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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
August 14, 2018 at 5:30pm
West Fargo City Hall

Members Present:

Joe Kolb
Eric Dodds
April Walker
Tom McDougall
Jana Reinke

Members Absent:

Shane LeBahn
Dave Gust

Others Present: Larry Weil, Tim Solberg, Lisa Sankey, John Shockley, Larry Nygard, Dan Madler, Blake Strehlow, Jim Bullis, Tyler Oliver

The meeting was called to order by Chair McDougall at 5:30pm.

Commissioner Kolb made a motion to approve the July 10, 2018 meeting minutes as printed and mailed. Commissioner Dodds seconded the motion. No opposition. Motion carried.

Commissioner McDougall opened Public Hearing – A18-35 Charleswood 33rd Addition, Replat of Lots 4 & 5, Block 1 of Charleswood 29th Addition, City of West Fargo, North Dakota and Planned Unit Development Amendment for a Dental Office.

Tim discussed the following:

The purpose of this application is to Replat to split lot and allow for development of a dental office in approved Planned Unit Development.

- The applicant has submitted a preliminary plat, site, elevation and floor plans for a 5,300 ft² building finished with EIFS, Stone, and other materials which would house a dental office and additional office tenant space.

- The existing development on proposed Lot 1, Block 1 meets the yard and open space requirements of the CO: Corridor Overlay and CO-I: Interstate Corridor Overlay districts.
- Property access will be limited and only available on existing private drive via 19th Ave E.
- In 2015, a PUD Amendment was approved on this site to construct a 105-space parking lot for additional parking for the Blarney Stone to the north. At the time, the restaurant site plan showed 88 parking spaces on site, which exceeded the required 75; however, they saw the need for additional parking.
- The applicant is showing 28 parking spaces for the proposed dental office based on general office space requirements of one space per 200 square feet of gross floor area. Under the 4-450 Off-Street Parking and Loading Requirements, Medical Offices and Clinics require five spaces per doctor, plus one space per employee on the largest shift. At first occupancy, there will be one doctor and six employees. A shared parking agreement will be developed with the adjacent property to the north to accommodate additional parking needs when a third doctor is added.
- Within the CO district when the property abuts the designated streets (i.e. 9th St E) a minimum of 20 feet of landscaped open space is required to separate parking areas and the front lot line, which was provided with the previous application.
- Trees were also placed on the east boundary of the parking lot, with the previous application. The site plan shows additional trees and landscaping for the property, which follow 4-449-A. Landscaping Standards.
- A 35' high pylon sign and an off-premise monument sign for the development is shown on the NE corner of the property and should follow section 4-460 Sign Regulations.
- Construction is anticipated to begin on September 10, 2018 and expected to be completed by April 1, 2019.

Notices were sent to Property owners within 150' and applicable agencies and departments.

Comments Received:

- The Sanitation Manager has asked for a detailed drawing/measurement of the dumpster enclosure for this building and is in discussions with the applicant.

The underlying land use classification of this property is G-2 Sub-Urban Growth Sector. The Sub-Urban Growth Sector includes existing residential neighborhoods and developed commercial areas that are not likely to see much change in the next decades. There may be a few undeveloped tracts of land still available for development.

Maintaining compatibility with surrounding uses will provide consistency with City Plans and Ordinances. Increasing employment opportunities within this district is consistent with the Comprehensive Plan.

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. Development of Lot 2, Block 1 will be subject, but not limited to CO: Corridor Overlay, 4-440 Supplementary District Regulations, 4-449-A. Landscaping Standard, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
2. A signed PUD Agreement is received.
3. An Attorney Title Opinion is received.
4. An updated drainage plan is received and approved by the City Engineer.
5. A signed Final Plat is received with any necessary easements.
6. A certificate is received showing taxes are current.

Commissioner McDougall asked where the typo in the staff report is, to which Tim stated it is on Page 2; there are three doctors with a potential for a third.

Commissioner Reinke asked if shared parking was not a part of the requirements, to which Tim answered if they do not meet the parking requirements based solely on the ordinance, there is the potential to look at doing a shared parking agreement with Blarney Stone.

Larry Nygard with Roers Development appeared before the Planning & Zoning Commission and stated there is a parking arrangement with the Blarney Stone, the dentist office is only open Monday through Thursday, and the restaurant is open evenings and weekends.

Commissioner Kolb asked if there needs to be shared parking in conditions, to which Tim answered no, they can be added at a later date if needed.

Commissioner McDougall asked how does parking arrangement flow if uses change in building, to which Tim stated they would have to work with the owners to compare it to the parking ordinance.

There was no other Public Comment. The Public Hearing was closed.

Commissioner Walker moved and Commissioner Reinke seconded to approve with the recommended conditions. No opposition. Motion carried.

Commissioner McDougall opened Public Hearing – A18-36 Southdale 2nd Addition, Replat and Rezoning from R-3: Multiple Dwellings to PUD: Planned Unit Development of Block 2 & 3 of Southdale Addition, City of West Fargo, North Dakota.

Tim discussed the following:

The purpose of this application is to Replat to redevelop site with a mix of multiple family dwellings and offices associated with the Cass County Housing Authority.

- The applicant has submitted an application, preliminary plat, site plan and area plan.

- The property was developed with mix of multiple family dwellings as part of the Cass County Housing authority.
- The plat is providing two lots and is proposing to vacate 9th Avenue West to accommodate private internal drives and public easements for sanitary, water, and storm improvements associated with the redevelopment of this site. There is potential for regional storm water benefits to which the City Engineer is considering and will provide future comments.
- The development currently serves an important need in the community of affordable housing. Presentations before the City's Economic Development Advisory Committee have occurred and staff has requested additional comment from the Community Development Director regarding the need for additional affordable housing opportunities in West Fargo and the region.
- The applicant proposes rezoning the property to Planned Unit Development (PUD), which would allow for offices and other uses associated with the housing authority, such as a childcare facility.
- Lot 1 is proposed to be developed with two, four-story, 40 & 44-unit senior living housing structures which would be accessed off 8th Avenue West and Sheyenne Street as part of Phase 1 & 2. This also includes HACC offices. A potential daycare structure is also shown on this lot.
- Lot 2 is proposed as approximately 45 units within both townhome style and "big house" residential structures as Phase 3.

Notices have been sent to Property owners within 150' and applicable agencies and departments. The applicant also held a neighborhood meeting on August 6, 2018 at the West Fargo High Rise Community Room with just one person attending. No comments were made at that meeting, just interest in what is happening. No comments have been received by staff to date.

- This project invests in older neighborhoods, supports the growing senior population, improves the neighborhood design, and is consistent with goals of the Comprehensive Plan's Action Plan Big Idea to "Strengthen Neighborhoods and Expand Housing Choice".
- Redevelopment and reinvestment in the site to align with the "Core-Retrofit Growth Sector" will positively impact the City's downtown core area while maintaining affordable housing options for our residents.
- The applicant has partnered with urban designers who have included City staff in their design process to achieve consistency with the City's Downtown Framework Study, Sheyenne Street Corridor Study, and design elements found in West Fargo 2.0.

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

1. Due to the proposed zone change in both density and building type, additional comment should be sought from the Community Development Director regarding the need for increased affordable housing in the City.
2. Detailed Development Plans will be subject, but not limited to 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.

There was no Public Comment. The Public Hearing was closed.

Commissioner Walker asked what the timeline is for different phases and anticipated construction.

Dan Madler, CEO of Beyond Shelter Inc. appeared before the Planning & Zoning Commission in response to Commissioner Walker's question. Mr. Madler stated the proposed timeline is to begin construction in 2019 for the north block, and to start construction in 2020 for the south block.

Commissioner Walker asked if there is a plan in place for current occupants.

Blake Strehlow, Executive Director of the Housing Authority of Cass County appeared before the Planning & Zoning Commission in regards to Commissioner Walker's question. Mr. Strehlow stated they are working with the Housing Authority on a process for tenant relocation and tenant protection vouchers. He also stated that the plan is for tenants to be able to move back in to the new building.

Commissioner Kolb asked if the new buildings would increase or decrease in density, to which Mr. Madler stated it will increase from 60 units to 84 units on the north block, and from 20 units to 45 units on the south block.

Commissioner Kolb asked if this project is part of special standard corridor, to which Tim stated it is outside the extent of the area, and would be a secondary district within the core district. Tim stated that in the concept phase, the Planning & Zoning Commission would need to review any proposed changes or set up certain standards that would not have to come back to the Commission.

Commissioner Kolb moved and Commissioner Walker seconded to approve with the recommendations listed. No opposition. Motion carried.

Commissioner McDougall opened Public Hearing – A18-37 Maple Ridge at the Preserve 6th Addition, Replat of Lots 25 & 35, Block 1 of Maple Ridge at the Preserve 2nd Addition, City of West Fargo, North Dakota and Rezoning from P: Public Facilities to R-1A: Single Family Dwellings part of Lot 35, Block 1 of Maple Ridge at the Preserve 2nd Addition, City of West Fargo, North Dakota.

Tim discussed the following:

The purpose of the application is to replat and rezone to bring an existing single-family property into conformance with the rear yard requirements of the R-1A: Single Family Dwelling district standards.

- The property was platted in 2012 and a single family dwelling constructed in 2013.
- Recently it was determined that the home did not meet the rear yard setback requirements of 30' at the time of permitting.
- Although the home does not conform to the zoning requirements of the R-1A District, because the City issued a permit, it could be determined that the property is a legal non-conforming structure.
- Legal non-conforming structures are regulated under Section 4-474 of City Ordinances which state:
 - Such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 1. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- Although the property can continue, banks will not typically lend for a property which is legal non-conforming because the second clause which does not allow the property to be rebuilt if damaged.
- A remedy for the situation exists which is to subdivide additional property from the City, to plat and rezone to bring the property into compliance.
- The City would maintain the property in an easement so no structure would be able to be constructed on the land and the City could maintain the retention needs of the pond, but the house would now be in compliance with the yard requirements of the R-1A zoning district standards.
- Notices have been sent to property owners within 150' and applicable agencies and departments. No comments have been received to date.
- The proposed application would ensure the structure becomes consistent with the City plans and ordinances. The Comp Plan includes this area in the "Core Retrofit Growth Area",

however it is due to proximity and the subdivision is not anticipated to be retrofitted due to the minor lot line change.

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. An Attorney Title Opinion is received.
2. A signed vacation of the previous plat is received.
3. Signed Final Plat is received with any necessary easements.
4. A certificate is received showing taxes are current.

Tim stated staff is working with the applicants to find solution and bring it into conforming standards so they can sell their house.

There was no Public Comment. The Public Hearing was closed.

Commissioner Kolb asked if the tax bill and specials will change based on different square footage and if the city forfeits the rights to the land, to which Tim stated the city would give the land and keep the easement.

Commissioner Walker asked if the city is required to have something in return for the land to which City Attorney John Shockley stated that any property is advertised at \$2500 for easement in order to execute agreement, to which Tim stated is just enough to make it conforming.

Commissioner Dodds asked if the proposal is acceptable for the property owner, to which Tim stated yes.

Commissioner Dodds asked if the fix worth \$2500 to which City Attorney John Shockley said yes, it is worth getting release of the claim.

Commissioner Kolb asked to add the recommendation of having an evaluation of the land filed and recorded, to which Commissioner McDougall suggested to amend the recommendation to the signed final plat show the easements including the new easement as well as having an evaluation of the land calculated and recorded.

Commissioner Kolb moved and Commissioner Reinke seconded to approve with the four recommendations listed as well as the amended recommendations discussed. No opposition. Motion carried.

Commissioner McDougall opened discussion for agenda item #6: A18-34 The Wilds 11th Addition proposed Zoning Change.

Tim stated the developer has changed zoning since PH at PZ Commission. Want to change from R2 to R1SM – different size lots, decrease density and that staff has no concerns, but the Fire

Department and Police Department want to make sure have access road in any easement, adequate radius and second ability to get out.

Jim Bullis appeared before the Planning & Zoning Commission on behalf of developer and to answer Commissioner McDougall's question and stated the developer will come back with a formal zoning request, and will make sure there's good access for emergency services.

Tim stated they are working on determining the alignments of the road, and will put the easement on top of it. Tim also stated any comments and/or concerns can be sent to city commission

No motion was requested of the Planning & Zoning Commission.

Commissioner McDougall opened agenda item #7, Review Building Construction Standards of the Corridor Overlay District at 425 32nd Avenue West.

Tim stated the corridor overlay district has specifics on siding type and the applicant is proposing to use HardiePlank Lap Siding. Tim referred to Section 4-431.5.2 of the Corridor Overlay District ordinance and the standards listed.

City Attorney John Shockley stated that HardiePlank Lap Siding is an approved material, but it is not consistent with overlay district standards.

Commissioner Kolb asked what HardiePlank is, to which Tim stated it is a cement fiber board.

Tim stated that any variation of plans from the ordinance goes to the City Commission, and would defer back to Planning & Zoning Commission.

Tyler Oliver, a representative of the Dollar General project developer appeared before the Planning & Zoning Commission and stated that HardiePlank lasts longer than wood, would be good for the harsher climate here, more durable, gives same look, and is pre-painted.

Commissioner McDougall asked if the plan was to use the HardiePlank, to which Tim answered yes.

Commissioner Reinke asked what the standard for exception is and if an exception is made for HardiePlank, what will be next? Tim stated that it gives commission ability to approve tools for design and it's up to applicant to provide the statement of intent.

Mr. Oliver asked if vertical columns or faux windows would be good additions. Commissioner McDougall stated it would break up the appearance of only HardiePlank, and would make it look like it fits in the area. Commissioner Kolb stated adding both faux windows and or vertical columns would break up the appearance of only HardiePlank and it will be an interesting space.

Mr. Oliver stated the developers could continue to look at other design options.

Commissioner Reinke asked if it is possible to change the ordinance amendment, to which Tim stated that staff is working on ordinances with the City Attorney and will amend the ordinance as projects move forward.

Commissioner Walker moved and Commissioner Reinke seconded to approve in concurrence with staff that the HardiePlank does not seem appropriate as presented in the current design and does not meet standards as stated in the Overlay District ordinance; however, it could be acceptable if the material is integrated into architectural design to break up the front façade and the developer proposes an alternate design.

Commissioner McDougall 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.

Tim informed the Commission that the North Dakota Planning Association (NDPA) Conference will be held on Thursday, September 13th at the Alerus Center in Grand Forks and said the early bird pricing ends tomorrow if any commissioners are interested in attending.

Commissioner Dodds moved and Commissioner Kolb seconded to adjourn No opposition. Meeting adjourned.