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Sharon Schacher, Deputy Auditor
Larry M. Weil, Planning Director
Wanda J. Wilcox, City Assessor
Dorinda Anderson, Business Development Director
Jim Brownlee, CPA, City Auditor

West Fargo Planning and Zoning Commission
May 8, 2006 at 7:00 P.M.
West Fargo City Hall

Members Present: Frank Lenzmeier
Ross Holzmer
Kim Keller
Jason Gustofson
Terry Potter
Harriet Smedshammer

Members Absent: Wayne Nelson

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Mark Lemer, David and Joyce Dobmeier, Jim Morken, Rendell Klein, Barb Erbstoesser, Gerald Urlaub, John Vigen

The meeting was called to order by Chair Lenzmeier.

Commissioner Smedshammer made a motion to approve the April 10, 2006 minutes as printed. Commissioner Potter seconded the motion. No opposition. Motion carried

Chair Lenzmeier opened public hearing A06-21 Lodoen Center Addition, a replat of Blocks 11 & 12 of Sukut's 2nd Subdivision & the Vacated R-O-W of Alleys in Said Blocks, plus the vacated 2nd Avenue East R-O-W, And the West ½ of Vacated 4th Street East; And Rezoning from R-1: One and Two Family Dwellings to PUD: Planned Unit Development.

Steven Zimmer reviewed the following information from the staff report:

The property, which is located south of 1st Avenue East and east of 3rd Street East, has been used in the past for school facilities and is now being redeveloped for use as a community center. A kindergarten (early childhood center) is located on the south side of the property and a football field on the east side of the property. The applicant would like to replat the property to make it all one legal parcel. Rezoning the property will allow the applicant to state what uses would be allowed. The proposed use is generally consistent with City Plans and Ordinances.

The proposed plat will combine 46 lots, two vacated alleys, and two sections of vacated street right-of-way to form one much cleaner, more manageable parcel. Rezoning the property will allow the applicant to state what uses it wishes to allow. As currently zoned, not all existing uses would be allowed. The stated purpose and desire of the uses contained within this building are that they remain Public/Semi-Public. According to the 2000 West Fargo Comprehensive plan, the Public/Semi-Public designation includes government facilities, schools, and other quasi-public facilities such as Bonanzaville and Red River Valley Fairgrounds. The City's Land Use Classification System provides for a more extensive list of uses including government buildings/offices, education, library and museum, public assembly, churches and other non-profit organizations, hospitals and rest homes, and child care centers.

Uses not identified in either Comprehensive Plan or Land Use Classification System that are in place or intended are the Chamber of Commerce and senior citizen center. These uses certainly seem to be appropriate and should be added. Any future uses not stated must be added by means of PUD Amendment. Rezoning and replatting this property will allow the applicant much greater flexibility for signage as well. It has been common that the applicant be required to provide the city a detailed signage plan that shows all proposed signage sizes and locations, which is what staff would recommend be done in this case.

Due to the residential neighborhood it would be appropriate to review and approve signage as part of the Planned Unit Development. Future signage considerations would be approved as a Minor PUD Modification unless more restrictive provisions would be required by ordinance.

Property owners within 150 feet, as well as City Departments were notified. A few individuals called asking for more information. It appears that the plat is in order. We are still waiting for comments from some City departments.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. Any existing or needed easements are placed on the Final Plat.
3. A detailed signage plan is received prior to Final Plat approval or reviewed as a Minor PUD Modification unless more restrictive provisions are required by ordinance.
4. The proposed center meets the City's off-street parking requirements.

Larry indicated that the public hearing notice and agenda showed two different zoning districts. The R-1A zoning referred to the property east of Drain 45, which was not included in the plat. The zoning change is only applicable to the school site.

There were no public comments. The hearing was closed.

Chair Lenzmeier asked about item #2. Are there any existing easements that would conflict? Larry indicated he didn't believe so.

Chair Lenzmeier asked about future developments and if the Planning & Zoning Commission would have a chance to review it. Larry stated that if there's a use that wasn't defined – commercial or residential – then it would go through the PUD amendment process.

Commissioner Smedshammer made a motion to approve the request subject to the 4 conditions listed in the staff report. Commissioner Keller seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-22 Conditional Use Permit for auto sales in a C: Light Commercial District at 101 East Main Avenue (Lots 1 & 2, Block 3 of Sukuts Estates Addition less the right-of-way), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located on the southeast corner of Main Avenue East and 1st Street, is zoned light commercial. The building was constructed years ago and has been empty for a number of years. This property was previously used as a convenience store and gas station. The applicant would be using this property for used auto sales, which is considered a conditional use within the C: Light Commercial District.

Access to the property is designated from 1st Street and Main Avenue East via the frontage road along the north side of the property. There is also access to the property via the alley on the south side of the property. Last summer an individual applied for a conditional use permit for vehicle sales and auto repair at this location and was approved by the Planning and Zoning Commission, but withdrew the request during City Commission review. A site plan was submitted showing the building, vehicle sales display area, customer parking, office space and 30-foot sight triangle. The site plan also shows 140 feet of depth to the lot and calculates the available parking and display spaces from that; however, the north property line

extends into the frontage road and would decrease the usable area of this lot by 17 feet. The unusable area would encompass the area from the south side of the sidewalk 17 feet north onto the frontage road to the property line.

The site plan shows 30 spaces used for displaying cars. This would affect the total number of display spaces and would eliminate spaces 1-10, leaving 20 spaces. To meet the 30-foot sight triangle setback lot #11 must be eliminated, along with one space (#30) to allow Subway drive-thru customers a clear view of alley traffic. This would reduce the number of display spaces to 18. The building has 1,728 square feet and would be used for an office/sales area.

With regards to the criteria for granting a conditional use, the following is noted:

1. Ingress and egress to the property are from 1st Street and Main Avenue East currently. The site plan shows one access point off of 1st Street if the site is developed as planned.
2. Off-street parking and loading facilities are contained within the property. The required number of parking spaces for vehicle sales is six spaces plus one space per 500 square feet of gross floor area over 1000 feet. There will be 8 parking spaces that are required with all of them able to be supplied on premises.
3. The economic, noise, glare, or odor effect of the proposed use on adjoining properties and properties generally in the district does not appear to be an issue.
4. Refuse and service areas appear to be adequately located with reference to ingress, egress, and parking areas.
5. Utilities appear to be adequately provided to the site.
6. Screening and buffering for this use is not required.
7. Signage for the property should be addressed through the sign permitting process.
8. Soil conditions appear to be in order for the proposed development.
9. The proposed use would appear to be generally compatible with adjacent property and other property in the district.

According to the Main Avenue Corridor Study, the frontage road on this block would be converted to a one-way service road to serve four properties. The service road would have a right-in only from Main Avenue so the connection to 1st Street can be eliminated. The primary access point to this parcel will be off of 1st Street. The North Dakota Department of Transportation is in the process of developing the Project Concept Report which will establish the final design for the Main Avenue Reconstruction project to begin in 2009.

Prior to September of 1991, the Zoning Ordinance did not allow automobile sales within the Light Commercial Zoning District. It was the position of the community that automobile sales was not appropriate within the two primary retail areas of the community which included Sheyenne Street and 13th Avenue East. In 1991 the City amended the Zoning Ordinance to allow for automobile sales as a conditional use as a result of a request on Main Avenue where there is a mix of commercial and industrial uses; however, there were concerns regarding other Light Commercial zoned areas of the community where it was felt that automobile sales was not appropriate. Specific mention was made for areas along Sheyenne Street and 13th Avenue. Rather than amend the ordinance to allow for automobile sales as a permitted use, it was allowed as a conditional use so it could be restricted in inappropriate areas.

Property owners within 350 feet, as well as City Departments were notified regarding this request. The Police Department had concerns regarding the sight triangle at the intersection of 1st Street and the Frontage Road and restricting view in the alley for patrons of Subway. The Economic Development Committee and the Renaissance Zone Authority have submitted a letter stating that they do not believe that this type of use is the best use for this particular property due to the fact that it is in the West Fargo Renaissance Zone.

Staff recommends approval with the following conditions:

1. An adequate number of parking spaces are provided for the use on the property according to the Zoning Ordinance requirements.
2. Vehicles are not parked within 30 feet of the intersecting curbs on the corner of First Street and the Main Avenue frontage road to allow for a safe sight triangle for traffic moving on both roadways.
3. Space #30, on the site plan, is eliminated to ensure full view of alley traffic for Subway patrons.
4. Vehicles are parked behind the south side of sidewalk.

There were no public comments. The hearing was closed.

Chair Lenzmeier asked if there were concerns about parking spots 1-10? Applicant Rendell Klein stated that he might not be able to make a living at this site if the number of cars are limited that much. Currently he has 17 vehicles and would never have more than 25 at one time. He stated that if anyone drives by there they will see there is adequate parking. He also stated he can move cars away from the corner.

Larry stated that there must be 8 vehicles for employee and customer parking as well as a driving aisle. He also stated that the current plat doesn't take into consideration additional right-of-way which was taken for Main Avenue during the 1960s. Discussion was held regarding the location of the front property line. Steven stated that according to the City Assessor, 17' of right-of-way was taken, which would go right behind the sidewalk. Mr. Klein stated that every thing is located behind the sidewalk. Commissioner Gustofson stated that the biggest issue is keeping out of the site triangle.

Discussion was held on the Police Captain's concerns --- visibility on the corner and alley, ability to get in an out of the lot.

Commissioner Gustofson made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. Commissioner Smedshammer asked about eliminating space #11. Steven indicated there was adequate space. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-23 Elmwood Court 3rd Addition, a replat of Lots 5 & 6, Block 1 of Elmwood Court 2nd Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located north of 19th Avenue West and west of Sheyenne Street. The developer proposes to modify the Planned Unit Development (PUD) plans for the properties from two 8-unit condominium buildings to three buildings, two of which would be 4-unit structures and one 6-unit structure. The applicant applied for a Minor PUD Modification last month and as part of the approval, a replat was required. The proposed use is consistent with City Plans and Ordinances.

The original PUD was approved by the City Commission in November 2003 and consisted of 58 rental units in eight structures. In May 2004 a Minor PUD Modification was approved for site, building elevation, and floor plan changes with the intent to develop upscale buildings for condominiums. In October 2004 a Minor PUD Modification was approved for development signage. The applicant proposes to reduce the number of units developed from 16 units to 14 units and increase the number of buildings from two to three buildings for the properties affected. The reason for doing this is there is a greater demand for end units, and the change would result in two additional end units.

Proposed plat shows three lots with Lot 1 along 19th Avenue with Lots 2 and 3 to the north. Proposed Lot 1 would be 16,962 ft² with 4 units. Lot 2 is proposed to be 20,611 ft² with 6 units. Lot 3, 17,516 ft², with 4 units. The applicant has submitted revised site, elevation and floor plans for the proposed PUD change. Procedurally, a change to a PUD was reviewed by the Planning and Zoning Commission, and determined changes to be minor in nature.

The developer will need to amend the condominium documents to show the development changes. A copy of the documents would need to be provided to the City.

Staff recommends approval subject to the following conditions:

1. An Attorney Title Opinion is received.
2. A certificate is received showing that taxes are current.
3. A drainage plan is received and approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.
5. A construction schedule is received for all structures and improvements.
6. A development improvement agreement is received from the developer covering the necessary improvements.
7. Private drives are signed for no parking.

There were no public comments. The hearing was closed.

Commissioner Gustofson asked applicant Jim Morken if he had read the staff report. Mr. Morken indicated that he had.

Commissioner Gustofson made a motion for approval subject to staff recommendations. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-24 Woodlinn West 4th Addition, a replat of Lot 1, Block 1 of Woodlinn West 3rd Addition and Lot B, Block 8B of the Replat of Lot 16, Block 8 of Meyer's 2nd Addition and Rezoning from R-2: Limited Multiple Dwellings to C: Light Commercial and PUD: Planned Unit Development.

Larry reviewed the following information from the staff report:

The property is located north of 13th Avenue East and west of Prairie Parkway. The applicant is proposing to potentially redevelop the property with a single family home into a twin home. Last spring, the applicant purchased property containing a single family dwelling and detached garage (old Meyer farm). The applicant requested and received City Commission approval to develop a parking lot on the east portion of the property to allow for the expansion of their dental clinic which is to the south. The applicant signed an agreement which addressed access issues, redevelopment of the residential portion of the property, and future platting and rezoning requirements. The proposed residential use is consistent with City plans and ordinances. The parking lot requires a Land Use Plan amendment and rezoning.

The applicant proposes combining the parking lot property and the dental office site into one parcel. Also, potentially the single family structure would be replaced with a twin home structure. The applicant has submitted a preliminary plat, area plan and site plan for the property being replatted. Concept Development Plans are provided for the potential twin home structure, though definitive plans for the residential redevelopment have not been made. A contractor has met with the homeowner's association for the Woodlinn West development, and they are supportive of the development plans provided. However, the contractor may no longer be involved with the project.

City departments were notified for comments. The Police Department has concern that the plans are confusing and do not provide enough detail at this point to see clearly the intended development layout and access. The development needs to be designed well to provide for proper access and allow for ease in locating the property by emergency responders. The City Assessor indicated if the residential area was developed with a twin home, it should be platted into separate lots for each owner, a revised plat was submitted showing two lots. The City Engineer indicated that the sewer and water plans will need to be identified and approved. Also, question was raised regarding access easements and agreements.

Property owners within 150 feet have been notified regarding the rezoning. The Woodlinn West homeowner's association has submitted a letter. Also, comment was received from an adjacent property owner to the north asking that the trees removed during the construction of the parking lot be replaced to screen the parking lot. The applicant indicated that this could be considered.

Provided that the Concept Development Plans are approved, Detailed Development Plans would need to be submitted for final review by the Planning and Zoning Commission and City Commission. As part of the Detailed Development Plans, it will be necessary to amend the condominium documents of the Woodlinn West development to include the residential property being redeveloped.

Staff recommends approval with the following conditions:

1. The Concept Development Plans are approved, provided that the density (no more than two units) and a similar exterior siding as the Woodlinn West Development are carried forward into the Detailed Development Plans.
2. The City receives approval from the homeowner's association for the development.
3. The residential component property is amended into the Woodlinn West development documents.
4. An Attorney Title Opinion is received.
5. A certificate is received showing that taxes are current.
6. A drainage and utility plan is received and approved by the City Engineer.

7. Any necessary easements are placed on the Final Plat.
8. A final landscaping plan is received providing for landscaping for the development and minimizing the number of established trees being removed.
9. A construction schedule is received for all structures and improvements.
10. A development improvement agreement is received from the developer covering the necessary improvements.

Commissioner Holzmer asked for clarification on the revised plat. Larry stated that it shows two lots, one for each twin home unit.

Dr. and Mrs. Dobmeier indicated that they have no problem with replacing trees. Very few to the north were removed, so they would like to know exactly where to plant them.

Commissioner Keller asked about the proposed storage shed. Dr. Dobmeier stated that originally the builder wanted a storage shed, but the Woodlinn West bylaws don't allow sheds.

Commissioner Keller made a motion to approve the Concept Development Plans subject to the 10 conditions listed in the staff report. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-6 West Fargo 2nd Addition, a subdivision located in the S½ of Section 31, T140N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

Following preliminary consideration by the City Commission, it was determined that additional property owned by Southeast Cass Water Resource District should be added to the plat to provide for clear legal descriptions. As a result the subdivision needed to be advertised again and another public hearing held. The Southeast Cass Water Resource District property is shown as several lots, some of which are landlocked. The lots provide legal descriptions of parcels which have different functions including drains, diversion, proposed lease space for the City, and remaining parcels. The intent is that all parcels would continue under the same ownership and that access would continue to be restricted to the previously approved locations. It may be appropriate to have a notation placed on the plat that Lots 2-7 are inseparable unless the City approves appropriate access easements.

Lot 1 is being rezoned to Public Facilities with Lots 2-7 remaining Agricultural. The Final Plat should be approved with the same conditions as listed above, plus a notation on the plat that Lots 2-7 are inseparable unless the City approves appropriate access easements.

Larry stated that a comment was received today from the City Attorney regarding the title. Goldbergs may have ownership issues on the east end of Lot 1 and part of Lot 3.

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

Commissioner Gustofson made a motion for approval. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-25 Rezoning of Certain City Parks to Public Facilities District.

Steven stated that the Park District is requesting that all of their major park facilities be rezoned to P: Public Facilities to provide for uniform zoning between park properties and better reflect the intended use. The request for rezoning is for the following parks:

North Elmwood Park located at 500 13th Avenue West (S ½ of Section 7, T139N, R49W) from R-1A: Single Family Dwelling District to Public Facilities District;

South Elmwood Park located at 535 13th Avenue West (NE ¼ of Section 18, T139N, R49W) & 408 19th Avenue West

(Lot 63, Block 2 of Elmwood Court Addition) from R-1A: Single Family Dwelling District and R-2: Limited Multiple Dwellings District respectively to Public Facilities District;

Armour Park located on 2nd Avenue NW (SW ¼ of Section 5, T139N, R49W) from R-1A: Single Family Dwelling District to Public Facilities District;

Herb Tintes Park located at 131 6th Avenue East (Block 34 of Tintes 1st Addition) from R-1: One and Two Family Dwelling District to Public Facilities;

Maplewood Park located at 1400 17th Avenue East (Lots 27-29, Block 3 of Tintes Land Company 2nd Addition) from R-1A: Single Family Dwelling District to Public Facilities District.

All properties are currently used as park land and are all owned by the Park District. Rezoning would help coordinate the land use map and zoning map to show both as public facilities. The Park District would like to better differentiate major park facilities by zoning and have more flexibility in signing entrance to parks than if zoned as residential.

Staff recommends approval subject to the following condition:

1. Signage must be reviewed and follow ordinance procedures before being installed.

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

Parks Superintendent Barb Erbstoesser stated that they would like the ability to be able to advertise events and would like to place an electronic message board at Elmwood Park.

Larry stated that the City Zoning Ordinance didn't provide for this zoning class until 2000.

Commissioner Potter made a motion for approval. Commissioner Ross seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-26 Conditional Use Permit for Oversized Garage at 4206 Carmell Place (Lot 6, Block 1 of Carmell Place 1st Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located east of Cass County Highway #17 and south of 40th Avenue East, was annexed into the City of West Fargo in June of 2005 and rezoned to R-1E: Rural Estate District. The Carmell Place First Addition has been developed as a rural residential subdivision. The applicant is proposing a detached garage that is larger than 1,000 square feet, which requires a conditional use permit.

The applicant has submitted a site plan and is proposing a 42' x 26' (1,092 ft²) detached garage. The applicant would prefer to add onto his existing attached garage; however, has found it to be cost prohibitive. The reason for the request is to allow for additional vehicle parking. According to the site plan, the proposed accessory building meets setback requirements. The property is protected from the 100-year flood plain because of the Sheyenne Diversion. An accessory structure over 1000 ft² has been conditionally approved in the past provided it is in character with the development pattern of the subdivision. The applicant has submitted elevations with his application that shows this structure will be finished very similar to the principal structure, which is very much in character of the development pattern.

Notices were sent to property owners within 350 feet review and no comments have been received.

Staff recommends approval with the following condition:

1. The applicant is made aware that there is the potential for riverbank settlement in the area in the future. The applicant

should take measures to protect the proposed accessory structure on the property so it is not likely to be affected from riverbank settlement.

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

Commissioner Holzmer asked about the 1,000 ft² size limit. Is it an odd size as there've been a number of requests lately? Larry stated that years ago there was something in the building code regarding garage size. He stated that a number of requests had been in the Nelson Acres Subdivisions, which was zoned A: Agricultural until recently.

Discussion was held regarding the size and heights allowable in the R-1E and R-R Zoning Districts. Height is limited to 20' in the R-1E District.

Applicant Gerald Urlaub stated that the height on the plans is 20' 5" as he had hoped to match up to the house line. Larry stated that the ordinance limits it to 20' and he would need to go through a variance procedure to increase the height. Mr. Urlaub stated that he would adjust the walls.

Discussion was held regarding the riverbank control line. When this area was platted, it was under Fargo's jurisdiction which measured the control line from the center of the river. West Fargo measures from the riverbank.

Commissioner Holzmer made a motion for approval. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-27 Planned Unit Development Amendment for Fast Food Restaurant and Retail Lease Space on Lots 3 & 4, Block 1 of Pioneer Center 1st Addition (825 & 855 13th Avenue East), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located on the southwest corner of 13th Avenue East and 9th Street East, is zoned PUD and is part of the Pioneer Center. The applicant proposes to construct a fast food restaurant on the eastern portion of this property (Lot 4 and a portion of Lot 3). Detailed Development Plans have not been reviewed and approved for the property which would be conducted through the PUD Amendment process. The proposed use is consistent with the City's Land Use Plan.

The applicant proposes to construct a fast food restaurant and coffee shop on a vacant lot within Pioneer Center First Addition. The owner of Lots 3 and 4 is proposing to build two leaseable buildings on this property within the next couple of years. This project will be constructed in two phases with phase one being a building that will house a Subway restaurant and a coffee shop. Phase I will be completed this year, with phase two planned for 2007. The Detailed Development Plans for phase II have not been submitted. These plans would also follow the PUD Amendment process prior to construction. According to the proposed site plan submitted by the applicant, Phase I will take up approximately 51,165 ft² of the total 86,525 ft². The building plans show a 4,080 ft² building that will be split into two 2,040 ft² lease spaces that have separate outside entrances. Buildings will front 13th Ave E.

The development layout is such that the two lots will be tied together as one zone lot and could not be sold independently. It is our understanding the applicant intends to maintain the property under common ownership. Access to this property will be from the south off of a private road within Pioneer Center. This property is located within the Corridor Overlay District and must meet the landscaping and building construction requirements. An overall landscape plan was approved in 1998 with the Pioneer Center development and should be followed for this property with minor adjustments. The contractor has submitted a landscaping plan, though the plan is not clear. A clear scaled plan should be submitted.

A higher construction standard is required within the Corridor Overlay District, with no more than 30% of any wall that fronts on a public street being metal or fiberglass. According to the building elevation plans, the exterior finish of this building will be stone and dryvit materials, which would meet our requirements.

Parking for Phase I is calculated using the Fast Food Establishment (with seating) standard which is 1 space per 3 patron

seats plus one per employee on the largest shift. Subway plans show 56 seats and a max of 5 employees at any one time, which would require 24 parking spaces. The coffee shop plans show 34 seats and will have a max of 4 employees at any one time, which would require 15 spaces. These uses require a total of 39 parking spaces. The submitted plans show 43 spaces, 4 more than would be required.

The Pioneer Center development freestanding sign was placed on Lot 4, rather than in the originally planned location which was a shoestring connection to Lot 6. A number of utility cables influenced the sign location. With the sale of the property to the current owner, the sign became an off-premise sign. By ordinance the sign would need to be approved as part of the Planned Unit Development for it to remain a legal and conforming sign.

Notices have been sent to property owners within 150 feet and no comments have been received. Notification was also sent to City Departments and we have received comments from City Engineering indicating that services to the west building will need to be addressed when construction is planned. Also, there appears to be some dimensional differences between the plans submitted.

Staff recommends approval subject to the following:

1. The two lots are combined for tax purposes and regarded as one zone lot.
2. Phase II of the development is required to follow the PUD Amendment process prior to development.
3. The off-premise freestanding sign for the Pioneer Center development located on Lot 4 is approved for the overall development for advertising of businesses within the development and does not affect the allowable on-premise signage for Lots 3 and 4.
4. A proper landscape plan is received and approved by the Planning Office and City Forester.
5. The applicant must submit a signage plan prior to sign permit approval and sign installation. The signage plan would be according to the sign regulations and reviewed by the Planning Office.
6. A proper PUD agreement is received from the applicant.

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

Commissioner Holzmer made motion for approval based on staff recommendations. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-28 Conditional Use Permit for Sale of Recreational Vehicles at 102 East Main Avenue (Lot 1, Block 1 of Main Avenue 1st Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the northeast corner of Main Ave E and Center Street. Applicant wishes to display recreational vehicles for sale on an off-premise property. Sale of recreational vehicles is a Conditional Use within the Light Commercial district.

The applicant proposes to lease 3 parking spaces from the owner of Ace Liquors to display recreational vehicles for sale by Cheney Motor Sports, which is located at 101 8th Ave NW. - Ace Liquors must still meet the parking requirements for the Light Commercial District use by providing one space per 250 ft² of gross floor area. Their building is 1250 ft², which requires them to have a minimum of 5 parking spaces for their business.

There are a total of 11 parking spaces available on site which would still provide the necessary 5 parking spaces with 3 spaces leased to Cheney Motor Sports. There would not be any signage allowed for this use, because it would be considered off-premise signage. This includes any material or form that would be visible to passing this site. Small signs inside or on the seat would be allowed if they face upward. The owner of Ace Liquors is in support of this option.

It may be appropriate to limit the amount of time the vehicles may be displayed and also limit the number of vehicles that can fit side by side in three parking stalls. Vehicles should not be stacked using the depth of the stall, but parked side by side along Main Avenue. The 30 foot sight triangle must be followed to insure uninhibited sight lines at the intersection of Main

Avenue and Center Street.

Property owners within 350 feet have been notified and we have not received any comments.

Staff recommends approval subject to the following:

1. Limit the amount of time recreational vehicles may be displayed to 6 months.
2. Limit the number of recreational vehicles to the number that can be parked side by side within the 27 feet (width of three parking stalls) leased from property owner.
3. Vehicles are parked one deep only.
4. No signage is placed on the property advertising Cheney Motor Sports.

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

Commissioner Smedshammer stated that the vehicles currently parked there are awfully close to Main Avenue. The applicant indicated the vehicles are parked behind the curb stops. Steven stated that the property line is 15' off the curb line and staff will need to take a look at that.

Commissioner Holzmer made a motion to approve the request subject to the 4 conditions in the staff report, as well as an additional condition that vehicles are not parked within 30 feet of the intersecting curbs on the corner of Center Street and Main Avenue to allow for a safe sight triangle for traffic moving on both roadways. Commissioner Keller seconded the motion. No opposition. Motion carried.

The next item on the agenda was Simple Lot Split of Lot 14, Block 4 of Charleswood 17th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the northeast corner of the intersection of 18th Ave E and 6th St E. Lot 15 is being built on and requires more area to meet the cities setback requirements. Lot 14 is vacant. The proposed use is consistent with City Plans and Ordinances.

The applicant proposes to take 4 feet from lot 14 and add it to Lot 15. Plans show the house being accessed off of 6th St E which would leave ± 4 ft between the structure and the east property line which does not meet the required 6ft setback. With 4ft from Lot 14 the structure would exceed the R-1A side-yard setback of 6ft. Side-yard setback requirements are used because Lot 15 is a corner lot and as per the cities definitions there is no rear yard on a corner lot, instead there is one front yard and three side-yards. Both lots will meet minimum lot size requirements for R-1A (6,000 ft²) if simple lot split is approved. Lot 15 would be 11,973 ft² and Lot 14 would be 9,843 ft².

The applicant has had the property surveyed for the lot split to provide for proper legal descriptions and lot areas. The City has requested in the past that the applicant include both parcels within the same deed, so the small parcel does not stand as a separate parcel. The developer is in agreement with this. Notices have been sent out to property owners and we have received no comments to this point in time.

Staff recommends approval with the following condition:

1. The parcel split from Lot 14 is included within the deed for Lot 15 and verification provided by the developer to the City.

Commissioner Holzmer made a motion for approval subject to the condition listed in the staff report. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was discussion on child care facilities. Larry stated that sine the last meeting he started working on a draft ordinance. The City Attorney would still need to review the information.

Commissioner Gustofson stated that he still wasn't comfortable with the lack of notification. Someone could move in next door and be caring for 12 kids 24/7. Discussion was held regarding still notifying neighbors and if there are concerns, coming before the Planning and Zoning Commission. Larry indicated the Public Hearing would be scheduled for June 12th and he could mail out the draft ordinance prior to agenda packets being mailed out to allow for some review time.

Under non-agenda, Commissioner Smedshammer distributed photos of the Hazer site on 12th Avenue NE. She stated that Hazer's promised to keep items behind the fence, but there are vehicles all over the place again. She indicated there are some fairly nice looking businesses in the area and then this site.

Larry stated that Hazer's were cited last year for a violation and then began cleaning up the site, but now it's just as bad again. He stated that with the recent zoning ordinance amendments, storage of materials, equipment and vehicles must not be visible to the motoring public. Screening should be put in place. In terms of new uses vs. existing ones, the existing businesses have 12 months to comply. Parking /Display lots either need to be paved or improved such that there is adequate drainage.

Larry stated that Staff could notify both sites. They can be cited ASAP regarding the junk storage – they don't get 12 months.

Commissioner Smedshammer made a motion to adjourn. Commissioner Keller seconded the motion. No opposition. Meeting adjourned.