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

West Fargo Planning and Zoning Commission  
June 14, 2010 at 7:00 P.M.  
West Fargo City Hall

Members Present: Tom McDougall  
Frank Lenzmeier  
Terry Potter  
Kim Keller

Members Absent: Harriet Smedshammer, Jason Gustofson, Edward Sheeley

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Mike Thorstad, Rush Waite, Steve Iverson, Dustin Jung

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the May 10, 2010 meeting minutes as printed and mailed. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A10-16 Conditional Use Permit for an oversized accessory building at 2919 5<sup>th</sup> Street NW, West Fargo, ND (Lot 9, Block 1 of Selberg's 3<sup>rd</sup> Subdivision, Cass County, North Dakota).

Steven reviewed the following information from the staff report:

The property is located in Selberg's 3<sup>rd</sup> Subdivision which is within the city's extraterritorial jurisdiction. The property is on the southeast corner of the intersection of 5<sup>th</sup> St NW and 30<sup>th</sup> Ave NW, which is south of township road 32<sup>nd</sup> Ave NW. The property is zoned R-1E: Rural Estate District and requires a conditional use permit to construct an accessory building larger than 1000 ft<sup>2</sup>. The proposed use is consistent with City Plans and Ordinances.

The applicant submitted a site plan and is proposing a 40' x 30' (1,200 ft<sup>2</sup>) detached garage. The wall height would be 12' with a 5/12 roof pitch. The plan also shows an 8' lean-to structure off of the west side of the building. According to the site plan, the proposed accessory building meets setback requirements.

Accessory structures over 1000 ft<sup>2</sup> have been conditionally approved in the past for rural subdivisions provided they are in character with the development pattern of the subdivision. The applicant has submitted elevations with his application that do not show the exterior finish, but do note that the siding and shingles will match the existing home.

Notices were sent to property owners within 350' review and no comments have been received.

It is recommended to conditionally approve the application on the basis the request is consistent with City plans and ordinances and is in character with the development in the area. The condition for approval is that the applicant complies with the City's flood plain standards.

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

Applicant Rush Waite indicated he planned to use the building for cold storage – boats and trailers.

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

Chair Lenzmeier opened public hearing A10-17 Conditional Use Permit for an oversized accessory building at 756 45<sup>th</sup> Avenue West (Lot 2, Block 2 of Nelson Acres 2<sup>nd</sup> Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on the north side of 45th Ave W, between 4<sup>th</sup> Street W and 9<sup>th</sup> Street W. The applicant is proposing to construct a detached accessory building larger than 1,600 ft<sup>2</sup>, which requires a conditional use permit.

The property is located in the Nelson Acres development which was platted into 4 to 5 acre lots and intended for rural residential use. The applicant has submitted an application and site plan for a 40' x 90' building (3,600 ft<sup>2</sup>). The building must not be taller than 35' in height. Oversized accessory buildings have been approved as a CUP within the Nelson Acres subdivisions. In 2004 the City received an application for a 9,600 ft<sup>2</sup> building which was scrutinized as not being in character with the development. The applicant revised the request to a 4,800 ft<sup>2</sup> structure which was approved. Other buildings have been held to the same standard. Staff believes that this size precedent should be considered in this instance as well.

The applicant is applying for a conditional use permit to build an accessory building on a lot in which there is no permanent residence. The city does not allow accessory buildings on residential lots without a residential structure. We have allowed an accessory building to be built with the requirement that the primary residential structure be permitted concurrently with construction required to be started this year. Staff believes that this requirement must be followed in this situation as well. The applicant has been informed of this and believes it is reasonable.

Notices were sent to adjacent property owners within 350' for review and a call was received from an area resident who had questions in terms of when the primary structure would be constructed.

It is recommended to conditionally approve the application on the basis the request is consistent with City plans and ordinances and is in character with the development in the area. The conditions for approval are as follows:

1. A site plan showing setbacks be submitted.
2. Building elevations plans are submitted.
3. Building permit for residential structure be approved at the time, or prior to, a permit for accessory building is approved.

Steven indicated that site and elevation plans were submitted showing the accessory building 180' from the rear yard and 120' from the side yard, which well exceeds setback requirements. The sidewalls as being 14' in height. Horizontal siding would be used to match the character of the proposed single family structure.

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

Builder Dustin Jung stated that the exterior of the building would be brick with steel siding, and asphalt shingles to match the house.

Commissioner McDougall asked if the owner agreed with the conditions. Mr. Jung stated yes. Commissioner Keller made a motion for approval based on staff recommendations. Commissioner Otter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A10-18 Eaglewood 2<sup>nd</sup> Addition, a subdivision and Rezoning from A: Agricultural to PUD: Planned Unit Development of parcels in the SW<sup>1</sup>/<sub>4</sub> of Section 19, T130N, R49W, City of West Fargo, North Dakota, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located north of the Eagle Run development, west of Sheyenne Street and north of 32<sup>nd</sup> Avenue West. The property is currently farmed, but would be developed as an extension of Eaglewood First Addition. The applicant proposes to develop the property with single family dwellings. The proposed uses are consistent with City Plans and Ordinances.

The applicant has recently purchased the property and proposes a residential subdivision with urban infrastructure improvements. Earlier this year Eaglewood 1<sup>st</sup> Addition was approved by the City. With the amount of interest in smaller

affordable housing lots, the developer would like to add additional lots for development. The developer has submitted an Area Plan and Plat which shows the proposed subdivision and future development of the property to north and east.

The Land Use Plan depicts the area developing with Low Density Residential. The proposed mix of land uses as shown in the area plan includes single family dwellings west of 9<sup>th</sup> Street West and park/retention facilities, which are consistent with the plan. It appears that the area plan shows some multiple family east of 9<sup>th</sup> Street West which would not be consistent with the Land Use Plan except for the area along Sheyenne Street where Medium Density Residential is depicted.

The Preliminary Plat shows the east half of the area as small single family and/or twin home lots ranging from 37.5 - 48.8' in width. The west half of the area shows larger single family lots ranging from 65 – 120' in width at the building line. The zoning requested for the development is PUD: Planned Unit Development with the intent to develop the east half of the subdivision with smaller lots similarly to those in Eaglewood 1<sup>st</sup> Addition (either detached or attached single family structures). The proposed structures that are proposed for the lots are stand alone single family units that are characterized as “cottage style” single family. It is an alternative to twin home units.

The developer did not request a different zoning for the lots to the west, which are larger lots and could be developed under the R-1A: Single Family Dwelling District similar to the Eaglewood 1<sup>st</sup> Addition. The applicant has also requested a Zoning Ordinance Amendment which would establish a zoning district for single family detached and attached structures with front loaded garages on lots less than 50' in width. The proposed district would be similar to the SR-4 District in Fargo, and would allow the development of single family or twin homes on 34-foot lots.

Staff believes that the PUD District should be utilized for unique developments, and that if there is a market need for a greater number of smaller affordable lots, it would be more appropriate to seriously consider creating a new district which would meet this need while serving the best interest of the community. It would seem that having a large number of real small lots within one development may lead to some undesired development patterns. The staff is proposing a district which would call for a mix in lot sizes which would intend to provide for modest and medium sized lots, thereby providing for a mix in housing sizes and styles, as well as home values. A mix in lot sizes would also hopefully provide more space for parking in the street. If the new district is established, the intent would be to revise the Preliminary Plat to accommodate that zoning and change the zoning request at the City Commission level.

Adequate street right-of-way is shown for all the local streets within the subdivision. The Collector Street, 9<sup>th</sup> Street West, shows 50 additional feet for a total of 100' of right-of-way. It is proposed that a separated pedestrian/bikeway would continue north on 9<sup>th</sup> Street West similar to the facility from 32<sup>nd</sup> Avenue West to the south side of Westport Beach and Nelson Acres. It is intended that for the future there would be connecting links to the Sheyenne Diversion, and at the Section Quarter Line of Section 19 a connecting link east to Sheyenne Street.

The Park District is reviewing the proposed park dedication for the Eaglewood development encompassed within the Area Plan. Once the City receives communication from the Park District, and the park is shown on the Area Plan, we will develop a park dedication agreement.

Notices and maps were sent to area property owners, Park District, Post Office, City departments and utility companies. The Post Office has indicated that a plan for cluster boxes needs to be developed for the subdivision and approved by them. The Police Department has concerns that adequate on street parking will not be available in the higher density area and believes that a mix of larger lots with the smaller lots would allow for on street parking and improve appearance.

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

1. Should the proposed Zoning Ordinance amendment for the R-ISM: Mixed One and Two-Family Dwelling District be approved, the Preliminary Plat lots would be redesigned to meet the new zoning district standards.
2. Should the proposed Zoning Ordinance amendment for the R-ISM District not be approved, the developer would submit Detailed Development Plans showing elevations, floor plans and setbacks of properties as would be built under the PUD District, as well as other Plan requirements.
3. The lots west of 10<sup>th</sup> Street West on the Preliminary Plat are zoned to R-1A with any necessary lot adjustments.
4. An Attorney Title Opinion is received.
5. A drainage plan is received and approved by the City Engineer.

6. Any necessary easements are placed on the Final Plat.
7. A certificate is received showing taxes are current.
8. A park dedication agreement is received and the Area Plan revised to show the park facilities.
9. Restrictive covenants for the development are received for filing with the plat if proposed.
10. A subdivision improvement agreement is received.
11. The Developer is responsible for submitting a cluster box location plan to the Post Office for approval and assuming the costs for the boxes and installation costs.

Steve Iverson, Westwood Development LLC, described similar developments recently approved in the metro area – Brandt Crossing and Deer Creek. He indicated he was available to answer questions. In terms of park dedication they're proposing 3.25 acres of land with the remainder being cash-in-lieu.

There were no public comments. The hearing was closed.

Chair Lenzmeier indicated that Commissioner Potter had a conflict of interest and would therefore not enter into discussion or vote on this item.

Commissioner McDougall asked for clarification regarding item #1 and changes to the lot sizes. Chair Lenzmeier asked how the lots would vary.

Larry stated that with the hearing following this one, there will be review of a proposed new zoning ordinance, R-1SM with a minimum lot width of 36', which isn't as narrow as those in Fargo's SR-4 District. In terms of varying the lot sizes, lots on each block shall vary in width with no more than 30 percent of the lots and with no more than two lots side by side between the widths of 36-40'. At least 10 percent of the lots on each block shall be between 50 or greater feet in width.

Larry stated that if the proposed zoning ordinance amendment is not approved, then the zoning would be Planned Unit Development.

Discussion was held regarding other developments in Fargo with smaller lot sizes. It was indicated that in those developments, roads were narrower. West Fargo would require standard street widths.

Commissioner Keller made a motion for approval based on the 11 conditions listed in the staff report. Commissioner McDougall seconded them motion. Commissioners Keller, Lenzmeier and McDougall voted in favor of the request. Commissioner Potter abstained from voting. Motion carried.

Chair Lenzmeier opened public hearing A10-19 Zoning Ordinance Amendment to establish a new residential district which provides for single family detached and attached structures with front loaded garages on lots less than fifty (50) feet in width.

Larry reviewed the following information from the staff report:

The developer is requesting that the City consider establishing a zoning district similar to the SR-4 District in Fargo. The proposed dimensional standards of the SR-4 District which are attached include the following: Minimum lot area – 3,600 ft<sup>2</sup>; minimum lot width – 34'; minimum front yard setback – 15' from residential structure or 20' from garage; minimum interior side yard setback – 4' and minimum street side yard setback – 10'; minimum rear yard setback – 15'; maximum building coverage – 45% of lot area; maximum height – 35'.

There has been a recognized need for affordable housing in the metropolitan area for several years with the need continuing to grow. Also, costs for the installation of infrastructure, i.e. sewer, water, storm sewer/storm water retention, streets, sidewalks and street lighting, have continued to increase which has resulted in developers and cities looking at ways to lessen the burden of these development costs on homeowners. The City has lowered local street right-of-way and pavement width standards and has also developed the "R-1S" District which provides for smaller lots, but requires that garages be accessed via alleys. Recently the City approved a PUD for Eaglewood 1<sup>st</sup> Addition to accommodate smaller lots with front loaded garages which the existing ordinance districts do not allow. There has been a market for smaller lots in the metropolitan area, and the lots just platted with the Eaglewood 1<sup>st</sup> Addition have had much interest. If there is a demonstrated need for smaller affordable housing lots in the community, then the staff believes that we should provide for these kinds of lots in a manner which best serves the community interest both now and in the long term.

After reviewing the City Comprehensive Plan goals and policies, requested standards, and information from a collaborative project between the Greater Minnesota Housing Fund Team and Cermak Rhoades Architects Team entitled "Building Better Neighborhoods: Creating Affordable Homes and Livable Communities", the staff has developed a proposed ordinance with a little different approach. Concerns are continually raised with twin home developments and were also raised with the small lot PUD development within the Eaglewood First Addition. Lots are developed with similar housing design and are too small to accommodate changes in design either now or in the future. Also, concerns have been raised with providing on-street parking and room for placement of utilities and pedestrian corridors in longer blocks.

The staff would like to encourage the development of compact medium density neighborhoods, which promote single family ownership of modest-sized lots to reduce the initial and long term costs of land and infrastructure. Furthermore, we would encourage more options for diverse single family housing styles and price ranges (modest to medium-priced homes) which promote mixed-income neighborhoods. By varying lot sizes, some medium sized homes can be constructed while providing more green space in the front yard. In addition there may be more room for future additions to the home. Also, there would be more space intermittently in the street to better accommodate on-street parking. The proposed district provides the opportunity to develop strong, sustainable neighborhoods by providing needed starter homes at a reasonable cost and at the same time strengthening the residents' quality of life by building attractive, livable neighborhoods.

It is recommended by the staff that the proposed "R-1SM: Mixed One and Two-Family Dwelling District" be approved as it provides for more diversity in lot sizes which potentially will equate to a mix in sizes of homes. The objective is to develop sustainable neighborhoods by providing needed starter homes at a reasonable cost and at the same time strengthening the residents' quality of life by building attractive, livable neighborhoods.

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

Chair Lenzmeier stated that Commissioner Potter would also abstain from discussion and voting on this item.

Commissioner McDougall stated that the Planning and Zoning Commission has discussed forward, long term planning in terms of walkable, sustainable communities; however, this is an area without proximity to amenities. He also stated concern with 2-3 vehicles for each home and difficulties with parking and snow removal. He asked why they continue to develop such a distance from commercial areas.

Larry stated that when one looks at major metropolitan areas, commercial service areas tend to be a mile or two away. He indicated this area is within half a mile of commercial with Eagle Run Plaza and proposed commercial areas along 32<sup>nd</sup> Avenue, proximity to the interstate... He stated that there will also be a bikeway connection along 9<sup>th</sup> Street West, with eventual access to proposed Sheyenne Street and Sheyenne Diversion facilities.

Discussion was held regarding density, providing alternative housing styles instead of twin homes and apartments.

Larry indicated that the zoning ordinance will be citywide and not just for the Eaglewood development.

Commissioner Keller asked about the requirement that 10% of the lots were required to be 50' or more in width. She asked about increasing it to 20%.

Chair Lenzmeier asked if the front yard setbacks would be staggered as with Eaglewood 1<sup>st</sup> Addition. Mr. Iverson indicated it wasn't their intent. With this development the lot widths would vary, whereas with Eaglewood 1<sup>st</sup> there were concerns due to all the lots being the same width, so staggering was done to break things up.

Mr. Iverson indicated he appreciated Commissioner McDougall's point of view. As the developer of Eagle Run Plaza, they would prefer it would be occupied as well, instead of having so many vacancies.

Discussion was held regarding the Osgood and Urban Plains Developments. Urban Plains has yet to have any residential development.

Discussion was held regarding marketability of the larger lots. Mr. Iverson indicated that this is a complete departure from other developments; however, the buyers group is made up of a couple of builders who are aware of the varied lot sizes.

Commissioner McDougall made a motion for approval based on staff recommendations. Commissioner Keller indicated she would prefer 20% to 10% in terms of lots being 50' or wider. Commissioner McDougall rescinded his motion.

Commissioners reviewed footnote 1 in the proposed ordinance in terms of varying lot widths.

Commissioner McDougall made a motion for approval based on staff recommendations with a change from 10% to 20% of the lots being 50' or wider. Commissioner Keller seconded the motion. Commissioners Keller, Lenzmeier and McDougall voted aye. Commissioner Potter abstained from voting. Motion carried.

The next item on the agenda was Continued A10-4 Stockyard's Corner 5<sup>th</sup> Addition, a replat of Lots 6 & 7, Block 1 of Stockyard's Corner 3<sup>rd</sup> Addition, City of West Fargo, North Dakota.

Larry stated that a meeting was held with the City Engineer and the two affected property owners last week. The ND-DOT could see some changes to the existing platted access and allow Mr. Klein to have access with a shared access to the east; however, the DOT wanted them to not be opposed to Main Avenue design standards which included a median. Mr. Klein didn't have any issues; however, Mr. Hofer from the Harley Davidson shop wanted to review it more closely and discuss it further with the State. They were supposed to get back to us about it last week, but as of late last week Mr. Hofer was still not ready to commit.

Commissioner McDougall made a motion to continue this item. Commissioner Potter seconded the motion. No opposition. Motion carried.

Commissioner Keller made a motion to adjourn. Meeting adjourned.