



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

West Fargo Planning and Zoning Commission
August 13, 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, Bernie Dardis, Jill Gustofson, Grant Larson, Sean McCallister, Beverly Kelsch, Brendan Mullen, Bill Brennan

The meeting was called to order by Chair Lenzmeier.

Commissioner Gustofson made a motion to approve the July 9, 2007 meeting minutes as printed. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-37 Conditional Use Permit for aboveground fuel tank at 420 East Main Avenue (Lot 2, Block 1 of Dakota Machine 1st Addition), City of West Fargo, North Dakota.

Steven Zimmer reviewed the following information from the staff report:

Aboveground fuel tanks are conditionally permitted uses in the CM: Heavy Commercial/Light Industrial zoning district. The application is for one (1) 1000 gallon diesel fuel tank and one (1) 300 gallon gasoline tank. Both tanks will be located together within a spill containment area. A site plan has been prepared showing the property and improved areas. Ingress and egress to the property have been granted through direct access off of Main Ave E.

With regards to planning issues dealing with aboveground storage tanks the staff does not see any problems; however, the applicant must comply with all requirements set forth in the International Fire Code, which will be enforced by the West Fargo Fire Department. Notices and maps were sent to adjacent property owners within 350 feet and City departments for review and comment.

It is recommended that the request be conditionally approved on the basis that it is consistent with City plans and ordinances. The condition for approval is that the West Fargo Fire Department inspects and approves the finished project prior to filling and operating fuel tanks.

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

Chair Lenzmeier stated that in the past there has usually been a drawing showing a containment area. Steven stated that this is something the Fire Department will review -- ensure the tank is double walled, has a containment area... This isn't administered by the Planning Department.

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

Chair Lenzmeier opened public hearing A07-38 Conditional Use Permit for aboveground fuel tank on parcel in the East ½ of

the NW¼ of Section 6, T139N, R49W (Barnes Township), Cass County, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the south side of Sheyenne Diversion Road, west of County Highway #19, directly west of the old Federal Beef plant. There is a pending plat and rezoning application being processed for this property, to clean up the legal descriptions. The proposed use is consistent with City Plans and Ordinances. The application is for one (1) 1000 gallon diesel fuel tank.

The property is currently being used as an outdoor storage area for DMI. The current use is not an approved use in the A: Agricultural zoning district, however this property is in the process of being platted and rezoned to M: Heavy Industrial which would allow this type of use. Staff has reviewed this CUP application based on the use and the belief that the zoning will be changed to Heavy Industrial in the future. A site plan has been prepared showing the property and improved areas. Ingress and egress to the property have been granted through direct access off of Sheyenne Diversion Road.

With regards to planning issues dealing with aboveground storage tanks the staff does not see any problems; however, the applicant must comply with all requirements set forth in the International Fire Code, which will be enforced by the West Fargo Fire Department. Notices and maps were sent to adjacent property owners within 350 feet and City departments for review and comment.

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

1. The West Fargo Fire Department inspects and approves finished project prior to filling and operating fuel tanks.
2. The subdivision plat and rezoning for the property and area are completed in a timely manner.

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 A07-39 Conditional Use Permit for aboveground fuel tank on Lot 1, Block 1 of Wanzek 1st Addition (1910 West Main Avenue), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the north side of Main Avenue W and the south side of 2nd Ave NW. The applicant is proposing replacing their existing 2000 gallon tank with a 12,000 gallon tank; however as per zoning for the CM: Heavy Commercial/Light Industrial district 5,000 gallons is the maximum size tank for Class 2 liquids allowed with a CUP. The applicant is also applying to use their existing 2,000 gallon diesel tank for gasoline storage which is allowable as a Conditional Use in the CM zoning district. The tanks will be located approximately 300 feet from the north property line and ±275 feet from the south property line. Ingress and egress to the property have been granted through direct access off of Main Ave W and 2nd Ave NW.

With regards to planning issues dealing with aboveground storage tanks the staff does not see any problems provided the ordinance requirements can be met; however, the applicant must comply with all requirements set forth in the International Fire Code, which will be enforced by the West Fargo Fire Department. Notices and maps were sent to adjacent property owners within 350 feet and City departments for review and comment.

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

1. Applicant reduces the size of their new tank to 5000 gallons, as per CM zoning CUP regulations.
2. The West Fargo Fire Department inspects and approves finished project prior to filling and operating fuel tanks.

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

Commissioner Nelson asked if the applicant had any problems with decreasing the tank size. Steven indicated that he hadn't heard from them.

Commissioner Gustofson asked how large an underground tank could be. Larry stated that there isn't a size limit. With aboveground fuel tanks, the fire code recognizes a greater hazard. With below ground, there could be more potential for leakage.

Commissioner Nelson made a motion for approval based on staff recommendations. Commissioner Holzmer seconded the motion. Commissioner Keller asked if they could have two, 5,000 gallon tanks. Larry stated they could have one of each fuel type, but not the same. Commissioners then voted on the motion on the floor. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-40 Conditional Use Permit for automobile sales at 225 East Main Avenue (South 123' Lot 7 & Lot 8, Block 4, of Sukut's Estates Subdivision), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located on the southwest corner of Main Avenue East and 3rd Street East, is zoned light commercial. The building was constructed years ago and is currently being used for sales and maintenance of Direct TV products. This property was previously used as automobile service station and auto repair shop. The applicant would be using this property for primarily for satellite television sales; however, would also like to use the property for used auto sales, which is considered a conditional use within the C: Light Commercial District.

A site plan was submitted showing the building, vehicle sales display area, customer parking, and office space. The site plan shows 9 customer parking spaces. The site plan shows 10 spaces used for displaying cars. The parking is adequate based on the parking requirement of 6 spaces for vehicle sales.

The North Dakota Department of Transportation is in the process of developing the Project Concept Report which will establish the final design for the Main Avenue Reconstruction project to begin in 2009. Prior to September of 1991, the Zoning Ordinance did not allow automobile sales within the Light Commercial Zoning District. It was the position of the community that automobile sales was not appropriate within the two primary retail areas of the community which included Sheyenne Street and 13th Avenue East. In 1991 the City amended the Zoning Ordinance to allow for automobile sales as a conditional use as a result of a request on Main Avenue where there is a mix of commercial and industrial uses; however, there were concerns regarding other Light Commercial zoned areas of the community where it was felt that automobile sales was not appropriate. Specific mention was made for areas along Sheyenne Street and 13th Avenue. Rather than amend the ordinance to allow for automobile sales as a permitted use, it was allowed as a conditional use so it could be restricted in inappropriate areas. Property owners within 350 feet were notified regarding this request.

Staff recommends approval with the following conditions:

1. An adequate number of parking spaces are provided for the use on the property according to the Zoning Ordinance requirements.
2. Vehicles are not parked within 30 feet of the intersecting curbs on the corner of 3rd Street East and the Main Avenue frontage road to allow for a safe sight triangle for traffic moving on both roadways.

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 A07-41 Planned Unit Development (PUD) Amendment for development fence & Variance to the front yard setback from 25' to zero on Lots 1-18, Block 1 and Lots 1-12, Block 2 of Arbor Glen Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The properties are located east and west of 16th Street East along 19th Avenue East. The applicant proposes to utilize the front yards along 19th Avenue East for privacy, so a solid fence is proposed. Solid fences are not allowed in the front yards of residential zoning districts. The proposed PUD Amendment and variance request is not consistent with City Plans and Ordinances.

The applicant proposes to provide more privacy along 19th Avenue East for 24 twin home lots. The request would require a PUD Amendment as the character of the development would be affected. Also, a variance is required as the proposed fence does not meet the Zoning Ordinance Standards. The twin home development was approved as a Planned Unit Development in September 2001. The City was opposed to individual driveways accessing 19th Avenue East which is a Collector Street, so private access drives along the north sides of the properties were proposed by the developer and approved by the City. The developer desired to provide for front yard appeal along 19th Avenue East, so the houses were designed with an appealing building elevation along the south side. The twin home structures are two story structures with patios/decks provided for on the second story. The solid fence would hide much of the decorative treatments on the structures.

For residential districts, the City Zoning Ordinance provides that open fences which permit direct vision through at least 75% of the fence surface area would be allowed up to a height of four feet along the sides or front edge of a front yard. Solid fences would only be allowed up to a height of 2 ½ feet along the sides or front edge of a front yard.

Variations are only to be granted when the following can be demonstrated:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
2. That the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

It does not appear that the variance can be justified as none of the criteria listed above are met. There are no special conditions and circumstances that exist with the property or buildings that are not applicable to other lands or buildings in the same zoning district. The 24 twin home properties and their respective owners are not being deprived of rights being enjoyed by others because of the ordinance provisions. The conditions and circumstances do not result from the actions of the applicant, however were created by the original developer who sold the properties to the current owners with City approved detailed development plans for the Planned Unit Development in place. If the variance would be granted, the property owners would benefit from a special privilege that would not be provided to other lands, structures, or buildings in the same district. The City has required front yard fences to conform to the Ordinance provisions in the past.

It is recommended that the variance and Planned Unit Development Amendment request be denied on the basis the criteria for granting a variance are not met. Also, if approved the intent and character of the Planned Unit Development would be compromised.

Grant Larson, President of the Arbor Glen Association, stated that many of the property owners were not aware of the PUD, didn't know the rules, and weren't informed by the developer. He stated that they feel the more decorative aspects of the structures are along the peaks, which a privacy fence wouldn't affect. He passed around a photo of the development indicating the inconsistencies among the decks and structures.

The property owners feel this area is similar to the north along 17th Avenue East, which has a solid wood fence. Not having a fence would deprive them of safety and privacy. The situation is not a result of their actions. They feel a variance would benefit West Fargo, as the first impression people have driving west from Fargo is their development.

Mr. Larson stated that this would increase neighborhood appeal. The fence would also decrease noise. They've got issues currently with illegal dumping on the vacant lots. He also stated this would increase safety and privacy, especially because of the neighborhood children and pets.

Commissioner Gustofson asked about the style fence. Mr. Larson stated wood is cheaper, but vinyl would wear better.

Discussion was held regarding front yard and rear yard setbacks. Commissioner Gustofson asked why this is different from the Evergreens or Northridge Way. Larry reviewed the ordinance -- the property fronts along a public street.

Beverly Kelsch, Arbor Glen, stated that her daughter bought a twin home, not realizing they could never put up a fence. Currently the kids play in the alley. Mr. Larson stated that if they want to BBQ, they have to do so in the driveway.

Larry described an area along 13th Avenue West, south of the clinic, in which a fence was installed along the front property line --- it's 4' high and 75% open. He stated that could be another option.

Mr. Larson stated that they'd hoped for a 4-6' privacy fence and didn't want it 75% open. If this isn't approved, they could end up with picket, split rail, chain link. It would be inconsistent. He also stated that residents can't have swimming pools because the health department requires a 5' solid fence.

Brendan Mullen stated that he's the realtor who sold Ms. Kelsch's daughter her home. There are lots of kids; the decks face the back yards. It's primarily a safety issue.

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

Steven stated that the fencing style would need to be consistent, an approved development fence.

Commissioner Gustofson asked if it's a PUD, didn't the commission have the flexibility to allow the fence. Larry stated that the intent of the PUD isn't to circumvent the ordinance -- it's not a means to violate portions of the ordinance.

Steven stated that according to the ordinance the fencing would have to be 75% open fence. Commissioner Gustofson asked to be shown a similar situation anywhere in West Fargo.

Chair Lenzmeier asked what they had to gain by having the driveway to the north. Larry stated increased density. Chair Lenzmeier asked what type of fence could be approved. What could we do to help these people? Larry stated split rail, chain link, 4' high as long as there is 75% visibility. Or by placing the fence 25' back from the property line, they could have a solid fence. Chair Lenzmeier asked if that would help.

Mr. Larson stated that the setback would dissect their property in half and he's not sure if the residents would support this. Height and privacy is the main issue. They'd say no.

Discussion was held regarding the privacy fence, similar fences within the area and the variance criteria. Commissioner Gustofson stated that he thought they have special circumstances.

Commissioner Nelson stated that their front doors face the private drive and access isn't from 19th Avenue East. Chair Lenzmeier asked why they weren't considered unique. Larry stated that by definition, the front yard is along 19th Avenue East, if this is approved we'll have other requests. Commissioner Keller stated that it's a PUD and asked how many similar properties there are?

Chair Lenzmeier stated that they have to look at the request based on rules and regulations. The City Commission has more latitude to make a determination. He asked if there was any way to justify special circumstances.

Commissioner Nelson asked about consistency with other fences along 19th Avenue East. Commissioner Holzmer stated that this is going against ordinances, plus they do have the option of going with a different style fence. The City Commission has the authority to grant a variance.

Commissioner Gustofson stated that residents weren't aware they couldn't fence. Could we give them a 5' fence? There's no front door, no sidewalk, no parking along 19th Avenue. Commissioner Nelson stated that there's the safety issue, aesthetically it would look like the rest of 19th Avenue East. Commissioner Gustofson stated that there are not many houses where the front property line is 50' from the house. Commissioner Keller stated that so often we're concerned with the safety of children in

daycares. Would a daycare be allowed to fence?

Commissioner Keller asked if the developer couldn't have designated 16th Street East as the front yard. Larry stated that the developer could have put in a local street to the north, but it was cheaper to put in a private drive. Originally it was platted as one big lot, with the intent that they would replat.

Larry stated that the strongest argument would be the private drive. Steven stated that the police department has always had issues with private drives. Chair Lenzmeier asked about changing their minds and saying the front yard is the rear yard. Larry stated that he would need to readdress, which would involve 30 properties.

Discussion was held regarding delaying this a month until the language could be determined on approving the variance.

Commissioner Nelson made a motion for approval of the variance and PUD amendment with the special circumstances being that they are on a private drive and with the conditions that it be a consistent 5' high vinyl privacy fence, as well as following the Public Works Department's Site Distance Analysis and there be stop signs along 19th Avenue. The time frame for installation should be this year with completion the end of 2008. Commissioner Gustofson seconded the motion. Commissioners Smedshammer, Keller, Gustofson, Lenzmeier and Nelson voted aye. Commissioner Holzmer voted nay. Motion carried 5-1.

Chair Lenzmeier opened public hearing A07-42 Minor PUD Modification & Conditional Use Permit at 550 13th Avenue East (Lot 1 less S 40' of E 35', Block 2 of Meyer 2nd Addition, City of West Fargo, North Dakota to allow for a freestanding sign with electronic message board.

Larry reviewed the following information from the staff report:

The property is located on the north side of 13th Avenue East, west of 6th Street East. The existing building was constructed as a medical clinic following approval as a conditional use in September 1995 and was recently rezoned to Planned Unit Development for use as a professional office building in May of 2005. The applicant proposes to establish a medical clinic facility and would like to replace the previous freestanding monument type signs with a new illuminated freestanding pole sign with an electronic message board. The proposed use is consistent with the City's Land Use Plan; however the sign request requires a Conditional Use Permit.

In September 1995, Dakota Heartland obtained a conditional use permit under the R-3: Multiple Dwelling District and constructed a medical clinic. The clinic closed after several years and the building has been vacant for some time. In May 2005 the City approved a rezoning request to Planned Unit Development for use as a professional office building. One of the conditions of the Planned Unit Development rezoning was that any changes to the existing signage should take into consideration the residential character of the area, be of a monument type, and should be reviewed by the Planning and Zoning Commission as a Minor PUD Modification. This recommendation was based on previous concerns received from the residential area indicating opposition to a commercial pole type sign (A97-35).

The applicant proposes utilizing the property for the professional office space use for a medical clinic. The proposed office use corresponds with the Professional Services category within the City's Land Use Classification System. The specific uses listed include Medical and Health Services (Clinics, Chiropractic, Counseling, Dental); Finance, Insurance and Real Estate; Travel Agency; Engineering and Architect Firms; Attorneys; Veterinary Hospitals; Photo Studios; and Mortuary/Funeral Home. When the property was originally intended for clinic facilities, area residents were concerned with the possibility of late night clinic hours or being disturbed by ambulances. The property is in the center of a residential area with multiple family uses to the west, south and east. A park and single family residential uses are located to the north.

The applicant has submitted a site plan showing the location and size of the proposed sign. The proposed sign is an illuminated pole type structure with a proposed electronic message center. The proposed sign height is 20 feet. Under the Zoning Ordinance signs facing residential districts shall not be illuminated unless approved as a conditional use. The proposed sign will be located on the south side of the property along 13th Avenue East and directly across from residential apartment buildings. Also residential uses are located to the east and west of the property. It would seem appropriate to require a monument type sign with a lower height requirement and limitations on the lighting due to being surrounded by residential uses. Though signs for uses in residential districts are limited to a maximum height of eight feet, it would seem that 8-15 feet

in height would be reasonable for this property. The City did approve a low-intensity, internally lighted monument type sign for a dental clinic to the west within a PUD which was at a height of 15 feet 8 inches as additional office is planned for across the street to the west. Residential uses are located to the north and contemplated to the east of that property.

The landscape plan which was originally approved should continue to be maintained as the plan for the development. Any trees which were not planted or which may have died should be installed or re-installed and continually maintained.

Property owners within 150 feet were notified and no comments were received.

Staff recommends the following:

1. It is recommended that the proposed sign request be approved with required changes on the basis that the clinic facility is located in a residential area. The sign structure is to be modified to be of a monument type with a maximum height of 8-15 feet. The electronic message center should be eliminated, and the illumination of the sign should be low-intensity lighting.
2. It is understood that the property owner would abide by the previously approved condition that the original landscaping plan would be followed with the missing trees being installed. The landscaping is to be continually maintained.
3. Prior to the sign permit being issued, the applicant submits information to determine if adequate parking is provided.

Jill Gustofson, Indigo Signs, stated that they designed the sign based on City Ordinances and after meeting with the Senior Planner. When Tom Nelson turned the information in, at no time were they told they didn't meet regulations. She indicated that according to ordinances, this sign has less square footage and sign height, than the maximum allowed. One sign is replacing two signs. They feel the designed sign fits the businesses' needs.

Bill Brennan, Integrated Health Marketing, stated that they're taking over a building that has been vacant for several years and feel the existing signage is inadequate. The sign by the dentist's office sits out in an open field. At this site the trees are over 20' high. They did a neighborhood survey and have gotten a fantastic response. They're trying to be good neighbors, have done some landscaping, are utilizing West Fargo businesses. They're not asking for much and are just looking to become part of the West Fargo community.

Mr. Brennan stated that they are willing to restrict the hours of operation on the sign lighting and indicated that this sign request is no different than the one at the high school or up the block at 13th Avenue & 9th Street East.

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

Commissioner Gustofson indicated he had a conflict of interest and would abstain from voting.

Commissioner Keller asked about the signage at the Veteran's Arena and Soccer Complex. Larry stated that is a different zoning district and were conditionally permitted uses. Commissioner Keller asked about the heights on those signs. Bernie Dardis from Indigo Signs stated that the High School sign is 25', Arena is 15' and the soccer sign is 20'. Larry stated that originally this property was zoned residential and the sign scheme (monument signs) was passed on as part of the PUD. With the development down the street, the dental office sign is a lower profile. Previous requests for this property were given the same information and the staff report reflects the history. Size isn't the issue, but the sign style (monument) and height.

Discussion was held regarding the Town and Country Credit Union sign and issues with the intensity of the lighting.

Commissioner Gustofson asked about the height of the Western State Bank Sign. Mr. Dardis stated 25' and the Town and Country sign is 15'. He stated that the issue with the credit union sign has been resolved. Apparently the programmer turned off the dimming mechanism.

Mr. Brennan stated that the sign will be facing east/west. Commissioner Nelson asked if restricting the sign hours would eliminate concerns. Commissioner Keller indicated that with the soccer sign, it was 20' and there was neighborhood protest. There hasn't been any for this sign. Steven stated that the soccer sign isn't lit.

Commissioner Keller made a motion to approve the sign at the style and size requested. The animated message portion of the

sign would be limited to operating between 7 a.m. and 10 p.m. and low intensity lighting be used for the doctors names, as well as with the staff recommendations regarding landscaping/trees and that a parking plan be submitted. Commissioner Smedshammer seconded the motion. Motion carried 5-0 with Commissioner Gustofson abstaining.

Mr. Brennan indicated he will comply and just asked that he be told what types of trees to plant and the location.

Chair Lenzmeier opened public hearing A07-43 Planned Unit Development (PUD) Amendment located on all of Block 1 of Westport Beach 2nd Addition, City of West Fargo, North Dakota to allow for decks within the development

Steven reviewed the following information from the staff report:

The property is located south of 40th Ave W, between the Sheyenne Diversion and 11th St W. The developer is applying to amend the original PUD plans to allow decks within the Westport Beach 2nd Addition. Applicant has submitted a site plan showing the decks on the buildings within the development. The proposed use is consistent with City Plans and Ordinances.

The applicant wishes to be able to build decks within Westport Beach 2nd Addition. We have received a site plan that shows the buildings they wish to have the ability to add a deck to. The applicant is applying for decks that would be allowed to be built up to a maximum of 448 ft². Smaller decks would be allowed, as long as they do not encumber a utility easement. There are decks that are shown built over utility easements along 40th Ave W as well as along the Sheyenne Diversion. There are no structures allowed to be built on or over utility easements so the decks on these buildings would be required to be scaled back off of the easement or they would not be allowed.

It is recommended that the request be conditionally approved on the basis that it is consistent with City plans and ordinances. The condition of approval is that the applicant submits a revised plan that does not show decks on utility easements.

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

Larry stated that the developer called earlier today and is unable to attend the meeting. He didn't have any concerns with staff recommendations.

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

The next item on the agenda was Detailed Development Plans for Lots 1-3, Block 1 of Kass 3rd Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

Since the Planning and Zoning Commission meeting the developer has submitted Detailed Development Plans which include a site plan, building elevations, grading plan and utility plans.

The developer has requested the application be placed on a fast track, so the City Commission may review the Detailed Development Plans at the July 30, 2007 meeting. The Detailed Development Plans will not be finally approved until the Planning and Zoning Commission reviews them at their August 13, 2007 meeting. The developer is also asking for a building permit prior to final approval, which may be done at his own risk.

Staff has reviewed the plans as submitted and does not see any issues that would interfere with construction as per submitted plans. The plans show one monument sign for each of the three (3) commercial lots. Signage will be calculated the same as any commercial property, 2 square feet of signage for every one foot of frontage/lot. This development is located within the Corridor Overlay District which requires a higher standard of construction; the elevation plans show that the building will meet the city's requirements.

It is recommended to approve the proposed Detailed Development Plans based on the application being consistent with City plans and ordinances.

Larry stated that when the access study was completed, an agreement was to be put into place regarding the road easement.

Discussion was held regarding access onto 13th Avenue East.

Commissioner Nelson made a motion for approval based on staff recommendations regarding the landscaping plan, signed utility/access agreement and dumpsters being screened. Commissioner Keller seconded the motion. No opposition. Motion carried.

Under non-agenda, Chair Lenzmeier discussed the Western Planner conference and encouraged Planning and Zoning Commissioners to attend NDPA conferences in the future.

Commissioner Gustofson made a motion to adjourn. Commissioner Nelson seconded the motion. Meeting adjourned.