



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
April 13, 2015 at 7:00 P.M.
West Fargo City Hall

Members Present: Jerry Beck
Tom McDougall,
Scott Diamond
LeRoy Johnson
Terry Potter
Eddie Sheeley
David Zupi

Members Absent: Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Matt Welle, Frank Lenzmeier, Anna Matcha, Leroy Richard, Chris Heise, Harvey Nitschke, Jim Twomey, Jamie Hager, Aaron Greterman, Jessie Craig, Justin Gustofson, Jill Gustofson, Chris Schmidt

The meeting was called to order by Chair McDougall.

Commissioner Potter made a motion to approve the March 9, 2015 meeting minutes as written. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A15-19, Conditional Use Permit for group child care facility within a home at 763 14th Avenue West (Lot 3, Block 2 of Sheyenne Park 3rd Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant has been operating a group child care facility with a provisional use permit for up to 12 children. She submitted an application for a conditional use permit and site plan for the property, indicating they do not intend to have 18, but would like to care for additional children from existing families. There is no outside staff.

The property has a two stall garage and a driveway that is approximately 18' wide. The backyard is enclosed with 6' solid fencing. Residential daycares are required to provide off-street parking of one space/10 children (drop-off and pick-up) and 1 space for every employee (if any) in addition to the two required spaces for all single family residential units. This property meets the parking requirements for residential daycares.

Notices were sent to property owners within 350' and we have not received any comments.

Staff recommends conditional approval provided the following conditions are met:

1. Children are dropped off in the driveway only.

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

Commissioner Diamond asked if there was just the one condition. Tim indicated yes, with the provisional use permit they were already required to have two parking spaces.

Commissioner Sheeley made a motion for approval with the condition that children are picked up and dropped off in the driveway only. Commissioner Beck seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A15-17, Conditional Use Permit to allow a fence in the required front yard within the Corridor Overlay District for a daycare center at 730 13th Avenue East (Lot 5, Block 3 Meyers 4th Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The lot has been zoned C: Light Commercial for a number of years and is developed with a veterinary clinic. The applicant is seeking to purchase the property for use as a child care center for up to 30 children. The proposed use of a child care center is a permitted use by right and the site has adequate parking available on site without need for on street parking to meet their requirements.

The property is included within the Corridor Overlay District which includes property on both sides of 13th Avenue from Sheyenne Street to the east City limits. The Corridor Overlay District regards any frontage on 13th Avenue as the front yard and requires a minimum of 45' for the front yard setback for buildings. Fences are not allowed within the required front yard along the designated streets, except when a fence is an essential component of the development and approved either as part of the Planned Unit Development or as a Conditional Use. The applicant has submitted a Conditional Use Permit request. It is further noted that fences (which are approved) should be decorative and/or provide for added landscape treatments to meet the intent of the CO District and may be required to be set back to accomplish the intended effect.

The intent of the Corridor Overlay District is to promote orderly development and safe, attractive and desirable spatial patterns and locations for urban and suburban land uses adjacent to the designated streets. Full regard is given for the importance of these corridors as major growth areas for West Fargo and as landscaped gateways to the City. In 2003 the Corridor Overlay District was amended to include additional major street corridors within the City and extraterritorial area. The district was amended to allow fences provided certain conditions were met.

The applicant proposes to construct a 5' aluminum fence as they would be required to have 75 square feet of outdoor play space per child which would total 2,250 square feet, but that they could rotate children if necessary. The applicant has not proposed any landscape treatments in the request. It would be appropriate to require some landscaping on the outside of the fence to increase the aesthetics and to meet the intent of the district. She indicated they desire to maintain a natural environment in the fenced in area and they do not plan to have large plastic structures on the property. Their preference is for more creative activities such as sandboxes, balls and other such activities.

Property owners within 350' were notified regarding the request. Comments were received from the neighboring property owner regarding parking concerns. The applicant is required to provide one parking space per 10 children and one per employee. With 5 employees and 30 children, the required parking would be 8 spaces. JL Beers also commented that the applicant and City should be aware they have an outdoor patio which is nearby.

It is recommended the City approve the proposed application on the basis that with set conditions it would be consistent with City plans and ordinances. The recommended conditions of approval are as follows:

1. The fence be constructed as is proposed with black aluminum decorative material and no higher than 5'.
2. That the fence be setback to 20' to meet the setback requirements of parking and access drives from the designated streets.
3. That the applicant includes landscaping treatments in the front 20' as is stated in the CO District standards for fences.
4. That the applicant not place any large swingsets/playground equipment in the front yard.

OR

Deny the application on the basis that the fence would detract from the intent of the Corridor Overlay District.

Leroy Richard stated that he owns the property to the east and his tenant from the hair salon is concerned the proposed fence would detract from the landscaping on his property. He also stated that she's extremely concerned with noise from the daycare driving away older clientele. If business declines they'll have to move and he doesn't want to lose her as a tenant.

Applicant Anna Matcha stated that she read the tenant's email, which refers to her south drop-in daycare site. This is not a drop-in center, but a small center with less traffic. With that facility, she wouldn't need to fence. Mr. Richard stated that he spoke with the person who runs his grandchild's daycare who said sometimes 20 parents all arrive at once. Ms. Matcha stated that most of her daycare parents have multiple children, so it wouldn't be 30 vehicles arriving all at once. Drop-in

daycares actually bring in business to neighboring salons, restaurants, stores... She intends to landscape to provide privacy for the children. She could also rotate the children playing outside, so they're not all out at once.

Chris Heise, 722 13th Avenue East, stated concern with parking. Especially during the winter with vehicles parked along the north side of Meyer Drive and beer trucks making deliveries, the road is narrowed to one lane. Parking from employees of the animal clinic currently overflows into the automotive business to the north. Kids are going to be dropped off in the street.

Harvey Nitschke, stated that noise from 13th Avenue is a huge factor. They can't open their south windows due to vehicle traffic. He also stated concern with safety and children possibly climbing over the fence, as well as cosmetic concerns over playground equipment. Bar customers park up and down the street, employees will park on the street and so will parents. He's tired of the parking issue, indicating they deserve to have parking, too.

Mr. Heise referred to the aerial photo on the screen showing parking along the street from JL Beers.

Tim indicated the application strictly deals with the fence. Staff cannot tell a permitted use that they can't use the property. The parking issue could be referred to Public Works and Police departments.

Mr. Richard stated concern with snow accumulating from the fence. Snow will collect on his property and Dr. Nitschke's.

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

Commissioner Zupi asked for clarification on condition #4 --- does front yard mean 13th Avenue? Larry stated yes. When the Corridor Overlay District was established in the 1980s, 13th Avenue was always referred to as the front yard and fencing was prohibited. As the City added corridors (9th Street, Sheyenne, Veteran's Boulevard, 32nd & 40th Avenues) and there were corridors with residential uses, it was still considered the front yard. Fences had to be part of an overall development scheme or a conditional use for substantial portions or blocks. Commissioner Zupi asked if this was the first commercial fence in the front yard along a corridor. Larry indicated it was. There are a few with fences in the side yard, but not the front.

Discussion was held regarding if the fence wasn't approved. The daycare is still an allowable use, she could have a drop-in center without a fence.

Commissioner Beck made a motion to deny the fencing on the basis it would detract from the intent of the Corridor Overlay District. Motion died for lack of second.

Discussion was held regarding large swingsets and equipment and how it would be enforced. Ms. Matcha stated that she doesn't intend to have any large play structures, just natural play space. Tim indicated a document will be recorded, so if the property sells or issues occur, the conditions could be enforced.

Commissioner Sheeley made a motion for approval based on the 4 conditions listed in the staff report.

Commissioner Diamond made a motion to amend the motion on the floor to remove the word "large" from condition #4, so applicant not place any swingsets or playground equipment in the front yard. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Dr. Nitschke asked if this wouldn't decrease his property value. Chair McDougall indicated he didn't know.

Commissioner Diamond seconded the motion on the floor with amendment. Commissioners Zupi, Johnson, Potter, McDougall, Sheeley and Diamond voted aye. Commissioner Beck voted nay. Motion carried 6-1.

Chair McDougall opened public hearing A15-16 Eagle Run 22nd Addition, Replat and Planned Unit Development Amendment to allow for a multiple dwelling structure for senior living on Lot 9, Block 1 of Eagle Run 8th Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is west of Sheyenne Street and south of 32nd Avenue West, was platted and zoned to Planned Unit Development for residential use in October of 2002 as part of Eagle Run 8th Addition. When Eagle Run 11th Addition was

submitted in 2003, the City approved at the owner's request that the Land Use Plan designation for the parcel be changed to commercial, as there was interest in multiple family, mini-storage and church uses. The owner was informed mini-storage was not provided for as a commercial use, but rather as an industrial use. In 2007 the City adopted an updated Comprehensive Plan. The Land Use Plan of the Comprehensive Plan maintained the commercial designation as previously established.

The applicant proposes replatting the undeveloped lot into two lots and constructing a senior living facility. Multiple family uses are provided for as a conditional use in the Light Commercial Zoning District which is accommodated in the General Commercial designation of the Land Use Plan. As the property is zoned Planned Unit Development which entails a more rigorous application submittal and review process than the conditional use process, the PUD process is being utilized.

The proposed use is consistent with some of the goals, objectives and policies of the Comprehensive Plan; however, the proposed use is also inconsistent with other goals, objectives and policies of the Comprehensive Plan.

The developer submitted a preliminary plat, area plan and detailed development plans for review. The property is on the north side of 33rd Ave W and on the east side of 9th St W, in the Eagle Run area. The City's Comprehensive Plan Land Use Plan depicts the property as General Commercial which provides for commercial uses that offer a wide range of goods and services to the community. The General Commercial designation is applied to locations along arterial roadways that are easily accessible.

Staff has reviewed the current and proposed developments in the section of land and their consistency with the Comprehensive Plan and provides reference below:

- Chapter 7 of the Comprehensive Plan under the heading "Community Development, Design, and Housing"; Goal 2. Objective H. which states "To provide a housing development pattern with the ratio of single-family dwelling units to multiple-family dwelling units between 60 to 70% single family to 30 to 40% multiple family" provides guidance on analyzing the request. Current development in the Section is as follows:
 - Total units which includes the full build out at maximum density which is complete in the Section:
 - 1454 total housing units
 - 764 total low density = 52.5%
 - 603 total high density
 - 87 total medium density
 - 690 total multiple family = 47.5%
- Chapter 7 of the Comprehensive Plan under the heading "Community Development, Design, and Housing"; Goal 2. Objective D. states "To encourage the development of independent and assisted living housing for senior citizens that wish to remain in the community."
- Chapter 7 of the Comprehensive Plan under the heading "Economic Development"; Goal 2. Objective B. states "To encourage the construction of additional commercial and industrial development within the community to diversify the tax base and provide a variety of higher wage employment opportunities." And Objective D. states "To create a new base for economic development south of I-94."

There would appear to be competing goals in regards to reviewing this application in that the City wishes to encourage the development of housing available to senior citizens and they wish to encourage and maintain commercial development. Further consideration should be given to the amount of density already within this Section and the type of housing which is proposed. Also, consideration should be given as to where housing for senior citizens would be allowed within the City if not in the proposed location, as little undeveloped area remains for development or does not meet or exceed the density objective established in the Comprehensive Plan. Surrounding land uses include medium density units to the south, high density units to the southeast and to the west, and retention ponds and health club to serve multiple family units to the north. The applicant proposes to reconfigure the property into two lots.

The proposed lot sizes would be 136,521 square feet for Lot 1 and 254,238 square feet for Lot 2 according to the site plan. The Preliminary Plat shows 131,502 square feet for Lot 1 and 259,257 square feet for Lot 2. The intent is to adjust the Preliminary Plat to correspond with the site plan.

Lot 1 is proposed to be developed with a two-story, 30-unit senior living housing facility which would be accessed off of 33rd Ave W. Lot 2 is not being developed at this time. The structure would be considered high density residential, because of the total units even though the density would be similar to the density standards for low density residential. Parking

requirements are figured using the number of bedrooms or floor area/440, whichever is greater. Parking requirements will be figured at the time a building permit is applied for.

City Departments, SE Cass Water Resource District, Post Office and area property owners within 150' were notified regarding the proposed replat and PUD Amendment. Comments were received from the City Economic Development Director and were provided as an attachment to the staff report for reference and discussion. An additional email was received from an adjacent property owner who has no issues with the use and feel it fits within the area.

As a result of the Comprehensive Plan competing goals for the development of the property, the following recommendations are offered for consideration:

- A. The request is conditionally approved on the basis it is consistent with City plans and ordinances encouraging the development of independent and assisted living housing for senior citizens that wish to remain in the community. The conditions of approval are as follows:
 - 1. An Attorney Title Opinion is received.
 - 2. A certificate is received showing taxes are current.
 - 3. Final Plat with necessary easements is received.
 - 4. A revised drainage plan is received and approved.
 - 5. A landscape plan meeting the City's landscape standard is received prior to permitting.
 - 6. A revised site plan is received addressing the recommended changes.
 - 7. A Planned Unit Development agreement is received.
- B. The request is denied on the basis it is not consistent with the City plans and ordinances encouraging the construction of additional commercial and industrial development within the community to diversify the tax base and provide a variety of higher wage employment opportunities and creating a new base for economic development south of I-94.

Developer Jim Twomey indicated they've been working on this project for 2 years and received approvals for federal tax credits and PILOT (Payment in Lieu of Taxes). In September they were ready to start construction on their 10th Avenue site, and had to find a new location due to unresolved issues. So as to not lose the tax credits, the state indicated they would approve a site change provided the City approved. He's been working with Economic Development Director Matt Marshall and Larry since October to find a new site. Mr. Twomey reviewed the 6 potential sites. With the properties north of I-94, the owners weren't interested in selling. The remaining sites were cost prohibitive at about \$30,000 per unit plus specials.

Mr. Twomey indicated over the last 12 years, they've developed 6 affordable housing sites. Three years ago, the Preserve project cost per unit was \$15,000, which was about the maximum they were willing to pay before the project became cost prohibitive. Matt brought up the issue of using property intended for commercial development for residential and suggested the Eid-Co land along 40th Avenue, which would cost \$25,000/unit.

Mr. Twomey stated that the Eagle Run property is affordable for this project. The housing finance agency has set a time limit and they don't want to lose the credits. This area has not developed as commercial and their intent is to use the west portion of the property for residential and the property to the east would remain commercial. He stated Kelly Zander submitted a letter of support. He is a principal with Goldmark, which has both commercial and multiple dwelling properties in the area. Matt's letter indicated the commercial should remain commercial and residential zoning would be more appropriate for their project. The City has always been supportive of their projects. They have looked for over 6 months for a new site and there is no other land available. With the next public hearing, Matt compared the two projects, indicating they should be reviewed similarly; however, Mr. Twomey indicated his project is for affordable housing for those with restricted incomes and is not for profit. He asked that the Planning and Zoning Commission approve the request and if the City Commission is not in favor of it, they can turn it down.

Jamie Hager, Metro Plains Management, stated they have 181 affordable housing units with 98% of them occupied. 44% of the residents are from out of town and moved to the area to be closer to family and health care. The average income is \$20,000. They could raise the rents, but the developer has chosen to keep them low for affordability. Larry asked if they had a waiting list. Mr. Hager stated yes, about 20-25 people.

Chair McDougall asked about the number of units. Mr. Twomey stated most of their projects have been 27-32 units. Commissioner Beck asked about age of residents. Mr. Twomey stated most are 55 plus; however, Heritage Commons is 65 plus.

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

Commissioner Zupi asked for clarification on the lot split. Mr. Twomey stated that the larger lot to the east will remain commercial.

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

Chair McDougall indicated Commissioner Potter would be abstaining from commenting or voting on the next item.

Chair McDougall opened public hearing A15-18 Conditional Use Permit to allow multiple-dwelling structures within a Light Commercial District for senior assisted living on part of Lot 1, Block 1 of Oak Ridge 1st Addition & part of the NE¼ of Section 29, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

A portion of the property, which is on the south side of 32nd Avenue East, west of Veteran's Boulevard, was platted and zoned for commercial development in 2008. The property is within the CO: Corridor Overlay District which provides for higher design and site standards. The applicant submitted an application for a conditional use permit for a campus of assisted living facilities. A portion of the property is zoned as C: Light Commercial and A: Agricultural. The entire area is designated for General Commercial uses within the City's Land Use Plan. Multiple dwellings, including condominiums may be permitted as a conditionally permitted use within the C: Light Commercial District. The proposed use is consistent with some of the goals, objectives and policies of the Comprehensive Plan; however, the proposed use is also inconsistent with other goals, objectives and policies of the Comprehensive Plan.

The applicant submitted some conceptual plans which indicate they would build approximately 13 buildings with 84 total living units. The conceptual plan shows a larger 12 unit structure surrounded by a series of 12, 5 and 8 unit structures with a network of paths, access, and parking. The proposed development of the 5 and 8 unit structures would meet the City's guidelines for medium density residential, whereas the 12 unit structure would if it is of creative and exemplary design.

Development of the property under traditional zoning would require the lot to meet City landscape standards which includes buffering requirements where the property is adjacent to single family residential. Commercial uses have developed to the east. Townhouse-style apartments are located to the west, a proposed assisted living center to the southeast, with single family and proposed townhouses to the south. The applicant intends to leave the northern portion of the existing lot for commercial development.

Notices with maps were sent to property owners within 350'. No comments from property owners have been received to date. Comments were received from the City Economic Development Director and were provided as attachment to the Staff Report for reference and discussion.

As with the previous application, Staff has also reviewed the current and proposed developments in the section and their consistency with the Comprehensive Plan and provides reference below:

- Chapter 7 of the Comprehensive Plan under the heading "Community Development, Design, and Housing"; Goal 2. Objective H. which states "To provide a housing development pattern with the ratio of single-family dwelling units to multiple-family dwelling units between 60 to 70% single family to 30-40% multiple family" provides guidance on analyzing the request. Current development in the section is as follows:
 - Total units which includes the full build out at maximum density within the currently vacant low density land (Eid land along 40th) in the section:
 - 1336 total units:
 - 823 total low density= 62%
 - 288 total high density +
 - 225 total medium density=
 - 513 total multiple family= 38%
 - There are also an additional approved 85 assisted living units in an assisted living/memory care facility which would skew that number as follows:
 - 1421 total units:
 - 823 total low density= 58%

- 288 total high density+
 - 85 assisted living high density+
 - 225 total medium density=
 - 598 total multiple family= 42%
- Chapter 7 of the Comprehensive Plan under the heading “Community Development, Design, and Housing”; Goal 2. Objective D. states “To encourage the development of independent and assisted living housing for senior citizens that wish to remain in the community.”
 - Chapter 7 of the Comprehensive Plan under the heading “Economic Development”; Goal 2. Objective B. states “To encourage the construction of additional commercial and industrial development within the community to diversify the tax base and provide a variety of higher wage employment opportunities.” and Objective D. states “To create a new base for economic development south of I-94.”

There would appear to be competing goals in regards to reviewing this application in that the City wishes to encourage the development of housing available to senior citizens and they wish to encourage and maintain commercial development. As a result of the Comprehensive Plan competing goals for the development of the property, the following recommendations are offered for consideration:

- A. The request is conditionally approved on the basis it is consistent with City plans and ordinances encouraging the development of independent and assisted living housing for senior citizens who wish to remain in the community. The conditions of approval are as follows:
 - 1. Property be platted per City standards and fully rezoned to either C: Light Commercial or Planned Unit Development.
- B. The request is denied on the basis it is not consistent with the City plans and ordinances encouraging the construction of additional commercial and industrial development within the community to diversify the tax base and provide a variety of higher wage employment opportunities and creating a new base for economic development south of I-94.

Chair McDougall indicated he knew of individuals looking for commercial property and asked if there was a plat showing distances and dimensions. Tim stated if approved they'd be required to plat. Applicant Aaron Greterman stated their site is about 425' from 32nd Avenue. Larry stated that original Oak Ridge 1st plat is a 10 acre site and 5 acres is proposed to remain commercial.

Mr. Greterman stated he was available to answer any questions.

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

Commissioner Sheeley asked if they'd come back with Detailed Development Plans. Larry stated no because the property is zoned light commercial; however, a plat will come before the commission.

Mr. Greterman indicated these will be single story structures. Larry asked if they'd conducted any market studies. Mr. Greterman stated that they'd originally intended townhouses, but a task force showed a need for this type of housing.

Commissioner Johnson asked about prices. Mr. Greterman stated it'll vary depending upon approval, but mentioned \$3000-6000/month. Builder Jesse Craig stated that the 12-unit structure will be more of an assisted living, while other units will be more foster care and independent living. It depends upon community needs. Discussion was held regarding the type of facility. Tim stated that in North Dakota there's a moratorium on nursing home care, which is not the case for assisted living.

Commissioner Sheeley made a motion for approval based on condition A. 1. and a second condition the property be licensed as an “assisted living facility” by the state. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A15-20 Planned Unit Development Amendment to provide for changes to the existing office building and site at 3420 Sheyenne Street West (Lot 2, Block 3 of Eagle Run 8th Addition), City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is west of Cass County Highway #17 (Sheyenne Street) and south of 34th Avenue West, was developed in May of 2012 with an office/training facility for ABATE. The applicant proposes redesigning the site to meet training

center certification requirements. Changes to the building setbacks and surface improvements to the lot are being proposed. The applicant has submitted site plans showing the garage will be relocated to the south side of the building which is a change of about 20'. The north 20' of the building will be removed and placed on the south side of the building. Additionally the applicant proposes to increase the improved lot area to the east and south of the existing lot.

The property is in the Corridor Overlay District which requires increased yard requirements. The improved surface area is required to maintain a minimum of 20' setback from the east property line and a minimum of 5' setback from the north and west property lines. The site plan should be revised to show that the required setbacks are met. A higher construction standard is required in the Corridor Overlay District. Any exposed metal or fiberglass on all buildings is limited to no more than 30% of any wall which fronts on a public street, provided that it is coordinated into the architectural design. Seventy percent of any wall (façade area) which fronts on a public street is required to be constructed of glass, brick, wood, stone, architectural concrete cast in place or precast concrete panels, or, as approved by the Commission(s), other integrated materials per the architectural design. The north and east sides of the building would need to adhere to the construction standard. The building elevation plans should be revised to meet the requirements.

Since the development was approved, the City adopted a landscape standard requiring a certain number of plant units be planted for the property. A landscape plan should be prepared and submitted for approval with building plans at the time of permitting. Currently the City is having a corridor study completed for Sheyenne Street in anticipation of reconstruction. The first phase of the street reconstruction is proposed for 2018 for the section north of 32nd Avenue with subsequent sections reconstructed later. The corridor study should be completed by the end of this year and will provide recommendations on a number of issues, including but not limited to the street configuration and placement near the Sheyenne River oxbow east of the subject property. There may be a need for additional right-of-way to shift the street onto a portion of the subject property.

Notices were sent area property owners. No comments have been received.

It is recommended to conditionally approve the Planned Unit Development amendment on the basis it will be consistent with plans and ordinances. The conditions of approval are as follows:

1. A revised site plan is submitted showing the proper setbacks for the improved surface area.
2. A revised elevation plan is received for the north elevation showing that the Corridor Overlay District construction standards are met.
3. A landscape plan is submitted at the time of permitting showing landscaping per the City's Landscape Standard.

Applicant Justin Gustofson reviewed the site. He stated that they're flipping the garage door located on the north side and facing it toward Sheyenne Street.

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

Discussion was held regarding the garage door style, that it fit in with the Sheyenne Corridor construction standards and not consist of a plain, white industrial style garage door.

Commissioner Sheeley made a motion for approval based on the three conditions listed in the staff report; with an additional condition the garage doors meet the Sheyenne Corridor construction standards. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans - A14-52 Oak Ridge 6th Addition. Chair McDougall indicated Commissioner Potter would be abstaining from commenting or voting on this item.

Tim reviewed the following information:

The applicant submitted plans for proposed signage in the development which would allow for 2 primary development signs and sign allotment for properties based on lot frontage per lot. The development signs would be allowed to have off-premise advertising for those only those businesses which are within this PUD. Uses are proposed to be the same as the current zoning district, C: Light Commercial. Permitting of new development will be required to follow those standards as well as the standards of the CO: Corridor Overlay District.

Parking is proposed to follow the requirements of the City Parking Regulations with an exception that shared parking be allowed on Lots 4, 5, 6, 7 and 8 with the use of shared parking allowing a reduction of required parking by up to 15% on each

of those lots with the 15% reduction being shared from the use of Lots 1 and 3 which are the lots for which have a planned grocery store and retail strip mall. These proposed standards along with a site plan for the proposed signage have been included in the staff report.

Staff is working with the developer to develop language which would place a deed restriction for the retention pond on lot 2 to avoid the City having to take responsibility for the pond in the future. Further language will be included in the PUD Agreement regarding maintenance and ownership of the access drives and public infrastructure within the development.

A public hearing on the rezoning has been scheduled for the next City Commission meeting.

Discussion was held regarding signage. Applicant Nate Vollmuth indicated Lots 4-8 would be restricted to 20' high signs and 100 square feet of area. The two on the ends would be 35' maximum height with changeable reader boards.

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

The next item on the agenda was Minor PUD Modification for Patio at 3140 Bluestem Drive (Lot 2, Block 1 of South Pond at the Preserve 6th Addition), City of West Fargo, North Dakota.

Tim reviewed the following information:

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 revised site plan, landscape plan and fencing scheme. The proposed revisions are to add an outdoor patio to Pub West, which is on the south end of the building. The proposed patio is on a landscaped portion adjacent to the building and will not affect parking in or open space requirements. A sidewalk around the patio will not be impeded by the proposed improvements.

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 were sent out to neighboring properties a few days ago. Staff has 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.

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

The next item on the agenda was A15-21 Site Plan Review in the Interstate Corridor Overlay (CO-I) District at 415 Christianson Drive West (Lot 1, Block 1, Christianson 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant is proposing to construct a 5,400 square foot building for an automotive repair business. This property is approximately 200' from the right of way of the Sheyenne/I-94 Interchange. Development within an approximate depth of 600' from interstate right of way requires site and building plan review and approval by the Planning & Zoning and City Commissions.

The site plan shows 24 parking spaces and a bay area on the north side of the building for garage access. The proposal shows street trees which meet the requirements for boulevard trees; however they are placed on the property because Christianson Drive has open ditches and does not have a boulevard. There are additional landscaping features designed to meet the requirements of the City's landscape standards. The proposed building is to be constructed of a prefinished metal with stucco like bonded finish called "Strukturoc" and masonry on the bottom 4' of the building.

The intent of the CO-I District is to "promote orderly development and safe land uses adjacent to the I94 Corridor. Full

regard is given for the importance of this corridor as a major growth area for West Fargo and as a highly visible gateway through the City.” Increased site development, landscaping, and building construction standards are required for development within this district.

The applicant is providing that he is able to meet these standards; however, staff feels the building construction requires interpretation as to suitability in the district and adherence to the code requirements. The use of “Strukturoc” panels is similar to a product used on portions of the Costco building. It is a material that is bonded to a metal panel and is said to have a stucco-like appearance. Generally EIFS and Stucco have been approved surfaces to fulfill building construction requirements within our Corridor Overlay districts. Elevations and an explanation by the developer has been included for consideration.

If the Commission concurs the intent of the CO-I District is not negatively impacted by the proposed development, it would be staff’s recommendation to approve the site and elevation plans for submittal to the City Commission on the basis that with that the proposed development on the site is consistent with the intent of the CO-I district.

Applicant Chris Schmidt stated that property is zoned for auto repair and is located in a nicer part of town than his current site at Center and Main.

Larry stated that the PUD had a list of uses and auto repair is an allowable use. Within the Corridor Overlay District the commission has the authority to do some tweaking on the site plan in terms of setbacks and construction standards. Mr. Schmidt reviewed the site plan, landscaping and fencing.

Discussion was held regarding the layout and parking. The area to the north is screened by the storage business office building. There is also the potential for another structure to be built along the east side, which would provide screening from Sheyenne Street.

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

The next item on the agenda was A15-22 Review of Annexation of Part of Section 6, T139N, R49W and Part of Sections 1 & 2, T139N, R50W, Cass County, North Dakota.

Tim reviewed the following information from the staff report:

Tract A is located northwest of current City limits and is adjacent to a road along the Sheyenne Diversion that is proposed as a Future Collector in the City’s Transportation Plan. The area is also north of the BNSF Railroad. The property is zoned Agricultural with the exception of the municipal inert landfill which is zoned Heavy Industrial.

Tract C is adjacent to Cass County Hwy #10 also known as 12th Avenue NW which is planned to be turned over to the City of West Fargo after is reconstructed. Part of the property (Maul and part of Central Livestock) is zoned Heavy Industrial. The rest of the property is zoned Agricultural.

The proposed uses are consistent with City Plans and Ordinances with the exception of the City’s inert landfill in Tract A. The area is currently fully within the City’s Extraterritorial Jurisdiction. Landfills within the City Limits of the City of West Fargo are expressly prohibited, so the existing municipal inert landfill would become a nonconforming use if annexed into the City. The use could continue, but could not be expanded. Sale of fireworks which occurs in Maul Subdivision located in “Tract C” is prohibited in City Limits by City code. All areas have been designated as General Industrial in the City’s Land Use Plan with the exception of the inert landfill which is designated for Utility/Transportation.

In order to fund City projects along 9th Street NW, 12th Avenue NW, 26th Street NW and 8th Street NW, it would be appropriate for the adjacent land which would benefit from the improvements to be part of and within the City of West Fargo. The three tracts are within the City’s exclusive Extraterritorial Jurisdiction and abut West Fargo Corporate Limits.

It is recommended the Planning and Zoning Commission forward a favorable recommendation for annexation of the described areas to the City Commission on the basis municipal infrastructure is either adjacent to the three tracts or being requested to be brought to the proximity of the tracts, and development by private parties has occurred or is being considered for parcels within all tracts.

Larry stated that there are major improvements planned for the area including infrastructure projects along 26th Street NW, the Sheyenne Diversion Road, Cass County Highway 19 and 12th Avenue NW. Currently City sewer and water services are either adjacent to or within all areas proposed for annexation.

Commissioner Zupi asked why not leave out the fireworks and inert landfill. Larry stated the fireworks business is part of a multi-tenant area. Dustin stated that infrastructure is also being added to Maul's subdivision at their request.

Commissioner Diamond made a motion to recommend annexation to the City Commission. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Under non-agenda Larry indicated that Mapleton Township is considering rezoning a site from Agricultural to M: Heavy Industrial within the joint extraterritorial (ET) area. They are looking for feedback from the commission. The area is located west of the former Wanzek office site.

Commissioner Beck asked about the use. Tim indicated Valley Express, a trucking company. He stated that staff recommends it meet the Interstate Corridor Building and Construction Standards.

Commissioner Beck made a motion for approval. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

Under non-agenda, Chair McDougall stated it was Commissioner Potter's last meeting. Commissioner Potter has served on the Planning and Zoning Commission for 10 years. His interest in the community, background knowledge and input has been valuable. He thanked him for his efforts in playing a vital role in the planning and development of West Fargo.

Commissioner Diamond made a motion to adjourn. Commissioner Zupi seconded the motion. Meeting adjourned.