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Sharon Schacher, Deputy Auditor  
Larry M. Weil, Planning Director  
Wanda J. Wilcox, City Assessor  
Dorinda Anderson, Business Development Director  
Jim Brownlee, CPA, City Auditor

West Fargo Planning and Zoning Commission  
February 13, 2006 at 7:00 P.M.  
West Fargo City Hall

Members Present:            Frank Lenzmeier  
                                      Ross Holzmer  
                                      Kim Keller  
                                      Wayne Nelson  
                                      Jason Gustofson  
                                      Terry Potter  
                                      Harriet Smedshammer

Others Present:    Larry Weil, Lisa Sankey, Steven Zimmer, Forrest Adams, Brock Storrusten, Kyle Roelofs, Darcy Clark,  
                                      Sandra Smith, Paul Johnson, Chris Brungardt

The meeting was called to order by Chair Lenzmeier.

Commissioner Smedshammer made a motion to approve the January 9, 2006 minutes as printed. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-4 Conditional Use Permit for Group Child Care Facility at 238 11<sup>th</sup> Avenue East (Lot 7, Block 1 of Wyum's 1<sup>st</sup> Addition), City of West Fargo, North Dakota.

Steven Zimmer read the following information from the staff report:

The applicant is applying for a conditional use permit for expansion of a child care facility under the Zoning Ordinance and a group day care license from Cass County Social Services. The applicant proposes to increase the number of children cared for from 12 to 15 children. A request was reviewed and approved for 12 children at this location in 2002 for a previous tenant. The proposed use would be allowable as a conditional use in the R-1A: Single Family Dwelling District.

The applicant currently operates a family daycare and would like to increase the number of children. A site plan was submitted showing the rear yard is fenced and room for 3 cars in the driveway.

With reference to the criteria for granting conditional uses, the following is noted:

1. Off-street parking for dropping of children can be accommodated on a driveway which provides access to a double car garage attached to the house. It is important that children be dropped off in the driveway, as this continues to be a concern of the Planning and Zoning Commission. The applicant indicated she would be providing care for 15 children and would have another child care employee assisting her. The double car driveway, plus additional parking space, can provide adequate space for parking as long as the driveway remains clear.
2. A 6-foot solid board fence is in place on the property.

Notices were sent out to area property owners. Prior to notification, the Planning Staff received a call from an adjacent property owner who complained parents were turning around in his driveway and dropping off children in the street.

Staff recommends approval with the following conditions:

1. Children are dropped off in the driveway only.
2. The applicant maintains a minimum of two parking spaces in the driveway during the hours of operation for dropping off and picking up children as well as another off-street parking space for employee parking if an employee is present.
3. Children are confined to the fenced yard area while playing during hours of operation of the child care facility.

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

Applicant Darcy Clark indicated she's spoken to all her parents about dropping off children in her driveway only and not turning around in neighbors' driveways.

Commissioner Gustofson asked if she's currently caring for 12 children. Ms. Clark stated that she cares for 7 currently, but would like to increase the number of children during the summer months when there isn't school. Currently the ages of the children she cares for is 10 months to 4 years.

Commissioner Lenzmeier asked if there was a structured pre-school program. Property owner Sandra Smith indicated Ms. Clark does have organized activities for the children.

Commissioner Gustofson made a motion for approval. Commissioner Keller seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-5 Knutson's 2nd Addition, Replat of Lot 19, Block 1 of Knutson's 1st Subdivision, City of West Fargo, North Dakota and that part of 22nd Street NW lying east of and adjacent to said Lot 19.

Larry Weil read the following information from the staff report:

The property, which is located along the north side of Main Avenue W, west of 21st St NW, was previously platted and zoned PUD as part of Knutson's First Addition in 1997 and intended for commercial and light industrial uses. The proposed plat is generally consistent with City Plans and Ordinances. The applicant has submitted an Area Plan and Preliminary Plat for the proposed replat.

The applicant proposes to replat Lot 19 (79,313 ft<sup>2</sup>) of Knutson's 1st Addition, along with the 44,024 ft<sup>2</sup> platted as right-of-way for 22<sup>nd</sup> St. NW, into two (2) lots of 61,600 ft<sup>2</sup> (Lot 1) and 61,737 ft<sup>2</sup> (Lot 2) to be named Knutson's 2nd Addition. On December 19, 2005, a replat (Butler's 5th Addition) of the lot configuration and street location shown in Butler's 3rd Addition was approved by the City Commission. Butler's 5th Addition eliminated 2nd Ave NW. Second Ave NW was to run directly along the north side of the lots in Knutson's 1st to provide access to lots along Main Ave in the case that the Main Avenue Frontage Road would be closed. With the approval of Butler's 5th, and the elimination of 2nd Ave NW, the right-of-way platted to be 22nd St NW which was to provide access to 2nd Ave NW is no longer needed.

As per PUD requirements approved in 1997, there can be a maximum of ten total access points to the 20 lots in Knutson's 1st and proposed Knutson's 2nd. A condition of approval for Knutson's 2nd should be that there will be a shared access centered on the common interior lot line. Parking will need to be reviewed for proposed Lot 1 due to the fact that existing parking area for previous use will be reduced, if lot size is decreased by approval of replat. A Planned Unit Development Amendment is required to accommodate development of the vacant property, which will be reviewed as a separate application. Also, when the permanent access and parking lot is established for Lot 1, an application for a Minor PUD Modification should be made.

When this property was platted and rezoned in 1997, guidelines and limitations were approved along with the rezoning that spelled out development standards and allowable uses as well as uses that are not allowed. These guidelines and limitations are attached. The properties would also need to follow the "CO-R" (Redevelopment Corridor Overlay) District. The undeveloped property, Lot 2 is subject to park dedication. The amount of land for dedication would be 5% of the lot area (3,087 ft<sup>2</sup>) or the value of the land as cash-in-lieu of park dedication. We have not received a recommendation from the Park District. City Departments were notified and no comments were received.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. A mail delivery service plan is received.
3. A drainage plan is received and approved by the City Engineer.
4. A certificate is received showing that taxes are current.
5. Necessary easements are placed on the Final Plat.
6. A park dedication agreement is received.
7. The development of the property is required to follow the previous development standards placed on the Knutson's First Addition, as well as the "CO-R" (Redevelopment Corridor Overlay) District requirements.

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

Commissioner Gustofson asked for clarification on the right-of-way issue. Larry stated that if the street was vacated according to state statutes, half of the property would go to the existing property owners and the eastern half would go to the adjacent property owners. The original owners/applicants are replatting and incorporating the street into the subdivision plat.

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

Larry asked that item A06-6 City Shop Addition, Subdivision & Rezoning from Agricultural to P: Public Facilities, property in the S½ of Section 31, T140N, R49W, City of West Fargo, North Dakota be moved to the end of the agenda until Chris Brungardt from the public works department was available to answer question.

Chair Lenzmeier opened public hearing A06-7 Rezoning from C: Light Commercial to PUD: Planned Unit Development, Lot 3, Block 1 of Geller's 2<sup>nd</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located south of Main Avenue and between 12th Street East and 17th Street East, is platted and zoned for light commercial uses. The property is currently vacant. The applicant is a current West Fargo Business looking to expand its operation. The proposed use would require a rezoning and possible Land Use Plan amendment.

The applicant proposes to develop the property with a welding supply business that would be a mix of service, retail and warehousing. PUD is being proposed to accommodate the bulk gas storage and other non-retail characteristics of their business. This business stores bulk gases which would be in tanks placed behind the building and fenced. If the concept development plans are approved, the applicant would be required to submit detailed development plans which would include tank specifications for review by the West Fargo Fire Department to assure compliance with any health and safety regulations.

The preliminary site plan shows a 7,200 ft<sup>2</sup> building fronting Main Avenue with the entrance and parking lot located in the rear of the building. Also, photographs were provided from a similar facility in Willmar, Minnesota. Access to this business would be provided by a private roadway serving the businesses on this block. The loading docks will be in the rear of the building so they will not be visible from Main Avenue.

This property is located with in the CO-R: Redevelopment Corridor Overlay District. The preliminary site plan complies with all required setbacks. Industrial buildings within the CO-R District are required to be constructed with 30% of the side fronting a public street as brick, wood, stone, architectural concrete or pre-cast concrete. Construction on commercial buildings would require a greater percentage (70%) to be non-metal for side along public streets.

In order for this property to be zoned PUD the other properties on this block would also need to be rezoned to avoid spot zoning. The properties east of 17th Street East and north across Main Avenue are zoned CM so it would seem appropriate to allow the rezoning contingent upon the other property owners agreeing to being rezoned as well. Adjacent property owners to the east have been contacted and appear to have no major issues with the rezoning as the intent is to continue allowing all

the Light Commercial District uses, plus those Heavy Commercial/Light Industrial uses which would be more compatible to the existing uses.

If the concept development plans were approved contingent on the block being rezoned to PUD, the applicant would then need to submit detailed development plans to the Planning and Zoning Commission. We would need to advertise the rezoning of the entire block.

Staff recommends approval with the following conditions:

1. Surrounding land owners agree to PUD zoning.
2. Applicant submits Detailed Development Plans.
3. Applicant consults with the Fire Department regarding health and safety issues for the bulk storage of the proposed gases.

Paul Johnson, Cityscapes and representing the property owner to the east (Bullinger), stated that they would also like to rezone their property.

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

Discussion was held regarding the private access easement and white pipes sticking up along the property to the south. Assistant City Engineer Brock Storrusten stated that the pipes were stub-ins for sanitary sewer.

Chair Lenzmeier asked if this facility would be similar to the one in Willmar. Larry stated that they would be required to meet the Corridor Overlay requirements and 30% of the front of the building be faced with a non-metal product – masonry or brick. He stated that if this is conceptually approved, they would move onto the Detailed Development phase and come back before the Planning and Zoning Commission for review.

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

Chair Lenzmeier opened public hearing A06-8 Bordertown 1st Addition, Replat of Lots 1-4, Block 4 of McDermott's 2nd Subdivision, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the south side of Main Avenue East and east side of 8th Street East. The applicant is in the process of selling property to Bordertown Bar and Grill. The proposed use is consistent with City Plans and Ordinances.

The applicant wishes to sell a portion of his property to an existing business. This land is currently platted as 4 lots of 15,000 ft<sup>2</sup> (300ft x 50ft) running lengthwise north and south between Main Avenue East and 1st Avenue E. The land was developed with a lounge on the north end and a building of lease space for multiple tenants to the south. These buildings were built across existing lot lines which was permissible due to the fact that the same person owns all of the land. In order to sell land to the owners of the Bordertown Bar and Grill, the land must be replatted so each building is located on its own lot.

The applicant proposes to plat the property into two lots. Lot 1 (40,000 ft<sup>2</sup>) will be located to the north and contain Bordertown Bar and Grill. Lot 2 (20,000 ft<sup>2</sup>) will be the southern parcel on which the commercial multi-tenant building is located. These properties will not be subject to park dedication requirements as they are developed properties.

In October the City Commission approved a request to share parking between the two facilities provided that a long-term lease agreement is put into place. The City Commission is to review the agreement with the subdivision replat. Legal notice has been given in the paper and departmental reviews have been sent out and we have not received any comments.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.

2. A drainage and utility plan is received and approved by the City Engineer
3. A certificate is received showing taxes being current.
4. A Final Plat is submitted showing all necessary easements.
5. A long-term shared parking agreement is received for City consideration.

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

Chair Lenzmeier asked about the shared parking agreement and if there is protection in place should ownership change. Larry stated that when they requested shared parking, they submitted two different parking plans. One was the shared parking; the other was increasing the amount of pavement onsite to increase the parking without having to share.

Discussion was held regarding time frames for long term parking.

Commissioner Nelson made a motion for approval. Commissioner Holzmer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-6 City Shop Addition, Subdivision & Rezoning from Agricultural to P: Public Facilities, property in the S½ of Section 31, T140N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located north of Cass County Highway #10 (12th Avenue NW) and west of the Sheyenne River in an area which was recently annexed into the City of West Fargo. The applicant proposes to relocate two buildings to the site for public works offices, maintenance and storage facilities. The proposed use is consistent with City Plans and Ordinances.

The City proposes to locate a pole building to the site for use as a storage facility and a pre-cast concrete building to be used for office space and maintenance facility for the City Public Works Department. The preliminary site plan shows a storage building and a wash bay on the west portion of the property and the main office/maintenance building on the east side of the property.

Access to the property is proposed to be from 2 separate driveways off of County Highway 10. The west driveway would be used to access the storage and wash buildings. The east driveway would provide access to the office/maintenance building. This driveway is proposed to be separated by a median and have signage that will direct public traffic to the right for the office/maintenance building and direct vehicles and equipment for storage to the left to the storage and wash buildings. Public parking would be located to the south of the main building and employee parking would be located to the north of the building along with city pickup storage.

Cass County Drain 21 and a portion of the Sheyenne Diversion extend along the northwest side of the property. We have received questions about whether Cass County Drain 21 and the Sheyenne Diversion should be placed in an easement or as dedicated right-of-way being the city does not have control over management of either. Currently they are platted as a lot. Cass County has some concern over the amount of right-of-way for 12th Avenue NW and the location of the proposed west access to the property. It appears that the amount of right-of-way in place or proposed is 190 feet or more. The standard right-of-way the City requires on arterial streets is between 120-150 feet. An additional 10 feet of right-of-way may be required to accommodate planned pedestrian/bikeway facilities. The Planning Department is not aware of any circumstances which would necessitate having more right-of-way than already provided.

The west access to the site is located within 400 feet of the intersection of County Highway 19 and there appears to be a sight distance issue due to the low elevation and the close proximity to the bridge. The County recommends that the west drive be eliminated or the east drive be redesigned to eliminate crossing traffic patterns. City ordinance standards for the distance between access points on an arterial roadway in an urbanizing area are 1320 feet with a minimum spacing of 660 feet. The distance between County 19 and the west access is ±360 feet and the distance between the east and west access points is less than 340 ft. It would seem appropriate to consider eliminating the west access and redesigning the access to the buildings on the west side of the main driveway. To accommodate this, interior roadways would need to be reconfigured to provide circulation within the lot. This would make the east access the sole point of ingress and egress and would satisfy the county's

recommendation. It would also meet the City's access spacing standards. Public Works is in the process of conducting a traffic impact analysis so that we have a better idea of how traffic will be affected by approving 1 or 2 access points at the current locations.

The subdivision is intended for use as a municipal public facility, so no park dedication is required. Property owners with 150 feet were notified regarding the proposed rezoning. A comment received was from the Airport Authority who indicated they need to be consulted if any towers are contemplated. We are still waiting for departmental reviews. A call was also received earlier this afternoon from a property owner to the north who indicated he may attend the meeting.

Staff recommends approval with the following conditions:

1. A drainage plan is received.
2. Necessary easements are placed on the Final Plat.
3. A mail delivery service plan is approved.
4. The access location and spacing is adequately addressed.
5. Any departmental comments are addressed.

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

Commissioner Holzmer asked for clarification regarding the location of the site and proposed buildings. Assistant Engineer Brock Storrusten stated that a pole barn currently being used at the Camelot Cleaners cleanup site and the former KXJB building on 13<sup>th</sup> Avenue in Fargo are going to be relocated to 12<sup>th</sup> Avenue North.

Commissioner Smedshammer asked about the two accesses. Larry stated that staff recommends consolidating the two accesses into one, unless it can be shown that they are both necessary.

Chris Brungardt, West Fargo Public Works, described the traffic impact analysis study.

Chair Lenzmeier asked why they needed two accesses. Mr. Brungardt stated that because of the layout of the pole barn there will be 5 doors, which will allow for parking of vehicles/heavy equipment head to head. Plus they are proposing 2 aboveground fuel tanks behind the structure and this will help with traffic circulation of trucks refueling at the tanks. Currently there are 4 accesses at this location. They're proposing reducing the number to two. Mr. Brungardt also stated that they're proposing placing a dry retention pond and trees along the front of the pole barn. He stated that since the site plan had been submitted it has been modified. The median at the easterly access has been moved back.

Mr. Storrusten stated that the westerly access will be gated and only for truck access. Most of the traffic will be to the east.

Commissioner Gustofson asked why this site was chosen.

Mr. Brungardt stated that it's a dollar issue – removing property from the tax rolls, proximity to existing facilities, security issues --- having a 24-hour presence at the north pump station, possibility of a sewage treatment facility... The city evaluated 13 different locations.

Commissioner Gustofson asked about fuel costs to Eagle Run. Mr. Brungardt stated that this property cost \$100,000, property near the regional pump stations runs about \$30,000/acre. They are proposing to have a building in the Eagle Run area to store a maintainer, sand truck, etc. There is a need to provide services to the growth areas south of I-94, but there is also a need to provide services to the existing City.

Larry stated that the City Attorney indicated there are title issues with including non-City property on the plat – SE Cass, the diversion, etc. and suggested only including the City property.

Mr. Brungardt indicated he would provide a copy of the traffic impact study to commissioners when it's complete.

Commissioner Gustofson made a motion for approval based on staff recommendations. Commissioner Smedshammer

seconded the motion. No opposition. Motion carried.

Then next item on the agenda was A06-1, Amendment to the Extraterritorial Boundary. Larry stated that there hasn't been any action on this since the last meeting. He's contacted the townships and is waiting for more information. He's received some preliminary information from Mapleton Township. This item should be continued until the next meeting.

The next item on the agenda was Continued - A05-72 Simple Lot Split Lot 15, Block 5 of Elmwood Court Addition, City of West Fargo, North Dakota.

Steven stated that the applicant has had over 4 months to comply. A letter of violation was sent to Mr. Barkman last week.

Discussion was held regarding whether or not there was adequate property to split. Larry stated that Mr. Barkman had contacted the Planning office and is still working on it. Steven stated that he spoke with the adjacent property owner who has turned this issue over to his attorney.

Commissioner Gustofson made a motion to adjourn. Commissioner Keller seconded the motion. No opposition. Meeting adjourned.