



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

West Fargo Planning and Zoning Commission
October 8, 2007 at 7:00 P.M.
West Fargo City Hall

Members Present: Frank Lenzmeier
Kim Keller
Ross Holzmer
Terry Potter

Members Absent: Wayne Nelson, Jason Gustofson, Harriet Smedshammer

Others Present: Larry Weil, Steven Zimmer, Lisa Sankey, Brock Storrusten, Brett Waldera, Kyle Roelefs, Paul Johnson, Mr. and Mrs. Donald Meyer, Lyle Jabs

The meeting was called to order by Chair Lenzmeier.

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

Chair Lenzmeier opened public hearing A07-47 Planned Unit Development (PUD) Amendment for Residential Condominiums on Lot 1, Block 4 of Oakhaven Addition (203 14th Avenue West), City of West Fargo, North Dakota.

Larry Weil reviewed the following information from the staff report:

The property is east of Sheyenne Street, west of 1st Street and south of 14th Avenue West. The City Commission previously approved Detailed Development Plans for assisted living facility to the north. The City also approved concept plans for office/neighborhood commercial to the north and twin home or townhouse residential on the subject property. The applicant has submitted an application for a Planned Unit Development amendment for seven twin home structures intended to be developed as condominiums. The proposed development is consistent with the approved Mixed Use PUD Plan and City plans and ordinances.

The Detailed Development Plans submitted consist of Site/Grading/Utility Plan, Landscape Plan, Floor Plans and Elevation Plans. Detailed development plans show seven twin home structures which access 14th Avenue West. The applicant proposes to develop the property as a single development property which will have a total of 14 condominium units. Areas outside the units will be common areas which will be maintained by the condominium association. The applicant desires to maintain some control over the property through restrictions in the condominium documents. The developer should submit a copy of the condominium documents to Planning and Assessor offices when completed for filing.

Each twin home structure is proposed to be accessed with a common driveway which appears to be 40 feet in width. There would be seven driveways on the property which has about 620 feet of front yard width on 14th Avenue West. The front yard setbacks vary from 25-29 feet and rear yard from 47-58 feet. Setbacks between buildings are proposed to be 14 feet which provides for a future option of subdividing the property into lots and meeting the required side yard setbacks for twin homes under the R-1: One and Two-family District. The structures will have 2-bedroom units with 1,552 square feet of living space and 3-bedroom units with 1,724 square feet of living space. The garages will be attached two-stall garages.

The elevation plan shows asphalt shingles and horizontal metal siding with some decorative stone. City departmental comments included providing additional information on the width of driveways and driveway flares to insure that they are following City standards. Also, the location of sanitary sewer services appears to be incorrectly shown, so the plan should be

revised following developer contact with the City Engineer. The developer will need to obtain approval from the Post Office for the location of community mail boxes which should be reflected on the plans. Property owners within 150' were notified, and no comments were received.

It is recommended to conditionally approve the development request on the basis that it is consistent with the approved Mixed Use PUD Plan and City plans and ordinances. The following recommendations are recommended:

1. The Detailed Development Plans are approved subject to revisions as noted above. The project is to be constructed and maintained according to the plans.
2. The Utility/Grading Plan is approved by the City Engineer.
3. An outline for the anticipated schedule and sequence of construction for all improvements with the PUD is received.
4. A developer's PUD agreement is received.
5. A mailbox plan is approved by the Post Office.
6. A signage plan is submitted if development signage is proposed.
7. The developer submits a copy of the condominium documents when completed.

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

Commissioner Keller made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. Chair Lenzmeier asked for clarification on the driveway width. Larry indicated the 40' width covered both units. The commission then voted on the motion on the floor. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-48 Variance to allow increased signage for Lot 1, Block 1 of Butler 6th Addition (2130 3rd Avenue NW), City of West Fargo, North Dakota.

Steven stated that the variance request was submitted by Cook Sign for the new Trail King Building. He stated that the sign company is pursuing amending the sign ordinance; however, because the notice for the variance was published, the Commission should open the public hearing portion of the meeting for comments. He stated that Cook Sign will submit information for the proposed zoning ordinance amendments and if approved, the variance will not be needed. If denied, they could still go through the variance process.

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

Applicant Brett Waldera stated that he'd like to review ordinances from other cities.

Commission Holzmer made a motion to continue the public hearing. Commissioner Keller seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-49 West Fargo 4th Addition, a subdivision located in the NE ¼ of Section 7, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located south of West Main Avenue, in the northeast corner of the intersection of 8th St W and 2nd Ave W. The property owner to the east would like to purchase property from the City. The City Commission has approved the sale of property following the platting of property. The change in use for the property being sold requires a Land Use Plan Amendment, as the area is designated for Public/Quasi-Public use. Rezoning would not be required as it is currently zoned for CM: Heavy Commercial/Light Industrial.

The property owner purchasing the property proposes to expand an existing tower facility to accommodate the company's growth. The existing public works building was built many years ago. Some of the Public Works functions have been relocated to another site, so not all the property is needed by the City. The Planning Department has received an Area Plan and Preliminary Plat for review. Light Industrial use for the area property appears to be the best use, and the existing company will be served well by being able to expand its operation.

Lot 3, Block 1 on the Preliminary Plat is the property proposed for sale to Great Plains Towers. The lot is ±24,300 ft². The tower company will be responsible for effectively screening the expanded use area from the residential area to the south. Lot 1 of the proposed Preliminary Plat is intended to be eliminated as it serves no purpose. Park dedication is required with platting or replatting of property that has not had a previous dedication. The dedication amount would be calculated on the undeveloped property which is proposed to be sold. The amount of dedication would be 5% of the area which would be 1,216 square feet, or cash payment in lieu of park land dedication. We have not yet received a recommendation from the Park District.

Notices were sent out City departments for review. We received a comment from the City Assessor that it would be appropriate to name the subdivision Dalsin Second Addition to correspond with platting in the area. Also, utility easements should be shown on the Final Plat along the west and south boundaries of the plat.

It is recommended to conditionally approve the subdivision request on the basis that it will be consistent with City plans and ordinances. The following conditions are recommended:

1. A Land Use Plan amendment from Public/Quasi-Public to Light Industrial is approved for the property being sold to Great Plains Towers.
2. An Attorney Title Opinion is received.
3. A drainage plan is received and approved by the City Engineer.
4. The Final Plat is renamed and received with any necessary easements.
5. A park dedication agreement is received.
6. The expanded area for tower company use is properly screened per zoning requirements.

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

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

Chair Lenzmeier opened public hearing A07-50 Planned Unit Development Amendment for Welding Supply Service Use on Lot 5, Block 1 of Geller's 2nd Addition (1655 Main Avenue East), City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is located south of Main Avenue and west of 17th Street East, is platted and zoned Planned Unit Development for light commercial uses. The property was previously a truck sales lot and is currently vacant. The proposed use would require a Planned Unit Development amendment.

The applicant proposes to develop the property with a welding supply business that would be a mix of service, retail and warehousing, as well as bulk gas. A similar request was made last year by the business for a neighboring property. This business stores bulk gases which would be in tanks placed behind the building and fenced. The applicant is required to submit detailed development plans which would include tank specifications for review by the West Fargo Fire Department to assure compliance with any health and safety regulations.

The preliminary site plan shows an 80' X 90' (7,200 ft²) building fronting Main Avenue with the entrance and parking lot located in the rear of the building. Access to this business would be provided by a private roadway serving the businesses on this block. The loading docks will be in the rear of the building so they will not be visible from Main Avenue. This property is located within the CO-R: Redevelopment Corridor Overlay District. The preliminary site plan complies with all required setbacks. Commercial buildings within the CO-R District are required to be constructed with 70% of the side fronting a public street as brick, wood, stone, architectural concrete or pre-cast concrete.

A site plan was submitted showing the proposed building and site layout. Also, an elevation plan was provided for the building that was approved last year. The building elevation plans need to be updated showing the exterior finishes for both Main Avenue East and 17th Street East sides. The parking lot along Main Avenue and 17th Street East was not installed properly by the original developer. A minimum setback of 10 feet was required by the City Commission, as well as continuous vertical curbing so that vehicles would not affect the setback area. Prior to the sale of the property in March of 2002, a variance request

was made to reduce the setback requirement. The City Board of Adjustment denied the request. The Redevelopment Corridor Overlay District along Main Avenue also requires a 10-foot landscaped area before improvements. It would be appropriate to require compliance at this time.

The City notified property owners within 150 feet. We received a call from a property owner to the south with questions regarding the safety of the tanks behind the building and proximity to the residential properties to the south. The Fire Department should provide comments on this. A letter was also received today from the mobile home park owner to the south regarding the use of their sanitary sewer by these properties.

The property is located on Main Avenue which is proposed to be reconstructed starting in 2009. The project is proposed to be completed in three phases with a minimum of a three year construction period. However, there may be intervals between the construction phases depending on the availability of federal funds. Some of the design alternatives would impact the property while others would not. A couple of the alternatives show a City street along the south portion of the property. This would result in the street being close to the tanks. A suggestion by departmental staff was to move the building slightly to the north. This would affect the area proposed for future expansion as shown on the site plan. If the North Dakota Department of Transportation selected a design which would impact the property, the property owner would be compensated.

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

1. The applicant consults with the Fire Department regarding health and safety issues for the bulk storage of the proposed gases.
2. The applicant provides for the proper landscaped setback areas along the Main Avenue East and 17th Street East sides. The landscape plan should be revised to show the landscaped areas.

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

Commissioner Potter asked if the sanitary sewer issue shouldn't be incorporated into the staff recommendations. Larry stated that it's part of existing City services -- they're already in place. The letter will be added to the Staff Report for City Commission review.

Chair Lenzmeier asked if there is any validity that it's private. Assistant City Engineer Brock Storrusten stated that it is private.

Commissioner Holzmer asked if there were any plans to use the previously approved lot and if they could still build on it. Larry stated that they could if they wanted to. He then reviewed the 17th Street/Main Avenue East intersection plans.

Discussion was held regarding setbacks and landscaping requirements.

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

Chair Lenzmeier opened public hearing A07-51 Conditional Use Permit for an accessory building 3917 9th Avenue West, West Fargo, ND (Parcel located on Auditor's Lot 6 of SE¼ of Section 10, T139N, R50W - Mapleton Township - Cass County, North Dakota).

Steven reviewed the following information from the staff report:

The property is located west of West Fargo and south of Interstate 94 along the west side of 38th Street West, south of the Willow Creek Subdivision. The use (single family) has been in existence for some time and is considered a conditional use within the Agricultural District. The property was developed as rural residential that was developed prior to the city expanding its extraterritorial jurisdiction thus the use was grandfathered in.

A site plan was submitted showing the existing property with a proposed 960 ft² (24'x40') garage. The garage will be located 25 feet from the existing driveway, ±36 feet from the east property line, and ± 45 feet from the south property line. All

setbacks meet the Agricultural District standards. The property meets the minimum lot size of one acre under the Agricultural Zoning District for existing properties. The front yard setback requirement for this zoning district is 40 feet.

It appears part of the property is located within the designated 100-Year Flood Plain. Generally properties within the 100-Year Flood Plain are allowed to make improvements to the property if the structures are adequately raised and protected, or if the improvements are less than 50% of the value of the structure; however, if properties are in a designated flood way they are not allowed to make improvements. The location of the proposed addition will need to be reviewed more closely by the City's Building Administrator during the permitting process to determine if the structure is out of the flood plain, or if flood proofing measures are required. Certain procedures as set forth by FEMA and the State need to be followed by the City when reviewing building permits.

Notices were sent to adjacent property owners and Mapleton Township for review and comment. No comments were received.

It is recommended to conditionally approve the request on the basis that it is consistent with City plans and ordinances. The conditions are as follows:

1. The applicant is to meet all Federal, State and local floodplain protection requirements for improvements to the site and structures if necessary.
2. The structure must meet all City building codes.

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

Commissioner Holzmer asked about the size of the structure -- are they proposing a 24' x 40, because the photo shows a 40' x 40. Steven stated that originally they proposed a larger garage, but have since opted for the smaller structure.

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

The next item on the agenda was A07-52 Minor Planned Unit Development Modification for Development Fence on Lot 1, Block 2 of Arbor Glen 2nd Addition (1606 19th Avenue East), 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 19th Avenue East and 16th Street East. The property is zoned PUD and requires a Minor PUD Modification to make changes to the original plans. The fence does meet the city's requirements for fencing a side yard on a residential property. The proposed use is consistent with City Plans and Ordinances.

The applicant proposes constructing a fence along 16th St E which would connect to the development fence along 19th Ave E. The proposed fence would be constructed to meet the city's sight distance requirements at the intersections of 16th St E and 19th Ave E. Also, the fence would stop 30 feet from the private drive on the north of the development which would be adequate for sight distance at this intersection with 16th St E. For the purpose of consistency within the PUD staff feels it would be appropriate for the property on the west side of 16th St E agree to construct a fence as a condition of allowing the applicant to construct this proposed fence.

It is recommended to conditionally approve the request on the basis that it is consistent with City plans and ordinances. The conditions for approval are as follows:

1. Fence is constructed to meet the city's sight distance requirements at the intersection of 19th Ave E and 16th St E.
2. The property owner on the west side of 16th St E, or the Arbor Glen Homeowners Association, agrees to construct a like fence to insure consistency within the PUD.

Chair Lenzmeier noticed that the sketch indicates the entire development fence being 6' high. Steven stated that the applicant came back before the City Commission and asked that it be modified.

Chair Lenzmeier asked if the property owner to the west has agreed to fence. Steven stated that he was going to be meeting

with the Association President tomorrow. Applicant Lyle Jabs stated that he hasn't spoken to the property owner, who is also the developer. Steven indicated that he would contact the developer and Grant Larson.

Mr. Jabs stated that the fence on the west side of 16th Street won't be installed until next year. Their fence on the east side will be done this year.

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

The next item on the agenda was A07-53 Minor Planned Unit Development Modification for Swimming Pool and Fence on Lots 9 and 10, Block 2 of Arbor Glen 2nd Addition (1638 19th Avenue East), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the north side of 19th Avenue East, abutting the West Fargo/Fargo City Limits. The proposed use is consistent with City Plans and Ordinances.

The applicant proposes installing a below-ground pool on residential property. No above-ground building improvements are proposed. The pool would be installed 5 feet from the south property line. The development applied for, and was granted, a variance to reduce the front yard setback from 25 feet to zero (0) feet for a development fence. The homeowners association will be constructing a fence along the south property line of the development, which would meet the city's requirement of fencing around a below-ground pool.

It is recommended to approve the request on the basis that the improvements are below-ground and within a Planned Unit Development.

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

The next item on the agenda was the special meeting on October 22nd. Larry stated that three public hearings have been scheduled -- Goldenwood 4th Addition, a replat, Park District Variance for a sign and a Replat/PUD Amendment on West Main Avenue.

The next item on the agenda was an update on the comprehensive plan. Larry stated that an open house has been scheduled on Tuesday, October 16th from 4:30 p.m. to 7 p.m. at the Lodoen Center. A public hearing will be held at the November Planning and Zoning Commission meeting, which will be on Tuesday, November 13th because of the Veteran's Day Holiday. The newest version of the Comprehensive Plan is online.

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