



West Fargo Planning and Zoning Commission  
February 8, 2010 at 7:00 P.M.  
West Fargo City Hall

Members Present: Tom McDougall  
Frank Lenzmeier  
Harriet Smedshammer  
Edward Sheeley  
Jason Gustofson

Members Absent: Kim Keller, Terry Potter

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Mike Thorstad, Vic Nordstrom, Amy Anderson

The meeting was called to order by Chair Lenzmeier.

Commissioner McDougall made a motion to approve the January 11, 2010 meeting minutes as printed and mailed. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A09-42 Burlington 6<sup>th</sup> Addition, a replat of Part of Lot 1, all of Lots 4 and 6, Block 1 of Burlington Addition and Lot 2, Block 1 of Burlington 5<sup>th</sup> Addition, City of West Fargo, North Dakota and Land Use Plan Amendment from High Density Residential to Office Park.

Larry reviewed the following information from the staff report:

The property, which is vacant, is south of 19<sup>th</sup> Avenue East, east of 9<sup>th</sup> Street East and west of Burlington Drive. The area to the east is developed with apartment buildings. The Burlington Addition was platted in June of 2000 for a mixed use development including commercial, luxury townhouse apartments, apartments, townhouse condominiums and single family. The lot which was planned for commercial development and three of the lots planned for luxury townhouse apartments have not been developed and were sold to another party. A portion of the vacant property is proposed for sale to FM Ambulance. The proposed lot arrangement and use requires changes to the Land Use Plan providing for additional area designated for Office Park.

The applicant submitted an application with Area Plan and Preliminary Plat for consideration. The Area Plan shows the development in the area. Interstate 94 is located to the south and multiple family uses are developed to the north and east of the subdivision. North of 19<sup>th</sup> Avenue East is single family development. Northwest of the subdivision is a middle school, and to the west is unplatted vacant property which has a Future Land Use Plan designation of Office Park.

The Preliminary Plat shows four lots within the subdivision. The subdivision is bordered by an off ramp from Interstate 94 to the south, 9<sup>th</sup> Street East to the west and 19<sup>th</sup> Avenue East to the north. No access is permitted from I-94 or to 9<sup>th</sup> Street East. Limited access is permitted from 19<sup>th</sup> Avenue East. Lots 1 and 2 are proposed for light commercial development, Lot 3 is proposed to be sold to FM Ambulance and Lot 4 is proposed for multiple family residential use. Lot 1 and the greater part of Lot 2 are currently designated for Office Park use on the City's Land Use Plan, while the balance of the property is designated for High Density Residential. The intended Land Use designation for the proposed subdivision would reflect all of Lot 2 and Lot 3 as Office Park.

Access for the lots is intended to be via private access easements rather than direct access to public streets. An access easement extends south from 19<sup>th</sup> Avenue East to provide access to Lots 2, 3 and 4. Currently the access easement is shown as being 20' in width which does not meet the minimum standard for commercial uses. The access easement should be increased to a

minimum of 40' to accommodate two driving lanes and separated sidewalk for pedestrians. The 40' access easement should be extended to Lot 4. The north-south access easement could be widened onto Lots 2 and 3, Block 1 of Burlington Addition if the owners of those properties are agreeable. Currently access to the area is not located on the access easement which is shown on the original subdivision or on the proposed replat, but rather a private driveway extends across the west side of Lots 2 and 3, Block 1 of Burlington Addition. Two side by side accesses to 19<sup>th</sup> Avenue East were not approved originally and should not be allowed. Access to and configuration of the access easement within at least 50' of 19<sup>th</sup> Avenue East should be controlled by the City and so noted on the plat. It would be appropriate that as part of the subdivision improvement agreement that access easement(s), development of the private roads and maintenance standards be established to ensure the proper installation and long-term maintenance. This is particularly important as it is likely there will be multiple property owners.

The applicant has inquired about the possibility of providing another access to 19<sup>th</sup> Avenue East for Lot 1. Consideration for this access should only be given once a traffic impact study is completed and study recommendations are approved by the Planning and Zoning Commission and City Commission, so that traffic operations for 9<sup>th</sup> Street East and 19<sup>th</sup> Avenue East are not negatively affected.

Typically landscape and berming/buffering plans are addressed during the subdivision process. As landscape and berming/buffering plans were approved with the original PUD, any changes will be reviewed at the time the PUD amendments are submitted for review and consideration.

Notices and maps were sent out to Post Office, utility companies and City Departments. It was noted by the Police Department that FM Ambulance and other properties would be serviced by private drives and the need to reduce traffic conflicts. It was also questioned whether 19<sup>th</sup> Avenue is part of a snow emergency route.

It is recommended that the subdivision be conditionally approved on the basis of its consistency with City plans and ordinances. The conditions of approval would include the following:

1. Development plans are reviewed and considered according to the PUD amendment procedures and include necessary landscaping and berming/buffering.
2. A certificate is received showing taxes are current.
3. A Final Plat is received with any necessary easements.
4. A subdivision agreement is received addressing access easements, installation of private roads and maintenance standards.
5. Additional access to 19<sup>th</sup> Avenue East will only be considered following a traffic impact study.

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

Commissioner McDougall indicated that it would have been nice to have someone from FM Ambulance at the meeting to discuss access issues. Steven and Brock reviewed the existing access and increasing the roadway width. Discussion was held regarding the traffic model for additional access, which looked at future development at the highest use and the type of traffic it would generate. The study indicated access would be right-in/right-out with median and stop lights needed at the intersection.

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

Chair Lenzmeier opened public hearing A10-2 Conditional Use Permit for conversion of existing sunflower and canola seed cleaning and bagging facility to a soybean cleaning and conditioning facility and facility expansion at 304 Center Street (Lot 1, Block 1 of Interstate Seed First Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The seed plant is located on Center Street between the Burlington Northern Railroad and the Sheyenne River. The facility has been in place for many years. The property was platted in 1998. The applicant proposes to convert the sunflower seed facility to a soybean conditioning facility for seed while maintaining the canola cleaning and treating facilities and expansion of the facility. The seed plant is considered a conditional use in the CM: Heavy Commercial/Light Industrial District of the West Fargo Zoning Ordinance. Any expansion of plant facilities requires a conditional use permit.

The applicant submitted an application with information discussing the rationale for the facility conversion and expansion. The facility will be used for soybean production in addition to treating canola seed. The company's sunflower business has been sold and an existing sunflower conditioning tower is to be remodeled and used as a treatment tower for soybean and canola. A new conditioning tower for soybeans is to be constructed west of the existing sunflower tower with receiving, bulk storage, true bulk storage and true bulk load-out. All new construction and the existing converted conditioning tower are to be integrated and become one building. It is also proposed to continue treatment application and packaging of canola.

The applicant mentioned that additional property was purchased from the railroad recently. It would be appropriate for the applicant to submit an application for subdivision of the new property, or to plat the new property together with the property encompassing Interstate Seed First Addition. The applicant has indicated that as part of the project, an extensive dust collection system will be installed to remove dust from the seed being cleaned, which will be a significant improvement over existing facility equipment. The applicant has indicated that the equipment for the new facility will be located inside the facility which will significantly reduce exterior noise that takes place currently from the existing outdoor equipment.

The facility conversion and expansion will result in additional truck traffic. The staff report indicated the new plant is expected to generate 200 trucks per day during the peak hauling season; however, the new plant is expected to generate 45-50 trucks per day during the peak hauling season. Currently there are 15-20 trucks per day during the peak hauling season. Trucks will be scheduled so they do not arrive at the same time. It is encouraged that trucks utilize 12<sup>th</sup> Avenue North and Center Street as much as possible to access the site rather than Main Avenue and Center Street, because of the residential uses on Center Street.

Ingress and egress to the property for vehicles are from Center Street. There are two accesses onto Center Street. The applicant plans to install an additional drive on the south side of the facility to facilitate truck access to unloading facilities for unclean seed and for loading of bulk seed. After unloading or loading of trucks, the trucks will turn around and exit via the new drive. Turning areas of the drive will be constructed in concrete and the rest of the drive will be constructed with asphalt.

Off-street parking and loading for the facility are provided on the property without affecting ingress and egress. The proposed addition will not create a greater need for off-street parking spaces. There will be more truck traffic associated with the plant conversion and expansion, however, trucks are scheduled so they do not all arrive at the same time. The economic, noise, glare or odor effects of the proposed conditional use on adjoining properties and properties in generally in the district do not appear to be a problem. The applicant is installing an extensive dust collection system to remove dust from the seed and keep dust contained. The facility equipment which generates noise will be housed within the facility which will improve conditions associated with the existing facility. Noise and dust associated with the increase in truck traffic should be mitigated by improving the drives with asphalt or concrete surfacing.

The applicant has conducted soil testing and found that significant excavation is needed prior to construction of the new facility. The City is sensitive to the instability of soils close to the Sheyenne River. The applicant proposes to construct new facilities which will be located more than 100' from the riverbank.

Notices were sent out to City departments, Southeast Cass Water Resource District, utility companies, and property owners within 350' of the site. We have been contacted by two property owners who voiced concerns with noise and dust associated with the facility. We also received communication from Qwest who would like to see their aerial line shown on the plans. Monsanto has indicated that they are working on plans to document changes and additions to easements.

It is recommended to conditionally approve the application on the basis that it is consistent with City plans and ordinances. The conditions of approval include the following:

1. The applicant takes adequate steps to control dust associated with seed cleaning and truck traffic including asphalt or concrete drives.
2. The additional property purchased by the applicant is platted and preferably incorporated with the currently platted property.

Vic Nordstrom, Monsanto, stated that the turnaround areas will be concrete and the straight areas of driveway will be asphalt. The dust system is similar to their other plants. He indicated this facility will have minimal noise and trucks will be scheduled.

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

Chair Lenzmeier asked about capacity currently vs. the addition. Mr. Nordstrom indicated 15-20 trucks, with 45-50 during peak season.

Chair Lenzmeier asked about this no longer being a sunflower facility. Mr. Nordstrom stated that Monsanto has sold off the sunflower portion of the business.

Chair Lenzmeier asked about the overhead lines. Larry stated that it was a reference to power poles for aerial phone lines.

Commissioner Sheeley asked about the traffic and the reference in the staff report to 200 trucks. Mr. Nordstrom stated that the facility is designed to handle one semi load per hour, so 24 trucks in and out.

Chair Lenzmeier asked about the area being purchased, which Steven pointed out on the site plan.

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

Mr. Nordstrom asked if platting will delay the start of their project. Larry indicated it would not.

Chair Lenzmeier opened public hearing A10-3 Zoning Ordinance Amendment to provide for Veterinary Clinics with Indoor Overnight Facilities as Conditionally Permitted Uses in the C: Light Commercial Zoning District.

Steven reviewed the following information from the staff report:

The applicant intends to purchase a property which is zoned Light Commercial and would like to construct a new veterinary clinic facility. The applicant would like overnight facilities as they accommodate overnight boarding associated with the pound. Currently the Light Commercial District allows "veterinary clinics without overnight facilities", whereas the Heavy Commercial/Light Industrial District provides for "veterinary clinics with overnight boarding facilities." The applicant has requested that the City amend the Light Commercial District to allow "veterinary clinics with indoor overnight facilities" as a conditional use.

The zoning districts refer to overnight facilities as the determining factor where veterinary clinics are allowed. It seems as though indoor facilities as opposed to outdoor facilities or whether facilities are for smaller animals or for livestock which would utilize trucks and trailers would be a larger issue. This would especially be the case in the Light Commercial District. If animals are housed inside, the likelihood of impacts to neighboring properties is much diminished.

The proposed amendment would allow for public comment and City review and consideration for applications where veterinary clinics have indoor overnight facilities. If there were concerns from neighboring property owners, the City would have basis for denying the request.

The applicant has not included development plans for the clinic as final plans have not been prepared. The intent is to submit an application for a conditional use permit within the next year or so; however, as a condition of sale the applicant wants to know if the City would consider allowing the proposed veterinary clinic in the Light Commercial District, hence the zoning ordinance amendment application.

It is recommended by the staff that the proposed zoning ordinance amendment be approved, as the request appears to be reasonable and within the parameters of the Statement of Intent of the Light Commercial District. The City would still have the opportunity to review the actual plans when completed, and the neighboring property owners would have the opportunity to comment.

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

Commissioner Sheeley made a motion for approval. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Applicant Amy Anderson stated that she thought they were grandfathered in. Larry stated that the current zoning provision has been in place since 1986. Currently overnight facilities are not allowed in that zoning district; however, he's not aware of a

single complaint.

Ms. Anderson stated that they need more space. Their goal is to make their business better. Commissioner Smedshammer asked if they're looking at a different location. Ms. Anderson stated to the north and east of their current site --- 816 Meyer Boulevard.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.