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

West Fargo Planning and Zoning Commission
January 9, 2012 at 7:00 P.M.
West Fargo City Hall

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

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Peter Karl

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the December 12, 2011 meeting minutes as printed. Commissioner Beck seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A12-1 Conditional Use Permit for a group child care facility for up to 18 children in a home at 3314A 8th Street West (part of Lot 7, Block 1 of Eagle Run 8th Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is east of 9th Street west, on the west side of 8th Street West. The applicant has been operating a child care facility at a different location and has recently moved. She would like to provide child care services for up to 18 children. The proposed use would be allowable as a conditional use within the R-2: Limited Multiple Dwelling District.

The applicant submitted an application for a conditional use permit and site plan for the property. The property has a double-stall garage and two-stall driveway which accesses 8th Street West. Currently the yard is not fenced. A 6' solid fence is required to enclose the area in which children are to be playing outside. Cass County Social Services will inform applicant of required play area for specific numbers of children. A fence is planned for the townhome development in the Spring of 2012.

Residential daycares are required to provide off-street parking of one space/10 children (drop-off and pick-up) and 1 space for every employee in addition to the two required spaces for all single family residential units. As per these requirements, the applicant must be able to provide 2 off-street parking spaces for the 18 children, plus additional parking for any employees. Currently the property can accommodate 4 on-site/off-street parking spaces. All spaces are constructed of a durable material, concrete or asphalt.

With reference to the criteria for granting conditional uses, it appears everything has been met.

Notices were sent to property owners within 350'. No comments have been received.

Staff recommends conditional approval only if ALL of the following conditions are met:

1. Adequate off-street parking spaces are provided to meet city code requirements.
2. Open space requirements are figured by Cass County Social Services and complied with by applicant.
3. Any required open space is fenced.
4. Children are dropped off in the driveway only.

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

Chair Lenzmeier asked for clarification as to where the property was located as the site plan was confusing. Steven stated that the applicant's site plan shows her portion of the 4-unit townhouse style apartment structure.

Commissioner Sheeley asked about the fencing being installed in the Spring and asked what would happen if it didn't get installed. Steven stated that all the buildings will be fenced as per the building permit issued.

Commissioner Beck asked about off-street parking. Steven stated that each unit has a 20' wide slab and double car garage. He also indicated that the applicant is requesting 18 children, though intends to have less children. Babies and toddlers count for more units and she wants the ability to care for younger children.

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

Chair Lenzmeier opened public hearing A12-2 West Fargo 2nd Addition, Subdivision and Rezoning from Agricultural to M: Heavy Industrial of property located in the NW¼ of Section 6, T139N, R49W, West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located between Burlington Northern Santa Fe Railroad and 12th Avenue NW, along and to the west of 9th Street NW. The proposed subdivision will help to establish clear legal descriptions for the area. The area is within the City's Extraterritorial Limits. The proposed use is consistent with City Plans and Ordinances provided that municipal utilities are planned for.

The applicant proposes to subdivide, rezone and develop the property. The City's Land Use Plan depicts the area developing as General Industrial. The developer is not requesting annexation at this time. There should be discussion on timing of annexation and provision of sewer and water services corresponding to the type of development. When rezoning is requested for property within ¼ mile of the city limits, the City has the authority to require as a condition of the rezoning that an agreement be signed that the property owner will not oppose annexation. In the past the City has required annexation agreements for subdivisions adjacent to the City which would provide for annexation within five years. If any services are needed or requested prior to the 5-year period, annexation would be triggered at that time.

The Preliminary Plat shows the property divided into six lots. Most of the industrial lots are fairly small in size, about half an acre in size for smaller industrial businesses. An existing business occupies one small lot (proposed Lot 2). It is our understanding that the structure is in poor condition and is intended to be removed. The lot should either be combined with Lot 1 or a private access easement provided across Lot 1.

The right-of-way requirement for Cass County #19 was 80' when The Yards was platted. At that time it was determined that there should be a minimum of 120' of total right-of-way with 20' being dedicated on each side when property is platted. It would be appropriate to require an additional 20' of right-of-way at this time. Access is proposed on the south side of the plat and is dedicated through a 40' access easement, which is city standard for industrial developments. The access should be a shared access point with the property to the south so the total access width can be defined and limited to 80' in the future.

Park dedication is required for the undeveloped property at a rate of 5%. The City has not received a recommendation from the Park District yet whether land or cash-in-lieu of land dedication should be provided. A park dedication agreement will need to be signed prior to recording the Final Plat.

Notices were sent to property owners, City departments, Park District, Cass County Planning and Post Office. We are still waiting for governmental comments. No comments were received from property owners. Cass County planning commented that if the developer alters the current access it would require a "Highway Access Permit".

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. An annexation agreement and subdivision improvement agreement is received providing for timely annexation and

provision of municipal utilities.

3. A certificate is received showing taxes are current.
4. A drainage plan is received and approved by the City Engineer.
5. A mail delivery service plan is approved by the Post Office.
6. Additional right-of-way is dedicated along Cass County Highway #19.
7. Lots 1 and 2 are combined unless an access easement is provided across Lot 1.
8. A Final Plat is received with necessary easements.
9. Take into consideration any governmental comments.
10. A park dedication agreement is received prior to recording the Final Plat.

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

Commissioner McDougall asked if Mr. Tintes indicated whether he'd preferred to combine the lots or provide access. Larry stated that he's been out of town. Chair Lenzmeier stated that this is addressed in the staff report under item #7. Larry stated that all the conditions would need to be satisfied prior to going before the City Commission

Chair Lenzmeier asked about Universal Repair to the south and if they had City services. Larry stated they have a septic system. There was a plat a few years ago for the whole area, but it didn't get too far. Discussion was held on the existing building. Larry indicated it was shop/storage space.

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

Chair Lenzmeier opened public hearing A12-3 Comprehensive Plan Land Use Plan Text Amendment to increase the maximum allowable density for the High Density Residential classification.

Larry reviewed the following information from the staff report:

The City has been in discussions with a developer and reviewing conceptual plans for a large apartment complex within a Planned Unit Development District. The apartment complex exceeds the current density standards under the High Density Residential classification within the Comprehensive Plan Land Use Plan; however, the developer is considering underground parking and not building accessory buildings which would provide more open space for the property than is required and typically seen. It would seem reasonable that added open space would be a viable consideration to increasing the density.

The comprehensive plan has established three goals relating to community development, design, and housing which are as follows:

- To support and preserve a neighborhood oriented development pattern.
- To provide a diversity of residential neighborhood, both single family and multiple family, and a balance of housing alternatives to meet the changing life-cycle needs of residents.
- To encourage high quality construction in the community.

The comprehensive plan also provides for objectives under the goal statements providing for an equitable distribution of the community's housing mix for each section of land, providing for a single family to multiple family ratio of 60-70% single family to 30-40% multiple family, and providing for the establishment of site design standards and site planning and landscaping to ensure adequate site beautification.

To ensure that the goals and objectives of the comprehensive plan are being met, the staff monitors development during the platting and zoning of property. The property that has already been designated for high density residential in Section 20 appears to have met the limits for the platted and zoned area. The Planned Unit Development District provides for public and City review for the specific property and allows the City to add requirements. It does not appear that the proposed number of units in the project will distort the single family to multiple family ratio for Section 20.

It is recommended that the Land Use Plan be amended to provide changes to the multifamily (high density) residential land use classification. The density standards within the R-3: Multiple Dwelling District would remain the same. However, the density could be increased within a Planned Unit Development District provided that the required open space area for the

property would be increased from 25% to 40%. The basis for the proposed change is that the goals and objectives of the comprehensive plan can be further accomplished through good site planning and landscaping.

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

Commissioner Sheeley asked if it's 24 units currently and they increase this, how many units would be allowed. Larry stated that with the R-3 zoning it's limited; however, with a PUD provided they meet soil conditions, it's not limited.

Steven stated that a developer brought in a site plan for 30-units per acre showing 52% green space. It didn't make sense being they're providing much more greenspace than required. The initial review of the developer's plan would've of require 500 parking spaces and they were willing to provide 400 underground spaces.

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

The next item on the agenda was Discussion on proposed Ordinance Amendments.

Larry stated that the intent is to set the stage for subdivision, zoning and other ordinance amendments. An outline was provided regarding some of the issues to be addressed. Staff is working on a rough draft, which the sub-departmental committee is reviewing. Hopefully a draft will be available by the February meeting, with a hearing scheduled for March and final review/approval by the City Commission in April.

Chair Lenzmeier asked about the format as he'd like to compare the draft with the existing ordinances. Larry stated that everyone has copies of the current ordinance and the draft will contain section numbers for comparing. There may also be some information to incorporate based on the Downtown Study.

Chair Lenzmeier indicated he read through the list and some of it seemed repetitive. Larry stated that some is, but also some districts were approved at other times, so that information wasn't included.

The next item on the agenda was extension of the extraterritorial area.

Larry stated that changes to the extraterritorial area due to legislation placed the outer half under joint jurisdiction with the township. The City of West Fargo's is 2 miles, with the outer mile being under joint jurisdiction. With the Census, the City can increase to 4 miles, so the City is looking at the possibility of increasing to what it was prior to the legislative changes. Between now and the next meeting, staff would like to meet with the various townships and bring forth an amendment by the March meeting.

Discussion was held regarding expanding the extraterritorial area. Larry stated that the City doesn't have to go 4 miles out everywhere. Some areas with flood plain issues, development is already controlled; however, as the City fills up there may be pressure to develop. And it doesn't make sense to increase the extraterritorial areas that aren't going to be developed.

Steven indicated he'd create a map for the next meeting.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.