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

West Fargo Planning and Zoning Commission
February 11, 2013 at 7:00 P.M.
West Fargo City Hall

Members Present: Jerry Beck
Connie Carlsrud
Tom McDougall
Terry Potter
Edward Sheeley

Members Absent: Tom Kiewel, Frank Lenzmeier, LeRoy Johnson

Others Present: Larry Weil, Steven Zimmer, Lisa Sankey, Dustin Scott, Steve Iverson, Glen Gordon, Dan Bueide, Jim Brownlee

The meeting was called to order by Vice Chair McDougall.

Commissioner Carlsrud noted a correction to the January minutes as she did not attend the meeting. Commissioner Potter made a motion to approve the January 14, 2013 meeting minutes as corrected. Commissioner Beck seconded the motion. No opposition. Motion carried.

Vice Chair McDougall opened public hearing A13-8 River's Bend at the Preserve 1st Addition, a subdivision and rezoning from A: Agricultural to R-1A: Single Family Dwellings property in the S½ and S½ NW¼ of Section 20, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located between the Sheyenne River and 4th Street East, north of the Maple Ridge at the Preserve development which is north of 32nd Avenue East. The application is consistent with City Plans and Ordinances.

The applicant proposes platting a 65 acre parcel for single family development. The developer has submitted an application, Area Plan and Preliminary Plat. The City's Land Use Plan depicts the area as Low Density Residential. The Area Plan submitted by the developer shows where the proposed subdivision is located, as well as future development phases and surrounding properties/developments which are under separate ownership. The Area Plan shows the Maple Ridge at the Preserve single family development to the south and single family and school developments to the east on 4th Street East. Area northeast of the proposed subdivision has not been developed yet, but is designated as low density residential according to the City's Land Use Plan. The area north of the River's Bend at the Preserve development is already platted and zoned, or is designated as commercial development.

The Preliminary Plat consists of 115 single family lots, a park lot, a lot proposed for storm water retention, several linear lots along the south side of the subdivision intended for a park pedestrian/bikeway, and lift station property. All single family lots are sized to meet lot requirements for the R-1A: Single Family Dwelling District.

The primary entrance to the subdivision is the extension of 26th Avenue East which has a 110-foot wide right-of-way initially to provide the desired entrance and decreasing to 70' in width after 1 ½ blocks. The remaining streets show rights-of-way of 62' in width. All streets in the development are considered local streets. The right-of-way for 4th Street East was dedicated previously with South Pond at the Preserve 1st Addition. The naming of the streets will need to be according to the City's policies. Pedestrian and bikeways are in place along 4th Street East and along 26th Avenue East from 4th Street East to Veteran's Boulevard. The developer intends to add pedestrian/bikeway facilities throughout the development to promote the development as a walkable neighborhood.

A drainage plan is required for the subdivision. Storm water retention areas are shown for the subdivision. Also, discussion has taken place with other developers to examine a regional approach to handle storm water.

Park dedication is required for the development. The required amount of park dedication for residential development is 10% of the gross area which would amount to approximately 6.5 acres for the subdivision and approximately 15 acres for the entire development. 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 (70% vs. 50%), because the regional/community park would be more accessible to the residents living on the west side. With the remaining 30-50% land dedication, neighborhood parks would be provided for the developments. 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. A special improvement district will need to be established to provide for the needed services. The developer intends to request establishing a district so that services can be installed this spring and summer. 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.

Landscaping for the subdivision lots and street boulevards will be according to the City's landscape standard. The developer proposes to develop a subdivision fence along 4th Street East as an additional amenity for the development.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies. Comments were received regarding the street naming on the Preliminary Plat. Several streets will need to be renamed following the City's street naming policies.

A letter was also received late Friday afternoon, from Nancy Loberg, who owns property to the northwest, who has concerns with the development.

It is recommended that the City Planning and Zoning Commission conditionally approve the proposed application on the basis that it is consistent with City plans and ordinances. The conditions of approval which would need to be satisfied prior to City Commission consideration are as follows:

1. Departmental and agency comments are taken into consideration.
2. An Attorney Title Opinion is received.
3. A certificate of taxes showing taxes being current is received.
4. A Drainage Plan is received and approved by the City Engineer.
5. A Final Plat with any necessary easements is received.
6. The required utility hook-up fee is adequately addressed.
7. A park dedication agreement is received.
8. A subdivision improvement agreement is received.
9. An approved mail delivery plan is developed.

Larry stated that an additional condition should be revising the area plan to show access to the Loberg property.

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

Vice Chair McDougall asked to see the area plan. Discussion was held regarding ingress and egress to the Loberg property. Larry stated that the developer has met with the property owner; however, she's not interested at this time. It may be years before it's developed, although the area plan should reflect access. Steven stated that he met with the developer, who discussed an access easement to the property from 1st Street.

Commissioner Sheeley made a motion for approval based on staff recommendations, including the additional condition that the area plan be revised showing access to the property to the northwest. Commissioner Beck seconded the motion. No opposition. Motion carried.

Vice Chair McDougall opened public hearing A13-9 Christianson 2nd Addition, a subdivision and rezoning from A: Agricultural to PUD: Planned Unit Development, property located in the SE¼ of Section 18, T139N, R49W, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located south of I-94, west of Christianson 1st Addition and west of Sheyenne Street/Cass County Highway #17. The applicant proposes subdividing the property to accommodate sale of land. Allowed uses within the PUD to the east have been previously approved with permitted uses, yard requirements, building construction standards and landscape requirements. The applicant wishes to carry over the PUD development standards from Christianson's 1st Addition over to this development.

The applicant proposes developing the area with commercial/industrial use. The developer submitted an application and preliminary plat, site plan, and building elevations showing how the property will be developed. The building elevations do not show construction materials. As per the previously approved PUD the building construction standards are required to follow the C-OP: Commercial Office Park standards. The C-OP district requires no more than 30% metal for façade fronting on a public street. This property will not be fronting on a public street and will be obscured by future development of the properties on the interstate frontage. In the past we have not required such properties to meet the letter of overlay standards as long as the building and site are developed with a mix of building materials and landscaping to meeting the intent of the overlay. The elevation plans do not call out construction materials.

The applicant proposes to subdivide and zone one lot out of a larger parcel. The lot will be located ± 480' off of Christianson Dr. W. and abuts the Sheyenne Diversion. The access to this property is shown as a 40' access easement off of Christianson Dr. W. This meets our commercial/industrial standard for private access easements.

The approved uses as currently include sheet metal shops. Staff has received a letter from the potential property owner describing how their business is run. If a major portion of this business requires metal fabrication and/or welding, this type of use would be viewed as more of a heavy industrial use and not compatible with the previously approved PUD. If the work is geared more towards metal forming and shaping, requiring little welding, it would be considered light industrial. The approved PUD allows sheet metal shops, which staff would see as a permitted use.

The site plan shows an outdoor storage area between the proposed building and the Sheyenne Diversion. As per the PUD Standards for Christianson's 1st, "small outdoor storage may be considered provided a detailed site plan has been reviewed and approved by the Planning and Zoning Commission and City Commission. If it is approved it is subject to the Interstate Corridor Overlay standards.

Sewer and water services have not been extended to the property yet. A special improvement district will need to be established to provide for the needed services. 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. Landscaping for the subdivision lots and street boulevards will be according to the Interstate Corridor Overlay District, PUD Standards, and City's Landscape Standard.

The Park District is in the process of reviewing the proposed development. The Final Plat should not be recorded until agreement can be reached on park dedication.

A drainage plan needs to be developed for the subdivision which may include storm water retention areas. The drainage plan should be reviewed and approved by the City Engineer and Public Works Director.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies.

It is recommended that the City Planning and Zoning decide if the proposed use is consistent with the currently approved PUD development standards.

1. If the use is geared towards metal forming and/or sheet metal fabrication staff would view this as compatible with the approved PUD development standards and would recommend conditional approval with the following conditions:

- a) An Attorney Title Opinion is received.
 - b) A certificate of taxes showing taxes being current is received.
 - c) A Drainage Plan is received and approved by the City Engineer.
 - d) A Final Plat with any necessary easements is received.
 - e) The required utility hook-up fee is adequately addressed.
 - f) A park dedication agreement is received.
 - g) A subdivision improvement agreement is received.
 - h) A mail delivery plan is approved by the Post Office.
 - i) Uses for this development are agreed upon by both developer and city.
2. If the use is geared towards metal fabrication and/or welding staff would view this as a heavy industrial use and not compatible with the approved PUD development standards and would recommend denial based on that fact.

Larry stated that the initial request for Christianson's 1st was for CM, which was not supported by the Planning & Zoning and City Commissions. It took several tries before it was approved with defined uses that were compatible for the area.

Glen Gordon, Diversified Welding, stated that the outdoor storage will be adjacent to the diversion and will be fenced, so nobody should be able to see it. The same with the welding, as someone would have to walk into the shop to see operations. Three semis deliver product each week, otherwise they use their own trucks. Mr. Gordon stated that the property fits them. They've been in West Fargo for years and this property allows for the ability for expansion.

Vice Chair McDougall asked what their business entails. When he thinks of welding, he thinks fixing items. Mr. Gordon stated that they do a little bit of everything – metal fabrication, sheet metal and welding for businesses such as Grouser, Air Mechanical, Amity; however, they also do small repairs for someone off the street who just needs welding work done.

Commissioner Beck asked what percentage of the finished product is sheet metal and if they'd have any big presses. Mr. Gordon stated that it varies. There's not a lot of truck traffic. They do have a press, but it's not constantly in use. Commissioner Beck asked about the size of the storage area. Mr. Gordon stated 50' x 200', which will be fenced off.

Steven asked about the number of employees. Mr. Gordon stated that they currently have 18 and plan to bring in 10-15 more.

Vice Chair McDougall asked about the fencing. Mr. Gordon stated either chain link with privacy slats or an 8' wooden fence. Steven stated that with a PUD, if the commission wants the type of fencing determine, it can be added to the conditions, otherwise there are also requirements in the Interstate Overlay District.

Attorney Dan Bueide, representing Wally and Violet Beaton, stated that he's concerned with this development as they have challenges with development of their site to the north. With potential development of 3-4 story office buildings and a hotel, they are especially concerned with sight lines. It would be tough for them to develop based on the growth plan if the area to the south turns into West Fargo's 2nd or 3rd Industrial Park.

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

Discussion was held regarding the proposed use – welding vs. sheet metal fabrication. Steven stated that was the reason behind the staff report because it includes both uses and even 50/50 would be too much. Larry stated that at the EDAC meeting it was mentioned that this competes with other welding companies in the Industrial Park and may be more fitting in a heavy industrial area. He stated that when the Land Use Classification system was adopted in the 1990s, there were different types of uses. Plumbing and Heating where someone could purchase a furnace were allowable in the C District. Plumbing, Heating, Electrical that were more contractor based were more suited for the light industrial area and fabrication in the heavy industrial areas. Even DMI was in a CM District.

Larry stated that the Interstate Corridor is also viewed as a gateway into the City and during the Comp Plan process there was great concern by the Community, staff and commissioners on how the corridor would look. C-OP was placed on a lot of the property as a plausible use. It took Christianson 1st three applications before an agreed upon list of uses was approved.

Mr. Bueide stated that he would be more than happy to listen and understand. They hope to develop office buildings and a hotel on their property.

Commissioner Carlsrud indicated concerns with the development as well. Vice Chair McDougall would like to see a more detailed site plan and questioned the compatibility of semis and private drives.

Commissioner Beck made a motion to continue this until the March meeting to allow for more discussion and additional detail provided on the site. Commissioner Potter seconded the motion. No opposition. Motion carried.

Vice Chair McDougall opened public hearing A13-10 Eagle Run Plaza 5th Addition, a replat of Lot 2, Block 4 of Eagle Run 12th Addition; Lot 1, Block 1 of Eagle Run Plaza 2nd Addition; and Lot 2, Block 1 of Eagle Run Plaza 3rd Addition, City of West Fargo, North Dakota, Rezoning from C: Light Commercial to R-2: Limited Multiple Dwellings and Land Use Plan Amendment from General Commercial to Medium Density Residential part of Lot 2, Block 4 of Eagle Run 12th Addition, Lot 1, Block 1 of Eagle Run Plaza 2nd Addition and Lot 2, Block 1 of Eagle Run Plaza 3rd Addition City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is west of Sheyenne Street (Cass County Highway #17) and North of 32nd Avenue West, was platted and zoned for commercial use in November of 2004.

The developer submitted site plan and subdivision plat for area north of 32nd Avenue West. The City's Land Use Plan depicts the property(s) being proposed as Medium Density is shown in the City's Land Use Plan as General Commercial. The plat shows the large lot in the northwest corner of Sheyenne St and 32nd Ave W being subdivided into two lots. Proposed Lot 1, Block 1 would remain C: Commercial. Lot 2, Block 1 and Lot 1, Block 2 are being proposed as Medium Density Residential (currently General Commercial), which will require a land use plan amendment and a rezoning to R-2.

There is an access shown off of Sheyenne Street at $\pm 680'$, which does meet the minimum spacing for arterial streets. The easement extends from Sheyenne Street to 5th St W.

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.

Currently there are 504 high density multiple family units developed and 120 medium density units developed or approved for development. Two preliminary subdivisions being considered to the north provide about 12.7 acres of land for medium density residential which could potentially support 202 units. There is the potential of 322 medium density units and 504 high density units for Section 19 for a total of 826 multiple family units. To meet the desired goals and policies of the Comprehensive Plan, there would need to be between 1,242 – 1,934 single family units constructed in the section. It is estimated that about 1,850 single family units may be constructed based on the area plans submitted to date which would result in approximately 44.6% of the units in Section 19 being multiple family. The applicant's rezoned property could accommodate an additional 166 units if developed at the same density as the 12-plex units to the north, or 196 units if developed to the maximum potential. This would increase the percentage of multiple family for the section to 49.2 – 49.9%.

The street rights-of-way for Sheyenne Street, 32nd Avenue West and 5th Street West were provided for in the original subdivision plat.

It is recommended that the proposed application be denied on the basis it is not consistent with City plans and ordinances.

Applicant Steve Iverson stated that this application is different as they kept 5th Street intact. They feel R-2 is compatible and sellable. He was available to answer questions.

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

Commissioner Sheeley indicated he wasn't at the last meeting and asked what the City's concerns and reservations included. Steven stated that they are well over the ratio of housing units and this section isn't fully developed yet. The Comp Plan directive includes providing housing development patterns 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 and this is to be calculated on a section by section basis ensure an equitable distribution throughout the growth area.

Steven stated that staff is looking at updating the Comp Plan and wants to take a look at possible areas which could be viewed a different way, maybe find a compromise; however, we're just starting to go through the process.

Staff has been directed by the City Commission to keep as much commercial as we can and would like to see this area develop as commercial. The developer argues commercial is hard to develop.

Mr. Iverson reviewed the area plan indicating the most of the property to the north and west will develop as single family. The existing high density residential has been in place for 8 or 9 years. They intend to keep the corner of 32nd Avenue and Sheyenne Street as commercial.

Vice Chair McDougall asked about vacancy rates. Larry indicated currently 2.5 for all of West Fargo. Commissioner Potter indicated the developer has compromised and it looks like a viable plan.

Commissioner Sheeley indicated it's too early to decide with the single family yet to be developed. He made a motion to deny the request on the basis that it is not consistent with City plans and ordinances. Commissioner Beck seconded the motion. Commissioners Carlsrud, McDougall, Sheeley and Beck voted aye. Commissioner Potter voted nay. Motion carried.

The next item on the agenda was continued Public Hearing – A13-7 Rezoning from C: Light Commercial to PUD: Planned Unit Development of Lots 4 & 5, Block 1 of North Pond at the Preserve 3rd Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is west of Veteran's Boulevard and on the south side of 23rd Avenue East. The developer platted the area in November and rezoned the property to C: Light Commercial. The developer proposes zoning the lot PUD: Planned Unit Development only to provide for off-premise signage for the development, as some of the commercial lots will be somewhat distant from Veteran's Boulevard. The intent is to provide for the off-premise signage on Lot 4, but only if or when the properties developed to the west deem it necessary for the signage. All properties benefiting from the signage would need to be zoned PUD. The Land Use Plan of the City's Comprehensive Plan depicts the area as General Commercial.

The lots were recently platted as part of North Pond at the Preserve 3rd Addition which platted property between 23rd Avenue East and 26th Avenue East west of Veteran's Boulevard. Only Lots 4 and 5 were rezoned to C: Light Commercial at the time. There was some confusion as the Final Plat configuration changed from the Preliminary Plat so the zoning amendment ordinance missed a portion of the designated area proposed for rezoning. This has been corrected so that the entire 4 acres considered Light Commercial is now being considered for rezoning to PUD.

It is recommended to approve the rezoning request and application's concept development plan for signage on the basis that it is consistent with City plans and ordinances. Prior to final approval by the City Commission, a detailed development plan for the allocation of signage and sign sketch needs to be developed. On-premise signage for each property would be reduced by a proportionate area to that area gained by the off-premise sign.

Larry stated additional information was received this evening. The developer is proposing a 16' x 5' (80 square foot) sign.

Dan Bueide, representing the developer, distributed information on the proposed signage. If there is enough interest from enough parties, they can build the sign. It will follow the same format as the Preserve signs with a maximum of 15 spots available for businesses.

Larry stated that the zoning if for Lots 4 & 5, the zoning district will have to be PUD for additional properties to the west who'd like off-premise signage.

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

The next item on the agenda was Minor PUD Modification at 1904 Burlington Drive #3 (Lot 3, Block 1 of Burlington 3rd Addition), City of West Fargo, North Dakota.

Steven stated that the applicant has submitted a letter asking to add 5' onto the front of their garage. They have enough of a setback to meet City requirements. The applicant has submitted elevation drawings, a site plan, and floor plans.

Staff has reviewed these changes and recommends the approval of the Minor PUD Modification, provided there are no objections from adjacent property owners.

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

Commissioner Carlsrud made a motion to adjourn. Meeting adjourned.