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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
June 11, 2007 at 7:00 P.M.
West Fargo City Hall

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

Members Absent: Terry Potter

Others Present: Larry Weil, Steven Zimmer, Lisa Sankey, Brock Storrusten, Jim Morken, Dan Passolt, Shane Johnson, Leo Wanzek, Alexis Paxton

The meeting was called to order by Chair Lenzmeier.

Commissioner Smedshammer made a motion to approve the May 14, 2007 minutes as printed. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-24 Subdivision & Rezoning from Agricultural to CM: Heavy Commercial/Light Industrial, property in the North ½ of Section 9, T139N, R50W (Mapleton Township), Cass County, North Dakota.

Larry Weil reviewed the following information from the staff report:

The property is located west of the city on the south side of I-94 and between the Raymond and Kindred Interchanges. Part of the property is beyond our extraterritorial area, but the majority of the property is within the City's jurisdiction. State statutes allow the City to regulate properties where the majority of the property is within the extraterritorial jurisdiction. Mapleton Township had requested the City to review the development project even if a joint powers agreement was required. The proposed use expansion requires a Land Use Plan Amendment and rezoning, as the area is designated as Agricultural Preservation and is currently zoned Agricultural.

The applicant proposes to expand an existing office building and parking area to accommodate the company growth in employment. The existing office building was built many years ago and has been under the Mapleton Township jurisdiction until April of 2006 when the area was included within the City's extraterritorial area. The applicant has submitted an Area Plan, Preliminary Plat, and site plan for the development area.

The office property is about 3 acres in size and is proposed to be rezoned to Heavy Commercial/Light Industrial to accommodate contract construction services offices. The Preliminary Plat splits the farmstead property from the office property and includes additional property for the proposed office expansion. The plat abuts the Interstate right-of-way where the frontage road is located. It appears that ample right-of-way has been set aside by the North Dakota Department of Transportation to accommodate future road improvements if needed in the future.

A preliminary site plan for the property has been submitted showing the location for the office expansion and proposed parking lot. The office expansion is southwest of the original office and would be 4,876 ft² on each of two floors. The expansion is setback more than the minimum setback of 50'. The parking lot is being expanded to the west of the building. The site plan

will need to be revised to provide setbacks and dimensions for parking spaces and driving aisles, and to show landscaping. Setbacks for the use and parking lot, and lot coverage and landscaping requirements are according to the "CO-I": Interstate Corridor Overlay District and "CO": Corridor Overlay District. The established parking areas are "grandfathered." Plans are being revised and should be submitted prior to the Planning and Zoning Commission meeting.

Building elevation plans and floor plans need to be submitted. Exterior building construction standards are per the "CO-I": Interstate Corridor Overlay District. The applicant is requesting a reduction in the required parking based on their business needs. Not all employees are on site at the same time, and few customers come to the site. A letter discussing the businesses parking needs is attached. It is our understanding that the North Dakota Department of Transportation has given written approval for a few parking spaces on the Interstate right-of-way just south of the frontage road. The applicant will supply a copy of the agreement. All new parking should be accommodated on-site and meet setback and dimensional standards. No parking should be allowed on the frontage road. With the approval of the reduced parking request, there should be a condition that if parking needs increase, the proposed parking lot should be expanded to meet their needs.

Park dedication is required with platting or replatting of property that has not had a previous dedication. The dedication amount would be calculated on the undeveloped property. The Preliminary Plat incorporates both developed and undeveloped property as one lot, the majority of which is developed. Also, the developed portion of the property is within the City's extraterritorial area, whereas the undeveloped part is outside our extraterritorial area. Though the City can legally apply its extraterritorial authority, the City should not require park dedication in this case based on the fact that the undeveloped portion of property is outside the City's extraterritorial area, and the lot as platted can be considered developed.

Notices were sent out to area property owners, City departments, Cass County Engineer, Cass County Environmental Health, and Mapleton Township for review. No comments have been received.

It is recommended to conditionally approve the subdivision, rezoning and building addition request on the basis that it will be consistent with City plans and ordinances. The following conditions are recommended:

1. A Land Use Plan amendment from Agricultural Preservation to Light Industrial is approved.
2. A revised site plan is submitted showing setbacks, parking lot dimensions, landscaping and lot coverage.
3. Building elevation and floor plans are received.
4. The request for a reduction in required parking is approved provided that a copy of the parking agreement allowing parking on the I-94 right-of-way is received and that as parking needs increase, additional parking is provided on-site.
5. An Attorney Title Opinion is received.
6. A certificate is received showing that taxes are current.
7. A drainage and flood protection plan is received and approved by the City Engineer.
8. A Final Plat is received with any necessary easements.
9. A subdivision improvement agreement is received.

There were not comments from the public. The hearing was closed. Larry stated that a revised site plan had been submitted earlier this afternoon; however, staff hasn't had an opportunity to review it yet.

Chair Lenzmeier asked about the request for decreasing the amount of parking. Larry stated that the ordinance requires one space per 250 ft² of gross floor area, plus one space per employee on the largest shift. Parking needs vary from office to office. Applicant Leo Wanzek indicated they have a number of supervisors who work off site, out of town. He also indicated that they have approval from the ND-DOT to park on the right-of-way on the driveway. Larry asked for a copy of the document. Larry stated that office fluctuate and should there be a greater need for parking at that time, more parking would be required. Mr. Wanzek indicated there wasn't a problem with doing so.

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

Chair Lenzmeier opened public hearing A07-23 Gateway 2nd Addition, a replat of Lots 1 & 2, Block 1 of Gateway 1st Addition, City of West Fargo, North Dakota.

Steven Zimmer reviewed the following information from the staff report:

The property is located on the northwest corner of West Main Avenue and 21st St NW. The property is zoned Heavy Commercial/Light Industrial. The property was previously platted into 2 lots as part of Gateway 1st Addition. The applicant proposes platting and developing the property for light industrial lease space.

The proposed subdivision is located in a developing area. Previously an area plan had been submitted at the time of Butler's 6th Addition plat approval which included this area. Development has taken place per that plat and area plan. The Preliminary Plat provides for 2 lots with 80' of dedicated right-of-way. The established right-of-way dedication standard for the Main Avenue frontage road is 100' as the street is intended to be a collector street. An additional 20' should be provided from the property to the south which is owned by the City. The lot to the south will likely remain as an undeveloped lot.

The existing frontage road currently located to the south of this property will be relocated within the proposed platted right-of-way. The frontage road changes would be used to provide access between 21st St NW and the lots located to the west. The purpose would be to move the intersection of the frontage road and 21st Ave NW farther to the north to minimize traffic issues that may arise during the reconstruction of Main Avenue. Lot 1, Block 1 will be 200,513 ft² in size and will be the site of a lease building and will belong to the applicant. Lot 1, Block 2 will be 69,245 ft² in size, less the right-of-way changes and is owned by the City of West Fargo.

There is currently an off premise billboard sign within the proposed right-of-way which will be required to be moved when the street is constructed. Park dedication has been paid when the area was originally platted. The City Commission has previously approved a building permit for Lot 1, Block 1, at the assumed risk of the applicant, prior to official city approval and review.

Notices were sent out to city departments and neighboring property owners and have not received any comments. It is our understanding that there will be a trucking use associated with the property which requires a conditional use permit. The City did not give notice to property owners regarding the proposed trucking activities. As such it is proposed that another notice is placed in the paper and property owners within 350' are notified prior to a hearing before the City Commission. The Planning and Zoning Commission would conditionally approve the trucking facility, pending additional comments to be reviewed by the City Commission.

It is recommended to conditionally approve the subdivision plat and conditional use request on the basis that the request is consistent with City plans and ordinances. The recommended conditions are as follows:

1. Notice is given for the proposed conditional use permit for a trucking facility and public comments received prior to City Commission consideration.
2. An Attorney Title Opinion is received.
3. A certificate is received showing taxes being current.
4. A drainage plan is received and approved by the City Engineer and Public Works Director.
5. Necessary easements are placed on the Final Plat.
6. Agreements/arrangements are made regarding the removal of the billboard sign in a timely manner.

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

Chair Lenzmeier asked about the notification to property owners. Larry stated that they weren't notified, as the original request was for a replat. No mention was made of the trucking use until it was too late. Staff will need to notify property owners within 350' and the City Commission will need to hold a public hearing on the conditional use permit. Larry stated at the last City Commission meeting the applicant requested a building permit prior to platting at their own risk.

Commissioner Nelson made a motion to approve the request, subject to staff recommendations. Commissioner Holzmer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-25 Amendments to the Subdivision and Zoning Ordinances, providing for alley right-of-ways in subdivisions; providing for changes in street standards; and creating a new residential zoning district, which will provide for single family detached and attached dwellings with shorter front yards than typical residential districts allow, detached garages in rear yards only, and greater lot coverages than typical residential districts allow.

Larry reviewed the following information from the staff report:

The City received a request from Homeland Developers to consider developing alleys in Goldenwood Addition, as well as providing for a new zoning district for residential housing. The new zoning district was proposed to be similar to districts in Fargo and Moorhead that allow a similar type of housing. The developer submitted a copy of the Fargo code with his application. If the ordinance amendments are approved, the developer proposes to submit a preliminary plat this fall which would incorporate the new zoning and subdivision provisions.

Following review of the request, it was discussed with staff from various departments. A draft of a proposed zoning district was developed with some slight variations from the request submitted, as the zoning district could also be utilized for other developments in the City. A copy of the draft ordinance amendments were sent to City departments for review and comments. A hearing is scheduled before the Planning and Zoning Commission in June with hearings before the City Commission anticipated in July.

The planning staff proposes that the minimum lot size for lots for one-family dwellings should be 4,500 ft² with a minimum width of 45'. Minimum front yard setbacks would be 15', minimum rear yard setbacks would be 20', minimum side yard setbacks would be 5', and maximum lot coverage would be 40%. The zoning district would also allow two-family dwellings, twin homes and townhouses. Two-family dwellings would require a minimum lot size of 6,000 ft² with a minimum width of 60'. Minimum front yard setbacks would be 15', minimum rear yard setbacks would be 20', minimum side yard setbacks would be 6', and maximum lot coverage would be 45%. Twin home and townhouse lots would require a minimum lot size of 3,000 ft² with a minimum width of 30'. Front yard, rear yard, and side yard setbacks would be the same as for the two-family, as would the lot coverage.

Within the proposed zoning district garages, whether attached or detached, would only be accessed from the alleys.

Densities of the development would be reviewed at the time of platting and would need to be consistent with the City's Land Use Plan.

The proposed zoning district would be similar to the districts in Fargo and Moorhead, but would have some differences. The density standards for the subdivision would be predicated on the City's Land Use Plan. West Fargo would not allow access to garages from the street, whereas Fargo would allow this depending on the lot size. Our minimum interior side yard is 5', whereas Fargo would allow a 4-foot setback; and the minimum side yard setback on the street side of a corner lot would be 12', whereas Fargo would allow for a 10-foot setback.

It is recommended that the proposed changes to the subdivision and zoning ordinance are approved as the changes would provide for additional affordable housing opportunity and more neighborhood friendly development patterns.

Dan Passolt, Homeland Developers President, stated that they're not in a big rush, they would like this carefully looked at by the City. He compared the proposed ordinance to Fargo's SR-4 and indicated they're looking at affordability (spreading specials) and wise planning -- mix of design in the Goldenwood area. He indicated they've built this design in Fargo's Evelyn's Acres and also in Moorhead. He reviewed the proposed alleys and park concept -- lots facing the park. This zoning ordinance change would not just affect the Goldenwood area, but everyone.

Applicant Jim Morken passed out a book titled "Building Better Neighborhoods" to commissioners from the Greater Minnesota Housing Fund.

Commissioner Gustofson asked about price range. Mr. Morken indicated he'd like to start at \$130,000 for a single family. He then described the type of insulation he's proposing to use by "going green". Commissioner Gustofson asked about specials. Mr. Morken indicated about \$300/front foot (\$12,000).

Commissioner Keller stated concern with limited parking and gave an example of Greenfields. Mr. Morken indicated there will be parking along the front for guests with residential parking in back.

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

Commissioner Nelson made a motion to continue the public hearing until the next meeting to allow opportunity for departments to comment on the proposed ordinance amendments. Commissioner Smedshammer seconded the request. No

opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-26 Conditional Use Permit for an area located north of Goldenwood (in the SE¼ of Section 31, T140N, R49W), City of West Fargo, North Dakota for an Agricultural Services Seasonal Use (Corn Maze).

Steven reviewed the following information from the staff report:

The property is located to the west of County Highway 17 along the south side of the Sheyenne Diversion tie back levy, and to the north of the Goldenwood Subdivision. The land is owned by the applicant and is proposed to be part of the Goldenwood Development in the future. The sale of produce within an Agricultural District is considered a Conditional Use.

The applicant proposes to plant the land north of Goldenwood to corn and create a corn maze as a recreational attraction. The applicant may also grow some corn and/or pumpkins to sell for charitable contributions. Access to this site will have to be accommodated through the two approved accesses for the Goldenwood Development, no additional accesses will be allowed. The applicant should provide some plan that shows the area(s) that will be used for parking and what, if anything will be put in place to limit the potential of mud being transferred to public roads.

City departments and adjacent land owners have been notified and no comments have been received.

It is recommended that the conditional use be conditionally approved as it is consistent with the existing Agricultural zoning. The recommended conditions are as follows:

1. Applicant submits a plan showing how the parking will be accommodated on site.
2. Applicant must show how they will negate the tracking of mud onto public streets.

Jim Morken stated the intent is to get people out there to check out the Goldenwood Development.

Dan Passolt described their plans. There will be temporary roadways and parking area made from crushed concrete to prevent mud from being dragged onto the roadways. He stated that they're not sure how many people will come out to the maze, but they'd like to be prepared. He stated that their site supervisor lives in the Goldenwood area and will keep an eye on things, they also will have maintenance equipment on site to clean up the streets should there be a problem.

Steven stated that they wanted to make sure there was parking and no mud getting tracked onto Cass County Highway #17 or local streets.

There were no public comments. The hearing was closed.

Commissioner Smedshammer asked if their intent was to get it up yet this year. Mr. Passolt stated that they've already planted the sweet corn.

Chair Lenzmeier asked where they were going to get the crushed concrete. Mr. Passolt stated that there was a huge farm/feedlot to the west and Strata has agreed to do the crushing. Chair Lenzmeier asked that they keep the area residents in mind when the crushing is done and mentioned complaints because of dry weather and winds at a similar site last year.

Commissioner Gustofson made a motion for approval based on staff recommendations. Commissioner Smedshammer seconded the motion.

Larry asked that staff, possibly the City Commission be able to review the concrete crushing prior to commencing. Mr. Morken indicated crushing the concrete is preferable to hauling it out of the area. He also mentioned that next Thursday they'll be having a neighborhood meeting in Goldenwood at 6 p.m.

The next item on the agenda was Annual Sign Franchise Review. Larry reviewed the following information from the staff report:

An annual fee is required by the franchise ordinance, annual review and permit issued by the Planning and Zoning

Commission, specific procedures to follow for changing or adding sign locations, liability insurance and other requirements. Please refer to the attached Bench Sign Franchise Ordinance.

Upon reviewing the list of sign locations, it was determined that there are no changes from the locations approved last year. Eighteen locations for signs have been approved and are currently in place. There is an error on the list of signs indicating a sign at 13th Avenue & 18th Street for State Bank and Trust. The sign is located at 14th Street East. Also, 4th Avenue West and 9th Street East should reflect 4th Avenue East. Previously it was brought to our attention that there is a clear zone of two feet from pedestrian/bikeway facilities which needs to remain unobstructed. As such benches need to be placed a minimum of two feet off any pedestrian/bikeway facility into the boulevard. There are two signs on the SW corner of Main Avenue & Sheyenne Street, which are placed on the sidewalk and need to be moved. It should be noted that vehicles are not allowed to drive over the street curb across the boulevard or onto the pedestrian/bikeway facility when bench signs are placed or removed or when advertising is updated. Access to the sign locations needs to be from the private property or from the street following proper traffic controls.

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 A07-27 Simple Lot Split Lot 15, Block 5 of Elmwood Court Addition, City of West Fargo, North Dakota.

Steven reviewed the following information:

The properties are located along 10th St W. The home on Lot 16 was built over the property line and to become compliant with city ordinances must acquire additional property from the owner of Lot 15. This request has previously been brought to the Planning and Zoning Commission in November of 2005. The proposed use is consistent with City Plans and Ordinances.

The applicant proposes splitting property from Lot 15 and adding the footage to Lot 16. -The extra square footage is needed for the existing building on Lot 16 to comply with side-yard setback requirements R-1 zoning district. Lot 16 would have 12,271 ft² of area which exceeds the minimum lot width and area requirements, and would allow for a 5 ft side yard setback in the R-1 zone. Lot 15 would have 9,397 ft² of area which would still exceed the minimum lot area requirements, would meet the minimum lot width requirements, and would still meet the minimum side yard setback requirements.

The applicant has had the property surveyed for the lot split to provide for proper legal descriptions and lot areas. The City has requested in the past that the applicant include both parcels within the same deed, so the small parcel does not stand as a separate parcel. The developer is in agreement with this.

It is recommended to conditionally approve the simple lot split on the basis that it is consistent with City plans and ordinances. The conditions for approval are as follows:

1. The parcel split from Lot 15 is included within the deed for Lot 16 and verification provided by the developer to the City.
2. Both property owners sign the Certificate of Approval required by the city for a Simple Lot Split.

Commissioner Nelson made a motion to approve the request subject to staff recommendations. Commissioner Holzmer seconded the motion. No opposition. Motion carried.

The next item on the agenda was Comprehensive Plan Update. Larry stated that the next steering committee meeting is June 19th at 4 p.m. with the location to be determined -- either City Hall or the Chamber.

Larry reminded the Commissioners about the Western Planner Conference in August and to let Planning Staff know if anyone wants to go.

Discussion was held regarding curb cuts and driveways.

Meeting was adjourned.