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Larry M. Weil, Community Development Director  
Tim Solberg, AICP, Director of Planning and Zoning  
Lisa Sankey, Planner

West Fargo Planning and Zoning Commission  
March 12, 2018 at 7:00 P.M.  
West Fargo City Hall

Members Present: Scott Diamond  
Joe Kolb  
April Walker  
Jana Reinke

Members Absent: David Gust, Shane LeBahn, Tom McDougall

Others Present: Larry Weil, Tim Solberg, Lisa Sankey, Dustin Scott, Mike Moberg, Bernie Dardis, Jill Gustofson, Nate Vollmuth, Dan Bueide, Mark and Katherine Radermacher,

The meeting was called to order by Vice Chair Kolb.

Commissioner Diamond made a motion to approve the February 12, 2018 meeting minutes as printed. Commissioner Reinke seconded the motion. No opposition. Motion carried.

The first item on the agenda was CO-I: Interstate Corridor Overlay District Site Plan Review for Gateway West Addition.

Tim reviewed the following:

The CO-I: Interstate Corridor Overlay District standards require site and building plan review and approval by the Planning and Zoning Commission and City Commission. Traditionally this does not include a thorough staff level review, but rather a brief review to ensure compatibility and aesthetic appeal along the Interstate corridor.

Tim reviewed the site plan for the Holiday Station Store and Hornbacher's Grocery Store at the Gateway West Addition along the east side of Sheyenne Street just north of Interstate 94. Staff has not found any issues and recommends the Planning Commission forward their approval of the plans to the City Commission with a condition that all requirements of the City Ordinances by staff are met by the applicant prior to issuance of a building permit.

Vice Chair Kolb asked about access. Tim stated access was reviewed as part of the PUD Detailed Development Plans, which haven't changed. Access is via 7<sup>th</sup> Street West and a pedestrian access at 5<sup>th</sup> Street West. A roundabout has also been installed along 19<sup>th</sup> Avenue West and a traffic light planned at Sheyenne Street and Beaton Drive.

Commissioner Reinke made a motion for approval based on staff recommendations. Commissioner Walker seconded the motion. No opposition. Motion carried.

Vice Chair Kolb opened public hearing A18-7 Maul's 2<sup>nd</sup> Addition, replat of all of Maul's 1<sup>st</sup> Subdivision and Subdivision & Rezoning from Agricultural to M: Heavy Industrial, property in the NE¼ of Section 6, T139N, R49W, City of West Fargo, North Dakota.

Tim reviewed the following:

In 2014, a cold storage building was constructed on the southwest portion of the property. Recently it was determined part of the structure encroached onto the adjacent property. The intent is to purchase additional property

from Central Livestock, to plat and rezone to bring the property into compliance.

It is recommended that the City approve the proposed application on the basis it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Access be approved and provided on the final plat.
2. An updated drainage plan is received and approved by the City Engineer.
3. An Attorney Title Opinion is received.
4. A signed vacation of the previous plat is received.
5. Signed Final Plat is received with any necessary easements.
6. A certificate is received showing taxes are current.

There were no comments from the public. The hearing was closed.

Commissioner Reinke asked about the purchase of the property. Tim indicated both the applicant and property owner (Central Livestock) will sign off on the plat.

Commissioner Diamond asked about the zoning surrounding the property being shown as white and if it will have similar zoning at some point. Tim stated that the current Land Use Plan shows the area as industrial. It would remain agriculturally zoned until development occurs.

Commissioner Walker made a motion for approval based on staff recommendations. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Vice Chair Kolb opened public hearing A18-8 Conditional Use Permit for increased signage for institutional identification in a residential district at 650 40<sup>th</sup> Avenue East (Lot 20, Block 3 of Westview 1<sup>st</sup> Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The request is to allow signs to be installed in a residentially zoned district within the Corridor Overlay District and to increase to allowable institutional signage in a residential district. Except as provided for as a conditional use, institutional signage in a residential district is permitted only one sign per street frontage which may not exceed 32 ft<sup>2</sup> and a maximum height of 8' for freestanding signs. In addition, residential districts in the CO: Corridor Overlay district require review as a conditional use.

Currently the applicant has one freestanding sign which is located on the corner of 40<sup>th</sup> Avenue and 7<sup>th</sup> Street East, which had not been permitted by the City. The sign however appears to meet City requirements, but the increased sign request should recognize the new sign and require it be properly permitted. The applicant proposes two non-illuminated wall signs, with a logo which are approximately 43.69 ft<sup>2</sup> in size for a total sign area of 87.38 ft<sup>2</sup>.

In terms of the criteria for granting a conditional use permit, no concerns were noted. Property owners within 350' were notified and no comments were received.

It is recommended that the City approve the proposed application on the basis that with conditions that it could be considered consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Any existing signage is properly permitted through the building inspections department.
2. A Signed Conditional Use Permit Agreement which outlines these details is received.

There were no comments from the public. The hearing was closed.

Commissioner Reinke asked about the number of signs. Tim stated two wall signs and an existing freestanding sign. The request is similar to those reviewed for Triumph West and Prairie Heights, although non-illuminated.

Commissioner Diamond made a motion for approval based on staff recommendations. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Vice Chair Kolb opened public hearing A18-9 Amendment to Section 4-460.9 of West Fargo City Ordinances to provide for additional signage as a Conditionally Permitted Use in the P: Public Facilities District and Conditional Use Permit for additional wall signage at the Hulbert Aquatic Center located at 620 7<sup>th</sup> Avenue East (Block 6 of Eastwood 2<sup>nd</sup> Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant has requested the City amend the Zoning Ordinance to allow properties within the Public Facilities District to build larger signs following the same procedures as are allowed for within Agriculture and Residential zoning districts.

Sign square footage maximum for identification signs in the P: Public Facilities district is limited to 96 ft<sup>2</sup>. Unlike residential zoning districts with institutional uses, there is no provision in the Public Facilities District for a conditional use permit to increase signage. The applicant has also submitted an application for a Conditional Use Permit for additional wall signage. The proposed signage is for the Hulbert Aquatic Facility on a P: Public Facilities zoned lot for the School District that also houses Berger Elementary.

The applicant proposes installing 132.63 ft<sup>2</sup> of lighted channel letters along the south elevation of the building. The lighted sign faces a residential district which also requires review as a conditional use.

Following the public hearing and obtaining public comments, the commission consider the following two recommended motions:

Recommend amending Section 4-460.9.3 (General District Regulations pertaining to square footage of signs for "P" Districts) of the Zoning Ordinance Sign Regulations to include the following:

(part) c. Increase in signage. Additional signage may be considered by the City as a conditional use, subject to following the conditional use procedures established by the City.

If approved it is further recommended that the proposed conditional use permit application be approved on the basis it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Applicant obtain proper permitting for the sign and provide total sign area of the entire property to be included in the conditional use.
2. Any public comments regarding the lighting of the sign which faces a residential district are considered prior to final approval of the conditional use permit.
3. A Signed Conditional Use Permit Agreement is received.

There were no comments from the public. The hearing was closed.

Jill Gustofson, Indigo Signs, indicated she was available to answer any questions.

Commissioner Reinke asked if a sign hadn't already been reviewed for this site. Tim stated that a message board was installed as part of the building project, which was reviewed as a conditional use. He indicated that this sign under 150 ft<sup>2</sup> and is setback 400'. The photos were taken from a distance of about 100'. Ms. Gustofson stated that the sign is similar in size and consistent with the WFHS and sports arena signs.

Vice Chair Kolb stated that there is still the opportunity for review at the City Commission for public comment. Tim indicated it can be brought back to the commission for consideration if there are concerns, such as with lighting.

Commissioner Walker made a motion to recommend amending Section 4-460.9.3 (General District Regulations pertaining to square footage of signs for "P" Districts) of the Zoning Ordinance Sign Regulations based on staff recommendations. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Commissioner Diamond made a motion to approve the conditional use permit based on the three conditions listed in the staff report. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Vice Chair Kolb opened public hearing A18-10 Update to the West Fargo Comprehensive Plan.

Tim reviewed the following:

The plan has been developed through a number of public input opportunities worth noting:

- Project Kick Off – Held at the West Fargo Conference Center on November 10, 2016 at 7pm
- Visioning Sessions – Held at West Fargo City Hall on January 31, 2017 at 10am including donuts and coffee and at the Rustad Recreation Center at 5:30pm including Hot Dogs, Chips, and Cookies as well as free child care with bouncy houses and child activities.
- Planapalooza – Opening workshop on April 20, 2017 and Closing Presentation on April 25, 2017 held at Prairie Heights Community Church on 32<sup>nd</sup> Avenue East. Specialty discussions were held on April 21-22, 2017 and the teams open public studio throughout the week were held at West Fargo City Hall training rooms.
- Final Open House – A final open house to present the draft plan was held on March 5, 2018 at 6pm before the formal City Commission and on March 6, 2018 at noon.

The plan draft might be considered a departure from traditional planning procedures found in past plans and moving into a more thoughtful inclusive approach to the economic, social and physical aspects of our community; however, the overall vision and theme of maintaining the character of West Fargo are still a pillar and focus of the plan. The Vision is built off the existing comp plan, emphasizing that "The Common Vision for West Fargo is to be a "complete, sustainable and prosperous city that plays a pivotal role in the metro by providing high quality of life for its citizen and a thriving economy". Bold and Proactive were specifically emphasized within the vision.

The current draft has been provided through a link in email to Commissioners and printed copies have been available at recent public events as well as at City Hall. The link to the plan has been distributed widely through social media and news releases. It is available on the project website at [www.wf2point0.com](http://www.wf2point0.com).

Comments have been received through social media, project website, presentations to various groups such as EDAC, Homebuilders Association, Exchange Club, AARP organized metropolitan area groups and others. City staff has sent various emails and mailings to stakeholders and stakeholder groups and conducted numerous television, radio and newspaper interviews related to the plan over the past year and a half. All comments have been incorporated into the plan.

Per the North Dakota Century Code, following a public hearing the comprehensive plan is adopted by resolution by the Planning and Zoning Commission with 2/3 voting in the affirmative. The plan is then adopted by the City Commission following a public hearing, and is adopted by ordinance with 2/3 voting in the affirmative according to the North Dakota Century Code and City Code of Ordinances; however, the commission tonight cannot pass the resolution tonight, as 5 commissioners are needed. Staff recommends obtaining public comments and continuing the public hearing until the April meeting.

Larry stated that since Planapalooza a second bus route was added, something which was emphasized in public input, which will need to be added to the plan.

Commissioner Walker stated she thought the plan was great. She visited the open house and thought it was a good representation of the voice of the people, identified some rough spots, emphasized diversity in housing...

Bernie Dardis stated that they did a great job in trying to engage the public with the forums. He indicated a joint meeting should be held between the Planning & Zoning Commission and City Commission. The plan shows great insight, but it's not how the City conducts business today. This is going to be a drastic change. Especially in terms of special assessments. A joint meeting set forth to indicate how it will be implemented is needed. The City has done a great job, but this will change how business is done and how development occurs.

Commissioner Reinke indicated typos with numbering on pages 127 and 137. She also asked how the Diversion element would be addressed. Tim referred to the Growth and Conservation map on pages 119-120. The plan gives a response for anything. Larry stated that it looks at it in a complete approach. Currently an area may be depicted in the Land Use Plan as residential and a developer comes in and wants to develop, doesn't look at infrastructure or costs. Discussion was held regarding future growth and how infrastructure is extended and how it's paid for.

There were no other comments from the public.

Commissioner Diamond made a motion to continue this until the next meeting. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Vice Chair Kolb opened public hearing A18-11 Rezoning from C: Light Commercial to R-2: Limited Multiple Dwellings of 113 & 109 1<sup>st</sup> Ave W. (Lots 4 & 5, Block 7 of Sukut Estates Subdivision), City of West Fargo, North Dakota.

Tim indicated this was discussed at the last meeting:

The properties are currently zoned Light Commercial, which do not allow for single family dwellings as a permitted use. The applicant proposes rezoning the property to R-2: Limited Multiple Dwellings which would allow the structures to remain as legal conforming uses or to be used for future residential development

The adjacent land to the east has been approved in concept for a PUD: Planned Unit Development for a high density residential multi-family dwelling, thus allowing for a more consistent pattern of development to avoid "spot zoning".

Since the last Planning and Zoning Commission meeting and directive to advertise for the rezoning, the developer for the senior housing facility to the west (old mobile home park) has indicated they have negotiated purchase of the single family dwelling property adjacent to it to provide more space to develop the 30-unit facility.

If the property to the west is to be purchased, this will leave only one single family dwelling between the multiple family structure and the fire station. This presents more issues, as only the remaining single family lot would be requesting the rezoning and may be considered "spot zoning". The property is considered nonconforming currently, so banks will not participate in a mortgage loan. The property has been zoned for commercial use for many years, and the property owner purchased the property aware of this.

The property owner is somewhat limited to renting or selling the property outright without a mortgage. The single family dwelling lot will become even more an undesirable property as a standalone lot, so it may fall to disrepair and become a problem property in the future. Tim stated that there is the potential for the home to become abandoned. It is a small lot so it may be difficult to support a commercial use.

The staff has suggested that the City consider if the property could be of use to the City for storm water retention, additional space for the fire station, or some other public use. Though not required to, ideally the City would consider negotiating with the property owner to purchase the property to avoid a derelict, undesirable property. At

this point the City has not taken a course of action. The Economic Development Director has been in contact with the owner to discuss possible options

Staff recommends the following:

1. The City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval that if necessary prior to adoption of the new Comprehensive Plan, a land use plan amendment would be required for the block to indicate the area developing as medium density residential.

OR

2. The City deny the rezoning of the properties, as one lot may be joined with the multiple family project to the west and a single lot for a single family dwelling is not the desired outcome of previous and current plans and ordinances. It is then recommended that the City consider negotiating with the property owner to purchase the property for public use.

Tim indicated staff would like to discuss this with the City Commission prior to them scheduling a public hearing.

There were no comments from the public. The hearing was closed.

Discussion was held regarding the senior housing developer proposing to purchase the home furthest to the west and potential uses. Commissioner Walker asked if the potential buyer was still interested in the house. Tim indicated they withdrew their offer after the last meeting.

Commissioner Walker asked about the city's acquisition process. Tim indicated negotiate a price and purchase it. Sometimes sales tax dollars are used. The City Commission would need to approve it in any event.

Commissioner Diamond asked which of the two options are more favorable. Tim stated #1 as it gives more options. Larry stated #2 as it moves the City to bring this to a head; however, he doesn't know where the City Commission stands. Do they want the property vs. letting it go?

Commissioner Walker made a motion for approval of option 1. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Vice Chair Kolb opened public hearing A18-2 Tehar 2<sup>nd</sup> Addition, a replat of Lot 1, Block 1 of Tehar Subdivision, Subdivision property located in the SE<sup>1</sup>/<sub>4</sub> of Section 18, T139N, R49W, City of West Fargo, North Dakota and Rezoning from A: Agricultural to PUD: Planned Unit Development.

Tim stated that a Public Hearing was scheduled for the property because another portion of land was included into the application to replat Tehar 1<sup>st</sup> Addition. The applicant has not provided the requirements of condition #3:

- Developer provide to the Planning and Zoning Commission either detailed development plans of the property including site plan, grading and utility plan, floor plans and building elevations or district standards which address the proposed setbacks and roadway design, and regulations which are consistent with the intent of the C-OP: Commercial Office Park zoning district..

At the February 12, 2018 the previous application was approved in concept, it is recommended that the Chair open the Public Hearing and continue it in order to receive updated plans from the developer and send to adjacent property owners for next month's meeting.

Tim stated that a staff meeting will be held tomorrow to discuss roadway issues. The ND-DOT purchased the

portion of the property to the north for a pumping station, so that would be removed from the plat.

Mark Radermacher, 146 Beaton Drive West, stated that this is adjacent to his backyard. He asked how it would go from residential to commercial, are there fencing requirements.

Tim stated that staff is waiting for updated plans from the developer. There is a landscaping provision in the ordinance either a 50' buffer with trees or a 25' buffer with a fence and trees. The PUD process indicates exactly what is proposed. Mr. Radermacher asked what types of businesses are proposed and if there are height restrictions. Tim stated that office park doesn't discuss height, but the PUD does. Office park is the designated land use, similar to Titan, TCI Insurance, Bobcat. Retail uses such as what is proposed on the west side of Sheyenne Street, would not be allowed.

Commissioner Reinke made a motion to continue this until the next meeting. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Vice Chair Kolb stated that the next item on the agenda Public Hearing – A18-12 Conditional Use Permit for a communications tower for supporting commercial antennas for a proposed radio station in a C: Light Commercial District at 3280 6<sup>th</sup> Street East (Lot 2, Block 1 of Oak Ridge 13<sup>th</sup> Addition), City of West Fargo, North Dakota, has been withdrawn by the applicant.

The next item on the agenda was Continued - Public Hearing – A17-36 The Wilds 10<sup>th</sup> Addition.

Tim stated that the applicant has asked that this be continued. This will probably be the last continuance. The applicant is proposing to plat just the roads and remove the residential lots.

The next item on the agenda was discussion of meeting times and dates. Tim stated that the City Attorney would like to attend commission meetings and Tuesdays or Wednesdays work for him. He asked what times do not work for commissioners. Vice Chair Kolb and Commissioner Reinke indicated Mondays worked best for them in terms of traveling for work. They asked about 5:30 on Monday. Commissioner Walker indicated Wednesday won't work for her and she teaches a class at 5:30 pm on Mondays. During the day wouldn't work because the public wouldn't be as likely to be able to attend. Discussion was held regarding possibly Tuesday at 5:30 pm. Tim indicated he'd visit with Commissioners Gust, LeBahn and McDougall and see what their thoughts are.

Under non-agenda, Tim indicated that Larry has been appointed Community Development Director to enable him to work on Community Development Projects. Tim was appointed Director of Planning and Zoning and Lisa will be a Planner.

Vice Chair Kolb asked about conflict of interest. He was personally opposed to the proposed radio in his neighborhood and asked about recusing himself. Tim stated that State statutes indicate financial conflict; however, the West Fargo P&Z Rules of Conduct refer to disclosing personal conflicts. Discussion was held re-adopting the rules of conduct since it's been awhile.

Commissioner Diamond made a motion to adjourn. Commissioner Reinke seconded the motion. Meeting adjourned.