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

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

Others Present: Lisa Sankey, Tim Solberg, Dustin Scott, Luke Champa, Matt Welle, John Youness, Jim Bullis, Jason Bednarz, Matt Marshall, Dan Bueide, Mike Munson

The meeting was called to order by Chair McDougall.

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

Chair McDougall opened public hearing A15-13 Land Use Plan Amendment to designate land uses for all of the NW¼ & N½ SW¼ of Section 6, T138N, R49W, in the Land Use Plan of the Comprehensive Plan for the City of West Fargo, North Dakota; Westport Beach South Addition, subdivision and rezoning from Agricultural to R-1A: Single Family Dwellings (R-1: One & Two Family Dwellings), property in the NW¼ of Section 6, T138N, R49W, City of West Fargo, North Dakota.

Tim stated that the public notice advertised the rezoning incorrectly. It should be R-1: One & Two Family Dwellings instead of R-1A. He then reviewed the following information from the staff report:

The property is located on the south side of 52nd Avenue West, west of Cass County Highway #17 and east of the Horace/Sheyenne Diversion. The land use for the area has not yet been designated in the City's Land Use Plan.

The applicant proposes to develop 79 single-family residential lots. The proposed lots would fit within the R-1: One & Two Family Dwellings zoning district standards. Prior to considering any development in this area a general plan should first be developed. The applicant has provided a preliminary plat and area plan. The area plan is proposing the majority of the area to develop as single-family residential development with a small area designated for multi-family residential. The developer has indicated they anticipate between 800-900 single family lots in this area, which would provide higher density than the area north of 52nd Avenue West in the prior Wild's Additions. Proposed density of this development is approximately 3 units per acre. Excluding parks and retention, the density of the Wild's 6th Addition is approximately 2 units per acre.

There is no means of east-west connection to arterial roadways in this area; therefore staff believes the connections to 64th Avenue South on the south side of this plat are important to provide access to more than just one arterial roadway. Road right of way exists in Horace to make a connection; however, this right of way is not improved and will need to be considered prior to further additions of this area are to be reviewed and will need to be identified and agreed to as part of this area plan. 9th Street West will need to be an important major collector for this area.

It would be appropriate to consider the goals stated in the City's Comprehensive Plan to provide for a diversity of housing types (Land Use and Community Growth; Goal 3, Objective a: "To encourage the appropriate integration of multiple family housing throughout the community, as opposed to segregated concentrations." and Community Development, Design, and Housing; Goal 2, Objective h: "To provide a housing development pattern with the ratio of single-family dwelling units to multiple-family dwelling units between 60-70% single-family to 30-40% multiple family." In considering these stated goals,

this section of land should follow that development pattern if it is to be determined by the City that this area should indeed all be devoted to residential development

City staff is encouraging a portion of the land to be designated to multiple-family residential to meet the goals of City plans and ordinances. The developer is proposing a small area be devoted to multi-family residential. Further development and revisions of the area plan should consider further diversification of housing types and seek opportunities to increase density in order to increase efficiency of infrastructure and implementation of City services. This can be further analyzed as the area plan evolves with future additions.

Construction of Legacy Elementary is underway with anticipated completion this fall. The school is directly north of this development across 52nd Avenue West. 52nd Avenue West is currently a gravel rural section with paving being considered for the summer of 2015. Improvements such as turning lanes and intersection crossings should be considered as this area develops to avoid future burdens of premature reconstruction.

Property owners within 150', City Departments, Utility Companies, Cass County Planning, SE Cass Water Resource District, the School District and the Post Office were notified. No comments were received.

It is recommended that the City conditionally approve the proposed application on the basis that if the City accepts the proposed area plan as the adopted land use plan for the area, the application would be consistent with City plans and ordinances. The conditions of approval are as follows:

1. City adopts an amendment to the Land Use Plan to include the area with the land for this specific addition designated for Low Density Residential.
2. Building permits not be issued until approval of final plans for paving 52nd Avenue West.
3. City Engineer provides concurrence that this proposed Addition will not negatively impact potential for future infrastructure growth in this area.
4. Future area plans include opportunities for greater density.
5. An Attorney Title Opinion is received.
6. A certificate is received showing taxes are current.
7. A drainage and retention plan is received and approved by the City Engineer.
8. A landscape plan is submitted by the developer to provide for the required buffer along 52nd Avenue West.
9. Final Plat is received with necessary easements and changes identified in the staff report.
10. Arrangements are made to address the required sewer hookup fee.
11. A park dedication agreement is received.
12. A subdivision improvement agreement is received.
13. 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.

Developer John Youness, Eagle Ridge Development, indicated he was available to answer any questions.

Jason Bednarz, 7329 61st Avenue South in Horace, stated that he lives in the Greyhawk Estates Subdivision to the east. He asked about zoning. Tim indicated it would be low density residential. Mr. Bednarz asked about access and stated concern with extra traffic connecting to the east. Tim reviewed 9th Street West and connectivity from the north in Brooks Harbor, all the way to 64th Avenue. Being a collector it would get more traffic. He stated that the rural Horace Fire Department and Police would like extra connectivity into the developments. It would serve as an alternative for emergency services as well as for the existing residents. Tim reviewed the existing 150' of rights-of-way for the north south streets south of the proposed development, which were dedicated when this was in the City of Fargo's Extraterritorial area.

Mr. Bednarz asked for clarification on the land uses. Tim stated single family and possibly twin homes, with a multi-family area in the NW corner along 52nd Avenue.

Discussion was held regarding the proposed location of 9th Street West and why the area plan showed it further to the west. Developer Jim Bullis stated that because it is a future collector, they didn't want to assess the City of Horace residents whose homes would back up against the proposed road if it remained lined up with 76th Street South, where 150' of right-of-way was previously dedicated.

Scott Thompson, 6123 74th Street South, Horace, stated concern with drainage behind his home. Mr. Bullis indicated the drainage would flow to the west, into the retention ponds and eventually into the Horace/Sheyenne Diversion.

Commissioner Zupi asked about Legacy Elementary and how pedestrian facilities would be addressed. Mr. Youness stated that they're working with Moore Engineering to design an underpass at 52nd Avenue.

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

Commissioner Sheeley asked about timeframes for 52nd Avenue paving. Dustin stated bids would be in late March/Early April with a completion date in mid-August before school starts.

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

The next item on the agenda was A15-14 Plan Review in the Interstate Corridor Overlay District for 2531 3rd Avenue NW, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The intent of the Interstate Corridor Overlay District (CO-I) is to "promote orderly development and safe land uses adjacent to the Interstate 94 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." The boundary of the district is described as "an approximate depth of 600' on each side of the interstate right of way". The use of the term approximate becomes difficult to interpret when properties are not fronting the interstate and may not be visible from the motoring public.

The applicant proposes constructing a 102,000 square foot multi-tenant warehouse building. Lots are fronting 3rd Avenue NW, with Lot 16 also having frontage on 26th Street NW. Interstate right of way near this location is unique in that there is a long on-ramp and large open area within the right of way which affects the boundary of the CO-I district. Actual distances from the on-ramp to the parcels exceed 600'. Staff feels that under the provisions of the CO-I district standards there is an opportunity for the Commissions to consider the intent of the district and determine in this case that the development of Lots 11-16 should be reviewed as provided for under 4-431-A.4 and discretion as to the requirements of yard requirements and building construction be considered under the underlying Heavy Commercial/Light Industrial (CM) district standards. It may be appropriate to consider that development on lot 16 should take into consideration potential view from Interstate 94 and should incorporate the Open Space Landscaping and Buffers requirements of 4-431-A.5.3.

If the Commission concurs that the intent of the Interstate Corridor Overlay 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 the inclusion by the applicant of increased street trees to buffer the potential side view of the building, and due to the unique nature of interstate right of way at this site that the proposed development on the site is consistent with the intent of the Interstate Corridor Overlay district.

Discussion was held regarding visibility from I-94. Chair McDougall stated it made more sense to plant trees to the rear of the building. Tim stated that the boulevard trees along 3rd Avenue are required. It would be at the discretion of the commission whether additional trees should be required. Commissioner Zupi asked about additional trees. Mike Munson, Olaf Anderson, stated that with the truck traffic to the loading docks it would be rather tight. He assumed the site was screened from the south by the existing buildings along I-94.

Discussion was held regarding the buildings fronting I-94 and lack of landscaping. Mr. Munson stated that if there isn't screening for those buildings, then they would ask for consistency. They shouldn't have to make up for something that was missed in the past. Tim indicated he'd review the previous building approvals.

Economic Development Director Matt Marshall stated that owners of the property immediately to the west are exploring infrastructure needs for possibly light industrial development. So there is the potential for additional screening from those buildings.

Commissioner Sheeley made a motion for approval provided staff reviews the lots to the south regarding landscaping requirements for those businesses. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans - A15-5 Tri Star 1st Addition.

Tim stated that at the February 9, 2015 meeting, the Planning and Zoning Commission approved the concept subject to the 9

conditions listed in the staff report with an additional condition that that areas used to accommodate storage with screening be clearly identified on the site plan.

The developer has submitted revised site plans which illustrate the storage in the rear yard. The plans show storage of concrete forms in sections along the west end of the rear yard in groups ranging from 4' on the north to 9' on the far south end of the lot. Trailer storage with a maximum height of 8' is shown in the middle near-south of lot, and lumber/rebar storage with maximum height of 8' is shown in the middle far-south of lot. A vicinity map has also been included with elevations of the lot and adjacent interstate for consideration. It is provided that the proposed building will be built at a grade of 902' whereas the adjacent interstate is at a grade of 902.35' – the existing grade of the site is 897'.

Chair McDougall asked about floor height and if the base of the fence is at the same height. Mike Munson, Olaf Anderson, stated that it's an 8' fence with a small section of 9' form storage and taller more mature trees for landscaping. He stated that at the last meeting the biggest concern was with equipment storage. Anything higher than 8' would be stored inside the building.

Commissioner Zupi stated at the last meeting they were specifically asked what was going to be stored back there and what was entered into the minutes was that 9' was the tallest piece of equipment. Discussion was held regarding the storage areas, elevations and grading. Mr. Munson stated that they'll go with a larger caliper tree for additional screening. The landscaping plan shows several 10' maple clumps, an 8' fence.

Dan Bueide, representing the property owner on the north side of I-94, stated that the developer has done a good job putting in a project that doesn't quite fit the Comp Plan. He still has some concerns with visibility inside the back storage yard and asked about the PUD Agreement. Tim stated the site plan will be submitted as an exhibit. The biggest concern as staff was that cranes and larger equipment not be stored back there.

Commissioner Sheeley made a motion to approve the Detailed Development Plans. Commissioner Beck seconded the motion. No opposition. Motion carried.

The next item on the agenda was Continued 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 indicated the applicant has withdrawn his application and plans to submit a Conditional Use Permit for an assisted living center at the next meeting.

Chair McDougall closed the public hearing.

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