



www.westfargond.gov

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
May 14, 2007 at 7:00 P.M.
West Fargo City Hall

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

Members Absent: Kim Keller

Others Present: Larry Weil, Steven Zimmer, Lisa Sankey, Brock Storrusten, Jeff Volk, Lee Dobrinz, Jerry Olson, Jim Hill, Steve Krajeck, Iva Jean Tegtmeier, Dan Passolt, John & Jennifer Albrecht, Mike Rinke, Mike Glasoe

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the April 9, 2007 minutes as printed & mailed. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-13 Planned Unit Development Amendment for all of Block 1 of Knutson's 1st Addition and all of Block 1 of Knutson's 2nd Addition.

Larry Weil reviewed the following information from the staff report:

The property is located on West Main Avenue, west of 21st Street West and north of the I-94 on ramps. The original subdivision and existing zoning was approved in May 1997, and a subdivision replat of a portion of the property was approved on February 20, 2006 with reapproval on September 5, 2006. The property was intended for commercial and light industrial uses. The proposed development plan is consistent with City Plans and Ordinances.

The applicant proposes to sell the existing building and vacant lots for development. When the subdivision was first approved, the City did not have the overlay districts in place which provide standards for exterior building material construction among other design standards, so the City established the PUD District for the development. The building plans for the existing building were approved by the City, but the building was not constructed accordingly. As such the building is in violation to the PUD. The developer either needs to finish the building according to the approved plans, or request a PUD amendment for a lesser standard.

The developer is requesting an amendment to the PUD which would adopt the exterior building material standard of the recently adopted CO-R: Redevelopment Corridor Overlay District and CO-I: Interstate Corridor Overlay District for industrial uses. This standard would then apply to the existing building and future buildings. Other provisions of the PUD would not be changed. The intent is that as long as development meets all the standards of the PUD and corridor overlay districts, the developer would not need to submit a PUD Amendment for each future building. Though no public hearings would be required for most uses, the PUD and Interstate Corridor Overlay would require administrative review by the Planning and Zoning Commission and City Commission. The PUD does provide for Light Commercial District uses, as well as for a number of Light Industrial District uses. Light Commercial District uses are held to a higher exterior building material construction standard in the overlay districts, so it would be appropriate to apply the same standard for this development.

The development is affected by the PUD District, CO-R District and CO-I District. Where standards differ in the various

districts, the most stringent provision applies. A copy of the applicable standards for the development is incorporated within the staff report.

The existing building is being purchased by Northern Grain Equipment. They have submitted two site plans showing options to purchase only the building property or to purchase the building property and the adjacent lot to the east. Also, building elevation plans have been submitted. According to the site plan, it appears that the parking lot is designed without a front yard setback for the parking lot, which would not meet the City standards. A 10' setback would be required with at least one tree planted for each 50' of frontage. A minimum of ten percent of the lot needs to be landscaped. A fence is shown for the side and rear of the property and needs to be constructed with materials of the principal building and other screening so that outdoor displays, outdoor storage, truck parking and loading are not directly visible from the Interstate and other public streets. The site plan should be revised to meet the requirements prior to any improvements or occupancy.

The building elevation plan for the front shows the current brick and window treatments with additional windows being installed at a higher level. No more than 70% of the wall can be metal. A wall sign is shown for Northern Concrete Construction, LLC with no dimensions given. Signage would be according to the City's Sign regulations. The applicant should be requesting sewer and water services, so that services are in place prior to occupancy of the building. With the original development approval in May of 1997, the applicant signed an agreement to request water and sewer services by May of 2002.

The applicant is to submit an outline for the anticipated schedule and sequence of construction for all improvements within the PUD. It is our understanding that the official closing date is January 2, 2008, however closing may be advanced to sometime in September. No timeframe has been placed on the building addition or on the potential purchase of the adjacent property. The applicant and future owner of the property are required to sign a written agreement stating that they 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 a certain period of time (typically 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 applicant and future owner will waive any rights to protest any special assessments. As it has been ten years already since the initiation of construction of the building, it would seem appropriate to have the site improvements completed prior to, or shortly after the building is occupied.

Staff recommends the following:

1. It is recommended that the PUD Amendment relating to exterior building construction standards is approved for the development on the basis that it would be consistent with the standards of the CO-R: Redevelopment Corridor Overlay District and CO-I: Interstate Corridor Overlay District for light commercial and heavy commercial/light industrial uses.
2. It is recommended to conditionally approve the plans for the use and building addition project on the basis that the use is consistent with City plans and ordinances and specifically allowed under the approved PUD. The following conditions are recommended:
 - a. Sewer and water services are requested to be installed to the property.
 - b. Revisions are made to the site plan including a 10-foot setback to the parking lot with one tree installed for each 50' of frontage and continued maintenance of the trees, a minimum of 10 percent of the lot is landscaped, and the type of fencing with appropriate screening from the Interstate and public streets is shown.
 - c. A PUD agreement is signed by the applicant and future owner with existing building and site improvements being completed prior to occupancy or by a specific date set by the City Commission.
 - d. Development plans for the remaining properties within the PUD would be approved through administrative review by Planning and Zoning Commission and City Commission. Public hearings would only be required for those uses considered as conditional uses under the approved PUD.

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

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

Chair Lenzmeier opened public hearing A07-14 Conditional Use Permit for a detached storage building at 757 42nd Avenue West (Lot 3, Block 1 of Nelson Acres 3rd Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the south side of 42nd Ave W, south of 40th Avenue, between 4th Street W and 9th Street W. The subdivision was brought into the City's extraterritorial jurisdiction and rezoned agricultural in March of 2003. In June of 2005, the area was annexed into the City of West Fargo, and in August of 2005 the Nelson Acres developments were rezoned to Rural Residential. The applicant is proposing to construct a detached accessory building larger than 1,600 square feet, which requires a conditional use permit. .

The applicant has submitted an application and site plan for a 110' x 54' building (5,940 square feet). Elevation plans have been provided showing that the building will be 24 ½' in height. The plans also show that the bottom section of the north side will be faced with brick to match the home to be built on this site. In 2004 the City received an application for a 9,600 square foot building which was scrutinized as not being in character with the development. The applicant revised the request to a 4,800 square foot structure which was approved. Staff believes that this size precedent should be considered in this instance as well.

The applicant indicated the proposed accessory building will be ± 215' from the front property line, ± 25' from the east side lot line, ± 221' from the west side lot line and approximately 283' from the rear property lot line. All setbacks well-exceed the Rural Residential zoning district yard setback requirements.

If the applicants wished to use this building for business purposes he must follow the provisions set forth in section 4-448 – Provisions of Home Based Occupations of the West Fargo Zoning Ordinance. Notices were sent to adjacent property owners within 350' for review and comment. A call was received from a resident who was concerned the structure was going to be built prior to the primary structure. Larry indicated that the City requires the house to be completed prior the garage.

Staff recommends approval subject to the following condition:

1. Applicant agrees to reduce the size of the building to 4,800 ft² or less.

Jennifer Albrecht stated that there is a larger structure in the development that is just going up -- being repaired on one side due to wind damage. She wasn't sure of the size. Larry stated that one building may be bigger -- slightly larger than 4,800 square feet and was approved prior to West Fargo taking over jurisdiction.

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

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

Chair Lenzmeier opened public hearing A07-15 Planned Unit Development Amendment for Lots 10, 11 & 16, Block 1 of Beaver Creek Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located south of the Charleswood Development, east of Sheyenne Street and is surrounded on three sides by the Sheyenne River. The property is partially developed with townhouse style apartments. The applicant is proposing to decrease the size of several units and increase the number of units based on the rental market. The proposed changes to the site and building plans constitute an amendment to the Planned Unit Development.

The City's Land Use Plan designates the area as Medium Density Residential which provides for single family attached homes (townhouses, condominiums and apartments) with up to eight units per structure. The allowable density is up to 10 units per acre. The developer has submitted a site plan showing the existing and proposed changes to the proposed development. The development site plan shows ten 4-unit buildings, one 5-unit building, three 6-unit buildings, and four 8-unit buildings for a total of 95 units. One of the units would be an office. The proposed density is at 5.9 units per acre, which is well below the

allowable 10 units per acre.

The development is serviced with private drives accessing Sheyenne Street to the north and Beaton Drive at Sheyenne Street to the south. No direct access to Sheyenne Street is proposed for structures. The private drives are 20' wide and the garage driveways are proposed to be between 19-33' in depth. The PUD amendment plan proposes changing a 4-unit structure with larger sized units on Lot 10 to an 8-unit structure with smaller sized units. Also, two small storage buildings would be added to the same lot. The design of a 4-unit structure on Lot 11 is changed to show smaller sized units. Finally the storage building on Lot 16 has been decreased in size.

Property owners within 150' were notified as well as City Departments. No comments have been received.

It is recommended to approve the proposed PUD amendment on the basis that it is consistent with City plans and ordinances and does not affect the character of the development.

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

Commissioner Nelson made a motion for approval. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-16 Conditional Use Permit for a detached storage building at 1225 32nd Avenue West (unplatted parcel located in the NW ¼ of Section 30, T139N, R49W), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is south of 32nd Avenue West and west of 9th Street West. Any non-farm storage/accessory building is considered a conditional use within the Agricultural District. The proposed structure would be 2,560 ft², 40' x 64'. It would be located 123' from the south lot line, 141' from the west lot line, and 270' from the east lot line. The building will be used to store personal equipment.

With reference to the criteria for granting conditional uses, all are met. Staff recommends approval.

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

Commissioner Gustofson made a motion for approval. Commissioner Holzmer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-17 Planned Unit Development Amendment for an Office Use on Lot 2, Block 1 of Dakota Territory 10th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the southeast corner of 10th Avenue East and 9th Street East. In 2004, Menards replatted their existing property, adding approximately 149,023 square feet of property onto the home improvement center site to accommodate expansion plans, and rezoned this from Agricultural to Planned Unit Development. The City's Land Use Plan depicts the property on the corner of 9th Street East and 10th Avenue East as office park with medium density residential as an alternative land use. The adjacent lot to the east is designated for medium density residential.

The request is for an office building for an engineering firm. Detailed Development Plans, including site, drainage and utility, landscaping and elevation plans were submitting showing a ±24,000 square foot office building. The site would be accessed from 10th Ave E, and would be located 220' off of 9th St E. The access is located far enough to the east to meet City access standards. Access to 9th Street East is not proposed at this time, but may be in the future for access to the undeveloped portion of the property. If access to 9th Street East is proposed in the future, a traffic analysis study should be completed for this access.

This property is located within the CO-R: Corridor Redevelopment District which requires a higher standard of building construction and site design. The building must be constructed with no more than 30% of the wall facing material being metal or fiberglass. The plans submitted show that this building will meet all CO-R District requirements. The elevation plans show a 21' tall building being faced with brick, glass, and architectural horizontal ribbed metal panel, which well exceeds the city's requirement of 70% non-metal or fiberglass materials. The building will be set back 28.5 ft from the west lot line, 9th St E, and 65' from the north property line, 10th Ave E. Both exceed the CO-R requirements. The parking lot setbacks all meet CO-R requirements.

The required number of parking space for this use and building layout would be 187 spaces, based on 1 space/250 ft² of office space (87) + 1 space/employee at largest possible shift (100). The site plan shows 149 outdoor spaces and 8 indoor spaces, for a total of 157. The applicant has submitted a request, along with their reasoning for reducing the required parking spaces for their property. The zoning ordinance does allow a reduction in the required parking providing that market studies or other means demonstrates that a lesser requirement is justified.

A landscaping plan has been submitted showing the required boulevard trees as well as buffering along the east side of the lot and more extensive landscaping and planting within the lot. This would exceed any landscape requirements the city has. Notices with maps were sent to City Departments, property owners within 150', as well as to residents within the condominium association. Only positive comments were received.

Staff recommends approval with the following condition:

1. The request for the reduction in parking be approved by Planning and Zoning and City Commissions.

Larry stated that there is an existing easement, which was placed on the plat and needs to be defined. Staff received a sign plan earlier today showing a 26 square foot monument sign about 7' high. He also stated that the development borders residential on the east side and the zoning ordinance requires year-round screening -- fencing, plantings or a combination.

Commissioner Lenzmeier asked about the easement, if it needed to be moved. Larry stated that the centerline needs to be defined. Commissioner Lenzmeier asked if the sign meets zoning criteria. Larry stated that it does.

Jim Hill, 846 10th Avenue East, asked if the sign would be lighted. Architect Lee Dobrinz stated that there will be internal lighting -- low intensity LED. Similar to the City of West Fargo signs -- plastic sign/translucent. Mr. Hill indicated he was concerned because the sign wasn't included in the information they received from the City. Larry indicated they just received it today.

Gerald Olson, 843 10th Avenue East asked about the exterior of the building. Mr. Dobrinz showed the residents a picture of the proposed building elevation. Mr. Olson asked if Moore Engineering will own the property. Jeff Volk, Moore Engineering indicated that they will. Mr. Olson thought it would be a nice building.

Mr. Volk stated that in regards to the east property line, they were required by Menards as part of the purchase agreement, to place a 3' berm along the property line to separate the properties.

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

Commissioner Potter asked if another condition should be added regarding the easement. Mr. Volk stated that they spoke with AT&T, and they will move their 12" line to align with the 10' utility corridor -- 9' will still be available for other utility companies.

Commissioner Gustofson asked if parking could be expanded if needed. Mr. Dobrinz stated that there is additional land to the south, which could be utilized for future parking.

Commissioner Nelson made a motion to approve the request subject to the condition listed in the staff report, as well as an additional condition that the utility easement be defined. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-18 Conditional Use Permit for a second story addition onto a single family dwelling 609 32nd Avenue NW (parcel in the NE ¼ of Section 30, T140N, R49W (Reed Township), Cass County, North Dakota.

Steven reviewed the following information from the staff report:

The property is south of 32nd Avenue NW and along the Sheyenne River. The parcel has been established and developed for some time and is considered a legal lot of record. The property is served by a private access easement. The use (single family) is considered a conditional use within the Agricultural District. The property is shown on the City's FIRM (Flood Insurance Rate Map) and it appears part of the property may be in a "Special Flood Hazard Area Inundated by 100-Year Floods."

A site plan was submitted showing a 600 ft² second story addition onto the existing home. The residence is several hundred feet south of 32nd Avenue NW. A private road provides access from the Township Road. Generally properties within the 100-Year Floodplain are allowed to make improvements to the property if the structures are adequately raised and protected; however, if properties are in a designated floodway they are not allowed to make improvements. This improvement will be outside of the floodplain, being it will be a second floor addition.

Notices were sent to adjacent property owners for review and comment. A call was received asking for more information. Staff recommends approval.

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

Commissioner Gustofson made a motion for approval. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-19 Subdivision Variance for Lots 7-12, Block 3 of the Replat Lots 2-16, Block 3 & Lots 1-14, Block 5 of Sheyenne Park Addition, City of West Fargo, North Dakota, to allow simple lot splits to adjust property lines.

Larry reviewed the following information from the staff report:

The property is located west of 10th Street West and south of 13th Avenue West. The lots in the area were platted to accommodate 4-unit townhouses and were zoned R-2: Limited Multiple Dwellings. Eight of the lots were developed with two 4-unit structures. The remaining lots in the area were sold in pairs (front lot and back lot) and developed with single family structures. When constructing the 4-unit structure on Lots 5-8, the driveway serving the units on Lots 7 and 8 was constructed across the property line affecting Lot 9 and 10. The two 4-unit structures were purchased a number of years ago by Aspen Heights Development who were not the original owners.

More recently when Eid Co Buildings developed and sold two single family homes on Lots 9-10 and 11-12, they became aware of the driveway encroachment and split 10' from Lots 11 and 12 so it could be added to Lots 9 and 10 and had intended to split 15' from Lots 9-10 to convey to Lots 7-8. The split was done without approval from the City and was considered a violation of the subdivision ordinance. When the City was made aware of the violation, Eid Co Buildings and the current owner of Lots 11-12 were cited in violation. The applicants are requesting a variance to the subdivision ordinance to correct past mistakes rather than file a subdivision replat.

The applicants would like to correct the driveway encroachment and shift property lines so that the two residential properties are relatively close in size. Replatting the property is more difficult to accomplish given there are several property owners and different mortgage companies involved. The cost of replatting is also greater than doing simple lot splits. The Simple Lot Split procedure was developed to simplify the transfer of property for smaller lots. The procedure is utilized primarily for single family lots where the split is not part of a continuing scheme of lot splitting for a particular area. Because of the number of lots involved, a number of cumbersome legal descriptions would be developed by using the simple lot split procedure, and therefore does not meet the Subdivision guidelines.

The conditions which would allow for a simple lot split include the following: 1) the lot split does not contain more than two

lots; and 2) the two lots created are not more than ½ acre in size each for lots located within the City limits; and 3) there is no proposed or perceived need of public improvements as a result of the split. The lot split does not occur in general proximity to an area organized by metes and bounds description and/or where there is a perceived need to create an organized development pattern through platting; and 4) that any platted lot be split only once under the terms of this provision; and 5) that the lot split is not part of a continuing scheme of lot splitting for a particular area; and 6) that the lot split does not violate any provision of the Zoning Ordinance, Official City Plans, or any other state or local ordinance; and 7) that the lot split does not adversely affect public health, safety or welfare.

The Planning and Zoning Commission is to review variance requests with the following conditions in mind:

1. The conditions upon which the variance is based are unique to the property and are not applicable generally to other property in the district.
2. Because of the particular physical surrounding of the property, a particular hardship to the owner would result, as opposed to mere inconvenience, if the strict letter of these regulations were carried out.
3. The granting of the variance would not harm the surrounding neighborhood in any way and would be beneficial to public health, safety, and welfare.
4. The variance is consistent with the proper development of the area.

The conditions pertaining to the driveway encroachment appear to be unique to the area. The encroachment took place several decades ago when the property was owned by another party. When correcting the encroachment by splitting off 15' from the one single family property, the single family property area is significantly reduced in area. The next single family property to the west has more lot area which is why the developer attempted to split 10' off. It appears that all property owners would benefit from the lot splits and transfer of property. If the replat approach is required, the cost will be significantly higher and the property owners will not agree who is to pay.

It appears that for the good of the area property owners and without harm to the surrounding neighborhood, approving the subdivision variance and allowing the transfer of property by simple lot split may be the best approach. The property has been surveyed to determine that there would not be any building setback encroachments by splitting the properties. However, legal descriptions for each of the properties have not been prepared for review by the City. If the variance is approved by the City, legal descriptions should be prepared for City Attorney review and copies of the deeds filed with the City.

Public Notices have been sent to property owners within 150' and calls have been received requesting more information.

It is recommended to approve the subdivision variance request on the basis that the conditions relating to the variance are met.

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

Commissioner Nelson made a motion for approval. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-45 Goldenwood 3rd Addition, Subdivision & Rezoning to R-1A: Single Family Dwellings and R-1: One and Two Family Dwellings, property in the SE ¼ of Section 31, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The original Goldenwood 3rd Plat was approved by the City Commission last October. Prior to filing the Final Plat, some electrical utilities were found which affects some of the lots. Also, following the sale of the development to the applicant, the applicant is negotiating the exchange of lots with Habitat for Humanity to better accommodate both parties needs. The applicant is proposing to decrease the number of lots in the development west of 4th Street NW, which decreases the number of twin home units and provides for more single family detached units. The revised plat shows 30 twin home lots and seven single family lots.

The revised plat affects the zoning attached to the lots for the previous plat, so rezoning procedures also need to be followed.

The two lots to the south of the plat and on the west side of 4th Street NW are proposed to be R-1A: Single Family Dwellings and the balance of lots in the subdivision are proposed to be R-1: One and Two Family Dwellings. This gives the developer greater flexibility in unit design.

The design of the storm water retention pond was changed and the pond constructed last fall. The shape of the pond has resulted in changes to the proposed configuration of the Area Plan for park and future development. The developers would like to develop some new concepts for housing in the neighborhood. They would like to introduce some front porch concepts with reduced front yard setbacks and detached garages on alleys. This will require an amendment to the subdivision ordinance to provide for alleys, and would also require a zoning ordinance amendment to provide for a residential district with different lot and yard requirements. The developers will be submitting an application and requesting these considerations in the near future. The developers would also like to plat the park and additional lots as soon as possible, so the existing development can benefit from the park amenity and the developers can better market the development.

When the staff was working on the address plan for the earlier plat, it was discovered that there were too many lots in the block and street arrangement for the number of available addresses. Also, the County has 911 addresses to the north which restrict the City's address scheme until those addresses are changed. As a result the City will need to change a number of addresses which were assigned with the Goldenwood First Addition. The proposed changes are attached and property owners are being notified.

Property owners within 150' were notified, as well as City departments, Park District and Post Office. We received comments from the City Engineer that some water and sewer services will need to be abandoned as there are fewer lots on the west side of 4th Street NW. Also the Post Office indicated that the developer needs to work with them on the location and cost of Cluster Box Units.

It is recommended that the subdivision plat and rezoning request be conditionally approved on the basis that the request is consistent with City plans and ordinances. The conditions for the application are as follows:

1. A revised drainage plan is received and approved by the City Engineer.
2. A certificate is received showing that taxes are current.
3. Restrictive covenants are updated if necessary to address the changed lots and care and maintenance of buffer areas.
4. A Final Plat is received with any necessary easements.
5. Provision for Cluster Box Units is made by the developer with the Post Office.
6. A subdivision improvement agreement is received.

There were no public comments. The hearing was closed.

Commissioner Holzmer asked about future turn lanes. Larry stated that the comment was made by the County Engineer; however staff determined that this was not an issue, as the traffic from the development would not warrant turn lanes.

Commissioner Nelson made a motion to approve the request. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

The next item on the agenda was A07-20 Access Permit for 1450 Sheyenne Street (Lot 16, Block 2 of Simpson's 2nd Subdivision), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located south of 13th Avenue West, on the west side of Sheyenne Street. The applicant has lived in her home for a number of years and has shared a driveway with property owners to the north. Recently the properties to the north and west have new owners, who are not willing to continue sharing access. Sheyenne Street is classified as a minor arterial which is a limited access street requiring review by the Planning and Zoning Commission and City Commission. A combined driveway access was installed as part of the Sheyenne Street reconstruction project a number of years ago. There is no access easement in place.

The applicant proposes to install a driveway on the north side of the lot and has submitted a site plan for the property showing the proposed driveway about 25' from the north property line. The shared driveway is along the south side of the neighbor's property. The access points will be approximately 31' apart measuring center to center. Both properties have adequate space to turn vehicles around and drive onto Sheyenne Street. The proposed access will not meet the minimum access spacing of 330' for Sheyenne Street which is a Minor Arterial street. There were no spacing standards when the lots were established, so individual driveways are providing direct access to the single family residents along the corridor.

Staff recommends approval.

Commissioner Gustofson asked if the people who bought the house on River Street use the driveway to access their property. Applicant Iva Jean Tegtmeier stated that the new owner is an electrician and uses the garage for his business.

Larry stated that the access easement was put into place when the property to the north was platted. It's a public easement for the properties to the north and west. Discussion was held as to whether Mrs. Tegtmeier would have rights to use the property, since she's been using it.

Commissioner Nelson made a motion for approval. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

The next item on the agenda was A07-21 Minor PUD Modification for Lots 9-14, Block 1 of Arbor Glen 2nd Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located north of 19th Avenue East and west 17th Street E. The applicant proposes to slightly modify the entry area between the garages on the PUD plans and would be considered a Minor PUD Modification. The proposed use is consistent with City Plans and Ordinances.

The proposed change would not change the character or intensity of the development. Property owners within the development were notified and no comments were received.

Staff recommends approval.

Commissioner Smedshammer made a motion for approval. Commissioner Nelson seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans - A07-12 Eagle Run Plaza 1st Addition, Replat and Rezoning from C: Light Commercial to PUD: Planned Unit Development for Lot 1, Block 2 of Eagle Run 8th Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

Since the Planning and Zoning Commission meeting the developer has submitted Detailed Development Plans including Final Plat showing the additional right-of-way, site plan, grading plan and access plan, utility plans and landscape plan. The developer has also submitted the road access agreement and easement for the major access locations on Sheyenne Street and 32nd Avenue West. Also, the developer has submitted a development schedule projecting full development within 5-7 years. The access drives are intended to be phased to correspond with the lot development. Items that we have not received yet include a signage plan and subdivision improvement agreement.

The developer has requested the application be placed on a fast track, so the City Commission held a public hearing on the rezoning and Detailed Development Plans at the May 7, 2007 meeting. The first reading was given on the rezoning, and the Final Plat was approved. The second reading of the rezoning and approval of the Detailed Development Plans will take place following Planning and Zoning Commission consideration.

It is recommended to conditionally approve the proposed subdivision plat and rezoning to Planned Unit Development along with the submitted Detailed Development Plans based on the application being consistent with City plans and ordinances. The conditions placed on the application include the following:

1. A signage plan is submitted for review prior to final City Commission consideration of the rezoning to PUD and approval of the Detailed Development Plans.
2. Curbing is required along all access drives within the development.
3. A Subdivision Improvement Agreement is received.

Larry also indicated that a sign plan was received today.

Commissioner Gustofson made a motion for approval. Commissioner Potter seconded the motion. No opposition. Motion carried.

Under non-agenda, Larry stated that the Comprehensive Plan Open House was held last Thursday and about 50 people attended. There have been a number of responses to the online survey, which is located at www.westfargoplan.org. The steering committee will meet around the third week in June.

Also under non-agenda, Larry indicated that the legislature made changes to the Extraterritorial jurisdictions. Cities the size of West Fargo cannot extend more than one mile. Currently West Fargo's Extraterritorial Limits extend two miles.

Discussion was held regarding Industrial Builders property north of 12th Avenue NW, on the east side of Cass County Highway #17. Larry stated that they are prepping the site, but will need to plat and zone prior to proceeding with development. He also stated that he received a letter from Industrial Builders this afternoon reminding the City of their concerns with residential development to the west (Goldenwood).

Commissioner Nelson made a motion to adjourn. Meeting adjourned.