



West Fargo Planning and Zoning Commission  
December 8, 2008 at 7:00 P.M.  
West Fargo City Hall

Members Present: Terry Potter  
Harriet Smedshammer  
Kim Keller  
Wayne Nelson  
Frank Lenzmeier

Members Absent: Tom McDougall, Jason Gustofson

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Michael Raum

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the November 24, 2008 meeting minutes as printed and mailed. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A08-34 Conditional Use Permit to allow for outdoor storage of construction equipment and materials at 1916 2<sup>nd</sup> Avenue NW (Lot 3, Block 2 of Butler's 3<sup>rd</sup>), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located north of Main Avenue West, west of 15<sup>th</sup> Street NW and north of 2<sup>nd</sup> Ave NW. In March of 2000 the City approved the annexation and rezoning of the property to Light Industrial. The City's Land Use Plan depicts the area as Light Industrial.

Prior to platting the area in 2004, this property was part of parcel owned by a construction company, who used the north portion of the property for storage. When 2<sup>nd</sup> Avenue NW was constructed, the property was platted into two separate parcels and the storage became a nonconforming use. Storage is considered a conditionally permitted use and the applicant is now proposing to bring the property into conformance.

The applicant has submitted an aerial photo in lieu of a site plan for the conditional use permit request. The property is zoned Heavy Commercial/Light Industrial which provides for storage facilities as a conditional use. The Future Land Use Plan depicts the property for light industrial usage.

Fencing is required around the area that will be used for storing materials with the side along 2<sup>nd</sup> Ave NW needs to provide visual screening, which would require slats in the chain link fence or installing a solid fence. Currently there is a chain link fence in place.

Property owners within 350' and City Departments were notified. No concerns have been raised.

Staff recommends approval with the following condition:

1. Fence must meet ordinance standards by providing visual screening along 2<sup>nd</sup> Ave NW.

Attorney Michael Raum, representing the Wanzek Family Limited Partnership, indicated he was available to answer questions and that they would comply with the fencing requirement.

The public hearing was closed.

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

The next item on the agenda was A08-35 Simple Lot Split of Lot 12, Block 7 of Meyer's 2<sup>nd</sup> Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located on the east side of 6<sup>th</sup> Street East, south of 12<sup>th</sup> Avenue East. The owner of Lot 13 requests approval to split a portion of Lot 12 and add the property to his lot. Two parcels have been purchased from Lot 12 on two different occasions without following the City's Subdivision Ordinance. This created two metes and bounds parcels which were added to Lot 13. The property owners were notified of the ordinance violation.

The applicant has resurveyed the property to provide for one metes and bounds parcel. The proposed use is consistent with City Plans and Ordinances.

The applicant experienced a house fire several years ago resulting in the destruction of the single family dwelling on Lot 13. When reconstructing the dwelling, a larger structure was designed requiring additional property to meet side yard setbacks. The applicant purchased a parcel from the owner of Lot 12 in 1992 and purchased a second parcel in 2001. On both occasions the applicant did not follow the City's subdivision requirements. The staff had notified the applicant of the violation previously without results. The single family property on Lot 12 was recently listed for sale, so the applicant was formally cited in violation to address the issue immediately.

The City's Subdivision Ordinance allows a simple lot split procedure, provided that certain criteria are met. However, a property can only be split once. The staff suggested that the property be resurveyed so that only one metes and bounds parcel is created.

The applicant proposes to take 1,013 square feet from Lot 12 and add it to Lot 13. Both lots will meet minimum lot size requirements for R-1A (6,000 ft<sup>2</sup>) if simple lot split is approved. Lot 12 would be 14,973 ft<sup>2</sup> and Lot 13 would be 14,312 ft<sup>2</sup>.

The applicant has had the property resurveyed for the lot split to provide for proper legal descriptions and lot areas. The City has requested in the past that the applicant include the platted lot and metes and bounds parcel within the same deed, so the small parcel does not stand as a separate parcel. In this case a corrective deed will need to be filed showing the new property descriptions.

Notices have been sent out to property owners and we have received no comments to this point in time.

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 parcel split from Lot 12 is included within the deed for Lot 13.
2. A corrective deed is filed showing the new legal descriptions and verification provided by the applicant to the City.

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

Commissioner Smedshammer made a motion to adjourn. Meeting adjourned.