturing and production is being requested in order for the applicant to satisfy manufacturer licensing requirements of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). He clarified that the applicant has stated no manufacturing will actually be taking place at the subject property. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

Applicant Rael Harris reiterated that firearms will not be manufactured, nor will ammunition be held at this site.

Member Scherling moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Manufacturing and Production 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 part of the lot that will emit foul odors.
2. Outdoor storage areas shall not be located within the front side setback areas of the development. In addition, all outdoor storage areas shall be fenced with a 6 foot high opaque fence.
3. The manufacturing, production, or processing of animal products, or hazardous chemicals shall not be permitted.
4. This Conditional Use Permit will expire when the manufacturing use ceases for a period of one year.

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

**Item 10: Cottagewood Second Addition
Hearing on an application requesting a Plat of Cottagewood Second Addition (Minor Subdivision) a replat of Lots 31-42, Block 1, Cottagewood First Addition to the City of Fargo, Cass County, North Dakota. (Located at 4920-4930, 4936, 4938, 4944, 4946, 4952, 4954, 4960, 4962, 4968-4986 Avery Lane South) (Helenske Design Group): APPROVED**

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

At 5:06 p.m. the Board took a five-minute recess.

After recess: All Members present except Member Magelky. Chair Ulferts Stewart presiding.

Item 11: Autumn Fields Second Addition

a. Hearing on an application requesting a Zoning Change from GO, General Office to MR-3, Multi-Dwelling Residential on Lot 3, Block 1 of the proposed Autumn Fields Second Addition. (Located at 4245 28th Avenue South) (Beyond Shelter, Inc.): WITHDRAWN

b. Hearing on an application requesting a Plat of Autumn Fields Second Addition (Minor Subdivision) a replat of Lot 1, Block 1 of Autumn Fields Addition to the City of Fargo, Cass County, North Dakota. (Located at 4245 28th Avenue South) (Beyond Shelter, Inc.): APPROVED

Chair Ulferts Stewart noted copies of additional documents submitted to the Board regarding part a of this item, which has been withdrawn by the applicant.

Aaron Nelson presented the staff report and noted three letters of opposition have been received pertaining to the requested zoning change. He stated the zoning change portion of the request has now been withdrawn by the applicant, and a Conditional Use Permit will instead be considered by the Board at an upcoming meeting. Mr. Nelson stated all approval criteria have been met and staff is recommending approval of the requested plat of Autumn Fields Second Addition.

Applicant Dan Madler of Beyond Shelter, Inc. spoke on behalf of the application. Mr. Madler submitted two additional documents of a preliminary site plan and possible building design to the Board.

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

Item 12: Commerce on I29 Addition

Hearing on an application requesting a Growth Plan Amendment within Commerce on I-29 Addition in the northwest quadrant at the intersection of 100th Avenue and Interstate 29. (Located at 3800, 3801, 3900, 4000, 4100 98th Avenue South and 9500, 9501, 9600, 9601, 9700 39th Street South) (PACES Lodging): APPROVED

Derrick LaPoint presented the staff report and referred to a letter he submitted to the Board from Patricia E Constant, adjacent property owner. He stated she is concerned with how the proposed limited industrial use would impact her property. He stated all approval criteria have been met and staff is recommending approval.

Applicant Nate Vollmuth clarified the request is not for parking, but instead for rear yard storage only; the use of this development will not change.

Marilyn Tessier, 4108 100th Avenue South, spoke in opposition of the proposal.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the following: (1) Growth Plan Amendment as the proposal complies with the GO2030 Fargo Comprehensive Plan, Growth Plan, and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Fremstad, Stofferahn, Scherling, Schneider, Steffes, Gunkelman, Fischer, and Ulferts Stewart voted aye. Member Brust voted nay. Absent and not voting: Member Magelky. The motion was declared carried.

Item 13: Reeve's Addition

Hearing on an application requesting a Conditional Use Permit to allow Manufacturing and Production Land Use in a GC, General Commercial zoning district on Lots 23 and 24, Block 18, Reeve's Addition. (Located at 1401 and 1405 1st Avenue North) (Craig Holdings LLC): APPROVED

Joe Nigg 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 Manufacturing and Production land use in a GC, General Commercial zoning district 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 Conditional use Permit shall be void if the property is used for any industrial use other than "manufacturing and production" as contemplated under this approval.
2. 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 part of the lot that will emit foul odors.
3. Outdoor storage areas shall not be located within the front side setback areas of the development. In addition, all outdoor storage areas shall be fenced with a 6 foot high opaque fence.
4. The manufacturing, production, or processing of animal products, or hazardous chemicals or materials shall not be permitted.

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

Item F: Other Items:

1. Review and Adopt Rules of Internal Procedure and Operations of the City of Fargo Planning Commission: CONTINUED TO NOVEMBER 3, 2015

A Hearing had been set for 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 as continued to this date and time; however, this item will be continued to November 3, 2015.

2. Discuss new meeting time

This item was discussed at the beginning of the meeting after Item D.

The time at adjournment was 5:53 p.m.