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Sharon Schacher, Finance Director
Larry M. Weil, Planning Director
Wanda J. Wilcox, City Assessor
Dorinda Anderson, Business Development Director
Jim Brownlee, CPA, City Administrator

West Fargo Planning and Zoning Commission
March 12, 2007 at 7:00 P.M.
West Fargo City Hall

Members Present: Frank Lenzmeier
Jason Gustofson
Wayne Nelson
Ross Holzmer
Kim Keller
Terry Potter
Harriet Smedshammer

Others Present: Larry Weil, Lisa Sankey, Brock Storrusten, Benny Pollaca

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the February 12, 2007 Minutes as printed. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-6 Bogey 5th Addition, a replat of Lot 1, Block 1 of Bogey 3rd Addition, City of West Fargo, North Dakota.

Larry Weil reviewed the following information from the staff report:

The proposed subdivision is located north of 7th Avenue NE and east of 5th Street NE. The property was platted in 1999 for industrial space and zoned Heavy Industrial by the City in May of 1985. The property will be platted as Lots 1 & 2 of Bogey Fifth Addition. The property must be subdivided because each lot is over ½ acre in size, as per the city's subdivision ordinance.

The owners are replatting the property to allow for City recognition of a sale of property and for development of the property. In 1993 the City adopted the General Plan for Urban Renewal and Urban Development and identified the area east of Armour Street to the east city limits and north of the Burlington Northern Railroad tracks to 12th Avenue North as an Urban Development Area. In 1996 the City approved an Urban Development Plan and Tax Increment Financing District for the area east of Hazer's property to 9th Street East and from the Burlington Northern Santa Fe Railroad tracks to 12th Avenue North. This provided for substantial public investment into the area by providing for municipal services including water, sewer, storm sewer and street improvements. In 1999 the Bogey Additions were platted to allow for a trucking company and industrial uses.

The property included within the proposed subdivision is depicted as General Industrial on the City's Future Land Use Plan. An Area Plan has been approved for this area previously. The subdivision is consistent with the approved Area Plan. The north lot, Lot 1, will be 2 acres in size and the south lot, Lot 2, will be 3.8 acres.

Park dedication is required for the subdivision as no dedication was previously made for this area. A park dedication agreement would be required. The amount of park dedication would be 5% of the land area (approximately 12,713 square feet) or its equivalent value as cash-in-lieu of land dedication. The City has not received the recommendation from the Park District yet.

Plat information was sent to City Departments, Park District and Post Office for review.

Staff recommends approval with the following conditions:

1. A Final Plat is received with necessary easements shown.
2. A Drainage Plan is received.
3. A Park Dedication Agreement is received.
4. A Certificate is received showing taxes are current.
5. A Subdivision Improvement Agreement is received.

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

Commissioner Nelson made a motion for approval based on the five conditions listed in the staff report. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-7 Conditional Use Permit for an attached garage at 3834 Willow Road (Lot 9, Block 1 of Corrected Plat of Willow Creek Subdivision, Cass County, North Dakota), West Fargo, ND.

Larry reviewed the following information from the staff report:

The property is located west of West Fargo and south of Interstate 94 along the west side of 38th Street West in the Willow Creek Subdivision. The use (single family) has been in existence for some time and is considered a conditional use within the Agricultural District. The area has been developed as a rural residential subdivision that was developed prior to the city expanding its extraterritorial jurisdiction thus the use was grandfathered in.

The property is shown on the Township or County FIRM (Flood Insurance Rate Map) and potentially within a Special Flood Hazard Area Inundated by 100-Year Floods. A conditional use permit would still be required to add onto the single family structure in an agriculturally zoned district.

The City's Comprehensive Plan shows the area near the applicant's property designated as Agricultural Preservation. The purpose of this designation is to preserve the agricultural land in the area which is outside the City limits and not protected from flooding. The property has been developed as a rural residential use for a number of years. The Agricultural Preservation designation for the area promotes the use of agricultural property for agricultural purposes and discourages other uses because of the high flood potential. Existing residential properties in the area should be rezoned at some point for the residential use if the subdivision can be adequately protected from flooding.

A site plan was submitted showing the existing property with a proposed 532 square foot garage addition onto the north side of the house and another (future) addition onto the south side. The property meets the minimum lot size of one acre under the Agricultural Zoning District for existing properties. The setback from the proposed house addition is 38'. The front yard setback requirement for this zoning district is 40'; however the Board of Adjustments has recently approved a variance to decrease the setback to 35', which makes 38' allowable also.

It appears part of the property is located within the designated 100-Year Flood Plain. Generally properties within the 100-Year Flood Plain are allowed to make improvements to the property if the structures are adequately raised and protected, or if the improvements are less than 50% of the value of the structure; however, if properties are in a designated flood way they are not allowed to make improvements. The location of the proposed addition will need to be reviewed more closely by the City's Building Administrator during the permitting process to determine if the structure is out of the flood plain, or if flood proofing measures are required. Certain procedures as set forth by FEMA and the State need to be followed by the City when reviewing building permits.

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

1. Ingress and egress to the property are from Willow Road, a local street within the subdivision.
2. The existing single family structure and proposed addition have adequate setbacks, due to the variance to reduce setbacks to 35', and off-street parking provided which should not affect traffic circulation in the area.
3. The economic, noise, glare or odor effect of the proposed use on adjoining properties and properties generally in the district is not an issue.

4. Refuse and service areas and utilities are not problematic.
5. Screening and buffering is not required for residential properties.
6. No signage is proposed for the use.
7. Yards and open space requirements are adequate.
8. The proposed structure does not appear to be affected by soil conditions as they relate to water supply, basement excavating, road construction and related land use. The proposed addition may be located within the 100-Year Flood Plain and therefore may need to adhere to flood plain protection requirements.
9. The proposed use is viewed as generally compatible with adjacent properties and other property in the district.

Notices were sent to adjacent property owners and Mapleton Township for review and comment.

Staff recommends approval with the following conditions:

1. The applicant is to meet all Federal, State and local floodplain protection requirements for improvements to the site and structures if necessary.
2. The structure must meet all City building codes.

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

Commissioner Lenzmeier asked for clarification on the site plan disclaimer on the bottom of the page. Larry stated that the applicant must meet the setbacks, so it cannot exceed what was approved for the variance.

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

Chair Lenzmeier opened public hearing A07-8 Conditional Use Permit for Trucking Company on Lots 5 & 7, Block 2 of Butler's 3rd Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located north of Main Avenue West starting at the corner of 15th Street NW and 2nd Ave NW. In March of 2000 the City approved the annexation and rezoning of the property to Light Industrial. The City's Land Use Plan depicts the area as Light Industrial. The proposed facility would be located on Lots 5 & 7 of Butler's Third Addition. A trucking facility is proposing to purchase the property. Trucking facilities require a conditional use permit in the CM: Heavy Commercial/Light Industrial District.

The applicant has submitted a site plan for the conditional use permit request. The property is zoned Heavy Commercial/Light Industrial which provides for trucking facilities as a conditional use. The Future Land Use Plan depicts the property for light industrial usage. The trucking company proposes to construct an office building with parking lot on Lot 7. Lot 5 would be used for trailer storage and would contain an inspection garage and a cold storage building. In reviewing the criteria for granting a conditional use permit for the proposed trucking facility, the following observations are made:

1. Access to the property would be accommodated from 15th Street NW which would also be used to access Lot 5. Fifteenth Street NW, which connects to Main Avenue, is essential for good traffic circulation for the trucking facility and continued development of the area. Though the two proposed accesses do not exceed the allowable curb cut width per the City's driveway specification ordinance, the two accesses are close enough that they could be combined into one and the office parking lot drive extended to the north to the truck access. This could result in some cost savings and would be consistent with the comprehensive plan which suggests that sites should be limited to one access point.
2. Off-street parking and loading are provided for taking into consideration the items listed above, as well as consideration to economic, noise, glare or odor effects of the proposed use on adjoining properties and properties generally in the district. Required parking spaces are based on the needs of the particular use and must be provided for on-site. The facility has provided for docking, parking for dollies, pups, vans, tractors and employees.
3. Refuse and service areas and utilities are adequately addressed for the proposed area.

4. Fencing is proposed for the property.
5. Any signing would be according to the sign ordinance provisions.
6. Yards and open spaces from front or rear lot lines are not required.
7. Soil conditions appear to be appropriate for the proposed use as city water and sewer will be utilized.
8. The proposed use is viewed as generally compatible with adjacent properties and other property in the area.

Property owners within 350' and City Departments were notified. No concerns have been raised.

Staff recommends approval with the following conditions:

1. Building and elevation plans are submitted for approval.
2. More detailed site plans are submitted showing required setback dimensions and parking stall widths and depths.
3. The developer is encouraged to combine the two accesses into one.

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

Chair Lenzmeier asked about the fencing. Larry stated that the fencing will be around the truck storage area and will have slats. The zoning ordinance requires screening from public streets. Chair Lenzmeier asked about access to the lot to the north. Assistant City Engineer Brock Storrusten stated that the access is farther to the north.

Commissioner Keller noted the landscaping on the site plans and asked if there was a landscaping requirement. Larry stated that any property not being utilized for parking or building needs to be landscaped or properly graded for drainage.

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

The next item on the agenda was A07-5 Request for Access to 13th Avenue East between 6th Street East & Prairie Parkway (Kass 3rd Addition).

Larry stated that at the last meeting, this item was tabled. He also indicated that since the staff report had been mailed out, revisions had been made. He then reviewed the following information from the staff report:

The property is located on the south side of 13th Avenue, between 6th Street East and Prairie Parkway. The property to be accessed was recently rezoned to Planned Unit Development to accommodate Light Commercial uses. The proposed full access is not consistent with City Plans and Ordinances for desired spacing of connections. The traffic impact study suggests that if an access is installed, it should be aligned with the Woodlinn West development access and a $\frac{3}{4}$ access installed when traffic on the minor approaches degrade to a level of service of "F" or at a time when crash trends increase.

The applicant proposes to install an access to his property on the south side of 13th Ave. Streets that are classified as Collectors and Arterials are designated as limited access streets to provide for better movement of traffic. Arterials should be oriented toward mobility (speed and capacity) rather than access, while local streets provide high levels of access. Collectors should provide a balance between access and mobility. Appropriate access control insures safety and preserves the capacity on arterial streets, reducing the need for traffic to divert to local streets. Under the guidelines of the Comprehensive Plan, higher intensity uses may have direct access on collectors and arterials if other alternatives are not available; however, each site needs to be evaluated on a case by case basis and alternatives considered. Sites should be limited to one access point which is set back an adequate distance from existing or future intersections.

The desired spacing of connections to arterial roadways in developing areas is 660' with the minimum spacing of 330'. The desired spacing of connections to functionally classified roadways in less developed areas, such as the urban fringe or extraterritorial areas is 1320' with a minimum spacing of 660'. When 13th Avenue was reconstructed a number of years ago, the established spacing for full-access streets was a minimum of 600'. Recent ordinance amendments would allow for lesser spacing for access subject to review by the City Planning and Zoning Commission and City Commission. Improvements such as right in and right out only accesses or $\frac{3}{4}$ accesses may provide improved access opportunity for businesses while providing

safeguards against increased accidents and decreasing level of service.

The applicant has not submitted a site plan for the property showing the proposed access. A traffic study conducted by Public Works recommends that a full access be allowed at the Woodlinn West development/proposed access location which would be reduced to a 3/4 access to the property when traffic on the minor approaches degrade to a level of service of "F" or at a time when crash trends increase. This would provide for good ingress to properties on south and north sides of 13th Avenue, but would limit egress for properties on both sides to right-out. The developer should be required to sign an agreement to not protest future access changes when warranted and not to protest costs associated with the improvements.

Staff recommends approval with the following conditions:

1. Access to the property to the south is approved subject to the traffic study's recommendations.
2. The site plan(s) for the future commercial development should be reviewed to ensure proper ingress and egress to the development without impacting 13th Avenue East.

Chair Lenzmeier asked about the Woodlinn West access and if they had been notified regarding this. Larry indicated that at this time the access is proposed to remain as is, so residents have not been notified. Commissioner Keller asked if it wouldn't be appropriate to notify them. Larry stated that it's not a requirement; they would be notified once the district is established for installation of the access.

Chair Lenzmeier stated that he would feel more comfortable if property owners were made aware of this. Larry stated that staff could send the staff report to Woodlinn West property owners.

Commissioner Holzmer asked about the developer signing an agreement not protesting future access changes when warranted and to not protest costs. Discussion was held regarding possible future changes in ownership and wording on the proposed agreement. Larry stated that an agreement could be signed by the developer and be a recordable document.

Commissioner Nelson made a motion to approve the request subject to the two conditions listed in the staff report as well as additional conditions that the agreement signed by the developer be a recordable agreement and Woodlinn West residents be notified. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans - A07-3 Charleswood 24th Addition, Replat and Rezoning from R-1A: Single Family Dwellings to PUD: Planned Unit Development Lots 27, 28 & 29, Block 4 of Charleswood 17th Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The plans which the developer submitted at the last meeting were essentially the Detailed Development Plans which included area plan, preliminary plat, site plan, building elevation plans, and floor plans. The missing plans include a description of the exterior building materials, drainage/utility plan, landscaping plan, outline for the anticipated schedule and sequence of construction for all improvements within the PUD, and a written agreement with the City stating that the applicant will comply with all provisions of the detailed development plan. This agreement will further provide that should the installation of all necessary improvements not take place within 18 months after initiation of construction, the City will be authorized to provide for the installation of said improvements. As part of this agreement, the developer will waive any rights to protest any special assessments. These items, in concert with the items noted in the recommendations above should be completed prior to final approval by the City Commission.

Since the last meeting of the Planning and Zoning Commission, departmental staff have met and determined that the property utilized for the lift station is needed by the City. Therefore it is recommended that no fencing or encroachments should be allowed onto the lift station property. As a result some minor design considerations need to be made, which should occur prior to final City Commission approval as suggested above. The developer wishes to continue his request to the City Commission for utilization of a portion of the property.

Brock stated that staff met regarding this issue and feel they needed it for lift station rehabilitation. They need adequate space to work on it on the property. It's not acceptable to let people use City property.

Commissioner Keller asked if the City allowed people to use it if there would be liability issues. Brock stated yes.

Commissioner Holzmer made a motion to approve the Detailed Development Plan based on staff recommendations. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

The next item on the agenda was the Comprehensive Plan Update.

Larry stated that the process has begun. The FM Metro COG has sent out mail outs and emails regarding tomorrow's steering committee meeting. Commissioner Keller asked if the meetings were always going to be at 7 a.m. as that time doesn't work for her.

Under non-agenda, Chair Lenzmeier brought up HB 1321 regarding E.T. Zoning and amendments to the legislation. Larry indicated that the bill will be heard at 10:15 a.m. on Thursday before the Senate and he plans to attend.

Chair Lenzmeier also mentioned HB 1225 regarding Renaissance Zone legislation.

Commissioner Gustofson mentioned concerns regarding cars stacking up along Rue Avenue and Sheyenne Street at 5:30 p.m. with people accessing the community mailboxes. He's tried contacting the Postmaster and hasn't gotten a response. He indicated residents will probably be coming to the City Commission next Monday.

Commissioner Nelson made a motion to adjourn. Commissioner Keller seconded the motion. No opposition. Meeting adjourned.