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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
November 12, 2013 at 7:00 P.M.
West Fargo City Hall

Members Present: Jerry Beck
Eddie Sheeley
Tom Kiewel
Terry Potter
Scott Diamond
LeRoy Johnson

Members Absent: Connie Carlsrud, Tom McDougall

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Roger Larsen, Craig Geron, Jim Twomey, Dan Bueide, Mike Thorstad, Harold Thompson, Don Dabbert, Dave Glessner, Ted Hall, Patrick Vesey, Matt Marshall, Zach Peterson, Patrick Peltier, Lori Gehardson, Doug Johnson Ben Davidson

The meeting was called to order by Vice Chair Sheeley.

Vice Chair Sheeley welcomed Scott Diamond to the Planning and Zoning Commission

Commissioner Potter made a motion to approve the October 14, 2013 meeting minutes as printed and mailed. Commissioner Kiewel seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A13-67 4RB Subdivision, Rezoning from A: Agricultural to R-1E: Rural Estate District and Land Use Plan Amendment from Agricultural Preservation to Rural Residential property in the SW¼ of Section 25, T140N, R50W, Cass County, North Dakota.

Tim reviewed the following information from the staff report:

The property is located in the City's extraterritorial area along 19th Avenue NW, west of Cass County Highway #17. The applicant wishes to separate the existing farmstead property from the larger Ag parcel and rezone it to R-1E: Rural Estate District. The property is located outside of the Sheyenne Diversion and is within Zone AE on the Flood Insurance Rate Map (September 4, 2002 West Fargo) with a base flood elevation of 898'.

The subdivision would include 1 lot, which is proposed to be 502,603 square feet. The applicant's property (± 160 acres) is part of a trust which is being split out. The applicant proposes to sell the existing farmstead. The remaining Ag property would continue to be farmed.

Staff believes that the proposed use is acceptable since it has been in the past and is proposed to be continued as a single family residence. Rezoning this property will allow the applicant to reduce the required lot size from 40 acres, as allowed under Ag zoning, to 10 acres under R-1E: Rural Estate District. Staff believes that the rezoning of this property would not adversely affect the neighboring properties and allows the applicant reasonable use of his land.

The applicant has submitted a preliminary plat and area plan. The property includes a single family residence and a number of outbuildings. Generally rural subdivisions are required by City policy to be protected from flooding by either a ring-dike or by elevating roads and structures. Individual properties within the 100-Year Flood Plain are allowed to make improvements to the property if the structures are adequately raised and protected; however, if properties are in a designated flood way they are not allowed to make improvements. Most of the property appears to be flood-prone; however, a small ring dike has been built on the site to protect the farmstead. Typically these ring dikes provide adequate protection as long as they've been maintained, however do not mitigate any federal or lender requirements to purchase flood insurance. The

structure(s) have been in existence for quite a number of years so they are grandfathered. The elevation of the driveways and 19th Avenue NW were not given, so the staff is not aware if access to the properties is restricted during times of flooding.

Property owners within 150', as well as City, County and Township officials, were notified. No comments have been received.

It is recommended to conditionally approve the subdivision and rezoning application provided that the Land Use Plan is amended as the development would then be consistent with City plans and ordinances. The conditions of approval are as follows:

1. The applicant is to meet all Federal, State and local floodplain protection requirements for improvements to the site and structures if necessary. Driveway elevations should be at least the same elevation of 19th Avenue NE.
2. Any new structures must meet all City building codes.
3. An Attorney Title Opinion is received.
4. A certificate is received showing taxes being current.
5. A drainage plan is received and approved by the City Engineer and Public Works Director.
6. Necessary easements are placed on the Final Plat.

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

Vice Chair Sheeley asked if the driveway elevations were at the same elevation as 19th Avenue. Mr. Larsen stated that it depends upon where on 19th Avenue as elevations vary.

Tim stated that the request is to create a lot for an existing farmstead. It would be more of an issue if new construction occurred. Larry stated that we don't want to create new subdivisions – any new subdivisions would be required to have protection and roads high enough for access.

Discussion was held regarding flood protection. Commissioner Beck asked if existing drainage would be affected. Mr. Larsen stated that if needed, water would need to be pumped out. He reviewed the dikes and drainage, indicating in the past the farmstead has stayed dry. Larry stated that the purpose is to sell the farmstead. This is a one lot subdivision and won't increase development.

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

Vice Chair Sheeley opened public hearing A13-68 North Pond at the Preserve 4th Addition, Replat of Lots 1 & 2, Block 1 of North Pond at the Preserve 3rd Addition, part of 7th Street East and subdivision of property in the NE¼ of Section 20, T139N, R49W, City of West Fargo, North Dakota; rezoning from Agricultural to C: Light Commercial and C-OP: Commercial Office Park & Land Use Plan Amendment from Low Density Residential to Office Park.

Tim reviewed the following information from the staff report:

The property is west of Veteran's Boulevard and south of Interstate 94, between 23rd and 26th Avenues East. The developer proposes replatting 2 previous platted lots and rezoning them to C: Light Commercial, as well as platting a portion of a larger tract and zoning the parcel to C-OP: Commercial Office Park. The proposed rezoning of the larger parcel is not consistent with the City's Land Use Plan, which depicts the area developing as Low Density Residential. The developer's concept area plan has shown the area for commercial/office development.

Access to this area is provided via 23rd Ave East and 26th Avenue East, as well as 6th Street East which is being platted between 23rd Avenue East and 26th Avenue East. The plat shows R-O-W widths of 80' for 6th Street, which meets the city's minimum standard for commercial properties. Right-of-way for 23rd and 26th Avenues was platted previously.

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

Staff recommends approval with the following conditions:

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

Dan Bueide, representing the property owners, stated he was available to answer any questions.

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

Commissioner Kiewel asked what the intent for the property to the west would be. Larry stated that the developer is considering more office park; however, it is currently low density residential. Tim stated that a retention pond is also being planned to the west.

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

Vice Chair Sheeley opened public hearing A13-69 Planned Unit Development Amendment for Senior Living Facility and Land Use Plan Amendment from Medium Density Residential to High Density Residential for W½ of Lot 1, Block 1 of Dakota Territory 6th Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is located on the southwest corner of 10th Avenue East and 17th Street East, is currently zoned Planned Unit Development. The City's Land Use Plan depicts the property as Medium Density Residential. The applicant proposes changing the land use plan for the west half of the lot as high density residential to allow for a future senior housing project. The conceptual site plan shows a 2-story, 30-unit structure with 2, 17-stall garages and parking. With previous projects, the applicant proposed more buildings with less than 8-unit structures. The proposed use is not consistent with City Plans and Ordinances.

The request is to allow for a change in the City's Land Use Plan to permit a senior housing project which would be high density residential. Should the City support the request, an application for a replat and planned unit development amendment with Detailed Development Plans would be submitted for review, provided their project is approved for tax credits by the North Dakota Housing Finance Agency.

Commercial uses have developed to the south. A high school, park facility and single family development are located to the north. Townhouses and condominiums are located to the west. With a previous application to change the land use plan from office park to medium density residential, the applicant 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 senior housing project would complement the existing housing to the west and north while providing a more suitable sized site for office park development.

The applicant has submitted a conceptual site plan for the senior housing project which would access 10th Avenue East as provided for with the access controls on the current subdivision plat. Access for the office park property would be shared with the senior project and also from 17th 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.

Notices with maps were sent to property owners within 150'. Three phone calls were received with one indicating concerns for the increased density and the 2nd story on the proposed structure. One individual was supportive of the proposed development, and the other requested additional information about the proposed development.

It is recommended to approve the Concept Development Plan on the basis that the proposed use would support and preserve existing neighborhoods. Provided the State Housing and Finance Agency approves the project for tax credits, Detailed Development Plans and a subdivision replat would be submitted for consideration by the Planning and Zoning Commission followed by consideration of the Detailed Development Plans, Final Plat and Land Use Plan amendment by the City Commission.

Applicant Jim Twomey indicated he was available for questions.

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

Commissioner Potter asked about 16th Street and 11th Avenue. Larry stated that public streets were dedicated when the townhouses to the west were constructed.

Vice Chair Sheeley asked if the east side of the lot would remain Office Park. Larry stated yes. Following the public hearing, the project would be forwarded on to the City Commission. Once the applicant hears from the state, it will be submitted on to the City Commission for final approval. Should the Senior Housing project not be approved, the land use plan amendment to high density residential would not move forward as other allowable uses might not fit in with the existing residential uses.

Commissioner Diamond noted the garage structures on the concept plans and asked if there would be on-street parking. Larry stated that in addition to the garages, there would be on-site parking. With Senior Housing they don't foresee a need for as much parking.

Commissioner Kiewel asked for a general description of the project.

Mr. Twomey stated that they're changing from patio home style townhouses to a two floor structure. The State no longer favors patio homes over storied structures. Obtaining state funding has become extremely competitive due to housing boom in the western part of the state. They're proposing two floors, covered parking and a community room for affordable senior housing. He indicated previous projects in West Fargo included 32nd Avenue west of Veteran's Boulevard, 13th Avenue East near 2nd Street East and Sheyenne Street a couple blocks north of the clinic.

Commissioner Beck asked if they felt the state would be favorable. Mr. Twomey stated that there's still a tremendous amount of competition and feel all has been used primarily in the western part of the state. They will put their best project forward and hope for approval. He also stated that Architect Harold Thompson from EAPC was available for questions.

Larry stated that the property is currently owned by Menard, who has provided a letter of support for the project.

Commissioner Kiewel made a motion to approve based on staff recommendations. Commissioner Potter seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A13-70 Rezoning from R-2: Limited Multiple Dwellings to C: Light Commercial and Land Use Plan Amendment from Medium Density Residential to General Commercial of Lot 1, Block 1 of Prairie Heights 2nd Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property is located on the south side of 32nd Avenue East, west of 4th Street East. The area was annexed into the City in 2005 and subdivided & rezoned for development of a church, single family homes and some medium density residential in the fall of 2011. In February, the property was replatted to add a multiple family lot along 4th Street East and provides for wider single family lots along 34th Avenue East and west of Prairie Heights Drive. The proposed commercial use is not consistent with City Plans and Ordinances and therefore a land use plan amendment is being requested.

The applicant proposes developing an existing medium density residential lot on the southwest corner of 32nd Avenue East & 4th Street East, into light commercial uses. Examples provided were daycare, coffee shop and possibly healthcare related office.

Access is proposed off 33rd Avenue East to the south of the property. City services are able to be provided for on the site. Development on the site would be subject to City landscape standards, parking and sign regulations in addition to any other city codes and ordinances.

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

It is recommended to conditionally approve the rezoning on the basis that the proposed use would be compatible with the surrounding uses. The conditions of approval are as follows:

1. The Land Use Plan is amended from Medium Density Residential to General Commercial.

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

Commissioner Kiewel asked about the intended uses. Tim stated the application indicated possible daycare, coffee shop, medical office. Applicant Don Dabbert stated he was available to answer any questions.

Commissioner Kiewel asked if this would invite more commercial down 32nd Avenue. Larry stated that the property to the west and south is owned by the church who is working with the property owner. Early on the church had advocated a possible commercial use, but the way their lot is laid out currently, it wouldn't be conducive.

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

Vice Chair Sheeley opened public hearing A13-71 Conditional Use Permit for Auto Sales & Service on Lots 2 and 12, Block 1 of Eagle Run Plaza 1st Addition, City of West Fargo, North Dakota.

Tim 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 for retail commercial lease space in October of 2002. Building permits were issued in 2005 and 2006 for several retail establishments within a strip mall setting. In 2007, the property was replatted and rezoned to PUD: Planned Unit Development to ensure a cohesive sign and landscape plan in the development while continuing the uses of the Commercial and Corridor Overlay districts.

The applicant would like to use the property at Lot 2, Block 1 for auto sales and Lot 12, Block 1 for auto service. Auto service is a permitted use within the light commercial district whereas automobile sales are considered a conditional use.

The applicant wishes to apply for a conditional use permit for both lots with the intention of only utilizing Lot 2, Block 1 as the sales lot and Lot 12, Block 1 in the event that overflow or business from the adjacent car lot may take place. There is a 95' easement along 32nd Ave E of Xcel Energy for which the applicant will need to seek approval prior to obtaining a building permit. Access to the property is designated from a private drive via 6th Street West

A site plan was submitted showing the buildings, vehicle sales display area, customer parking, office space and service space. Building elevations show a new 50' x 50' building on Lot 2 and the applicant has indicated the building will incorporate similar design elements to the existing Eagle Run Plaza of EIFS material and glass on all four sides. The building would be subject to the design guidelines of the Corridor Overlay which requires 70% non-metal surface. Building elevations on Lot 12 show an added 15' x 12' overhead service door to accommodate the proposed auto service use.

A full site plan has not been submitted as the applicant would like to ensure the use would be acceptable prior to engaging in full building plans. Parking and landscaping will be required to meet the requirements of our Ordinances prior to obtaining a certificate of occupancy.

Property owners within 350' were notified regarding this request. A couple calls and emails were received today from a property owner with concerns.

Staff recommends approval with the following conditions:

1. Applicant submits site and landscaping plans prior to issuance of a building permit.
2. Building façade is consistent with Eagle Run Plaza.
3. Vehicles are not parked within 30' of the intersecting curbs on the corner of 6th Street West and 32nd Avenue West to allow for a safe sight triangle for traffic moving on both roadways.

Dave Glessner stated that he represents the property owner and Ted Hall is the applicant. They're available to answer questions.

Patrick Vesey, Goldmark, stated that he's the property owner of the Westlake apartments to the south and is strongly opposed to this request. They did not invest in Class A apartments to be located next to a used car dealership/lot. They chose this area for a family oriented development because of its location and neighborhood, Eagle Run Plaza is a retail center providing services and retail options for the surrounding area and region. A used car dealership located off of the main thoroughfare gives it an industrial type feel. This requested use takes away from the surrounding area which is housing, schools and parks, lakes and walkways. It does not make sense to put a used car dealership in the middle of an established neighborhood with all of these amenities, when the city of West Fargo has worked so hard to achieve this kind of neighborhood consistency. Their tenants should not have to drive past a used car sales lot. It's a matter of safety and image.

Ted Hall stated that they want to blend into Eagle Run Plaza to provide upscale late model vehicles and light service work for people in the area to utilize.

Commissioner Kiewel asked if they were the same group that had vehicles for sale in Eagle Run Plaza along Sheyenne Street this summer. Mr. Hall stated yes. They had such a good response.

Vice Chair Sheeley asked about the number of vehicles. Mr. Hall stated about 70.

Commissioner Kiewel asked about lighting. Mr. Hall stated same as the rest of Eagle Run Plaza, although maybe a bit brighter.

Commissioner Beck asked about the service area. Mr. Hall stated they'd use the existing building, which currently houses Snap Fitness and a daycare and would add bays for oil changes and electrical work. They wouldn't do any heavy service work. May look at expanding at some point, could possibly sell tires.

Commissioner Kiewel asked about overnight vehicles. Mr. Hall stated they don't feel it will be a problem. Either parked outside or in the bays.

Commissioner Beck asked about the number of techs. Mr. Hall stated one oil guy, a couple of techs and a parts person.

Mr. Vesey stated this is exactly the image they don't want --- outside storage, potential for expansion, brighter bulbs.

Tim stated that the service area would be located on Lot 12 and service is a permitted use. The PUD has standards for signage, landscaping... Larry stated that both properties are listed on the conditional use permit application. Today they may have late model cars, but it could change over time to something else.

Mr. Glessner stated that there were lots of discussions prior to the sale this summer. They notified tenants and received great feedback.

Mr. Vesey stated that if there would've been a used car lot prior to building, they probably wouldn't have invested.

Tim asked about the property ownership. Mr. Glessner stated they own all the lots except Tesoro and Alerus. Mr. Vesey stated they own the property around the pond, not the lot directly to the west along 32nd Avenue.

Vice Chair Sheeley stated that the service center can be done without a conditional use permit and asked Mr. Vesey which use he was more concerned with. Mr. Vesey stated that they're in it for the long run and don't want their tenants driving past a used car lot.

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

Commissioner Kiewel stated that he thinks the proposed use looks great; however, was concerned about the future if they didn't own it tomorrow. Mr. Hall stated that they're in it for the long run, too. He has a son who runs the business with him.

Commissioner Beck asks who regulates the conditions of a conditional use permit. Larry stated that the conditional use permit goes with the property and not the owner. It could be in perpetuity if a time frame isn't set. They could limit the age of vehicles. Some conditions may be difficult to set such as lighting.

Commissioner Kiewel asked if they'd be approving the application without plans. Tim stated that it's subject to the C and CO District regulations; however, if the commission needs more information... Mr. Glessner stated that the auto sales building would be 50' x 50' and similar to the existing structures, similar landscaping. Tim stated that if approved #2 in the staff recommendations requires a building façade consistent with Eagle Run Plaza.

Commissioner Kiewel asked if lighting falls under those districts. Larry stated that there really isn't a lighting standard other than they shouldn't cause glare or shine into any residential areas.

Mr. Vesey stated that he doesn't object to the building. It's the use. Commissioner Beck asked about his concerns. Mr. Vesey stated that he's completely against both uses – there's a daycare next door to the proposed service center.

Mr. Glessner stated that they've communicated with the daycare center who intends to stay.

Commissioner Johnson asked what would happen if they denied it. Tim stated that it can go on to the City Commission without Planning and Zoning Commission recommendations. Larry stated that within 90 days the commission needs to make a decision whether to deny or approve.

Commissioner Kiewel made a motion to deny the request. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Vice Chair Sheeley opened public hearing A13-72 Conditional Use Permit to consider the change from one nonconforming use of a structure and premises to another equally appropriate nonconforming use of a structure and premises on Lot 6, Block 1 of Main Avenue First Addition, City of West Fargo, North Dakota. Consideration of the proposed change will include appropriate conditions and safeguards in accordance with the permitted and conditional uses of the existing district and plans and ordinances of the City.

Larry reviewed the following information from the staff report:

The property, which is on the north side of East Main Avenue and west of 3rd Street East, is zoned Heavy Commercial/Light Industrial and was developed years ago with shop space. The applicant is proposing to exchange an existing nonconforming use to accommodate growth and expansion of their existing nonconforming use within the same building. The process to consider approving the nonconforming use utilizes the conditional use process with the requirement that the Commission is to make findings that the proposed use is equally appropriate or more appropriate in the district than the existing nonconforming use. In permitting the change the Commission may require appropriate conditions and safeguards in accordance with the provisions of the Zoning Ordinance.

The applicant has submitted site plans showing the property as it is currently developed with the inclusion of 30% hardscaping and landscaping to meet the conditions for building construction of light industrial property in the Redevelopment Corridor Overlay District. The area is predominantly built up with a mix of commercial and industrial uses along the north side of Main Avenue. Single family dwellings are located further to the north and west on the north side of Pinewood Boulevard.

Generally, the City has encouraged more retail, shop and service uses along the Main Avenue frontage. Light manufacturing, sales of vehicles and equipment, and storage facilities are no longer allowed per the Main Avenue Overlay District.

With regards to the criteria for granting a conditional use, the following is noted:

1. Ingress and egress to the property is 3rd Street NE.
2. Off-street parking and loading facilities are contained within the property and there appears to be adequate space for

parking. A parking lot with identified parking spaces would not be required for the storage use.

3. The economic, noise, glare or odor effect of the proposed use on adjoining properties and properties generally in the district does not appear to be an issue.
4. Refuse and service areas appear to be adequately located with reference to ingress, egress and parking areas.
5. Utilities appear to be adequately provided to the site.
6. Screening and buffering is not necessary.
7. Signage for the property is not an issue at this time. Any signage would be addressed through the sign permitting process.
8. There are no yard and open space requirements for the use in the proposed location.
9. Soil conditions appear to be in order for the proposed development.
10. The proposed building appears to be generally compatible with adjacent properties and other property in the district.

Notices were sent out to property owners within 350' of the conditional use property and no objections have been received.

It is recommended to conditionally approve the request on the basis that the proposed use will be equally appropriate or more appropriate as the existing use. The conditions of approval are as follows:

1. No outdoor storage is allowed on the property.
2. Upgrade appearance of building and landscaping to meet CO-R: Redevelopment Corridor Overlay District Standards.

Larry stated that prior to the CO-R: Redevelopment Corridor Overlay District, the JSM and the Forklift business were permitted uses. Now they're considered nonconforming uses which cannot be expanded. JSM does light manufacturing and would like to expand.

West Fargo Economic Development Director Matt Marshall stated that JSM needs a little extra space to service their client base. They make high end fixtures and cabinets for hotels. They purchased new equipment and found out they're not allowed to expand. It's not practical to get a new building at this time. He's available to answer any economic development questions. Zach Peterson from JSM Woodworks indicated he was available to answer questions, too.

There were no public comments. The hearing was closed.

Vice Chair Sheeley asked for clarification regarding the expansion. Matt stated that JSM proposes to go into the forklift space and will fix up the façade and landscaping. Vice Chair Sheeley asked about the forklift business. Matt indicated he didn't know their plans.

Commissioner Diamond asked about the condition regarding no outdoor storage and asked if there currently was storage. Larry stated that JSM used to have larger metal containers for product, which are no longer allowed. Mr. Peterson stated that they recently acquired 6,000 square feet of storage space along West Main Avenue near I-94, so there is no likelihood of using storage containers.

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

Vice Chair Sheeley opened public hearing A13-73 Rezoning from R-1: One and Two Family Dwellings to PUD: Planned Unit Development Lots 1-81, Block 3 of Brooks Harbor 1st Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant proposes to develop the property with a variety of bi-level single family & twin homes and two-story single family dwellings. The developer has submitted a detailed site plan, type of proposed structures for the lots, and set of standards to govern lot and yard requirements. The developer is selling all the lots included in the zoning application to one contractor. The zoning requested for the development is PUD: Planned Unit Development to allow for greater overall lot coverage and reduced setbacks for some of the lots. Indication was provided that green space for the properties will meet or exceed the required 30% for front yards. Green space requirements pertain to total lot, and front yard as well, which will need to be verified with the site plans submitted for the building permit.

The conceptual site plan shows 36 bi-level twin homes, 12 two story single family structures and 33 bi-level single family. Front yard setbacks range from 20-25 ft.

Notices and maps were sent to area property owners, Park District, Post Office, City departments, SE Cass Water Resource District, and utility companies. No comments have been received.

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

1. A detailed site plan, landscape plan, and building elevation and floor plans are approved as part of the building permit governed by the lot and yard standards attached.

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

Commissioner Kiewel asked if the used hadn't been approved before. Larry stated that the lots are being purchased by the same builder who is having difficulty with structures being able to fit in the cul-de-sac. By changing to PUD this would make it more uniform for the developer. The density isn't increasing and it meets the minimum standards.

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

The next item on the agenda was Minor PUD Modification for 1227 & 1305 Queens Way (Lots 1 and 2, Block 1 of Burlington 7th Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the fact sheet:

The applicant has requested a minor revision to the Detailed Development Plans as previously approved for Burlington 7th Addition.

The request is to amend the PUD to allow a change to building footprints by adding patios to the efficiency units.

Notices have been sent out to neighboring properties and we have not received any comments

Staff has reviewed these changes and recommends the approval of the Minor PUD Modification.

Patrick Peltier indicated he was available to answer questions for this minor modification, as well as the following one.

There were no public comments.

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

The next item on the agenda was Minor PUD Modification for 647 13th Avenue East (Lot 2, Block 1 of KASS 3rd Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the fact sheet:

The applicant has requested a minor revision to the Detailed Development Plans as previously approved for KASS 3rd Addition.

The request is to amend the PUD to allow for installation of fencing around a playground for a daycare center within the North Dakota Autism Center.

Notices have been sent out to neighboring properties and we have not received any comments

Staff has reviewed these changes and recommends the approval of the Minor PUD Modification.

There were no public comments.

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

The next item on the agenda was Minor PUD Modification for 158 West Beaton Drive (Lot 1, Block 1 of Oakwood Bend 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the fact sheet:

The applicant has requested a minor revision to the Detailed Development Plans as previously approved for Oakwood Bend 1st Addition.

The request is to amend the PUD to allow construction of a small (16' x 14') storage building to house snow removal and lawn equipment for an existing business. It was also determined that when the original PUD Amendment was approved, the applicant asked for a reduction of parking from 40 to 33 because it's not the type of business with a lot of onsite staff. The storage building will take up another parking space, so they're asking for an additional reduction in parking to 31 spaces.

Notices have been sent out to neighboring properties and we have not received any comments

Staff has reviewed these changes and recommends the approval of the Minor PUD Modification.

There were no public comments.

Applicant Doug Johnson stated that he's available to answer any questions.

Commissioner Kiewel made a motion for approval. Commissioner Johnson seconded the motion. No opposition. Motion carried.

The next item on the agenda was Public Hearing - A13-62 Geron Subdivision, Subdivision, Rezoning from A: Agricultural to R-1E: Rural Estate District and Land Use Plan Amendment from Agricultural Preservation to Rural Residential, property in the SE¼ of Section 26, T139N, R50W, Mapleton Township, Cass County, North Dakota.

Tim stated that since the last meeting, after there was some confusion regarding the zoning change, staff re-advertised for R-1E: Rural Estate District to allow the lot sizes and property split. Staff also reviewed the easement and is hoping between the two property owners, they can accommodate access. It appears it doesn't clarify that Mr. Geron can't use it if he splits the property and the county isn't going to approve additional access onto 40th Avenue.

Ben Davidson, 3148 40th Avenue West, stated that they spoke with an attorney about the easement, who wasn't sure how the change in zoning would affect it. They asked for more time as he's out of town.

Applicant Craig Geron stated that he bought the properties in 1999, including 9 acres to the west of Ben and Lori. He's maintained the easement by clearing snow, grading the driveway and has been a good neighbor. He'd like permission to build on his property and wants to work with his neighbors.

Mr. Davidson stated that he doesn't want the easement to become a public street. Mr. Geron stated he just wants access to his land. Tim stated that he didn't know if the planning and zoning process has the ability to dictate the easement. It's a civil matter.

Vice Chair Sheeley stated that this will go on to the City Commission for review as well.

Larry stated that the real issue is the proposed 2nd lot and if it would have access. If not, there would be a landlocked parcel.

Commissioner Johnson asked if another approach could be added.. Larry stated no, the county won't grand additional access.

There were no other comments, the hearing was closed.

Commissioner Potter asked about plans for a residential structure. Mr. Geron stated that in 3-5 years he plans to build a retirement home.

Commissioner Kiewel asked about the purpose of two lots. Mr. Geron stated that he thought his daughter might want to build a house or maybe to make money down the road, he'd sell it to someone else.

Discussion was held regarding delaying action to allow the property owners to resolve the easement issues. Larry stated that they would need to get the applicant's consent to continue for 30 days. If not, then the commission would need to either deny or approve it. Mr. Geron indicated he was willing to continue. He stated that he was surprised there was an issue with the easement and his wanting to build a home.

Commissioner Johnson made a motion to continue this item for another 30 days with the applicant's consent. Commissioner Potter seconded the motion. No opposition. Motion carried.

Commissioner Johnson made a motion to adjourn. Meeting adjourned.