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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  
February 8, 2016 at 7:00 P.M.  
West Fargo City Hall

Members Present:            Scott Diamond  
                                      Leroy Johnson  
                                      Joe Kolb  
                                      Shane LeBahn  
                                      Tom McDougall

Members Absent:            David Gust, Eddie Sheeley, Connie Carlsrud

Others Present:    Lisa Sankey, Tim Solberg, Virginia Stockberger, Dustin Scott, Brian Pattengale, Carrie Scarr

The meeting was called to order by Chair McDougall

Commissioner Diamond made a motion to approve the January 11, 2016 meeting minutes as written. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Chair McDougall welcomed Shane LeBahn as the newest Planning and Zoning Commissioner.

Chair McDougall opened public hearing A16-7 Butler's 9<sup>th</sup>, Replat of Lots 4-7, Block 3, Butler's 4th Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property is north of Main Ave W, between 15<sup>th</sup> St NW and 21<sup>st</sup> St NW. The applicant is combining 4 previously platted lots into 1 lot to allow for a cleaner title. The proposed use is consistent with City Plans and Ordinances. An 180,000 square foot building has been permitted and is under construction at this location. The building spans over all 4 existing lots and meets current zoning requirements as there are no yard requirements within the LI: Light Industrial district.

Notices were sent out to City departments for review. 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. 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 Kolb made a motion for approval based on staff recommendations. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-8 Burlington 8<sup>th</sup> Addition, Replat and Planned Unit Development Amendment for Lot 1, Block 1 of Burlington 6<sup>th</sup>, City of West Fargo, North Dakota.

Tim indicated two different styles of staff reports were included in the agenda packets. Staff wanted to try out the new format to see what commissioners think.

Tim stated that the purpose of the application is to replat to allow for development of a bar/restaurant establishment in approved Planned Unit Development.

Property to the east is developed with townhouse-style apartments, traditional multiple-family apartment buildings, and FM Ambulance. Property to the north is developed as a traditional single-family residential development. Cheney Middle School is located to the northwest of the property across an arterial roadway (9th Street East). Another Bar/Restaurant is located directly west across an arterial roadway (9th Street East).

The applicant proposes to leave the detailed development plans of the hotel on proposed Lot 2, Block 1 unchanged with the exception of the lot split. They propose to develop Lot 1, Block 1 for the purposes of a bar/restaurant under the regulations provided within district standards, which would not require a future amendment for development of the vacant lot.

The existing development on proposed Lot 2, Block 1 meets yard and open space requirements of the CO: Corridor Overlay and CO-I: Interstate Corridor Overlay districts. The underlying land use classification of this property is office park. The CO-P: Commercial Office Park zoning district provides for full service restaurants, provided where such restaurant is integral to another principal building, such as an office or hotel, (whereas) parking supply is calculated to accommodate the mix of uses. It would be appropriate to indicate in the conditions of approval that only a full service restaurant/bar be allowed.

The existing hotel on Lot 2, Block 1 and the future restaurant on Lot 1, Block 1 will share an access to Queens Way. Notices were sent to property owners within 150' as well as to the Post Office, utility companies and City Departments. 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. Only full service restaurant/bar is allowed on Lot 1, Block 1.
2. Development of Lot 1, Block 1 will be subject, but not limited to CO: Corridor Overlay, CO-I: Interstate Corridor Overlay, 4-400 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
3. Subdivision/PUD Agreement is received.
4. An Attorney Title Opinion is received.
5. A drainage plan is received and approved by the City Engineer.
6. Final Plat is received with any necessary easements to include access, sewer, water, and storm water.
7. A certificate is received showing taxes are current.

There were no public comments. The hearing was closed.

Commissioner Kolb asked for clarification regarding the PUD Amendment. Tim stated that the developer could either submit detailed development plans including construction plans, elevations or they could follow the district standards for the use, which would allow them to sell and develop under those standards. They can't exceed setbacks and would be required to have a full service restaurant.

Commissioner Kolb asked why it was Planned Unit Development. Tim indicated the original developer initially looked at shared parking; however, there is someone looking at purchasing the property, having a standalone restaurant. So separate ownership and financing.

Discussion was held regarding the use and impact to the area. Tim indicated if there are concerns regarding a potential patio, that could be added into the conditions, although the potential buyer indicated they would most likely not have a patio as it would impact the parking area and it's only useable a short time during the year.

Commissioner Kolb made a motion for approval based on the 7 conditions listed in the staff report. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing Public Hearing – A16-9 Eagle Run Plaza 5th Addition, Replat of Lot 2, Block 4 of Eagle Run 12th Addition; Lot 1, Block 1 of Eagle Run Plaza 2nd Addition; Lot 2, Block 1 of Eagle Run Plaza 3rd Addition; and Lot 2, Block 1 of Eagle Run Plaza 4th Addition; and Vacation of 30<sup>th</sup> Avenue West and 6<sup>th</sup> Street West, City of West Fargo, North Dakota; Rezoning from C: Light Commercial to R-2: Limited Multiple Dwellings, Conditional Use Permit for 12-unit townhouse style apartment buildings and Land Use Plan Amendment from General Commercial to Medium Density

Residential of proposed Lot 6, Block 2 Eagle Run Plaza 5th Addition, City of West Fargo, North Dakota.

Tim stated that the developer has asked this be continued. The property is owned by a group of developers. One is proposing what is before the commission tonight, another group has sold the property, though hasn't closed on it yet.

Tim stated that the 12 acre lot at the corner of Sheyenne Street and 32<sup>nd</sup> Avenue West was sold to the School District for hockey facilities. The City's Economic Development Director is trying to get some commercial development included with the property/facility.

Commissioner Diamond made a motion to continue the public hearing until the March 14<sup>th</sup> meeting. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-10 Eaglewood 5<sup>th</sup> Addition, Replat of Lots 1 & 2, Block 1 of Eaglewood 2<sup>nd</sup> Addition and dedicated 5<sup>th</sup> Street West, City of West Fargo, North Dakota.

Tim stated that the purpose of the replat is to allow for realignment of a road. The property is located on the west side of Sheyenne Street, north of 29<sup>th</sup> Avenue West. The realignment of 5<sup>th</sup> St W will provide an added connection/access for a large number of medium density townhome and multiple-family residential buildings along Sheyenne Street.

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

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

Assistant City Engineer Dustin Scott reviewed the plat, indicating this will provide for better access for emergency vehicles and the apartments to the north. The City will install the improvements and retain ownership of Lot 1, Block 3.

Commissioner Kolb asked if there would be a traffic signal. Dustin stated that the Sheyenne Corridor Study only identified one signal between the interchange and 32<sup>nd</sup> Avenue at 26<sup>th</sup> Avenue. He stated that it does meet the minimum distance standards and could be a full access. The Sheyenne Corridor Study will evaluate intersections.

Commissioner Johnson asked who benefits. Dustin stated Diamond Creek apartments and emergency services.

Commissioner Diamond made a motion to approve the replat. Commissioner Kolb seconded the motion. No opposition. Motion carried.

The next item on the agenda was continued 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.

Tim stated that the applicant has asked this be continued until the March meeting.

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.

Tim stated that the applicant asked this be continued as there isn't enough information on the Sheyenne Street Corridor. Commissioner Kolb asked about timing. Dustin stated that the corridor study is done. Phase II involves the environmental phase including preliminary design and alternatives. The developer would like the ND-DOT to comment on options. They anticipate progress in the next couple of months.

Under non-agenda, Tim asked about the Staff Reports. Commissioners indicated they'd like to try it next month. Commissioner LeBahn asked about the Pros and Cons section. Tim stated that approval should be tied to the Comp Plan and other applicable City Plans and Ordinances.

Commissioner Diamond asked how many times should they continue items and if there shouldn't be a specific timeframe. Tim stated that if an application is withdrawn, the applicant would have to submit the application fee again for reconsideration; however, at some point a decision would need to be made.

Commissioner Johnson made a motion for adjournment. Commissioner Diamond seconded the motion. Meeting adjourned.