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Larry M. Weil, Planning and Community Development Director
Tim Solberg, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
July 13, 2015 at 7:00 P.M.
West Fargo City Hall

Members Present: Connie Carlsrud
Tom McDougall
Scott Diamond
David Gust
LeRoy Johnson
Joe Kolb
David Zupi

Members Absent: Eddie Sheeley

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Matt Welle, Luke Champa, Dennis Rheault, Jeff Volk, David Schultz, Dana Eckart, Laura Ness-Owens, Jeremy Boots, Chris McShane, Lee Dobrinz, Eddie Buell

The meeting was called to order by Chair McDougall.

Commissioner Diamond made a motion to approve the June 8, 2015 meeting minutes as written. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Chair McDougall introduced David Gust as the newest rural representative on the West Fargo Planning Commission. Commissioner Beck decided not to reapply. Commissioner Gust introduced himself. Indicated he was a supervisor on the Raymond Township Board and has an aerial spraying business.

Chair McDougall opened public hearing A15-29 Conditional Use Permit for residential apartment sign within the Corridor Overlay District at 855 34th Avenue East (Lot 2, Block 1 of Shadow Wood 6th Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

Apartment buildings are currently under construction on the property. The applicant is proposing one development sign. A Conditional Use Permit is required for signage within residential districts in the Corridor Overlay District. PUD District standards state the most restrictive prevailing provisions regulate the permit.

The applicant proposes placing one sign in the center of the properties east side, on the south side of their Veteran's Blvd access. The sign is approximately 32 square feet, placed on a brick monument and is 6' 10" high, which was constructed prior to approval.

Property owners within 350' were notified. No comments were received at the time the staff report was mailed; however, one was received today, which was provided to commissioners tonight. The comment of greatest note was regarding placement of the sign. As for the other comments, not getting a certificate of occupancy or installing a fence, the staff is working with the developer. The fence is to be installed by August 1st. The applicant is instructed to coordinate with Minnkota Power Cooperative regarding placing within their easement for the overhead transmission line above the sign.

It is recommended that the City Planning and Zoning Commission conditionally approve the proposed application on the basis that it is consistent with City plans and ordinances. The conditions of approval recommended are as follows:

1. Applicant coordinate sign placement with Minnkota Power Cooperative.

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

Discussion was held regarding signs along Veteran's Boulevard. Similar signs are in place along the corridor for the 330-plex to the north and the Shadow Wood apartments to the south, so it is consistent with other apartment signs along the corridor. Tim stated it meets the size limits for residential districts.

Chair McDougall asked about the sign already being placed.

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

Chair McDougall opened public hearing A15-30 Zoning Ordinance Amendment to Section 4-428.2(A).4 of the CM: Heavy Commercial/Light Industrial District Regulations to remove size limitations for aboveground fuel tanks as a conditionally permitted use and Conditional Use Permit for aboveground gas & diesel fuel tanks at 1772 W. Main Ave. (Lot 5 Block 1 of Petro Serve 1st Addition), City of West Fargo North Dakota.

Larry reviewed the following information from the staff report:

Petro Serve has ownership of 6 properties which are located between Main Avenue West and 2nd Avenue NW and West of 15th Street NW. The properties were platted in 2013 for use as corporate offices, cardrol diesel/gas facility, underground bulk fuel tank loading facility, LP gas fueling station, propane refill station, and LNG gas fueling station.

The application is for Lot 5 which fronts on 2nd Avenue NW. The applicant is proposing the City amend the Zoning Ordinance to allow for 10, 20,000 gallon aboveground fuel tanks consisting of up to 3 gas and 7 diesel tanks as a conditional use within the Heavy Commercial/Light Industrial District. Currently above ground fuel tanks are limited to one 500 gallon class 1 (gas) and one 5,000 gallon class 2 (diesel) tanks as a conditional use in the CM District.

The applicant is proposing to install 10 aboveground fuel tanks with 200,000 gallons of fuel on the property. In 2013, a conditional use permit was granted for a truck fueling and bulk fuel facility for Lot 1, Block 1 of Inn 1st Addition, Lot 1, Block 1 of Inn 2nd Addition, and unplatted parcel. The unplatted parcel and remaining area owned by Petro Serve was included in the Petro Serve 1st Addition which was completed later in 2013. The gas, convenience and office facilities are located on Lot 1 (1772 Main Avenue West); Lot 2 is vacant; Lot 3 (1822 Main Avenue West) has two warehouse/shop buildings; Lot 4 is vacant; Lot 5 (1812 Main Avenue West) is the proposed location for the bulk fuel tanks, as well as LP Gas tanks; and Lot 6 is vacant.

A site plan was prepared showing the existing developed properties, as well as the proposed bulk fuel facilities property. Staff from several departments have met to discuss the application for the Zoning Ordinance Amendment. Though the particular property where the bulk fuel tanks and LP Gas tanks are proposed to be located, generally is surrounded by industrially developed properties resulting in minimal concern for the proposed use, there are a couple of vacant properties adjacent that could be developed with uses permitted in the CM: Heavy Commercial/Light Industrial District which would result in life safety concerns. It is unlikely under the current ownership that this would happen, as the properties are controlled at this time by the applicant. Nevertheless, there is the possibility for the properties to be developed by uses permitted by right under the zoning ordinance which in turn could put significant numbers of people at risk. Also, and potentially a much greater concern, is the potential of additional bulk fuel plants being requested in similarly zoned areas of the community; and where there is the possibility for uses to develop adjacent putting people at risk, an unintended consequence of the proposed ordinance amendment.

The Planning staff believes it would be appropriate to evaluate the current CM District properties throughout the City to determine if there is a better alternative to address the applicant's wishes which would lessen the potential life safety risks for the public. The issue with the CM District is that the district provides for and is developed with general commercial uses such as eating and drinking establishments, hotels and motels, and office buildings, as well as industrial uses like light manufacturing, wholesale distribution, and contract construction services. Conditional uses provided for include general warehousing, trucking facilities, grain elevators, limited aboveground liquid fuel storage, child care centers, and religious institutions.

It would seem that a viable alternative to simply amending the ordinance to allow increased bulk fuel storage in the CM District may be to consider establishing two separate districts, one for heavy commercial uses and another for light industrial uses to separate many of these uses and minimize the potential for health and safety conflicts. To evaluate the current CM District property uses would involve significant staff time and cannot be completed within a few days. The Planning staff proposes that the public hearing as requested be held and continued for a month allowing time to study the affected areas of

the community and determine if other viable alternatives are possible. At the next meeting we would present the findings and pursue other zoning ordinance amendments, or continue the application as requested.

If time is of the essence, the Planning and Zoning Commission could provide for an additional hearing to provide changes to the CM District, create a heavy commercial district, and amend the zoning map depicting the district changes which would be reviewed at the next Planning and Zoning Commission meeting.

Notices and maps were sent to adjacent property owners within 350' and City departments for review. No comments from adjacent property owners have been received; however, comments were received by the Fire Department and general concerns have been raised from other City departments. The applicant proposes to install significant LP Gas tanks, which is allowed as a permitted use in the CM District. The Fire Department believes the use should be allowed only as a conditional use, which would require amending the zoning ordinance.

It is recommended to hold the public hearing open and continue it until the next Planning and Zoning Commission meeting to provide ample time to study the CM District land uses and possibly develop other more viable alternatives. It is also recommended to call for a public hearing to consider changes to the CM District, create heavy commercial and light industrial districts, and amend the zoning map depicting the district changes.

There were no comments from the public.

Commissioner Diamond asked about comments from the Fire Department. Larry stated they don't have concerns with this location, but are concerned with the potential of a facility being placed close to residential areas or where a lot of people are gathered. With bulk propane, if it goes it would be detrimental to the area. The Fire Department has asked us to look at propane, which is only regulated by the fire code as it is a permitted use in the CM District.

Commissioner Diamond asked if they had the same concerns regarding underground tanks. Larry stated they didn't specify propane, but they don't have issues with underground tanks. Currently they are permitted for 8, so belowground is no issue.

Chair McDougall stated that with the site layout, there is the assumption they will always control the lots. Larry stated that with individual lots, they could always be sold. Chair McDougall pointed out buffering being on a separate lot.

Commissioner Kolb asked if they applicant has spoken about timeframes for the project. Applicant Dennis Rheault stated they'd like to get it done this fall.

Commissioner Gust made a motion to continue this until the next meeting. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Larry asked about the commission scheduling a public hearing to realign zoning districts.

Commissioner Gust made a motion to schedule a public hearing at the August 10th meeting regarding establishment of an additional zoning district to allow for this use. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A15-31 Planned Unit Development Amendment to allow for expansion of corporate office building and alternate landscape buffer design at 250 Beaton Drive East (Lots 1-4, Block 1 of Melroe 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant is proposing to add on to the existing office building. The proposed use is an expansion of the existing office space for Bobcat Company headquarters. The initial building was approved as a Planned Unit Development in 1999 as its existing use. The plans are increasing the development intensity on the existing developed property and developing two additional lots, so a Planned Unit Development Amendment is required.

The existing building is a 38,800 square feet. This expansion is for a two-story 74,300 square foot building with a footprint of 35,500 on the first floor. The existing building will be upgraded and re-clad to match the new expanded facility. The building is set back the same as the main portion of the existing building at approximately 140' from Beaton Drive East and approximately 100' to the north which is adjacent to single family residential.

The parking lot is located east of the building. The applicant proposes a total of 213 new parking spaces to go along with the existing 135 for a total of 348 spaces. The current parking requirements for such a site would be one space per 250 square feet, plus one per employee at the largest shift. This would require 297 spaces plus one per employee at the largest shift. The City's parking regulations allow for a reduction in parking by resolution of the City Commission if the applicant is able to demonstrate that a lesser amount is justifiable. The applicant has provided a detail of the operations, citing their existing parking ratios to satisfy staff that they are providing adequate parking for the new site. In the case that more parking may be required, it appears that the site may be able to accommodate more parking with improvements. The setback of the parking lot ranges from 45' to 39' for a deeper adjacent residential lot on the east side of the plan. This setback more than meets the required setbacks for parking.

Buffer yard requirements for office park adjacent to single-family residential follow the guidelines of buffer yard "C". This requirement is an option of either a 25' buffer yard with a 6' screen and large and small evergreen trees OR a 50' buffer yard with large and small evergreen trees and a row of evergreen shrubs. There is an existing healthy tree row that buffers this property well as well. The buffer yard requirements may be determined to be met by the City Planner if natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of the section. The applicant appears to meet the requirements of the landscaping provisions within the parking lot, however final permitting will require the site to meet current landscaping requirements.

Structures within the designated Office Park area and the Interstate Corridor Overlay District areas are intended to be constructed with higher quality wall finishes. Metal finishes are limited to 30% of wall areas along public street fronts in the Corridor Overlay District. The Office Park areas are regulated by PUD zoning unless the Office Park zoning district is established. The proposed addition as well as the re-clad of the existing building will be made up of brick masonry, zinc architectural panels, and glass. Final plans for permitting will need to meet the requirements of the C-OP and CO-I district standards. Construction is expected to begin in the fall of 2015 with completion by the end of 2016.

Notices were sent out to property owners within 150' of the property and to City departments for review. No comments have been received to date.

Staff recommends approval with the following conditions:

1. Applicant maintain open space to allow for expanded parking if deemed necessary by the City.
2. A PUD Agreement is received
3. A landscape plan is received prior to building permits being issued and the existing and proposed landscaping is installed and continually maintained.
4. The building meet construction standards requirements of C-OP and CO-I district standards.

Chair McDougall asked where the 39-45' buffer area was located. Tim reviewed the area.

Dana Eckart, 623 20 ½ Avenue East, stated that he lives behind Bobcat. When he bought his house a few years ago he was told there were no plans for development. He stated that the trees block the view of the site in the summer, but not the winter, some of the evergreens appeared to be thinning out. He hopes there will be more evergreens planted and that it will look aesthetically pleasing from the back. He wondered about the vegetation, types of trees, height of the building, type of parking surface – asphalt or concrete, if their property values would decrease, would traffic increase, would there be special assessments and asked if they couldn't build closer to I-94. He stated that a house was for sale by the parking lot and they had to significantly lower the price to sell.

Architect David Schultz reviewed the site starting with the proposed buffer along the north side. They plan to plant additional evergreens and shrubs. The existing evergreens have grown taller. They will also buffer along the parking lot. Chair McDougall asked if the parking buffer will be level or built up. Mr. Schultz indicated parking level. The south side is mounded along the bike path. As for the new construct, the building is tipped a bit toward the south.

Mr. Eckhart pointed out his lot where the outside stairs are located on the back of the Bobcat building. Mr. Schultz stated that would be the exterior patio with vegetative landscaping and a bit of a screen, not a fence.

Commissioner Gust asked about drainage. Assistant Engineer Matt Welle stated that catch basins will drain into the retention pond to the east. Mr. Schultz stated that there will be internal drainage to handle water draining from the roof.

Mr. Schultz reviewed the exterior, including reskinning the existing structure. Parking lot surface would be concrete rather

than asphalt.

Larry stated that in terms of assessments, Beaton Drive is a connector from 9th Street to Sheyenne, so any major street improvements would be assessed over a larger area.

Mr. Eckart asked about property values. Commissioner Carlsrud stated she didn't see a difference as his lot is currently abutting the property. Mr. Eckart asked for timeframes for completion. Mr. Schultz stated end of 2016.

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

Commissioner Gust stated concern with the entire 50' not being used for buffering. Tim stated that the ordinance suggests credit can be given to existing landscaping. There is a healthy tree row. Trees are also needed in the parking lot.

Mr. Eckart asked about the existing parking lot. Larry stated that the landscaping standard was put into place in 2012, whereas the original building was constructed in 1997. They could put up a fence, but then there'd be less landscaping. Mr. Schultz stated that the existing fence is 6' onto Bobcat property and not on the property line. Larry stated that when they first looked at the site, trees were a major shelterbelt for the farmstead and it was important for those to be maintained. Placing the fence on the property line would've affected those trees.

Laura Ness-Owens stated that this is consistent with all their facilities. They've had several offers on the vacant lots, but decided not to sell and expand their offices instead. They want this to be aesthetically pleasing and to keep being good neighbors.

Commissioner Zupi made a motion for approval based on staff recommendations with emphasis on #3 regarding landscaping. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Mr. Eckart asked what if he wanted to plant trees back there. Ms. Ness-Owens stated that they're open to suggestions.

Chair McDougall opened public hearing A15-32 Zoning Ordinance Amendments to the following: Sections 4-0406.3, street right of way requirements; 4-0407, fee-in-lieu for land dedication; 4-100, definitions, language for retirement/nursing care, home child care facilities, uses in Commercial Office Park, and Heavy Commercial/Light Industrial districts, language for stockpiling within Heavy Industrial district, language within corridor overlay district regarding designated streets, building construction standards related to orientation & materials, revisions to permitted uses in Main Avenue overlay district, and consideration of changing medical & dental facilities, such as clinics, hospitals, nursing or convalescent homes to be changed from permitted uses within C, CO-S, & CO-M to conditionally permitted uses; 4-449.A, revisions to landscaping provisions and screening requirements; 4-450, procedures related to permitting and to reduction in required parking; 4-460, revisions to clarify review of reader board signs; and 4-530, create clear procedures for temporary use & structure permitting.

Tim reviewed the following:

4-04: Subdivision Regulations: On page 1 4-0406.3, include consideration of County right of way standards in the subdivision process; Pages 2-4, 4-0407 address land value in exactions in the subdivision process (there was some discussion on this from the development community at the introduction of the topic at the June 8, 2015 Planning & Zoning Commission which we hope to continue);

4-100: General Regulations (Zoning):

- Pages 7-8 include townhomes and twin-homes to the definitions section of the zoning code and amend charts within applicable districts; multiple districts clear up and align terms used for senior living in applicable districts with the terminology used by the State to include Assisted Living, Basic Care, and Nursing Care to more closely align with licensing procedures; multiple districts amend the provisions for home child care facilities in applicable districts to not include providers own children in count and to remove 13-18 children as a conditional use and further emphasize use of provisional use permit for 8-12; include provisions to allow larger facilities and centers in repurposed sites such as churches and schools as a conditional use within residential districts;
- Page 58 provide clarity in defining office uses across the C: Light Commercial and C-OP: Commercial Office Park districts;
- Page 63 include provisions for landscaping services in the CM: Heavy Commercial/Light Industrial district;
- Page 65 amend the stockpiling provisions in the M: Heavy Industrial district;

- Page 68 clear up language regarding the designated streets of the Corridor Overlay district and include provisions regarding building orientation;
- Page 78 clarify permitted uses within the CO-M: Main Avenue Overlay district;
- Page 54 provide for recommended changes of the Chief of Police and City Attorney to change all medical and dental facilities in districts where they are permitted uses to conditionally permitted uses to better manage the possibility of opioid clinics within our community (Chief has provided a letter and background information attached hereto);
- Page 82 remove required fencing and screening in section 4-441 to reduce redundancy;
- Page 85 and district regulations allow for accessory structures over 15' in height for multi-family structures intended to accommodate garage structures for apartment buildings which tend to be around 18';
- Page 88 require minimum setback distances for fire escape wells in homes so that there is still room between narrow lots with window wells on the sides of homes;
- Pages 90-109 amend the landscape provisions to provide less redundancy, remove unnecessary requirements, and to include wood fencing as an acceptable material for screening;
- Pages 110-116 corrections to the parking code to include permitting procedures for parking lots on their own; include reference to Institute of Traffic Engineers Parking Generation for obtaining justification for a reduction in parking; amend office parking requirement from 1 space/250 square feet plus one per employee to 1 space/200 square feet.
- Page 117 clarify the review procedure of reader boards to include off-premise and other signs;
- Pages 118-120 include provisions within the building permit section for procedures of allowing temporary uses along with a procedure for permitting.

He also stated that comments were received from 3 developers asking for a subcommittee to review the changes and report back.

Tim stated that information was provided from the Police Chief, who requests clinics be considered conditionally permitted uses due to concerns with a potential opioid treatment clinic. There is a separate licensing ordinance being created; however, staff feels they need to know it's coming and individual types of clinics cannot be singled out.

Attorney Chris McShane indicated he was familiar with the proposed ordinances and available to answer questions.

Tim indicated there are some revisions which pull out dental, chiropractic and optical clinics. Discussion was held regarding dental clinics administering medication, whereas chiropractic & optical clinics were not likely to do so. Discussion was held regarding laser vision facilities vs. optometrists. Mr. McShane stated that dental and chiropractic clinics are more frequent movers, smaller offices, so they tried to leave flexibility.

Commissioner Kolb asked if this is the appropriate place for restricting certain forms of clinics. Mr. McShane stated that the City is the first one to use the licensing in the state. Conditional use permits would provide ongoing monitoring and control. The chief is concerned with traffic, crowds...

Chair McDougall stated that today the ordinance would allow methadone and orthopedic clinics; tomorrow a conditional use could be required. Mr. McShane stated different conditions would be based on the type of clinic. Chair McDougall compared this with issues regarding convalescent homes being conditionally permitted uses. The developer is unable to sell the land. Tim stated that was the developer's concern.

Chair McDougall asked aren't we talking about unlicensed drug sales? Mr. McShane stated that the clinics are licensed, but the local level doesn't have oversight. It's monitored by the State and DEA. Tim stated that the chief doesn't have faith in the state. Once the clinic is in place, they can't get rid of it unless they have another site. Commissioner Diamond stated that the action a private individual is taking is a licensing issue, whereas zoning is location. Is the chief's concern with individuals driving off under the influence? Commissioner Gust stated concern about dental and optometry clinics. Who hasn't driven off when they shouldn't have after dental work or having their eyes dilated?

Chair McDougall asked if this hadn't been done with dancing. Larry stated both – cabaret license and zoning.

Mr. McShane stated that the concern with the licensing is that it hasn't been used before and could be challenged. Plus there is no continuous oversight. Commissioner Kolb asked how other cities are handling this. Larry stated that other cities were challenged and it hasn't withstood when they only regulate opiate clinics rather than all clinics.

Discussion was held regarding conditional use permits – that there would be some sort of notification this was being requested. Tim stated that the rehab clinic didn't tell us this was a proposed methadone clinic just that a clinic was going into

a certain site. This will be putting commissioners in a position to approve or deny clinics. What conditions would there be for dental clinics? Larry stated that with conditional use permits where there have been issues that come up and where a conditional use isn't operating under conditions, they've called for a public hearing for the City Commission to revoke it. A provision has been added to the ordinance with the ability to revoke a conditional use. In West Fargo conditional uses are granted to the property, not the owner or individual. In Fargo the conditional use permit closes when ownership changes.

Chair McDougall stated that it's been suggested we table this until the next meeting. Tim stated that he could pull out the more controversial ones, there are 3 total:

- Land dedication, which developers have the most concerns about.
- Daycares, which social services are okay with. Planning and Zoning Commissioners would prefer not to deal with them and they could be handled in house.
- Opiate Clinics. The City Commission would like to get this resolved before the moratorium is up in October.

Commissioner Diamond made a motion to continue this item until the next meeting. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A15-33 Amendment to the West Fargo General Plan for Urban Renewal and Urban Development by expanding the Urban Development Areas.

Larry reviewed the following:

The General Plan for Urban Renewal and Urban Development was approved by the City in May of 1993 and amended in November of 2004 & 2008. The City recently received a request from developers to consider adding the area north of the BNSF Railroad and between Cass County Highway No. 19 (9th Street NW) and 26th Street NW as an additional urban development area. This would enable the City to approve a Tax Increment Financing (TIF) District as part of an urban development plan for the area. The area is intended for industrial use, however does not have adequate sewer, water, storm sewer and streets to accommodate development. Also, the area is relatively small for the cost of improvements, thereby preventing desirable development. Through City incentives the area will potentially develop with uses that can generate a more favorable tax base.

The General Plan for Urban Renewal and Urban Development designates urban development areas and urban renewal areas as provided under the North Dakota Century Code. These urban development and urban renewal areas are where commercial and industrial uses are intended under City zoning; however, some of the areas are plagued by the lack of proper lot layout, inadequate or lack of streets, deteriorated and dilapidated structures, inadequate sewer and water services, inadequate drainage facilities, and some incompatible uses. Though many problems are evident, the areas are well suited for targeted development. A mix of platted lots and large unplatted tracts of land are generally found in these areas. Major street and railroad networks are in place within or near some areas. With public involvement, it is believed private investment would be spurred effectuating positive change and increasing the City's tax base. Development, rehabilitation or redevelopment activities within these areas should be in accordance to the City's Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, and Housing and Building Codes.

In the past the City has used the tool of TIF as an economic development incentive to help business grow or locate into the area. The City has the ability to purchase land, install infrastructure and address drainage problems. These costs would be paid off through the incremental increase in property taxes over a period of time. The incentive provides necessary financial resources and/or infrastructure to encourage additional development which increases the City's tax base.

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

Larry stated that are two items later on the agenda which tie into this. They can't use TIF unless there is an Urban Renewal/Development Plan. Without assisting in the cost burdens, the likelihood of development is severely restricted. Tim pointed out the areas on the map.

Chair McDougall asked if we've officially annexed those areas. Larry stated yes with West Fargo 3rd, and an annexation plat has yet to be filed for the other.

Commissioner Diamond made a motion for approval. Commissioner Zupi seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans for A14-43 Commercial Office Space at 1201 10th Ave. E. (Lot 3, Block 1 of Dakota Territory 10th Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

Detailed development plans show a two-story 40,471 square foot building. The footprint for the first level is 20,688 square feet. The building is shown on all sides to match the existing Moore building on the adjacent lot to be made up of articulated brick, architectural metal panels, and glass. The developer is proposing a reduction in parking and is showing 286 parking spaces on their site plan.

The site plan shows the required buffer yard on the east side adjacent to the town homes with a 15' buffer yard with fence. The requirement under the City's landscape standard is type B which would include a 6-foot screen, 15-foot buffer yard and small evergreen trees, or if only a vegetative buffer yard, a 30' buffer yard, small evergreen trees, and one row of evergreen shrubs.

City parking regulations would require one space per 250 square feet of gross floor area, plus one space per employee on the largest shift. This would require a minimum of 161 spaces plus one per employee at the site. The applicant is proposing to use a ratio of 1 space per 141 square feet which they have stated has served them well in their current location. Using this calculation they have provided for 286 total parking spaces. After reviewing the Institute of Transportation Engineers manual on Parking Generation, staff believes that this is suitable for the type of office which is proposed.

The detailed plans were provided to the adjacent neighbors as were the concept plans at the initial submittal in 2014. At the previous meeting and public hearing it was stated that the neighbors would have an opportunity to comment on the detailed development plans. We received a call indicating plans were discussed by the Associations and no concerns were voiced. It was suggested that a gate would be placed in the fence to accommodate pedestrian access in case of emergency if access was restricted on the street side.

Commissioner Kolb asked about parking. Chair McDougall stated that in general, the larger office buildings have asked for a decrease in parking after showing they don't need as much as what is required in the parking regulations.

Commissioner Zupi made a motion for approval of the detailed development plans. Commissioner Kolb seconded the motion. No opposition. Motion carried.

The next item on the agenda was Minor PUD Modification for Wireless Antennas at 745 31st Avenue East (Lot 1, Block 1 of South Pond at the Preserve 6th Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant has requested a minor revision to the Detailed Development Plans as previously approved for South Pond at the Preserve 6th Addition and has submitted a plans showing detail of a roof mounted antenna for Verizon Wireless. The proposed antenna will be placed on the southwest corner of the northern most building of the Boulevard Square (Lot 1, Block 1, South Pond at the Preserve 6th Addition). The antenna will be utilizing a 13' x 15' leased space on the roof and right of way to a transformer on the pad of the southwest corner off of the building and a right of way to the street. The addition of the antenna will add approximately 10.9' to the height of the building and will be placed on a building addition constructed of the same materials as the existing building.

Minor changes may be considered by the Planning and Zoning Commission if the density or intensity of the development has not been increased. Minor changes may be approved by the Planning and Zoning Commission, whereas PUD amendments require a public hearing and approval by both the Planning and Zoning Commission and City Commission.

Modification of the PUD is required to maintain the original record for the PUD to remain compliant within the created PUD district.

Notices have been sent out to neighboring properties. Rusty Goose Development has provided comment that they approve of the addition.

Staff reviewed these changes and recommends approval as a Minor PUD Modification with the condition that if comments are received by neighboring property owners they will either be resolved or brought back to the Planning Commission at the

next scheduled meeting.

Applicant Eddie Buell stated that the antenna panels will mimic the elevator shaft façade. Commissioner Zupi asked if the antennas would be lighted. Mr. Buell stated no.

Commissioner Carlsrud made a motion for approval. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Larry stated that earlier this evening the Urban Renewal Plan was reviewed. The next two items involve commercial and industrial property and determining if these projects are consistent with the amended plan. The first one is A15-34 Consistency Review of West Fargo 3rd Urban Development Plan.

When cities are considering urban renewal or urban development plans for projects under the scope of the Urban Renewal Statute, the plans are required to be consistent with the City's General Plan for Urban Renewal and Urban Development, as well as the City's Comprehensive Plan. If the urban development plans are for areas consisting of commercial or industrial properties and the City Commission designates the area or properties as appropriate for a development or renewal project, the City Commission may approve the plan by resolution.

Prior to City Commission consideration of urban renewal or urban development plans, the plans are required to be reviewed for consistency with the General Plan for Urban Renewal and Urban Development and Comprehensive Plan. Though the Urban Renewal Statute allows the consistency review for commercial and industrial properties to be made at the City Commission, the City's General Plan for Urban Renewal and Urban Development provides that the Planning and Zoning Commission will also review the plans.

The property that is included within the West Fargo 3rd Urban Development Plan is designated as General Industrial according to the Land Use Plan of the City's 2008 Comprehensive Plan. Part of the property was developed with a beef processing plant in 1960 which closed in 1999. The processing facilities were recently removed. In 2014 the City approved the West Fargo 3rd Addition subdivision which included land owned privately and public land owned by the City of West Fargo (lagoons) and Southeast Water Resource District (Sheyenne Diversion Flood Control). The privately held properties were annexed in January 2015.

The properties included within the West Fargo 3rd Addition which were privately owned and not previously developed with the beef processing facilities were zoned Heavy Industrial at the time of platting in 2014. The publicly owned lands were zoned Public at the same time.

The next area to be reviewed was A15-35 Meadow Brook Park I Urban Development Plan.

Meadow Brook Park Subdivision was surveyed and recorded in 1953. The subdivision was within the jurisdiction of Mapleton Township in Cass County and intended for residential purposes. The lots were sized for urban services, though the subdivision was located approximately two miles from the cities of West Fargo and Riverside. Lots were sold to many individuals from around the state and out of state as an investment opportunity. When the state adopted a state plumbing code with minimum lot sizes for septic systems, the subdivision lots did not meet the standards. Little development occurred, as sewer, water, and surface drainage continued to be significant issues. Cass County Health Department responded to numerous health complaints over the years. A number of lots regularly came back to the county for back taxes which in turn were purchased by neighboring property owners or others for investment opportunity. In the late 1980's the area came into the West Fargo Extraterritorial Area for land use regulation purposes. In 1998 following a request for sewer and water services for the residents, the City conducted a study which found that it would not be feasible to install the services. There were few residents to be served, costs for extending services beyond the City Limits to the subdivision would be significant, nearly 34 percent of the lots had come back to the county for back taxes and were being held by the county with another 15 percent scheduled to come back to the county by year end, and it was premature to annex the area to the City. The 2000 Comprehensive Plan designated the Meadow Brook Park Subdivision as Light Industrial on the Land Use Plan indicating that the intended future use of the area would be industrial.

Sandhills 2nd Subdivision was approved by the City of West Fargo in 1998 to facilitate a rural roadway connection from 26th Street NW to the Sandhills Archers Club which was developed as part of Sandhills Subdivision in 1995. The Sandhills 2nd Subdivision area has been marketed by the owner for industrial purposes. The 2008 Comprehensive Plan designated the Sandhills 2nd Addition as Light Industrial on the Land Use Plan indicating that the intended future use of the area would be industrial.

The proposed street plan for the Meadow Brook Park Subdivision properties is comprised of a number of local streets to serve small lots. The street layout is not suited for larger industrial uses, so replatting is anticipated. The Sandhills and Sandhills 2nd Subdivisions are served by local streets that can accommodate industrial uses; however the lot arrangement and location of the streets may be rearranged through replatting of the area. The entire area is served by a collector street system which includes Main Avenue West Frontage Road, 26th Street NW, and 8th Avenue NW. The collector street system is the major street framework which services the northwest industrial areas of the City. Main Avenue West Frontage Road is an improved street; however, 26th Street NW and 8th Avenue NW are poor condition rural gravel roadways which cannot accommodate industrial development and will need significant upgrading.

The Meadow Brook Park I Urban Development Plan area is comprised of platted lots that are vacant and some of which have been cropped until sold for industrial development. There are no housing units within the identified Meadow Brook Park I Urban Development Plan area so there is no population base.

No residential or business relocation will be required.

Larry stated that under recommended findings, both the proposed West Fargo 3rd and Meadow Brook Park I Urban Development Plans are found to be consistent with the City's Comprehensive Plan and the General Plan for Urban Renewal and Urban Development. No families will be displaced from the development areas. The development plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development and or redevelopment of the areas by private enterprise. The proposed projects and industrial parks, particularly with financial assistance by the City for infrastructure improvements, would create economic growth and development. A number of the stated objectives in the General Plan for Urban Renewal and Urban Development would be accomplished.

The City should work with property owners to develop the coordinated street system plan for the areas which will provide for an equitable distribution of public improvement costs.

Commissioner Johnson asked about the existing residences in the area. Larry reviewed the areas owned by the developer. He indicated he intends to develop around the existing houses. It will be done in phases. Commissioner Gust stated concern with industrial in an area with existing residences. Discussion was held regarding the Meadow Brook Park residents and area history.

Commissioner Kolb made a motion to recommended findings that both the proposed West Fargo 3rd and Meadow Brook Park I Urban Development Plans are found to be consistent with the City's Comprehensive Plan and the General Plan for Urban Renewal and Urban Development. Commissioner Zupi seconded the motion. Commissioners Zupi, Johnson, Carlsrud, McDougall, Kolb and Diamond voted aye. Commissioner Gust was opposed. Motion carried 6-1.

Commissioner Gust indicated that his opposition was to the Meadow Brook Park Plan; however, both projects were tied together in the same motion.

Under non-agenda, Larry stated there was an oversight with Westview 2nd Detailed Development plans. At the last meeting the developer put everything together, asking for approval for the Senior Housing. There have been no changes.

Commissioner Diamond made a motion to approve the detailed development plans. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Larry mentioned the North Dakota Planning Association will meeting during League of Cities in Fargo on Thursday, September 24th. More information will be sent out as it becomes available.

Commissioner Kolb made a motion to adjourn. Commissioner Carlsrud seconded the motion. No opposition. Meeting Adjourned