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Larry M. Weil, Planning Director
Steven Zimmer, Senior Planner

West Fargo Planning and Zoning Commission
June 9, 2008 at 7:00 P.M.
West Fargo City Hall

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

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the May 12, 2008 meeting minutes as printed. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A08-14 Westgo Commercial 5th Addition, a replat of Lot 5, Block 1 of Westgo Commercial 2nd Addition, City of West Fargo, North Dakota.

Steven Zimmer reviewed the following information from the staff report:

The property is zoned CM: Heavy Commercial/Light Industrial and designated Light Industrial on the City's Land Use Plan. The applicant is proposing to subdivide the lot into four lots which would allow for sale and development. The proposed subdivision conforms to City's plans and ordinances.

An application has been submitted for a subdivision of property along with an Area Plan and Preliminary Plat. The property being subdivided is surrounded by heavy commercial and light industrial uses to the north and west and low density residential (twin homes) to the south. The Preliminary Plat shows the property replatted into four lots, varying in size from about 14,350 square feet to about 16,200 square feet. A 30-foot access easement along the north side of the property is proposed to provide access for the east lots to 11th Street West. Generally the City has requested that private access easements for commercial/industrial properties be a minimum of 40 feet in width to adequately provide for industrial equipment and trucks. It would be appropriate to increase the proposed 30-foot access easement to 40 feet.

The developer proposes restrictive covenants to establish development standards for the subdivision properties including buildings, storage containers, garbage, fencing and access road construction and maintenance.

The industrial subdivision abuts residential property to the south in the Westwynd development. When the Westwynd 3rd Addition and 4th Addition were approved, a well-established tree shelter belt was in place consisting of two or three rows of trees and a large hedge which provided effective screening from the industrial property. With a natural buffer in place, the City required a buffer easement be placed on the plat so it would be preserved. Much to our dismay we later discovered that the residential property owners and building contractors tore out much of the natural buffer. A letter was sent to the property owners informing them that a buffer easement was in place and the buffer was there to protect the residential properties from potential future nuisances associated with industrial properties. It was recommended to the property owners that the trees and bushes be replaced.

Park dedication is not required for developed portions of property being resubdivided; however, park dedication is required for the undeveloped portion of the resubdivision if park dedication has not been previously received. The amount of area which would be required as land dedication would be 3,059 square feet, or its equivalent value as cash-in-lieu of park land dedication.

A copy of the Preliminary Plat has been submitted to the Park District for their review and recommendations. No comments have been received yet.

Legal notice has been given in the West Fargo Pioneer and departmental/agency reviews have been sent out. Utility easements are needed along the north and south sides of the plat, as well as along the west side of proposed Lot 1. Additionally, The City Engineer has indicated that sewer and water easements are needed, and drainage along the south property lines needs to be addressed. The Police Department has concerns about clearly defining the access easement, discouraging parking on the easement, establishing and maintaining a buffer between the commercial and residential properties and street lighting for the area. The Post Office has designated the area as curbside delivery, so the developer needs to meet with the Postmaster to determine the location of mail receptacles.

It is recommended that the subdivision application be conditionally approved on the basis that it is consistent with City plans and ordinances. The conditions of approval are as follows:

1. An Attorney Title Opinion is received.
2. A certificate is received showing taxes are current.
3. A drainage plan is received and approved by the City Engineer and Public Works Director.
4. The access easement is increased to 40 feet.
5. Any necessary easements as described above are placed on the Final Plat.
6. A park dedication agreement is received.
7. The location of mail receptacles are approved by the Post Office.
8. The developer proposed restrictive covenants are filed with the subdivision plat
9. A subdivision improvement agreement is received.

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

Larry asked Assistant City Engineer Brock Storrusten how drainage would be handled, if it would be a rear yard swale? Brock stated that they will probably need some storm sewer, which they could do privately, as he didn't know if the City Administrator would want to set up a special assessment district for such a small area.

Steven stated that Mrs. Tintes came in with a list of items today agreeing with the staff recommendations.

Commissioner Nelson 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 A08-15 Simple Lot Split of Lots 3-4, Block 3 of Charleswood River Estates 7th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located on Pentland Street, is zoned for single family dwellings and platted for single family homes. The applicant proposes to increase the area of Lot 4 to accommodate the setback requirements for a home built on this lot. The proposed lot split is consistent with City plans and ordinances.

This simple lot split would allow the home on Lot 4 to meet setback requirements without a variance. The applicant owns the property being split. After the split Lot 4 would be 13,908 ft² and Lot 3 would be 12,107ft² which would exceed the lot area requirements for each of the lots. The area that would be added to Lot 4 is 217.5 ft². A simple lot split was previously approved for Lot 5 to the north. It is apparent however that the proposed lot split is not part of a continuing scheme of lot splitting for the area. The simple lot split meets the conditions to not require subdivision platting provisions under the subdivision ordinance.

Staff recommends approval with the following condition:

1. The parcel split from Lot 3 is included within the deed for Lot 4 and verification provided to the City.

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

The next item on the agenda was Annual Bench Franchise Review

Larry reviewed the following information from the staff report:

The company holding the current City franchise license is Custom Graphics Bench Works, Inc. with Alexis Paxton listed as the representative. The annual permit expires each year on June 30th. Ms. Paxton submitted a request for annual renewal in May with the list of bench sign locations and fee to be approved at the June Planning and Zoning Commission meeting. The Certificate of Liability Insurance has been submitted for the period August 1, 2008 through August 1, 2009.

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.

Commissioner Gustofson asked about the fees. Larry stated that they pay a \$300 franchise fee each year and that the City was more concerned with placement and number of signs than with making money. Discussion was held regarding Fargo's bench signs. The Commission asked Larry to let the City Administrator know that they should look at possibly increasing the fees.

Commissioner Gustofson made a motion to approve the Annual Bench Franchise. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Under non-agenda, Chair Lenzmeier read a letter of appreciation for Commissioner Holzmer for his past five years of service on the Planning and Zoning Commission and whose term will be up the end of June.

Commissioner Keller made a motion to send the letter of appreciation to Commissioner Holzmer. Commissioner Potter seconded the motion. No opposition. Motion carried.

Also under non-agenda, Larry reviewed the Legislative Bill drafts regarding Extraterritorial Zoning. Which ranged from decreasing E.T. jurisdictions, have the county planning a larger role, another would require cities to go through a growth plan process to demonstrate that growth would occur within 10 years. This would be an independent study. Another draft bill would give cities control of with joint approval by the township and county and another would scrap extraterritorial jurisdictions altogether.

Commissioner Smedshammer made a motion to adjourn. Meeting adjourned.