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

West Fargo Planning and Zoning Commission
February 12, 2007 at 7:00 P.M.
West Fargo City Hall

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

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Bruce Clapham, Ron Morlock, John Lien, Representative from Integrity Windows

The meeting was called to order by Chair Lenzmeier.

Commissioner Nelson made a motion to approve the January 8, 2007 Minutes as printed. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-3 Charleswood 24th Addition, Replat and Rezoning from R-1A: Single Family Dwellings to PUD: Planned Unit Development Lots 27, 28 & 29, Block 4 of Charleswood 17th Addition, City of West Fargo, North Dakota.

Steven Zimmer reviewed the following information from the staff report:

The property is located on south side of 17th Ave E, at the southwest corner of the intersection of 17th Ave E and 18th Ave E. The applicant is applying to rezone the property from R-1A to PUD to build a 4-unit town home building. The development would be similar in character to the townhouse structures built across the street to the east.

The applicant is proposing a 4-unit luxury townhouse condo structure on separate lots; however, is considering constructing a second structure in the future directly south of the proposed structure and has submitted conceptual plans showing the entire development. Phase I is being completed in a manner that would be compatible with either single family or another townhouse structure to the south. There is an existing city lift station located in the northeast corner, of the property to be replatted, on Lot 30 Charleswood 17th Addition. This lot will not be replatted.

The Preliminary Plat shows the lots ranging from 7,069ft² to 13,342 ft². The site plan shows that the buildings will be fronting on the 17th Ave Frontage Road. All accesses are required off of the 17th Ave Frontage Road. The site plan also shows the proposed access drives off of the frontage road for each of the units. Upon review, staff believes that the accesses to lots 1, 2, and 3 are suitable, but the access to Lot 4 is too close to 17th Avenue, which brings up safety issues. The access to Lot 4 should be moved as far to the west as possible in order to alleviate all safety issues.

Rear yards vary between 33' and 37'. The side yard setback on the west side of this 4-plex is 12' and the east side yard setback is one foot, along Lot 30 and 40' south of Lot 30. Plans show that the applicant proposed to put up a fence on Lot 30 to separate the driveway of the eastern most town home from the lift station. If the applicant wished to construct a fence, it must be on his own property. The plans also show a turn around cutout off of the driveway of Lot 4, which would be located on city property as well. This would not be allowed because it would allow the applicant the use of public land for private use, which has recently been denied to other citizens of West Fargo.

The building elevations show upscale construction with brick along the fronts and sides of the buildings. The applicant indicated the structures will be luxury townhouses with their own association to handle all maintenance of buildings and grounds. The building design is unique and provides more diversity in the type of housing available to citizens in the community. The units either have double or triple car garages.

The applicant is proposing to create a water amenity in the rear yard of this development that would resemble a brook or stream. This would be maintained by the association. Plans for this feature should be submitted to the city to show how it will be operated and to show that water will be circulating and not sitting and stagnating.

Park dedication requirements for the Charleswood development have been satisfied

Notices have been sent to property owners within 150' and no comments have been received. Notification was also sent to City Departments and we received comments from Engineering that they wish to see the width's of the storm sewer easement on the plat, as well as that water and sewer service layouts/plans need to be provided for this development.

Staff recommends approval with the following conditions:

1. The applicant submits detailed development plans which incorporate recommended changes.
2. All accesses be off of the Frontage Road and the access to Lot 4 be moved to the west.
3. Proposed fence and Lot 4 turn around are moved to applicant's property.
4. An Attorney Title Opinion is received.
5. A certificate is received showing taxes are current.
6. A Final Plat is received with necessary easements.
7. The applicant provides a copy of the restrictive covenants or condominium documents to the City.
8. A construction schedule is provided to the City.
9. The City receives a development improvement agreement.
10. The tree species are to be identified on the site plan. Fence considerations regarding visibility at access locations and intersections should be given by the staff prior to installation.

Applicant Ron Morlock asked about the lift station. He stated that it's 14' from the property line and there's nothing on the west side of it. He just wants to construct a fence to block the view. The association would be responsible for maintaining it.

Steven stated that this was discussed at a staff meeting and the City has never let anyone utilize city property for personal use. Larry stated that this would need to be addressed by the City Commission with City staff review and input.

Chair Lenzmeier asked how much area they would need. Mr. Morlock stated 6-8'. They would also like to place a vehicle turnaround on the property for the end unit.

Larry stated that 50' x 50' is the standard lot size for lifts. He also stated that there are liability issues.

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

Larry indicated that Charleswood owns the lots to the south and asked if they had any concerns with the water feature. Charleswood Developer Bruce Clapham stated that they will have an association whether it's single family or townhouses. They endorse the water feature.

Discussion was held regarding the fence on lift station property. Chair Lenzmeier stated that they're not opposed to the applicant pursuing this if something can be worked out with the City and department heads. Mr. Clapham encouraged the Planning and Zoning Commission to work with the developer to find a practical solution and suggested referring this to the City Administrator.

Commissioner Holzmer asked what would happen if work needs to be done on the lift station? When work was done on the 13th Avenue Lift it involved a lot of equipment and digging. Mr. Clapham stated that this isn't really a lift station. It's mainly control valves for the two south lakes to flow to the north lake. The pumps are in case water needs to be drawn down from the lakes for maintenance. Mr. Morlock stated that if works needs to be done on the fence they'll just take it down and the association would be responsible for it.

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

Chair Lenzmeier opened public hearing A07-4 Planned Unit Development Amendment for senior housing on Lot 5, Block 3 of Oakhaven Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is east of 1st Street and south of 14th Avenue E. The City Commission previously approved Detailed Development Plans in August 2004 for a Planned Unit Development for a 30-unit senior project to the northeast and 32 townhouse-style apartment units of senior housing for Phase 2 for the property to the east, which is completed. More recently, plans were approved for three, 6-unit buildings, one 8-unit building for seniors and a community room with maintenance garage along the north side of 14th Avenue East. The applicant has submitted an application for a Planned Unit Development amendment for 10, three-unit townhouse-style apartments.

The Detailed Development Plans submitted consist of Site Plan, Landscape/Utility Plan, Floor Plans and Elevation Plans. Detailed development plans show 10 buildings being accessed from 14th Avenue East with each access serving six units, meaning there will be 5 curb cuts along the 968' of frontage on 14th Ave E. The buildings will be orientated so that one driveway will be located between two buildings with the garages facing in towards each other, facing east and west. There will be 30' between the buildings facing each other and 40' of green space between each group of two buildings.

The front yard setback for the buildings off of 14th Ave E is 25'. The setback from 1st Street and the western most building is 40'. The setback from the eastern most building and the east property line is ±18 ft. The rear yards would be located between the buildings and would be kept as open space. A setback of 35' would be maintained for the rear yards.

The development consists of 10, 3-unit buildings. The buildings are one-story structures with attached garages. The floor plan shows that all units will be 2-bedroom units. The elevation plans show the buildings with horizontal siding with brick on the lower portion of the building. There is a 15 foot storm sewer easement on this property which will be maintained as green space between a group of buildings.

The City still needs to receive an outline for the anticipated schedule and sequence of construction for all improvements within the PUD, developer's PUD agreement, mail box plan approved by the Post Office, and sign plan if development signage is proposed.

City departments and Post Office were sent plans for the proposed development. No comments were received. Property owners within 150' were notified, and we received one comment concerned with the orientation of the buildings and proximity to properties in Charleswood 15th Addition.

Staff recommends approval with the following conditions:

1. The Detailed Development Plans for the senior's project including Site Plan, Landscape/Utility Plan, Floor Plan and Elevation Plan are approved. The project is to be constructed and maintained according to the plans.
2. Submitted drainage 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.

Steven stated that a letter was received last week from the same individuals who'd called who were concerned with privacy. Chair Lenzmeier asked Steven to read the letter to them.

The letter indicated concerns with density, setbacks, orientation of buildings...

Larry stated that initially an incorrect plat plan was sent out to property owners and he'd visited with the property owners and explained the request to them. He stated that the rear yard setback is 35' which is greater than what would be required.

John Lien, Goldmark, referred to the floor plans and indicated that they don't have any patios or decks. There will be very little activity in the back yards as this is senior housing. He stated that the majority of the houses to the south have fences.

There were no public comments. The hearing was closed.

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

Larry stated that with the senior project, it is still considered multiple family, so there is a landscaping/fencing requirement where isn't one in place

Larry stated that the next item on the agenda, A07-5 Request for Access to 13th Avenue East between 6th Street East & Prairie Parkway (Kass 3rd Addition), had been withdrawn by the applicant. It will most likely be resubmitted next month.

He also stated that A07-2 Conditional Use Permit for a compost facility, wood waste recycling program and contaminated soil treatment program located on a parcel in the NW¼ of Section 4, T139N, R49W, City of West Fargo, North Dakota, had also been withdrawn by the applicant.

Regarding item A06-67 Planned Unit Development Amendment and Land Use Plan Amendment from Office Park to Retail Commercial for Lot 2 Block 3 of Eagle Run 8th Addition, City of West Fargo, North Dakota... Larry stated that this item has been continued for several months and no progress has been made by the applicant. Staff recommends removing this from the agenda and the applicant can reapply in the future.

Commissioner Potter made a motion to remove this item from the agenda. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

Under Non-Agenda, Larry reviewed items from the Legislative Session. He stated that there are some bills, which have an impact on Planning.

The first one is a bill to decrease the extraterritorial areas of communities. Larry stated in 1997 the legislature increased the ET area in West Fargo from 1 mile to 2 and cities the size of Fargo from 2-4 miles. The proposed bill would decrease West Fargo's to half a mile – less than what the City has had for the past 30 years. Testimony was submitted by Fargo, West Fargo, Grand Forks and Bismarck. The committee was young and they didn't understand. It was put into subcommittee and supposedly amended. Chair Lenzmeier asked where this originated. Larry stated that it was from communities near Bismarck.

Larry indicated that another bill limited Township/Counties on the ability to limit animal operations/feedlots. Also regulates them on zoning regarding Ag processing plants.

Also under non-agenda, Commissioner Holzmer stated concern with an odor from the pumping station across from R-J's Conoco. A sewer gas smell.

Commissioner Nelson made a motion to adjourn. Commissioner Gustofson seconded the motion. No opposition. Meeting adjourned.