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

West Fargo Planning and Zoning Commission  
January 14, 2013 at 7:00 P.M.  
West Fargo City Hall

Members Present: Connie Carlsrud  
Frank Lenzmeier  
Terry Potter  
Tom McDougall  
Jerry Beck  
LeRoy Johnson

Members Absent: Tom Kiewel, Edward Sheeley, Connie Carlsrud

Others Present: Larry Weil, Steven Zimmer, Lisa Sankey, Dustin Scott, Zerek Kroll, Steve Iverson, Terry Welle, Stephen Smith, Tracy Eslinger, Mike Thorstad

The meeting was called to order by Chair Lenzmeier.

Commissioner McDougall made a motion to approve the December 10, 2012 meeting minutes as printed. Commissioner Beck seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A13-1 Planned Unit Development Amendment to allow for increased number of high density residential units on Lot 2, Block 1 of Burlington 6<sup>th</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located south of 19<sup>th</sup> Avenue East, east of 9<sup>th</sup> Street East and west of Burlington Drive. The applicant has submitted an application with detailed development plans for multiple family development. The Planning & Zoning and City Commissions reviewed and approved an application for two 36-unit apartment buildings; however, when the developer applied for a building permit, the plans were changed showing two 42-plex structures.

It is recommended that the Detailed Development Plans for the application be conditionally approved on the basis that they are consistent with the City's Comprehensive Plan. The conditions of approval are as follows:

1. The City receives an outline for the anticipated schedule and sequence of construction.
2. The City receives a PUD agreement.
3. The private drives are signed for "No Parking" by the applicant.
4. Building address signs are placed at each of the entrances to the development.
5. The City passes a resolution changing the name of the west segment of Times Square Way to another name.

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

Commissioner McDougall asked about condition #5. Steven stated that Times Square Way was originally platted as a circular drive. The south connection was vacated with a previous plat which now creates two private drives with the same name. It would be appropriate for the City Commission to pass a resolution renaming the west segment at this time to avoid confusion getting to the site.

Commissioner McDougall made a motion to approve the request subject to the 5 conditions listed in the staff report. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A13-2 Land Use Plan Amendment from Office Park to Medium Density Residential for the west half of Lot 1, Block 1 of Dakota Territory 6<sup>th</sup> Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is on the southwest corner of 10<sup>th</sup> Avenue East and 17<sup>th</sup> Street East, is currently zoned Planned Unit Development. The City's Land Use Plan depicts the area as office park suggesting that office development is most appropriate. The applicant proposes changing the land use plan for the west half of the lot to medium density residential to allow for a future senior housing project with possibly some family units.

The applicant has indicated that it is their belief the current site is too large to support office park development. The proposed use of the west half as a housing project would complement the existing housing to the west and north while providing a more suitable sized site for office park development. The project is similar to the Preserve along 32<sup>nd</sup> Avenue.

The applicant has submitted a conceptual site plan for the housing project which would access 10<sup>th</sup> Avenue East and 16<sup>th</sup> Street East as provided for with the access controls on the current subdivision plat. Access for the office park property would then be from 17<sup>th</sup> Street East. Comprehensive Plan policies support development of independent and assisted living housing for senior citizens that wish to remain in the community, as well as land use transitions which support and preserve neighborhoods. The designated use within the existing Land Use Plan is viewed as appropriate for the area, as is the applicant's request whereby a suitable area would remain for office park uses.

It is recommended to approve the application on the basis that the proposed use would support and preserve existing neighborhoods while still providing reasonable area for office commercial uses.

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

Chair Lenzmeier asked what was located to the east. Larry stated housing in Fargo and the retention ponds behind Lowes. Steven stated the Slumberland complex is located to the south.

Commissioner Beck made a motion for approval. Commission McDougall seconded the motion.

Chair Lenzmeier asked about the remaining property. Larry stated that the land use for the remaining property to the east would be office park and any change would require a land use plan amendment. A letter was received from Menards supporting the project, though with concerns about something other than C-OP developing on the remaining property.

Commissioners then voted on the motion on the floor. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A13-3 Prairie Heights Development 2<sup>nd</sup> Addition, a replat of Lots 1, 19-21, Block 1 of Prairie Heights Development 1<sup>st</sup> Addition and Rezoning from R-2: Limited Multiple Dwellings to R-1: One & Two Family Dwellings a portion of Lot 1, Block 1 of Prairie Heights Development 1<sup>st</sup> Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is on the south side of 32<sup>nd</sup> Avenue East, between 2<sup>nd</sup> Street East and 4<sup>th</sup> Street East. The applicant proposes to develop an additional medium density residential lot on the southwest corner of 32<sup>nd</sup> Avenue East & 4<sup>th</sup> Street East, as well as widen 3 single family lots along 34<sup>th</sup> Avenue East. The rezoning from R-2 to R-1 is for a narrow strip of property along Prairie Heights Drive which is being used for the single family lots.

The preliminary plat consists of a larger, 15 acre parcel for the church facility, 3 single family lots and one medium density residential lot. The single family lots are 70' or greater in width and 130' in depth which exceeds the lot requirements for the requested R-1: One and Two-Family Dwelling zoning. The medium density lot is 55,000 square feet in area and is being zoned R-2: Limited Multiple Dwellings.

Right-of-way was previously dedicated. A drainage plan is required for the subdivision which will be reviewed and approved by the City Engineer.

Notices were sent to area property owners, and also to City departments, Park District, SE Cass Water Resource District, Post Office and Utility Companies. We have not received any comments yet.

It is recommended to conditionally approve the Subdivision Plat based on the application's consistency with City plans and ordinances. The conditions of approval are as follows:

1. Departmental comments are taken into consideration.
2. An Attorney Title Opinion is received.
3. A certificate of taxes showing taxes being current is received.
4. A Drainage Plan is received and approved by the City Engineer.
5. A Final Plat with any necessary easements is received.
6. A subdivision improvement agreement is received if additional municipal services are needed.

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

Discussion was held regarding Prairie Heights Way. Larry stated that this is a private drive, which will be maintained by the developer. This was platted with the original subdivision.

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

Chair Lenzmeier indicated that for the next item, Commissioner Potter would be abstaining from commenting and voting due to a conflict of interest.

Chair Lenzmeier opened public hearing A13-4 Eagle Run Plaza 5<sup>th</sup> Addition, a replat of Lot 2, Block 4 of Eagle Run 12<sup>th</sup> Addition; Lot 2, Block 1 of Eagle Run 21<sup>st</sup> Addition; Lot 1, Block 1 of Eagle Run Plaza 2<sup>nd</sup> Addition; Lot 2, Block 1 of Eagle Run Plaza 3<sup>rd</sup> Addition and Lot 2, Block 1 of Eagle Run Plaza 4<sup>th</sup> Addition, City of West Fargo, North Dakota; & Rezoning from C: Light Commercial to R-2: Limited Multiple Dwellings & Land Use Plan Amendment from General Commercial to Medium Density Residential of Lot 2, Block 4 of Eagle Run 12<sup>th</sup> Addition, City of West Fargo, North Dakota.

He asked if due to the number of commissioners absent and Commissioner Potter abstaining if this should be tabled or continued if a quorum isn't met. Larry stated that a decision is based on a majority of members present, not a quorum.

Larry then reviewed the following information from the staff report:

The property, which is located west of Sheyenne Street (Cass County Highway #17) and North of 32<sup>nd</sup> Avenue West, was platted and zoned for commercial use in November of 2004. The applicant proposes to subdivide and rezone some of the commercial property for development of 12-unit apartment buildings. The residential use for proposed Lot 1, Block 2 is not consistent with City Plans and Ordinances and requires a Land Use Plan Amendment.

The developer submitted an area plan and subdivision plat for area south and west of 29<sup>th</sup> Avenue West. The City's Land Use Plan depicts the property being rezoned to R-2 developing as commercial. The City's Comprehensive Plan promotes strengthening the tax base through development of more commercial uses south of I-94 conforming to the Land Use Plan. The Comprehensive Plan promotes a diversity of multiple family residential units including townhouses, condominiums, and low and higher density rental properties to be evaluated by each section of land to ensure an equitable distribution throughout the growth area. Single family units are to account for 60-70% of all residential units, and multiple family units are to account for 30-40% of all residential units. A minimum of 20% of the multiple family units are to be of the medium density type.

The Land Use Plan was developed using maximum dwelling units per acre allowed by the 2005 Comprehensive Plan to determine the total area (in acres) that were to be designated low density and medium to high density residential. Currently there are 504 high density multiple family units developed and 120 medium density units developed or approved for development. Two preliminary subdivisions being considered to the north provide about 12.7 acres of land for medium density residential which could potentially support 202 units. There is the potential of 322 medium density units and 504 high density units for Section 19 for a total of 826 multiple family units. To meet the desired goals and policies of the Comprehensive Plan, there would need to be between 1,242 – 1,934 single family units constructed in the section. It is

estimated that about 1,850 single family units may be constructed based on the area plans submitted to date which would result in approximately 44.6% of the units in Section 19 being multiple family. The applicant's rezoned property could accommodate an additional 166 units if developed at the same density as the 12-plex units to the north, or 196 units if developed to the maximum potential. This would increase the percentage of multiple family for the section to 49.2 – 49.9%.

The street rights-of-way for Sheyenne Street, 32<sup>nd</sup> Avenue West and a portion of 5<sup>th</sup> Street West were provided for in the original subdivision plat. The remaining portion of 5<sup>th</sup> Street West shows a right-of-way of 80', which is adequate for a street within a commercial development. It appears that the street would be aligned with the access to the south. The street does not meet the minimum spacing standards of 660' established for the 32<sup>nd</sup> Avenue corridor given the off-set of Sheyenne Street from the section line. Full access is established at a spacing of 1,320' which was accomplished with the original subdivision layout. As a result the subdivision plat and developer agreements should indicate that access would be restricted to right-in right-out or  $\frac{3}{4}$  access when the City deems necessary.

Park dedication was addressed with the original subdivision plat for the commercial development. However, residential development requires a higher park dedication rate, so additional dedication would be required if the property is rezoned. The City has not received a recommendation from the Park District on whether the dedication should be land or cash-in-lieu of land dedication.

Notices were sent to area property owners, City departments and utility companies; and notice was placed in the paper. No concerns were identified for the proposed subdivision.

It is recommended that the proposed application be denied on the basis that it is not consistent with City plans and ordinances.

Applicant Steve Iverson distributed a diagram to provide spatial visualization showing the sheer volume of the property and what it would take to develop 30 acres. Examples included a grocery store, gas station with convenience store, fast food, office building...

He indicated he had 3 different bullet points he'd like to discuss in response to the staff report.

#1 In terms of ratio of multiple family, it's his understanding that the amount of multiple family in Sections 28 and 29, east of the Sheyenne River were reduced. He stated that 120 units were given up in Section 29 to allow for single family in the Shadow Creek and Prairie Heights Development.

#2 The 660' spacing access matches the one in Eagle Run Plaza to the south.

#3As for the Park District issue, they plan to incorporate additional park as part of the Eaglewood 2<sup>nd</sup> Addition, a subdivision that was reviewed and approved by the Planning & Zoning Commission and Park District.

Chair Lenzmeier asked Larry to address Mr. Iverson's comments.

Larry stated that the Land Use Plan regarding single vs. multiple family ratios is on a section by section basis. If one falls short and there is a higher percentage of low density residential, the multiple family can't be increased in other sections.

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

Commissioner McDougall asked what the odds were of finding a commercial use for the property or of anyone wanting to develop the area as single family.

Discussion was held regarding the ratios regarding existing multiple dwelling/single family areas and future development. Larry stated that when the last Comprehensive Plan was developed there was a lot of concern from the City and residents that West Fargo did not want to be a really large multiple family community and there was discussion about discouraging the concentration of multiple family housing in any one location. The intent was 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. Looking at the metro area, Moorhead was at 70% single family. Fargo was atypical of the national trend with a 50% ratio of multiple to single family.

Larry indicated that staff is currently looking at a 5-year review of the Comp Plan and will review the goals and policies. In terms of the Eagle Run area, there was a large push at the time the plan was developed for commercial. There is a lot of commercial on both sides of 32<sup>nd</sup> Avenue. If not commercial, then what is the highest and best use for the property?

Commissioner McDougall made a motion to deny the request on the basis the development is not consistent with City plans and ordinances. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A13-5 Rezoning from Agricultural to C: Light Commercial of Lot 7, Block 1 of North Pond at the Preserve 3<sup>rd</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is west of Veteran's Boulevard and on the north side of 26<sup>th</sup> Avenue East. The applicant proposes zoning the lot to C: Light Commercial.

The developer has submitted an application for rezoning property for light commercial development with the intent being for a bar/restaurant. The lot was recently platted as part of North Pond at the Preserve 3<sup>rd</sup> Addition which platted property between 23<sup>rd</sup> Avenue East and 26<sup>th</sup> Avenue East west of Veteran's Boulevard. A number of lots within the subdivision were not zoned at the time, as no sales or development plans were pending.

Staff recommends approval.

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

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

Chair Lenzmeier opened public hearing A13-6 Rezoning from Agricultural to C: Light Commercial of Lot 5, Block 3 of South Pond at the Preserve 6<sup>th</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is west of Veteran's Boulevard and on the north side of 32<sup>nd</sup> Avenue East. The Developer platted the area in November; however, rezoned only a portion of the property. The applicant proposes zoning a lot to C: Light Commercial. The proposed rezoning is consistent with the City's Land Use Plan, which depicts the area developing as General Commercial.

The developer has submitted an application for rezoning property for light commercial development. The intent is for a two story office building.

Staff recommends approval.

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

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

Chair Lenzmeier opened public hearing A13-7 Rezoning from C: Light Commercial to PUD: Planned Unit Development of Lot 4, Block 1 of North Pond at the Preserve 3<sup>rd</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The developer proposes zoning the lot PUD: Planned Unit Development only to provide for off-premise signage for the development.

The lot was recently platted as part of North Pond at the Preserve 3<sup>rd</sup> Addition which platted property between 23<sup>rd</sup> Avenue

East and 26<sup>th</sup> Avenue East west of Veteran's Boulevard. Only Lot 4 was rezoned to C: Light Commercial at the time. The lot was about 4 acres in size when the process began, but was reduced in size at the final approval stage and the zoning amendment was attached to the smaller lot.

It is recommended that the rezoning request be amended to include the adjacent lot (Lot 5) and be re-advertised for the next Planning and Zoning Commission meeting. It would also be appropriate to provide descriptive material and conceptual schematic of the proposed off-premise signage proposed. The lot is located within the CO: Corridor Overlay District which dictates setbacks and building materials allowed along the Veterans Blvd corridor.

It is recommended that the application be amended to include Lots 4 and 5 for the rezoning and re-advertised for the next Planning and Zoning Commission meeting. It is also recommended that descriptive material and schematic of the proposed off-premise sign be provided.

There were no comments from the public.

Commissioner McDougall made a motion to hold open the public hearing and continue this until the next meeting. Commissioner Potter seconded the motion. No opposition. Motion carried.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.