



www.westfargond.gov

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

West Fargo Planning and Zoning Commission
April 11, 2016 at 7:00 P.M.
West Fargo City Hall

Members Present: Jim Brownlee
Connie Carlsrud
Scott Diamond
Shane LeBahn
David Gust
Leroy Johnson
Joe Kolb
Tom McDougall

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Carrie Scarr, Dustin Scott, John Youness, Todd Fuchs, Matthew Hauff, Brad Jacobson, Russ Schramm, Andi Sandbeck, Bryan McCrea

The meeting was called to order by Chair McDougall.

Commissioner Brownlee made a motion to approve the March 14, 2016 meeting minutes as written. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-17 Butler's 10th Addition, a replat of Lots 11-16, Block 2 of Butler's 8th Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant is proposing to combine six previously subdivided lots into one. The applicant is currently constructing a 102,000 square foot building for prospective light industrial tenants. The site and building plans were reviewed by the City Commission at their March 16, 2015 meeting consistent with the requirements of the CO-I: Interstate Corridor Overlay district.

Applicable agencies and departments were notified. No comments were received. The proposed application is consistent with the City plans and ordinances.

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 plan is approved by the City Engineer.
2. An Attorney Title Opinion to the City of West Fargo is received.
3. Signed 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 made a motion for approval based on the 4 conditions listed in the staff report. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-18 The Wilds 8th Addition, Subdivision, Rezoning from Agricultural to R-1: One & Two Family Dwellings and Land Use Plan Amendment to establish land use as Low Density Residential on part of Government Lots 3 & 4 in the NW¼ of Section 6, T138N, R49W, Cass County, North Dakota.

Larry reviewed the following from the staff report:

The applicant submitted an application, preliminary plat and area plan. The area plan is proposing the majority of the area to develop as single-family residential. The area is part of a larger tract (\pm 227 acres) which has not been amended yet into the City's Future Land Use Plan, as the area was annexed after the adoption of the 2008 Comprehensive Plan. The City approved an amendment to the Future Land Use Plan for The Wilds 7th Addition to accommodate the first phase of development (\pm 25 acres).

It is important for a Future Land Use Plan for the remaining development area to be established. The City could consider a Land Use Plan amendment based on a well-developed area plan, or the City could initiate a Land Use Plan amendment according to which future developments would be reviewed and considered. It would be appropriate to have the Land Use Plan amendment in place prior to any additional platting of the developer's property.

As part of the approval of The Wilds 7th Addition it was determined an overall development plan for Sections 31 (north of 52nd Avenue West) and Section 6 (south of 52nd Avenue West) was essential to ensure orderly development. Larry reviewed an email from the Parks Superintendent, which refers to park development within the Wilds 7th subdivision agreement and was provided to commissioners tonight. The subdivision agreement provided for a complete plan to be presented prior to November 2015 which would include future park land dedication, development, and use along with a full, complete and accurate description of proposed park amenities within the entire development area (future park plan). The future park plan is to include the proposed location of a future regional park and/or neighborhood parks, the proposed size (area) of the parks, the proposed amount of park land dedication and/or any proposed payment in lieu of land dedication, the proposed nature and type of park amenities estimated to cost more than \$1,000, the proposed method of paying for the proposed park amenities (special assessments, developer funds, or City funds). It was agreed that the City would not issue permits within the undeveloped areas of these two sections until the developer complies.

The Park Superintendent emailed Larry earlier this evening that they have working with Mr. Youness and feel he is making effort to meet their needs. She wasn't aware of the park development plan requirement north of 52nd Avenue, but has seen an area plan.

The applicant proposes to develop 78 single-family lots zoned as R-1: One and Two Family Dwellings. This zoning district allows for lots as narrow as 50' wide. It appears lots meet or exceed the minimum lot width requirements at the building line.

There is no means of east-west connection to arterial roadways in this area; therefore staff believes the connections to 64th Avenue South on the south side of this plat are important to provide access to more than just one arterial roadway. Road right of way exists in Horace to make a connection; however, this right of way is not improved and will need to be considered prior to further additions of this area are to be reviewed and will need to be identified and agreed to as part of this area plan. 9th Street West will need to be an important major collector for this area. The City requires buffer yards when single and two-family uses are located on arterial roadways. The developer has indicated they would like to install a fence to meet this requirement and have included a 5' fence easement along the northern property lines adjacent to 52nd Ave W.

Property owners within 150' and applicable agencies and departments were notified. Police have expressed concern with the configuration of the future area plan noting that the large circle may pose a traffic circulation problem being on the only collector roadway in the section. They expressed concern with the central park idea being within the circle along the collector and the potential crossing concerns. They further expressed concern about addressing along the looping streets. In developing the area plan it is important to follow the City's Street Naming and Addressing Standard.

In terms of consistency with the Comprehensive Plan and other applicable City Plans and Ordinances, the area proposed has not been included in the existing land use plan. It is advised that either the developer submit a well-developed area plan for consideration as the Land Use Plan amendment, or the City initiate a Land Use Plan amendment to guide future developments in the area prior to future platting. The Land Use Plan amendment should be consistent with existing goals, objectives and policies of the Comprehensive Plan and provide for a development pattern with a mix of housing types. The developer has not satisfied the requirements of the park agreement for The Wilds 7th Addition.

It is recommended that the City continue the hearing for 30 days to allow the developer to submit a park development plan for Section 31 and Section 6. Following submittal of the park development plan, the City would consider conditional approval of the application based on its consistency with City plans and ordinances. The conditions of approval are as follows:

1. The City's Land Use Plan is amended for The Wilds 8th Addition from Agricultural to Low Density Residential.
2. A signed Subdivision Agreement is received which includes fencing scheme which coordinates with existing buffer fencing in Wild's 7th Addition.
3. Park or land dedication 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.
7. A certificate is received showing taxes are current.

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

Commissioner Brownlee asked if the 12 acre parcel satisfied the Park District's requirements. Larry stated no, he believed they were looking at cash-in-lieu. The Wilds 7th cash-in-lieu was to be used for improvements north of 52nd Avenue near the school. Chair McDougall clarified that the park appeared to be happy with the 12 acres provided there was additional cash-in-lieu. He asked if the areas in blue were water. Applicant John Youness stated that there are retention areas which lead into the circular 12 acre open field. He stated that the Park district approved cash-in-lieu at a previous meeting.

Discussion was held regarding access into the development and the surrounding area. Commissioner Diamond stated concern about traffic with 9th Street going around the park. Larry stated that is also a concern of the police and emergency services. Mr. Youness stated that he will continue to work with staff on an overall area plan and will bring it back for review. Commissioner Gust asked about the roundabout. Mr. Youness stated that he's still in discussion with public works and engineering. Larry stated that 9th Street West would be lined up with 78th St in Horace, south of 64th Avenue.

Commissioner Kolb asked how long it would take to put a plan together. Mr. Youness stated that working with other municipalities is a challenge. They've started a dialog with the City of Horace, so it could be late summer or fall. Dustin stated Mr. Youness met with staff and it will take time to work with Horace in coordinating the timing of 9th Street West.

Commissioner Kolb stated concern with not having an overall plan prior to approving another plat. Commissioner Brownlee asked about number of units for a complete buildout. Mr. Youness stated about 800 homes. Commissioner Kolb asked if the developer owns all the property. Larry stated most of this area, except for a parcel along the diversion, as well as property to the north of 52nd Avenue, except some property along Sheyenne Street.

Commissioner LeBahn stated that he didn't see a problem with this development, but something would need to be figured out before the next one. Chair McDougall stated that's what was discussed with the last development (The Wilds 7th).

Commissioner Brownlee asked if they planned to develop east/west or go south. Mr. Youness stated it takes time to go south and deal with Horace.

Commissioner Gust made a motion to delay action for 30 days. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Chair McDougall stated that there have been some developments in other areas which have been piecemealed together, so it's important to resolve some of these issues. Mr. Youness asked how much progress they would like to see as connectivity will take time. Commissioners indicated a well thought of plan, addressing the circle, as well as a site plan showing another collector for access into the area. Tim indicated 12th Street would be important as a collector; it'd be good to have a comprehensive park plan in place, to include the area north of 52nd Avenue West. Tim stated that the park district is concerned they don't have enough money to put together a park with amenities and that they'd have to special assess.

Chair McDougall opened public hearing A16-19 Planned Unit Development Amendment to develop residential townhomes on Lot 2, Block 1 of Dakota Territory 14th Addition, City of West Fargo, North Dakota.

Tim reviewed the following from the staff report:

Applicant proposes developing three and four-unit townhouses. The units will be 2,200 square foot, 4 bedroom, 3 ½ bath. The previous PUD for this property was approved in 2014 for a two story affordable senior living apartment building with 30 units. The land use plan at that time was amended along with the PUD to High Density Residential to accommodate the two-story apartment building style.

The development consists of 31 units within 8 separate structures. There are 7 4-unit townhomes, and a 3-unit townhome. This density of 11 units per acre and 4 unit townhomes meets the requirements of the medium density residential land use designation. The site plan includes 62 garage and 62 parking spaces for a total of 124 spaces, which exceeds the requirements of City Off-Street Parking regulations found in 4-450 of the City Ordinances.

The property would access 16th Street East in two locations which allows for multiple access points and the ability to loop City services. There is a shared access easement on the north property line adjacent to 10th Avenue East which may not be necessary for this development. The applicant would like to remove this easement and change the 3-unit townhome into a 4 unit townhome. They are working on this and may further amend the PUD, and would need to vacate the easement if successful in negotiating its removal. At the time it was placed, 10th Avenue East was considered a collector roadway with access spacing controlled. It has since been removed as a collector from the functional classification and would no longer require such access control. A PUD agreement and properly executed easement will be necessary to properly define the responsibilities of the public infrastructure within the easements that were part of the original plat.

The developer stated they will finish the sidewalk in front of this property at time of development. The developer has submitted a construction schedule noting they would likely start construction in May of 2016 with expected completion by November 2017. Developer has indicated they will provide a landscape plan at time of building permit which would meet the City's landscaping provisions.

Property owners within 150' and applicable agencies and departments were notified. A phone call was received from a resident to the north regarding the placement of the homes. He felt that the building on the north side should be flipped to avoid having the backyards facing 10th Avenue East which he feels is a dangerous roadway due to the speed of traffic. He also stated concern with these being rentals with a property drive.

Speed limit signs were placed today with public works and police planning to monitor the situation. Possibly a speed study could be conducted.

The proposed development would be consistent within the residential designation provided in the City's Land Use Plan. 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. Concerns of adjacent neighbors are heard and considered.
2. An easement is completed and recorded for City services within that which is proposed on the site plan.
3. A signed PUD Agreement is received which includes reference to the private responsibilities of the road and appurtenances and the City requirements of the public services within as well as the construction and maintenance of the adjacent sidewalk.
4. Development will be subject, but not limited to 4-400 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.

Todd Fuchs, 948 Homestead Court, stated that he was pretty much against the last development, which proposed a similar layout. Speeding is an issue along this street and he's concerned with children playing in the yard along the street, potential for running into the road after a ball. He feels the greenspace should be in the middle of the development. He's not against development, nor did he have issues when senior housing was proposed, but does have issues with rental housing. This was originally intended for commercial and West Fargo has limited commercial areas left for development. This is not a good use for the property and would be a better place for an office park.

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

Commissioner Kolb asked what was planned prior to the Senior Housing. Tim stated office park. Larry stated it was zoned agricultural, but rezoned to PUD and the Land Use changed to High Density Residential. Tim stated that if someone came in today with the exact plan for senior housing, they could build today.

Chair McDougall asked how many units are along 10th Avenue East. Tim stated 7, a 4-unit and 3-unit structure.

Mr. Fuchs stated that he thought they couldn't fence along 10th Avenue. Larry stated it's a corner lot, so they could choose their front or side yard. If it's not a front yard they'd be able to fence. Tim also stated that since it's a PUD, it could also be allowed.

Commissioner Brownlee asked how much frontage there is along 10th Avenue. Tim stated 279'. Commissioner Brownlee stated that he drives along this street daily and currently there are children playing in driveways at the townhomes to the west.

Tim stated that this was built as a commercial roadway with 40' of pavement. Typically residential streets are 29' wide. Dustin stated 7th Avenue added bump outs and greenspace for traffic calming.

Matt Hauff, Greystone Properties, stated that there is a landscaping requirement and suggested trees to create semi-privacy. In terms of switching the layout of the homes and infrastructure, this design flows better. He stated that he was also open to installing a fence. Tim stated that landscaping is required and asked Mr. Fuchs if he's be okay with landscaping rather than a fence.

Mr. Hauff stated that these would be two-story structures with the deck on the main floor. He stated he'd prefer fencing to landscaping. Discussion was held regarding maintenance free vs. cedar fencing. Mr. Fuchs stated that they were required by Homestead Court restrictive covenants to have a solid cedar fence. Mr. Hauff stated that his property in Eagle Run 8th is completely fenced with 6' cedar, which he would prefer.

Commissioner Diamond made a motion for approval based on the four conditions listed in the staff report, with an additional condition that a 6' privacy fence be installed along 10th Avenue East. Commissioner Kolb seconded the motion. No opposition Motion carried.

Chair McDougall opened public hearing A16-20 Planned Unit Development Amendment to develop an office building at 825 13th Avenue East (Lot 3, Block 1 of Pioneer Center 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

Applicant intends to construct a two-story administrative office building on a vacant property at Pioneer Center adjacent to their branch bank location. Detailed site plans, including signage and building elevations have been submitted including a narrative of the development details. The preliminary site plan shows setbacks and yard requirements to be met.

The site plan includes 53 parking stalls. The City Off-Street Parking regulations found in 4-450 of the City Ordinances requires 78 spaces. The applicant indicates the parking spots would be utilized by employees as very few customers would visit the proposed site. If it can be demonstrated by the property owner that the required off-street parking is excessive and/or a lower parking demand is justifiable, the City Commission may reduce the number of required spaces by passage of a resolution approved by the City Commission.

In review of the proposed reduction, staff consulted the Manual on Parking Generation 4th Edition published from the Institute of Traffic Engineers. Using the case studies of 176 study sites, the manual has determined that a suburban office building may be able to justify a lesser amount of parking than the requirements of West Fargo's which are 1/200 square feet. The study would suggest 53 parking spaces as provided in the site plan would fall within the 85th percentile of the study, so what the applicant is providing would be on the high end of what the study would suggest is necessary. The applicant has indicated that they would share parking with the existing branch bank on Lot 2, Block 1. This property exceeds the parking requirements of the City by 4 spaces with 71 parking spaces. The bank would expect current employee counts to be at 61, and have a projection for 80 employees total in the future. The development and the existing parking would account for a total of 122 parking spaces with 42 open stalls for the customers of the branch bank. A reduction in parking should be considered for the bank properties together to enjoin each lot into an agreement. Alternatively, the lots could be combined for the same result.

The adjacent development on Lot 4, Block 1 consisting of a fast food restaurant and hair salon has been utilizing a portion of this Lot 3, Block 1 for parking. At the time this development was approved the hair salon was to be a coffee shop which would have required less parking. Those approved plans did not include any parking on this lot. Parking to the east of the fast food restaurant does not have an effective delineation of the drive thru so patrons do not appear to be utilizing all available parking on that side. If a parking reduction is to be approved there should be signs included on Lot 3 and Lot 4, Block 1 with proper parking lot striping and increased drive-thru delineation on Lot 4 (Fast Food/Hair Salon) in order to maximize the available parking on both lots and avoid future conflicts between the businesses.

Building materials proposed in the project narrative and elevations show face brick and cast stone accents which meets the increased building construction requirements of the CO: Corridor Overlay District. Sign details noted are for illustration purposes only. Signs would be subject to the provisions of the City sign code and will require permitting at time of

installation. The property would utilize existing approaches on the adjacent properties to the east and west to access the private drive with access out to 9th Street East and Prairie Parkway.

The applicant provided a construction schedule which states construction would begin Spring 2016 and finish in Fall 2016.

Property owners within 150' and applicable agencies and departments were notified. The Sanitation Superintendent indicated it might be best for the building to have its own trash enclosure rather than share with the bank. The owner indicated their plan was to share.

The proposed PUD Amendment is consistent with the City's Land Use Plan, which depicts the area developing as General Commercial.

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. Reduced parking is approved by the City Commission for both Lot 2, Block 1 and Lot 3, Block 1 on the basis that the two lots enter into a shared parking agreement or combine the two lots into one.
2. A signed PUD Agreement is received which will include requirements of parking lot striping, increased drive-thru delineation, and required maintenance thereof on both Lot 3, Block 1 and Lot 4, Block 1 of Pioneer Center 1st Addition.
3. Development will be subject, but not limited to CO: Corridor Overlay, 4-400 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.

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

Chair McDougall stated concern with decreasing parking and if there was a backup plan should the building be sold and a need for more parking. Larry stated that with a change in use, they would have to find alternative parking or a comparable use. The use has to meet the parking specifications. Tim gave the example of the Nitschke clinic along 13th Avenue, in which they were limited to a maximum of 7 doctors due to the parking. Owners of the new clinic signed a letter that they were aware of the parking requirement. Tim stated that the conditions in the staff report, including a signed PUD agreement would address the parking.

Commissioner Gust made a motion for approval based on the 3 conditions listed in the staff report. Commissioner Brownlee seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-21 Rezoning from R-1E: Rural Estate District to R-1A: Single Family Dwellings and Conditional Use Permit for a Child Care Center within a Church at 2200 Shiloh Street (Lot 1, Block 1 of Shiloh 2nd Addition), City of West Fargo, North Dakota.

Tim reviewed the following from the staff report:

The applicant proposes rezoning to allow for a child care center within a church. The existing use (religious institution) is considered an allowable use in both the R-1E and R-1A zoning districts; however, other than in-home facilities, child care centers are not listed as permitted or conditional uses in the R-1E District. Under the proposed R-1A District, Pre-School Facilities and Child Care Centers are allowed within repurposed schools and churches as Conditionally Permitted Uses.

The property was initially zoned R-1E: Rural Estate in 1996. Since that time, considerable urbanization and growth has occurred in the vicinity including the extension of City services in this area. Transition to a City zoning district from the rural district should be considered desirable from the City's perspective as improvements occur in the area which become very costly for larger lot rural style developments to afford.

The applicant for the Conditional Use Permit has provided a floor plan showing how the proposed child care center would utilize the existing space within the Church. They intend to utilize approximately 5,000 square feet for a childcare center. Property owners within 150' and applicable agencies and departments were notified. A representative of Shiloh Evangelical Free Church submitted a letter indicating opposition to the request. The ownership issues have been resolved and Summit Church is now the owner. With reference to the criteria for granting conditional uses, there are no issues of concern.

A child care center would be consistent with low density residential designation provided in the City's Land Use Plan and has been specifically allowed for as a conditional use within the proposed district.

It is recommended 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 Child Care Center is licensed by the State Department of Human Services.
2. A Signed Conditional Use Permit Agreement is received.

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

Commissioner Diamond asked since the closing has occurred, if there'd been any opposition. Tim stated no, the original opposition didn't want the property rezoned if the closing didn't occur.

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

The developer for Gateway West Addition asked that this be continued. Discussion was held regarding how long it should be continued. Information has yet to be received regarding the Sheyenne Street/Interchange project.

The applicant for Eagle Run Plaza 5th has also asked that this be continued, as they are waiting for a master plan. Commissioner indicated they would continue it for one month only.

Commissioner Connie Carlsrud's term has ended. Commissioners thanked her for her years of service.

Commissioner Gust made a motion to adjourn. Commissioner Diamond seconded the motion. Meeting adjourned.