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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
February 9, 2015 at 7:00 P.M.
West Fargo City Hall

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

Members Absent: Tom McDougall, Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Luke Champa, Jeremy Boots, Matt Welle, Mike Thorstad, Matt Marshall, Nate Vollmuth, Dan Bueide, Kevin Swann, Chris Barta, Chad Ohnstad, Ben Saucke, Mike, Munson, Art Goldammer, Brady Swenson,

The meeting was called to order by Vice Chair Sheeley.

Commissioner Potter made a motion to approve January 12, 2015 meeting minutes as written. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened A15-4 North Pond at the Preserve 7th Addition, Replat of Lot 3, Block 1 of North Pond at the Preserve 3rd Addition and Lot 1, Block 1 of North Pond at the Preserve 4th Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The developer proposes replatting two previously platted lots. Lot 1 is proposed to be 75,372 ft^2 and Lot 2 is 44,003 ft^2. Access to this area is provided via 23rd Ave. E. via an identified access on the plat and local access on Timothy Dr. south of previously identified access control due to proximity to 23rd Avenue, which functions as a collector roadway at this segment.

Notices were sent out to City departments, SE Cass Water Resource District and utility companies.

It is recommended the City approve the proposed application on the basis that with certain conditions met it will be consistent with City plans and ordinances. The recommended 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.

Dan Bueide, Attorney with Vogel Law Firm and representing the property owner, indicated he was available for questions.

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

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

Vice Chair Sheeley opened public hearing A15-5 Tri Star 1st Addition, Subdivision and Rezoning from Agricultural to PUD: Planned Unit Development and CO-P: Commercial Office Park, property in the SE¼ Section 18, T139N, R49W, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant proposes subdividing property to accommodate development of an office and warehouse for a concrete construction service company on Lot 3, Block 1 and future office park uses on Lots 4 & 5, Block 1. Lot 2, Block 1 would be reserved for retention and Lot 1, Block 1 is intended to be transferred to Lot 1, Block 1 of Christianson's 2nd Addition.

The lot is bound by I-94 to the north and the Sheyenne Diversion to the south and west. The developer submitted an application, preliminary plat, area plan and conceptual plans for the proposed PUD on Lot 3, Block 1. C-OP: Commercial Office Park District standards require higher building construction standards. The C-OP district allows no more than 30% exposed metal for any wall fronting on a public street, provided that it is incorporated into the architectural design.

This property will be fronting a public street and will be visible from I-94. It may also be appropriate for any sides of structures visible from the interstate to follow the building construction standards of the C-OP district. C-OP would further require that any truck loading or parking be screened by the principal building and any other screening so as to not be visible from the Interstate or any public street. The property is also within the CO-I: Interstate Corridor Overlay District, therefore all site and building plans are required to be reviewed by the Planning & Zoning Commission and City Commission.

The site plan submitted shows an approximate 24,800 ft^2 building footprint with a large rear paved outdoor storage area on Lot 3, Block 1. The proposed use on Lot 3, Block 1 may be considered an allowable use within the CM: Heavy Commercial/Light Industrial zoning district; however, is categorized in the City's Land Use Classification System as being that of a Heavy Industrial use. The applicant has provided floor plans indicating the total square footage of the building is approximately 30,240 ft^2 with approximately 10,880 ft^2 dedicated to office space. At roughly 36%, this is approaching what as a building could be considered for a conditionally permitted use within the C-OP: Commercial Office Park zoning district; however, with outdoor storage would not be allowed. Staff would propose not to consider a land use plan amendment to Light Industrial, but rather work with the applicant to either meet or mitigate any items for which there is inconsistency with the land use plan.

Landscaping for the subdivision lots and street boulevards will be according to the Interstate Corridor Overlay District, PUD Standards, and City's Landscaping Standards.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office, SE Cass Water Resource District and utility companies. Comments were received that the plat should continue the naming convention of the adjacent property. Comments were also received from the landowner across I-94 and are attached hereto and are as follows:

1. Hopefully when West elevation drawings are provided, they will include some windows and/or other architectural features since it will be highly visible from the I-94 East-bound traffic – to break that wall up a bit;
2. With the large and intense storage use proposed for the rear of the property, we would suggest a higher, and multi-row vegetative screening (pines) on both the West and East sides to effectively screen the storage area from all I-94 traffic – both directions; and
3. Also because of the large and intense storage use, we would like to see a restriction on the height of items stored so the vegetative screening will effectively screen all such items.

It is recommended that the City approve the proposed application in concept on the basis that with set conditions it would be consistent with City plans and ordinances. The conditions of approval which would need to be satisfied prior to consideration of detailed development plans and forwarding for City Commission consideration are as follows:

1. An Attorney Title Opinion is received.
2. A certificate of taxes showing taxes being current is received.
3. A Drainage Plan is received and approved by the City Engineer.
4. A Final Plat with any necessary easements is received.
5. The required utility hook-up fee is adequately addressed.
6. A park dedication agreement is received.
7. A subdivision/PUD improvement agreement is received.
8. Name of plat is changed to Christianson Third Addition
9. Uses and standards for Lot 3, Block 1, should be clearly developed to closely mimic the standards of the C-OP: Commercial Office Park District.

Tim stated that a condition should be added that areas used to accommodate storage with screening be clearly identified on the site plan.

OR

Deny the application on the basis that the development of Lot 3, Block 1 is not consistent with City plans and ordinances.

Chris Barta, 129 23rd Avenue East, stated that he lives to the east in the Doll's subdivision. He stated concern with traffic, specifically at the RJ's intersection and wondered about traffic signals.

Dustin stated that currently there is a study of Sheyenne Street to 52nd Avenue for 2019 reconstruction. There is no plan today for traffic signals at that intersection. While it's busy during certain times of the day, it does not meet warrants. He explained the process and criteria for meeting the warrant analysis for traffic signals. Tim stated that this is an ongoing study with an opportunity for comments. He encouraged Mr. Barta to contact KLJ engineering.

Realtor Ben Saucke, representing Chad Ohnstad of All Finish Concrete, reviewed the building designs to address Mr. Bueide's concerns. He stated they want to be good corporate neighbors and indicated the building would be similar to Titan Machinery or Bobcat.

Dan Bueide, representing Viola Beaton of Vibuck, stated that he reviewed the staff report and it looks like a project they could support. He asked about the west elevation. Mr. Saucke stated there could be signage facing west, if visible. Eventually buildings will be constructed on the remaining lots, which could screen the area.

Mr. Bueide asked about the fencing. Applicant Chad Ohnstad stated that they'd be using it to screen the property. Mr. Bueide asked about planting pine trees as he had concerns with the large storage area. Discussion was held regarding the proposed 8' fence.

Mr. Bueide asked about the remaining lots. Tim stated Lots 4 & 5 would be zoned C-OP: Commercial Office Park. With the PUD lot, the applicant would have to stay within the confines of the PUD or an amendment would be required.

Mike Munson, Olaf Anderson, stated that they've hired a landscape architect to address concerns. He reviewed the site in terms of setbacks, screening with plantings, curtain wall, wet pond… He stated that the storage yard will be paved with 8' high fencing and a combination of tree species.

Commissioner Diamond asked about the equipment being stored and height. Mr. Ohnstad stated that 9' is the tallest piece of equipment they have. He'd be willing to cap the height of equipment being stored at 10'. Commissioner Zupi asked if he was willing to increase the fence height to address visual concerns. Mr. Ohnstad stated that the trees will get taller.

Vice Chair Sheeley asked about fencing on adjacent properties. Tim stated that Harley Davidson has plantings, with no outdoor storage. Office park doesn't allow for storage. Discussion was held regarding the interstate, screening, height of the property. Tim stated that the building height will be about 30'. Tonight the development as a whole is being reviewed in concept. Detailed Development Plans will come back for review next month.

Commissioner Zupi made a motion for approval based on the nine conditions listed in the staff report with an additional condition that areas used to accommodate storage with screening be clearly identified on the site plan. Commissioner Beck seconded the motion. Commissioner Zupi asked that the developer consider a fence at least 10' high. No opposition. Motion carried.

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

Vice Chair Sheeley opened public hearing A15-6 Eaglewood 4th Addition, Subdivision and Rezoning from Agricultural to R-1: One & Two Family Dwellings and R-1SM: Mixed One & Two Family Dwellings, property in the SW¼ of Section 19, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The proposed development is located north of the Eaglewood 3rd Addition, west of 9th Street West and north of 32nd Avenue West. The property is currently farmed, but would be developed as an extension of Eaglewood 1st Addition and Eaglewood

3rd Addition. The area was annexed into the City in December 2005. The applicant proposes to develop the property with single family dwellings. The proposed use is consistent with City Plans and Ordinances.

The applicant proposes a residential subdivision with urban infrastructure improvements. Eaglewood 1st Addition was approved by the City in 2010 and Eaglewood 3rd Addition in 2014 with lots zoned R-1A: Single Family Dwelling District to the west and the smaller affordable housing lots zoned PUD: Planned Unit Development to the east for the first development and R-1SM: Mixed One & Two Family Dwelling District for the second development. There continues to be interest in smaller affordable housing lots, so the developer would like to add additional lots for development under the R-1SM District. The remaining lots are proposed to be zoned R-1: One & Two Family Dwelling District. The Land Use Plan depicts the area developing with Low Density Residential. The proposed mix of land uses as shown for the proposed subdivision and remaining undeveloped land consists of single family dwellings and retention facilities west of 9th Street West, which are consistent with the plan.

The developer has submitted an Area Plan and Plat which shows the proposed subdivision and remaining undeveloped area to north. The preliminary plat identifies the area to the south as Eaglewood 2nd Addition, which is not accurate and should be corrected to show Eaglewood 3rd Addition. The Preliminary Plat shows the east part of the area as small single family and/or twin home lots ranging from 41–72' in width. These lots would be developed with either detached or attached single family homes. The detached homes are characterized as "cottage style" single family which is an alternative to twin home units. The west half of the area shows larger single family lots ranging from 70–85' in width at the building line which well exceeds the R-1A District standards. It would be more appropriately zoned R-1A than the requested R-1, as this would be consistent with the lots to the south.

Adequate street right-of-way is shown for all the streets within the subdivision. The Collector Street, 9th Street West, shows 50 additional feet for a total of 100' of right-of-way. Local streets vary in width between 62' and 80'. Eaglewood Avenue West has 62' of right-of-way on the east side and 66' on the west side. It would be appropriate to maintain consistency at 62' right-of-way. It is proposed that a separated pedestrian/bikeway would continue north on 9th Street West similar to the facility in place along Eaglewood 1st Addition.

Sewer and water services have not been extended to the property yet. A special improvement district will need to be established to provide for the needed services. The developer intends to request establishing a district so that services can be installed. All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being approved by the City Commission.

According to the area plan, the developer proposes a retention pond immediately north of the subdivision. The retention needs for the Eaglewood development should be determined by the City Engineer, as well as the retention pond easement needs associated with the subdivision. A drainage plan for the subdivision also needs to be developed and approved by the City Engineer.

Landscaping for along 9th Street West should be addressed by the developer by developing a landscape plan and agreement as to how the landscaping will be installed. The Park District previously reviewed and approved the proposed park dedication for the Eaglewood development encompassed within the Area Plan. No park dedication was received with Eaglewood 1st Addition, as the park was intended to be included in a subsequent subdivision. The park included in Eaglewood 3rd Addition is about a 4-acre park and the only park proposed for the Eaglewood development west of 9th Street West which is approximately 150 acres. The park acreage is slightly less than the guideline established between City and Park District following the establishment of Rendezvous Park which is 30% land and 70% cash-in-lieu for developments west of Sheyenne Street. Once the Park District has reviewed the Preliminary Plat and provided recommendations, the City will develop a park dedication agreement.

Notices and maps were sent to area property owners, Park District, Post Office, City departments, SE Cass Water Resource District, and utility companies. The Post Office has indicated for the previous subdivision that a plan for cluster boxes needs to be developed for the Eaglewood development and approved by them which will be completed when the municipal infrastructure plans are developed for the special improvement district.

It is recommended to conditionally approve the Preliminary Plat on the basis that it is consistent with City plans and ordinances. The conditions of approval include the following:

1. An Attorney Title Opinion is received.

2. The zoning for lots west of 12th Street West is changed to R-1A to be consistent with the subdivision to the south.
3. A drainage plan is received and approved by the City Engineer, as well as a retention plan.
4. A landscape plan is submitted by the developer to provide landscaping along 9th Street West.
5. Final Plat is received with necessary easements and changes identified in the staff report.
6. A certificate is received showing taxes are current.
7. Arrangements are made to address the required sewer hookup fee.
8. A park dedication agreement is received.
9. Restrictive covenants for the development are received for filing with the plat if proposed.
10. A subdivision improvement agreement is received.
11. The Developer is responsible for submitting a cluster box location plan to the Post Office for approval and assuming the costs for the boxes and installation costs.

Applicant Nate Vollmuth concurred with the R-1A zoning and indicated he was available to answer any questions.

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

Commissioner Zupi asked about the proposed bikepath. Tim stated that as part of the project as a whole, additional road width was added to 28th Avenue to accommodate a bike path. Larry stated that there is also a planned path along the west side of 9th Street to continue to 52nd Avenue. He stated that there was an updated preliminary plat, which was submitted after the staff reports were prepared. The lot arrangement is the same, but shows the retention pond easement to the north.

Tim stated that the street widths on the plat were inconsistent. Dustin indicated they'd be corrected on the final plat with 28th Avenue having 66' of right-of-way and Eaglewood Avenue will have 62'.

Commissioner Zupi asked if there would need to be a separate condition for the bikepath. Dustin stated that would be taken care of with the developer's agreement.

Commissioner Diamond made a motion for approval based on staff recommendations 1-11 listed in the staff report. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A15-7 Planned Unit Development Amendment for Apartment Buildings at 615 33rd Avenue West (Lot 2, Block 1 of West Lake 2nd 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 replatted and rezoned to Planned Unit Development for high density residential uses in May of 2003. In April of 2013, this area was replatted into two lots with the lot to the west developed with two 30-unit apartment buildings. The applicant is now proposing to develop this undeveloped lot with additional apartment buildings and indoor swimming pool. A high density multiple family use for the property is consistent with the Land Use Plan of the Comprehensive Plan.

The developer has submitted detailed development plans for review. The property is on the south side of 33rd Avenue West, east of 8th Street West, in the Eagle Run area. The City's Land Use Plan shows the property is designated High Density Residential. Access into the development is via a 32-foot access easement off of 33rd Avenue West, which was approved with the original plat. The access easement also provides access to properties to the west and south.

The site plan shows two 39-unit apartment buildings, an indoor swimming pool structure, as well as 6 garage structures. One apartment building is located in front, and the other building is located toward the back of the lot. The garages are between the two apartment buildings. Required parking for these buildings would be determined by reviewing the construction plans at the time of permitting. The Zoning Ordinance requires two spaces per unit or one space per 440 ft^2 of gross floor area, whichever is greater. According to the site plan there are 156 garage stalls and 48 outdoor parking spaces provided. The proposed use is consistent with City Plans and Ordinances

City Departments, Utility companies, the post office, Park District, SE Cass Water Resource District and area property owners within 150' were notified regarding the proposed PUD Amendment.

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

1. A revised drainage plan is received and approved.
2. A landscape plan meeting the City's landscape standard and construction plans received prior to permitting.
3. A PUD agreement is received.

Larry stated that an additional condition should be added that an outline is received for the anticipated schedule and sequence of construction for the development improvements.

Mr. Vollmuth stated that on the SE corner of the property, building 4 is proposed to have an 8' setback. As far as timeframes for completion, they'd start the north building this summer and the pool and south building in the fall.

Commissioner Diamond asked about timeframes for completion. Mr. Vollmuth stated 7 months.

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

Larry stated that typically there's a 12' setback or 10% of the lot width. He asked if just the corner was affected and if the pool structure was separate. Nate stated it's attached. Larry stated that with a PUD, the Planning and Zoning Commission could decrease the setback if they feel comfortable. Mr. Vollmuth stated that the apartments to the east and west are owned by the same group. The setback would be from the adjacent parkland.

Vice Chair Sheeley asked if the number of apartments in this area had been analyzed. Larry stated no, the area zoning for high density was established prior to the comprehensive plan. The City was well aware of the proposed density.

Discussion was held regarding traffic and parking. Larry stated that there appears to be more than adequate parking. Mr. Barta asked if these new units were included in the Sheyenne Street study. Tim stated that KLJ is anticipating the traffic from the number of units.

Commissioner Zupi made a motion for approval based on the 4 conditions. Commissioner Potter seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A15-8 Dakota Territory 15th Addition, Replat of Lot 2, Block 1 of Dakota Territory 3rd Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property being replatted is north of 13th Avenue East, directly south of the Family Fare Grocery Store. The property affected by the replat is zoned Commercial Planned Unit Development (PUD). Approximately half the property is developed with a fast food restaurant/ice cream store. The undeveloped portion of the property being split out is proposed for sale with development plans for a furniture store. Detailed development plans for the vacant property will be reviewed and approved through the PUD amendment process under a separate application which will be reviewed concurrently with this application.

The applicant has submitted an Area Plan, Preliminary Plat and aerial map. The Area Plan shows the scheme of platted lots surrounding the plat to be considered. The aerial map provides a good view of how the surrounding property has developed and affects the subject property. The grocery store to the north and gas station to the west is served by a private drive which extends from 9th Street East to 17th Street East. The access points to the individual properties were approved with the original plat of the area and were installed with the private drive. The subject property has two access points, one which will serve each proposed lot.

The Preliminary Plat splits the property into two lots providing the developed lot to the east with 28,752 ft^2 of area, and the lot to the west with 28,352 ft^2 of area. Once the replat is approved, the applicant proposes selling the westerly lot for development. Development is anticipated in the near future. Detailed Development Plans for the undeveloped property are being submitted for consideration in a separate application and will be reviewed concurrently. The property is required to meet the standards of the Corridor Overlay District, which was established to provide for a more attractive development along the 13th Avenue East corridor, also a gateway to and through the community.

The fast food restaurant/ice cream store was developed a number of years ago as part of the PUD for the area and conforms to the Corridor Overlay standards. With the subdivision of the property, each lot will need to meet the standards. It appears from the aerial map and submitted Concept Development Plans for the furniture store, that the existing drive thru lane for the fast food restaurant/ice cream store abuts the property line. This does not meet the side yard setback requirement for driving

aisles which is a minimum of 3' that needs to be landscaped. The lot line will need to be adjusted to meet the requirements. The Concept Development Plan shows that the two lots will share access between the properties. There should be a cross access easement placed on the plat, or provided as a separate recordable document.

The rights-of-way for the adjacent streets and private drive were established with previous plats.

Though the City's ordinance relating to park dedication has changed since the property was originally platted, there should be no park dedication required, as park dedication for the quarter-section was addressed when the section started developing. A previous owner dedicated land for a park facility in advance of developing the land.

Landscaping for the two lots should be according to the landscape plan established for the PUD and/or per the City's Landscape Standard and continually maintained by the property owners.

Notices were sent out to City Departments, Post Office, Park District, SE Cass Water Resource District and utility companies for review. No comments have been received.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. A certificate is received showing that taxes are current.
3. Necessary easements are placed on the Final Plat.
4. Lot line adjustments are made so that the proper setback requirements are met.
5. A cross access easement is shown on the plat, or cross access easement documents developed if necessary.
6. Landscaping installed according to the plan established for the PUD and/or the City's Landscape Standard and continually maintained.
7. A subdivision/PUD agreement is received.

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

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

Vice Chair Sheeley opened public hearing A15-9 Planned Unit Development Amendment for Furniture Store on Lot 1, Block 1 of Dakota Territory 15th Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is zoned Planned Unit Development (PUD) with a General Commercial designation on the City's Land Use Plan requiring approval of Detailed Development Plans as a PUD amendment. The furniture store use is consistent with City plans and ordinances.

The applicant proposes constructing a furniture store and has submitted a concept development plan, which shows the site plan, general floor plan, and building elevations. The applicant is proposing to obtain concept approval prior to developing the Detailed Development Plans.

The property setbacks, site development standards and building construction standards are governed by the "CO" – Corridor Overlay District. The concept site plan appears to meet the setback and site planning standards of the Corridor Overlay District, however, the fast food restaurant/ice cream store currently does not meet the side yard setback for the driving aisle to lot line, so once the lot line is adjusted, the furniture store site plan will change.

Parking for the furniture store is provided on the east side of the building. The parking lot currently shows 24 parking spaces. Parking requirements for furniture and home furnishing stores is one space per 500 ft^2 of customer sales, plus one space for every 1,000 ft^2 of storage area. The parking will be reviewed once the Detailed Development Plans are submitted.

The site plan shows that the furniture store property will share access with the fast food restaurant/ice cream store. There should be a cross access easement provided between the properties which would be placed on the plat, or provided as a separate recordable document. The site plan indicates a temporary furniture display area on the east side of the building.

Display and storage under the ordinance is not provided for in the required front yard, but rather only in the side and rear yard subject to screening from the motoring public, unless approved as a conditional use. More information should be provided in the Detailed Development Plans on how the display is proposed. This would then be reviewed and consideration given.

Detailed Development Plans will need to be submitted for review by the Planning and Zoning Commission and City Commission, including a site and utility plan, grading plan, landscaping plan, elevation plans, fixture floor plan, and sign plan. The applicant/owner of the proposed development needs to submit an outline for the anticipated schedule and sequence of construction for all improvements within the PUD amendment. The applicant/owner also is required to provide a written agreement with the City stating that they will comply with all provisions of the detailed development plans. The agreement will further provide that should the installation of all necessary improvements not take place within 18 months after initiation of construction, the City will be authorized to provide for the installation of the improvements. The applicant/owner will waive any rights to protest any special assessments relating to these improvements.

Property owners within 150' were notified about the proposed Planned Unit Development Amendment, and as part of the subdivision plat review City Departments, Post Office, Park District, SE Cass Water Resource District and utility companies were notified.

Staff recommends approval with the following conditions:

1. The Detailed Development Plans for the PUD amendment are submitted for consideration addressing the issues identified above, as well as meeting all City ordinance standards.
2. The total sign area and size of individual signs conform to the sign ordinance.
3. An outline is received for the anticipated schedule and sequence of construction for the development improvements.
4. A PUD agreement is received insuring the timely installation of all improvements as per the Detailed Development Plans.

Nate Vollmuth, representing the applicant, stated that the site plan will be adjusted when the lot line on the plat is revised. He stated that the store would like to place large pieces of furniture outside during the day, so they wouldn't have overnight storage. He stated that Nash Finch still needs to approve this. Vice Chair Sheeley asked when this would be approved. Mr. Vollmuth stated it's been 20 days, so sometime next week.

Commissioner Zupi asked about the storage/display area. Vice Chair Sheeley asked if this could be allowed during business hours. Larry stated it would need to be approved subject to screening or as a conditional use.

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

Commissioner Diamond made a motion for approval subject to the conditions listed in the staff report. Commissioner Johnson seconded the motion. No opposition. Motion carried.

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

Vice Chair Sheeley opened public hearing A15-10 Land Use Plan Amendment from General Commercial to Medium Density Residential for Lot 1, Block 1 of Oak Ridge 1st Addition and part of the NE¼ of Section 29, T139N, R49W, City of West Fargo, North Dakota.

Tim stated that the applicant has chosen to reconsider his application and development of the land. At the time of preparation of this staff report the applicant has indicated a possibility of developing the site for a Facility Based Long Term Care Facility. The applicant requests more time to consider his plans.

Staff recommends opening the public hearing and continuing it to allow the applicant time to figure out what he wants to do with the property.

There were no comments from the public.

Commissioner Zupi made a motion to continue this item. Commissioner Beck seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A15-11 Conditional Use Permit for a Group Child Care Facility for up to 18

children at 1220 Goldenwood Drive (Lot 3, Block 1 of Goldenwood 4th Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property is west of Cass County Highway #17, north of 12th Avenue NW. The applicant, who is in the process of moving, was operating a child care facility in Harwood. She would like to have the ability to provide child care services for up to 18 children.

The applicant submitted an application for a conditional use permit and a site plan for the property, and has indicated that she intends to have 12 children – the applicant is required by the County to include her grandchildren in her number which necessitates the need to be approved for up to 18 and thus requiring our review by conditional use.

The applicant intends to install a fence in the spring. A 6' solid fence is required to enclose the area in which children are to be playing outside. It would be appropriate to consider a condition of installing the fence by a certain date if approved.

Notices have been sent to all property owners within 350', no formal comments have been received to date.

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

1. Children are dropped off in the driveway only.
2. Six-foot solid fence be installed by July 1, 2015.

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

Tim stated that staff has been doing a lot of research on daycares and what other area communities require.

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

Vice Chair Sheeley opened public hearing A15-12 Adoption of an Amended Zoning Map.

Larry stated that the zoning map for the City was last updated in 2007. A number of rezonings have taken place since that time, as the City has experienced tremendous growth. He stated that the process was started last year and staff didn't have all the updated parcel information. Tim stated that over 700 parcels had been added since this was last reviewed in March 2014.

The staff recommends that the map be adopted by ordinance as the new Official Zoning Map.

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

Commissioner Diamond made a motion to adopt by Ordinance the Amended Official Zoning Map. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans – A14-61 Doll's 7th Addition.

Tim reviewed the following information from the staff report:

The developer has submitted a site plan to finalize the conceptual site plan and accompany the elevations proposed at the previous meeting. The finalized site plan shows 28 proposed building sites with conceptual building footprints as shown. The proposed district standards have not changed and would dictate permitted uses and yard requirements on each site. The finalized site plan further includes the landscaping for the east border of the development which would act as the primary buffer between the heavier commercial use and the residential development to the east. The proposed buffer includes a 4' high berm topped with a 6' high wood fence with approximately 600 plant units on the berm, additional notes state that each lot will be required to plant approximately 17 plant units per lot – these lots will further need to follow the applicable provisions of the landscaping standards in the City Ordinances.

The developer has included a conceptual design for retail on Lot 1, Block 1 to indicate the desire for this lot to develop with retail commercial uses; however they have indicated that at this time they do not intend to develop this lot and will wait until

Sheyenne Street is improved to propose development here. They are proposing the zoning for Lot 1, Block 1 to remain zoned as C: Light Commercial.

Access to Sheyenne Street is shown at its existing location; however, the existing easement of Doll's 5th Addition has shifted and will need to be vacated and re-drawn to provide sufficient access for emergency vehicles. The developer has indicated that they would prefer not to fully improve this section of road; however, City staff has indicated they would recommend the road be fully improved, citing drainage concerns and a desire to fully provide access to the rest of the development as reasonable justification for the road being paved at time of development.

Staff would further like to see retention adequately addressed on the site plan to assist in permitting; the final plat will need to include easements if necessary for retention. Agreements will need to include language which would place the responsibility of any at or above grade appurtenances to be the responsibility of the developer and/or association.

Detailed development plans were sent to the entire adjacent neighborhood – staff would uphold its previous recommendation that if approved the conditions as noted are to be followed with corrections as noted at the previous meeting that park dedication is not required. He also stated that an additional condition be added regarding the Access Easement Adequately be adequately identified on the final plat.

Tim stated that comments were received requesting one more meeting with the developer prior to the City Commission meeting and that the uses on the east side be lighter. A request regarding the color of the buildings was not something staff was comfortable with and goes beyond the realm of the developer's agreement; however, the developer is willing to work with them.

Staff recommends approval based on the following conditions listed in the staff report:

1. Land use plan amendment from general commercial to light industrial be considered and approved prior to and along with the final approval of the Planned Unit Development.
2. Concerns of adjacent neighborhood are given due consideration.
3. A drainage and utility plan is approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.
5. A landscape plan is received prior to building permits being issued.
6. Restrictive covenants or condominium documents for the development are received for filing with the plat if proposed.
7. A subdivision improvement, park dedication, and PUD agreement are received.
8. An Attorney Title Opinion is received.
9. Certificate of Taxes is received showing taxes are current.
10. A mailbox plan is received and approved by the Post Office.

Additional conditions include:

11. Previous access easements adequately identified on the Final Plat
12. Developer hold meeting with residents prior to final approval.
13. Under PUD Standards, item #3 regarding signage be removed.

Mr. Barta asked if the SW access would be added at the beginning. Tim indicated that staff wants it added now. During development it's preferable construction vehicles not use Shiloh Road.

Commissioner Zupi asked about signage. Tim stated that it's included in the design standards with signage as per the C: Light Commercial District Standard. Development signage could be proposed at a later date with PUD Amendment. Larry stated that a free standing sign might be more appropriate for all the businesses instead of individual signs for each lot.

Commissioner Beck asked if Shiloh Street was capable of supporting CM traffic. Dustin stated no. Primary access would be via the south road. Shiloh is a local residential road. There'd be a separate road to Sheyenne Street, with a separate construction entrance, which is filed through public works and policed in terms of truck routes, overweight vehicles…

Tim stated that he will attempt to clarify signage prior to City Commission review as the Planning and Zoning Commission is concerned with individual signs.

Commissioner Beck made a motion for approval based on staff recommendations 1-13. Commissioner Zupi seconded the

motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans – A14-58 Oak Ridge 7th Addition.

Tim reviewed the following information from the staff report:

On January 6, 2015 the developer conducted a public meeting and invited all residents within 150' by mail. Planning staff attended the meeting and took notes which are attached hereto. At the meeting the developer provided three options based on feedback from the Public Hearing. The options were what was initially proposed, an option that included some changes to the plan that shifted homes on the south end to face a different direction to avoid houses facing the backyards of existing homes, and an option which would not require a PUD and would fit the standard R-1 zoning district with attached twin-home style single family homes. At the neighborhood meeting there did not appear to be a consensus from the neighbors in attendance for any particular proposal.

The developer has submitted detailed development plans that include some revisions based upon feedback from the Public Hearing and from the neighborhood meeting. The revised plan has attempted to mitigate concerns from the adjacent homes by flipping the homes in the south-center of the development to face inward and avoid being front-ended toward the backyards of the adjacent homes. They have removed the dog park. The developer has further submitted a finished site and landscape plan and elevations of all home styles which are associated with the site plan. They have also submitted a preliminary plat for approval.

Staff will be meeting with the developer and Park District staff to discuss the manner in which park dedication will be handled. In addition, staff would recommend that the proposed lot which includes the pond be encumbered by easement on all lots in the subdivision so it does not become the burden of the City.

Staff would recommend that sewer, water, access, and storm easements are called out in the plat which can be accommodated in condition #4 as previously stated, and would recommend that agreements include language which would place the responsibility of any at or above grade appurtenances to be the responsibility of the developer and/or association.

Detailed development plans were sent to the adjacent neighbors. Staff therefore maintains its previous recommendation for approval with conditions as previously stated and noted on the staff report on the basis that the application is consistent with City plans and ordinances. The condition related to the lot in Strawberry Fields being improved should also include that the lot should be deeded to the Park District prior to approval of this final plat.

He referred to the neighborhood meeting notes as well as an email received today regarding lighting.

As reviewed at the previous meeting, staff recommends approval subject to the following conditions:

1. Concerns of adjacent neighborhood are given due consideration.
2. That a Land Use Plan Amendment from low density residential to medium density residential be approved at final approval of the Planned Unit Development.
3. Final Plat with any necessary easements including that the existing retention pond be included within the other lot of the plat so as not to create it as a separate lot.
4. That a path connecting the development to adjacent developments on Lot 9, Block 1, Strawberry Fields Addition be a part of the proposed development and included in the improvement district.
5. A drainage and utility plan is approved by the City Engineer.
6. Any necessary easements are placed on the Final Plat.
7. A landscape plan is received prior to building permits being issued.
8. Condominium documents for the development are received for filing with the plat if proposed.
9. A phasing plan is developed for the three phases showing the timeframes and manner of phasing to continually provide adequate access for municipal services and emergency vehicles.
10. A subdivision improvement/PUD agreement and park dedication agreement are received.
11. An Attorney Title Opinion is received.
12. Certificate of Taxes is received showing taxes are current.
13. A mailbox plan is received and approved by the Post Office.

Tim stated that item #8 should be corrected as this is not a condominium development; however, HOA documents should be provided.

Brady Swenson, 532 35th Avenue East, stated that they were originally against the development. They are concerned with the area immediately adjacent to their property with primary road access in their back yard --- vehicles and children with the road in their backyard.

Art Goldammer, Verity Homes, stated that the original plan had an east west road the entire length of the property. They shifted buildings to the north to address some concerns and shifted building orientation.

Mr. Swenson referred to the site plan and concern with the driveway. He also stated that the existing trees are not as dense as shown. He stated that it boxes them in, they're worried about traffic on both sides and don't want the risk.

Mr. Goldammer stated that changing the orientation would require a complete redesign. Tim reviewed the building elevations.

Mr. Swenson stated concern with privacy because of the size/height of the homes.

Vice Chair Sheeley asked Tim to review the buffering and landscaping.

Discussion was held regarding the size of plantings and the 6' privacy fence at the vehicle turnaround. Mr. Swenson asked about a fence the entire length of the driveway. Mr. Goldammer stated that Blue Spruce could possibly be included. Tim stated that species aren't included as usually the forester is involved and determines what is appropriate prior to issuance of a building permit.

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

Commissioner Diamond made a motion for adjournment. Meeting adjourned.