



West Fargo Planning and Zoning Commission
September 11, 2006 at 7:00 P.M.
West Fargo City Hall

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

Members Absent: Kim Keller

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Mark Housh, Wade Kline, Mike Goettel, Kevin Christianson, Mike Swancy, Jon & Jodie Cole

The meeting was called to order by Chair Lenzmeier.

Chair Lenzmeier asked for a moment of silence in remembrance of September 11th.

Commissioner Smedshammer made a motion to approve the August 28, 2006 minutes as printed. Commissioner Potter seconded the motion. No opposition. Motion carried.

First item on the agenda was a Workforce Housing Study presentation by Wade Kline from FM Metropolitan Council of Governments.

Mr. Kline explained that the intent of the study was to look at the regional economy in terms of job creation and housing production to see if there was an issue of affordability developing with the metro housing market. The study process involved a market analysis as well as outreach and input from a cross-section of the regional marketplace. He then described the following marketing trends in the area:

- The current regional housing market is meeting demand in new housing priced between \$150,000 and \$299,000;
- There is a lack of new housing products to meet the current market demand below \$150,000, especially below \$110,000; only 39% of the demand for new housing at or below \$110,000 is being met;
- The lack of new housing product under \$150,000 is causing potential home-buyers to stay out of the housing market;
- The current overall housing dynamic is causing a *bunching-up* of potential homebuyers in apartments, artificially driving up the cost of rents;
- The existing market-rate conventional apartment market is overbuilt but there is a shortage of apartments priced at less than \$600 a month;

Mr. Kline then reviewed the following strategic initiatives, which came out of the study:

- Establish a regional working group including participants from both the private and public sector to spearhead and coordinate initiatives related to workforce housing;
- Establish a Regional Housing Center to disseminate information for builders, buyers, developers, lenders, local housing authorities, realtors, local governments, and the community-at-large;
- Establish educational and marketing campaigns to break the stereotypes associated with affordable housing;

- Explore the option of establishing a regional workforce housing fund to assist to serve as a catalyst for initiatives aimed at providing workforce housing products.

Mr. Kline referred to the Resolution of Endorsement.

Chair Lenzmeier asked about income levels. Were these one job, two part-time jobs, two income families....? Mr. Kline stated that the study looked at household incomes. Chair Lenzmeier asked there had been any discussion regarding the business community increasing wages. Mr. Kline indicated there was discussion; however it is not reflected in the report. A livable wage concept was discussed.

Commissioner Smedshammer made a motion to recommend to the City Commission that they endorse the Workforce Housing Study. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-48 West River 2nd Addition, a replat of part of West River Addition, City of West Fargo, North Dakota.

Steven Zimmer reviewed the following information from the staff report:

A Plat was previously approved for this property by the City Commission on July 31, 2006. The applicant proposes to replat part of previously approved plat to increase the number of saleable lots. The applicant proposes to replat a portion of the original West River Addition to add 6 lots. Three lots will be added east of Hidden Circle, along the river, one lot is added to the west side of Hidden Circle north of 37th Avenue East, one lot added west of Hidden Circle south of 37th Avenue East, and one lot added to the cul-de-sac along 36 ½ Avenue Place East

Staff recommends approval with the following conditions:

1. Any necessary easements are placed on the Final Plat.
2. Restrictive covenants for the development are received for filing with the plat if proposed.
3. An updated drainage plan is received and approved by the City Engineer.
4. A building control line is maintained on the Final Plat.
5. The park dedication and subdivision improvement agreements as previously received are adhered to.

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

Commissioner Gustofson made a motion for approval subject to staff recommendations. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A06-49 Butler's 6th Addition, a subdivision of part of the S½ of Section 1, T139N, R50W and replat of all of Block 2 of Butler's 5th Addition, City of West Fargo, North Dakota and Rezoning from A: Agricultural to CM: Heavy Commercial/Light Industrial.

Steven reviewed the following information from the staff report:

The property is located north of Main Avenue West, west of 21st Street NW, and north of 3rd Avenue NW. The City's Land Use Plan depicts the area as Light Industrial. The applicant has submitted an Area Plan and Preliminary Plat for the proposed subdivision. The Area Plan has been revised and shows the existing and proposed subdivision streets. The proposed subdivision consists of one lot which is 650,000 ft² in size.

Lots from Butler's 5th and 6th Additions are included in this plat. Staff believes that 3rd Ave NW should be platted along the entire length of the proposed lot. An easement will need to be acquired for water and sewer to the north of the proposed lot to connect with existing right-of-way for 4th Ave NW. A portion of this property has not previously been platted and is subject to park dedication. The Park District has previously requested cash-in-lieu of park dedication for other Butler developments. The Park has not submitted their recommendations yet.

Notices were sent out to area property owners, City departments, Park District and Post Office for review. The Post Office has indicated the area is designated for curbside delivery which requires that the developer work with the Post Office on the

type and mode of delivery. No other issues have been commented on.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. A drainage plan is received and approved by the City Engineer.
3. A certificate is received showing taxes being current.
4. Any necessary easements are shown on the Final Plat.
5. A park dedication agreement is received.
6. A mail delivery plan is approved by the Post Office.
7. A Subdivision Improvement Agreement is received.

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

Chair Lenzmeier asked about the developer's position on park dedication. Steven indicated there shouldn't be a problem and they will be fine with whatever the park decides.

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

Chair Lenzmeier opened public hearing A06-50 Variance to the side yard setback from 12' to three feet for an accessory building (garden shed), located at 837 7th Avenue East (Lot 11, Block 4 of Eastwood 2nd Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the southwest corner of the intersection of 7th Avenue East and 9th Street East. The use of the property is a single family home. The applicant has submitted an application and hand drawn site plan showing location of proposed garage.

The applicant had applied for a building permit, which was incorrectly issued by the building administration office for a 3' setback. When the Building Official realized the error, the applicant was instructed to cease construction on the accessory building and to apply to the Planning Department for a variance. The applicant is requesting a variance to decrease the side yard setback by 9' for the structure. As per city ordinance, an accessory building on a corner lot shall maintain the same setback required for the main building on the lot. This lot is zoned R-1A, which requires a 12 foot side yard setback for a building on a corner lot.

Variances are only to be granted when the following can be demonstrated:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

It does not appear the variance can be justified as none of the criteria listed above are met. There are no special conditions and circumstances that exist with the property or buildings that are not applicable to other lands or buildings in the same zoning district. The property owner is not being deprived of rights being enjoyed by others because of the ordinance provisions. The conditions and circumstances do result from the actions of the applicant. If the variance would be granted, the applicant would benefit from a special privilege that would not be provided to other lands, structures, or buildings in the same district.

Property owners within 150' of the property were notified. No comments were received.

Staff recommends denial of the request is recommended on the basis that the proposed structure does not meet the criteria to justify the variance.

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

Commissioner Smedshammer asked if it was an error by the building department, shouldn't they be responsible for correcting this and not the applicant?

Building Administrator Mark Housh stated that they don't deny the error. It is something they should've caught. The submitted site plan was vague; they thought it was an interior lot, not a corner one. This isn't a major cost inflicted on the property owner.

Commissioner Smedshammer indicated that the slab was already poured. Mr. Housh stated that the slab has been in existence for at least 8 years and they're not even sure if it meets building codes.

Commissioner Gustofson asked if this would even affect anyone, as there's a 6' solid fence along 9th Street East. Chair Lenzmeier asked if the slab wasn't also in violation. Steven indicated that until recently, permits weren't required for slabs.

Chair Lenzmeier asked if better site plans don't need to be submitted in the future so these things don't happen – require better drawings. Mr. Housh stated that they try to work with homeowners to get better plans. Sometimes they're not in the office to meet with the homeowner. He stated that they don't require permits for structures 120 ft² or less, so he could've built a smaller structure without going through the building department.

Larry indicated that there have been some smaller sheds in that past that have been required to be moved. Commissioner Holzmer stated that it doesn't appear to be 3', it seems closer.

Discussion was held regarding costs involved in moving the shed. Larry reviewed the variance criteria – special circumstances refers to things such as geological features.

Mr. Housh stated that it is the property owner's responsibility to determine the property line.

Commissioner Holzmer stated that it's been mentioned before in previous meeting that it is the Planning and Zoning Commission's job to follow the ordinances. It's not our responsibility to solve everyone's problems. The City Commission can determine if this should be approved or not.

Commissioner Smedshammer asked if the applicant had knowing, would he have moved the shed. Mr. Housh stated that previously he had a small prefab shed further to the west, which has since been removed.

Commissioner Gustofson made a motion for approval. Commissioner Smedshammer seconded the motion. Commissioners Smedshammer, Gustofson, Nelson and Potter voted aye. Commissioners Lenzmeier and Holzmer voted nay. Motion carried 4-2.

Chair Lenzmeier opened public hearing A06-51 Christianson 1st Addition, Subdivision & Rezoning from Agricultural to C: Light Commercial District & a Land Use Plan Amendment from Office Park to Retail Commercial, property in the SE¼ of Section 18 and NE ¼ of Section 19, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located south of I-94 and west of Sheyenne Street/Cass County Highway #17. The applicant proposes subdividing and rezoning the property to accommodate commercial types of land uses. The proposed zoning and development is not consistent with the City's Land Use Plan. The request would require an amendment to the Plan.

In July 2005 the applicant initiated a subdivision and rezoning request to CM: Heavy Commercial/Light Industrial. The applicant wished to develop the property with mini-storage and retail facilities. The City Commission following the Planning and Zoning Commission recommendations did not consider the requested CM zoning, but rather considered rezoning the property to Planned Unit Development. The City established use and development standards for the front areas of the

properties which were along I-94 to provide for more desirable development, while allowing uses which would not be accommodated under the Office Park District and Land Use Plan designation. The first reading on the PUD zoning was given; however, the second reading was delayed, because of the need to address access to Sheyenne Street. Several alternatives were developed by the City Engineer along with cost estimates which were reviewed with the property owners. Complete agreement could not be reached between property owners. The applicant recently decided to submit a revised subdivision plat and rezoning for consideration.

The City's Land Use Plan designates the area as office park, which provides for professional offices, research facilities, wholesale showrooms, service facilities and other business uses that require limited contact with the public. This designation may also provide for other commercial uses that are complementary and compatible with office uses such as hotels, motels and full service restaurants. This designation is applied to locations with high visibility and appropriate levels of access. The Comprehensive Plan indicates that as new development approaches I-94, the community desires to provide for a mixture of aesthetically pleasing land uses and open space. The physical placement of new development in this area is important to the future look and feel of the area as a gateway into the City.

The Zoning Ordinance was recently amended to provide for the Commercial Office Park District. The district provides for commercial and professional office buildings, banks and other financial institutions, cultural and educational facilities, churches and schools, and public/semi-public facilities as permitted uses. Offices combined with showrooms, offices combined with warehouse, full service restaurants, and hotels and motels are allowed as conditional uses. The proposed zoning would accommodate some of the uses provided for under the Commercial Office Park District, but it is less restrictive and would allow for a number of other uses which were not intended in this area. The proposed zoning request is not consistent with the City's Land Use Plan. It would seem appropriate for the City to only consider a more restrictive zoning for the property such as Commercial Office Park or Planned Unit Development with each use and related detailed development plans approved as amendments by the City.

The developer submitted an area plan and preliminary plat. A site plan has not been submitted at this time. The area plan reflects the proposed subdivision and development in relation to the surrounding area. The property is located directly west of the I-94/Horace Interchange in an undeveloped area. A similarly sized land-locked parcel is adjacent to the northwest. The City's major sanitary lift station for serving development south of the interstate is to the southeast, as is another parcel of record. The area is between I-94 and the Sheyenne Diversion facility.

The Preliminary Plat shows 9 platted lots with a frontage road wrapping around two lots and extending along the east side of the development. Lot 7, Block 1 does not have access to the frontage road, so it would be most appropriate to include it as part of Lot 6, unless it is the designated retention pond. Some of the City's property is being transferred to the developer. A small parcel, Lot 2, Block 2 is not developable and could potentially be transferred to the property owner of Lot 1 in exchange for right-of-way for the subdivision street which is shown to utilize property along the south side of the lot. The two lots should be combined into one lot if agreement can be reached. If agreement cannot be reached, the lot should be conveyed to and held by the City for added right-of-way or to potentially attach to Lot 1 in the future. The property lines for Lot 1 do not appear to be accurately reflected on the Preliminary Plat. Revisions should be made on the Final Plat. The right-of-way for the frontage road is 80', which appears to be adequate. The frontage road will access Sheyenne Street directly across from the RJ's Conoco access.

The property owner for proposed Lot 1, Block 1 has not consented to the subdivision plat or to the proposed rezoning. The property owner needs to consent to platting his property and to the street dedication of that portion of the street affecting the property. If the property owner does not consent, other alternatives will need to be explored including, but not limited to, the purchase of necessary right-of-way. It would be appropriate to zone the property the same as the rest of the property in the subdivision, unless the property is excluded from the plat.

The Park District is in the process of reviewing the proposed development. The Final Plat should not be recorded until agreement can be reached on park dedication. Approximately 1.5 acres of land or the equivalent value of the land as cash-in-lieu of land dedication would be required.

Property owners within 150' were notified as well as City Departments, Post Office, and the Park District. The Post Office indicated that the subdivision is designated for curbside delivery, with specific location approval needed prior to receiving mail delivery.

Following the Public Hearing staff recommends considering the following alternatives:

1. Deny the subdivision and rezoning application on the basis that it is not consistent with the Land Use Plan and other provisions of the Comprehensive Plan.
2. Approve the subdivision and rezone the property to the more restrictive zoning of Commercial Office Park which is consistent with the City's Land Use Plan and Comprehensive Plan goals and policies.
3. Approve the subdivision and rezone the property to Planned Unit Development with the City reviewing and approving the detailed development plans for development of each of the lots. The uses should be closely related to those specified in the Commercial Office Park District and meet the spirit of intent of the District for high quality development, limited outdoor display with none visible from the Interstate, significant office space with showrooms or warehousing, and minimal reliance on signage.

If alternatives 2 or 3 are approved, the following conditions should also be placed on the application:

1. An Attorney Title Opinion is received.
2. A drainage and utility plan is reviewed and approved by the City Engineer.
3. A certificate is received showing taxes are current.
4. A Park Dedication Agreement is received.
5. Lot 7 should be combined with Lot 6, unless used for retention purposes.
6. A Final Plat is received with necessary easements.
7. A Subdivision Improvement Agreement is received.
8. The lots are developed in accordance to the Commercial Office Park District and Interstate Corridor Overlay District provisions.
9. A mail delivery plan is approved by the Post Office.
10. The property owner of Lot 1, Block 2 consents to the plat, and the lot configuration is accurately shown on the Final Plat.
11. Right-of-way issues are adequately addressed.

Other Alternatives: (Not Recommended)

1. Approve the subdivision and rezoning as requested and amend the Land Use Plan from an Office Park designation to a Retail Commercial designation. If this alternative is approved, the above listed conditions should also be placed on the application.

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

Applicant Kevin Christianson stated that there isn't a need for office park, which would really restrict their use of the property. They've got a lot of different projects in the works and this site has great exposure for medical facilities, storage, and retail. There are higher and better uses for the property. He also stated that it is hard to function in a PUD atmosphere. It's too time consuming.

Chair Lenzmeier asked if Lot 7 would be combined with Lot 6. Mr. Christianson stated either used for storm water retention or incorporated into another parcel.

Chair Lenzmeier stated that in the past they had concerns with what would be seen from the interstate. Last year the application was for something similar to 40th Avenue and the Commission had concerns with all the Uhauls at that site.

Commissioner Gustofson asked what staff would like to see there. Larry stated that they would like to see office park based on the comprehensive plan. Larry stated that last time there was some middle ground and assurances with the PUD. Storage doesn't fit in the Light Commercial District. If they moved from Office Park to Light Commercial it would require a Land Use Plan Amendment. He stated that with timing, it's about a 3-5 week process provided the PUD requirements are met.

Chair Lenzmeier asked if that time frame put a crimp in his development. Mr. Christianson stated that they deal with clients for months and can't show the City the project until the client okays it. The PUD really restricts deals.

Commissioner Smedshammer asked what type of zoning allows storage. Larry stated CM: Heavy Commercial/Light Industrial.

Commissioner Smedshammer made a motion to approve #2, Commercial Office Park. Motion died for lack of second.

Commissioner Gustofson stated that Bruce Clapham didn't want office park either. The developers don't want it and they can't sell it. Are we doing something wrong?

Larry stated that from a community standpoint, land uses are over a broader period of time. From a developer's standpoint it is what is most marketable in a reasonable amount of time. Last year the PUD proposed both office and other types of uses. The ideal use from a comp plan standpoint is Office Park. Staff doesn't feel comfortable with CM. Mr. Christianson stated that he is more comfortable with PUD than Office, where it would just sit for the next 20 years. He stated this is a great site.

Commissioner Gustofson asked if they could approve a PUD with a list of allowable uses to give him the green light. Larry stated that with the PUD, they have the ability to do so.

Mr. Christianson stated that the outdoor display restriction is ridiculous as this is a visible retail location. He sees the potential for here for something like a new Harley Davidson shop.

Discussion was held on spelling out permitted and prohibited uses. Larry asked about outdoor display parameters. Mr. Christianson indicated he would have to discuss it with him.

Commissioner Nelson made a motion to approve the request subject to recommendation #3 for PUD, with leeway for the developer to provide a list of industry listings. He would present the list to Larry, who would in turn present it to the Planning and Zoning Commission for review. Commissioner Holzmer seconded the motion. No opposition. Motion carried.

The next item on the agenda was A06-52 Minor PUD Modification to Construct a Deck at 668 13th Avenue East (Lot 10, Block 1 of Woodlinn West Addition), City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located north of 13th Avenue East and west of Prairie Parkway in the Woodlinn West townhouse condominium development. The applicant proposes to construct a deck which was not shown on the PUD plans and would be considered a Minor PUD Modification. The proposed use is consistent with City Plans and Ordinances.

The applicant proposes constructing a 10' X 10' deck onto the back of the townhouse condominium structure. Decks have been previously approved in the development as a Minor PUD Modification, because they do not increase the density or intensity of the development. The Woodlinn West Townhomes Board of Directors has taken an active role in reviewing development additions over the years. The Board has approved the proposed deck. The proposed deck is in character with the condominium development.

Property owners within the development were notified and no comments were received. Staff recommends approval.

Mr. Goettel stated that they moved in the end of May. They're in the center of a 3-unit structure and have no access to their back yard. There are decks on either side of them on the end units. Their proposed deck will be no larger than the existing ones.

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

The next item on the agenda was A06-54 Request for Vacation of Pedestrian Access Easement Between 3506 & 3514 8th Street West.

Steven reviewed the following information from the staff report:

The property is located between 8th And 9th Street West. The pedestrian access easement is located half on Lot 23 and half on Lot 24 of Block 5 of Eagle Run 11th Addition. Both property owners submitted an application for the vacation of the access easement. The easement was required and approved as part of Eagle Run 11th Addition.

The applicant at 3514 8th Street West (Lot 23) wants the city to vacate the pedestrian access easement to allow him to construct a garage with a concrete driveway that would be located where the easement is now located. The easement was approved with the plat after being reviewed by the Planning and Zoning Commission as well as the City Commission.

The purpose of this easement is to allow access to the west and to the south from within Eagle Run 11th as provided for within the Subdivision Ordinance. To vacate any type of access easement it must be proven that the intended improvements will not be made in the future. Staff has not had adequate time to research the possibility of the City making the intended improvements.

The staff recommends tabling the request until the next Planning and Zoning Commission Meeting, on October 9, 2006, to allow staff adequate time to research the request.

Mike Swancy, 3514 8th Street West, stated that he doesn't see a need for the access. They're half a block or more from the new elementary school, plus if they put up privacy fences, that will really cause problems. He's concerned with people accessing his backyard. It's too close for a public sidewalk.

Jon Cole, 3506 8th Street West, stated that the park and school are half a block away. There's no access from 8th Street to Eagle Run Drive. He also stated that he has a dog kennel next to his garage and if the sidewalk was located there, the dogs would go crazy every time someone walked by. He also stated that they put sprinklers on the property line which will have to be torn up.

Larry stated that there wasn't enough time to get an adequate response from departments about the possibility of eliminating the easement. This access would connect with the 9th Street West Pedestrian Walkway.

Commissioner Smedshammer made a motion to table this item until the next meeting. Commissioner Gustofson seconded the motion.

Commissioner Gustofson asked residents if they knew the easement was there when they purchased their homes. The Coles and Swancys indicated they never would've purchased if they had known it was there.

Commissioner Holzmer asked if the easement were to be eliminated if property owners would be notified. Larry stated there would be a specific hearing before the City Commission.

Commissioner Holzmer stated that a title search would've shown the easement. Commissioner Nelson asked how many other easements were in the area. Larry stated that there are a number, which are used to facilitate pedestrian movement. The park was platted, 9th Street is a major street, so we knew there would be bikeway/pedestrian facilities. Steven indicated there are at least 6 within Eagle Run. Several are in place.

Commissioner Gustofson stated that this should've been part of the sidewalk plan or put in immediately so property owners were aware of them.

Mr. Swancy stated that the ones that are already in place are 30-40' from a house. These would be 6', closer once we put our downspouts down.

Larry stated that ideally the developer would've conveyed this to the builder, who in turn would convey it to the realtor. The Swancys and Coles indicated that they were never shown this. It's not on the abstract. Mr. Cole stated that he's lived in his house for 1 year and 9 months and this is the first he's heard about it.

The real estate agent who sold the homes to them indicated that she wasn't aware of it either. She looked thru the abstract, but the description is vague. There is no explanation except on the plat and their copy was very small and hardly visible.

Commissioners then voted on the motion on the floor. No opposition. Motion carried.

The next item on the agenda was A06-53 Simple Lot Split for Lot 13, Block 2 of Eagle Run 6th Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is located on 39th Avenue West, is zoned for one and two family dwellings and platted for single family homes. The applicant proposes to increase the width of Lot 13 to properly accommodate the size of the structure on the lot and meet setback requirements. The applicant is correcting illegal property splits created in the past.

In 2003 Rob Jordahl applied for a simple lot split for the property which was approved. A single family structure was constructed on the lot which did not meet setback requirements even with the added property from the approved Simple Lot Split. The developer had difficulty building a structure on Lot 12, because of the lot dimensions. An interested party agreed to buy Lot 12 and the remaining part of Lot 13; however, for some reason only the east 28' of Lot 13 was conveyed leaving 22.4' with Jordahl Custom Homes. Lot 13 had been split three times which was against City Subdivision Regulations. A single family home was built on Lot 12 and the majority of Lot 13, so the structure was built onto the property which was retained by Jordahl Custom Homes. The developer/builder, mortgage company and new home owner all missed the conveyance issues.

The City became aware of the illegal lot splits in late 2003 or early 2004 and attempted to get the builder to correct the problem several times until recently when the property owner of Lots 12 and 13 was going to sell the property and it was brought to their attention. As a result of the complexity of the previous transactions, it was determined that the best solution was to have the property owners of both structures on the three lots as originally platted quit claim their interests back to Jordahl Custom Homes, and then Jordahl Custom Homes reissued deeds in correct form to the property owners. However, for the latest transaction to meet City Subdivision Regulations and Zoning Ordinance provisions, the City needs to approve the proposed split of Lot 13 as is submitted for consideration. A copy of the survey showing property descriptions is attached.

Staff recommends approval.

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

Commissioner Gustofson asked if the sidewalk for the access easement shouldn't have been included with the sidewalk project. Larry stated that it should've been included with the street project and was missed by Moore Engineering.

Discussion was held regarding the variance request.

Commissioner Smedshammer made a motion to adjourn. Meeting adjourned.