

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

1 West Fargo Planning and Zoning Commission
March 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, Rod Klein, Brock Storrusten, Tiffany Bachand, Kajari Laskar,
Troy Bartsch, Don Kukla, Del Jordahl, Aaron Olson

The meeting was called to order by Chair Lenzmeier.

Commissioner Nelson made a motion to approve the February 13, 2006 minutes. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-9 KASS 3rd Addition, subdivision and rezoning from A: Agricultural to PUD: Planned Unit Development, property located in the NE $\frac{1}{4}$ of Section 17, T139N R49W, City of West Fargo, North Dakota.

Larry Weil read the following information from the staff report:

The property is located on the east side of 6th Street East and along the South Side of 13th Avenue East. The applicant proposes to construct twin homes, a three-unit townhouse and provide for future office space along private drives. The proposed development is consistent with the City's Land Use Plan which depicts the area as Medium Density Residential or mix of Medium Density Residential and Office.

The applicant has submitted an Area Plan, Preliminary Plat and Concept Development Plans for 52 twin home units, a three-unit townhouse and three lots for office space along 13th Avenue East. The Land Use Plan of the City's Comprehensive Plan shows the proposed development area as Medium Density Residential, which would provide for single family attached homes (townhouses), condominiums and apartments with up to eight units per structure and directly related complementary uses such as educational, religious and recreational facilities. The City may consider 12-unit structures where creative and exemplary design considerations are given. The density is up to 10 units per acre. The proposed development area is also identified within the Comprehensive Plan as an area which would allow an alternative land use. The alternative land use would be a mix of office and medium density residential uses as the property directly to the east is office park and the property to the west is high density residential. The City's Comprehensive Plan recommends a diversity of residential neighborhoods with a balance of housing alternatives. It encourages high-end single family homes to balance the existing housing stock in the community, and multiple family which includes townhouses, condominiums, and lower and higher density rental properties. Few lower density rental properties have been developed in recent years.

The area plan shows the area surrounding the proposed subdivision as being developed on three sides. A twin home development is located directly to the south, high density multiple family to the west, and medium density residential to the north. The adjacent property to the east is currently vacant and is designated for office. The Preliminary Plat shows 53 twin home lots, one larger lot that could accommodate a duplex, a lot to accommodate community mail boxes and private drive, and three lots intended for offices. The Concept Development Plan shows 52 twin home units in 26 structures and one structure with three units. The applicant submitted a revised Preliminary Plat to correspond with the Site Plan.

The office uses for the development should be according to the Professional Services category within the City's Land Use Classification System. The specific uses listed include Medical and Health Services (Clinics, Chiropractic, Counseling, Dental); Finance, Insurance and Real Estate; Travel Agency; Engineering and Architect Firms; Attorneys; Veterinary Hospitals; Photo Studios; and Mortuary/Funeral Home.

All residential lots are accessed by a private drive which extends from 6th Street East for over 1,000 feet before curving to the south and accessing 14th Avenue East. The private drive is shown to be a 24-foot wide easement extending across property lines. No parking could be allowed on the private drive unless it is widened by eight feet. The private drive should be platted as a separate lot so that it can be named and better identified on maps. Addresses will likely be assigned to the private drive. Also, the private drive should be aligned with 7 ½ Street East south of 14th Avenue East. This would require a rearrangement of a few lots.

The Concept Development Plans show two access connections to 6th Street East for the lots which are to accommodate office uses. The north access should be eliminated as it is too close to the 13th Avenue East intersection per City ordinance standards. The closest connection should be 150 feet. The south access should be aligned with the private access on the west side of 6th Street East. It may be necessary to shift the office buildings to the east to allow for the north private drive to connect with the one to the south. Access to 13th Avenue East for these office lots is not allowed.

The street right-of-way for 13th Avenue East is not adequate, so 10 additional feet of right of way is being provided. Adequate right-of-way is already provided on 14th Avenue East. The right-of-way on 6th Street East is not adequate for the collector street. An additional 10 feet should be provided to better accommodate turn lanes while leaving adequate boulevard space.

The concept development plans do not include floor plans or elevation plans. This information would be provided in the Detailed Development Plans, or the applicant would provide a description of the standards to be followed for siding, decks, yard requirements including setbacks and lot coverage, and accessory buildings.

The Park District was sent development plans, as park dedication is required for the subdivision. Based on the area being platted and proposed uses, approximately 36,169 square feet of area would be required for park land or the value of this area for cash-in-lieu of park dedication. The Park District has not met yet to make a recommendation.

Property owners within 150 feet were notified. We have not received any comments on the request. Various departments were notified. The Police Department indicated concern with the length of the private drive as well as the width. The 24-foot private drive will not accommodate parking, and if parking takes place on the private drive, emergency vehicles could not circulate through the development. There is also concern that if the private drive cannot accommodate additional parking, more parking pressure will be placed on 14th Avenue East. City Engineering indicated that a 30-foot easement will be required for underground utilities between the two rows of twin home units. It would be appropriate to have the east part of the private drive line up with 7 ½ Street East. Access to Lots 2 and 3 needs to be addressed at this time as well as utilities to Lots 1-3. Private utility easements will also need to be addressed once utility companies have submitted comments. The Post Office has indicated that they will need to meet with the developer to approve the delivery type/mode.

Staff recommends approval with the following conditions:

1. The Concept Development Plans are approved with the understanding that the elements of the plans, along with recommended changes above, are carried forward in the Detailed Development Plans.
2. Office uses correspond to the Professional Services category of the City's Land Use Classification System.
3. An Attorney Title Opinion is received.
4. A certificate is received showing taxes are current.
5. A Final Plat is received with any necessary easements.
6. An additional 10 feet of right-of-way is dedicated along 13th Avenue East and 6th Street East.
7. A park dedication agreement is received.
8. Restrictive covenants including a provision for care and maintenance responsibilities for the shared access easements within the development.

9. A mailbox plan is received following postal review.
10. An outline is received for the anticipated schedule and sequence of construction for all improvements within the PUD.
11. A Subdivision Improvement Agreement is received including a provision for the developer to comply with all provisions of the Detailed Development Plans. The agreement should further provide that should the installation of all necessary improvements not take place within 18 months after initiation of construction, the City will be authorized to provide for the installation of said improvements. As part of the agreement, the developer waives any rights to protest any special assessments associated with the improvements.

Don Kukla, 715 14th Avenue East, stated concern with the width of the private drives and that people from will park on 14th Avenue East and residents on the south side will lose their parking. Also, there is a lot of traffic and fast cars, so he would like a fence to prevent residents in the new development from accessing the street from their backyards and to keep any children contained.

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

Commissioner Potter stated that he agreed with widening the private drive, so emergency vehicles would better be able to access the neighborhood. The private drive should also line up with 7 ½ Street East to the south. Larry stated that the end units would need to be reoriented to face west, similar to the Arbor Glen Additions along 19th Avenue East.

Applicant Troy Bartsch stated that widening the private drive wouldn't be an issue. The reason they didn't line up the private drive with 7 ½ Street East, was because they were concerned with people thinking it was a through street.

Commissioner Gustofson asked about the length of the driveways. Mr. Bartsch stated that they were 24', similar to the ones along 14th Avenue East. Mr. Kukla stated that their driveways are tapered, so they're only able to park 3 cars in front of the houses. Discussion was held regarding driveway widths. Steven stated that the applicant more than meets the City's parking requirements.

Commissioner Holzmer stated that the property owner paid for half of 14th Avenue and therefore a fence can't be required as they also have a right to use the road. He asked if there were problems with parking along private drives. Larry stated that the Police Department has concerns with private drives being too narrow. As far as enforcement, that's up to the developer or association.

Chair Lenzmeier stated that every time this property is reviewed, speeding is mentioned. Mr. Kukla stated that there's still a problem.

Commissioner Nelson asked Mr. Bartsch if he had any concerns with the staff recommendations. Mr. Bartsch stated he did not. Commissioner Gustofson asked if he would be willing to increase the width of the private drive by 8'. Mr. Bartsch stated yes.

Commissioner Gustofson made a motion to approve the request, subject to the 11 conditions listed in the staff report, as well as an additional condition that the size of the private drive be increased by 8'. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-10 Conditional Use Permit for Group Child Care Facility 1704 Huntington Drive (Lot 7, Block 3 of Huntington Woods Addition), City of West Fargo, North Dakota.

Steven Zimmer reviewed the following information from the staff report:

The property is located on the southwest corner of 17th Ave E and Huntington Drive. The applicant has been operating a group child care facility at another location and has recently purchased a new home. She would like to provide child care services for 15 children which would include her own children. The proposed use would be allowable as a conditional use within the R-1A: Single Family Dwelling District.

The applicant has submitted an application for a conditional use permit and a site plan for the property. The applicant will be

moving to a single family dwelling on a corner lot. The property has a triple-stall garage and two-stall driveway which accesses Huntington Drive. The backyard is fenced on one side with a 6-foot solid board fence. The applicant proposes to fence the remaining sides this spring.

Notices were sent to property owners within 350 feet. There have been two comments received concerning the proposed conditional use and the affect it will have on home values, the number of children, and an expected increase in traffic.

Staff recommends approval with the following conditions:

1. Children are dropped off in the driveway only.
2. Two off-street parking spaces are provided for dropping off children, plus an additional space if there is an employee. Personal vehicles would need to be stored in the garage during hours of operation.
3. A solid wood fence is installed to enclose the rear yard prior to opening the group child care facility.

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

Commissioner Gustofson asked if there was parking allowed along 17th Avenue East. Larry stated there was not.

Applicant Tiffany Bachand stated that she can't install the fence until spring and asked if she could have until June 1st. The number of children she cares for won't increase until summer.

Commissioner Gustofson made a motion for approval based on the 3 conditions listed in the staff report, as well as an additional condition that the applicant will not care for more than 8 children until the fence is installed. Commissioner Keller seconded the motion. No opposition. Motion carried.

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

Steven reviewed the following information from the staff report:

Since the last Planning and Zoning Commission meeting, other property owners have indicated support for rezoning the block to PUD to accommodate light commercial uses and also provide for some other uses which would be compatible with the established uses in the area. The uses generally viewed as compatible would include many of the permitted uses in the CM: Heavy Commercial/Light Industrial District except for manufacturing, particularly of larger components, or those uses that are listed as conditional uses in the CM District. The uses for the PUD District would be reviewed and approved through the PUD Amendment process.

Notices were sent to property owners within 150 feet. The only comments we received were from the two residential property owners to the south who asked that the existing fence be maintained by the commercial property owners. The fence was established as a subdivision requirement for the commercial property to minimize impact on the residential property.

It is recommended that the rezoning be approved subject to any proposed development of the property following the PUD Amendment process, and fence maintenance along the south side is continued

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

Larry stated that there has been increased interest in developing this area and Cityscapes may do some development/land swapping, so there may be changes in the Concept Development Plans.

Commissioner Nelson made a motion to approve the request subject to following three conditions listed in the staff report:

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.

He also included the staff recommendation regarding the rezoning be approved subject to any proposed development of the property following the PUD Amendment process, and fence maintenance along the south side is continued.

Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-1 Amendment to the Official Extraterritorial Boundary Map.

Larry reviewed the following information from the staff report:

Staff has communicated with the affected townships and county to coordinate zoning classifications and allowed uses. We have also visited with several property owners. The Planning and Zoning Commission held a preliminary hearing in January (zoning transition meeting). Some changes have been made in the hearing notice for the proposed rezoning of some parcels as part of the extension of extraterritorial boundaries.

The proposed zoning for the areas within Selberg's 2nd Subdivision and Riverview Estates Subdivision located in the S½ of Section 19, T140N, R49W is R-1E: Rural Estate District. The proposed zoning for the North 950 feet of the NW¼ of Section 10, T139N, R50W is CM: Heavy Commercial/Light Industrial. The proposed zoning for all other area is Agricultural.

Much of the proposed extraterritorial extension area is subject to periodic flooding and is located within the FEMA designated flood plain. As such it is appropriate that the Agricultural zoned areas are also designated as Agricultural Preservation on the City's Land Use Plan which would be compatible with neighboring areas already identified on the plan.

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

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

The next item on the agenda was A06-11 Mid-America 1st Addition, a retracement plat in the NE¼ of Section 7, T139N, R49W (601 West Main Avenue), City of West Fargo, North Dakota.

Steven read the following information from the staff report:

The property, which is zoned Heavy Commercial/Light Industrial, is located on the southwest corner of West Main Avenue and 6th Street West. The applicant would like to build an addition onto the existing structure. The property is considered a legal parcel of record and exempt from subdivision requirements.

The proposed retracement plat will not affect the property or use other than changing the legal description, making it much clearer. The retracement plat will be given a subdivision name with a lot and block number, which will be of benefit to the City and Cass County for administration purposes. With retracement plats there are no street right-of-way dedication or park dedication requirements. A public hearing is not required, though the applicant must plat the property according to the platting standards, and the plat must be reviewed by the Planning and Zoning Commission and City Commission. It appears that the plat is in order. We are still waiting for comments from some City departments.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. A drainage plan is submitted for approval by the City Engineer.
3. Any existing easements are placed on the Final Plat.

Commissioner Smedshammer made a motion for approval based on the three staff recommendations. Commissioner Keller seconded the motion. No opposition. Motion carried.

The next item on the agenda was A06-12 Simple Lot Split of Lot 14, Block 2 of Steffes 1st Subdivision, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is zoned for Light Industrial uses, is located north of Main Avenue West on the northeast corner of 2nd Ave NW and 7th Street NW. The proposed simple lot split meets the requirements for land subdivision and lot size and dimension. Both proposed tracts are less than .5 Acres in area and may be separated by means of simple lot split.

The applicant proposes splitting the lot into two tracts and constructing a structure on each which would contain lease space for multiple businesses. - Tract A would be the southern tract and would be 19,721 ft² (.45 Acres) and Tract B would be the north tract at 19,406 ft² (.445 Acres). Both tracts are less than .5 acres in area, which is the minimum area required to replat the subdivided land. As a result the land can be separated by means of a simple lot split.

The applicant has had the lot surveyed to provide for proper legal descriptions, tract dimensions and areas. Both tracts will require individual deeds for transfer of property. Notices were sent out to property owners within 150 feet. No comments have been received.

Staff recommends approval with the following condition:

1. Drainage must be evaluated by City Engineer and, if necessary, a Drainage Plan must be created.

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

The next item on the agenda was a presentation by Kajari Laskar of FM Metro COG on the Metropolitan Bicycle and Pedestrian Plan.

Commissioner Gustofson asked where funding for projects comes from. Ms. Laskar indicated from Transportation Enhancement (TE) Funds from the DOT, other organizations, urban dollars.

Assistant Engineer Brock Storrusten indicated that Main Avenue would come from Federal Highway Funds, 13th Avenue was a TE Project. He asked if Main Avenue to the fairgrounds was included on the list.

Discussion was held regarding other projects, including the Carmell Place Bridge.

Ms. Laskar also reviewed the side path law, which is being repealed in Minnesota.

Commissioner Nelson made a motion to approve the Metropolitan Bicycle and Pedestrian Plan with the following changes:

1. The path connection between the future bridge into Carmel Place and Sheyenne Street be added to Map 5.7 as a future bikeway.
2. That the Main Avenue bike path between I-94 and 45th St be added to MTP during the next revision, if project meets funding requirements.
3. Note that the city of West Fargo supports the Metro COG in its advocacy of rewording the State of North Dakota's Side path Law.

Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was A06-13 Request for Access onto 9th Street West for Eagle Run Elementary School.

Steven reviewed the following information from the staff report:

The property is located south of 32nd Avenue West and west of Cass County Highway 17 (Sheyenne Street) on the west side

of 9th Street West adjacent to Rendezvous Park. An elementary school is proposed for the property which is consistent with City Plans and Ordinances. The street is classified as a collector which is a limited access street requiring review by the Planning and Zoning Commission and City Commission.

The City has received a request from the West Fargo School District for direct accesses onto 9th Street West. The developer submitted a site plan of the elementary school and location of the proposed accesses. The developer proposes to have the accesses installed once the development is well under way. The applicant is requesting an access be allowed at the northeast side of the property across from 34th Avenue West. A second access is requested farther south which provides for a bus loop on the east side of the school. Ninth Street West is under the City's jurisdiction and would need to meet the City standards as the street is designated as a limited access street. Streets that are classified as Collectors and Arterials are designated as limited access streets to provide for better movement of traffic. Arterials should be oriented toward mobility (speed and capacity) rather than access, while local streets provide high levels of access. Collectors should provide a balance between access and mobility. Appropriate access control insures safety and preserves the capacity on arterial streets, reducing the need for traffic to divert to local streets.

Under the guidelines of the Comprehensive Plan, higher intensity uses may have direct access on collectors and arterials if other alternatives are not available; however, each site needs to be evaluated on a case by case basis and alternatives considered. Sites should be limited to one access point which is set back an adequate distance from existing or future intersections.

According to the City standards and guidelines of the Fargo Moorhead Metropolitan Council of Governments, the desired spacing on connections to collector roadways in developing areas is 300 feet with a minimum spacing of 150 feet. The desired spacing of connections to arterial roadways in developing areas is 660 feet with the minimum spacing of 330 feet. The desired spacing of connections to functionally classified roadways in less developed areas, such as the urban fringe or extraterritorial areas is 1320 feet with a minimum spacing of 660 feet. Where a roadway specific study has been performed to consider a comprehensive access management program, recommendations emanating from such a study will consider the guidelines, providing appropriate access to accommodate specific situations.

The distance between the access to the park (Lakeside Way) and the proposed north access would be ± 385 ft and the distance between the north and south accesses would also be ± 385 ft. This would meet the standards for access points on a collector street. The access would be used for a bus loop for dropping off and picking up children. The loop would be a one way drive operating as a right-in/right-out roadway off and onto 9th St W.

City departments including Engineering, Public Works and Planning have met to discuss the proposed accesses and see no major problems with the two proposed access points.

Staff recommends approval.

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

The next item on the agenda was A06-3 Minor PUD Modification to Expand Parking Areas at 124 & 250 East Beaton Drive.

Larry reviewed the following information from the staff report:

The property, which is located east of the Sheyenne River, along the north side of Interstate 94, has access to East Beaton Drive which connects to Sheyenne Street and is proposed to connect to 9th Street East in the future. The City approved the development of the property for office in April 1999. The applicant is increasing the number of employees in the facility, so they are proposing to expand the parking areas to meet their needs. The plans are not making any changes in land use or increasing the development density or intensity, so a minor modification is in order rather than a formal amendment. The proposed use is consistent with City Plans and Ordinances.

The City approved the Planned Unit Development for the property in April 1999 with final approval for the revised subdivision plat in September. The plans were approved with justification to reduce the number of required parking spaces to

100. The applicant is now remodeling the office arrangement inside the building to accommodate 73 additional employees for a total staff of 203. The applicant submitted a request to the City Commission in January to reduce the required amount of parking for the business based on the employee practices of the business. With a significant number of employees traveling at any given time and few customers coming to the site, the business was able to justify to the Commission the reduction in required parking from 288 spaces to 158 spaces. The applicant was required to add 52 spaces.

The applicant has submitted a proposed site plan with parking revisions for consideration as a Minor PUD Modification. The site plan adds 68 parking spaces to the site. The parking lots meet City parking standards. The applicant was asked by the staff to try to minimize the impact on trees for the site. As a result the applicant has submitted an aerial photo to show the relationship of the parking lot to the existing trees. The number of trees affected has been kept to a minimum. It may be possible to do some slight parking lot adjustments yet to help minimize the impacts further, such as shifting the lot slightly to the east.

Staff recommends approval with the following condition:

1. Adjust the parking lot slightly if necessary to minimize the impact on the existing trees.

Larry stated that Architect Del Jordahl was available to answer any questions.

Chair Lenzmeier asked for clarification – increasing the number of parking spaces but requesting a reduction in the required amount of parking.

Larry stated that about 30% of the employees work off site, plus they don't have very many customers coming to this site. Because the property is zoned PUD, any changes to the site need to be approved by the City as part of a PUD Modification.

Commissioner Gustofson made a motion for approval. Commissioner Holzmer seconded the motion.

Commissioner Keller asked if the parking lot will be adjusted to save the trees. Del Jordahl stated that they identified all the trees and there are no oaks between the rows of evergreens. The owners want to replace whatever is torn out – mostly a rough type of tree is being removed. Steven stated that they want to save as many trees as possible to buffer the property from the interested.

The commission then voted on the motion on the floor. No opposition. Motion carried.

The next item on the agenda was A06-14 Street Name Change for 7th Street Place to Augusta Place (Charleswood River Estates 8th Addition).

Larry reviewed the following information from the staff report:

The street was platted as part of Charleswood River Estates 8th Addition. The subdivision was approved by the City Commission in September of 2004. Since the street has been installed, there has been concern by the Police Department that the street is difficult to locate by emergency personnel. Recently the Police Department responded to a call and had difficulty finding the street.

The concerns have been discussed with the developer for the subdivision. The developer has requested that the street name be changed to Augusta Place. According to the developer there are currently two property owners on the street other than Charleswood. Both owners approve of the name change. The house numbering system should not be affected by the street name change.

Street names are reviewed and approved by the Planning and Zoning Commission. The City Commission then would approve the change by resolution, so that the resolution could be filed with the County Recorder's Office with the subdivision plat of record.

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

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 a letter citing Mr. Barkman in violation was sent out last month. Since that time, City Staff has met with the adjacent property owner and has spoken with Mr. Barkman. There are a couple of options – Mr. Barkman would build another home in a different location for the adjacent property owner, purchase property from the adjacent property owner or move the house. The City recommends that the option that Mr. Barkman would build a new home for the adjacent property owner. Then he could purchase the house and split the lots.

This item should be continued until the next meeting. Larry stated that a variance can't be granted because the house was built over the property line. Chair Lenzmeier asked if there could be a transfer or split of the property. Larry stated that it could be subdivided, but it takes away from the character. The affected property owner.

Property owner Aaron Olson, 1849 10th Street West, stated that they purchased their house with the understanding they would have a certain amount of distance between the houses. The way the houses are laid out, if they split the property, they really wouldn't be able to use their yard.

Commissioner Nelson made a motion to continue this item. Commissioner Keller seconded the motion. No opposition. Motion carried.

Commissioner Potter made a motion to adjourn. Commissioner Holzmer seconded the motion. No opposition. Meeting adjourned.