



Larry M. Weil, Planning Director  
Steven Zimmer, Senior Planner

West Fargo Planning and Zoning Commission  
January 14, 2008 at 7:00 P.M.  
West Fargo City Hall

Members Present:           Kim Keller  
                                  Wayne Nelson  
                                  Jason Gustofson  
                                  Terry Potter  
                                  Ross Holzmer

Members Absent:           Frank Lenzmeier, Harriet Smedshammer

Others Present:   Larry Weil, Lisa Sankey, Steven Zimmer, David Wyum, Ron Greenman, Chris Gibbins

The meeting was called to order by Vice Chair Nelson.

Commissioner Potter made a motion to approve the December 10, 2007 meeting minutes as printed. Gustofson seconded the motion. No opposition. Motion carried.

The first item on the agenda was election of Chair and Vice Chair.

Commissioner Gustofson made a motion for the current Chair and Vice Chair to remain as is. Commissioner Holzmer seconded the motion. No opposition. Motion carried.

Vice Chair Nelson opened public hearing A08-1 Sandhills 3<sup>rd</sup> Addition, a Replat, Rezoning from A: Agricultural to CM: Heavy Commercial/Light Industrial and Conditional Use Permit for Storage for All of Blocks 1, 2 and 3 of Sandhills 2<sup>nd</sup> Subdivision, City of West Fargo, North Dakota. Applicant is David Wyum.

Larry stated that additional information, including a site plan, which defines the area as the northwest lot, fronting along Sandhills Boulevard, was received earlier today. He then reviewed the following information from the staff report:

The property is located in the northwest area of the City, west of 26<sup>th</sup> Street NW. The area was annexed into the City in 2005. The applicant proposes immediate development of some of the property requesting rezoning to Heavy Commercial/Light Industrial and a conditional use to allow storage. The proposed rezoning is consistent with the City's Land Use Plan.

The applicant proposes to purchase some property in the area and construct a storage building to store business equipment and to have an office before sewer and water are brought to the site. A subdivision replat has been submitted to subdivide the larger tracts into saleable lots. The current Agricultural zoning does not allow industrial uses to be developed, so the applicant and property owner have requested rezoning the entire subdivision property to Heavy Commercial/Light Industrial and requested a conditional use permit for a lot along the NW portion of the development.

An Area Plan was submitted showing the proposed subdivision and the surrounding area. The subdivision is north of Meadow Brook Park Subdivision, a residential subdivision of small lots platted many years ago which does not have community or municipal sewer services and has been a subject of study and debate for years, because of poor soil conditions, failing septic systems, poor drainage, and questionable use when viewing the approved land uses around the subdivision. To the north of the proposed subdivision is the Burlington Northern Santa Fe Railroad and landfill. To the east is the Butler industrial park. West of the proposed subdivision is the Sandhills Archers Club archery range.

The proposed Preliminary Plat is made up of 13 lots in three blocks along Sandhills Avenue NW. The lots range in size from

44,738 – 119,793 square feet. Lot 1 in Block 3 does not have street access, so it is landlocked parcel. The original subdivision involving this property, Sandhills Second Subdivision approved in 1997, was approved only for the purpose of developing a road to the archery range. The property owner had initiated platting the area into multiple lots; however, because of sewer and water concerns by the City and a lack of timing for installation of municipal services, the owner revised the plat to show only larger blocks to facilitate a public road. Rezoning was left for a later date when the area was ready for development and until a sewer and water service plan could be developed.

The applicant and property owner just submitted a sewer and water service plan for consideration this afternoon and staff hasn't had an opportunity to reviewing. An area plan should be held with area property owners to discuss the feasibility and timing for services. A representative of the owner indicated that the owner of most of the property in the Meadow Brook Park Subdivision was not ready to develop the property so they were not interested in participating in the development of a sewer and water plan at this time. If services are not feasible within a reasonable timeframe, it may be premature to rezone the property and plat it into smaller lots. The streets shown on the subdivision plat remain the same as previously platted and meet the City's right-of-way standards.

The subdivision is subject to park dedication requirements as no dedication was previously made for this area. The amount of dedication required would be 5% of the land area (approximately 1.33 acres) or its equivalent value as cash-in-lieu of land dedication. The City has not received the recommendation from the Park District yet. They have up to 30 days to respond. Once the recommendation is received an agreement can be structured.

To satisfy the subdivision requirements, the City has yet to a drainage plan, certificate showing taxes are current, necessary easements determined and placed on the plat, approved mail delivery plan, park dedication agreement, and subdivision improvement agreement. Prior to developing a sewer and water plan, it would be appropriate to call an area plan meeting with area property owners.

Notices were sent out to property owners within 350' of the proposed subdivision and information was provided to City Departments, Park District and Post Office for review and comment. It was questioned whether the existing road could withstand the anticipated vehicle weight and dimension from the proposed industrial uses. Also, utility easement locations and location for a sanitary lift station need to be determined, and an access/utility easement needs to be provided to Lot 1, Block 3 which is landlocked.

The development has not submitted a sewer and water plan for the area, and as such the development does not conform to City policy approved earlier for the area. Once the plan is received, the City can coordinate with the developers and program services when feasible.

Staff recommends delaying action on the proposed subdivision and rezoning for a month to allow for an area plan meeting with area property owners to explore the feasibility of providing sewer and water and the timing for installation of services. Larry stated that the area plan meeting should include property owners within Meadowbrook Park, Knutson and Butler's subdivisions.

Ron Greenman, 1878 10<sup>th</sup> Street West, stated that he owns property in Meadow Brook Park and was curious about what was being planned. He stated that another company has been sending letters to residents offering to buy them out or they would assess them. He felt the letters were threatening.

Chris Gibbins, 2640 Gress Avenue, stated that they made it sound in the letter as if the City was involved.

Vice Chair Nelson stated that there is still a process they would need to go through to assess property owners.

Larry stated that the City has not received a request for City services. There is a process. He stated that they hope to schedule an area plan meeting to discuss these types of issues.

Mr. Gibbins stated that it would be great to have a meeting. He stated that he owns two lots and according to the letter received he would be assessed about \$60,000. He was told they have until the 15<sup>th</sup> to respond or they'd assess him.

Mr. Greenman stated that he was under the impression that if someone is interested in developing the area, they would have to

buy everyone out and rezone the area.

Larry stated that property owners could request City services and would be assessed. The City Engineer would need to determine if and when. There would be an engineers study brought before the City Commission for review.

Commissioner Gustofson asked if someone has a lot and they want to put a street in where it's located, can they be forced out? Larry stated that with eminent domain there are specific procedures. If it is utilized, it can only be used for a public purpose. The City can't turn around and sell it to a developer.

Applicant David Wyum stated that he's available to answer any questions and apologized for not submitting the site and sewer & water plans in a timely manner.

Mr. Gibbins asked for clarification. If this was only for the Sandhills area. Larry stated yes. He then reviewed the sewer & water plans. Mr. Greenman stated that he assumed the rezoning would just involve the Sandhills lots as well.

Commissioner Gustofson asked if the developer plans to sell off lots? Mr. Wyum stated that he will at some point. Barry Olander is the applicant and currently just wants to get an office/storage building built for his business.

Discussion was held concerning the letters from the other developer. Larry stated that until costs are determined, it's hard to determine what the assessments would be and the City hasn't received a formal request. The only assessing authority is the City.

There were no other public comments. The hearing was closed.

Vice Chair Nelson asked what the timeframe was for an area plan meeting. Larry stated between now and the next Planning and Zoning Commission meeting -- a couple of weeks. A letter should go out this week.

Vice Chair Nelson asked about staff recommendations to delay action. Steven stated that staff has received the sewer and water plan, but needs time to review it.

Vice Chair Nelson asked Mr. Wyum if there were any problems with delaying action. Mr. Wyum stated that Mr. Olander would like to get his building constructed, but understands.

Commissioner Holzmer asked for clarification, if everyone in Meadow Brook Park would be notified regarding the area plan meeting. Larry stated yes and that Butler's and Knutson's Additions would be included, too.

Commissioner Gustofson made a motion to table this until the next meeting. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was continued - A07-48 Variance to allow increased signage for Lot 1, Block 1 of Butler 6<sup>th</sup> Addition (2130 3<sup>rd</sup> Avenue NW), City of West Fargo, North Dakota.

Steven stated that the official newspaper forgot to publish the hearing notice for the Zoning Ordinance Amendments regarding signage for the January 7<sup>th</sup> City Commission meeting, to the hearing has been delayed until January 21<sup>st</sup>.

Commissioner Potter made a motion to continue the variance request until the next meeting. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

Under non-agenda, Larry referred to the Rules of Conduct. He stated that minor changes need to be made. He stated that this could be delayed to allow everyone the opportunity to review the information. At the next meeting Staff will provide a copy of the information with the proposed changes.

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