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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
November 13, 2018 at 5:30pm
West Fargo City Hall

Members Present:

Joe Kolb
Eric Dodds
Jana Reinke
Shane LeBahn
Dave Gust
Megan Huffman

Members Absent:

April Walker
Tom McDougall

Others Present: Tim Solberg, Lisa Sankey, Dustin Scott, Courtney Williams, Nate Vollmuth, Jason Toso, Justin Breitwieser, Brideen Sjulstad, Sarah Griesbach, Jason Gustofson

Minutes Submitted By: Courtney Williams, *Executive Assistant to the City Administrator*

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

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

Acting Chair Kolb opened Public Hearing – A18-43 Eaglewood 7th Addition, a Subdivision and Rezoning from A:Agricultural to R-1SM: Mixed One & Two-Family Dwellings of property located in the SW¼ of Section 19, T139N, R49W, City of West Fargo, North Dakota.

Lisa discussed the following:

The purpose of this application is to prepare the property for a single family residential development.

- The applicant has submitted an application, preliminary plat and area plan.
- The applicant proposes to develop 83 single-family residential lots with the zoning being R-1SM: Mixed One & Two Family Dwellings, which would be consistent with the surrounding development patterns. A three-acre parcel is shown to the south, which is intended for a retention pond to service the Eaglewood developments.

- Right-of-way appears to be adequate with 62' for all the subdivision streets, which are considered local streets.
- Public dedication is required for the development, which would be 10% of the plat area for land or cash-in-lieu of land dedication at the established annual rate per square foot of developable land area. The City has not received any recommendations from City Departments or Park District for the dedication, which will need to be addressed prior to City Commission consideration.
- A drainage plan is required for the subdivision and will need to be developed prior to, or as a part of, the special improvement district.
- A sewer hook-up fee is required for the subdivision and will need to be addressed within the subdivision improvement agreement.
- An Attorney Title Opinion is required and will need to be received prior to Final Plat consideration

Properties within 150 feet and applicable agencies and departments were notified, and no comments have been received to date.

The proposed application is consistent with the City plans and ordinances.

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. Determination that all lots meet the requirements of the R-1SM district standards.
2. A signed subdivision agreement is received.
3. A signed public dedication agreement is received.
4. A 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.

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

Commissioner Gust moved and Commissioner Dodds seconded to approve the application with the six recommendations listed in the staff report. No opposition. Motion carried.

Acting Chair Kolb opened Public Hearing – A18-44 Brooks Harbor 9th Addition, Replat and Rezoning from R-1: One and Two Family Dwellings to R-1SM: Mixed One & Two Family Dwellings and PUD: Planned Unit Development of Lot 1, Block 2 of Brooks Harbor 5th Addition, City of West Fargo, North Dakota.

Tim discussed the following:

The purpose of this application is to replat a block within a previously subdivided property to provide for a block of lots to be zoned R-1SM and a large lot to be zoned Planned Unit Development to accommodate multiple family dwellings.

- The applicant has submitted an application, preliminary plat and area plan.
- There have been two site concepts provided, staff is including both for reference.

- The applicant proposes to develop a block of single family lots with the zoning being R-1SM: Mixed One & Two Family Dwellings residential development, which would be consistent with the surrounding development patterns.
- The remaining large lot is proposed to be developed for multiple dwellings with three, 33-unit structures and associated garage structures currently shown on the concept plan.
- Applications for multiple family dwellings within this proximity have been denied in recent years by the City Commission as they were unwilling to amend the previous Land Use Plan of the 2008 Comprehensive Plan to allow any more high density residential development in this section. The new Comprehensive Plan encourages increased density to help reduce infrastructure cost burdens, but also seeks to strengthen neighborhoods and expand housing choice through improving neighborhood design. Although there is a push to increase density for efficiencies, it is still important to consider the makeup and design of the neighborhood to encourage improvement to neighborhoods when development occurs.
- The proposed replat will potentially require new easements or right of way to accommodate circulation and connection of roads and services. This will need to be reviewed as the detailed development plans are created.

Notices were sent to property owners within 150' and applicable agencies and departments. Email correspondence has been received and attached noting concerns about decreased property values when adjacent to apartment buildings in the area and increased traffic associated with increased density.

- The property is currently zoned R-1, so the proposal is not consistent with the zoning decisions which have been previously made as part of the area plan for this portion of the Brooks Harbor development.
- In visual surveys reviewed during the public input phase of West Fargo 2.0, large garage buildings on the street side were very negatively received leading to discussion within the section "Strengthen Neighborhoods and Expand Housing Choice". Better design of the site can reduce this negative impact to the streetscape.
- The proposed increased density in the neighborhood can help to lessen the burden of infrastructure costs which is a concept promoted in West Fargo 2.0.

If it is determined by the Commission to be acceptable to change the zoning district to accommodate the multiple family portion of the development staff recommends that the City approve the application in concept on the basis that with an approved zoning change that it could be determined to be consistent with City plans and ordinances with recommended conditions of approval as follows:

- Consideration of neighborhood concerns be granted in advance of development of detailed development plans.
- Design that will either remove the large garage structures, move them from the street, or provide buffering to encourage better neighborhood design.

Staff notes that the property is currently zoned R-1: One and Two Family dwelling district. A change to a higher density is not entitled and the Commission has the discretion to deny the request solely on the basis of the current zoning of the lot.

Commissioner Kolb asked if the Commission was just approving the concept and not changing the zoning, to which Tim stated yes, it will go before the City Commission and then come back to the Planning & Zoning Commission with detailed development plans if approved.

The Public Hearing was opened.

Nate Vollmuth with KLC Holdings appeared before the Commission and stated that they understand the concerns of the residents and wants to hear feedback from residents of the area. Mr. Vollmuth stated that there are early concept designs of the proposed project and there can be changes made based on feedback provided.

Commissioner Kolb asked how many total units are in the concept design, to which Mr. Vollmuth stated there are three 33 unit apartment buildings and 12 single family/55+ residences in the concept.

West Fargo resident Jason Toso (702 23 Ave W) appeared before the Planning & Zoning Commission to voice concerns about the proposed application and the effect a new development would have on the elementary school across the street.

Commissioner Kolb asked if an expansion to the elementary school was included with the new school bond, to which Tim stated he could ask the School Board if it is included.

West Fargo resident Justin Breitwieser (2314 10 St W) appeared before the Planning & Zoning Commission to voice concerns about the possible increased traffic congestion that would accompany a new site. Mr. Breitwieser also stated that there needs to be more supervision around the ponds in that area.

West Fargo resident Brideen Sjulstad (2203 10 Ct. W) appeared before the Planning & Zoning Commission and stated that there is already high density in the neighborhood and that adding homes will increase the school enrollment, where there is already limited space at the school. Ms. Sjulstad stated that a traffic increase is a definite concern.

West Fargo resident Sarah Griesbach (606 23 Ave W) appeared before the Planning & Zoning Commission and stated that the neighborhood is already high density and there is a concern of an increase in traffic if people are coming and going from the proposed development. Ms. Griesbach also stated that students already struggle to cross the street to get to school and that adding more traffic would be a concern.

West Fargo resident Jason Gustofson (311 Rue Avenue) appeared before the Planning & Zoning Commission and stated that he is working with the developer on this proposed project, and that no one really knows what the impacts on the school and neighborhood will be or who will rent the properties.

Commissioner Dodds asked what the R1 Zoning accommodations are for number of units, to which Tim stated that a typical development pattern has 40 homes, but this property could get 40-50 properties in it.

Commissioner Gust asked what percentage of the incoming tenants would be school aged children, to which Tim stated the average family size is 2.79 people per home, 2.08 people per apartment. Tim also stated that the school district has given no comment as far as increased enrollment and a potential expansion.

Mr. Vollmuth appeared before the Planning & Zoning Commission to speak to the concerns voiced by the residents and stated that the developer wants to take concerns into account, and want to not increase density exponentially.

Mr. Toso appeared before the Planning & Zoning Commission to ask about anticipated counts with the school, to which Mr. Vollmuth stated that he had not reached out at the present time.

Commissioner Gust asked about water retention and how it would be impacted, to which Dustin stated that the development would be part of the stormwater retention system, but there would be no need to add more retention, to which Tim agreed.

City Engineer Dustin Scott appeared before the Commission and stated that as far as traffic concerns go, traffic studies can be done, and that the current plan would actually generate less traffic during the peak traffic hours.

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

Tim stated that he would provide a copy of all the resident concern emails to the Commissioners for record when it appeared before the Commission. Tim also stated that the developer will have to come back to the Planning & Zoning Commission with full detailed plans if the initial concept is approved by both entities.

Commissioner Reinke asked what the level of definition would be for a Planned Unit Development, to which Tim stated it could be very detailed, if it's approved there would have to be detailed development plans.

Commissioner LeBahn asked if the Planned Unit Development isn't followed through with, if it automatically reverts to an R1 Zoning, to which Tim stated that it will not change until the City Commission has had a Public Hearing, and two readings.

Commissioner Gust asked if the proposed development is consistent with the current Comprehensive Plan, to which Tim stated that there are components that do match, others that will require better neighborhood design and public input. Tim stated that it is currently zoned R1 and there is no obligation to change it.

Mr. Vollmuth stated that he has met with members of the City Commission and will plan to meet with everyone before the plans go before the Commission. He stated that he understands the concerns of the residents and the Planning & Zoning Commission, and wants to work with everyone to come up with a plan.

Commissioner Gust moved and Commissioner LeBahn seconded to approve the initial concept as presented, with the conditions to look at overall density, potential impact to the school, traffic concerns, and aesthetics of the building and apartments. No opposition. Motion carried.

Acting Chair Kolb opened Public Hearing – A18-45 Strawberry Fields 2nd Addition, a replat of Lots 3 & 4, Block 1 of Strawberry Fields 1st Addition, City of West Fargo, North Dakota.

Tim discussed the following:

The purpose of this application is to replat two lots into four.

- The applicant has submitted an application and preliminary plat.
- The applicant is proposing replatting two lots into four.

- The new lots will meet the current zoning district requirements.
- The proposed replat does not affect any public easements or right of ways.

Notices were sent to applicable agencies and departments, and no comments have been received to date.

The proposed plan is consistent with City plans and Ordinances.

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 updated drainage plan is approved by the City Engineer.
2. An Attorney Title Opinion to the City of West Fargo is received.
3. Signed Final Plat is received with any necessary easements.
4. A certificate is received showing taxes are current.

The Public Hearing was opened.

Nate Vollmuth appeared before the Commission and stated that the development is small with plots similar to those in Fargo. He also stated that there are similarities in all of the developments presented at the meeting, the specific lot types are selling quickly, and that the density increase is consistent.

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

Commissioner Kolb asked if any other comments were received, to which Tim stated no, no other notifications were sent out.

Commissioner Reinke moved and Commissioner Dodds seconded to approve the application with the four recommendations listed in the staff report. No opposition. Motion carried.

Acting Chair Kolb opened discussion of Access Request onto 26th Street NW at 2640 4th Ave NW (Lot 1, Block 1 of Sandhills 3rd Addition).

Tim stated that 26th Street Northwest is a collector roadway that requires access approval by both the Planning & Zoning Commission and the City Commission.

City Engineer Dustin Scott appeared before the Planning & Zoning Commission and stated that the roadway needs to be signed accordingly for exit and entrance purposes.

Commissioner Gust asked if this would be a condition prior to operation of the business, to which Dustin stated that it's contingent on each driveway signed for entrance and exit only.

Commissioner Gust moved and Commissioner Huffman seconded to approve with the conditions that the signs are installed for entry and exit access. No opposition. Motion carried.

Acting Chair Kolb 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 –Graham

Tim stated that there are still copies of the Comprehensive Plan if any commissioners want a copy. There were no other non-agenda items.

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