



www.westfargond.gov

Larry M. Weil, Planning and Community Development Director
Tim Solberg, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
October 13, 2014 at 7:00 P.M.
West Fargo City Hall

Members Present: Jerry Beck
Tom McDougall
Terry Potter
Scott Diamond
Eddie Sheeley
Connie Carlsrud
David Zupi

Members Absent: LeRoy Johnson

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Steve and Deb Johnson

The meeting was called to order by Chair McDougall.

Commissioner Potter made a motion to approve the September 22, 2014 meeting minutes as written. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-50 Conditional Use Permit to allow a new home on an Agriculturally zoned parcel at 3405 19th Avenue NW (parcel located in the SW ¼ of Section 26, T140N, R50W [Raymond Township], Cass County, North Dakota), West Fargo, ND.

Tim reviewed the following information from the staff report:

The property is located in the City's extraterritorial area about 2 miles north of I-94, on the north side of 19th Avenue NW, west of the Sheyenne Diversion. The applicant proposes moving a single family dwelling onto the property to replace an existing structure which is in disrepair. The single family use is considered a conditional use within the Agricultural District.

Tim reviewed the criteria for granting conditional uses, noting that additional provisions contained within the district regulations for Ag preservation include:

- a. The property be platted in accordance with City of West Fargo Subdivision Regulations
 - As stated in the statement of facts, the property may be excepted from these standards as it is a court ordered split related to testamentary or intestate provisions
- b. Each lot developed shall contain no more than one single-family home
 - They will be removing the existing home to replace with this proposed application
- c. Each lot developed shall be a minimum of one acre in area
 - This lot is approximately 9.1 acres
- d. The driveway serving the property shall meet City access standards
 - The applicant proposes to use the existing access
- e. All non-farm residential buildings shall be set back a minimum of 300' from the nearest farm building.
 - This property is no longer a working farmstead and is adjacent to farm land without existing buildings within 300'.

Property owners within 350', County Planning and Township Officials were notified. Raymond Township sent comments via email earlier today and provided the following to commissioners:

Raymond Township's concern for non-farm residents residing on rural roads is for their access to and from their property during snow events. This area of Raymond Township has road washouts that prohibit access during extended

800 4th Avenue East • Suite 1 • West Fargo, ND 58078 • 701-433-5320 • Fax 701-433-5319

flooding. These residents are aware of these risks. Otherwise Raymond Township has no objection to the permit.

Tim indicated they wanted to make sure the owners understood snow removal and road maintenance is handled by the township and that there is potential for overland flooding, which could impact roads, as well. Staff will reach out to the County for their input on this as well.

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

1. The applicant remove the existing home so no more than one single family residential building is on the lot.
2. The applicant is to meet all Federal, State and local floodplain protection requirements for improvements to the site and structures if necessary.
3. The structure must meet all City building codes.

Property owner Debbie Johnson indicated they have a structural engineer's report regarding the home, foundation plans and other documentation.

Chair McDougall asked if a timeframe had been established for removal of the existing house as the Johnsons intend to live in it while construction occurs on their new home. Tim indicated staff now records documents for conditional uses and a timeframe could be added as a condition. The property owners understand that should they not comply, the conditional use permit could be revoked.

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

Commissioner Zupi referred to condition #2 and asked about recent floods and if this area was inundated. Steve Johnson stated that the farmstead itself is high and never flooded, even during the 1975 flood; however, the roads have flooded.

Commissioner Beck asked the Johnson's if they were comfortable with the Raymond Township maintenance plan. Mr. Johnson indicated he was.

Tim stated that there is more concern when there are new property owners; however, they've been there for years. Staff just wants to keep track, keep it in the record in case the property is sold in the future.

Mrs. Johnson stated that they have two boys who want to keep the property in the family; it was their grandparents' farmstead.

Larry stated that for the benefit of newer commissioners, where new subdivisions occur, the property needs to be high and dry as well as the roads to the property.

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

The next item on the agenda was A14-51 Access Request Main Avenue East Frontage Road for 920 East Main Avenue, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant proposes an additional access from the Main Avenue East Frontage Road into property to allow for easier turning movements for trucks loading fuel.

The Main Avenue Frontage Road is considered a part of Main Avenue which is classified as a Principal Arterial. An agreement is in place with North Dakota Department of Transportation (ND DOT) that requires the City to submit a recommendation to the ND DOT in agreement to any new access accompanied by a study prior to their approval.

Access to the Frontage Road is considered limited access, as it is part of the Principal Arterial Street. As such the access must be approved by the State and City, and approvals will be made based on the use, potential impact on traffic on Main

Avenue, and spacing between accesses. Chapter 2 of the City Ordinances governing sidewalks and streets would require between 150-200' between an access on a local street to that approaching the arterial. In this case the proposed access to the frontage road is private and the distance to the nearest access to Main Avenue North is greater than 1000'.

Departmental reviews have been sent out, and we have not received any comments. Public Works indicated this new access will positively impact the traffic flow on the frontage road and Main Avenue. Engineering would like to review the widths of the approaches to ensure they will be acceptable.

It is recommended that the City recommends to the North Dakota Department of Transportation approval of the proposed access to the Main Avenue Frontage Road for Magellan at 902 Main Avenue East. The favorable consideration is based on the access having no detrimental impact of traffic on Main Avenue. The access would provide for better stacking of semi-trucks on Magellan's property which improves traffic circulation on the Main Avenue Frontage Road.

Tim reviewed the staging area. Stantec submitted a study earlier today and information was provided to commissioners. The new access will be able to handle double the number of trucks.

Larry stated that in the past trucks have been stacked up as far as 45th Street.

Discussion was held regarding the holding area. Trucks would be in a holding area in addition to the frontage road. Dustin stated that the intent is to eliminate excess spillover onto the Main Avenue intersection. At times trucks were backed onto 17th Street East.

Dustin stated that they'd like to see site and grading plans to ensure there would be no impacts to drainage onto adjacent properties.

Commissioner Sheeley asked about the number of trucks. Larry stated about 45 in the staging area, plus additional room on the frontage road.

Discussion was held regarding the type of surface in the holding area. Commissioner Potter indicated aggregate surfacing was shown on one of the site maps with bituminous surfacing toward the frontage road.

Commissioner Zupi made a motion for the City to recommend approval of the proposed access to the Main Avenue Frontage Road to the North Dakota Department of Transportation. Commissioner Potter seconded the motion. No opposition. Motion carried.

Commissioner Sheeley made a motion to adjourn. Commissioner Zupi seconded the motion. Meeting adjourned.