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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 10, 2014 at 7:00 P.M.
West Fargo City Hall

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

Members Absent: Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Deb Daub, Nate Vollmuth, Ken Zetocha

The meeting was called to order by Chair McDougall.

Commissioner Potter made a motion to approve the October 13, 2014 meeting minutes as written. Commissioner Beck seconded the motion. No opposition. Motion carried.

Chair McDougall announced Commissioner Potter had a conflict and would be abstaining from commenting and voting on the first public hearing.

Chair McDougall opened public hearing A14-52 Oak Ridge 6th Addition, a replat and rezoning from C: Light Commercial to PUD: Planned Unit Development Lot 1, Block 1 of Oak Ridge 5th Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The Developer proposes replatting a larger tract that is currently zoned C: Light Commercial and rezoning to PUD: Planned Unit Development for a retail commercial development in order to share parking and allow for off-premise signage for businesses within the PUD district per the provisions of 4-460.9.5.c.

The City's Land Use Plan depicts the area along 32nd Avenue East as General Commercial, which is consistent with City Plans and Ordinances. West of the proposed subdivision along 32nd Avenue is a proposed commercial office area which is owned by The Village; a proposed assisted living facility is located to the south, to the east on the west side of 8th Street West will be developed as a Minn-Kota Power Substation and further east along Veteran's Boulevard is a Funeral Home/Crematorium with future general commercial space as well.

Access to 32nd Avenue East and Veterans Boulevard must meet spacing standards of 660'. Full access for 32nd Avenue East is at the 6th Street East. Along with this request, the applicant has submitted a traffic study and a request to turn the right in/right out access at the entrance to the development across the street from Bluestem Drive to the north to a ¾ access with left in and right in/right out. Staff has reviewed the traffic study and concurs that this will not reduce the safe and efficient operation of 32nd Avenue East. Full access on Veterans Boulevard is provided at 34th Avenue East and right in/right out access is provided at 33rd Avenue East.

The Preliminary Plat consists of 9 lots, ranging in size from 44,000 to 330,000 square feet. A Concept Development Plan has been submitted stating that all applicable regulations per the Light Commercial and Corridor Overlay District standards including Other Applicable Regulations of Section 4-440, 4-450, 4-460 with exception that parking may be shared with proper agreement and resolution of approval by City Commission under provisions of 4-451 and that signage is limited to advertising businesses within the same PUD district as provided for in 4-460.9.5.c.

Under the provisions of the PUD, access and public infrastructure will be as noted on the approved Plat of Oak Ridge 6th Addition, associated easement documents, and Planned Unit Development Agreement with the City of West Fargo.

Staff has recommended that the applicant join Lot 2 which is reserved for private on-site retention to another lot so as to avoid the potential of the lot becoming a burden to the City.

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.

It is recommended that the City Planning and Zoning Commission conditionally approve the proposed application as a concept development plan on the basis that the commercial development is consistent with City plans and ordinances. The conditions of approval which would need to be satisfied prior to approval of the detailed development plans and consideration by the City Commission are as follows:

1. Lot 2 be removed and joined to another lot in the development.
2. A drainage and utility plan is approved by the City Engineer.
3. Any necessary easements are placed on the Final Plat.
4. A subdivision improvement agreement is received from the developer.
5. Certificate of Taxes is received showing taxes are current.
6. A mailbox plan is received and approved by the Post Office.
7. An Attorney Title Opinion is received.

Tim stated that the $\frac{3}{4}$ access should work on both sides of 32nd Avenue and can be finalized with Detailed Development Plans. Dustin can answer questions on the schematics.

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

Chair McDougall asked for clarification on the $\frac{3}{4}$ access. Tim indicated it wasn't included in the agenda packets as Dustin sent the preliminary schematics late this afternoon. Dustin reviewed the access plan indicating it doesn't allow for left turns onto 32nd Avenue.

Commissioner Zupi asked how this Cash Wise store compared in size to the one on 13th Avenue. Applicant Nate Vollmuth stated that it is a smaller structure; however, the layout flows much better.

Discussion was held regarding access. Tim reviewed the pedestrian facilities.

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

Chair McDougall opened public hearing A14-53 Rezoning from R-1: One & Two Family Dwellings to C: Light Commercial Lots 1 & 2, Block 6 of Sukut's Estates Subdivision, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is at the corner of 1st Street and 1st Avenue East, east of the Fire Hall. The proposed use is not consistent with City Plans and Ordinances as the property is currently designated as low density residential. Parking lots are not listed as a permitted use or conditional use within the existing R-1: One and Two-Family Dwelling residential district.

Section 4-453 which lists the design standards for Off-Street Parking and Loading Regulations for the City of West Fargo further states that in all residential districts, required parking spaces shall be located on the same premises as the use they serve. Parking Lots are listed as permitted uses within the C: Light Commercial district.

The applicant proposes improving the existing, nonconforming parking lot. The parking lot has been in place on Lot 1 for a number of years. Lot 2 had previously been utilized for residential purposes until the home was recently removed.

The applicant is required to effectively screen the parking facility where it is adjacent to one and two family residential uses

which exist to the east of the proposed improvements. Initial site plans and discussions have indicated the applicant is working with the properties to screen per the requirements of 4-453.4 within the City's Off-Street Parking and Loading Regulations.

It is recommended that the City Planning and Zoning Commission conditionally approve the proposed application on the basis that with approval of a land use plan amendment the development is consistent with City plans and ordinances. The conditions of approval which would need to be satisfied prior to City Commission consideration are as follows:

1. A land use plan amendment is approved by Planning & Zoning Commission and City Commission.
2. The applicant effectively screens the parking facility from one and two family residential properties to the east of the proposed improvements.

Larry stated that language will be added to the hearing notice for the City Commission to include the Land Use Plan Amendment.

Ken Zetocha, West Fargo Fire Department Board President, stated that they are working with the resident to the east regarding buffering and what he'd like.

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

Chair McDougall asked for clarification on the zoning map. Tim stated that red is light commercial and the blue is R-1: One & Two Family Dwellings. Commissioner Sheeley stated that he noticed a number of homes in the area zoned commercial and asked if that was normal. Larry stated that when the zoning ordinance was approved in the mid 80s, they were already mapped as light commercial.

Chair McDougall asked who parks in the lot. Mr. Zetocha stated that they want to get the volunteers' personal vehicles off the street for safety reasons and also to have a place to park trucks from the Southside Fire Station.

Commissioner Diamond asked if adjacent property owners had been notified. Larry indicated they had and the property owner to the east inquired about buffering. Mr. Zetocha stated that they also put in drainage to alleviate issues.

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

The next item on the agenda was A14-54 Access Request onto 32nd Avenue at 319 32nd Avenue East (Lot 2, Block 1 of Prairie Heights Development 2nd Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The City has received a request from the applicant to construct a $\frac{3}{4}$ access with double lanes coming in and one lane going out. The proposed access is west of the current access and outside of the preferred 660' spacing on arterial streets. The proposed access would be located 752' west of the full signalized access of 4th Street East and 547' east of 2nd Street East which does not extend north of 32nd Street East.

The applicant feels this proposed access will allow more room for vehicles to make a westbound left turn into the facility after the signalized 4th Street East and provide greater safety and efficiency on 32nd Avenue East. The applicant has submitted plans showing the proposed development and proposed access.

The applicant requested access to 32nd Avenue with the Conditional Use Permit request which was approved with conditions. An agreement spelling out the conditions and restrictions of access approval was signed and access control for the street was placed on the plat. The agreement allowed for full access to the property on 32nd Avenue East until the level of service were to reach "E" or below, or when crash and safety concerns arose, or until the street is upgraded into a median divided section. The street is currently under design for reconstruction in 2015 and the church is planning development in 2015 as well.

City departments have reviewed the access request, and we have not received any concerns. It has been determined that the proposed access will not negatively affect the safety and efficiency of 32nd Avenue East. Traffic into the Church facility will

be limited to typical services on Wednesday evening and Sunday morning and special occasions not typically during peak traffic periods.

It is recommended to approve the ¾ access to 32nd Avenue East on the basis that it is consistent with City plans and ordinances and has received concurrence from the City Engineer, Public Works Director, and Police Chief.

Architect Deb Daub from Roers Development stated she was available to answer questions.

Discussion was held regarding the access. Dustin stated there was a designated turn lane for entering the property. Discussion was held regarding an additional lane to exit the property. Dustin stated that an acceleration lane could be added if it became a bottleneck. Larry stated that there are additional outlets at 2nd & 4th Streets, as well as via Prairie Heights Drive.

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

Commissioner Sheeley made a motion to adjourn. Commissioner Zupi seconded the motion. No opposition. Meeting adjourned.