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Tim Solberg, Senior Planner  
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West Fargo Planning and Zoning Commission  
February 10, 2014 at 7:00 P.M.  
West Fargo City Hall

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

Members Absent: Tom Kiewel, Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Nate Vollmuth, Mike Thorstad, Dan Bueide, Matt Welle, Bob McCaskey

The meeting was called to order by Chair McDougall.

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

The first item on the agenda was A14-7 Rezoning from A: Agricultural to C: Light Commercial Lots 1 & 2 Block 2 and Lots 1-4, Block 3 of South Pond at the Preserve 6th, City of West Fargo, North Dakota.

Tim indicated that due a publishing error, the public hearings for the agenda items will be held on February 24<sup>th</sup>; however, because property owners were already notified regarding tonight's meeting, the Planning and Zoning Commission may want to open up the floor for public comment. Any comments would be added to the record.

Tim reviewed the following information from the staff report:

The Developer platted the area in November 2012; however, rezoned only a portion of the property. The applicant proposes zoning lots 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 lots were platted in 2012 as part of South Pond at the Preserve 6<sup>th</sup> Addition between 31<sup>st</sup> Avenue East and 32<sup>nd</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.

The lot is located within the CO: Corridor Overlay District which includes increased yard requirements and higher standards of building construction along the 32<sup>nd</sup> Avenue corridor.

Notices were sent out to neighboring property owners within 150'. No comments have been received.

There were no comments from the public.

Chair McDougall asked where the buildings with commercial with apartments above are located. Tim indicated on the west side of Bluestem Drive. Spicy Pie should be opening in a few weeks and several apartments have been rented.

The next item on the agenda was A14-8 Planned Unit Development (PUD) Amendment for Lots 3-5, Block 1 of West Lake 3<sup>rd</sup> Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property, which is located west of Sheyenne Street and south of 32nd Avenue West, was platted and zoned R-3 for high density residential uses in May of 2003. Last year it was replatted and rezoned to PUD: Planned Unit Development to allow the properties to be reviewed for parking, lot coverage and landscape requirements as a whole and to accommodate the sharing of garage structures. In October a PUD Amendment was approved for a 27-unit building on Lot 2. The applicant is now proposing to develop apartment buildings on the remaining lots. 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 which include: Site, floor and elevation plans.

Property owners within 150', City Departments, utility companies and the post office were notified regarding the replat and rezoning.

There were no public comments.

Tim indicated the developer was available to answer any questions.

Commissioner Sheeley asked if there were any issues with lot lines going through garages. Tim stated that with the previous PUD Amendment this was discussed and the mortgage company and building inspector didn't have an issue with this. In terms of parking, 120 spaces are required and 150 are provided.

The next item on the agenda was North Pond at the Preserve 5<sup>th</sup> Addition, Replat of Lot 1, Block 2 of North Pond at the Preserve 2<sup>nd</sup> Addition and Subdivision & Rezoning from Agricultural to R-1A: Single Family Dwellings, property in the NE¼ of Section 20, T139N, R49W, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The Developer proposes platting a portion of a larger tract and zoning the parcel to R-1A: Single Family Dwellings. The proposed rezoning is consistent with the City's Land Use Plan, which depicts the area developing as Low Density Residential.

The preliminary plat shows 30 single family lots, one lot for retention, a 30' wide path/easement lot, a small park lot overlooking the pond, and one large lot (Lot 17) to be developed at a later date to the east of the pond, which will remain zoned Agricultural. All single family lots are sized to meet lot requirements for the R-1A: Single Family Dwelling District.

Park dedication is required with the subdivision plat. The Park District indicated they will accept the proposed park plans.

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.

Assistant City Engineer Dustin Scott reviewed the park plans and retention pond systems. He stated that an overlook is proposed as an amenity for this development with bids being taken in April. River's Bend has a separate pond system. There has been discussion regarding the timing for extending 4<sup>th</sup> Street to 23<sup>rd</sup> Avenue. The developer to the west may request the last 1,000'.

Dustin stated that Lot 9 is proposed to provide connectivity from 4<sup>th</sup> Street. A 70' easement along the east perimeter would provide for a pedestrian amenity.

Developer Dan Bueide stated that in all likelihood they will drop Lot 17 from the plat. Nothing is planned; it was included in the plat to insure dimensions as the pond was developing. The intent of including the bike path was for connectivity; however, they're also reconsidering that – they may want to develop Lot 17 at a later date as a transition between the single family and office/retail space to the east.

Commissioner Diamond asked for clarification regarding Lot 17. Tim stated that it was proposed to be kept zoned as Agricultural, but apparently is now off the plat.

The next item on the agenda was River's Bend at the Preserve 2<sup>nd</sup> Addition, Subdivision and Rezoning from Agricultural to R-1A: Single Family Dwellings, property in the NW¼ of Section 20, T139N, R49W, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property is located between the Sheyenne River and 4<sup>th</sup> Street East, north of the Maple Ridge at the Preserve development which is north of 32<sup>nd</sup> Avenue East. The area was annexed into the City in 2005. The developer proposes platting a portion of a larger tract and zoning the parcels to R-1A: Single Family. The application is consistent with City Plans and Ordinances.

Park dedication is required with the subdivision plat. The Park District indicated they will accept the proposed park plans.

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. Police noted that the bulb in the middle of Rivers Bend Drive at Block 3 should be removed, and that they would like to see Rustad changed to McLeod to avoid the same roadway from having 3 names.

Tim indicated he wasn't sure what the plans are for the park to the north, which he supposed was to provide connectivity. The Developer's Engineer is available to answer questions.

Matt Welle, Moore Engineering, reviewed the bulb area on the west side of River's Bend Drive. Originally it was going to be one way; however, they're now proposing a concept similar to the frontage road along 17<sup>th</sup> Avenue in Charleswood. In terms of the park property they're proposing to remove the small lot to the north and keep a 40' piece unplatted until development occurs.

Chair McDougall asked about the property to the west, which is under different ownership. Tim indicated he'd like to see how the area to the west is proposed to be developed. Matt reviewed the street connectivity which was shown on the previous area plan for the River's Bend 1<sup>st</sup> Addition. Dustin suggested that information be provided for the next meeting. Marketing information on the developer's website shows this. Larry stated that there may be different ownership; however, they need to show continuity of streets.

Chair McDougall asked if the peninsula was developable.

The next item on the agenda was A14-11 Christianson 2<sup>nd</sup> Addition, Subdivision and Rezoning from Agricultural to PUD: Planned Unit Development, property in the SE¼ of Section 18, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is south of I-94, west of Christianson 1<sup>st</sup> Addition and west of Sheyenne Street/Cass County Highway #17. The applicant proposes subdividing the property to accommodate sale of land. Allowed uses within the PUD to the east have been previously approved with permitted uses, yard requirements, building construction standards and landscape requirements. The applicant wishes to carry over the PUD development standards from Christianson's 1<sup>st</sup> Addition to this development.

The applicant proposes developing the area with commercial uses. The developer submitted an application, preliminary plat and proposed PUD 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. Police Department noted that emergency service vehicles will need to be able to get to the property and to turn around.

Chair McDougall asked what occurred to create the lot configuration. Larry stated that it appears the small strip shown along the south side of Christianson's 1<sup>st</sup> is a GIS issue and not a part of the plat.

Chair McDougall asked for clarification regarding Christianson Drive dead-ending. Larry stated that it continues to the end of the plat with a bulb out to provide a turnaround and access to the north.

Commissioner Beck asked if this was where the manufacturing/welding business was proposed previously. Larry stated yes, they relocated to the industrial park.

The next item on the agenda was A14-12 Flint Hills 1<sup>st</sup> Addition, Subdivision and Conditional Use Permit in W½ of Section 5, T139N, R49W, City of West Fargo, North Dakota.

Tin reviewed the following information from the staff report:

The applicant is proposing to construct a new access road and an improved truck offload area with a truck bypass lane that will provide the ability to stage trucks on their property during peak offloading times.

The applicant is also proposing to replace an existing offload pump with three new pumps – two at the south end of the property and one at the north end. Thus decreasing offload times and providing redundancy and increasing efficiency in the offload process. When the applicant expanded operations of the asphalt plant in April of 2000, one of the conditions for approval was that a retracement plat be submitted to the City; however, because additional land was purchased by the applicant, the property was no longer considered a legal parcel of record and not exempt from subdivision requirements. A subdivision plat was required to provide for clear legal descriptions for the property. In May of 2003 a plat was approved by the City Commission; however, was not recorded. The existing property and use conform to the City's plans and ordinances. The Future Land Use Plan depicts the area as Heavy Industrial, which is the appropriate designation for the proposed use.

Notices were sent to area property owners within 350', City Departments and utility companies. A comment was received in support of the project from Sheyenne Dakota and is attached to the staff report. Several positive comments in support of this project were received from neighboring property owners. Comments from the Police Department and response from Flint Hills were included in the staff reports.

Bob McCaskey, Flint Hills, reviewed the site plan. Based on complaints in the past about trucks along Center Street and 7<sup>th</sup> Avenue, they're proposing to remove the rail spur on their property to increase their staging area. This will get the truck traffic off the street and be more efficient.

Chair McDougall asked about the area to the north. Mr. McCaskey stated that they're working on an easement with the property owners to pave it. Commissioner Beck stated that this is quite an improvement and asked if this would be enough to accommodate the truck traffic.

Commissioner Sheeley asked how many trucks per day. Mr. McCaskey stated 50-70. Commissioner Johnson asked if they do anything by rail. Mr. McCaskey stated no, it was too expensive.

The next item on the agenda was A14-13 Introduction to Zoning Ordinance Amendment Regarding Parking Regulations.

Larry reviewed the following information:

Staff proposes a Zoning Ordinance Amendment to provide better clarification of the language relating to the plans and approval required for private driveways and off-street parking spaces along streets and alleys that are paved in the future.

The existing ordinance requires owners of driveways and off-street parking spaces located on public roads or alleys that currently are of a gravel surface to improve those surfaces with concrete or bituminous surfacing within three years following the paving of the public road or alley; however, the ordinance erroneously provided a different standard for improving these driveways and off-street parking spaces, so the proposed amendment calls for the same standard to be applied.

A public hearing will be scheduled to review this at the March 10<sup>th</sup> meeting.

The next item on the agenda was A14-14 Review Draft Zoning Map and Schedule Public Hearing.

Larry stated that the last official zoning map was adopted in 2007. A number of rezonings have taken place since that time, as the City has experienced tremendous growth. A public hearing would also be scheduled for March 10<sup>th</sup> on this.

The next item on the agenda was The Wilds 6th Final Plat.

Tim stated that this was more of a courtesy since there were edits to the plat since the last meeting. The most significant is that 11<sup>th</sup> Street West was kept as a straight connected road from 40<sup>th</sup> Avenue to 52<sup>nd</sup> Avenue. Street names were also provided.

Chair McDougall asked which lot was the school lot. Tim indicated it was the larger lot on the east side. He pointed out the access control on 9<sup>th</sup> Street to match up with the bus drop off lanes.

Staff is working on park and developer agreements. The final plat could be approved by the next City Commission meeting.

Tim stated that he expressed the Chair's frustration with the lack of parks in the Westport Beach area to the Park District.

Meeting adjourned.