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

West Fargo Planning and Zoning Commission  
October 10, 2011 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, Steven Zimmer, Lisa Sankey, Jim Bullis, Dirk Lenthe, John Ault, Michael Womack, Adam Shay, Ted Johnson, Dan Bueide

The meeting was called to order by Chair Lenzmeier.

Commissioner McDougall made a motion to approve the September 8, 2011 meeting minutes as printed. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-36 Shadow Wood 6<sup>th</sup> Addition, a replat of Lot 1, Block 1 of Shadow Wood 3<sup>rd</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located north of the Sheyenne 9<sup>th</sup> Grade Center, along the west side of Veteran's Boulevard, south of 32<sup>nd</sup> Avenue, and north along 36<sup>th</sup> Avenue East. The area was annexed into the City in 2005 and was platted & zoned in Fall of 2009 for apartment buildings. The proposed development is shown in the City's Land Use Plan as High Density Residential.

The developer proposes to plat the large lot into two lots to facilitate future financing and development. An Area Plan, Preliminary Plat, and site plan has been submitted with the application. The City's Land Use Plan depicts the area developing as High Density Residential.

The Preliminary Plat consists of approximately 15.34 acres of land which is located along the west side of Veteran's Boulevard. Currently one 36-plex has been completed with garages, and two other buildings with garages are under construction. The developer has submitted a preliminary site plan that shows the general layout of the buildings and parking areas/garages for Lot 1 (south lot). Access to the property is from 36<sup>th</sup> Avenue East. Lot 2 (north lot) is proposed to be accessed at the north side from a shared access with the property to the north.

Access to Veteran's Boulevard is limited access which would require special review and approval by the Planning and Zoning Commission and City Commission. The preliminary plat shows a 40' access easement on the north side of proposed Lot 2. A traffic study may be requested to study the possibility of access onto Veteran's Boulevard and would be completed by Public Works.

Notices were sent to area City departments, Park District, Post Office, Utility Companies, SE Cass Water Resource District and Fargo Planning Office. We have received comments from Minnkota Power Cooperative regarding the placement of the apartment building along their easement on Veteran's Boulevard. It appears that there is an encroachment issue with the corner of the building.

It is recommended the subdivision plat be conditionally approved on basis the request is consistent with City plans and ordinances. The conditions for the application are as follows:

1. A revised site plan is received which addresses the encroachment issue.
2. An Attorney Title Opinion is received.
3. A certificate of taxes showing taxes being current is received.
4. A revised Drainage Plan is received and approved by the City Engineer.
5. A Final Plat is received with any necessary utility easements.
6. An updated landscape plan is received, if necessary.
7. A CBU location plan is reviewed and approved by the Post Office and City.
8. A Subdivision Improvement Agreement is received if necessary.

Steven indicated with this plat, as well as previous one, the developer is required to have a buffer between the homes and the multiple family.

John Ault, 740 35<sup>th</sup> Avenue East, asked if this gives the developer more options for developing multiple family or is it the same. Steven stated that it's the same zoning, same number of structures proposed. They're just breaking one lot into two.

Mr. Ault asked if access to the land will change. Larry stated that there is enough distance for access off Veteran's Boulevard; however, they will need to meet any issues addressed by a traffic study. It could be a full access or a right in/right out. The proposed access is way to the north. Mr. Ault stated that he's concerned as he lives on the cul de sac and might have a road in his back yard. Larry stated that the property to the north is unplatted, so hearings would be held with notification to property owners once development is proposed.

Mr. Ault stated concern with the current zoning laws. He stated that they should have looked more carefully at this area when they purchased their home; however, when directly asked they weren't told about the apartment buildings.

Jim Bullis, Shadow Ridge Partnership, stated that they are replatting in order to refinance for better interest rates. Mr. Bullis referred to a note on the plat indicating there is nothing of record regarding the Minn-Kota power line easement. The building has been constructed and is occupied. Minn-Kota needs to come up with something more definitive. As for area property owners not being made aware of the apartment buildings, Shadow Wood has never put out information showing a use other than multiple family.

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

Commissioner Gustofson asked if the buffering requirement should be added to the conditions for approval. Steven stated that it's an ordinance requirement, so it doesn't need to be added. Commissioner Sheeley asked about using greenery. Steven indicated it needed to be a solid buffer that can't be seen through. So the developer will most likely install a solid fence instead.

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 – A11-37 Eagle Run 21<sup>st</sup> Addition, a replat of Lot 8, Block 2 of Eagle Run 12<sup>th</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located north of 32<sup>nd</sup> Avenue and West of Sheyenne Street in the Eagle Run Development. The subdivision was approved by the City in November 2004 and the lot was zoned R-2: Limited Multiple Dwellings to accommodate smaller apartment buildings, townhouses or condominiums of eight units or less. A conditional use permit was approved in August of 2009 allowing for 12-unit structures per the submitted design plans.

The applicant has submitted an area plan, preliminary plat and site plan. Similar to the Shadow Wood 6<sup>th</sup> Addition request, the purpose of the replat is to facilitate future financing and development for the properties. The Preliminary Plat shows two lots with four 12-plex structures and related garages on Lot 1 and six 12-plex structures and related garages on Lot 2.

Garages back up to the property lines and are required by the Zoning Ordinance to be set back a minimum of 3' from the property line for a total separation of 6' between buildings.

It is recommended that the subdivision plat be conditionally approved on basis the request is consistent with City plans and ordinances. The conditions for the application are as follows:

1. An Attorney Title Opinion is received.
2. A certificate of taxes showing taxes being current is received.
3. A revised Drainage Plan is received and approved by the City Engineer.
4. A Final Plat is received with any necessary utility easements.
5. A landscape plan is received for boulevard trees along 5<sup>th</sup> Street West and 30<sup>th</sup> Avenue West.
6. A Subdivision Improvement Agreement is received if necessary.

Mr. Bullis indicated he's available to answer any questions.

Commissioner McDougall asked if there is an issue with the garages. Mr. Bullis stated there was not.

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

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 A11-38 Rezoning from R-2: Limited Multiple Dwellings to PUD: Planned Unit Development of Lot 5, Block 1 of Eagle Run 8<sup>th</sup> Addition and Lot 1, Block 1 of Eagle Run 11<sup>th</sup> Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located south of 32<sup>nd</sup> Avenue West on the east side of 9<sup>th</sup> Street West. Two apartment buildings are currently under construction to the north, the submitted plans showed a 3-plex to the north and a 4-plex to the south. The applicant called after the staff reports had been sent out and indicated they propose to construct two 4-plex buildings. Staff asked that a reviewed plan be submitted showing the two 4-plexes for tonight's meeting. We have not yet received those plans.

Steven stated that originally he met with the builder and what is currently shown on the plans with the 3-plex and 4-plex is what is currently allowed. They can't meet the setbacks on the north lot. They submitted those plans to be able to obtain a permit and start construction.

The developer is having difficulty meeting the setbacks for the structures on the property with the type of design. The developer would like to develop the two lots as one development and is proposing to rezone the property to Planned Unit Development.

The developer has submitted a detailed site plan, elevation and floor plans for the two structures, and landscaping plan for the development. Townhouse style apartment units are proposed with 2-stall attached garages. Landscaping includes sod and trees. No boulevard trees are shown on the plans. It would be appropriate for the developer to provide for boulevard trees along the streets.

The developer needs to work with the Post Office on a mail delivery plan for the development. The developer needs to submit a drainage/utility plan, outline for the anticipated schedule and sequence of construction for all improvements, and sign a developer/PUD agreement.

It is recommended to conditionally approve the proposed rezoning from R-2 to Planned Unit Development on the basis that the development is consistent with City plans and ordinances. The conditions for approval are as follows:

1. A drainage/utility plan is received
2. An outline for the anticipated schedule and sequence of construction for all improvements is received.
3. A detailed landscape plan is received showing the variety of trees and including trees for the street boulevards.

4. A mail delivery plan is reviewed and approved by the Post Office.
5. A developer/PUD agreement is received.

Michael Womack, representing Brookstone stated that he originally submitted plans for two 4-plexes; however, the building administrator asked that they be revised showing the 3-plex in order to obtain permits. Steven stated that the applicant needs to submit a revised site plan showing the 4-plexes with the setbacks they want. The original plans showed different setbacks.

Mr. Womack also stated that he's met with the post office and have determined a location for cbu's. He's available to answer any questions.

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

Commissioner Carlsrud asked if these were rentals. Mr. Womack stated yes.

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

Chair Lenzmeier opened public hearing A11-39 Rezoning from CM: Heavy Commercial/Light Industrial to M: Heavy Industrial and Conditional Use Permit for Salvage Material Stockpiling for Lot 11, Block 1 of Midway Subdivision, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located north of East Main Avenue and east of 9<sup>th</sup> Street East. The property has been and will continue to be utilized for petroleum related purposes. The applicant is interested in accommodating sorting and loading of heavy scrap metals on to rail cars from his rail spur. The proposed use requires a rezoning, conditional use permit and land use plan amendment.

The applicant proposes to sort and load rail cars with heavy scrap metals from an area manufacturing plant. This activity would be conducted toward the rear of the lot. Under the City's Zoning Ordinance, the proposed use would be considered a salvage yard use which is only allowed in the Heavy Industrial District and only as a conditional use.

The City's Land Use Plan shows the property designated as Light Industrial and it is zoned accordingly. A portion of the adjacent property to the west is also designated as Light Industrial; however, it is zoned Heavy Industrial. If the application is to be approved, it would be appropriate to amend the Land Use Plan to General Industrial for the two properties.

The applicant has submitted a map of the property and a site plan showing where the sorting and loading would take place. The applicant has several rail spurs on the property.

In reviewing the criteria for granting a conditional use permit for the proposed salvage use, the following observations are made:

1. Access to the property is accommodated from the Main Avenue Frontage Road.
2. Off-street parking and loading requirements can be accommodated on the property.
3. Refuse and service areas are accommodated on the property and are adequate.
4. Municipal services and utilities are in place.
5. Fencing is required around the entire salvage use under the ordinance. With the loading activity on rail cars, fencing should be concentrated around any stockpile areas so that the salvage material is not visible from adjacent properties or from Main Avenue.
6. Signing would be according to the sign ordinance provisions.
7. There are no yards and other open space requirements for the property where the salvage activity is proposed.
8. Soil conditions appear to be appropriate for the proposed development.
9. The proposed use is viewed as generally compatible with adjacent properties and other property in the area, provided that all impacts relating to noise and visual nuisances are mitigated.

Property owners within 350' of the property were notified. We have received several calls with concerns about the potential

visual and noise impacts with the salvage use. The property fronts on Main Avenue, so there needs to be some sensitivity to the aesthetics along the corridor, as well as to neighboring properties. Noise is another concern with the loading of heavy scrap metal on rail cars, so limiting the hours of operation may mitigate some of this concern. The City did receive a call from one property owner south of Main Avenue East who was opposed to the proposed use.

It is recommended to approve the rezoning from Light Industrial to Heavy Industrial, provided that the Land Use Plan is amended from Light Industrial to General Industrial. The presence of rail spurs on the property and adjacent industrial uses supports the proposed changes. Also, it is recommended to conditionally approve the Conditional Use Permit for a salvage yard on the basis that the site and rail spur supports the use and the use is generally compatible with adjacent uses, zoning ordinance and comprehensive plan. The conditions of approval are as follows:

1. The stockpile area(s) are completely screened from view from Main Avenue and from the adjacent property owners. The height of the stockpile is controlled by the height of the fence.
2. The hours of operation for the sorting and loading of salvage materials are during normal working hours from 8:00 am to 6:00 pm.
3. The Conditional Use Permit expires in 3 years, and if the use is to continue beyond that timeframe, an application is submitted for re-approval.

Larry stated that prior to the meeting he met with the property owner and salvage operator who propose placing the stockpiled materials within bins which would prevent visual impacts. They wondered if the City would review the bins as a solution for a temporary time period, for 6 months rather than using fencing to screen.

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

Applicant Dirk Lenthe from Service Oil stated he was available to answer any questions.

Chair Lenzmeier asked for a description of the bins and the process. Adam Shay, Northern Metal Recycling, stated that they pick up material from Case IH and transfer it to rail cars. The bins are made of cement blocks to keep the product hidden. This is new production steel, cut outs from parts that are very heavy. So they won't be stacking it very high. Mr. Lenthe stated that the area is 500' back, normally there are railcars located there to block the view from the auction property to the west, which stores their totaled vehicles in that area.

Commissioner Gustofson asked about the number of rail cars. Mr. Lenthe stated they're at the mercy of the railroad. Mr. Shay stated about two cars a week.

Commissioner Beck asked if they'd be dealing with any other material. Mr. Shay stated it's strictly for Case.

Discussion was held regarding the bins. Commissioner Gustofson stated that there didn't appear to be a problem with the block bins.

Commissioner Beck made a motion for approval based on the three conditions in the staff report with an additional condition for allowing the utilization of storage bins instead of fencing areas, with a review in 6 months. Commission Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-41 Midland 3<sup>rd</sup> Addition, a subdivision located in the NE¼ of Section 5, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The proposed subdivision is located between 7<sup>th</sup> Avenue NE and 12<sup>th</sup> Avenue NE and west of 9<sup>th</sup> Street NE. The property has been zoned Heavy Industrial for a number of years. The applicant platted the area along 12<sup>th</sup> Avenue NE previously and now is platting the remaining property under their ownership. The proposed development is consistent with City Plans and Ordinances.

The applicant is proposing to develop additional property south of 11<sup>th</sup> Avenue NE. As a result the remaining property they own is being platted. The applicant has submitted an Area Plan and Preliminary Plat which are consistent with the previously

approved Area Plan for the area. The property included within the proposed subdivision is depicted as General Industrial on the City's Future Land Use Plan. The Preliminary Plat consists of 5 lots within 3 Blocks. Two of the blocks are platted as large lots.

With regards to streets, the east half of 5<sup>th</sup> Street NE is being platted between 9<sup>th</sup> Avenue NE and 11<sup>th</sup> Avenue NE; all of 7<sup>th</sup> Street NE between 9<sup>th</sup> Avenue NE and 11<sup>th</sup> Avenue NE; the north half of 9<sup>th</sup> Avenue NE between 5<sup>th</sup> Street NE and 7<sup>th</sup> Street NE; all of 9<sup>th</sup> Avenue NE between 7<sup>th</sup> Street NE and 9<sup>th</sup> Street NE; and the west half of 9<sup>th</sup> Street NE from a point somewhat north of 7<sup>th</sup> Avenue NE to 11<sup>th</sup> Avenue NE. Except for 9<sup>th</sup> Street NE the total right-of-ways for the streets will be 80' which meets the City ordinance standards for local industrial streets. The right of way for 9<sup>th</sup> Street NE (west half) is shown as 50' which is not adequate under the current right-of-way standards for Minor Arterial streets. A total of 120' of right-of-way is required north of 7<sup>th</sup> Avenue NE (60' for each side). South of 7<sup>th</sup> Avenue NE, a total of 150' was required because of the railroad crossing. When Midland 2<sup>nd</sup> Addition was approved the standard right-of-way for 9<sup>th</sup> Street NE was a total of 100', or 50' for each side. Access to the properties is intended to be from the local streets.

The applicant proposes to privately install the necessary municipal services to serve the development and proposes to establish a new Tax Increment Financing District. The City will be reviewing the urban development plans for this in the near future. Storm water retention requirements and location of the retention pond(s) are being reviewed by the developer and City Engineer. A drainage plan for the subdivision will need to be completed and approved by the City Engineer. Park dedication is required for the subdivision. The amount of park dedication would be 5% of the land area or its equivalent value as cash-in-lieu of land dedication. The City has not received the recommendation from the Park District yet.

Plat information was sent to Utility Companies, City Departments, Park District and Post Office for review. No issues were identified.

It is recommended to conditionally approve the proposed subdivision plat 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 Final Plat is received with additional right-of-way for 9<sup>th</sup> Street NE and necessary easements shown.
3. A Drainage Plan is received.
4. A Park Dedication Agreement is received.
5. A Certificate is received showing taxes are current.
6. A Subdivision Improvement Agreement is received.

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

Chair Lenzmeier asked about possibly including the parcels on the SE corner, which has a house and shop. Larry stated that the City can't require it and they'd also be required to submit a title opinion, which could be costly. Steven stated that the applicant is platting the roads, but only plans to install 11<sup>th</sup> Avenue from 7<sup>th</sup> to 9<sup>th</sup> Street. The rest of the streets won't be installed any time soon. Discussion was held regarding rights-of-way. Larry stated that the applicant is paying cash and doesn't want to create an assessment district.

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

Chair Lenzmeier opened public hearing A11-42 North Pond at the Preserve 2<sup>nd</sup> Addition, a subdivision, rezoning from A: Agricultural to C-OP: Commercial Office Park and Land Use Plan Amendment from High Density Residential to Office Park, property located in the N½ of Section 20, T139N, R49W, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located between Veteran's Boulevard and the Sheyenne River and between 23<sup>rd</sup> Avenue East and Interstate 94. The Developer proposes platting a portion of a larger tract and zoning the parcels to C-OP: Commercial Office Park. The proposed rezoning is not consistent with the City's Land Use Plan, which depicts the area developing as High Density Residential. The developer proposes amending the Land Use Plan to Office Park to accommodate the proposed office use.

The developer has submitted an application, Area Plan, Preliminary Plat and site plan. The developer proposes platting and rezoning property for an office complex which is located west of North Pond At The Preserve 1<sup>st</sup> Addition. There is a parcel of unplatted land between the two subdivisions. The Land Use Plan of the City's Comprehensive Plan depicts the area as High Density Residential. The developer's concept area plan has shown the area for commercial/office development, and he requested with the South Pond at the Preserve 2<sup>nd</sup> Addition that the high density residential be located on Veteran's Boulevard south of 26<sup>th</sup> Avenue East which was approved by the City. The Land Use Plan for this area was to be amended when the area is platted and zoned.

The subdivision is proposed as one large lot and block, which meets the minimum standard for lot size. Access to this area is provided via 23<sup>rd</sup> Ave East which is extended to the site, as well as 4<sup>th</sup> Street East which is being platted between 23<sup>rd</sup> Avenue East and 26<sup>th</sup> Avenue East. The plat shows R-O-W widths of 80', which meets the city's minimum standard for commercial properties.

The property is located within the CO-I: Interstate Corridor Overlay District which dictates setbacks and building materials allowed as well as requires Planning and Zoning and City Commission review and approval of building and site plans. Also the C-OP: Commercial Office Park District provides for lot and yard requirements. The site plan does not provide for any dimensions, but rather shows the scale of the proposed office complex on the property. It is anticipated that there will be 160 employees initially and 250 employees in the future. Two buildings are proposed with one being 76,000 square feet and the second one being 35,000 square feet.

Park dedication is required with the subdivision plat. The Park District was notified and has up to 30 days to provide their recommendations for dedication of land or cash-in-lieu of land dedication.

Notices were sent out to City departments, SE Cass Water Resource District, utility companies and neighboring property owners. No issues have been identified from the comments received.

Staff recommends approval with the following conditions:

1. A certificate is received showing that taxes are current.
2. A drainage plan is received and approved by the City Engineer.
3. Any necessary easements are placed on the Final Plat.
4. A landscape plan is received.
5. A mail delivery plan is developed for review by the Post Office.
6. A subdivision improvement agreement is received from the developer.
7. A park dedication agreement is received.

Applicant Dan Bueide stated that he was available to answer any questions. Ag Country was running out of room at their existing site. Platting the rights-of-way will also be used for the utility corridor to service the Costco lot.

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

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

The next item on the agenda was A11-40 Access Request onto 26<sup>th</sup> Avenue East for Lot 1, Block 1 of South Pond at the Preserve 2<sup>nd</sup> Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located south of Interstate 94 on the southwest corner of 26<sup>th</sup> Avenue East and Veteran's Boulevard. The area was annexed into the City in 2005 and platted earlier this year with South Pond At The Preserve 2<sup>nd</sup> Addition. The City has received a request for access to Lot 1, Block 1 of South Pond At The Preserve 2<sup>nd</sup> Addition from 26<sup>th</sup> Avenue East for a bank facility. 26<sup>th</sup> Avenue East is classified as a Collector Street, which is a limited access street requiring review by the Planning and Zoning Commission and approval by the City Commission.

The applicant has a bank client considering purchasing the property. The bank proposes to install an access to the property

on south side of 26<sup>th</sup> Avenue East and has submitted a site plan for review.

City departments have reviewed the access request and no concerns have been received.

It is recommended to approve full access to 26<sup>th</sup> Avenue East with a minimum spacing of 200', but reserving the right to limit the access type in the future as traffic impacts are experienced.

Dan Bueide indicated he was available to answer any questions. He stated that he worked with Chris in Public Works. They may propose a similar access on the north side of 26<sup>th</sup> Avenue in the future.

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

The next item on the agenda was A11-43 Building/Site Plan Review for Costco.

Steven reviewed the following information from the staff report:

Costco has submitted a set of plans including site plan, landscape plan, and elevation plans for the main store and for the gasoline pump house and canopy. Additionally sign elevations were provided.

The site plan shows a 150,234 square foot building for their store. The site has 755 parking stalls which exceeds the required parking. The parking lot contains landscaped islands, landscaping around the perimeter, and is setback adequately per the Corridor Overlay and Interstate Corridor Overlay districts. The building is set back to the west and has a northeast orientation for the entrance. Truck receiving area is set to the back side of the building which is to the west. Building materials consist of metal and EFIS textured panels. Signage consists of only wall signs, and includes sign areas which exceed Zoning Ordinance requirements. The applicant has submitted an application for a Zoning Ordinance text amendment to allow for larger signs as a conditional use when several conditions apply including significant setbacks from public streets, freestanding signs are not utilized, and any other conditions the community feels appropriate.

Final construction plans would be reviewed in detail by the staff to ensure that all zoning requirements are met.

The staff believes that the preliminary plans meet or exceed all local requirements, except for the signage issue. We would recommend approval subject to review by staff of the final construction plans and the signage is adequately addressed.

Steven stated that they won't have a pylon sign, so allowing for a larger wall sign seems very doable. By next month staff hopes to have a Zoning Ordinance Amendment with a Conditional Use Permit procedure for large commercial sites like this.

Ted Johnson, Consultant with Design Strategies, gave a brief PowerPoint presentation on the proposed building and site plans. He stated that in terms of the signage issue, the signs need to fit with the building size proportionally. With the setbacks and building size they feel the signage is appropriate.

Chair Lenzmeier asked how the sign issue could impact the rest of the City. Larry indicated very minimally. The Zoning Ordinance Amendment would be as a Conditionally Permitted Use with specific criteria in terms of size of structure and setbacks.

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

Under Non-Agenda Mr. Ault from Shadow Wood had some questions, concerns with development. He asked how an apartment could be built closer than a house is allowed. Usually there's a buffer of twin homes or medium density residential to screen single family homes from high density residential.

Chair Lenzmeier asked how close can they build? Larry stated the front yard is 25' and rear yard is 30' and buffering is required; however, the apartments are on a corner lot, which means the side yard setback is 12'. There is still buffering required.

Larry stated that the Land Use Plan was developed prior to Shadow Wood's Single Family. The public should have been notified. Mr. Ault stated that a 3 story apartment building creates a wall in the single family backyards. A 6' fence is not adequate screening. This was not what was expected by homeowners and what was handed out to customers was not what the City reviewed. The apartment area was shown as a white area, a blank on their maps.

Steven stated that he's received numerous calls about this; however, if anyone would have called the City prior to purchasing their homes, they would have been told what was proposed. Larry stated that the Land Use Plan had this designated as High Density Residential/Multiple Family even before development occurred. We can't control the marketing.

Mr. Ault stated that as a suggestion in the future when high density abuts single family that the setbacks should be increased. He also stated concern with the notification process. Notices went out prior to anyone owning lots or property in this development and by that time it was too late.

Also under non-agenda Larry was approached by a bank in a Planned Unit Development regarding landscaping. A couple trees have grown and are shielding their sign. They want to remove more trees than City Staff would like and replace them with shrubberies. This would be a Minor PUD Modification.

Chair Lenzmeier asked who it was. Larry stated First International Bank. Chair Lenzmeier asked if they could present a plan.

Commissioner McDougall made a motion for Administrative Review and Approval of the PUD Modification. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

Commissioner McDougall made a motion to adjourn. Meeting Adjourned.