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Tim Solberg, AICP, Director of Planning and Zoning

Larry M. Weil, Community Development Director

Lisa Sankey, Planner

Malachi Petersen, Planner

Chanda Erickson, Office Manager

West Fargo Planning & Zoning Commission Agenda
Tuesday, March 10, 2020 - West Fargo City Hall – 5:30 p.m.

1. Call to Order
2. New Planning and Zoning Commissioner Lana Rakow
3. Approval of Minutes – February 11, 2020
4. Public Hearing – A20-9 Zoning Ordinance Amendment to review proposed NC: Neighborhood Commercial Zoning District
5. **Withdrawn** - Public Hearing – A20-10 Conditional Use Permit for off-premise signage within the DMU: Downtown Mixed Use District at 444 Sheyenne Street (Lot 2, Block 1 of Sheyenne Plaza 1st Addition), City of West Fargo, North Dakota – West Fargo Events
6. Reschedule April Meeting to April 7th or 13th – Board of Equalization Scheduled for April 14th
7. Non-agenda
8. Adjournment



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West Fargo Planning & Zoning Commission
Tuesday, February 11, 2020 at 5:30pm
West Fargo City Hall

Members Present: Joe Kolb
Shane Lebahn
April Walker
Eric Dodds

Members Absent: Tom McDougall, David Gust, Jana Reinke

Others Present: Dustin Scott, Tim Solberg, Lisa Sankey, John Shockley, Chanda Erickson, Malachi Petersen, Jerry Wallace

Minutes Submitted by: Chanda Erickson, Office Manager

Meeting was called to order by Commissioner Kolb at 5:30pm.

Commissioner Dodd moved and Commissioner Walker seconded to approve the January 14, 2020 meeting minutes as printed and mailed. No opposition, Motion carried.

Commissioner Kolb opened a tabled item – A20-3 Conditional Use Permit for accessory building greater than 1,000 ft² in an R-1E: Rural Estate District for personal storage at 3839 Kensington Drive (Lot 4, Block 2 of Windsor Green Subdivision), City of West Fargo, North Dakota. There was public comment. After discussion, Commissioner Dodds moved and Commissioner Lebahn seconded to deny the application due to public opposition regarding square footage. Motion carried.

- Bradley Mitchell, property owner at 3839 Kensington Drive, mentioned he planned to reduce the size of the accessory building by 324 square feet and move the plans 40 feet to the North.
- Robert Majkrzak, 3805 Kensington Drive, opposed the size of the accessory building.
- John Rust, 3813 Sheyenne Street, opposed the size of the accessory building.
- Terry Stargardt, 3819 Sheyenne Street, opposed the size of the accessory building.

Commissioner Kolb opened a Public Hearing – A20-6, Delta 54 Subdivision and Conditional Use Permit for single family dwelling in an A: Agricultural District at 1215 9th Street NW on Auditor's Lot 2 within the NW¼ SE¼ of Section 31, T140N, R49W (Reed Township), Cass County, North Dakota. There was no public comment. The Public Hearing was closed. After discussion, Commissioner Dodds moved and Commissioner Walker seconded to approve the application with the ten conditions listed in the staff report and two additional recommendations. The Commission recommended an Acknowledgment be signed regarding the Airport and Lagoon. Also, Commission wants to review that all conditions are met before moving to City Commission. No opposition. Motion carried.

Commissioner Kolb opened a Public Hearing – A20-7, Zoning Ordinance Amendment to review proposed changes to Section 4-460 Sign Regulations. There was no public comment. The Public Hearing was closed. After discussion, Commissioner Walker moved and Commissioner Lebahn seconded to approve the application as recommended. No opposition. Motion carried.

The Public Hearing – A20-8 Zoning Ordinance Amendment to review proposed changes to 4-450 Off-Street Parking and Loading Regulations was withdrawn by staff.

The Commission reviewed Detailed Development Plans – A19-49 The Ranch at the Wilds. After discussion, Commissioner Dodds moved and Commissioner Lebahn seconded to approve the Detailed Development Plans with the eight conditions listed in the staff report. No opposition. Motion carried.

The Commission reviewed Detailed Development Plans – A20-5 225 40th Avenue West Greenworks. After discussion, Commissioner Dodds moved and Commissioner Lebahn seconded to approve the Detailed Development Plans with the four conditions listed in the staff report. No opposition. Motion carried.

There were no non-agenda items. Tim Solberg mentioned that next Planning and Zoning Commission Meeting he plans on discussing the Bell Bank Tower downtown, for a possible TIF district.

Commissioner Walker and Commissioner Lebahn seconded to adjourn. No opposition. Meeting adjourned.

STAFF REPORT

A20-9	ZONING ORDINANCE AMENDMENTS
Zoning Ordinance Amendment Creating NC: Neighborhood Commercial Zoning District	
Applicant: Staff Initiated	Staff Contact: Tim Solberg, AICP
Planning & Zoning Commission Introduction:	03-10-2020
Public Hearing:	03-10-2020
City Commission Introduction:	
Public Hearing & 1 st Reading:	
2 nd Reading	

PURPOSE:

Zoning Ordinance amendment to create Neighborhood Commercial District.

DISCUSSION AND OBSERVATIONS:

- Upon completion of West Fargo 2.0, it was determined that the City’s zoning regulations would require an update and overhaul. City staff is completing much of the overhaul in segments.
- The Comprehensive Plan encourages a mix of commercial uses within neighborhoods in order to provide residents and visitors the ability to meet their daily needs within short walking distances or to reduce the number and length of automobile trips.
- The public has expressed concern over mixing uses within established neighborhoods, thus making redevelopment to provide for a mix of uses quite difficult. Oftentimes, the use of Planned Unit Developments has been the only way which neighboring property owners have felt comfortable with providing the mix of uses in a neighborhood.
- Staff is providing for a district that requires reduced lot sizes to discourage large scale commercial development. Further increasing lot design standards within the district is intended to provide for a less intense development pattern. Staff is also proposing limiting building height to be the same as residential district standards. Yard requirements can provide for appropriate distances from various forms of residential development.
- Permitted and conditionally permitted uses will allow potential applicants and neighboring residents a clear understanding of what is considered an acceptable use within the district. Conditionally permitted uses will provide the opportunity to the public and the Commission to carefully consider uses which may be appropriately placed in these areas when conditions are met to ensure compatibility.

NOTICES:

Sent to: Notice in the newspaper and to City Departments

Comments Received:

- None to date.

STAFF REPORT

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- Development within the Neighborhood Commercial District can include mixed use buildings, however this is not necessary. Promotion of mixed uses within residential areas can prevent long travel distances for meeting daily needs of residents thus meeting goals of West Fargo 2.0.
- The proposed zoning district is intended to align with the City’s vision to provide a community with balanced and diverse land uses that expand our lifestyle choices and quality of life.
- Neighborhood Commercial is best described within West Fargo 2.0 under “A Neighborhood For All” as CD-4: General Urban as described as follows:
 - CD-4 consists of a medium density area within the neighborhood, often located at the core or on the outskirts. This area has a mix of residential building types (single family detached, duplexes, rowhouses, and apartment units above retail) and may also include some neighborhood retail uses such as coffee shops, bakeries, small convenient stores, etc. The buildings are set closer to the street often located right up to the edge of the right a way. The streets have sidewalks, street trees with occasional outdoor seating when businesses are present. Garages are accessed via back alleys or are tucked several feet in behind the main facade of the building to accentuate the house facade and front door rather than the garage.



RECOMMENDATIONS:

Staff is recommending discussion and review of the ordinance amendments prior to opening the public hearing. It is suggested that the Planning Commission provide input on the proposed district and table a decision for an additional month to allow time for continued discussion and consideration.

4-4xx. "NC" DISTRICT OR NEIGHBORHOOD COMMERCIAL DISTRICT.

4-4xx.1. Statement of Intent: The provisions of the NC District are intended to provide areas within residential neighborhoods that provide for a variety of commercial retail stores, businesses and personal services which serve primarily the needs of the adjacent neighborhood in order to provide residents and visitors the ability to meet their daily needs within short walking distances or to reduce the number and length of automobile trips. Providing for these uses within a residential setting must be harmonious with the adjacent residential development pattern.



4-4xx.2. Permitted Uses.

1. Small scale stores selling convenience items such as groceries, hardware or clothing, and businesses performing convenience services.
2. Non-retail uses to include business services, such as banks, and other financial institutions, and professional offices.
3. Childcare and pre-school centers.

4-4xx.3. Conditionally Permitted Uses. The following use may be permitted in the NC District subject to the conditions hereinafter imposed and subject further to review and approval by the City Commission as required by Section 4-550 of this Ordinance:

1. Apartments above commercial establishments; subject to the following conditions:
 - a. Any apartment shall be provided with off-street parking the same as for multiple dwellings.
 - b. Any apartment shall be provided with private access.
2. Veterinary clinics without overnight facilities, medical and dental facilities such as clinics, hospitals, nursing, basic care or convalescent homes,

not including Behavioral Health Care Facility.

3. Eating and drinking establishments.
4. Convenience stores which cater to automobiles with the following conditions:
 - a. Lot design should be inverted to provide for compact pedestrian friendly design to not detract from the neighborhood design pattern.

4-4xx.4. Yard Requirements for the NC District.

	Commercial	Mixed Use
Lot Area Maximum	43,560 ft ²	43,560 ft ²
Lot Width Minimum	50	50
Front Yard Minimum	0	0
Rear Yard Minimum	15	15
Side Yard Minimum	15	15
Maximum Lot Coverage	40%	40%
Maximum Height	35	35
Minimum Green Area	25%	25%

4-4xx.5. Lot Design Standards.

1. Open Space Landscaping:

- a. All yard areas not covered by buildings, sidewalks or paved parking areas shall be landscaped. A minimum of 10% of the lot area shall be landscaped.
- b. A minimum of 5 feet of landscaped open space shall be required to separate parking areas from side and rear lot lines and a minimum of 5 feet of open space shall be required to separate parking areas and building setback lines.

2. Parking Areas:

- a. Maximum parking allowed for a use may not exceed the parking minimum requirements found within Section 4-450: Off Street Parking and Loading Regulations.
- b. Parking lots are required to be hidden with first priority to be placed out of sight of a public or approved private street.

- c. On-street parking is encouraged where possible and is to be designed at the discretion of the City Engineer and Director of Planning and Zoning and approved by the City Commission.
- d. Where parking lots front a public or approved private street, a minimum 5 foot decorative buffer is required to include pedestrian friendly areas that also include plantings which hide the parking area such as shown in the exhibit below.



3. Lighting:

- a. Lighting intensity is not allowed to exceed **xxx** lumens projecting outward measured at a distance of **xxx** feet from the property.

4-4xx.6. Other Applicable Regulations.

Section 4-440 Supplementary District Regulations
Section 4-450 Off-Street Parking and Loading Requirements
Section 4-460 Sign Regulations