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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, 2010 at 7:00 P.M.  
West Fargo City Hall

Members Present: Tom McDougall  
Frank Lenzmeier  
Terry Potter  
Harriet Smedshammer  
Kim Keller  
Edward Sheeley

Members Absent: Jason Gustofson

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Steve Iverson, Don Dabbert, Dan Elton, Jim Bullis, Lisa Olson, Barry Miller, Tim Solberg,

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the December 14, 2009 meeting minutes as printed and mailed. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

The first item on the agenda was Election of Chair and Vice Chair. Commissioner McDougall made a motion to nominate Frank Lenzmeier as Chair. Commissioner Potter seconded the motion. Commissioner Smedshammer made a motion to elect Tom McDougall as Vice Chair. Commissioner Keller seconded the motion. Nominations were closed. The commission then voted for Commissioner Lenzmeier as Chair and Commissioner McDougall as Vice Chair. No opposition. Motion carried.

Chair Lenzmeier indicated item # 3, Public Hearing for A09-42 Burlington 6<sup>th</sup> Addition, a replat of Part of Lot 1 and all of Lots 4 and 6, Block 1 of Burlington Addition; and Part of Lot 5, Block 1 of Burlington Addition (Lot 2, Block 1 of Proposed Burlington 5<sup>th</sup> Addition), City of West Fargo, North Dakota and Land Use Plan Amendment from High Density Residential to Office Park has been delayed.

Steven indicated that there are some issues regarding access that needed to be reviewed. An email was also received from the attorney representing the property owners asking that this be placed on the agenda for the February meeting.

Commissioner Potter made a motion to continue this until the next regularly scheduled meeting. Commissioner Keller seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A10-1 Planned Unit Development Amendment for 619 13<sup>th</sup> Avenue East (Lot 1, Block 1 of KASS 3<sup>rd</sup> Addition), City of West Fargo, North Dakota.

Steven reviewed an updated elevation plan with commissioners. Because the property is located in the CO: Corridor Overlay District, it is subject to greater setback and construction standards than other similarly zoned properties. The elevations show a mix of architectural metal and block which does meet the CO District's 70% non-metal intent to have a higher standard of construction. He indicated that he made an error when reviewing the elevation plans in that the building fronts 3 public streets and therefore, the south side of the structure along 13½ Avenue is also required to have the same type of non-metal exterior.

The proposed use is consistent with City Plans and Ordinances. The City's Land Use Plan depicts the undeveloped property as General Commercial. The property was platted and zoned as a Planned Unit Development for commercial retail and office space in December of 2007.

It is recommended to conditionally approve the application based on consistency with City plans and ordinances. The conditions of approval are as follows:

1. A PUD agreement is received.
2. A construction timeline is submitted outlining construction process.
3. The drainage plan is reviewed by the City Engineer for compliance with original plan approved by City Commission.

Barry Miller, 637 12½ Avenue East, stated that he can see this outside his window is concerned with the type of business possibly being non-profit. He asked if they would be paying property tax. Larry indicated that is not a zoning issue. Mr. Miller stated that more property should not be taken off the tax rolls.

Mr. Miller also stated that 13½ Avenue East is very narrow and is concerned with a commercial business and access along the street, especially with the number of children in the neighborhood from the apartments to the west and twin homes to the south. There are at least 4 school buses serving that area on a daily basis. He also asked about the type of signage and if it would be an animated message board. Steven stated that a monument sign is shown on the plans in the northwest corner of the property, which was approved as part of the original PUD, with a maximum size of 32 ft².

Mr. Miller stated that at the 32<sup>nd</sup> Avenue site in Fargo people drop stuff off outside after hours. He stated concern with residents' view and suggested a 6-8' locked fence. Also, in the summertime the backside of the strip mall/bar to the east looks awful with lawn chairs and garbage and hoped that this area wouldn't look similar.

Mr. Miller stated that his main concern was with traffic, as well as business parking along the street. In the summer with rains, the street tends to flood. He's not against the business, but feels his concerns should be addressed.

Lisa Olson, VP for Dakota Boys Ranch Retail Operations, stated that employee parking will be in the lot. They will have a compactor to deal with the garbage. There are instances of people dropping off items overnight, but it is their priority to take care of it right away the next morning. They want to be good neighbors. Ms. Olson also stated that the thrift store is required to pay property tax.

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

Steven stated that the parking is required to be on-site. They don't allow businesses to use the street for parking. A parking lot with 48 parking spaces is shown on the north and east sides of the building with open space between the parking lots and 13<sup>th</sup> Avenue East and 6<sup>th</sup> Street East. Required parking for the proposed use is 29 spaces. In terms of the road being narrow, it is a public street, which meets City Ordinances in terms of widths. Water/drainage is also required to be handled on-site. A retention area is shown on the west side of the property. Steven stated that this area has been reviewed previously by City Engineering, Public Works, Planning and Zoning and meets City Ordinances.

Commissioner McDougall asked about fencing and screening. Steven stated that the mechanical units and dumpster drop-off area are shown with a 6' fence.

Chair Lenzmeier asked if there are problems with people dropping off items, would it be a hardship to screen. Ms. Olson stated that they'd be willing to work with the City, but people could still drop items off outside the gate.

Commissioner McDougall made a motion to approve the PUD Amendment subject to the 3 conditions listed in the staff report, as well as an additional condition that the architect submit drawings prior to City Commission approval showing that the south side of the building along 13½ Avenue East meets the CO District's 70% non-metal exterior requirement. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was continued Public Hearing A09-43 Rezoning from R-1B: Special Single Family Dwellings to R-1: One & Two Family Dwellings all of Shadow Wood 1<sup>st</sup> and 2<sup>nd</sup> Additions, City of West Fargo, North Dakota.

Larry stated that following the last Planning and Zoning Commission meeting, the developer met with property owners to discuss development plans. It appears concerns of the property owners expressed at the meeting have been addressed.

Larry stated that the developer wishes to exclude three properties from the application's rezoning request. The properties to be

excluded from the application include Lots 20 & 21, Block 2 of Shadow Wood Second Addition and Lot 1, Block 3 of Shadow Wood Second Addition. Lot 21, Block 2 has an existing single family structure which does not meet setback requirements of the existing zoning district or of the application's R-1 request. This property, as well as the other two properties which are vacant will be included in a follow-up rezoning request to Planned Unit Development (PUD). The PUD will provide for remedies to the single family property issue and will provide for a development plan for the two larger vacant properties.

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

Applicant Don Dabbert Jr. stated that they will submit a request for the Planned Unit Development at the next meeting.

Commissioner McDougall made a motion to approve the rezoning based on staff recommendations. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans for Eaglewood 1<sup>st</sup> Addition.

Steven stated that since the Planning and Zoning Commission meeting the developer has submitted Detailed Development which includes a typical lot layout, setback standards, building location standards and lot coverages. He indicated the developer proposes staggering the front yard setback, alternating between 20' and 25' to avoid a row house look. Staff has reviewed the plans as submitted and does not see any major issues. It is recommended to approve the proposed Detailed Development Plans based on the application being consistent with City plans and ordinances.

Applicant Steve Iverson stated that this is market driven, none of the lots have been pre-sold, so there needs to be some flexibility as things progress. He referred to a similar Adams development along 50<sup>th</sup> Avenue South in Fargo.

Commissioner Keller expressed concern with not knowing whether it will be twin homes or single family. All too many times commissioners hear "my realtor never told me..." Discussion was held regarding working with the developer and builders to insure development in an orderly fashion.

Mr. Iverson stated that the Adams Development in Osgood has been very successful. It is entry level housing. He asked if commissioners would prefer a new zoning designation instead, similar to the SR-4 in Fargo which allows either the twin or cottage style.

Larry stated that the developer is marketing to builders and it is important to know the intent and to develop in an orderly fashion. Steven stated that the building department needs to get on board as typically planning staff doesn't review single family building permits.

Commissioner Keller made a motion to approve the Detailed Development Plans based on staff recommendations. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

The next item on the agenda was Extraterritorial (E.T.) Expansion Discussion.

Larry stated that a number of changes were made to the extraterritorial city zoning and subdivision statutes by the North Dakota Legislature in 2009. To discuss these changes and to coordinate City, County and Township administration of affected areas, the City would like to host a meeting at the City Hall Commission Chambers on January 25<sup>th</sup>. We had hoped to facilitate the meeting last fall, however given the weather and late harvest circumstances we delayed the meeting until the now.

Staff would also like to discuss areas which are to be considered for extraterritorial extension. Areas would include Sections 35 and 36 in Mapleton Township and parts of Sections 1 and 2 in Warren Township.

Under non-agenda, Steven stated that the North Dakota Planning Association meeting will be held on October 6-8 at the Canad Inn in Grand Forks.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.