



West Fargo Planning and Zoning Commission
October 13, 2008 at 7:00 P.M.
West Fargo City Hall

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

Members Absent: Tom McDougall, Wayne Nelson

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Del Hofer, Mike Thorstad, David Praliguske, Dan Buide, Steve Iverson, Phil Christianson, John and Monica Edgerly, Tami Marquart, Marita Hess, Mark and Tami Bourdon, Dennis Smerud, Joe and Cassie Louwagie, Brian Nelson

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the September 8, 2008 meeting minutes as printed and mailed. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A08-27 West Fargo General Plan for Urban Renewal and Urban Development

Larry Weil reviewed the following information from the staff report:

The General Plan for Urban Renewal and Urban Development was approved by the City in May of 1993 and was amended in November of 2004. The City recently received a request from a developer to consider adding an additional urban development area. Since the original Plan was approved many changes have taken place in the community. It is our thought that it would be appropriate to examine and update the Plan, including areas previously identified as Urban Renewal Areas and Urban Development Areas. This will allow the City to concentrate its efforts where most needed.

The General Plan for Urban Renewal and Urban Development designates urban development areas and urban renewal areas as provided under the North Dakota Century Code. These urban development and urban renewal areas are where commercial and industrial uses are intended under City zoning; however, some of the areas are plagued by the lack of proper lot layout, inadequate or lack of streets, deteriorated and dilapidated structures, inadequate sewer and water services, inadequate drainage facilities, and some incompatible uses. Though many problems are evident, the areas are well suited for targeted development. A mix of platted lots and large unplatted tracts of land are generally found in these areas. Major street and railroad networks are in place within or near some areas. With public involvement, it is believed that private investment would be spurred effectuating positive change and increasing the City's tax base. Development, rehabilitation or redevelopment activities within these areas should be in accordance to the City's Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, and Housing and Building Codes.

In the past the City has used the tool of Tax Increment Financing as an economic development incentive to help business grow or locate into the area. The City has the ability to purchase land, install infrastructure, and address drainage problems. These costs would be paid off through the incremental increase in property taxes over a period of time. The incentive provides necessary financial resources and/or infrastructure to encourage additional development which increases the City's tax base.

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

Commissioner Gustofson asked for clarification, if they were just proposing to change some areas. Larry stated that some of the potential areas shown in Figure 1 were eliminated as the areas have been redeveloped. Figure 2 refers to Urban

Development -- new development, or economic development instead of elimination of slums and blight. Figure 3 is the Future Land Use Plan, which was approved earlier this year as part of the Comprehensive Plan.

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

Chair Lenzmeier opened public hearing A08-29 Butler's 7th Addition, a replat of Lots 1, 2, 7-11 of Block 1 of Halvorson's Industrial Park Addition and Lots 4-7, Block 1 of Butler's 1st Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located north of Main Avenue West, east of 15th Street NW, and south of 3rd Avenue NW. The replat includes Lots 1- 2 & 7-11, Block 1 of Halvorson's Ind. Park and Lots 4-7, Block 1 of Butler's First Addition. The City's Land Use Plan depicts the area as Light Industrial.

The applicant is selling some of the property and is replatting it so that property improvements correspond to the lot configuration. The proposed use is consistent with City Plans and Ordinances.

The applicant has submitted an Area Plan and Preliminary Plat for the proposed subdivision. The proposed subdivision consists of six lots. Any subdivision or subdivision replat where park dedication has not been previously provided is required to provide for park dedication. The dedication is in the form of land for parks or cash-in-lieu of land dedication which is used for park facilities in the area. Park dedication is not required for developed properties. The City will need to notify the Park District and provide opportunity for them to make recommendations.

Notices were sent out to City departments for review. We did receive a message from Qwest that states that they have a 10 ft. private easement that should be shown on the plat. We also received a message from Minnkota Power stating that they have overhead power lines on the west end of Lots 1 & 2 and a 40' easement on both sides of the transmission lines, which was obtained in 1956, prior to the platting of this area.

Staff recommends approval with the following conditions:

1. A drainage plan is received and approved by the City Engineer.
2. A certificate is received showing taxes being current.
3. Any necessary easements are shown on the Final Plat.
4. A park dedication agreement is received.

Dan Buide, Vogel Law Firm, representing the applicant, asked about the Qwest easement. Steven stated that it's within the existing easement area. Mr. Vogel stated that the most recent version of the plat includes the Minnkota easement and he would be available to answer any questions.

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

Commissioner Potter asked about a mailbox plan, which is usually a condition for approval. Larry stated that typically it's included as a notice to the developer that the post office would like the opportunity to review the area to determine the type of delivery for the area.

Commissioner Potter made a motion for approval, with an additional condition (#5) that a mail delivery service plan is approved. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A08-30 Rezoning from A: Agricultural to CM: Heavy Commercial/Light Industrial Lot 5, Block 1 of Dakota Machine 1st Addition, City of West Fargo, North Dakota and conditional use permit to allow for storage/warehousing on Lots 5 and 6, Block 1 of Dakota Machine 1st Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is north of East Main Avenue and along the west side of Drain 45, is owned by a wind tower manufacturing plant located east of Drain 45 and is proposed to be used for storage of production parts. The property owner

wants to rezone Lot 5 to CM: Heavy Commercial/Light Industrial and use both Lots 5 and 6 for warehousing. Lot 6 is currently zoned CM. Warehousing and storage is considered a conditionally permitted use in the CM Zoning District. This area is shown in the Comprehensive Plan as future Light Industrial.

The property is immediately north and east of a residential development. Buffering from the residential development is required under the provisions of the Zoning Ordinance and has been provided for by an earthen berm and a solid fence on top of the berm.

A request for rezoning and a conditional use permit for outdoor storage of wind tower sections was reviewed in the past; however, the request was withdrawn by the applicant, because of protests by the residents.

The applicant has submitted a general site plan for Lots 5 and 6 showing existing parking areas, existing screening, access to the property and access across Drain 45. The applicant is not proposing any new buildings for this area at this time, although they may wish to some in the future.

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

- Ingress and egress to the property are from Center Street via a private road and Pinewood Blvd. Since the platting of the commercial lots on Main Avenue in this area and the Pinewood developments, commercial traffic has been restricted on Pinewood Boulevard. Pinewood Boulevard street right-of-way; however, was extended to Lot 6 at the time of platting which included a requirement for turn around. The future land use for the property was designated as Multiple Family at the time. Since then the City has changed the Land Use Plan designation of the property to Light Industrial. The Main Avenue Corridor Study recommends the existing access at Drain #45 and East Main Avenue (north side of Main Avenue and in alignment with 4th Street East) be eliminated with the reconstruction project. No alternative access was shown for the property. An access for the DMI manufacturing facility is to the east at 5th Street East.
- The economic, noise, glare or odor effects of the proposed use on adjoining residential properties are proposed to be mitigated through screening measures. Future roads on these lots should be constructed with materials that minimize dust. The hours of operation have not been indicated. If the business hours are after regular work hours or if trucks are left running after hours during the winter months, there may be noise concerns from the residential area.
- Screening and buffering are required under the Zoning Ordinance and are currently in place. The applicant has constructed a 6-foot wood fence upon an earthen berm which satisfies the ordinance screening requirements. Staff believes the existing screening is sufficient for proposed use.
- The proposed use is viewed as generally compatible with adjacent residential properties with the screening and buffering. With the visual and noise barrier provided, the impact of the proposed use should be mitigated.

Notices and maps were sent out to adjacent property owners within 350' and City departments for review and comment. The City has received phone calls requesting additional information. Some concern has been expressed regarding noise, hours of operation and if the access is from Pinewood Blvd.

Staff recommends approval with the following conditions:

1. An access plan for access to the property should be developed by the applicant and approved by the City Commission. The access plan should take into consideration recommendations from the Main Avenue Corridor Study. Access roadways should be constructed to minimize impacts from dust.
2. Concerns from the residential neighborhood are addressed to the satisfaction of the Commissions.

David Pralguske, DMI Industries Inc., stated that they've owned the lots for the past 10 years and are proposing to store production parts, not tower sections. They propose access across Drain 45, as well as an additional access to the north as requested previously by the Fire Department. Typically their normal hours of operation are from 8 a.m. to 5 p.m.; however, Monday through Thursday they are open 24 hours, so there could be a forklift operating in the area once in awhile. He's available to answer questions.

John Edgerly, 82 Evergreen Circle, stated that with the buffering, there are only trees along Lot 6, not Lot 5. He stated drainage has been affected since the berm went up and the parking lot already has storage of parts on it. They also have issues with the sandblasting operations and dust blowing onto their property. He mentioned that in the past fence sections have blown down as well.

Tami Marquart, 110 Evergreen Circle, stated that stuff is being stored on the property already. She stated that when it rains, it's nothing but a river with water sitting in the back yards. She also stated concern with safety and the number of children who live in the area.

Monica Edgerly, 82 Evergreen Circle, stated that they've called numerous times about the berm and flooding. The water gets very high and has surrounded trees and sheds. She also stated that DMI has a pile of dirt sitting on their property, which is higher than 25'.

Marita Hess, 78 Pinewood Boulevard, stated that her mother is on oxygen and with the dust and dirt blowing around on windy days, she's not able to be outside. There are other neighbors as well with lung issues. She asked the commission how they'd like living in an area like this.

Steven asked Assistant City Engineer Brock Storrusten if he could take a look at the area. Brock indicated that this is the first time he's heard about the drainage issue. He stated that a drainage plan is developed with each subdivision, and a lot of times when lots are finished people have them drain into open areas or the inlet could be plugged... He indicated that he could take a look at it.

Mr. Edgerly pointed out on the map where their drain was located and how it drains. Mr. Pralgske stated that they drain tiled the entire area. Currently there are a number of sump pumps draining into the area, onto DMI property. Brock stated that this is a property owner issue and if property owners want the City to regulate drainage with inlets, concrete liners, etc. it would cost money, which would be assessed to the property owners deriving a direct benefit.

Mr. Pralgske stated that as far as storing parts on Lot 6, they ran out of room with their building addition; however, they'll be removing it. Ms. Marquart asked how they can store things if it's not zoned for storage.

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

Chair Lenzmeier stated that if the drainage problem started with the construction of the berm, then the City should look at it, the inlets should drain. He asked for clarification on the standing water. Mr. Edgerly stated that eventually the water will drain and it happens quickly when it does, but not before standing for several hours. He stated that he and his neighbors have planted trees and most of them are dead. Chair Lenzmeier stated that it would be appropriate to have the drainage issue addressed.

Chair Lenzmeier asked about the pile of dirt. Mr. Pralgske stated that there is a dirt pile to the east of Drain 45, which they set aside for the berm to reduce noise, as well as for use in the construction of the Drain 45 access. It is about 25' high.

Chair Lenzmeier reviewed access into the area -- 3rd Street East to Pinewood. He asked about the road surfaces. Mr. Pralgske stated they would be hard surfaced -- asphalt. He stated that their Main Avenue access will be via the 5th Street Interchange and loop to the north behind the buildings.

Commissioner Gustofson asked about the access for the Fire Department. Mr. Pralgske stated that it's currently a gated, dirt trail. It won't be used for their business as it's not wide enough.

Mr. Edgerly asked about the buffering. He stated that there aren't any trees on the north side. Steven stated that as far as buffering it can be berms with trees or a fence, DMI chose to do both. Lot 5 doesn't have trees as nothing was being developed at the time the berm was constructed.

Mrs. Edgerly stated that prior to the fence being installed, a neighbor drove on top of the berm and pumped the water out. Now with the fence there, they can't drive up there anymore. They moved here from south Fargo to get away from the flooding, this is very stressful.

Commissioner Gustofson asked about the types of parts being stored. Mr. Pralgske stated platforms, internal parts. They'd have a pallet system of racks and wouldn't be storing any wind tower sections.

Commissioner Gustofson asked if any sections of the fence were down. Mr. Pralgske stated that he didn't believe so. Residents indicated the fence was intact.

Discussion was held regarding the drainage. Mr. Pralgsuske stated they submitted a drainage plan when they built the berm. There are two drains, which go to Drain 45. Commissioner Keller stated that prior to the berm; maybe the inlets couldn't handle the water and drained into the field. Brock stated that they should be adequate to handle the water. Steven asked Brock to set up a meeting with DMI and residents prior to the City Commission Meeting to discuss the drainage issue. Brock agreed.

Commissioner Gustofson made a motion for approval subject to the conditions listed in the staff report, as well as an additional condition that no wind tower sections be stored on the property. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-51 Planned Unit Development Amendment for proposed Christianson 1st Addition providing for commercial and retail buildings with single or multiple tenant and also auto/recreational vehicle sales and service as permitted uses together with the previously approved list of use.

Steven stated that the hearing notice for this item was omitted from the newspaper; however, staff had notified property owners within 150' that this item was going to be on the agenda. Any public comments should be taken and entered into the meeting minutes. The public hearing will be rescheduled for the November 10, 2008 Planning and Zoning Commission meeting.

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

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

Chair Lenzmeier opened public hearing A08-28 North Forty at Osgood, a subdivision and rezoning from A: Agricultural to C: Light Commercial, property located in the NE¼ of Section 29, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located east of the Sheyenne River on the south side of 32nd Avenue East and west of 9th Street East. The area was annexed into the City in 2005. The Developer proposes platting a portion of a larger tract and zoning the parcel to C: Light Commercial. Professional offices are provided for within the Light Commercial District. The proposed development is consistent with the City's Land Use Plan.

The developer is proposing a 10-acre office park development along 32nd Avenue East. The City's Land Use Plan depicts the area along 32nd Avenue East from 4th Avenue East to 9th Street East developing as Light Commercial. Medium Density Residential is shown to the west. Professional offices can be accommodated within the requested Light Commercial zoning district, as well as in the Commercial Office Park District. Being that commercial development is contemplated to the east, the Light Commercial zoning would seem most appropriate.

The Area Plan submitted by the developer shows where the proposed subdivision is located with reference to the developer's larger tract, as well as the surrounding properties/developments which are under separate ownership. The Area Plan designates areas for commercial, office and multi-use developments. The areas designated for multi-use would require a Land Use Plan amendment if intended for multiple family, as this use is not consistent with the City's Plan. The Area Plan also shows a future street which is intended to provide access to the various use designated areas.

The Preliminary Plat consists of one lot which is approximately 11.5 acres in size. The parcel is located on 32nd Avenue East with no side street, so direct access is proposed. The street is classified as a Minor Arterial Street. Streets that are classified as Collectors and Arterials are designated as limited access streets to provide for better movement of traffic. Arterials should be oriented toward mobility (speed and capacity) rather than access, while local streets provide high levels of access. Collectors should provide a balance between access and mobility. Appropriate access control insures safety and preserves the capacity on arterial streets, reducing the need for traffic to divert to local streets. The City's access control standards are established within the Subdivision Ordinance which indicates that the desired spacing of connections to designated arterial or collector streets and roadways in less developed areas is 1,320' with a minimum spacing of 660'.

The Transportation Plan section of the Comprehensive Plan discusses projected traffic and future street corridor improvement needs for 32nd Avenue. The street is projected to carry between 20,000 and 25,000 vehicles per day by the year 2030 with the highest volumes near 9th Street East. The City will need to widen 32nd Avenue to four lanes with left-turn bays from 9th Street East to 9th Street West to meet future traffic demand on the corridor. The City should preserve 150-200' of right-of-way along

the corridor and pursue property acquisition as opportunity presents itself through the platting process and implement development and access controls compatible with a median-divided 4-lane urban roadway cross-section (with left-turn bays at key intersections) between 9th Street East and 9th Street West. Through the platting process West Fargo should ensure full access along the corridor is allowed no less than every quarter mile (1320').

A 32nd Avenue Corridor Study was completed for the Fargo-Moorhead Metropolitan Council of Governments in 2006 which recommended upgrading the existing two lane rural section to an urban section with four thru lanes and divided median. Restricted access was recommended at 660-foot spacings and full access was recommended at 1320-foot spacings. The minimum recommended right-of-way was 150' with 200' desirable. With the minimum spacing requirements, any access granted to the subdivision should be restricted to future right-in right-out or $\frac{3}{4}$ access and so noted on the plat. Full access would be allowed east of the subdivision at a spacing of $\frac{1}{4}$ mile (1320') from 4th Street East and 9th Street East. If the proposed office development has concerns regarding the access restriction, it may be appropriate to coordinate the development with a side street connection which meets the full access spacing.

The street right-of-way for the south side of 32nd Avenue East is shown as 100' which is within the range recommended in the Comprehensive Plan and 32nd Avenue Corridor Study; however, the right of way exceeds the City Subdivision Ordinance standard of 75'. In the past excess right-of-way has been purchased by the City. It would be appropriate for the City to determine if the additional right-of-way should be purchased. The right-of-way policy for the subdivision should be the development standard for future subdivisions along the corridor.

Currently an access road/easement extends through the subdivision property to a rural residential property to the south. The access road/easement needs to be eliminated and provided to the property from the 4th Street East side. The location of the access road/easement should be reviewed and approved by the City and be coordinated with a future street system.

A drainage plan is required for the subdivision. Storm water retention requirements for the subdivision area are included within the regional storm retention for Section 29.

Park dedication is required for the development. The required amount of park dedication is 5% of the gross area which would amount to approximately 25,091 square feet. When the regional/community park land was purchased in Eagle Run, there was an agreement between the Park District and City that a portion of the land dedication required for future subdivisions would be in the form of cash-in-lieu to help cover annual bond payments. A greater percentage of the dedication amount would be cash-in-lieu on the west side of the Sheyenne River than on the east side (7% vs. 5%), because the regional/community park would be more accessible to the residents living on the west side. With the remaining 3-5% land dedication, neighborhood parks would be provided for the developments. Specific neighborhood park areas for Section 29 have not been identified yet by the Park District other than those areas within the Shadow Wood development. The staff has sent the subdivision plat to the Park District for their review and recommendations. By ordinance the Park District has 30 days to provide a recommendation.

Sewer and water services have not been extended to the property yet. Sewer services will need to be extended from the lift station to the south. Water services should be available when the property develops. All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being recorded.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Cass County Planning, Post Office, SE Cass Water Resource District, and utility companies. The Park District is still reviewing the subdivision and likely will not have a recommendation prior to the Planning and Zoning Commission meeting. Cass County Planning has requested that the City consider restricting access on 32nd Avenue East.

It is recommended that the subdivision plat and rezoning request be conditionally approved on basis the request is consistent with City plans and ordinances. The conditions of approval for the application are as follows:

1. Departmental comments are taken into consideration.
2. A certificate of taxes showing taxes being current is received.
3. A Drainage Plan is received and approved by the City Engineer.
4. A Final Plat is received with any necessary utility easements.
5. Access restrictions are placed on the Final Plat for 32nd Avenue East.
6. The required utility hook-up fee is adequately addressed.
7. A park dedication agreement is received.

8. A Subdivision Improvement Agreement is received.

Larry also referred to a letter received today from the applicant regarding the access restrictions.

Steve Iverson, Osgood Investments, stated that the letter refers to studies/plans suggesting a full controlled access. They're asking to wait until it's warranted. They don't want access taken away until it's necessary. Steven stated that this was discussed with City Departments, who are in agreement. It's similar to Gate City and Three Lyons Pub. Larry stated that item #5 addresses this issue by recommending that access restrictions are placed on the final plat.

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

Discussion was held regarding the hook-up fees.

Commissioner Keller made a motion to approve the request. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

The next item on the agenda was A08-26 Request to move 6th Street West Access to West Main Avenue - Do It Right Committee.

Larry reviewed the following information from the staff report:

The access is located on the north side of West Main Avenue and west of the Sheyenne River. The current access is in alignment with 6th Street West which is on the south side of West Main Avenue. The north side access is offset from 6th Street NW with a connecting frontage road as the link between the access and the street. A request is being made to move the existing north to the east so it is in alignment with 6th Street NW. Main Avenue is classified as a Principal Arterial, which is a limited access street requiring review by the Planning & Zoning Commission and approval by the City Commission. Main Avenue roadway and traffic controls are also under the jurisdiction of the Department of Transportation requiring their approval.

The applicants request is to relocate the existing north access to the east approximately 200' from center of access to center of access so it aligns with the existing 6th Street NW. Recently the North Dakota Department of Transportation developed a Project Concept Report (PCR) for the reconstruction of Main Avenue from 45th Street to Interstate 94. The PCR contains several alternatives for the access request location area which were studied and incorporated into the environmental document. A preferred alternative was selected by the NDDOT and City which incorporates a median and relocates the access so that it aligns with 6th Street NW, but restricts access from the west. The access on 6th Street West is restricted to right-in right-out turning movements.

One of the alternatives examined in the PCR proposed aligning 6th Street West with 6th Street NW. This would require acquisition of the Riverside Apartments property which would be a significant local cost, as the NDDOT has determined that the alignment is not necessary to fulfill the purpose and need of the project (to improve the roadway deficiencies to meet North Dakota Department of Transportation guidelines/standards for the facility type and to improve the safety and operational characteristics of the roadway). The applicant consists of five businesses who occupy property on the intersection or adjacent to the intersection. The applicant indicated that the intersection as it exists is marginal and the approved plan for the Main Avenue reconstruction project does little to rectify traffic problems and safety concerns. The applicant believes that the proposed changes will pose a significant hardship to the businesses located at the intersection.

The applicant conducted a survey of residents and businesses located in the area and affected by the intersection and have provided that information with their request. The applicant provided information to the NDDOT and appeared before the City Commission on August 18, 2008 (see attached information). The City Commission also received access analysis information at that time from Chris Brungardt (attached). The City Commission following the City access policies referred the information to the Planning and Zoning Commission for review and recommendations.

The applicant submitted their request at the last Planning and Zoning Commission, so the Commission was not prepared to review all the information. The request was taken under advisement.

Streets that are classified as Collectors and Arterials are designated as limited access streets to provide for better movement of traffic. Arterials should be oriented toward mobility (speed and capacity) rather than access, while local streets provide high

levels of access. Collectors should provide a balance between access and mobility. Appropriate access control preserves the capacity on arterial streets, reducing the need for traffic to divert to local streets.

According to access spacing guidelines approved by the Metropolitan Council of Governments and adopted by the City, the desired spacing of connections to arterial roadways in developing areas is 660' with the minimum spacing of 330'. The desired spacing of connections to functionally classified roadways in less developed areas, such as the urban fringe or extraterritorial areas, is 1320' with a minimum spacing of 660'. Where a roadway specific study has been performed to consider a comprehensive access management program, recommendations emanating from such a study will consider the guidelines, providing appropriate access to accommodate specific situations.

The access analysis conducted by Chris Brungardt concluded that the proposed intersection would be within the functional area of the existing intersection. The level of service which describes the traffic delay is not improved. There is no basis to support the addition of a second access. The City has not received any written communication from the NDDOT on the request. Their approval is required as Main Avenue roadway and traffic controls fall under their jurisdiction. Previous access changes have required approval from both City and NDDOT.

Staff recommends the following:

1. Continue the request until additional information and comments are received from the Department of Transportation, City Engineer and Public Works Director.
2. Deny the request as the City's traffic analysis shows that there is no basis to support the addition of a second access; and the proposed change is not consistent with the approved PCR for the Main Avenue Reconstruction project, and has not been approved by the NDDOT.

Del Hofer, Fargo Harley Davidson, stated that they're asking 6th Street West be moved to the east in the future. They're afraid if they don't say anything now, the ND-DOT will assume they as property owners down have an issue with it.

Larry stated that the real issue is funding -- over \$1.5 million. According to the traffic analysis, this wouldn't meet standards. If the change in access location is approved, the property to the south would need to be bought out to align the street and the costs would most likely be assessed to affected property owners.

Commissioner Gustofson stated that the Planning and Zoning Commission doesn't have a say in financial issues. That is more of a City Commission function. Mr. Hofer stated that they have an option to purchase the affected property for \$250,000. Discussion was held regarding additional costs of stabilizing the riverbank. Steven stated that this could still be denied by the State.

Commissioner Gustofson made a motion to approve a future alignment of 6th Street West and 6th Street NW. Commissioner Keller seconded the motion. No opposition. Motion carried.

The next item on the agenda was continued from the last meeting, A08-24 Conditional Use Permit for an Accessory Building at 2208 Ann Street (Lot 7, block 2 of Woodland Estates Subdivision [Reed Township], Cass County, North Dakota), West Fargo, ND.

Steven stated that at the last meeting, there were concerns from area residents regarding the size of the building and if a home was going to be built. Since that meeting, the applicant has brought in new drawings showing a 30' x 60' (1,800 square foot) structure. He referred to the drawing on the wall showing the east elevation. The height and roof pitch were decreased and the bathroom is in the future. They also submitted house plans and would like to start construction this week.

Steven referred to the home occupation guidelines and the applicant indicated there will be no outside storage and no customers. The building will be used for personal storage. The Louwagies were present to answer any questions.

Chair Lenzmeier asked when they were planning to start building the house. Cassie Louwagie stated they'd like to start as soon as possible. They're just waiting for information on meeting the flood plain standards.

Dennis Smerud, 2308 Ann Street stated that he has issue with a building this size being used for personal storage. He still feels they'd be running a business, especially with it being heated shop space. He's concerned with equipment storage and extra traffic. This is a quiet neighborhood, they've lived here for over 20 years.

Steven stated that there are ordinances -- no outdoor storage of equipment or supplies and he has spoken with the applicant that if this becomes an issue they could be cited.

Mr. Louwagie stated that they just want to be able to store things inside -- recreational vehicles. Mrs. Louwagie stated that there won't be any machinery, just a trailer and a pickup truck, no bobcats.

Brian Nelson, 2302 Ann Street, stated that when he built out there 2 years ago, he was told accessory buildings couldn't exceed 1,000 square feet. He could understand if it was just a few feet over, but this building is almost twice the size of what's permitted.

Steven stated that this isn't a variance, it's a conditional use permit which requires a public hearing and notification of area property owners to get input. He reviewed other structures in similar areas with the same zoning. He stated that they have decreased the size of the building. There are a number of trees to the north, which will screen it.

Discussion was held regarding lot sizes in the development. Larry stated that this lot is 2.4 acres in size.

Mark Bourdon, 318 Woodland Place, stated that their lot is 1.65 acres. Initially they were concerned with a possible business use, increased traffic... Being a "next door neighbor" they don't have a problem with the Louwagie's request, they just wanted to make sure a house was going to be built.

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

Under non-agenda, Larry mentioned the NDPA conference scheduled for November 5th and 6th at the Seven Seas in Mandan, ND and application forms would be sent out shortly.

Steven mentioned the FM Sustainable Engineering and Planning Conference next Monday and Tuesday at the Radisson in Fargo as well.

Commissioner Keller made a motion to adjourn. Commissioner Gustofson seconded the motion. Meeting adjourned.