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Larry M. Weil, Planning Director
Steven Zimmer, Senior Planner

West Fargo Planning and Zoning Commission
February 9, 2009 at 7:00 P.M.
West Fargo City Hall

Members Present: Harriet Smedshammer
Wayne Nelson
Frank Lenzmeier
Tom McDougall
Kim Keller

Members Absent: Terry Potter, Jason Gustofson

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Brock Storrusten, Benny Polacca, Howard Johnson, Mike Jesser, Scott Kruse

The meeting was called to order by Chair Lenzmeier.

Commissioner Smedshammer made a motion to approve the January 12, 2009 meeting minutes as printed and mailed. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A09-1 Rommesmo Addition, a subdivision of parcels in the NE¼ of Section 9, T139N, R49W, City of West Fargo, North Dakota; Zoning Ordinance Amendment providing for religious institutions as conditionally permitted uses in the CM Zoning District; and a Conditional Use Permit for a Church.

Steven reviewed the following information from the staff report:

The property is located on the south side of East Main Avenue, east of 17th Street East. Applicant wishes to amend the zoning ordinance to allow religious institutions as a conditional use in the CM District. Churches are a permitted use in all residential zoning districts as well as in C: Light Commercial. They also wish to subdivide the property into two lots to allow for the sale of one for a church.

Steven stated that the proposed use is consistent with City Plans and Ordinances, provided the Planning and Zoning Commission felt that the zoning ordinance amendment was appropriate.

The applicant proposes to amend the current zoning ordinance to include religious institutions as a conditional use in the CM District. The property would be subdivided into two lots, which would be Lots 1 & 2 of the Rommesmo Addition. Both lots would be 95,994 ft² in area.

There is currently only one access for the property and as it is proposed to be subdivided would be on Lot 2. The access needs to be moved so it is centered between Lots 1 & 2, and an access easement must be shown on the final plat. Staff has contacted the NDDOT for their opinion on where the access should be and if they will be satisfied with the placement if the access is centered between the lots. An access off of 17th Street is being explored and would require an access/cross access easement to allow access across Lot 1. This option could only be finalized when the alignment of 17th Street is decided with the final design of Segment 2 of the Main Avenue Project. Currently a pipeline easement extends through the property.

A copy of the current drainage plan is required for the subdivision. Storm water retention requirements for the subdivision area are included within the regional storm retention.

Park dedication is not required for the development.

A diagram of the parking lot must be submitted to the planning department. The parking lot must be striped. The property is located within the CO-R: Corridor Redevelopment District and all requirements of CO-R District must be met.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Cass County Planning, Post Office, SE Cass Water Resource District, and utility companies and we have not received any comments. Comments were received from utility companies indicating that the utility easement along Main Avenue needs to be shown on the plat. Also, Qwest indicated that there is an aerial line across this property.

A phone call was received from a property owner with questions as to whether or not a church was an appropriate use for the property, as the caller didn't want it to detract from the light industrial uses in the area or his business.

Staff recommends approval with the following conditions:

1. A certificate of taxes showing taxes being current is received.
2. An Attorney Title Opinion is received.
3. A copy of the Drainage Plan is received and reviewed by the City Engineer.
4. A Final Plat is received with any necessary utility easements.
5. Access Easement(s) be placed on the final plat showing access for both properties.
6. A Subdivision Improvement Agreement is received.

Howard Johnson, Jemco Electric, stated he was the individual who'd called regarding the pros and cons about a church. It's nice to see that they'll have a good neighbor, though would prefer a light industrial use. He asked about taxes – he assumed being a church they were tax exempt, but wondered about special assessments for Main Avenue and the holding ponds to the south.

Steven stated that anything assessed to the property will stay with the property and whether those would be paid off by the current owner is a matter between the buyer and seller.

Mr. Johnson reviewed the aerial photo and pointed out the shared sanitary sewer line.

Discussion was held regarding the access. Mike Jesser, Rommesmo Properties stated that they would like to have access between the buildings at some point.

Commissioner Nelson asked about the downside to allowing a church. Larry stated that from a land use plan standpoint he really didn't see a problem. He had initial concerns with it being proposed as a permitted use in the CM District as there may be some areas where a church might not be a good fit because of more intensive uses nearby; however, it's not a concern with this location.

Commissioner McDougall asked about the possibility of someone developing the property to the west with something that could cause issues with the church in the future.

Mr. Johnson stated that a church would be a nice asset to West Fargo and indicated there's another one in the area (Meadowridge Bible Chapel) along 2nd Avenue, to the east that has been there for 20 years and is looking at building an addition.

Pastor Scott Kruse, stated that they understand it's a light industrial area and don't see an issue. They have no immediate plans to add onto the building – they have 200 members and 300-400 would max out the property.

Chair Lenzmeier asked about the building to the south. Pastor Kruse stated that they'd probably just use it for parking church vans. They have no solid plans; it's just a cold storage building.

Commissioner McDougall stated that by looking at the site plan, it appears there are buildings on the pipeline easement. Mr. Johnson stated that the easement hadn't been recorded at the time Mr. Rommesmo constructed the buildings.

Commissioner Smedshammer asked where they were currently located. Pastor Kruse stated along 3rd Avenue North in Fargo in the Tupperware building.

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

Chair Lenzmeier asked Pastor Kruse and Mr. Jessor if they understood about the CM District and possible uses. Both indicated they did.

Commissioner Keller asked if future improvements to the buildings would be required. Larry stated that under the Corridor Overlay District, there would be higher building construction standards required with any additions or new construction to the property.

Commissioner McDougall made a motion to amend the Zoning Ordinance to allow churches/religious institutions as conditionally permitted uses in the CM District. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Commissioner Keller made a motion to approve the conditional use permit for a church on proposed Lot 2, Block 1 of Rommesmo 1st Addition. Commissioner Smedshammer seconded the motion. No opposition. Motion carried.

Commissioner McDougal made a motion to approve the Rommesmo 1st Addition Plat. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Larry stated that this will move onto the City Commission with a future hearing on the zoning ordinance amendment, two readings on the ordinance. The conditional use permit and Final Plat would be approved with the final reading on the amendment.

Under Non-agenda, Larry reviewed Legislative Bills.

The first bill he reviewed was Senate Bill 2027, regarding extraterritorial zoning jurisdiction. It looks at changes to joint jurisdictions in part of an ET area. He stated that this is still in committee. There have been a number of amendments, clarifications regarding reviews and indicated there is some concern with extended reviews due to the number of different jurisdictions.

House Bill 1554 proposes changing the extraterritorial limits to ½ mile for all jurisdictions with rules governing the area being the underlying jurisdiction (county, township...). There are concerns with the ability to provide for findings of fact within another jurisdiction.

Another house bill HB 1522 intends to eliminate reference to planning or comprehensive planning in several statutes. The planning process and development of plans is one of the most public participation oriented processes in government and Citizen involvement needs to be encouraged.

Chair Lenzmeier stated that he went to Bismarck and listened to testimony from townships and counties regarding the senate bill and realized that not all communities are like West Fargo. He stated that he felt good about West Fargo being a good neighbor in working with the county and townships on planning issues. He also stated that both Larry and Steven gave excellent testimony.

Also under non-agenda, Larry stated that the NDPA is working on having some have some half day training sessions.

Commissioner Nelson made a motion to adjourn. Meeting adjourned.