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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
June 13, 2016 at 7:00 P.M.
West Fargo City Hall

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

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Matt Welle, Matt Marshall, Betty Selders, Breanne Lenzmeier, Joe Karvonen, Tony Eukel, Doug Rogness, Vern Baardson, Chad Jacobsen, Gary Brown, Brian Olson, Jon Youness, Mick Gee, Oly Olafson, Bob Staloch

The meeting was called to order by Chair McDougall.

Chair McDougall introduced Commissioner Jana Reinke.

Commissioner Gust made a motion to approve the May 9, 2016 meeting minutes as written. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

The first item on the agenda was Minor Planned Unit Development Modification at 1405 Prairie Parkway, Suite 301 (Lot 6, Block 1 of Pioneer Center 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant submitted plans showing construction of an outdoor patio attached to an existing bar in a retail center that was approved as a Planned Unit Development. Minor changes may be considered by the Planning and Zoning Commission if the density or intensity of the development has not been increased, whereas PUD amendments require a public hearing and approval by both the Planning and Zoning Commission and City Commission. Modification of the PUD is required to maintain the original record for the PUD to remain compliant within the created PUD district.

Notices were sent to neighboring properties. Staff received a phone call from an adjacent residential property requesting outdoor speakers not be allowed as they are concerned that they would be a nuisance to the nearby residential properties. Two emails were also received with similar noise concerns. The applicant indicated they would not have speakers on the patio and do not plan to have bands playing out there. They have in the past received special event permits from the City for events in a portion of the parking lot, which they may pursue again in the future.

Staff reviewed these changes and recommends approval as a Minor PUD Modification with the condition that no speakers or nuisances to adjacent residential properties be permitted and that if additional comments are received by neighboring property owners they will either be resolved or brought back to the Planning Commission at the next scheduled meeting.

Chair McDougall asked Tim to point out the location.

Betty Selders, 781 14th Avenue East, stated she lives directly to the west and when Bar 9 went in, they were told people would never be in the back, that the area was reserved for employee parking. Currently there are issues with parking, loud music, trash... They were told they'd never hear or see anything from the business, which is not the case.

Chair McDougall asked if there was any record of complaints or police calls. Larry stated he wasn't aware of any. There were noise complaints regarding a business to the east, that would open up the back doors when there were bands.

Ms. Selders stated the patio will wrap around the back of the building. This will disturb her sleep. Tim indicated the greenspace will remain and pointed out on the map the location, that it won't wrap around the back of the building. Commissioner Brownlee stated this is a small 12' x 40' area enclosed with a 6' fence.

Larry stated that initially when the Pioneer Center was developed, this was known as the "clock tower" building and intended for office space until a PUD amendment was submitted for Bar 9.

Breanne Lenzmeier, 779 14th Avenue East, stated that she lives next door to Betty. She asked about hours for events. Tim stated that the patio isn't intended for events. It's seasonal, similar to the one at JL Beers.

Tim indicated if the commission isn't comfortable with this as a minor modification, they have the ability review this as a PUD amendment. A precedence for patios as a Minor PUD Modification was set with other locations, such as Boulevard Square.

Discussion was held regarding the exits shown on the site plan. Tim stated that the liquor license requires exits and entrances via the inside of the building. Chair McDougall suggested an alarm on the back gate to prevent exiting out into the back parking lot. He stated that this will have a 6' fence and be intended for nice days.

Commissioner Gust made a motion for this request to go through the amendment process due to opposition. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

Chair McDougall stated that the applicant has the option of going through the amendment process, which would require a public hearing before the Planning and Zoning Commission and review by the City Commission. Tim indicated that if they decided to proceed, property owners within 150' would be notified again.

Chair McDougall opened public hearing A16-31 Conditional Use Permit for wireless telecommunications tower at 2002 Main Ave. E. (Lot 6 Less East 100' Less Right-of-Way, Block 1 of Midway Subdivision), City of West Fargo, North Dakota.

Larry reviewed the following:

The applicant requested to locate telecommunication equipment on the City water tower south approximately 1,500' from the proposed water tower site in the Meadow Ridge development; however, Verizon indicated the City did not want equipment on the water tower. The planning staff is conferring with various City Departments to determine if there is any leeway or parameters on locating on City Water Towers.

The property is developed with three light industrial buildings which are being utilized for warehousing. The applicant has provided a site plan showing the proposed tower being placed on lease space of 20' x 40' north of the existing buildings. The applicant indicated the structure would be a 60' galvanized steel monopole plus 9' lightning rod, so total height would be 69'. The applicant is providing capacity for two additional carriers. A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

With reference to the criteria for granting conditional uses, the following is noted:

- Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect the current access.
- Required yards and other open space.
 - The proposed tower would be setback about 500' from Main Avenue behind three buildings and 10' from the side property line. No concerns noted.
- General compatibility with adjacent properties and other property in the district.
 - The land adjacent to this area is HC: Heavy Commercial Zoning District and compatible uses and buildings have been previously approved within the subdivision.

Notices were sent to property owners within 350' and no comments were received.

The application is providing an accessory use to an existing use and therefore the application may be considered consistent with the Comprehensive Plan. It is recommended that the City approve the proposed application on the basis it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A Signed Conditional Use Permit Agreement is received.

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 A16-32 Butler's 11th Addition, Replat of Lots 1-3, Block 2 of Butler's 8th Addition, City of West Fargo, North Dakota.

Larry reviewed the following from the staff report:

The applicant is proposing to combine three previously subdivided lots into one lot. The applicant is currently constructing a 62,700 square foot building for prospective light industrial tenants.

Applicable departments and agencies were notified and 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 Brownlee made a motion for approval based on staff recommendations. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-33 Conditional Use Permit for motorcycle sales in a C: Light Commercial District at 114 1st Avenue West (Lot 12, Block 2 of Sukut Estates Subdivision) City of West Fargo, North Dakota.

The applicant is seeking to obtain a State dealer's license to sell motorcycles. C: Light Commercial district standards allow for vehicles sales as a Conditionally Permitted Use. The property has been zoned C: Light Commercial for a number of years; however, it contains a pre-existing residential dwelling that is considered a legal non-conforming use. The applicant had recently constructed a large shop behind the home for use as a motorcycle shop which is a permitted use in the C: Light Commercial district. The home remains on the property and the applicant intends to maintain the home as well as the business on the property. As a legal non-conforming use, the house can remain and be maintained, but not expanded. The commercial uses are permitted.

Although the adjacent zoning districts are all C: Light Commercial, many are in a similar situation whereas the property is zoned commercial, but contains a legal non-conforming residential structure. The applicant wishes to have the ability to sell motorcycles that he has restored and would sell them within the existing commercial building and does not intend to use the outdoor area for display. The applicant further does not intend to sell a large number of motorcycles at this location. He has indicated that they would limit themselves to up to 10 motorcycles at a time for sale. This does not include the motorcycles that they would have in for service work. There appears to be adequate parking on the site, however this should be determined prior to final approval and included on the conditional use permit to be recorded.

Conditions to avoid becoming a nuisance to the adjacent residential properties may be appropriate, and the applicant has indicated they do not intend to have large scale activities at this site. Staff is unsure as to the direction the Commission would like to take in areas such as these where the land was zoned C: Light Commercial, but contains an existing residential

structure. Staff would encourage further discussion on this item as the approval may create a level of precedence moving forward for similar situations. A conditional use permit agreement for the vehicle sales will be required to be signed by the applicant and may include conditions deemed appropriate by the Commission.

With reference to the criteria for granting conditional uses, no concerns were noted. Property owners within 350' were notified and no comments were received.

In terms of consistency with the Comprehensive plan and applicable City plans and ordinances, vehicle sales would be consistent with the general commercial designation provided in the City's Land Use Plan and has been specifically allowed for as a conditional use within the district.

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. Either:
 - A. Limit the display and possible nuisance of the use to avoid conflicts with adjacent non-conforming residential uses.
 - or
 - B. Not limit the display and possible nuisance of the use to further encourage uses consistent with the C: Light Commercial zoning district.
2. Adequate parking be determined for the building and additional use and approved prior to permit being issued.
3. A Signed Conditional Use Permit Agreement is received.

Chair McDougall asked about parking. Tim stated there's a long driveway on the west side of the lot.

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

Commissioner Kolb asked about the existing business. Applicant Joe Karvonen stated that he does motorcycle repair, which is a permitted use, but he's applying for a dealer's license to allow him to resell motorcycles. Not on a large scale, no more than 10. He'd like to be a good neighbor, he has good neighbors. Chair McDougall asked if the vehicles would remain inside. Mr. Karvonen stated they'd remain inside, no display unless someone makes an appointment to check out a specific motorcycle, then he'd bring it out.

Commissioner LeBahn asked for clarification if the property is sold. Tim indicated the conditional use permit goes with the property, so a future owner could have the ability to sell motorcycles as well. Commissioner Kolb indicated he was leaning toward #1A, limiting the display. Commissioner Diamond brought up the point of limiting an individual's business on a commercial property. If the houses didn't exist, they probably wouldn't be limiting the number.

Commissioner Gust made a motion for approval based subject to conditions #1 A-3 and limiting the display to no more than 10 vehicles. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-34 Conditional Use Permit for signs to be installed in a residentially zoned district within the Corridor Overlay District at 3745 Sheyenne Street (Lot 16, Block 4 of West River 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant has submitted an application for a Conditional Use Permit for church (institutional) signage, a project description, sign specs, and simulated photographs. Except as provided for as a conditional use, institutional signage in a residential district is permitted only one sign per street frontage which may not exceed 32 square feet and a maximum height of 8' for freestanding signs. The front yard setback for the sign is 15' and side yard setback on a corner lot is 10'.

The proposed size of the cabinet for the banner wall sign is 43.6 ft²; the proposed sign of the freestanding sign with electronic message center is 57.4 ft² and the height of the sign is 20'; the directional signs are 7.5 ft² each and would need to be included in the permit as they would be over the 4 ft² allowed without permit. Similar signs in similar situations have been approved in the past; however neighborhood comment or opposition on the signs in those situations was not received.

With reference to the criteria for granting conditional uses, there were no concerns noted with the exception of #6:

Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

- The freestanding sign is proposed to be a lighted sign with an electronic message center. With reference to traffic safety, if the electronic message center were to become a traffic safety concern, the use could be limited through review of the conditional use permit. With reference to compatibility and harmony with residential properties in the district, the proposed signs may not be considered appropriate.

Notices were sent to property owners within 350' and a phone call and 2 emails were received opposed to the lighted signs and electronic message center. The emails expressed concern with compatibility within a residential neighborhood. The applicant indicated that they are open to changing the size and lighting of the signs to something more suitable in this neighborhood. It appears the major objection is to the freestanding sign with lighting and electronic message center. The banner cabinet and directional signs do not appear to be of concern.

The application does not meet the ordinance requirements for the number of signs, area of signs, or height of signs as a permitted use. The Commission may consider increases in size as a conditional use; however, the procedures of the conditional use which includes public comment should be considered and weighed heavily in their determination.

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

1. The applicant provide a detailed compromise to the neighboring property owners which amends the original submittal of the plans for the freestanding sign with lighting and electronic message center.
2. A Signed Conditional Use Permit Agreement which outlines these details is received.

Applicant Doug Rogness gave a PowerPoint presentation of the proposed signage. He stated they would like to get traffic to the south entrance, away from the residential to the north. They're proposing one, two-sided directional sign, a banner frame and a freestanding sign with electronic message center. The freestanding sign would be 20' high and 7' wide. Pastor Rogness indicated the 20' height is because their property is currently several feet lower than the road. There's an existing 18' high tree in proximity and it won't be higher than that. The freestanding sign is to advertise for events. It will be dimmable and will be turned off overnight; it won't have a lot of animation.

Commissioner Reinke asked about the existing sign. Pastor Rogness stated it is a 4' x 8' which will be removed.

Chad Jacobsen, 3802 Kensington Drive, stated that this is in the center of a very quiet neighborhood. He'd prefer a shorter, lighted sign and not an animated one.

Gary Brown, 221 37th Avenue East, stated that he supports the project, as the northern sign would help to direct traffic away from the homes.

Mr. Jacobsen stated that he's concerned with the LED and would like a shorter sign.

Vern Baardson stated that he works at Triumph West and they need adequate signage to direct traffic safely.

Commissioner Gust asked how this differed from the sign on the bell tower. Tim stated that the additional signage on the bell tower was excessive – 75' high. This sign is under what we'd allow in the commercial district.

Commissioner Brownlee asked how tall the high school signs were. Larry stated 15' high. Discussion was held regarding similar signs in the area. Pastor Rogness stated that the Alerus sign at Eagle Run Plaza is 25' high and 10-12' wide. The proposed sign is 7' wide.

Commissioner Reinke asked about limiting the times the sign was on. Pastor Rogness indicated they were open to that. They don't want to run it all night long and don't want to be a nuisance. Commissioner Gust asked if the parking lot lights stayed on all night. Pastor Rogness indicated they're on a timer and are turned off.

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

Commissioner Brownlee made a motion for approval based on staff recommendation, to include limiting the sign hours of operation from 6 am to 10 pm. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-35 Eagle Run Plaza 5th Addition, Replat & Rezoning from C: Light Commercial to PUD: Planned Unit Development 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 portions of 30th Avenue West, 5th Street West and 6th Street West, City of West Fargo, North Dakota.

Tim reviewed the following from the staff report:

The request is for development of a 2 sheet ice hockey facility for use by the West Fargo Public Schools. Schools have agreed to participate in a master planned site adjacent to the ice hockey facility which is conceptual at this time and therefore has precipitated the consideration as the whole site as a Planned Unit Development.

The plan at this time is conceptual and is expected to be submitted as detailed for Lot 1, Block 2 before the development of Lots 1 and 2, Block 1 in the future. The School District as part of their recent bond referendum is anticipating building a two sheet hockey facility to accommodate competitive hockey and athletic programs which will seat approximately 1,300 and include lobby, office and support spaces for competitive hockey events. The site they are proposing to develop would have associated parking and site improvements and sets aside land available to expand to include a third sheet should it be necessary in the future.

There is interest in the eastern portion of the development to take part in the master planning of the site. There is currently a conceptual master plan and interest from both parties to share parking and utilize open spaces together. This is an important distinction as the detailed development plans are put together as access, street widths, utilities, and parking are determined. The plat and site plan show multiple access points by way of easements or right of way onto 32nd Ave W and Sheyenne St. Access locations are currently being studied by KLJ Engineering to ensure that they do not affect the traffic and safety of both 32nd Ave W and Sheyenne St. The study will further determine a recommended level of access for these locations and is expected to be completed prior to review of detailed development plans.

The preliminary plat includes an extension of 5th St W and the vacation of a portion of 6th St W. Staff has discussed with the applicant the ability through process of easement and PUD Agreements the ability to reduce the width of this right of way by placing the road and required sewer, water, and storm sewer utilities within a 40' easement. This process is typical in the City of West Fargo as a means of adding efficiency of land development to shopping centers or common ownership developments. The 40' easement is adequate for street widths and City utilities and avoids the need for what is typically required of commercial developments to have an 80' right of way for City streets and associated boulevards and utilities. Agreements which outline the City's abilities to access utilities, and the owners responsibilities to maintain the roads and associated appurtenances of the utilities is necessary to ensure the liabilities of the City and developer in this process.

The current site plan for the hockey rink shows conceptual building footprints for two hockey rinks. The site plan includes landscaping and parking to meet City requirements as the applicant begins to design the building and site to ensure they will have adequate space. Staff is reviewing the parking requirements as the site is unique and case studies within the Institute of Traffic Engineers Parking Generation 4th Edition cite only one source, which is from an ice skating rink taken in the year 1981 in Santa Barbara, CA. Staff has reached out to Grand Forks, ND and Fargo, ND for assistance in guiding the applicant and staff on parking requirements for the site. Currently they are using the requirements found in the City's off-street parking and loading regulations (4-450) to come to a total need of 580 parking spots with possibility of 632 if a third rink is constructed. Further details on the development of the hockey rink should be considered prior to review of detailed development plans.

Property owners within 150', applicable agencies and departments were notified and no comments were received.

The uses within the proposed application would be consistent with the City's land use plan which depicts the area developing as General Commercial. Within Chapter 7 of the City's Comprehensive Plan support the increased efficiencies available in a Planned Unit Development to further preserve commercial land at this site. Under the heading Land Use and Community Growth, Goal 3, Objective d. states "To encourage the development of diverse and interrelated retail and commercial use south of I-94 and under the heading Economic Development, the goals and objectives support encouraging additional commercial development to diversify the tax base and also encourage economic development south of I-94.

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

1. Staff work with applicant to find ways to make the site develop as efficiently as possible in order to conserve the greatest

amount of land possible for future commercial development at this highly visible location.

2. A drainage plan is submitted and approved by the City Engineer.
3. An Attorney Title Opinion to the City of West Fargo is received.
4. A signed subdivision improvement agreement is received.
5. A signed Final Plat is received with any necessary easements.
6. A certificate is received showing taxes are current.

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

Architect Tony Eukel, stated that there will be one sheet of ice for year-round use and the other would be used during the summer for indoor soccer or lacrosse facilities.

Discussion was held regarding the parking lot "sea of concrete" and possibly breaking up the parking. Tim stated he's seen a conceptual plan to the east with shared parking. Discussion was held regarding shifting the building to the west, storm water retention and Sheyenne Street access.

Tim stated that this is concept review, with review of the final plat and detailed development plans at a future meeting.

Commissioner LeBahn made a motion to approve the concept development plans based on the six conditions listed in the staff report. Commissioner Gust seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-36 Sheyenne Plaza 1st Addition, Replat & Rezoning from C: Light Commercial to PUD: Planned Unit Development of Lots 1-8, Block 7 of Francis 2nd Subdivision, City of West Fargo, North Dakota.

Tim reviewed the following from the staff report:

The applicant has submitted an application, preliminary plat, site plan and area plan. The plat currently shows two lots. The proposed Lot 2, Block 1 would be for development of a 5-story, multi-use facility. The proposal is for service commercial and event center uses on the 1st floor, office uses on floors 2 and 3, and residential uses on floors 4 and 5. The proposed Lot 1, Block 1 would be reserved for a future park and civic space. The development would remove any access to Sheyenne Street and direct it to the rear alley. The current site plan also shows an access to the south on 5th Ave W which the Downtown Design Review Committee has indicated should be removed.

The site was designed under the guidelines of the CO-S: Sheyenne Street Corridor Overlay district standards which are a result of the City's Downtown Framework Study completed in 2011. The City Economic Development office has been working directly with the development group on this site and the City has recently entered into a Private Public Partnership in its development. The uses are consistent with the CO-S: Sheyenne Street Corridor Overlay district as well as the underlying C: Light Commercial district and underlying General Commercial land use.

Right of way for Sheyenne St is to be modified to allow for increased on-street parking to accommodate the needs of the development. CO-S standards allow for reduced parking requirements; however, there is a need to maximize parking near this site to accommodate the anticipated users. Typical parking requirements for the site have been reported to require 321 spaces. The current provided are 120 spaces which would include the parking lot behind the building, available on-street parking provided with the additional right of way diagonal spaces along Sheyenne St and 5th Ave W., and the underground parking for the residential tenants in the building. The parking requirements will need to be amended to reflect the opposite use (normal peak use times not coinciding) as the office uses during the day are reported to not conflict with the event center uses in the evening. It will be important to identify this as the applicant has not yet identified sources for shared parking agreements.

As part of a recent study undertaken on the Sheyenne Street Corridor Study, parking in this area was also studied. It was determined that there is currently a very large surplus of parking. This portion of the study was attached to the staff report for reference. Although it has been demonstrated that ample parking is available, it will need to be determined prior to final approval if additional parking is required for this development, and where it will be located. The on-street parking surrounding the development is being included in the calculation and it is not appropriate to include on-street parking in other areas of the neighborhood as the parking requirements in the CO-S district have already been reduced for this purpose.

The building is constructed primarily of glass and brick with the use of some alternative materials such as aluminum casing on windows and pre-finished metal panels on the upper floors to break up the brick and windows. The finishes on the main

floor are primarily all glass.

The City's Downtown Design Review Committee has reviewed the application to date and made the following recommendations:

- The setback will be acceptable as the building is placed appropriately adjacent to the sidewalk and on-street parking.
- The building materials are acceptable.
- The rear alley should be made into a one way street as it is too narrow to provide access in two directions and will allow easier movement as a one way.
- The south parking lots should be changed by removing the approach onto 5th Ave W and widened to allow two way traffic to avoid conflicts with pedestrians and possible stacking concerns adjacent to Sheyenne St.
- Main Entrances along Sheyenne St should accommodate store fronts.
- Bushes and trees should be removed from the front of the building and the on-street parking along Sheyenne St. and should be replaced with colored pavement and room for street furniture and lighting to encourage pedestrian activity. It was further noted that the landscaping should be moved to the bump outs where it would have more opportunity for success and could provide small pocket park amenities.
- Bump outs along Sheyenne St. should be placed appropriately for crossings along the road.
- Lighting should be carefully considered so that there will be a cohesive lighting plan for the entire downtown. The Economic Development Director has noted that this is to be considered along with the Public Private Partnership at a later date.

The applicant has indicated that the site plan may need to change to include text that allows for outdoor patios, trash locations, and garage entry doors.

Property owners within 150', applicable agencies and departments were notified. An email was received from an individual opposing the project due to height.

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. Comments of the Downtown Design Review Committee are addressed in the final site plan.
2. Parking requirements are further refined and if necessary shared parking agreements are provided and included in a resolution for reduction in parking by the City Commission.
3. Development will be subject, but not limited to CO-S: Sheyenne Street Corridor Overlay District, 4-400 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
4. A signed Subdivision/PUD Agreement is received.
5. An Attorney Title Opinion to the City of West Fargo is received.
6. A drainage plan is received and approved by the City Engineer.
7. A signed Final Plat is received with any necessary easements.
8. A certificate is received showing taxes are current.

Brian Olson, who owns property at 431 Morrison Street, asked about changing the alley to a one way. He has a parking lot for his 3-plex along the alley and is concerned his tenants wouldn't have access. Tim stated it would be a one-way going north.

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

Discussion was held regarding the diagonal parking along Sheyenne Street, landscaping, possible patio areas and the Sheyenne Street Corridor Study and how this would connect with potential future projects to the north.

Economic Development Director Matt Marshall stated that the VFW has purchased space along the north portion of this building and intends to vacate their existing facility. Along with the plumbing and upholstery show, this area would be phase II with a similar building in the future, with smaller, retail sites on the first floor. Between the two properties a city owned, community square is proposed. The major components of the project – building, location, etc., won't change, but here may be some minor changes to the patio, etc. Tim stated that unlike the previous project in Eagle Run Plaza, with the concept and detailed development plans, the entire project is being reviewed tonight.

Commissioner Brownlee made a motion for approval subject to the 8 conditions listed in the staff report. Commissioner Gust

seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing – A16-37 Zoning Ordinance Amendment to 4-452 Off-Street Parking and Loading Regulations.

Larry reviewed the following from the staff report:

The amendment specifically addresses unimproved driveways and off-street parking spaces for existing facilities. The City has experienced issues with storm water runoff for a number of years, so with more rigorous requirements from the Environmental Protection Agency, West Fargo adopted ordinance provisions to comply with EPA regulations. Several years ago the City looked at changes in our Zoning Ordinance to complement the storm water runoff regulations that had been adopted. At the time the City did not have the personnel for enforcement that we do today, so additional provisions for requiring paving of parking areas and driveways were included in the Zoning Ordinance for pre-existing unimproved lots.

It has been determined that the required paving for pre-existing lots, and particularly in industrial areas, is a burden to those businesses, and in most cases the businesses have put down gravel or crushed concrete which is accomplishing the desired outcome of not dragging mud onto the streets. The City now has a code enforcement officer who can monitor violations, and when there is a problem of mud getting dragged onto the street and sediments getting into the storm sewers, the code enforcement officer can address the issue with the businesses and gain compliance through the nuisance violations.

The City has provisions within Chapter 12 which prohibit vehicles from dragging dirt and debris onto City streets which has been identified as appropriate and capable of managing problems arising from sites which have been a problem. In these cases, enforcement of this ordinance is seen as preferable to requiring significant investments in site improvements where it may not be necessary.

The City is proposing to amend the Zoning Ordinance to not require pre-existing parking lots and driveways to be paved; however, all new parking lots and driveways would be required to be paved, as has been the case for quite a few years. In industrial areas new lots can be developed, without paving the entire lot if it can be demonstrated that by paving a portion of the lot and using gravel or crushed concrete for other areas mud will not be dragged onto the streets.

Notices were sent to property owners affected by the ordinance and City Departments. The City received a number of calls from businesses after they received a letter over a year ago indicating what the ordinance requirements were for pre-existing lots. The staff has met with numerous businesses. Additional solutions were explored once the City hired a code enforcement officer. Affected property owners were notified again to provide information that the City was considering an amendment.

Staff recommends that following the public hearing and obtaining public comments, consider recommending approval of the ordinance amendment. The basis for approval would be gaining compliance with section 12-11 of West Fargo City Ordinances is sufficient to mitigate concerns vs. requiring significant improvements to all properties within the City.

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

Economic Development Director Matt Marshall indicated they've heard from existing businesses that would be unable to pave on such a grand scale. Commissioner Brownlee asked about non-industrial areas. Larry stated this pertains to existing lots, not new ones. People still have to comply with ordinance chapter 12 regarding keeping dirt and debris off streets.

Tim stated that previously truck regulatory wasn't keeping track. The police and the new code enforcement officer intend to enforce the ordinance.

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

The next item on the agenda was Site Plan Review for a proposed restaurant in the Interstate Corridor Overlay District on Lot 1, Block 1 Burlington 8th for Tru Blu Social.

Tim stated that prior to issuance of a building permit, plans must be approved by the Planning & Zoning and City Commissions. Staff Recommends approval with conditions that landscaping be added to the north parking area in order to comply with City's landscaping provision; that shared parking agreements are reviewed with the Element Hotels; and that all

other applicable buildings and zoning regulations of the City are met prior to issuance of a building permit. This would be an all ages, full service restaurant.

Commissioner Brownlee made a motion for approval. Commissioner Gust seconded the motion. No opposition. Motion carried.

The next item on the agenda was 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 stated the hearing was held a couple months ago with the hearing continued to allow the developer to submit a park development plan for Section 31 and Section 6. Following the Planning and Zoning Commission meeting, the City staff met with the developer and Superintendent of Parks. The developer indicated they would revise the area plan to address the City's concerns, they would be reviewing and likely revising the Preliminary Plat, and would address the previous Park Agreement requirements to develop a plan for the parks both north and south of 52nd Avenue. We received an updated area plan and revised Preliminary Plat as we were putting the agenda together. With the late submittal, City departments have not had an opportunity to review the revisions nor has staff been able to adequately determine if the R-1 District standards can be met. We also do not have any direction on the required park area and improvements plan for the area north of 52nd Avenue.

The Planning and Zoning Commission is required to take action on the application at this meeting unless the applicant approves the continuation. The staff cannot forward a favorable recommendation at this time.

The developer submitted a plan for park facilities north of 52nd Avenue to the Park District on June 2nd which is attached to the staff report, which was distributed to commissioners tonight. The Park District reviewed the plan and responded to the developer on June 8th indicating that they have fulfilled their requirements of the agreement, though it is their hope that the developer will be open to some considerations when that area is platted.

The Subdivision, Rezoning and Land Use Plan Amendment application remains on the Planning and Zoning Commission agenda as a continued or delayed item. The public hearing was closed, so consideration of the application would be in order, subject to the following seven conditions listed below in addition to another condition that the revised Area Plan for the area south of 52nd Avenue be reviewed by City departments prior to final consideration by the City Commission.

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.

Jon Youness, Eagle Ridge Development, stated he is available to answer any questions.

Commissioner LeBahn asked if they'd come to any agreement with the City of Horace regarding access. Mr. Youness stated that they had not. They're working with engineering on connection points. Larry stated that the area plan is conceptual.

Discussion was held regarding the email from the park superintend and the developer. Tim stated that he struggles with the email from Jim Bullis regarding not anticipating being special assessed for park amenities. Mr. Youness stated that on the south side of 52nd Avenue, they're paying cash-in-lieu for park dedication. Commissioner Brownlee indicated the Planning and Zoning Commission doesn't have anything to do with special assessments. Tim stated he mentioned it for clarification purposes, the way it's written as the email becomes part of the public record, the correspondence will go on to the City Commission. Larry stated that in terms of park dedication, people in the area are already crying for more amenities, so the park dedication needs to be addressed.

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

The next item on the agenda was continued 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.

Commissioner Kolb made a motion to continue this item. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

Tim indicated under non-agenda CHS would like to introduce a topic in our joint extraterritorial (ET) area.

Mike Gee, CHS, stated that the Cenex pipeline, which goes through rural Montana, Minor and terminates at Magellan's tank farm in West Fargo, has asked to connect with the NuStar pipeline. A refined fuel storage tank farm is proposed on a 128 acre parcel in Section 4 in Mapleton Township. Mr. Gee stated that they've made application with Mapleton township and are asking for input.

Larry stated that there are a couple of different options, as it affects different jurisdictions. The facility is proposed on the western half and the east side will remain undeveloped; however, it is all one parcel. The west portion is in the joint Mapleton Township/West Fargo ET area and the east half is in the full West Fargo ET jurisdiction. Larry stated that he didn't see any way of getting around not platting as they can't zone just a portion of a parcel. The county will also want to review the plat.

Mapleton Township Zoning Administrator Bob Staloch stated that he spoke with the County Planner and Tax Assessor, who indicated it can be split into two legal parcels. Commissioner Gust stated that it needs to be platted. Mr. Staloch stated they have no problems with the zoning change and conditional use permit. They're proposing taller tanks for a smaller foot print.

Dustin Scott stated that if it turns into a plat, Engineering will have to review a drainage plan to better understand where the water goes.

Mr. Staloch stated that Mapleton Township will be reviewing this on June 30th, but zoning and the conditional use will not take effect until a plat is recorded.

Also under non-agenda, Larry indicated six comp plan proposals have been received.

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