



www.westfargond.gov

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

West Fargo Planning and Zoning Commission
September 22, 2014 at 7:00 P.M.
West Fargo City Hall

Members Present: LeRoy Johnson
Tom McDougall
Terry Potter
Scott Diamond
Eddie Sheeley
Connie Carlsrud

Members Absent: David Zupi, Jerry Beck

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Dan Bueide, Matt Marshall, Mike Nelson

The meeting was called to order by Chair McDougall.

Commissioner Potter made a motion to approve the September 8, 2014 meeting minutes as written. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-48 North Pond at the Preserve 6th Addition, Replat; Rezoning from rezoning from Agricultural to C-OP: Commercial Office Park, and from R-1A: Single Family Dwellings to C-OP: Commercial Office Park; and Land Use Plan Amendment from Low Density Residential to Office Park of Lots 1 and 16, Block 1 of North Pond at the Preserve 5th Addition and property in the NE¼ of Section 20, T139N, R49W, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property is located west of Veteran's Boulevard and south of Interstate 94, between 23rd and 26th Avenues East. The developer proposes platting the remaining land between North Pond at the Preserve 4th and 5th Additions into two lots and zoning the parcels to C-OP: Commercial Office Park.

The preliminary plat shows two lots for office park development. Lot 1 is shown as approximately 4.5 acres, Lot 2 is shown as approximately 6.3 acres. The developer is proposing a path to surround the previously platted retention pond with connections to the proposed park at Lot 16, Block 2 of North Pond at the Preserve 5th Addition.

Park dedication is required with the subdivision plat.

Notices were sent out to City departments, SE Cass Water Resource District, Park District, Post Office and utility companies. Notice was also provided to neighboring property owners. No issues have been identified from the comments received.

Provided the Land Use Plan is amended, it is recommended to conditionally approve the proposed application on the basis that it is consistent with City plans and ordinances. The conditions of approval are as follows:

1. A Title Opinion is received.
2. A certificate is received showing that taxes are current.
3. A drainage plan is received and approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.
5. A mail delivery plan is developed for review by the Post Office.
6. A subdivision improvement agreement is received from the developer.
7. A park dedication agreement is received.

Applicant Dan Bueide indicated he was available to answer any questions.

There were no public comments. The hearing was closed.

Chair McDougall asked if any homes had been built yet and homeowners notified. Tim indicated no homes were built yet. Mr. Bueide stated that they haven't begun marketing the lots yet, nor were there any purchase agreements.

Tim indicated that Lots 1 and 16 were included in case the pond changed, to avoid having to come back again before the commission. Commissioner Diamond asked if Lot 16 was a park. Tim stated yes and would continue to be a park.

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

The next item on the agenda was A14-49 Minor Planned Unit Development Modification at 1183, 1159, 1211, 1223 and 1187 Westport Beach Way (Lots 24-28, Block 1 of Westport Beach 2nd Addition), City of West Fargo.

Larry reviewed the following information from the staff report:

The Planned Unit Development (PUD) was approved in July 2006 as a townhouse condominium development. The developer proposes changes to the currently approved structures. The land use will remain the same. The development density or intensity will decrease, so it would constitute a minor PUD modification.

The applicant submitted a revised site plan, elevation plans for the structures, and floor plans. The proposed development changes will affect five properties. The structures for the properties will be changed as follows:

- Lot 24 – 4-unit structure to 3-unit structure
- Lot 25 – 8-unit structure to 5-unit structure
- Lot 26 – 4-unit structure to 4-unit structure
- Lot 27 – 4-unit structure to 3-unit structure
- Lot 28 – 8-unit structure to 5-unit structure

The site plan shows setbacks for the structures which would be the same as originally approved for front yards (20' minimum); side yards which meet or exceed the R-3 District standards (12% of the lot width, with a maximum of 12'); and rear yards which meet or exceed the R-3 District Standards (25').

The structures continue to be townhouse condominiums or rental units with all units facing one side of the property rather than having units back to back. The exterior appearance of the structures is similar in character. The developer proposes a private park on part of Lot 27 and onto the platted private drive between Lot 27 and Lot 28 which is for the benefit of the development. The private drive between the two lots is proposed to remain unimproved, as no access to structures is proposed. Maintenance of the park should be provided for in the restrictive covenants or condominium documents. The private drives that were approved originally were platted as a lot which will remain unchanged.

We received a comment from an adjacent property owner who was pleased by the proposed changes, but encouraged more guest parking spaces.

It is recommended to conditionally approve the proposed minor PUD modification on the basis that the application is consistent with the City's plans and ordinances and compatible with the existing development. The conditions of approval are as follows:

1. The restrictive covenants or condominium documents provide for the care and maintenance of the proposed private park facility.
2. The developer considers providing additional guest parking spaces.

Commissioner Sheeley asked for clarification if the density increased. Larry stated that because it's a PUD any changes to the plans would need to be reviewed by the Planning and Zoning Commission. If the density or intensity had increased a PUD amendment would be required with review by both the Planning & Zoning and City Commissions.

Chair McDougall asked if the developer had considered additional guest parking spaces. Mike Nelson stated that they are looking at adding some parking. Larry reviewed the site plan and indicated where the drive had originally been planned, might be a place for additional parking.

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

Under non-agenda Larry indicated there would be a Conditional Use Permit on October 13th Agenda and maybe an additional item.

Commissioner Johnson made a motion to adjourn. Commissioner Potter seconded the motion. Meeting adjourned.