BOARD OF PLANNING COMMISSIONERS
MINUTES

Regular Meeting: Tuesday: December 1, 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, December 1, 2015.

The Planning Commissioners present or absent were as follows:

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

Absent: Shara Fischer

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

Item B: Minutes: Regular Meeting of November 3, 2015

Member Scherling moved the minutes of the November 3, 2015 Planning Commission meeting be approved. Second by Member Steffes. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, December 16, 2015 Brown Bag Luncheon

Topic: Discussion on the GO2030 Fargo Comprehensive Plan and the City's progress with the Plan's goals.

Item D:

Item 1: Urban Plains Center Addition and Encore Addition

a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional with a C-O, Conditional Overlay to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 1, Block 5, Urban Plains Center Addition and from LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 1, Block 1 of the proposed Encore Addition. (Located at 4920, 4974, and 5050 30th Avenue South; 3101 and 3131 49th Street South) (Enclave Development, LLC; Fargo Park District): APPROVED

b. Hearing on an application requesting a Plat of Encore Addition (Minor Subdivision) a replat of Lots 1-6, Block 1, Urban Plains Rec Facility Addition to the City of Fargo, Cass County, North Dakota. (Located at 4920 and 4974 30th Avenue South; 3101, 3131, 3155, and 3195 49th Street South) (Enclave Development, LLC; Fargo Park District): APPROVED
Assistant Planner Maegin Rude presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Fremstad moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) zoning change from P/I, Public and Institutional with a C-O, Conditional Overlay and LC, Limited Commercial with a C-O, Conditional Overlay to P/I, Public and Institutional with a C-O, Conditional Overlay and LC, Limited Commercial with a C-O, Conditional Overlay and 2) the proposed subdivision plat, Encore Addition, as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, adopted Area Plan, Standards of Section 20-0906.F (1-4), 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 Fremstad, Scherling, Stofferahn, Steffes, Schneider, Magelky, Gunkelman, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Member Fischer. The motion was declared carried.

Item 2: West 29 Sixth Addition
Hearing on an application requesting a Plat of West 29 Sixth Addition (Minor Subdivision) a replat of Lot 2, Block 1, West 29 5th Addition to the City of Fargo, Cass County, North Dakota. (Located at 3807, 3839, 3885, and 3901 30th Avenue South) (Houston Engineering, Inc.): APPROVED
Planner 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 approval be recommended to the City Commission of the proposed subdivision plat, West 29 Sixth 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 Scherling. On call of the roll Members Schneider, Scherling, Steffes, Stofferahn, Fremstad, Magelky, Gunkelman, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Member Fischer. The motion was declared carried.

Item 3: FSOC Addition
a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial of the proposed FSOC Addition. (Located at 3901 40th Avenue South) (City of Fargo): APPROVED

b. Hearing on an application requesting a Plat of FSOC Addition (Minor Subdivision) an unplatted part of the Southeast Quarter of Section 27,

Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3901 40th Avenue South) (City of Fargo): APPROVED
Planner Joe Nigg presented the staff report and submitted an updated plat to the Board. Mr. Nigg 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 following: 1) Zoning Change from AG, Agricultural to LI, Limited Industrial and 2) the FSOC Addition minor subdivision 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 Fremstad. On call of the roll Members Fremstad, Brust, Stofferahn, Scherling, Schneider, Steffes, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Member Fischer. The motion was declared carried.

Item 4: Stern's Subdivision of Auditor's Lot 2 and Huntington's Addition
Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional on Lots 11-13 of Stern's Subdivision of Auditor's Lot 2 and Lots 8-14, Block 6, Huntington's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1025 14th Avenue South and 1320 11th Street South) (Arthur Weidner): APPROVED
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 SR-2, Single-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional, 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 Gunkelman. On call of the roll Members Scherling, Gunkelman, Fremstad, Stofferahn, Steffes, Magelky, Brust, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Member Fischer. The motion was declared carried.

Item 5: DETW Addition
Hearing on an application requesting a Plat of DETW Addition (Minor Subdivision) a replat of Lot 1 and part of Lot 2, Block 4, Schultz & Lindsay's 1st Addition to the City of Fargo, Cass County, North Dakota. (Located at 302 and 308 27th Street North) (Nilles Law Firm): 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 approval be recommended to the City Commission of the proposed subdivision plat,

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

Item 6: Island Park Addition
Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential on part of Lots 21 and 22, Block 3, Island Park Addition. (Located at 716 4th Street South) (Fremstad Law): APPROVED
Derrick LaPoint presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Joel Fremstad, Fremstad Law, spoke on behalf of the application.

Joe Burgum, 514 10th Avenue South, spoke in favor of the proposal.

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-3, 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. Second by Member Brust. On call of the roll Members Steffes, Fremstad, Magelky, Scherling, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. Member Gunkelman voted nay. Absent and not voting: Member Fischer. The motion was declared carried.

Item 7: Southside 1st Addition
a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential of the proposed Southside 1st Addition. (Located at 2805 64th Avenue South) (Chris Hawley Architects): CONTINUED TO JANUARY 5, 2016

b. Hearing on an application requesting a Plat of Southside 1st Addition (Major Subdivision) part of the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2805 64th Avenue South) (Chris Hawley Architects): CONTINUED TO JANUARY 5, 2016
Derrick LaPoint presented the staff report. Mr. LaPoint noted a neighborhood meeting is scheduled for December 3, 2015, and stated staff is recommending this item be continued to the January Planning Commission meeting.

The Board discussed concerns including roadway access to future developments, and being compliant with the City's flood proofing code.

At 5:00 p.m. The Board took a five-minute recess.
After recess: All Members present except Member Fischer. Chair Ulferts Stewart presiding.

Upon further discussion, Chair Ulferts Stewart asked for a vote to continue this item to the January 5, 2016 Planning Commission meeting. All Members present voted aye and the motion was declared carried.

Item 8: 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): 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 this date and time; however, the application has been withdrawn by the applicant.

Item 9: Reeve's Addition
Hearing on an application requesting a Conditional Use Permit to allow Industrial Services and Manufacturing and Production Land Uses in a GC, General Commercial zoning district on part of Lot 20 and all of Lot 21, Block 18, Reeve's Addition. (Located at 1409 and 1411 1st Avenue North) (Lightowler Johnson Associates, Inc.): WITHDRAWN
This was the date and time set for a Hearing on an application requesting a conditional use permit for the above properties; however, the application has been withdrawn by the applicant.

Item E: Other Items:

Item 1: Adopt Rules of Internal Procedure and Operations of the City of Fargo Planning Commission
Chair Ulferts Stewart presented this item.

Member Magelky moved the Adoption of Rules of Internal Procedure and Operations of the City of Fargo Planning Commission be approved as presented. Second by Member Scherling. On call of the roll Members Stofferahn, Steffes, Gunkelman, Fremstad, Schneider, Brust, Scherling, Magelky, and Ulferts Stewart voted aye. Absent and not voting: Member Fischer. The motion was declared carried.

Item 2: Staff Updates
Planning Administrator Nicole Crutchfield updated the Board on upcoming staff changes.

The time at adjournment was 5:15 p.m.