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

West Fargo Planning and Zoning Commission
July 11, 2011 at 7:00 P.M.
West Fargo City Hall

Members Present: Frank Lenzmeier
Terry Potter
Jason Gustofson
Connie Carlsrud
Jerry Beck
Tom McDougall

Members Absent: Edward Sheeley

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Dustin Scott, Steve Iverson

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the June 13, 2011 meeting minutes as printed. Commissioner Beck seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-18 Eagle Run 20th Addition, a replat of Lots 1-6, Block 2 of Eagle Run 16th Addition, City of West Fargo, North Dakota and Land Use Plan Amendment from Medium Density to Low Density Residential.

Larry reviewed the following information from the staff report:

The property is located west of Sheyenne Street (Cass County Highway #17) and south of 36th Avenue West. The properties were originally platted and zoned R-2: Limited Multiple Dwellings for 4-unit structures and replatted several years ago to accommodate townhouses. The applicant proposes to replat the remaining six lots of undeveloped property to accommodate single family home structures. The City's Land Use Plan depicts the proposed development property as Low Density Residential use so the Land Use Plan needs to be amended from Medium Density to Low Density Residential to conform.

The applicant has submitted an application, preliminary plat and area plan. The application is to provide for a lot structure to accommodate sale and development of single family homes. The Area Plan reflects lots for a townhouse development to the west, 4-unit condominium development to the east, apartment buildings to the north and single family to the south.

In May 2005, the area was replatted to accommodate a townhouse development. A 5-unit townhouse was constructed to the west with the intent that a 6-unit townhouse would be constructed on the remaining lots. The Land Use Plan of the City's Comprehensive Plan provides for Medium Density Residential for the property being replatted. The Medium Density Residential designation provides for single family attached homes (townhouses, condominiums and apartments) with up to eight units per structure, and directly related complementary uses such as educational, religious and recreational facilities. Single family detached homes and two-family homes (duplexes) are provided for within the Low Density Residential designation.

The applicant proposes replatting the six townhouse lots into three lots for single family home structures. The lot widths for the replatted lots are 58' to 65' with a depth of 150', which meets City Ordinance requirements in the R-2 Zoning District. City Departments, Utility Companies and the Post Office were notified. The Post Office indicated that cluster box units are required. No other issues were identified.

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

1. A Land Use Plan Amendment from Medium Density Residential to Low Density Residential is approved.
2. A Final Plat is received with necessary easements.
3. A utility plan and revised drainage plan is received and approved by the City Engineer.
4. A certificate is received showing taxes being current.
5. A Subdivision Improvement Agreement is received if necessary.
6. Developer provides cluster box units for the development.

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

Commissioner McDougall asked if this is where the townhouse/condos were located to the east. Larry stated there is a 4-unit condo facing 36th Avenue, as well as townhouses along the east side of 5th Street.

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 A11-19 Oak Ridge 2nd Addition, a subdivision, Rezoning from A: Agricultural to R-3: Multiple Dwellings and Land Use Plan Amendment from General Commercial to High Density Residential for property located in the NE¼ of Section, 29, T139N, R49W, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located east of 4th Street East and south of 32nd Avenue East. The area was annexed into the City in 2005. The Developer proposes platting a portion of a larger tract and zoning the parcel R-3: Multiple Dwellings. The proposed development is not consistent with the City's Land Use Plan which shows this land as future commercial use.

The developer has submitted an application, Area Plan and Preliminary Plat for a 6-acre apartment development along 32nd Avenue East. The City's Land Use Plan depicts the area along 32nd Avenue East from 4th Street East to Veteran's Boulevard developing as General Commercial. Low Density Residential is shown south of the proposed plat area and the Shadow Wood development. Medium Density Residential is shown to the west on property owned by a church. The proposed subdivision would require a Land Use Plan amendment to change the land use from General Commercial to High Density Residential.

The City's Comprehensive Plan promotes strengthening the tax base through development of more commercial uses south of I-94 conforming to the Land Use Plan. Also, the Comprehensive Plan promotes a limited amount of convenience commercial within residential areas south of I-94 which should be sited along collector streets and have strict design considerations to integrate well within the residential areas. The corner of 4th Street and 32nd Avenue presents a good location for convenience commercial as the location would serve significant residential developments north and south of 32nd Avenue. The Comprehensive Plan promotes a diversity of multiple family residential units including townhouses, condominiums, and low and higher density rental properties to be evaluated by each section of land to ensure an equitable distribution throughout the growth area. Single family units are to account for 60-70% of all residential units, and multiple family units are to account for 30-40% of all residential units. A minimum of 20% of the multiple family units are to be of the medium density type.

The Land Use plan was developed using maximum dwelling units per acre allowed by the 2005 Comprehensive Plan to determine the total area (in acres) that were to be designated low density and medium to high density residential. Using the ratio of 30-40% to 60-70% medium/high density to low density residential, the distribution for each category for Section 29 were calculated as: 1812 low density units, 680 medium density units and 400 high density units.

Currently Shadow Wood 3rd Addition is developing as a high density residential development in the area designated as such in the 2008 comp plan. This lot is 17.3 acres and due to a change in total units/acre from 20 units/acre (2005 comp plan) to 24 units/acre (2008 comp plan) the total units this development can have is 415, which takes up all of the high density units for the section.

The Area Plan submitted by the developer shows where the proposed subdivision is located with reference to the developer's larger tract, as well as the surrounding properties/developments which are under separate ownership. East of the proposed subdivision is a commercial office area which is being developed by The Village; south is an area designated for Low Density Residential which borders the Shadow Wood development; west across 4th Street East is Prairie Heights Community Church; and north across 32nd Avenue East is a smaller lot, single family development (R-1SM) in South Pond at the Preserve and property zoned R-3 for apartments. The church is considering a mixed use development with a church facility that was approved last year as a conditionally permitted use and possibly single family along 34th Avenue East (south side of the property) and along 2nd Street East (west side of the property), and medium density residential along 4th Street East.

The Preliminary Plat consists of 4 lots which are approximately 1.5 to 2 acres in size. The parcel is located on 32nd Avenue East and 4th Street East. Access is proposed via 4th Street east as 32nd Avenue is classified as a Minor Arterial Street with limited access. The street right-of-way for the south side of 32nd Avenue East is shown as 75' which is within the range recommended in the Comprehensive Plan, 32nd Avenue Corridor Study and the City Subdivision Ordinance standard.

A single family property along the southeast border of the proposed plat is to be accessed from 4th Street East rather than from 32nd Avenue East per approval of the Oak Ridge First Addition. The access road/easement needs to be eliminated and provided to the property from the 4th Street East side. The location of the access road/easement should be reviewed and approved by the City and be coordinated with a future street system.

A drainage plan is required for the subdivision. Storm water retention requirements for the subdivision area are included within the regional storm retention for Section 29.

Park dedication is required for the development. The required amount of park dedication is 10% of the gross area for residential use or 5% for commercial use. When the regional/community park land was purchased in Eagle Run, there was an agreement between the Park District and City that a portion of the land dedication required for future subdivisions would be in the form of cash-in-lieu to help cover annual bond payments. A greater percentage of the dedication amount would be cash-in-lieu on the west side of the Sheyenne River than on the east side (7% vs. 5%), because the regional/community park would be more accessible to the residents living on the west side. With the remaining 3-5% land dedication, neighborhood parks would be provided for the developments. Specific neighborhood park areas for Section 29 have not been identified yet by the Park District other than those areas within the Shadow Wood development. The staff has sent the subdivision plat to the Park District for their review and recommendations. By ordinance the Park District has 30 days to provide a recommendation.

Sewer and water services have not been extended to the property yet. Sewer services will need to be extended from the lift station to the south. Water services should be available when the property develops. 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.

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. The Park District is still reviewing the subdivision and likely will not have a recommendation prior to the Planning and Zoning Commission meeting. Some department concerns included taking commercial out of the land use plan, vacancy rates and loss of future commercial tax rates.

It is recommended that the proposed subdivision plat, land use plan amendment and rezoning request be denied on the basis that the request is not consistent with the City's Comprehensive Plan.

Steve Iverson, Osgood Investments LLC, referred to the letter he submitted which discusses the land use plan as being a guide to allow for flexibility in development.

He reviewed the land use density and indicated that even with their increased changes, the amount of multiple family would be 39.9% and an increase of only about half a percent. Their point of view is that they're down zoning and what they are trying to get accomplished is a good use. \$6 million over the next 20 months vs. leaving the land as a bean field for the next 20 years.

Discussion was held regarding approval of high density residential in other developments in the area within recent months.

Chair Lenzmeier asked for clarification regarding this not being consistent with the Land Use Plan. Larry stated that the comp plan sets out categories, paramount issues based on public comments to maintain a balance between high and low density residential. In 2001 with Eagle Run there were several requests for multiple family and by 2005 came the realization that there was too much multiple family. The intent of the land use plan was to follow the national trend to provide a housing development pattern with the ratio of single-family dwelling units to multiple-family dwelling units between 60 to 70% single-family to 30 to 40% multiple family. Analysis for Eagle Run exceeds that as the standard hadn't been established when the area developed. The community as a whole wanted to see a balanced approach throughout the community.

Another issue during the comp plan process was commercial areas. There was a lot of debate on how much the City could support and the location. The best area for commercial was viewed as Veteran's Boulevard and 32nd Avenue and several land use plan options were presented during the process. Switching from Commercial to High Density Residential would really skew the ratios.

Commissioner McDougall asked if there had been any comments from area property owners and who was notified. Larry stated there were some questions from the Maple Ridge developer. Other property owners notified included Rusty Goose Development, Prairie Heights Church, Shadow Wood, Mark Kasowski and the Village.

Commissioner Gustofson asked Mr. Iverson how he saw the rest of the area as developing. Steven stated single family to the south and south of the Village. Conceptual layouts similar to the Eagle Run Plaza. Pushing east he indicated there was a big box expressing a possible interest.

Larry stated that Long Range Plans look at something more stable in the long run. He gave the example of Charleswood when they proposed single family along I-94 when land use plans showed office park. There was a lot of criticism from the developer; however, 10 years later Office Park is viewed as the best use.

Discussion was held regarding Shadow Wood. Larry indicated that the multiple family in Shadow Wood 3rd follows the land use plan.

Commissioner Gustofson asked about Oakridge 1st Addition. Larry stated it's The Village, with several buildings proposed in an office park campus type setting.

Discussion was held regarding Prairie Heights Church wanting to have neighborhood commercial along 4th Street East with possible coffee shop, daycare center and possible neighborhood commercial on this property such as a gas station or possibly having something similar to Skaff's or Woodridge Plaza with commercial on the lower level and apartments above.

Mr. Iverson stated that this corner doesn't work for commercial as the closest access is 300' to the south. He gave the example of Cheetah Mart- front and center on 45th Street that wasn't able to make a go of it. And they're not interested in a mixed use concept like Skaff or Woodridge Plaza.

Larry stated that in terms of apartment vacancy rates West Fargo is at 8%. He stated that Regstad's in Eagle Run has high vacancy rates and Goldmark is looking at purchasing them and adding a small health club as an amenity. Mr. Iverson stated that they wouldn't be able to get financing and wouldn't be able to build if this wasn't doable. Their vacancy rates are about 2%.

Discussion was held regarding access and traffic volumes.

Commissioner Gustofson indicated he'd like to see a layout of what is being proposed and number of units. Mr. Iverson stated that they're looking at 4, 27 plexes for a total of 108 units. Commissioner Gustofson stated that before they say no, he'd like to continue this until next time and get an actual conceptual plan. Mr. Iverson stated that they'd even consider a conditional use permit if that would help.

Commissioner Gustofson made a motion to continue this until a conceptual site plan is provided. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-20 Francis 4th Addition, Replat of the north 40' of Lot 14 and the South 30' of Lot 15, Block 7 of Francis 2nd Subdivision, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property being replatted is located south of 4th Avenue West and east of Morrison Street. A blighted single family home was recently demolished so a twin home could be constructed on the property. The purpose for subdividing the property is to allow for separate ownership. A minor subdivision is required as the property was previously split, so a simple lot split is not allowed. The proposed subdivision is consistent with City plans and ordinances.

The applicant has submitted a preliminary plat showing two lots, as well as site, floor, and elevation plans. A minor subdivision plat is being proposed as the property was previously split and not eligible for a simple lot split. Both lots will be platted into 4,900 square feet of area which meets the yard requirements for the R-2 District. The applicant proposes constructing a twin home and deeding the proposed units to different parties once the structure is completed.

Notices have been sent out to City Departments and Utility Companies for review. No issues have been identified.

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

1. An attorney title opinion is received.
2. A certificate is received showing that taxes are current.
3. Necessary easements are placed on the Final Plat.
4. A drainage plan is received and approved by the City Engineer.

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

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

Commissioner McDougall made a motion to adjourn. Meeting adjourned.