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Larry M. Weil, Planning and Community Development Director
Tim Solberg, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
September 14, 2015 at 7:00 P.M.
West Fargo City Hall

Members Present: Connie Carlsrud
Scott Diamond
David Gust
LeRoy Johnson
Joe Kolb
Eddie Sheeley
David Zupi

Members Absent: Tom McDougall

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Matt Welle, Dustin Scott, Roger Fenstad, Dean Olstad, John Youness, James Walker, David Wyum, Odin Helgerson, Brian Hage, Kevin Tobosa, Joyce Dobmeier, Ranae Aakre, Bill Brodeur, Bob Footitt

The meeting was called to order by Vice Chair Sheeley.

Commissioner Zupi made a motion to approve the August 10, 2015 meeting minutes as written. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A15-40 Conditional Use Permit for a larger accessory building at 3109 5th Street NW (Lot 2, Block 2 of Selberg's 3rd Subdivision), Reed Township, Cass County, North Dakota

Tim reviewed the following information from the staff report:

The property is zoned R-1E: Rural Estate District, and requires a conditional use permit to construct an accessory building larger than 1000 ft². The applicant has submitted a site plan and is proposing a 1,500 ft² (30' x 50') detached garage. The wall height is shown as 12' with a 4/12 roof pitch. Accessory buildings within the R-1E district are limited to 20' in height. The setbacks far exceed the required minimum of the R-1E district.

Accessory structures over 1000 ft² have been conditionally approved in the past for rural subdivisions provided they are in character with the development pattern of the subdivision. The applicant has submitted elevations with his application which show that the intended materials used are of similar residential style to the primary structure and consistent with the development.

With reference to the criteria for granting conditional uses, there were no concerns noted.

The property currently is within a Special Flood Hazard Area (Zone AE), the property owner will be required to have his property surveyed to find elevations to ensure the proposed structure is built 2 ½' above the base flood elevation (BFE). This is a requirement of Building Administration consistent with the City's floodplain ordinance.

Notices were sent to property owners within 350', Reed Township and Cass County for review. The county sanitarian stated that there should be adequate setbacks from the drain field. The applicant provided correspondence confirming they are able to meet the required setbacks from their existing drain field. No additional comments have been received to date.

It is recommended that the City Planning and Zoning Commission approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Applicant complies with the City's floodplain standards for the new building.
2. Applicant constructs the accessory structure in character with the existing development.

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

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

Vice Chair Sheeley opened public hearing A15-41 Sandhills 3rd Addition, Replat & Rezoning from Agricultural to CM: Heavy Commercial/Light Industrial of Lots 1-15, 17-20 & Lot 22 of Block 6 and all of Block 7, Meadow Brook Park Subdivision; All of Blocks 1, 2 & 3 of Sandhills 2nd Subdivision; and all of Park Boulevard, Archers Boulevard and Sandhills Avenue NW, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The applicant owns a significant portion of the property in the Sandhills and Meadow Brook Park area and is proposing a phased development starting with property to the north near the BNSF Railroad. The entire area was designated as Light Industrial in both 2000 and 2008 Comprehensive Plans.

Historically, Meadow Brook Park has had a seasonally high water table and poor drainage conditions due in part to the soils. Prior to the creation of the Sheyenne Diversion, the area was also extremely flood prone. The lots are too small to support septic systems under the State and Cass County codes, which has resulted in septic system failures and contamination of adjacent properties. As a result development has been minimal over the years.

The area was severely flooded in 1975 which forced several residents to seek alternative housing for a period of time. Cass County Public Health Department submitted a request to the Department of Housing and Urban Development (HUD) for flood/disaster relief under the Minimal Repair Program for a community sewerage collection system, however was not funded. A request was then made to Farmers Home Administration (known today as Rural Development) which was viewed by the agency as an unwise investment, so was not funded. In the mid-1980's the area came into West Fargo's extraterritorial area for the purpose of planning and zoning. The area was zoned agricultural at that time and remains the same today.

Following some requests to add onto structures and construct new structures, and Cass County Health concerns due to inadequate area and soil type to accommodate septic systems, as well as a request to extend sanitary sewer services to the area, the City conducted a study in 1998 to review existing conditions and land uses, as well as any development plans for Meadow Brook Park. Following the study and property owner involvement, it was found that the costs of extending services would be too burdensome for the majority of property owners and would likely result in even more properties coming back to the County for unpaid taxes. It was recommended to wait for more ownership stability and for the City to grow out to the area to reduce costs for extending municipal services. The City sought Community Development Block Grant funds through Lake Agassiz Regional Council, however federal funds for the region were committed to flood mitigation projects for the year and there was uncertainty of funding availability for the next year.

In 2000 the City adopted a Comprehensive Plan following about 18 months of study. The Plan designated the areas in and around Meadow Brook Park as Light Industrial and recommended that the areas be rezoned for industrial uses. The Plan also recommended that CDBG funding be pursued to buy out existing properties and prepare the area for redevelopment for industrial uses. The City pursued CDBG funding; however, property buyouts for redevelopment purposes was not a priority for the regional program and would not be funded, so an application was not submitted.

In 2002 the Fargo Moorhead Metropolitan Council of Governments undertook a study of the Meadow Brook Park area at the request of the City Commission. As a result of the City's adoption of the 2000 Comprehensive Plan and designating the Meadow Brook Park area for future industrial purposes, the intent was to better understand the background issues, work with the residents, and identify possible alternative strategies to consider. At the time of the study, of the 218 lots in Meadow Brook Park, 107 had come back to Cass County for back taxes. Of the remaining 111 lots, 59 were undeveloped and owned by individuals who lived outside the subdivision. The remaining 48 lots were owned by the residents of the subdivision and were the site of 17 residential structures.

In 2005 the area was annexed into the City. In 2008 the City received an application for Sandhills Third Addition which replatted the three larger lots (blocks) of Sandhills Second Subdivision into smaller lots. A Final Plat was approved with

conditions of the infrastructure servicing plan being approved by the City Engineer, necessary lift station needs being provided for, appropriate timing for municipal services, and limiting buildings until services would be provided. The Final Plat was not signed and recorded.

A subdivision replat has now been submitted to vacate Sandhills Avenue NW and subdivide the larger tracts of Sandhills Second Subdivision into lots for sale and development. The applicant also submitted an Area Plan and Future Phase development plan showing the proposed lay out of streets and 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.

The proposed Preliminary Plat is made up of 17 lots in two blocks utilizing Charyl Avenue as the primary street and creating a new street named Park Boulevard which would provide access to a number of lots. The lots range in size from 37,800 – 464,627 ft². The Preliminary Plat abuts Lots 1-10, Block 6 of Meadow Brook Park Subdivision in the southeast corner of the plat which are residential lots with a residential structure. The plat culls out Lots 16 and 21, Block 6 which are in separate ownership, and essentially surrounds these lots with Lots 1 and 2 of the Preliminary Plat. Lots 16 and 21 are 40' wide vacant lots. The residential property, which is 400' wide and 130' in depth, would continue to front on Charyl Avenue and may have redevelopment limitations when redeveloped as industrial, because of its depth. The two 40' lots would not be developable lots and could become continual maintenance problem properties and eventually come back to the County for back taxes becoming a public burden. There is no assurance that any of these three properties would eventually be incorporated within the new subdivision lots.

The streets being platted as Park Lane and Park Boulevard have adequate rights-of-way per City ordinance; however, should be given one name and should intersect with a numbered avenue under the City's Street Naming and Addressing Standard. The avenue, which is Charyl Avenue, currently has a 50' right-of-way with an additional 15' being dedicated with this plat, which is inadequate as 80' of minimal right-of-way is the standard for commercial and industrial development. Charyl Avenue is intended to be the principal loop street for the entire redevelopment area of Sandhills and Meadow Brook Park subdivisions. If the Preliminary Plat is approved without the adequate right-of-way in place, there is no assurance that adequate right-of-way will ever be obtained short of condemnation through eminent domain. The Collector Street which is 26th Street NW extends from Main Avenue, to the north connecting the West Fargo 3rd Addition with Cass County Hwy #19 and needs to have a total right-of-way of 100'. There was 50' of dedication on the east side with the Butler and Knutson subdivisions, so 50' is required for subdivisions in the Sandhills and Meadow Brook Park area (west side). The Preliminary Plat shows 50' of dedication; however, the right-of-way through the Meadow Brook Park area is only 33'. An additional 17' of right-of-way will be required, and may need to be obtained through condemnation utilizing eminent domain.

The requested zoning for the plat area is CM: Heavy Commercial/Light Industrial which is currently being considered to be separated into two zoning districts – Heavy Commercial District and Light Industrial District. Should the Zoning Ordinance text amendment be approved and the CM: Heavy Commercial/Light Industrial District be repealed, it would be appropriate to rezone the subdivision area as Light Industrial District.

The subdivision area was reviewed recently by the Planning and Zoning Commission as part of an Urban Development Area and establishing a tax increment financing district to facilitate installation of necessary infrastructure to accommodate industrial development, and thereby increase the local tax base. It would seem fitting that in addition to funding public infrastructure improvements, negotiated purchase costs for current properties not owned by the applicant should be included. This would allow for redevelopment according to the Future Phase Plan, and would provide for reasonable compensation to existing owners. It is inevitable that special assessments for infrastructure installation will become extremely burdensome for existing property owners, particularly those with residential dwellings. These property owners will certainly want to negotiate a purchase before being faced with special assessments.

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 1.8 acres) or its equivalent value as cash-in-lieu of land dedication. The City has not received the recommendation from the Park District yet. Once the recommendation is received an agreement can be structured.

To satisfy the subdivision requirements, the City has yet to receive a sewer and water plan for the entire redevelopment area, drainage plan for the subdivision, certificate showing taxes are current, necessary easements determined and placed on the plat, approved mail delivery plan, park dedication agreement, and subdivision improvement agreement.

Notices were sent out to property owners within 150' of the proposed subdivision and information was provided to City

Departments, SE Cass Water Resource District, Park District, Cass County Health Department, Post Office, and utility companies for review and comment. Comments were received from Sandhills Archers that Sandhills Avenue NW was constructed to provide suitable access to their facility as Charyl Avenue was inadequate in right-of-way and road construction. At times Charyl Avenue is not passable. Sandhills Archers is concerned that Sandhills Avenue NW would remain as is until Charyl Avenue has adequate right-of-way in place and the street is fully improved. An email was also received from Velvet Streifel who has a property interest at 2705 Charyl Avenue NW. The house and property was owned by their father who has recently passed away. The house is for sale. She is concerned that their property and others are being devalued each time that a zoning application is considered. She believes that the homeowner's properties should be bought out rather than be forced out by development.

Continue the public hearing and delay action on the proposed subdivision and rezoning for a month to allow time to adequately address right-of-way, infrastructure planning and time of installation, and addressing residential issues by City, developer and property owners.

Brian Hage, representing Sandhills Archers, stated that the current access of Charyl Avenue is very narrow, not a full access. If Sandhills Avenue is eliminated, they would have issues as they also use it for access.

Developer John Youness stated at a meeting with City staff earlier today access was discussed. He indicated he would be happy to discuss options with them.

Sandhills board member, Odin Helgerson, asked commissioners how familiar they were with the Sandhills Archery Club? He's been involved with the club since 1998. Where he grew up an archery club was provided by the City. They have over 500 members and don't come to the City for support. They're all volunteers. They are a community asset and would like to continue to operate at this location.

Commissioner Kolb asked if their primary issue was access. Mr. Hage stated that they have concerns with what it will cost them in the future. They have plans for expansion; they have several Olympic archers training. They provide a place to shoot 24/7 and have both indoor and outdoor ranges. They're concerned with increased taxes and specials limiting their expansion.

Sandhills board member Kevin Tobosa stated along the western edge of the proposed development, they have shooting along the property line and have some safety concerns.

Larry stated that they have about 26 acres which includes a pond to the north, outdoor range and a larger building. Mr. Hage stated that they hold several events in the building, have state shoots, field and 3-D events and would like to build another building.

City Engineer Dustin Scott stated that the issue wouldn't be taxes but specials, as at some point infrastructure would need to be brought in. Until a plan is solidified, they don't know about costs involved. Vice Chair Sheeley asked about the possibility of negotiating purchase of properties and if there will be a meeting with area residents.

Larry stated the City Commission will be reviewing the Meadow Brook Park I project for consistency with the General Plan for Urban Renewal and Development. There could be the possibility of using Tax Increment Financing (TIF) to help with costs in acquiring land.

Tim stated that Sandhills Archers has a lot of questions and encouraged the developer to meet with them.

Commissioner Johnson made a motion to continue this item for 30 days. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A15-42 Woodlinn West 4th Addition, Replat of Lot 1, Block 1 of Woodlinn West 3rd Addition, City of West Fargo, North Dakota and Rezoning from R-2: Limited Multiple Dwellings to C: Light Commercial Lot 2, Block 1 and PUD: Planned Unit Development Lots 1 & 3, Block 1 of proposed Woodlinn West 4th Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

In early 2006, a previous applicant purchased property containing a single family dwelling and detached garage (old Meyer

farm). The applicant requested and received City Commission approval to develop a parking lot on the east portion of the property to allow for the expansion of their dental clinic which is to the south. In 2009, an application was received to construct a twin home and to provide for parking for the dental office, but was not completed. The proposed residential use is consistent with City plans and ordinances.

The subdivision is proposed with 3 Lots. Two lots would join the Woodlinn West Townhouse Association and the other would be part of the commercial development to the east and would be platted as part of the current dental facility. The applicant has submitted a preliminary plat, area plan and site plan for the property being replatted. Concept Development Plans are provided for the potential twin home structure. The property is currently zoned R-2: Limited Multiple Dwelling. Lots 1 & 2 will be rezoned PUD: Planned Unit Development, as the rest of the Woodlinn Townhouse development is currently zoned. Lot 3 will be zoned C: Light Commercial, to allow for its use as a parking lot for a dental clinic.

Although the plans are technically conceptual at this point due to procedure, the applicant has provided fairly detailed plans. The proposed twin home would have a 20' front yard setback from the townhome association common access lot, an 8' side yard setback, and a 13' rear yard setback. The rear yard setback is less than typical residential and not consistent with the R-2 requirement of 30'. The applicant has proposed the requirement of a 6' privacy fence to avoid any potential screening issues with adjacent uses for future owners and to attempt to mitigate the smaller setback. If approved, maintenance of the fence would be included in a PUD Agreement.

The parking lot that currently exists would meet required 5' side and rear yard setbacks to the adjacent lots. Buffer yard requirements found in the City Landscape Requirements will need to be followed for any future development on this lot. Buffer yards for C: Light Commercial property adjacent to single family residential could be reviewed at the time of development to consider existing vegetation.

The applicant has met with the Woodlinn West Townhouse Association and has been approved to join the association and has indicated that the association is supportive of the development plans provided.

City departments, Post Office, SE Cass Water Resource District and utility companies were notified for comments. No comments have been received to date. Property owners within 150' have been notified regarding the rezoning. The Woodlinn West homeowner's association needs to formally agree to the development and have the proposed residential lots made part of the condominium development. A comment was received from a resident concerned with construction trucks and traffic using the private access. The developer indicated they would access the lot from the dental office parking lot.

It is recommended that the application be approved on the basis that it is consistent with City plans and it is consistent with the adjoining development with recommended conditions of approval as follows:

1. The City receives approval from the homeowner's association for the development.
2. Lots 1 and 3 are amended into the Woodlinn West development documents.
3. A construction schedule is received for all structures and improvements.
4. A PUD agreement is received.
5. An Attorney Title Opinion is received.
6. A certificate is received showing taxes are current.
7. A drainage and utility plan is received and approved by the City Engineer.
8. Any necessary easements are shown on the Final Plat.

Woodlinn West Townhouse Association President Dean Olstad stated they met last week and approved the request.

Applicant Roger Fenstad stated that he and Steve Johnson are available to answer any questions.

There were no public comments. The hearing was closed.

Commissioner Diamond asked about consistency with the homeowners association. Mr. Olstad stated it is and the fence will be nice to prevent cross traffic.

Joyce Dobmeier stated that they always intended to place a fence to screen the employee parking. Her husband previously owned the dental office.

Commissioner Zupi made a motion for approval based on 8 staff recommendations, with an additional condition that a 6'

privacy fence be installed to avoid any potential screening issues with adjacent uses for future owners and to attempt to mitigate the smaller setback. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A15-43 Conditional Use Permit for residential apartment signage within the Corridor Overlay District at 703 31st Ave. West (Lot 1, Block 1 of Lakecrest 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

A Conditional Use Permit is required for signage within residential districts that are within the Corridor Overlay District. PUD District standards state that the most restrictive prevailing provisions regulate the permit.

The applicant proposes placing one monument sign in the center of the properties north side, another along the south of the property facing 32nd Avenue West and a wall sign on the building's south facing elevation. The 2 monument signs are proposed as 16 ft² each placed on brick monuments and the wall sign is 25 ft². The property is surrounded by City owned retention lots. Setbacks on the sides adjacent to the retention lots should be considered; however, staff feels a setback is unnecessary due to the adjacent land use. If a less intense land use were adjacent more consideration would need to be given.

With reference to the criteria for granting conditional uses and the economic, noise, glare, or odor effect of the proposed use on adjoining properties, the lighting must be dim enough to not reflect off windshields and cause sight problems for traffic. There is a single family residential development in proximity to the proposed signs. Given the signs are small and propose to use small LED lighting to illuminate the monuments, any impact should be minimal and no greater than a small street light. Conditions of approval should be used to avoid more intense lighting use in the future.

Property owners within 350' were notified; no comments have been received to date.

It is recommended that the City Planning and Zoning Commission approve the proposed application on the basis it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Low intensity lighting that does not become a visual nuisance or distraction to the motoring public and/or any adjacent residential uses are required.

Ranae Aakre, Goldmark, indicated she was available to answer any questions.

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

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

Vice Chair Sheeley opened public hearing A15-44 Sterling Industrial Park 7th Addition, Replat of Lot 3, Block 2 of Sterling Industrial Park 1st Addition and Lot 3, Block 1 of Sterling Industrial Park 2nd Addition (635 10th Street NE), City of West Fargo, North Dakota.

Tim reviewed the following from the staff report:

The applicant proposes to subdivide property into 2 lots to provide for development of industrial uses. The proposed use conforms to the City's plans and ordinances.

The applicant has submitted an application to replat the property along with an Area Plan and Preliminary Plat. The property is already zoned appropriately for industrial use and has the street and municipal services in place.

Departmental and Utility Company reviews have been sent out. No comments of concern have been received. Building Inspections has stated that the reduced setback with the newly proposed lot lines does not appear to affect the existing building's compliance with the Building Code.

It is recommended to approve the application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. An Attorney Title Opinion is received.

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

Applicant Bill Brodeur stated that he's in the process of moving his contractors into the existing building. He also stated he's available to answer any questions.

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

Tim asked about access. Will it be a shared or will they request an additional access? Mr. Brodeur stated that he may move it further south and could share it.

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

The next item on the agenda was continued A15-32 Zoning Ordinance Amendments.

Tim reviewed the following:

At the August 10, 2015 meeting the Planning & Zoning Commission tabled a decision on the proposed amendments in order to receive final wording from the City Attorney on two items which were to be amended. Staff has received the proposed language.

4-100 related to the recommended change for medical and dental facilities, such as clinics, hospitals, nursing or convalescent homes from a permitted use to a conditional use is being updated to leave medical and dental facilities as a permitted use the language has been proposed as follows:

Add a definition for Behavioral Health Care Facility and include it as a conditionally permitted use separate from medical and dental facilities, such as clinics, hospitals, nursing or convalescent homes. Conditions for approval would include licensing, public relations plan, maximum number of patients to not exceed 50, not to be combined with other uses, and access to public transportation.

4-100 related to further clarifying the use of the proposed addition of assisted living facilities in the ordinance the City Attorney has added that: the majority of residents are age 55 and older and there is a minimum of one full time equivalent employee per every six residents; that the services of a licensed registered nurse are available to all residents; and the applicant provides the City Planner with a detailed plan showing the activities and personnel that will be available to residents of the facility.

Commissioner Kolb asked how many different districts would be affected. Tim indicated it transfers from R-1E thru R-5 of the low density residential districts, and C and C-OP would also be included. He stated that it would be permitted in the R-2 and R-3 Districts as multiple dwellings are already allowed.

Tim indicated that in addition to the noted revisions from the City Attorney, staff has found 3 more items to add to consideration for the Planning & Zoning Commission.

- 4-100: General Regulations (Zoning)
 - The proposed change to height requirements for accessory buildings was found to not be consistent with the rest of the ordinance or that of regional building codes. Staff would propose to remove the previously proposed amendment to increase the height of accessory buildings at multi-family structures to 18' and simply amend the definition for "Height, Building" to remove the statement of "to the highest point of a structure for accessory structures", which would make it consistent with the current method for primary structures whereby the building height is measured at the highest coping of a flat roof or the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridge, for gable, hip and gambrel roof.

Tim distributed information on garage height. There have been several requests from individuals who'd like to match the rooflines of their accessory buildings to their homes.

- Staff would propose adding a requirement to the landscape provisions that the applicant would provide along

with a landscape plan a schedule for install.

- 4-04: Subdivision Regulations
 - 4-0403.5: Staff has been made aware of a practice of combining legally platted lots which could cause issues with existing zoning regulations and therefore potentially making it difficult to obtain a building permit and/or financing. Staff would propose allowing the combining of legally platted lots by using a similar process to that of the retracement plat whereby public hearings are not required, but City Planning & Zoning Commission and City Commission would review and approve prior to final recording of a retracement plat. The process would allow for a new legally created lot and allow property owners to meet district requirements of the combined lot as opposed to being required to meet it on each lot separate of each other.

Tim indicated the City Commission will go over the ordinance amendments when they schedule a public hearing in October.

Commissioner Kolb made a motion to untable this item. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Builder Bob Footitt asked how these ordinances might affect their project. He mentioned not being able to construct an accessory building larger than 1,000 ft², which he feels is quite limiting on such a large lot. It won't fit with the rest of the neighborhood.

Commissioner Kolb asked if changes to the ordinance would allow a larger structure. Tim stated that they can increase the building height to match the house, but they're still limited to 1,000 ft². They could build two accessory structures or attach to the main structure. Mr. Footitt suggested a tier system. Different levels of square footage for accessory buildings based on lot size. Larry stated that they can't increase the size of accessory buildings without republishing. Tim stated that the comp plan is going to be revised this year, so that may be something that could be reviewed. The homebuilders association will be represented on the comp plan committee.

Commissioner Diamond asked about fee-in-lieu of land dedication if there will be three different land designations --- residential, commercial and industrial. Tim stated that there will probably be a couple different residential designations, but there would still be an annual resolution determining value.

Commissioner Kolb made a motion to forward the ordinance amendments on to the City Commission. Commissioner Zupi seconded the motion. No opposition. Motion carried.

The next item on the agenda was Minor Planned Unit Development Modification at 1300 13th Avenue East (Lot 1, Block 1 of Dakota Territory 10th Addition).

Tim reviewed the following:

The applicant has requested a minor revision to the Detailed Development Plans as previously approved for Dakota Territory 10th Addition and has submitted plans showing an addition to their existing store. The addition increases the amount of warehouse space and creates a dedicated area for special orders. A new overhang will be created between the loading dock and garden center to enclose the area using matching green steel already used in this area of the building. The improvements will be done behind the existing fence and should not be noticeable to the public.

Notices have been sent out to neighboring properties. No comments have been received to date.

Staff has reviewed these changes and recommends approval as a Minor PUD Modification with the condition that if comments are received by neighboring property owners they will either be resolved or brought back to the Planning Commission at the next scheduled meeting.

Commissioner Diamond made a motion for approval. Commissioner Johnson seconded the motion. No opposition. Motion carried.

The next item on the agenda was A15-45 Access Request onto 9th Street NW (Cass County Highway #19).

Tim reviewed the following:

The Main Avenue Frontage Road is being removed as part of a North Dakota Department of Transportation project, which will in turn remove the access of Stockman's Supply.

Access to 9th Street NW is considered limited access, as it is a Collector Street. As such the access must be approved by the Planning & Zoning Commission and City Commission. Chapter 2 of the City Ordinances governing sidewalks and streets would require between 150-200' between an access on a local street to that approaching the arterial. The access was reviewed by departments and determined that the access could potentially meet the requirements of a local street approaching an arterial, however it should be determined and discussed on their ability to meet the standard spacing on Collector roadways of 330' with a minimum of 150' as found in the Subdivision Ordinance section 4-0406.3.J(4)c. Future improvements to 9th Street NW could affect the operation of this proposed access so conditions should be considered which would limit the access should the City deem it in the interest of the safety of the roadway. Traffic on Main could be impacted and the short spacing could potentially cause safety issues.

It is recommended that the City consider the request and forward their recommendation for approval to the City Commission with the condition that concurrence comes from the City Public Works Director and City Engineer prior to final approval.

Dustin stated that access is challenging along Main Avenue. The best case scenario is to line up access with the Busch Ag one to the west.

Larry stated that in the future there could be a use which generates more traffic and this may need to be reviewed. He gave the example of the area along 9th Street East by Gate City Bank in which a median had to be installed. Dustin stated if traffic in this location becomes an issue a median very well may need to be added.

Commissioner Johnson stated that currently there are issues with semi-trucks parking along 9th Street NW and traffic being backed up.

Commissioner Johnson made a motion for approval. Commissioner Kolb seconded the motion. No opposition. Motion carried.

The next item on the agenda was Plan Review in the Interstate Corridor Overlay District for 2512 West Main Avenue.

Tim stated that in order to meet the provision of the Interstate Corridor Overlay District, the site and building needs to be reviewed by the Planning & Zoning and City Commissions.

Staff recommends approval of the site and elevation plans for submittal to the City Commission on the basis it meets all the provisions of the Interstate Corridor Overlay district.

Commissioner Kolb made a motion for approval. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Larry reminded commissioners of the NDPA Conference next Thursday.

Commissioner Zupi made a motion to adjourn. Commissioner Johnson seconded the motion. Meeting adjourned.