



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

West Fargo Planning and Zoning Commission
July 9, 2007 at 7:00 P.M.
West Fargo City Hall

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

Others Present: Steven Zimmer, Lisa Sankey, Brock Storrusten, Phil Stahl, Dennis Rheault, Jim Muller, Jim Morken, Dan Passolt, Shane Johnson, Terry Maul, Don Dabbert, Janet Quinn, Danny Schatz, Barry Johnson, Jeff Johnson, Steve Murray, Wayne Gronbeck, Jason Boles, Tom Carriveau

The meeting was called to order by Chair Lenzmeier.

Commissioner Smedshammer made a motion to approve the June 11, 2007 minutes as printed. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-31 Industrial Builders 1st Subdivision, Rezoning from Agricultural to M: Heavy Industrial & Conditional Use Permit for concrete/asphalt crushing facility & stockpiling of crushed concrete/asphalt on parcels in the SW¼ of Section 32, T140N, R49W (Reed Township), Cass County, North Dakota.

Steven reviewed the following information from the staff report:

The existing company wishes to expand its storage area to the east and thus the property must be zoned from A to M and be platted. The property is located on the opposite side (east) of County Hwy #17 from a residential subdivision. The existing business was established prior to the residential subdivision. The property is in the city's ET area. The proposed use is consistent with City Plans and Ordinances.

The proposed subdivision is located in an area that is predominately industrial in nature. The Preliminary Plat provides for 4 lots in 2 Blocks. Lot 1 Block 1 (±10A) is currently developed and has been used by Industrial Builders for several years prior to coming into West Fargo's ET area. Lot 2 Block 1 (±20A), to the west of Lot 1, will be used for equipment storage, as well as for the concrete/asphalt crushing facility and the stockpiling of the concrete/asphalt materials. Lot 3 Block 1 would be a newly platted lot along County Hwy #17 directly north of Lot 1. Lot 1 Block 2 would be used as a lease property for an industrial use. Industrial Builders has stated that it would be used for storage and would not have a building on the property, and thus would not require services at this time. Lot 3 Block 1 and Lot 1 Block 2 would be accessed by 13th Ave NW and 2nd St NW which would be roadways with 80' of dedicated right-of-way. 13th Ave NW would be a new access point off of County Hwy #17 and will be located directly across from a previously approved access to Goldenwood 3rd Subdivision.

The established right-of-way dedication standard for the County Hwy #17 is 150' as the street is intended to be a minor arterial street. The plat shows the appropriate right-of-way dedication. The applicant has also submitted an area plan that shows how the remaining land to the west is proposed to be developed. The properties along Cass County Hwy #17 are located in the Corridor Overlay District and are required to follow the higher development standard for building construction and landscaping. This includes screening storage areas from neighboring properties and traffic. A landscape buffer easement is proposed along Cass County Hwy #17, though we have not received a landscape plan.

Industrial properties located adjacent to residential properties are required to install some type of buffer to minimize the negative affects on the residential properties. Park dedication would be required for all these properties except for Lot 1, Block 1 and a small portion of Lot 2, Block 1, because they are developed.

Ingress and egress to the property for the concrete/asphalt crushing and stockpiling facility would be through the existing yard or via the proposed street system being platted. The proposed subdivision is located within ¼ mile of the City limits. The City does have the authority to require annexation as a condition of approval. As no municipal services are required at this time it may be appropriate to delay annexation. However, when the existing septic system needs to be replaced, or when buildings with sewer or water needs are constructed, it would be appropriate to require annexation. An agreement should be developed to address the timing of future annexation.

Notices were sent out to city departments and neighboring property owners and have received a few comments. The owners of the neighboring residential development stated their concern of expanding the industrial use and the affect it would have on their development. The Fire and Police Departments stated that they had concerns with a single access, 13th Ave NW, serving the new and future lots. They would like to see an alternate entrance prior to full build-out/development.

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

1. An Attorney Title Opinion is received.
2. A certificate is received showing taxes being current.
3. A drainage plan is received and approved by the City Engineer.
4. A landscape plan is received.
5. A park dedication agreement is received.
6. Necessary easements are placed on the Final Plat.
7. A subdivision improvement agreement is received.
8. An agreement addressing the timing of future annexation is received.

Shane Johnson, 1407 5th Street NW, stated that he's concerned with dust and the noise from the crushing facility will effect his property.

Jim Morken, Homeland Developers, stated that their development will house 200+ future residents. He realizes the Heavy Industrial zoning was there first, but feels screening is very important. He's concerned with the location of the crusher plant and concerned with the dust.

Terry Maul, 1243 5th Street Circle NW, stated concern with noise and dust and would hope the crushing facility remains in the current location.

Dan Passolt, Homeland Developers, asked if it could be approved with conditions to keep the dust down.

Discussion was held regarding noise and dust.

Mr. Morken asked about the future lots to the north. Steven stated that the area isn't being platted. Future lots are being reflected on the area plan. He also stated that the developer has no intention of moving the crushing facility. Lot 1, Block 2 would be used to store pipe.

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

Discussion was held regarding berming. Steven stated that could be addressed under item #4 with the landscaping plan.

Commissioner Nelson made a motion for approval subject to the conditions listed in the staff report, as well as an additional condition that the crushing plants remains at its current location of Lot 2, Block 1. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-32 Blazing Star Addition, Subdivision & rezoning from A: Agricultural to R-1:

One and Two Family Dwellings property in the NW¼ of Section 29, T139N, R49W, West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located west of 9th Street East, south of 32nd Avenue, and north and along 36th Avenue East. The developer has purchased several parcels in the North ½ of Section 29. The area is shown on the Area Plan and consists of approximately 160 acres. The area was annexed into the City in 2005. The proposed development is consistent with the City's Land Use Plan, but does not meet the minimum street right-of-way standards of the subdivision ordinance. The developer is also requesting a subdivision ordinance amendment.

The City's Land Use Plan depicts the majority of the area developing as Low Density Residential. Some High Density Residential is shown along 9th Street East and Medium Density Residential is shown in the northwest portion of the area. The Area Plan which was revised and submitted for consideration with the Preliminary Plat indicates that the developer proposes to develop the area primarily with low density residential, except for an area along 9th Street East which is shown as high density residential. The land use scheme is consistent with the City's Land Use Plan. Additionally the Area Plan reflects the City's intended Collector and Arterial Street system with no residential lot access on these streets. The development plans indicate a system of open spaces and connecting pedestrian bikeway linkages for the development. Though curvilinear streets are shown the developer is intending to create a more traditional neighborhood.

The Preliminary Plat consists of approximately 17.8 acres of land which is located about ¼ mile west of 9th Street. One looped street is shown (Lobelia Circle) with 45 single family lots and two larger lots which will likely be developed as Planned Unit Developments, because of their configuration. An area of open space is shown in the center of the development which is intended for a small neighborhood park/open space. Pedestrian/bikeway linkages are provided for through the subdivision.

The zoning requested for the development is R-1: One and Two Family Dwellings. The lots appear to meet the lot and yard requirements for the R-1 District, though several of the pie-shaped lots may not meet the minimum lot width requirements at the front yard setback line. Structures on these lots may require increased setbacks, so that the minimum required lot width is met at the building line in front. The developer has requested that a new zoning district be established which would allow for similar lot characteristics as the R-1A District but would provide for 20-foot front yard setbacks and 5-foot side yard setbacks. The rationale for reducing the front yard setback is to bring the structures closer to the street, and 100' from front-of-house to front-of-house with the narrower street right-of-way, to create a more traditional type of neighborhood. Higher design standards for the dwelling are being proposed to emphasize the dwelling unit and de-emphasize the garage. Garages are intended to be setback 25' and could not exceed 50% of the front building width. If the proposed zoning district is approved by the City, the developer would then propose rezoning the subdivision to that zoning.

The street right-of-way for Lobelia Circle is shown as 60' on the Preliminary Plat which does not meet the current minimum standards under the City's Subdivision Ordinance. The developer has submitted a request for an amendment to the Subdivision Ordinance to reduce the required minimum right-of-way for a local residential street to 60'. If the amendment is not approved, the developer will need to increase the right-of-way to 70'. Under the City's Street Naming Guidelines, "Circle" named streets is reserved for cul-de-sac streets. Curvilinear streets such as looped streets should be named "Lane" or "Drive." The street which accesses the development from 36th Avenue East (Madelyn's Way) is not named on the Preliminary Plat, but should be named 7th Street East to better identify the location of the subdivision for 911 purposes. The Preliminary Plat shows 36th Avenue East named as "Madelyn's Way" which is in conflict with the south side of the street which is already platted as 36th Avenue East. As this is a designated Collector Street the street should remain named as 36th Avenue East. The developer's named street could be utilized on a local street, though under the City's Street Naming Guidelines, "Way" named streets are reserved for private streets. The right-of-way for the north half of the Collector Street is adequate at 40', as 40' has been dedicated for the south half of the street.

The staff has sent the subdivision plat to the Park District for their review and recommendations. By ordinance the Park District has 30 days to provide a recommendation. Final Plat approval should not be given until the City has received the Park District recommendations.

All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being recorded.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office and Fargo Planning Office. City departments are still reviewing the request and considering recommendations. There are some concerns with reducing the minimum right-of-way requirement to 60'. The Planning Department is working with the City departments to develop a consensus on what the minimum right-of-way should be. The Park District is still reviewing the subdivision and likely will not have a recommendation prior to the Planning and Zoning Commission meeting. The Post Office has indicated that the mode of delivery will be Cluster Box Units (CBU), so the developer will need to work with the Post Office and City to site the location of the units throughout the development.

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

1. The street name for Lobelia Circle should be changed to Lobelia Lane or Lobelia Drive and the right-of-way should meet the minimum standards of the existing Subdivision Ordinance or amendment as approved.
2. The Collector Street which is shown as Madelyn's Way should be shown as 36th Avenue East which is already named as such.
3. The local street entering the subdivision lots on the south and north sides should be named 7th Street East.
4. Departmental comments are taken into consideration.
5. An Attorney Title Opinion is received.
6. A certificate of taxes showing taxes being current is received.
7. Restrictive covenants are received if applicable.
8. A Drainage Plan is received and approved by the City Engineer.
9. A Final Plat is received with any necessary utility easements.
10. The Final Plat is not approved until the City receives a recommendation from the Park District and a park dedication agreement is received.
11. The required utility hook-up fee is adequately addressed.
12. A CBU location plan is reviewed and approved by the Post Office and City.
13. A Subdivision Improvement Agreement is received.

West Fargo resident Janet Quinn asked what a "more traditional neighborhood" meant. Applicant Don Dabbert described the proposal, indicating they're asking for decreased setbacks and propose "de-emphasizing" the garage.

Danny Schatz, property owner to the east, stated concern with narrow streets and there being only one entrance in and out of the development. Steven stated that there is a future access from the north. Assistant City Engineer Brock Storrusten stated that in the past this has been the case with smaller neighborhoods, to encourage development. He described typical city street standards as being 32' of pavement with 8' of parking on one side and two, 12' driving lanes.

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

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

Chair Lenzmeier opened public hearing A07-33 W.F. Soccer Subdivision, rezoning from A: Agricultural to P: Public Facilities & conditional use permit for an off-site (off-premise) sign in the SW¼ of Section 7, T139N, R49W (Barnes Township), Cass County, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located on the north side of 13th Avenue West, west of 8th Street West and directly east of Drain #21, is located in West Fargo's Extraterritorial Area. The West Fargo Park District is leasing the property from the Red River Valley Fairgrounds (Cass County) and in October of 2002 was granted a conditional use permit for the use. The applicant proposes platting and zoning the property, as well as applying for a CUP for a freestanding sign with off-premise advertising on it for the soccer complex. Park facilities are permitted uses in the Public Facilities Zoning District. Off premise signs are considered conditionally permitted uses in the Public Facilities Zoning District.

The applicant has submitted a preliminary plat, area plan and site plan for the proposed signage. The property is bordered by

residential properties to the east and north. The Preliminary Plat shows one lot of 25.5 Acres with 60' of dedicated right-of-way for the existing 13th Avenue W. The soccer complex is being constructed in two phases and will consist of five larger and two smaller soccer fields, parking lots and a concession building. The soccer fields are located about 40' from the residential properties to the east and north. The parking lots are located along the south and west sides of the property close to 13th Avenue West.

The proposed sign is 97 ft² and 20' tall and per the applicant would be located at least 15' north of 13th Avenue West right-of-way line. The setback from the east property line is not known. With regards to the criteria for granting a conditional use permit, the following is noted:

1. Ingress and egress to the property are from 13th Avenue West.
2. Off-street parking and loading facilities are located on the south side of the property and are accessed from 13th Avenue West.

Notices were sent to adjacent property owners within 350'. Some concerns have been received by residential property owners. City departments were also notified. The Police Department is concerned with not enough parking currently being available.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. A certificate is received showing taxes are current.
3. A Final Plat is received with any necessary easements.
4. A drainage plan is received and approved which addresses drainage and retention issues.
5. A site plan is provided showing the location of the proposed sign.
6. Adequate off-street parking is provided for as on street parking is not provided for.

Janet Quinn, 1025 Sheyenne Park Place, stated that she has concerns with the sign. She asked why not place advertising along the fencing or on the concession stand. All that money spent on beautifying 13th Avenue and now there's going to be big advertising sign.

Steven stated that the sign is similar to the one by the West Fargo High School. Ms. Quinn asked what the purpose of the sign would be. Jim Muller, 1416 16th Avenue East, stated that he's involved with the Soccer Club Fundraising. The Park District has been unable to complete this project, so money was raised by the West Fargo Soccer Club. The sign is a way to recognize those who contributed.

Ms. Quinn asked why they have to have a commercial sign in front of their house. Commissioner Holzmer asked if a commitment was made to the businesses before they donated money. Mr. Muller stated that they were trying to get substantial contributions, so the sign was mentioned.

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

Commissioner Gustofson asked about parking lot drainage. He stated that he used to own the property and water drained to that area. Steven stated that a drainage plan is required.

Commissioner Gustofson made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. Commissioner Smedshammer, Keller, Gustofson, Lenzmeier, Nelson and Potter voted aye. Commissioner Holzmer voted nay. Motion carried 6-1.

Chair Lenzmeier opened public hearing A07-34 Subdivision Ordinance Amendment to provide for 60' right-of-ways, for local residential streets and Zoning Ordinance Amendment to establish a new residential district providing for low density residential with reduced front yard setbacks & higher design standards to accentuate the residential appeal and de-accentuate attached garages.

Steven reviewed the following information from the staff report:

The City received a request from Shadow Wood Development Company to consider changing the subdivision standard for local low density residential streets from 70' of right-of-way to 60' of right-of-way. A request was also received to establish a new residential district which would provide for reduced front yard setbacks and higher design standards for residential structures. Emphasis would be placed on the dwelling unit, whereas the garage would be de-emphasized. The developer is proposing a walkable, family-friendly, traditional neighborhood development with single family detached dwellings as the permitted use, and believes it is essential that the right-of-ways and front yards are reduced to bring the houses closer together. The developer has also submitted a Preliminary Plat for a residential subdivision with hopes that the subdivision and zoning ordinance amendments could be considered in a timely manner.

After receiving the request, the Planning Department staff has developed draft changes to the subdivision and zoning ordinances and provided various City Departments a copy. A public hearing is scheduled before the Planning and Zoning Commission in July with hearing before the City Commission anticipated in late July.

The draft changes to the subdivision ordinance would provide that the minimum right-of-way for a local street within low to medium density residential developments would be 60' and the minimum pavement width would be between 28-32' depending on whether on-street parking would be provided. The lot and yard requirements for the proposed R-1B District are the same as the R-1A District except for the front yard which would be reduced from 25' to 20' and side yard which would be reduced from 6' to 5'. Garages are required to be setback a minimum of 25' to prevent encroachments onto sidewalks. It is encouraged that the dwelling is brought forward and garages are set back farther to emphasize the dwelling unit. Also to emphasize the dwelling unit more, the garage width cannot exceed 50% of the front building width.

Following departmental reviews several concerns were brought out with reducing the street right-of-way from 70' to 60' and also some concern with reducing the street pavement width from 32' to 28'. There is concern that the developer may be trying to save a few dollars in the short term which costs us in the long term by affecting the image of the City.

Not all departments have commented on the proposed amendment to the local street right-of-way standards. The Planning Department is working to achieve a consensus on the appropriate standard for the City. At this time the staff does not have a recommendation on the proposed amendment, as various departments still need to submit comments. It is recommended to delay action until the next meeting.

Chair Lenzmeier stated that he was confused about approving this without a consensus from staff members. Steven stated that after the agenda packets were mailed out, Public Works, Planning and Engineering Staff were able to meet to discuss this and are comfortable with this moving forward.

Commissioner Gustofson asked if it is such a great idea, why is there the 70' right-of-way requirement. Steven stated that nobody has asked before. They've looked at other cities, some have created new districts. Discussion was held regarding traffic calming and decreased speeds. In the past people preferred wider roads.

Commissioner Keller stated that with similar developments in the FM area it seems really tight when roadway width is decreased.

Commissioner Smedshammer made a motion to approve the amendments subject to the condition that the standards are not less than what was presented tonight. Commissioner Keller seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-35 Conditional Use Permit for stockpiling of crushed concrete and concrete rubble & periodic crushing of concrete on Lots 8-10, Block 2 of Sterling Industrial Park 4th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located in the southeast corner of 16th St NE and 5th Ave NE, South of 7th Ave NE. The south side of the property abuts the Burlington Northern Railroad property. In order to stockpile crushed concrete on the site a Conditional Use Permit is required. The proposed use is consistent with City Plans and Ordinances.

The applicant proposes to operate a concrete crushing operation on Lots 8-10 of the Sterling Industrial Park 4th Addition. The

applicant has stated that the crushing operation would most likely be located on lot 8, which is bordered by the BNSF Railroad to the south, the West Fargo City Limits and Northern Improvement's yard to the east. Lots 9 and 10 would be left open and would be used as a buffer to the adjacent properties to the north and west. Sterling Industrial Park is located in a TIF District. It would seem logical to minimize the height of any stockpiles to a height that would help to minimize blowing dust.

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

1. Ingress and egress to the property are from 5th Avenue NE and 16th Street NE.
2. The property would have adequate off-street parking which would not affect traffic circulation on the property.
3. The economic, noise, glare, or odor effect of the proposed use on adjoining properties is an issue, but should be minimized by limiting the pile height and placing the concrete crushing plant directly east or south of the stockpile.
4. The proposed use is viewed as generally compatible with adjacent properties and other property in the district as per the scale and proposed manner of operation of the use.

Notices were sent to adjacent property owners for review. We have received comments from a neighboring property owner voicing concern over dust and its effect on the value of his property.

Staff recommends approval with the following conditions:

1. Stockpile heights are limited to minimize dust.
2. The concrete crushing plant is located directly east or south of the crushed concrete stockpile to limit the possibility of dust traveling to the northwest.

Barry Johnson, Owner of Cass County Electric, stated that when he purchased his lot there was never talk of a concrete crushing plant. He's concerned with the way the winds blow in the summer generating dust and gave the example of the Northern Improvement lot to the east. He has the ability to monitor the indoor and outdoor air quality and will be doing so, strictly enforcing EPA regulations. He asked how high the pile of concrete was going to be.

Jeff Johnson, Dakota Underground, stated that the Northern Improvement pile is enormously high. Their intent is to keep the rubble pile to the southeast part of Lot 7. He asked if this was going to be any worse than what is currently out there. The property is zoned Heavy Industrial.

Barry Johnson asked what kind of elevation limitations there would be. Steven stated that it's up for discussion. They don't have a requirement. In the past it was up to the tree canopy, other cities require 25'.

Barry Johnson stated that most of these places use portable crushers -- once it's brought in, it won't stop, won't be shut off. He asked what his recourse was if this was unsafe.

Chair Lenzmeier stated that with a previous request, the crusher was moved behind the pile to create a barrier. Barry stated that he's concerned with all three lots being used. Jeff stated that they won't be crushing on a regular basis, it will be very sporadic.

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

Chair Lenzmeier asked if they'd be willing to use water or take measure to keep the dust down if there are wind issues. Jeff stated that he wouldn't be opposed to doing so.

Discussion was held regarding lot size, height limitation of 25' and buffering.

Commissioner Keller asked where trees could be placed if screening was required. She stated that the request falls within ordinance parameters.

Commissioner Gustofson made a motion to approve the request subject to staff recommendations and an additional condition that crushing only be done on Lot 8. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-36 Francis 3rd Addition, Replat & Rezoning to C: Light Commercial, Lots 1-3, Lot 25, and the North 25' of Lots 24 and alley right-of-way to be vacated between Lots 1-3 and Lot 25 of Block 2 of Francis 1st Subdivision, City of West Fargo, North Dakota

Steven reviewed the following information from the staff report:

The property is located on the southeast corner Main Ave W and Francis Street, along the frontage road. The current owner wishes to divide the property into three (3) lots so that the individual lots may be sold to separate owners. The property was originally platted as part of the Francis First Subdivision. The applicant also wishes to vacate the existing east/west alley right-of-way that would affect their plat. This business and use has been established for several years as a gas/service station, convenience store, and bulk fuel sales. The proposed use is consistent with City Plans and Ordinances.

The applicant proposes to replat his property to allow him to sell his business to separate owners. Lot 1 would include the mechanics shop, oil changing, and convenience store portion of the business. Lot 2 would include bulk fuel tanks and access to the tanks. Lot 3 would include the canopy w/pumps. This lot would be considered a non-buildable lot if the use were to change in the future. Staff believes that Lot 3 should be included with either Lot 1 or Lot 2 to avoid future conflicts.

This plat includes the area previously platted as alley right-of-way within the proposed lots. If the applicant wishes to include this right-of-way as part of the platted land, he must request the city vacate it. City staff also feels that if this right-of-way is vacated that it would be appropriate to place an access easement that allows access to the alley running north/south.

Notices were sent out to City departments and neighboring property owners, and we have received one comment from multiple departments concerning the vacation of the alley right-of-way.

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. Lot 3 is included with either Lot 1 or Lot 2 prior to plat being filed.
2. An Attorney Title Opinion is received.
3. A certificate is received showing taxes being current.
4. Necessary easements are placed on the Final Plat.
5. If alley right-of-way is vacated it is replaced by an access easement.

Steve Murray, 28 Francis Street stated that there was a similar request 10 years ago for the area to the north of him, which ended up being rezoned to PUD. Not knowing what was planned for the Dan's Oil, especially with the proposed Main Avenue Reconstruction Project, he would be more comfortable with a PUD zoning.

Steven stated that the property is currently zoned C: Light Commercial with the exception of the alleys. The zoning request refers to zoning the proposed vacated alleys to Light Commercial.

Tom Carriveau, 103 Francis Street, indicated he lives south of Dan's Oil. Applicant Dennis Rheault described the request.

Wayne Gronbeck, 36 Francis Street, stated that they're concerned with the residential integrity being maintained. Especially with ND-DOT's plans for the Main Avenue Reconstruction Project. They'd like Francis Street to dead-end to the north as there'd still be access from 2nd and 4th Avenues. Chair Lenzmeier stated that the Main Avenue Project is a separate issue.

Jason Boles, 37 Francis Street, asked for clarification regarding the location.

The public hearing was closed.

Discussion was held regarding Lot 3. Mr. Rheault explained this was the canopy area and he preferred to have it as a separate lot because of possible issues with the Main Avenue Reconstruction.

Commissioner Smedshammer made a motion for approval based on conditions 2-5 listed in the staff report. Commissioner Nelson seconded the motion. No opposition. Motion carried.

The next item on the agenda was continued from the last meeting, A07-25 Amendments to the Subdivision & 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.

Steven stated that the Planning and Zoning Commission tabled action on the request at their June 11, 2007 meeting to allow additional time for City Departments and Planning and Zoning Commission to evaluate the proposed amendments.

Since the last Planning and Zoning Commission meeting, the staff has met again with the developer to discuss the proposed changes and made some modifications to the proposed ordinance amendments. Additionally the City departments have had time to review the changes and have no comments. Changes since the last meeting include reducing the minimum lot area for a one family dwelling from 4,500 ft² to 4,000 ft², reducing the minimum lot width from 45' to 40', and increasing the maximum lot coverage from 40% to 45%. The proposed ordinance would be similar to a zoning district which Moorhead has which provides for more affordable housing opportunity. The district would be more restrictive than the minimum standards allowed by Fargo.

Applicant Dan Passolt stated that he had discussed this at length with Larry and was fine with his recommendations.

Discussion was held regarding the alleys and changes made since the last meeting.

Commissioner Gustofson made a motion for approval with conditions that there be no street access (driveways) and there be no parking along the alleys. Commissioner Nelson seconded the motion. No opposition. Motion carried.

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