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Larry M. Weil, Planning Director
Steven Zimmer, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
January 10, 2011 at 7:00 P.M.
West Fargo City Hall

Members Present: Frank Lenzmeier
Terry Potter
Jerry Beck
Edward Sheeley
Jason Gustofson
Tom McDougall
Kim Keller

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Dustin Scott, Dusty Reese, Kelly Jaeger, Dan Bueide

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the December 13, 2010 meeting minutes as printed. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-1 Eagle Run 19th Addition, a replat of Lots 1, 2 & 35, Block 1 of Eagle Run 13th Addition and Lot 1, Block 1 of Eagle Run 15th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the south side of 32nd Avenue West, west of 9th Street West. This is a replat of parts of Eagle Run 13th and 15th Additions and will provide public right-of-way for a street (33rd Ave W) to access Aurora Elementary School. The proposed use is consistent with City Plans and Ordinances.

This is a replat of a portion of Eagle Run 13th Addition and a portion of Eagle Run 15th Addition, the plat provides public right-of-way for a street (33rd Ave W) to access Aurora Elementary School. Currently an access easement on Park District property provides access to the school and to the private property to the north. The access easement is viewed as inadequate, so public street right-of-way is being proposed along with street improvements. There has been previous agreement on a land swap between the property owner of Lot 2, the Park District, and the School District to facilitate the city installing a public street.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. A certificate is received showing that taxes are current on the private property (Lot 2).
3. Any necessary easements are placed on the Final Plat.
4. A revised drainage plan is received if necessary and approved by the City Engineer.

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

Commissioner McDougall asked for clarification --- that the park would get trees, school access, City street/maintenance... Steven indicated that the City had been trying to reach an agreement with the School and Park District before regarding the access and plowing and reimbursement for City services. The Park had placed barricades so they didn't have to plow the private drive.

Commissioner Gustofson asked if the street was built to City standards. Dustin Scott stated they intend to do street improvements.

Commissioner Beck asked about the drainage plan. Steven stated that one should be in place from the original subdivision; it just needed to be updated.

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

Chair Lenzmeier opened public hearing A11-2 Conditional Use Permit for Trucking Company at 975 Armour Street NW (Lot 7, Block 1 of Kost 2nd Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located along the east side of Armour Street and north of 8th Avenue NW, is zoned Heavy Commercial/Light Industrial. The applicant proposes developing the property for a trucking facility. Trucking facilities require a conditional use permit in the CM: Heavy Commercial/Light Industrial District. The proposed use is consistent with City Plans and Ordinances.

The applicant submitted site plans showing that the current lot arrangement will not change with the change of use. Access from Armour Street will be the main point of ingress and egress, but the lot has an additional access from the north side. The applicant has indicated that their business is mainly a dispatching business that will rarely have trucks on-site, and few of them when there are trucks on site. The area east of Armour Street is developed primarily with light industrial uses, with only a few undeveloped lots. The area west of Armour Street is developed with single family residential. Screening from the residential development to the west is provided for within the Zoning Ordinance and required depending on the characteristics of the proposed uses. It certainly would be appropriate to limit any outdoor storage activity for the undeveloped property to the rear of the buildings to minimize the visual impact of the residential area.

Property owners within 350 feet and City Departments were notified. We have received multiple phone calls about this application but have not received any negative comments. A fax was received on January 10th from someone who was concerned regarding truck traffic. Steven indicated that the area is already used for truck traffic and staff doesn't feel this use will intensify.

Staff recommends approval.

Steven indicated the applicants were available to answer questions.

There were no comments from the public.

Commissioner Potter asked if this was previously the Dakota Fence site. Steven stated yes.

Commissioner Beck asked for clarification regarding the use. Applicant Dusty Reese stated that it would basically be office and warehousing for the business. They deal with moving agricultural equipment, which can be broken down and stored. This would be a drop and hook site.

Chair Lenzmeier asked what if a full trucking company would want to move into this site in the future. Steven stated that it could be possible; however this site wouldn't be conducive for a large scale trucking company due to limited access and property size.

Commissioner Beck asked about the number of trailers. Mr. Reese stated no more than 5. Someone may leave a truck on site from time to time, but they wouldn't be running, plus they don't have any company trucks.

Steven stated that a condition could be put on the application that if the property is sold to someone else the conditional use permit expires.

Chair Lenzmeier stated that he's not sure that would be the answer, he's just concerned about the residential property owners to the west. He asked about the existing building with the large overhead doors and proposed use. Mr. Reese stated it would

be for office space and warehousing. This would be their home base office.

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

Chair Lenzmeier opened public hearing A11-3 South Pond at the Preserve 2nd Addition, a Replat of Lots 1-5, Block 1 And Lots 1-6, Block 6, South Pond at The Preserve First Addition, City of West Fargo, And a Plat of the E ½ of Section 20, T139N, R49W, City of West Fargo, North Dakota; Rezoning from A: Agricultural to R-1A: Single Family, R-1SM: Mixed One & Two-Family Dwelling, R-2: Limited Multiple Dwellings, C: Light Commercial and PUD: Planned Unit Development and Land Use Plan Amendment from Commercial to Medium Density Residential and High Density Residential.

Steven reviewed the following information from the staff report:

The property is located east of the Sheyenne River on the north side of 32nd Avenue East and west of Veteran's Boulevard. The area was annexed into the City in 2005. In October of 2010 a portion of this area was platted and zoned for low density residential, as well as school and park facilities.

The Developer proposes platting a portion of a larger tract and zoning the parcel to R-1A: Single Family Dwellings, R-1SM: Mixed One & Two-Family Dwelling, R-2: Limited Multiple Dwellings, C: Light Commercial and PUD: Planned Unit Development. The proposed medium and high density residential land use along 9th St E is not consistent with the commercial designation in the City's Land Use Plan, so a Land Use Plan Amendment is also being requested.

The developer has submitted an application, Area Plan and Preliminary Plat. The Developer proposes platting a portion of a larger tract and zoning the parcel to R-1A: Single Family Dwellings, R-1SM: Mixed One & Two-Family Dwelling, R-2: Limited Multiple Dwellings, C: Light Commercial and PUD: Planned Unit Development. The proposed medium and high density residential land use along 9th St E is not consistent with the commercial designation in the City's Land Use Plan, so a Land Use Plan Amendment is also being requested.

Lot 1 of Block 3 is being platted and zoned as a commercial lot for a potential restaurant. Lot 2 of Block 3 is being platted and zoned as a Planned Unit Development for large apartment buildings. Detailed Development Plans must be submitted, reviewed and approved as a PUD Amendment prior to a building permit being approved for construction. The east half of Blocks 2, 4, and 9 are being platted and zoned as R-1SM for a transition between the high density residential and commercial to the east and the low density residential to the west. Lot 12 of Block 9 along 32nd Ave E is being zoned R-2 for a smaller townhouse style development with the possibility for it to be senior housing. The rest of the development will be zone R-1A for larger single family homes.

The plat shows R-O-W widths in the single family blocks as 62 feet; 66 feet for the street between the smaller lot single family and multiple family; and 80 feet for 8th St E for the future commercial to the east. All of these widths are adequate and meet city standards. 26th Ave E is a limited access Collector roadway so any commercial development on Lot 1, Block 3 will be limited in numbers and/or types of access points off of this street.

Park dedication is required with the subdivision plat. The Park District is reviewing the proposed subdivision and will be providing recommendations on whether land dedication or cash-in-lieu of land dedication should be provided. Recommendations should be received prior to City Commission approval. Sewer and water services have not been extended to the property yet. A special improvement district will need to be established to provide for the needed services. All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being recorded. A drainage plan is required for the subdivision which will be reviewed and approved by the City Engineer. A landscape/buffer/berming plan needs to be submitted to address the residential areas along 32nd Avenue East and Veteran's Boulevard. It would be appropriate to address the Veteran's Boulevard area with the Planned Unit Development Detailed Development Plans.

Notices were sent out to City departments neighboring property owners and no comments have been received.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.

2. A certificate is received showing that taxes are current.
3. A drainage and utility plan is received and approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.
5. A final landscaping plan is received.
6. A development improvement agreement is received from the developer covering the necessary improvements.
7. A park dedication agreement is received.

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

Commissioner Gustofson asked how close they can build high density housing to Veteran's Boulevard. Steven stated it has to be 45' from the property line. Larry stated the parking lot could be closer. Steven stated that there's also a power line easement.

Applicant Dan Bueide stated that they're concerned with aesthetics and garages will be built on the west side of the property and they'll require some brick/rock façade on the structures.

Discussion was held regarding zoning and uses.

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

Steven indicated that the earlier meeting with City Commissioners was cancelled due to bad weather in Colorado and will have to be rescheduled. The consultants will arrive later this evening or this morning for the interviews.

Commissioner Sheeley made a motion for adjournment. Meeting adjourned.