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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  
May 8, 2018 at 5:30pm  
West Fargo City Hall

**Members Present:**

Joe Kolb  
Shane LeBahn  
April Walker  
Eric Dodds  
Scott Diamond  
Tom McDougall  
Jana Reinke  
Dave Gust  
Scott Diamond

**Members Absent:** NONE

**Others Present:** Larry Weil, Tim Solberg, Lisa Sankey, Matt Marshall, John Shockley, John Nore with Vistos, Jill Gustofson, Dustin Scott, Vince Wuebker, Steve Halstrom, Scott Hennen

The meeting was called to order by Chair McDougall.

Commissioner Reinke made a motion to approve the April 9, 2018 meeting minutes as printed and mailed. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Chair McDougall introduced Eric Dodds as a new member of the Planning & Zoning Commission.

McDougall introduced Courtney Williams, who will be taking minutes at future Planning & Zoning Meetings.

Chair McDougall opened Public Hearing A18-17 Halverson's Industrial Park 2nd Addition, a replat of Lots 15-20, Block 2; Lots 1-6, Block 3 and dedicated road between Blocks 2 & 3 of Halverson's Industrial Park Addition, City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant is proposing to combine several vacant lots into four, as well as vacate an existing, publicly dedicated street to accommodate a more efficient development. The City proposes to

maintain an easement through the existing road area to provide City utilities and services. Lot 2 is intended to be used as a regional storm water retention pond, which the City is currently developing. The proposed lot sizes will adequately meet yard requirements for development in the LI: Light Industrial zoning district. 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. An updated drainage plan is approved by the City Engineer.
2. Park or land dedication guidance is provided by the City Commission.
3. A signed subdivision improvement agreement is received.
4. An Attorney Title Opinion to the City of West Fargo is received.
5. Signed Final Plat is received with any necessary easements.
6. A certificate is received showing taxes are current.

Chair McDougall asked if new lot will be 4 new lots, and Tim confirmed that yes, there will be four lots.

There was no public comment. The Public Hearing was closed.

Tim added that the plat provided in the agenda packet had been stripped of details to make it easier to see.

Commissioner Gust moved Commissioner Diamond seconded to approve the replat with the conditions listed. No opposition. Motion carried.

Chair McDougall opened Public Hearing A18-18 Oak Ridge 14th Addition, a replat of Lots 13-20, Block 1 of Oak Ridge 12th Addition, City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant has submitted an application, preliminary plat, and area plan. The replat is to allow for lot line adjustments. With the exception of the change in lot lines and a reduction to two-story in height, the overall site plan, access locations, and street network are unchanged from the previously approved development. The buildings will remain four-unit structures. Did not send to neighboring property owners, not required by Century Code

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

1. The drainage and utility plan is approved by the City Engineer.
2. Any necessary easements are placed on the Final Plat.
3. A signed amended agreement to assign the responsibilities of Oak Ridge 12<sup>th</sup> Addition to Oak Ridge 14<sup>th</sup> Addition is received.
4. An Attorney Title Opinion is received.
5. Certificate of Taxes is received showing taxes are current.

There was no public comment. The Public Hearing was closed.

Commissioner Reinke moved and Commissioner Diamond seconded to approve the replat with the five recommendations listed. No opposition. Motion carried.

Chair McDougall opened Public Hearing A18-19 Conditional Use Permit to allow for a 150 square foot sign with a setback of less than 20 feet from right-of-way at 1175 Main Avenue East (Lot 1, Block 1 of Gellers 3rd Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant is requesting a freestanding sign with a setback of less than 20' from the right-of-way along Main Avenue. Ordinance 4-460.9 allows increased total sign area and reduced setbacks as a conditionally permitted use for on-premise freestanding signs along the Main Avenue corridor however a single tenant sign may not exceed 150 ft<sup>2</sup> or a multi-tenant sign may not exceed 200 ft<sup>2</sup> - neither may exceed 35' in height. Main Avenue is recognized by the code as being a unique corridor with a larger than typical boulevard leaving greater distances than typical corridors for businesses to advertise. The applicant in this case has approximately 44' of grassed boulevard between his property and the pavement edge of Main Avenue. The applicant has submitted an application, as well as a photo image of the proposed sign. The proposed sign is a freestanding advertising sign for Visto Trailer Sales proposed to be 150 ft<sup>2</sup> and 23' in height. A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - No concerns noted.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
  - No concerns noted.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
  - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
  - No concerns noted.
5. Screening and buffering with reference to type, dimensions, and character.
  - No concerns noted.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
  - No concerns noted.

7. Required yards and other open space.
  - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
  - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
  - The land adjacent to this area is HC: Heavy Commercial Zoning District.

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

- A Signed Conditional Use Permit Agreement is received.

There was no public comment. The Public Hearing was closed.

Commissioner Diamond asked if it was an electronic sign; Tim said yes, the bottom part will be electronic and the top part will be solid.

Tim advised that electronic message centers are regulated, and can be reviewed.

Commissioner LeBahn asked how much larger would the proposed sign be than code? Tim responded that it would be 150 square feet larger.

John with Vistos advised that they have already removed one big sign from behind the building

Tim advised that off-premise signs are regulated differently than on premise signs.

Commissioner Walker moved and Commissioner Gust second to approve with the conditions listed. No opposition. Motion carried.

Chair McDougall opened Public Hearing A18-20 Planned Unit Development Amendment for addition onto front of building, as well as a tower for supporting commercial antennas for proposed radio station on the north side of the property at 1620 13th Avenue East (Lot 4, Block 1 of Dakota Territory 6th Addition), City of West Fargo, North Dakota

Tim reviewed the following:

Applicant intends to construct a 3,200 square foot addition onto the front of the building for a radio station office and studio, as well as a 120 foot high tower at the rear (north-side) of the building to install one radio antenna to support the proposed relocation of a local radio station. Detailed site plans, including signage and building elevations have been submitted including a concept narrative of the development details. The applicant has provided in the concept narrative their proposed ideas for the expansion of the site. The proposed uses would be consistent within the general commercial land use and compatible with surrounding uses. The preliminary site plan provides for the setbacks of the CO: Corridor Overlay district regulations. Recent amendments to the CO district standards do not require the 45 front yard setback, but do require site plan review and

approval by Planning Commission and City Commission along 13<sup>th</sup> Avenue and along Sheyenne Street south of I-94. The site plan includes 27 parking stalls. The City Off-Street Parking regulations found in 4-450 of City Ordinances would require 1 space per 500 ft<sup>2</sup> of sales floor and 1 space per 1000 ft<sup>2</sup> of storage area; office uses require 1 space per 200 ft<sup>2</sup>. Prior to obtaining a building permit for the expansion, the applicant would need to provide building area to determine they meet parking requirements. Building materials proposed in the project narrative and elevations show increased glass. The building currently meets the increased building construction requirements of the CO: Corridor Overlay District which would need to continue. The increased glass would also meet the requirements. Any code violations regarding temporary advertisements on the property which have exceeded allowable timeframes should be addressed prior to obtaining approval. Sign details noted are for illustration purposes only. Signs would be subject to the provisions of the City sign code and will require permitting at time of installation. The property would utilize existing approach onto the private drive to the north with access out to 16<sup>th</sup> Street East and 17<sup>th</sup> Street East. The applicant has not yet provided a construction schedule. There are no other towers which are in as close proximity to 13<sup>th</sup> Avenue. The most similar setback of a tower this close to a City street designated in the CO: Corridor Overlay district is a tower on the north side of 32<sup>nd</sup> Avenue West across from Eagle Run Plaza. At 120' there is little that can be done to disguise or blend the tower into the surrounding environment. Staff believes that aesthetic impact of the radio tower to 13<sup>th</sup> Avenue is an item of discretion for the boards to consider after public hearing. Findings should be provided within an approval that recognize that the aesthetic impact of the tower are acceptable for the specific location for given reasons to avoid an arbitrary determination of this site over another site in the Community. Under the provisions of 4-449.12, towers which are abandoned or unused must be removed within 12 months of the cessation of operations unless a time extension is approved by the City Commission. Due to the visibility of the site, it is appropriate that if approved this condition is reiterated within a PUD Agreement for signature by the applicant.

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

1. Findings that the radio tower and its aesthetic impact to the Corridor and the public are acceptable such as:
  - a. The location of the tower does not impact the development patterns of the surrounding commercial environment.
  - b. The location of the tower does not infringe upon any sensitive neighboring uses.
  - c. The tower footprint and width are of a diameter which minimizes their impact to the aesthetics of the corridor.
  - d. The tower contains one antenna thereby minimizing its impact to the aesthetics of the corridor.
2. Acknowledgement by the owner that if the tower is abandoned or unused that it must be abandoned within 12 months of the cessation of operations unless a time extension is approved by the City Commission.

3. Development will be subject, but not limited to CO: Corridor Overlay, 4-400 Supplementary District Regulations, 4-449 Wireless Telecommunications, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
4. A signed PUD Agreement is received.

Tim advised that if the findings provided in recommendation #1 are determined insufficient by the Commission it is recommended to deny the application in order to maintain the aesthetic properties of the 13<sup>th</sup> Avenue corridor consistent with the intent of the CO: Corridor Overlay District.

Economic Development Director Matt Marshall stated that there is an existing tower at City Hall, which blends into landscape, has lots to do of what hangs off of it, radio towers don't have much coming off of it. He recommended approval, as not all towers are the same, and the proposed tower would be different from towers on Main Ave and 32<sup>nd</sup>.

Commissioner Diamond asked what the height of tower attached to City Hall is; Matt stated it is 90 ft.

McDougall asked about the antenna size; Matt stated it is 5ft by 3ft and see through. Matt said we encourage mono poles, the see-through antennas and lattice towers blend in.

Applicant Vince Wuebker stated there is a shift in retail world; he wants to give West Fargo its first and only radio station, he wants to give West Fargo a voice and wants to make a bigger community center.

Commissioner McDougall asked if the renderings given in the agenda packet are just façade ideas, to which Mr. Wuebker answered yes.

Steve Hallstrom with Flag Family Media stated that they are excited about possibility of teaming up to do something unique in broadcast community, bringing people into facility and customers getting access to radio station. He said they appreciate the Commission's time and consideration.

Scott Hennen with Flag Family Media stated this is their first experience to engage with West Fargo. He said Matt Marshall, Tim and their team were great to work with; they handle the growing pains of fastest growing city in state very well. Needs to be functional and purposeful for events.

There was no other public comment. The Public Hearing was closed.

Commission Reinke raised the question of if there is enough parking for events planned at the business. Tim stated they would meet current City parking requirements; if the use creates a problem, the city can request a shared parking agreement. Tim also stated they are working on revitalizing the corridor which would not recommend additional parking along the corridor.

Commissioner McDougall that they don't want to make it difficult to get to the business because of parking issues.

Commissioner Gust asked who owns the lot to north; Tim stated that it is owned by a separate entity, and the applicant should coordinate with owners for ability to use their parking during larger events.

Commissioner Walker asked if there are there rules in the City Ordinances with reference to radio towers? Tim responded that there is a provision for commercial use for wireless telecommunications.

Commissioner Walker asked if others could attach to the tower, to which Tim responded not with this application and recommended approval, if any additions were requested, they would have to come back through the Planning & Zoning Commission and City Commission.

Commissioner Kolb stated that he agrees with plans should approve, if disagree, should deny; the main concern is that he doesn't want to set precedent for cellular tower proposals.

Commissioner McDougall asked if there is a way to have tower behind buildings; Matt Marshall stated it was considered, but they cannot get radio signal if tied up and bored underneath; it would have to go to another system.

Commissioner Kolb asked if all businesses have been notified, to which Tim answered yes.

Tim stated that the proposed mono/lattice tower is uniquely different than other tower in city.

Commissioner LeBahn asked if there are any towers in Fargo of this size; Tim stated yes in Fargo, over on 25<sup>th</sup> St S KFGO and Radio FM Media, The Flag currently has a tower south of 32<sup>nd</sup> Ave S on University Dr.

Commissioner Walker asked if this project sets a precedent for telecommunications in future, to which City Attorney John Shockley said there is no concern about setting precedents; he concurs with Tim's report.

Commissioner McDougall asked how far back from 13<sup>th</sup> Ave is back of building Tim stated it was at least 120-130 ft, maybe more.

Commissioner LeBahn asked if it is possible to put cell antennas up on the proposed tower and make it a cell tower? Mr. Hennen advised no, the proposed tower could not handle that amount of weight. Tim stated it could potentially be added as a condition, would have to submit PUD amendment to change it, any addition would have to be radio antenna.

Matt Marshall stated the height requirement is to get the broadcasting signal over the new Sanford hospital.

Commissioner McDougall asked if area is fenced, and Mr. Hennen advised that the area will be fenced, the foundation won't be seen.

Commissioner Kolb moved and Commissioner LeBahn seconded to approve and accept the findings of fact as presented. Commissioner McDougall abstained.

Commissioner Reinke stated she would like to add condition for shared parking with neighboring businesses. Tim stated they can add this as a condition within the PUD if desired.

No opposition. Motion carried.

The next item on the agenda was continued Public Hearing A18-2 Tehar 2nd Addition, Replat of Lot 1, Block 1 of Tehar Subdivision, Subdivision property in the SE¼ of Section 18, T139N, R49W, City of West Fargo, North Dakota and Rezoning from A: Agricultural to PUD: Planned Unit Development.

It was decided to Continue Item #7 for next meeting

There were no Non-Agenda items.

Commissioner Gust made a motion to adjourn. Commissioner LeBahn seconded the motion. Meeting adjourned.