



Larry M. Weil, Planning Director
Steven Zimmer, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
September 14, 2009 at 7:00 P.M.
West Fargo City Hall

Members Present: Tom McDougall
Frank Lenzmeier
Terry Potter
Harriet Smedshammer

Members Absent: Kim Keller, Jason Gustofson

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Dave Paulson, Brian Gibson, Mike Thorstad, Vance Nichelson

The meeting was called to order by Chair Lenzmeier.

Commissioner Smedshammer made a motion to approve the August 10, 2009 meeting minutes as printed and mailed. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A09-33 Planned Unit Development Amendment for 1225 East Main Avenue (Lot 1, Block 1 of Geller's 2nd Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located on the southeast corner of Main Avenue and 12th Street East, is platted and zoned Planned Unit Development for heavy commercial/light industrial uses. The business wishes to build a 2,400 ft² addition to the south side to the existing building. The proposed use would require a Planned Unit Development amendment.

The preliminary site plan shows a 40' X 60' (2,400 ft²) addition to an existing building. A site plan was submitted showing the proposed building and site layout. Also, an elevation plan was provided for the building. The building elevation plans show brick being added to the front of the building facing Main Ave. The property is zoned Planned Unit Development and is intended to accommodate Light Commercial District uses and many of the permitted uses in the Heavy Commercial/Light Industrial District except for manufacturing, particularly of larger components, or those uses that are listed as conditional uses in the CM District. The use which is a tire sales and auto repair shop is considered a permitted use under the Light Commercial District.

There is an access/utility easement partially located where the addition is proposed. The applicant is aware of this and has agreed to vacate the portion of the easement affected by the addition and draw up a new easement description that moves it to the south and maintain the same 40' as it is today. The site plan identifies a new concrete storage area that is to be fenced along the east side of the building addition. There is an existing 40-foot access easement which was granted between the two properties which cannot be fenced. The fence would need to be pulled back to the easement line.

Notices were sent to adjacent property owners within 150'. No comments were received.

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

1. The access/utility easement is allowed to be moved to maintain 40'.
2. The fenced storage area does not affect the established access easement granted between the two properties.

Steven stated that the City Commission did approve the variance request to reduce the front yard setback for the parking lot along the north side of the property.

Larry stated that a letter was received from a property owner to the south (Brookwood), with questions that do not relate to the PUD. The City Administrator suggested the City Engineer review it and possibly respond.

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

Commissioner Smedshammer asked if the front part changed due to the variance. Steven stated that there will be brick on the front side of the building and landscaping to the north. Applicant Dave Paulson stated that the ND-DOT won't allow landscaping in the right-of-way, so they're proposing to eliminate the sidewalk along the north side of the building, as all their customers enter from the west. They'll place curbing and will landscape the area with shrubs and other plantings.

Chair Lenzmeier asked Brock how far the addition will be from the road. Brock stated it will be right there where the existing fence is located.

Commissioner McDougall asked about the purpose of the easement. Steven stated that it is an access easement that goes across all the lots along the south side.

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

Chair Lenzmeier opened public hearing A09-34 Conditional Use Permit to allow construction of a petroleum bulk plant at 1133 and 1217 5th Avenue NE (Lots 3 & 4, 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 east of 9th Street NE, on the south side of 5th Ave NE, south of 7th Ave NE. The south side of the property abuts the Burlington Northern Railroad property. In order to allow petroleum storage tanks 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 petroleum bulk plant on Lot 3 of Sterling Industrial and is requesting a conditional use permit for both lots in the event that they may need to add additional tanks onto Lot 4 in the future and won't have to come back before the commission for another conditional use permit. They may construct a building on that lot in the future, which is an allowable use. Sterling Industrial Park is located in a TIF District.

Notices were sent to adjacent property owners, City departments and utility companies for review. The Fire Department has reviewed this proposed bulk plant for compliance to fire code requirements and have stated that the west property line setback needs to be increased 5', as shown on the submitted plans, to 25', which is the minimum as per fire codes. The contractor has been notified of this and has agreed to make the necessary changes.

Staff recommends approval subject to the following condition:

1. The West Fargo Fire Department reviews all plans and permits the bulk plant based on its compliance with City fire codes.

There were no public comments. The hearing was closed.

Chair Lenzmeier asked how this facility will be used. Vance Nicholson stated that at their current site, they're getting squeezed out and are unable to expand. This will be solely wholesale for truck delivery.

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

Chair Lenzmeier opened public hearing A09-35 Burlington 5th Addition, a replat of Lots 27, 28 & 29, Block 1 of Burlington 2nd Addition and Lot 5, Block 1 of Burlington Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located south of 19th Avenue East, east of 9th Street East and west of Burlington Drive. The property is developed with apartment buildings and a telecommunications/storage building. The Burlington Addition was platted in June of 2000 for a mixed use development including commercial, luxury townhouse apartments, apartments, townhouse condominiums and single family. The subject property was replatted in April of 2001 to revise the lot arrangement for multiple family structures to the south and for townhouse condominiums.

The multiple family property is being sold along with a portion of an adjoining property which contains a telecommunications/storage building. The applicant is replatting several lots as a result of a purchase that subdivides a portion of an existing lot. All the property being purchased is being replatted into one lot.

The applicant has submitted a preliminary plat and ALTA/ACSM survey with the application. The preliminary plat shows two lots including a larger lot which combines three existing lots and a portion of a fourth lot. The survey shows the larger lot is fully developed with three multiple family structures and a number of parking garages. The survey does not show the existing telecommunications/storage building which is on the southeast portion of the larger lot. The telecommunications/storage building was constructed as the Qwest terminal feed complex to service the development. The properties being replatted are part of the Burlington Addition Planned Unit Development which includes a specific development plan for a mix in uses with site plans, floor and elevation plans for buildings, a number of private drives to access the buildings, and berming/landscaping plans (attached). The private drives are not being affected by the replat. The developed lot has been developed with buildings per the approved plans, however the berms and landscaping has not been completed per the approved plans. Required berms and landscaping should be installed in a timely manner. It would be appropriate to provide a new completion date for the applicant for these improvements and develop an updated subdivision/PUD agreement. The staff believes that a reasonable timeframe for completing the improvements is next spring.

Notices and maps were sent out to Post Office, utility companies and City Departments. The Postal Service indicated that cluster service box delivery is to be used in this area and that the developer needs to coordinate with the local post office and cover associated costs. Qwest provided comments that they have services in the telecommunications/storage building. The developer serviced the development with their own cables from the building (attached). The Police Department requests that signage be placed within the complex to direct emergency services to the right address. A signage plan should be submitted for review.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received for Lot 5 of Burlington Addition.
2. A certificate is received showing taxes are current.
3. A Final Plat is received with any necessary easements.
4. An updated subdivision/PUD agreement is received with berms and landscaping installed by May 31, 2010.
5. An address signage plan is received.

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

Commissioner McDougall asked for clarification in terms of what was going to be approved. Larry stated that currently there is a utility building located on the lot to the west of the apartment buildings. The property with the utility building will be added to the lot to the east. Proposed Lot 2 is undeveloped.

Commissioner McDougall made a motion to approve the replat subject to staff recommendations. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was Continued - Detailed Development Plans A09-27 Charleswood 27th Addition, a subdivision and rezoning from A: Agricultural to PUD: Planned Unit Development of parcels located in the SE $\frac{1}{4}$ of Section 18 and SW $\frac{1}{4}$ of Section 17, T139N, R49W and a Replat of Lot 1, Block 2 of Charleswood River Estates 5th Addition, City of West Fargo, North Dakota.

The next item on the agenda was a FM Metro COG Long Range Transportation Plan presentation by Brian Gibson.

Brian stated that this is a federally mandated document identifying regional transportation needs and issues, develops projects to address those needs and prioritizes the projects. He then reviewed the 4-page executive summary and indicated that the full document is online at www.fmmtp.org

Discussion was held regarding the estimated population projections, specifically with proposed growth occurring in the inner urban core. Brian indicated that it's not necessarily that homes are empty in that zone, but the potential for a developer to reinvest in the area and add density through mixed uses.

Discussion was held regarding costs and available revenues.

Commissioner Smedshammer made a motion to recommend approval of the Transportation Plan. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was election of the Vice-Chair.

Chair Lenzmeier stated that Commissioner Nelson resigned as he took a position elsewhere. Commissioner Potter made a motion to nominate Harriet Smedshammer as the Vice Chair. Commissioner McDougall seconded the motion. There were no other nominations. The commission then voted on to elect Commissioner Smedshammer as Vice Chair. No opposition. Motion carried.

Under non-agenda items, Commissioners reviewed a letter of appreciation to be sent to Wayne Nelson for his seven years of service.

Larry and Steven indicated they attended a good Western Planner Conference in South Dakota. Over 185 people were in attendance.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.