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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
January 11, 2016 at 7:00 P.M.
West Fargo City Hall

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

Members Absent: Tom McDougall

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Matt Welle, Dustin Scott, Randy Cramer, Eddie Buell, Chris Brungardt, Tina Fisk, Brad and Lindsey Muscha, Arthur Goldammer, Paul and Shelley Rice, Dan Bueide

The meeting was called to order by Vice Chair Sheeley.

The first item on the agenda was election of Chair and Vice Chair. Commissioner Gust made a motion to nominate Tom McDougall as Chair. Commissioner Johnson seconded the motion. No opposition. Motion carried. Commissioner Gust made a motion to nominate Joe Kolb as Vice Chair. Commissioner Diamond seconded the motion. Commissioner Gust made a motion to close nominations and a unanimous ballot be cast for Chair and Vice Chair. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Commissioner Diamond made a motion to approve the December 14, 2015 meeting minutes as written. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Commissioner Sheeley opened public hearing A16-1 Conditional Use Permit for wireless telecommunications tower in a residential district at 1222 6th Street East (Lot 8-15, Block 2 of Meyer's 2nd Addition), City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is north of 13th Avenue East and along 12th Avenue East, east of the Park District's Soccer Complex. The applicant proposes to construct a commercial wireless facility within a bell tower. The proposed use requires a Conditional Use Permit within the R-1: One & Two Family Zoning District. The proposed use may be considered as a conditional use on church sites in residential zoned areas when the tower is camouflaged as steeples, bell towers, or other architecturally compatible structures.

The area was platted and zoned for single family development in 1978. The proposed tower site is on the west side of an existing church property. Residential dwellings are located to the east and south of the church. The property to the west and northwest is park property and used as a soccer complex. There is an existing City water tower on the park property which has been in place since the late 1970s or early 1980s. Commercial wireless telecommunication antennas have been placed on the tower since 1997 through a lease with the City, and a new lease has recently been established beginning in 2017 for 5-year increments. The equipment shelter is located on park property, so a lease between the Park District and T-Mobile is being considered.

To maximize the use of existing and approved structures and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community, the City Zoning Ordinance requires that commercial wireless telecommunications towers are constructed to accommodate additional users, and there is an agreement to allow shared use subject to reasonable terms and conditions.

Ordinance regulations have a commercial wireless telecommunications tower co-location requirement. The City must not approve a new tower unless the applicant proves that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a reasonable search radius of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building and the interference cannot be prevented as a reasonable cost.
3. Existing or approved towers and building within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably.
4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

It appears that as of March 2, 2015, the City had not worked out an agreement with the Park District relating to lease revenue sharing, so an e-mail was sent to that effect to the Verizon consultant, as well as an indication that the lease with T-Mobile would be terminated as soon as possible. Since that time the City has worked through a lease agreement with T-Mobile, and the Park District is intending to consider an agreement at their next meeting.

An application, project description and site plans were submitted showing the tower, locations of proposed electronic shelters (buildings), and vehicle access as well as support information relating to the project and site. Also, structural plans were submitted for the tower. The applicant also provided a map of other towers in the area. The applicant provided a written narrative for the application indicating the City Ordinance provides for the proposed tower as a conditional use; that an attempt was made to co-locate facilities on the City water tower, but the City chose not to proceed; the proposed tower is utilizing 83% of its capacity so additional capacity is being provided allowing for another carrier; design considerations have been made for the proposed tower to blend into the surrounding environment with the bell tower design; setbacks per district standards and tower standards are being met; and that the ordinance provides for the tower to be placed between the principal structure and a public street in a side yard if the site is located on a property that is adjacent to public streets on all sides.

In response to the narrative, the applicant seems to address issues fairly well, though the Planning staff would note that from actions of the City and Park District for the T-Mobile carrier on the water tower, there may have been some recent changes in user considerations which should be examined to determine if the water tower and park land could be utilized by another carrier. Also, it is questioned whether 17% capacity on the proposed tower is adequate to provide for another carrier. Additionally, the property is not adjacent to public streets on all sides, so the ordinance would require the tower to be located on the south side of the property rather than the west side.

The proposed tower will be located on the west side of the church structure approximately 60' from the right-of-way of 12th Avenue East. The 12' x 20' electronic shelter is placed at the base of the tower and next to the church and an 8' wood fence. The tower is a stealth bell tower structure designed to match the existing building and will be 79' in height with the antennas. The applicant needs to show that the tower complies with Federal Aviation Administration regulations.

Property owners within 350' were notified. The City received an e-mail and a phone call from residential property owners who were opposed to the proposed tower.

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

- Ingress and egress to the property are from 6th Street East and 12th Avenue East. The access is to a gravel parking lot which was installed without meeting minimum setbacks. The parking lot is required to be improved with a concrete of bituminous surface by 2017.
- There will be additional signage for the property placed on the proposed tower which would need to be reviewed as a conditional use. There are three sides to the tower with sign graphics depicting a cross and flame, so multiple signs are displayed. The area of the signs is not provided.
- The proposed use would appear to be located such that it is generally compatible with adjacent property and other property in the district, though the City has received opposition by residential property owners. According to the tower provisions, the tower should be located to the south side of the church which would have a greater impact on the residential properties, and would likely not meet the setback requirements unless attached to and a part of the church.

It is recommended to delay action on the application to first determine if co-location of antennas on the City water tower can take place, as conditions appear to have changed.

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

Commissioner Diamond asked about objections from property owners. Tim stated there were comments regarding a tower in a residential district, height and aesthetic reasons.

Commissioner Gust asked why the Park and City couldn't come to an agreement. Larry stated that the water tower was put up in the 1970s on Park property by mutual agreement. T-Mobile entered into an agreement with the City to place equipment on the City water tower and the Park District wasn't involved. Shelters were put up on Park property. The Park District will discuss this at their meeting on Wednesday. The City needs see there is no ability to put up a tower on the City water tower.

Commissioner Gust made a motion to continue this until the February 8th meeting. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Commissioner Sheeley opened public hearing A16-2 Conditional Use Permit to add an additional shop building at an existing asphalt manufacturing plant at 600 Center Street (Lot 1, Block 1 of Flint Hills Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The property, which is along the west side of Center Street, north of the BNSF Railroad tracks, is zoned M: Heavy Industrial and has been approved for a conditional use permit for an asphalt plant. The newly proposed building has not appeared on previously submitted plans and therefore an amended conditional use permit would be required per the requirements set forth in section 4-558 of the City Ordinances which regulate amended conditional use permits.

The proposed building is fronting Center Street and is required to meet the requirements of the CO-R: Redevelopment Corridor Overlay district. Of note on this property, the east elevation will be required to meet building construction standards to not exceed 70% metal or fiberglass. The applicant has provided building elevations which show the building would have approximately 81% metal siding with 19% stone veneer. The amount of metal siding will need to be reduced to meet the requirements of the CO-R district standards.

With regards to the criteria for granting a conditional use, no concerns were noted except the following:

- Yard and open space requirements are subject to the Redevelopment Corridor Overlay district standards. 5' side yard, 10' rear yard, and 20' front yard. Lot coverage for buildings shall not exceed 85%. An existing scale building appears to be within the front yard setback however was established prior to the development of the redevelopment district and is grandfathered. The newly proposed building will have a 24.92' setback from Center Street.

Notices were sent to area property owners within 350', City Departments and utility companies. No comments have been received to date.

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

1. East building elevation be revised to increase the non-metal material to meet the provisions of the CO-R district standards.

Tim stated that at their last meeting, the City Commission approved a building permit at the applicant's own risk. Also, just for clarification, they are not paving the entire driveway as indicated on the site plan.

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

Commissioner Kolb asked if the paving was a condition. Tim stated that approval of paving material isn't necessary, the regulations refer to building, not paving type.

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

Commissioner Sheeley opened public hearing A16-3 Midway 4th Addition, a replat of Part of Lot 2, Block 1 of Midway Subdivision, City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant proposes to subdivide a larger lot into 2 lots with development of the northern portion (proposed lot 2) for a water utility service site.

The Cities of Fargo and West Fargo are working with the current landowner to provide land to construct a pump station for water services of the City. Access to proposed lot 2 is provided from an existing approach from the west to 45th Street East. Direct access to Main Avenue East would remain unchanged for lot 1.

The Preliminary Plat has two lots which are 98,160 and 7,531 square feet in size. The proposed subdivision is consistent with City plans and ordinances.

Notices and maps were sent to Park District, Post Office, City departments, SE Cass Water Resource District, and utility companies. No comments have been received to date.

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

1. The drainage and utility plan is approved by the City Engineer.
2. Any necessary easements are placed on the Final Plat.
3. An Attorney Title Opinion is received.
4. Certificate of Taxes is received showing taxes are current.

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

Tim reviewed access to the property. There is a utility easement of varying widths on its eastern border; however, access will be via an approach from the west to 45th Street along the northern portion of the property.

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

Commissioner Sheeley opened public hearing A16-4 Brooks Harbor 7th Addition, a replat of Lot 1, Block 1 of Brooks Harbor 1st Addition, City of West Fargo, North Dakota.

Larry reviewed the following:

The property, which is located south of I-94 and west of Sheyenne Street, was annexed into the City in December 2005. The property was platted as part of Brooks Harbor 1st Addition in 2013; however, the zoning was left as Agricultural. The property was recently reclassified as General Commercial as part of a Land Use Plan Amendment and rezoned to Light Commercial. The applicant proposes to subdivide the property for the purpose of sale. The proposed plat is consistent with City Plans and Ordinances.

The Sheyenne Street corridor is currently being studied in preparation to a reconstruction project for the street and I-94 Interchange which is anticipated to be completed in phases. Construction on Sheyenne Street along the area being platted is anticipated in 2018.

The developer has submitted a Preliminary Plat splitting the existing larger lot into two lots. One lot has an area of 100,000 square feet and the second lot an area of 62,922 square feet. The lots are within the Corridor Overlay District along Sheyenne Street which provides for additional site planning and building standards. A landscape plan for the lots and boulevard will be required at the time of permitting.

Street right-of-way was provided with Brooks Harbor 1st Addition, so adequate street right-of-way is in place already.

Notices and maps were sent to Park District, Post Office, City departments, SE Cass Water Resource District, and utility companies. No comments have been received.

It is recommended that the City approve the proposed 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 drainage plan is received and approved by the City Engineer.
3. Final Plat is received with any necessary easements.
4. A certificate is received showing taxes are current.

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

Commissioner Gust asked if there was adequate right-of-way for Sheyenne Street. Larry stated there is 150' of right-of-way, as well as an additional easement.

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

Commissioner Sheeley opened public hearing A16-5 Oak Ridge 10th Addition, a replat and Planned Unit Development Amendment for all of Blocks 2, 3 and 4 of Oak Ridge 7th Addition, City of West Fargo, North Dakota.

Tim reviewed the following information:

The property is located east of 4th Street East and south of 32nd Avenue East. The area was annexed into the City in 2005 and platted and zoned for a townhouse development in June of 2015. The Developer proposes 108 lots for development of townhomes and additional park, trail, and common lots. The Developer further proposes to amend the detailed development plans to allow for vinyl siding to replace fiber cement siding on the homes.

Shadow Wood Additions consisting of single family residential are located directly to the south; Strawberry Fields Addition consisting of single family residential is located to the west; the area to the north is proposed as General Commercial; and to the east The Lighthouse of West Fargo assisted living center and memory care is under construction.

The development density has been reduced from 11.8 units per acre to 10.7 units per acre. The properties on the south side of the development which are adjacent to the Shadow Wood development and the west side which are adjacent to the existing pond have been changed to 4-unit one level ranch style homes. The rear yard setback for the properties adjacent to single family are shown at 30' which would meet the R-2 and adjacent R-1 district standards. The setbacks along the eastern boundary are 10' which would exceed the required side yard setbacks of the R-2 and R-1 district standards. The side yard of the adjacent assisted living center is approximately 20'.

With the exception of the south ranch homes, the buildings have limited to no driveway space. The developer is providing designated parking spaces throughout the development. Many of the interior roads do not provide for on-street parking. The developer should provide a sign plan which shall be approved by planning, public works, police, and engineering prior to construction. Lighting should also be considered as it relates to the location of parking and distance to homes.

The applicant has provided a landscape plan which shows a total of 1,850 plant units provided meeting the requirements which would be required of multiple-family developments. There are trees provided to be spaced with the existing trees on the south property line adjacent to the Shadow Wood development and along the east side adjacent to the assisted living center. Street trees are placed throughout the development.

The development is served with internal private streets that access existing 6th Street East and 33rd Avenue East. The private drives were named for addressing and emergency services purposes as 33rd, 34th, 5th and 6th Way East. Individual units will be addressed off these private drive names. If possible the private drives should be noted in site plan and/or final plat.

As was previously required, the homeowners association and the PUD Agreement reflected that the ownership of the existing pond would be with the development. This will remain unchanged with this PUD Amendment and will be included in the PUD agreement.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies. Comments received to date questioned the sidewalk easement shown along the southern property line of the preliminary plat, lack of rear elevations of the "Front Loaded Ranch" style home, and what the construction schedule would be.

The applicant held a public meeting on the proposed changes to the development at West Fargo City Hall on September 28,

2015. There were not many people in attendance; however, those neighboring residents who did attend were happy with the proposed changes.

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

1. A construction plan/phasing plan is provided which will demonstrate that the development will continually provide adequate access for municipal services and emergency vehicles.
2. Sign plan is provided to be approved by planning, public works, police, and engineering.
3. The drainage and utility plan is approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.
5. A subdivision improvement/PUD agreement and park dedication agreement are received.
6. An Attorney Title Opinion is received.
7. Certificate of Taxes is received showing taxes are current.
8. The mailbox plan is approved by the Post Office.

Tim stated that with item #5, the Park Dedication was included with the previous plat and should be removed as a condition.

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

Discussion was held regarding access.

Commissioner Sheeley stated that in review, the applicant is changing the siding, decreasing the density and changing the housing adjacent to Shadow Wood and the pond to ranch style homes. Tim stated that typically siding isn't regulated; however, the detailed development plans indicated a specific type of siding.

Commissioner Gust asked about no parking on one of the streets. Tim stated that the road isn't wide enough, so it's important those areas be signed "no parking".

Commissioner Kolb made a motion for approval based on staff recommendations 1-8, with the elimination of the park dedication agreement on condition #5. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Commissioner Sheeley opened public hearing A16-6 Highland Meadows Addition, rezoning from A: Agricultural to PUD: Planned Unit Development and Land Use Plan Amendment from Low Density Residential to High Density Residential a portion of the SW¼ of Section 18, T139N, R49W, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property is north of 21st Avenue West and south of the Sheyenne Diversion adjacent to I-94. The property is bounded to the north and east by the Sheyenne Diversion, to the west is a rural farmstead zoned agricultural, and to the south is the Brooks Harbor development zoned for low density residential development. The proposed use of single-family residential is consistent with City Plans and Ordinances. The proposed use of multiple-family residential is not consistent with City Plans and Ordinances.

The applicant proposes to plat an existing rural farmstead into a Planned Unit Development consisting of 97 lots for single-family residential development and 1 lot for multiple-family development consisting of 6, 26-unit apartment buildings. The apartment buildings are proposed as two-story structures with detached garage units. The applicant is proposing that the single-family lots would conform to the yard requirements of the City's R-ISM district, and that the multiple-family development would conform to the yard requirements of the City's R-2 district with proposed amended district standards to allow for maximum units within the PUD of 156, within each individual building of 26 units, and maximum of two-stories.

The density of the proposed development is approximately 8 units per acre which is below the allowable density of 10 units per acre within the guidelines of the City's Land Use Plan for low density residential. In considering the change from Low Density Residential to High Density Residential as is proposed for the multiple-family component of the development, the City should consider the Goals and Policies found in Chapter 7 of the Comprehensive Plan:

- o Under the heading "Land Use and Community Growth"; Goal 3. Objective A. states "To encourage the appropriate integration of multiple family housing throughout the community, as opposed to segregated concentrations";

- Under the heading “Community Development, Design, and Housing”; Goal 2 is “To provide a diversity of residential neighborhoods, both single family and multiple-family, and a balance of housing alternatives to meet the changing life-cycle needs of residents.”
- Under the heading “Community Development, Design, and Housing”; Goal 2. Objective H. which states “To provide a housing development pattern with the ratio of single-family dwelling units to multiple-family dwelling units between 60 to 70% single family to 30 to 40% multiple family” provides guidance on analyzing the request. Current development in the Section is as follows:
 - 1,726 total housing units
 - 939 total low density = 54%
 - 787 total multiple family = 46%

If this application were approved as proposed, it would add an additional 97 low density residential units and 156 multiple-family residential units. With the maximum potential of low density single-family residential units developed, the development pattern in the section including the area in question north of 21st Avenue West is as follows:

- 2,586 total housing units
 - 1,643 total low density = 63.5%
 - 943 total multiple family = 36.5%

It is not likely the remaining vacant land would develop to its full potential for single-family units. If the vacant land developed at a more likely scenario of 4-5 units per acre, the percentages could end up slightly under the goals of the comprehensive plan minimums of 60% low density and 40% multiple-family; however, other goals found in the Comprehensive Plan, coupled with the unique nature of this section of land may outweigh the potential that this development may not fully meet the preferred ratios expressed in the Plan.

The current street network in the conceptual plans match up with the existing street network south of 21st Avenue West. The applicant has informed staff that they have been working to acquire and include the property to the west in order to provide further connectivity with the street network to the south of the development. The spacing and right of way requirements will need to be further identified and meet City standards within the detailed development plans and final plat.

Park dedication is required for the development. The required amount of park dedication is 10% of the gross area for residential development. We have not received correspondence from the developer or park district as to how they plan to proceed regarding park dedication.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies. No comments have been received to date.

It is recommended the City Planning and Zoning Commission conditionally approve the proposed application as a concept development plan on the basis that with an approved land use plan amendment it will be consistent with City plans and ordinances. The conditions of approval which would need to be satisfied prior to review of the detailed development plans and future consideration by the City Commission are as follows:

1. That a Land Use Plan Amendment from low density residential to high density residential be considered and approved based on the goals and polices of the Comprehensive Plan at final approval of the Planned Unit Development.
2. Final Plat with any necessary easements is received.
3. A drainage and utility plan is approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.
5. A construction plan is received.
6. A subdivision improvement/PUD agreement and park dedication agreement are received.
7. An Attorney Title Opinion is received.
8. Certificate of Taxes is received showing taxes are current.
9. A mailbox plan is received and approved by the Post Office.

Applicant Arthur Goldammer stated that they’re proposing medium density with a two-story restriction, which they feel is more in harmony with the neighborhood. They’ve constructed similar apartments in Grand Forks. They’re proposing a mix of housing, with the single family lot widths varying from 40-60’

Commissioner Johnson asked about the existing home. Mr. Goldammer indicated it would be moved and the outbuildings most likely torn down.

Paul Rice, 1152 21st Avenue West, stated concern with increased traffic from the proposed apartments and school to the south. Mr. Goldammer stated that their target is 2 units per acre less than what it could be and to attract long term residents rather than college students. They're proposing 156 units total.

Tim reviewed access via 9th and 12th Streets West to 32nd Avenue or possibly 26th Avenue and on to Sheyenne Street.

Discussion was held regarding eliminating 21st Avenue West, which is on top of the Sheyenne Diversion. Dustin Scott indicated it would most likely be 2016 with 9th Street West construction.

Mr. Rice asked if there will be any other holding ponds. Tim stated that with the Concept Plans it's hard to gauge drainage. Dustin stated that if there's more than 50% impervious surface, a pond will be required. The area will drain south to Brooks Harbor.

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

Tim stated that the developer will come back with detailed development plans.

Larry reviewed the Comprehensive Plan and metro area development/density trends.

Commissioner Kolb asked about it not being consistent. Tim stated that the area plan shows the area developing as low density residential. He reviewed Eaglewood and Brooks Harbor Developments. With Brooks Harbor 5th, the developer changed the proposed zoning from R-2 to R-1SM.

Commissioner Gust asked Mr. Rice about his concerns. Mr. Rice stated that it's primarily access. He knows development is coming.

Commissioner Diamond made a motion to approve the Concept Development Plans subject to the conditions listed in the staff report. Commissioner Gust seconded the motion. No opposition. Motion carried.

The next item on the agenda was continued Public Hearing A15-56 North Pond at the Preserve 9th Addition, replat of Lot 6, Block 1 of North Pond at the Preserve 3rd Addition, and name change plat of Timothy and Grama Drives, City of West Fargo, North Dakota.

Tim reviewed the following:

The plat includes a name change plat of Timothy and Grama Drives to Bluestem Drive East which would align with the existing Bluestem Drive to the south of this plat. East is added to align with the City's Street Naming and Address Guide and is used in all addressing along the current Bluestem Drive. The proposed lot sizes conform to the City's plans and ordinances.

The applicant has submitted an application and Preliminary Plat. The property has already been zoned C: Light Commercial. Lots vary in size from 34,507 to 324,563 square feet. Park dedication was provided with previous plats.

Access will be provided via proposed Bluestem Drive East and 24th Avenue East. Access control on 24th Avenue East is to be accommodated by the provisions of Section 2-0119 of the City Ordinances. Additional access control may be considered with platting to avoid additional access between the proposed shared access at approximately 230' from Veterans Boulevard and the allowable access per the provisions of City ordinances outside of 150-200' on local streets approaching an arterial. The applicant is further proposing a 40' access and utility easement that splits Block 1 and Block 2 to provide shared access onto 26th Avenue East and 24th Avenue East as well as the potential for an avenue for which to run necessary city services.

Notices were sent to City departments, SE Cass Water Resource District, and utility companies. Minnkota Power indicated no structures are allowed in their easement area in the lots with Minnkota's easement and that any utilities, signs, sheds, fences, or elevation change in the easement will need to be reviewed by their Transmission Line Engineer. This is being reviewed by the applicant's attorney.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and

ordinances with recommended conditions of approval as follows:

1. The drainage and utility plan is approved by the City Engineer.
2. Any necessary easements are placed on the Final Plat.
3. A subdivision improvement is received.
4. An Attorney Title Opinion is received.
5. Certificate of Taxes is received showing taxes are current.

Applicant Dan Bueide reviewed the proposed access easement between Blocks 1 and 2. Discussion was held regarding the access and placing access control on the final plat.

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

Commissioner Gust made a motion for approval based on the five conditions listed on the staff report, with an additional condition that depending upon the final lot configuration, that access control be added to the final plan if deemed necessary. Commissioner Kolb seconded the motion. No opposition. Motion carried.

The next item on the agenda was continued Public Hearing A15-57 Gateway West Addition, Subdivision in the SE¼ of Section 18, T139N, R49W and Replat of Lot 13, Block 4 of Elmwood Court Addition, City of West Fargo, North Dakota.

Mr. Bueide indicated he was hoping to move forward after determination was made on the Sheyenne Corridor Study; however, they're waiting for answers on the I-94 Interchange. They may lose additional right-of-way depending upon the final plan. He asked this be continued.

Commissioner Gust made a motion to continue. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Under non-agenda, Commissioner Sheeley noted that there are a couple of vacancies on the Planning and Zoning Commissioner.

Commissioner Diamond made a motion to adjourn. Commissioner Kolb seconded the motion. No opposition. Meeting adjourned.