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Larry M. Weil, Community Development Director
Tim Solberg, AICP, Director of Planning and Zoning
Lisa Sankey, Planner

West Fargo Planning and Zoning Commission
February 12, 2019 at 5:30pm
West Fargo City Hall

Members Present: April Walker
Joe Kolb
Shane LeBahn
Eric Dodds

Members Absent: Tom McDougall
Dave Gust
Megan Huffman
Jana Reinke

Others Present: Larry Weil, Tim Solberg, Dustin Scott, John Shockley, Courtney Williams, Troy Mallow, Olaf Construction, Lukas Croaker, Steven Kraft, Matthew Kirkwood, Pam and Mark Bourdon

Minutes Submitted By: Courtney Williams, *Executive Assistant to the City Administrator*

The meeting was called to order by Acting Chair Kolb at 5:30pm.

Commissioner Walker moved and Commissioner LeBahn seconded to elect Commissioner McDougall as Chair of the Board and Commissioner Kolb as Vice Chair. No opposition. Motion carried.

Commissioner Walker made a motion to approve the December 11, 2018 meeting minutes as printed and mailed. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

Acting Chair Kolb opened Public Hearing - A19-1 Strawberry Fields 3rd Addition, Replat of Lot 1, Block 1 of Strawberry Fields Addition and Lot 22, Block 1 of Oak Ridge 11th Addition, City of West Fargo, North Dakota – Graham.

Lisa discussed the following:

The purpose of this application is to replat two lots into three.

- The applicant has submitted an application, preliminary plat, and site plan.
- The replat is necessary to make some minor lot line adjustments to accommodate development of proposed lots and existing one.
- The new lots will meet the current zoning district requirements.
- The proposed replat does not affect any public easements or right of ways.

Notices have been sent to applicable agencies and departments, and no comments have been received to date.

The proposed plan is consistent with City plans and Ordinances.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. An updated drainage plan is approved by the City Engineer.
2. An Attorney Title Opinion to the City of West Fargo is received.
3. Signed Final Plat is received with any necessary easements.
4. A certificate is received showing taxes are current.

The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.

Commissioner Walker moved and Commissioner Dodds seconded to approve the application with the four conditions listed. No opposition. Motion carried.

Acting Chair Kolb opened Public Hearing - A19-2 Woodland Estates 2nd Subdivision, Replat of Lot 6, Block 1 of Woodland Estates Subdivision, City of West Fargo, North Dakota – Kraft.

Tim discussed the following:

The purpose of this application is to replat previously subdivided lot into two for sale and development.

- The applicant has submitted an application for replat and a preliminary plat for property located in the City's extraterritorial (ET) area about 1 mile north of West Fargo City Limits.
- The applicant owns a lot on the NW corner of Cass County Hwy 17N and 19th Avenue NW and proposes subdividing into two lots for sale of the vacant lot.
- The area is within a Special Flood Hazard Area (SFHA). Any development will be required to meet all applicable Federal, State, and Local regulations, which may have changed since the existing home was constructed.
- There have been concerns noted previously by Fargo/Cass Public Health with regard to on-site septic systems being built on smaller lots in the floodplain. The addition of fill required to build homes sometimes does not leave adequate undisturbed soil for placement of a proper drainfield.

Notices have been sent to applicable agencies and departments, including Reed Township officials, Cass County Planning and the Cass County Sanitarian.

- Fargo/Cass Public Health provided the following regarding on-site septic for the proposed split: Floodplain issues can be considerable as a septic system cannot be installed in fill dirt. They must be placed in undisturbed soil. Most of the time, lots of this nature can pretty easily get past issues with fill/possible flooding by installing pressurized mound systems, which can incorporate raised fill in their design. This type of system is able to mitigate seasonal groundwater issues as well as any overland flooding. Our office recommends that developers with these types of lots anticipate the need for an above ground pressurized mound system in their planning.

- A call was received from an adjacent property owner that believed the subdivision had restrictive covenants that do not allow the subdivision of property. The City does not enforce covenants and believes this a matter between the property owner and the subdivision.
- The Sub-Urban - Restricted Growth Sector includes areas between the current and proposed diversion that may have new development potential should the new diversion be built. The G-1 area identifies significant tracts of land that are currently rural, but where directed and well-planned new development could occur around the identified potential Future Mixed-Use and Employment Centers.
- The property is currently zoned for Rural Estate residential development. Increasing the density of an existing residential lot may be seen as a benefit provided it does not increase the burden to agencies which may service the property.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

- Any concerns from Fargo/Cass Public Health with regard to on-site septic system on the newly proposed lot is addressed and/or reviewed by the applicant prior to consideration of final plat.
- The applicant is to meet all Federal, State and local requirements for improvements to the site and structures.
- An Attorney Title Opinion is received and counsel is provided regarding the comments from the neighbors that subdivision is not allowed for within the restrictive covenants.
- A drainage plan is approved by the City Engineer.
- Final Plat is received with any necessary easements.
- A certificate is received showing taxes are current.

Lukas Croaker with Ohnstad Twichell stated that restrictive covenants are recorded through the County, and that the City does not enforce covenants, to which Tim stated there are no covenants on file that staff has found.

Commissioner LeBahn asked if the applicant's house was built before the rest of the development, to which Tim stated yes, it was built in 1989 and the development was finished in 2005.

The Public Hearing was opened.

Resident Matthew Kirkwood, 2120 Ann Street appeared before the Commission for Public Comment. He stated when he purchased his home he was told there was an HOA with restrictive covenants.

Residents Mark and Pam Bourdon, 318 Woodland Place NW appeared before the Commission and stated there were no restrictive covenants, and spoke in opposition to the proposed application.

Tim stated that the road is not maintained by the city. He stated that Woodlands 2nd doesn't add any additional right of way, it's just splitting the current lot.

Commissioner Walker asked if drainage would be looked at prior to construction, to which Tim stated yes, the City Engineer would review it.

Applicant Steven Kraft appeared before the Commission and stated he was the first homeowner in the development, and planned to have a one acre lot split so someone could have a nice, well constructed home, and it wouldn't disrupt anyone.

There was no other Public Comment. The Public Hearing was closed.

Commissioner Walker asked if a provision can be provided for the road, to which Tim stated it's not a city road, so the city would have no right to inspect it.

Commissioner Dodds asked how long it would take for the City to grow into the area and consider annexation, to which City Engineer Dustin Scott stated that there is no plan for it in the near future, but if services are requested, the City could pursue it.

Commissioner Dodds moved and Commissioner LeBahn seconded to approve the application with the six conditions listed. No opposition. Motion carried.

Acting Chair Kolb opened Public Hearing – A19-3 Conditional Use Permit for expansion of airport facilities at 1040 19th Ave NW (Lot 1, Block 1 of Airport 1st Addition), City of West Fargo, North Dakota.

Tim discussed the following:

The purpose of this application is to review the existing site and proposed site plan to allow for continued expansion of airport facilities.

- The property is currently developed with the West Fargo Airport.
- A conditional use permit for the Airport was approved in 1986 and again in 2002 for expansion of facilities. Proposed expansion of hangars beyond what has been constructed to date on the farthest east side of the property was not approved in previous conditional use permits.
- The applicant is requesting additional hangars and has submitted a site plan showing existing hangars, as well as location of hangars to be built in the future. Rather than state a specific location and number of hangars to be built, the Airport Authority has submitted a general area of expansion which would not require that the Conditional Use Permit be revisited if development happens within this area of expansion.
- The West Fargo Airport Authority is undergoing an "Airport Layout Plan" with the ND Aeronautics Commission as it considers its future. City staff hopes to work with them to include them in future plans surrounding the decommissioning of the City Lagoons and future redevelopment around this area that is present in West Fargo 2.0. Issues such as neighboring building heights and any future expansion on 19th Avenue NW were noted as items which should be addressed as the airport continues to see growth and increased traffic.
- For the purposes of this application long range airport planning does not appear to be necessary, but is provided as additional information for the City Commission and staff to work with the Airport Authority on in the future.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect the current access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted.
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - No concerns noted.

Property owners within 350' and applicable agencies and departments have been notified, and no comments have been received to date.

The proposed plan is consistent with City plans and Ordinances.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

- A Signed Conditional Use Permit Agreement is received.

The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.

Commissioner Walker moved and Commissioner Dodds seconded to approve the application with the one condition listed. No opposition. Motion carried.

Commissioner Kolb opened Public Hearing – A19-4 Forum Communications 1st Addition, Subdivision located in the SE ¼ of Section 5, T139N, R49W, City of West Fargo, North Dakota – 4 Suns LLLP.

Tim discussed the following:

The purpose of this application is to plat property to provide for future development.

- The applicant is proposing to plat a previously un-platted parcel, which is zoned but not developed, into one lot.
- The applicant has submitted a preliminary plat and a concept master site plan showing future development of the site made up primarily of buildings and parking.
- Right-of-way is showing as 97 feet. The additional right of way is consistent with the City's previous easement acquisition on the property to accommodate future infrastructure and road needs of the corridor. No additional public streets or easements are being proposed at this time.
- Preliminary site plans that were provided do not appear to address retention needs. The standard for any subdivision is that the City Engineer review and approve a drainage plan prior to approval. There are a couple of protections that the City has to avoid future problems. One is the subdivision of land and the other is the building permit. Given plans at this point are preliminary, it is possible to allow the plat to move forward with a general drainage plan with future retention requirements to be considered at time of building permit. If the plat is intended to accommodate the sale of property it is acceptable to continue with a generic drainage plan. If and when development occurs, area planning of drainage and retention will be required.
- Public dedication is required for the development, which would be 5% of the plat area for land or cash-in-lieu of land dedication at the established annual rate per square foot of developable land area. The City has not received any recommendations from City Departments or Park District for the dedication, which will need to be addressed prior to City Commission consideration.

Notices have been sent to applicable agencies and departments, and a letter was received from the North Dakota Department of Transportation which expressed concern on new access that appeared in the preliminary site plans provided and that the new development will add storm water runoff to the detention pond which lies west of the plat.

The proposed application is consistent with the City plans and Ordinances as the property has already been zoned.

It is recommended that the City approve the proposed application on the basis it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Any additional access to Main Avenue and 9th Street follows proper procedures for approval.
2. A drainage plan is approved by the City Engineer taking into consideration the concerns expressed by ND DOT as well as future development plans of the property.
3. A signed subdivision agreement is received.
4. A signed public dedication agreement is received.
5. An Attorney Title Opinion is received.
6. Final Plat is received with any necessary easements.
7. A certificate is received showing taxes are current.

The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.

Commissioner Walker stated that the plat is not a guarantee of a building permit, but to secure a permit the applicant may need to replat. Tim stated that there is a potential for changes that could require a replat or several easements.

Commissioner Dodds asked if the building is currently in use, to which Troy Mallow with Olaf Anderson Construction appeared before the Commission and stated that the house is no longer being used, and that asbestos testing has started prior to demolition.

Commissioner Dodds asked if retention issues arise, would it come back to the Commission, to which Tim stated it would go to the staff level, and they would take care of it.

Commissioner Kolb asked if it is part of the corridor that has the Corridor Requirements, to which Tim stated yes.

Commissioner Dodds moved and Commissioner LeBahn seconded to approve the application with the seven conditions listed. No opposition. Motion carried.

Acting Chair Kolb opened Public Hearing A19-5 Conditional Use Permit for Laser Tag Facility in a LI: Light Industrial Zoning District at 1702 4th Avenue NW (Lot 8, Block 2 of Butler's 4th Addition), City of West Fargo, North Dakota – Hoffarth.

Lisa discussed the following:

The purpose of this application is to allow an existing building to provide for a laser tag facility as a commercial use in a LI: Light Industrial District.

- The LI: Light Industrial zoning district allows for eating and drinking establishments, indoor personal training facilities and commercial/professional office buildings as a conditional use.
- The property is currently developed with a 21,250 square foot shop/office along the north side of the property.
- The applicant would like to be able to operate a laser tag facility within an 8,500 square foot portion of the building.
- The area is developed with a mix of heavy commercial and light industrial uses.
- The approval of a conditional use permit could potentially affect neighboring property owners within the LI: Light Industrial District from developing large above ground fuel storage as a conditionally permitted use.
- It may be appropriate to make clear in the conditional use permit that any nuisance affects from existing and/or future neighboring uses which are already zoned LI: Light Industrial are acceptable to ensure that existing and future development on this property is clearly informed that they will be operating in close proximity to heavier uses.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect the current access.

2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted.
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - There does not appear to be any uses in the immediate area that may be injurious to such a use. It is important to note that if the use is approved that it has the potential to limit other conditional use permits in the area that would be incompatible with this use such as above ground fuel tanks.

Notices have been sent to property owners within 350' and no comments have been received to date.

Maintaining compatibility with surrounding uses will provide consistency with City Plans and Ordinances. Increasing employment opportunities within this district is consistent with the Comprehensive Plan.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

- Applicant be made aware through the signing of the conditional use permit that the neighboring properties are currently zoned LI: Light Industrial and that their permitted uses be not considered a nuisance when lawfully undertaken.
- A Signed Conditional Use Permit Agreement is received.

The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.

Commissioner Walker moved and Commissioner Dodds seconded to approve the application with the two conditions listed. No opposition. Motion carried.

Acting Chair Kolb opened Public Hearing A19-7 Planned Unit Development Amendment for Parking Ramp at 3050 Sheyenne Street (Lot 4, Block 1 of Eagle Run Plaza 6th), City of West Fargo, North Dakota – Sheyenne 32 LLC.

Tim discussed the following:

The purpose of this application is for the development of a parking ramp to support mixed use development and City plaza space.

- The applicant has submitted an application and site plans for Lot 4, Block 1.
- Applicant intends to construct a 4 story public parking structure to support the development of mixed use buildings and City plaza space associated with “The Lights at Sheyenne 32”. The parking will be shared to support all uses within the PUD.
- Detailed site plan, floor plan and building elevations have been submitted.
- The proposed uses would be consistent within the general commercial land use and compatible with surrounding uses. The preliminary site plan provides for the setbacks of the CO: Corridor Overlay district regulations.
- Building materials proposed meet the building construction requirements of the CO: Corridor Overlay District.
- The property would utilize the private drive to the west with access out to 32nd Avenue West
- The applicant is seeking a building permit at this time and intends to begin construction as soon as possible.
- The applicant is party to a separate agreement with the City so a PUD Agreement may not be necessary.

Property owners within 150’ and applicable agencies and departments were notified and no comments have been received to date.

The uses within the proposed application would be consistent with the City’s Comprehensive Plan, which depicts the area developing into a mixed-use node. A parking garage will support development and allow for more flexibility in the design of mixed-use buildings and civic space within the project area.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

- Development will be subject, but not limited to CO: Corridor Overlay District, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
- If deemed necessary by the City Attorney, a signed PUD Agreement is received.

The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.

Commissioner Kolb asked if there were any changes from what has already been presented, to which Tim stated there has been no change from the original concept, it just needs approval in order to issue the permit.

Commissioner Walker moved and Commissioner Dodds seconded to approve the application with the two conditions. No opposition. Motion carried.

Acting Chair Kolb opened Public Hearing A19-8 Zoning Ordinance Amendment to Sections 4-442 Accessory Building & Use Provisions and 4-447 Parking and/or Storage of Certain Vehicles, Equipment and Materials.

Tim discussed the following:

The purpose of this application is for an Amendment to Sections 4-442 Accessory Building and Use Provisions and 4-447 Parking and/or Storage of Certain Vehicles, Equipment and Materials.

- The current ordinance, under supplementary district regulations, provides stipulations for swimming pools and parking certain vehicles, equipment and materials within residential districts.
- At the discussion with the building department, code enforcement and planning departments, staff has prepared proposed changes.
- A proposed amendment removes duplication that was inadvertently placed within different parts of City Ordinances.
- Staff believes that the proposed amendment would reduce confusion by code enforcement staff in applying multiple provisions of City Ordinances to a single violation.

A notice was sent to the newspaper and City Departments. No comments have been received to date.

Following the public hearing and obtaining public comments, consider recommending approval of the ordinance amendments.

Tim asked that the word fence be removed and replaced with the word barrier.

Commissioner Kolb approved the edit to use the word barrier instead of fence.

The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.

Commissioner Walker moved and Commissioner Dodds seconded to approve the amendment with the terminology modifications. No opposition. Motion carried.

Acting Chair Kolb opened A19-6 Oak Ridge 17th Addition, a Retracement Plat of Lots 17 and 18, Block 1 of Oak Ridge 11th Addition, City of West Fargo, North Dakota – Graham.

Lisa discussed the following:

The purpose of this application is for a combination of two existing platted lots into one.

- The applicant is proposing to combine two previously subdivided lots to construct a commercial property.
- Property owners wishing to combine properties which have been previously platted for the purpose of building across lot lines and/or increasing lot area to address district requirements may submit a retracement plat provided the following conditions are met:
 1. No additional right-of-way is required or being established.
 2. There is no proposed or perceived need of public improvements as a result of the combining of platted lots.
 3. Lots to be combined are contiguous and under common ownership.
- The proposed retracement plat will not affect the property or use. The retracement plat will be given a subdivision name with a lot and block number, which will be of benefit to the City and Cass County for administration purposes.
- With retracement plats there are no street right-of-way dedication or park dedication requirements.

- A public hearing is not required, though the applicant must plat the property according to platting standards and the plat must be reviewed by the Planning and Zoning and City Commissions.

Notices were sent to applicable agencies and departments, and no comments have been received to date.

The proposed application is consistent with the City plans and Ordinances.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. An Attorney Title Opinion to the City of West Fargo is received.
2. Signed Final Plat is received with any necessary easements.
3. A certificate is received showing taxes are current.

Commissioner Dodds moved and Commissioner LeBahn seconded to approve the application with the three conditions listed. No opposition. Motion carried.

Acting Chair Kolb opened Continued Public Hearing - A18-44 Brooks Harbor 9th Addition, Replat of Lot 1, Block 2 of Brooks Harbor 5th Addition, City of West Fargo, North Dakota – Jordahl.

Tim discussed the following:

The purpose of this application is to Replat a block within a previously subdivided property to provide for a block of lots to be zoned R-1SM and a large lot to be zoned Planned Unit Development to accommodate multiple family dwellings.

- The applicant has submitted an application, preliminary plat and area plan.
- There have been two site concepts provided, staff is including both for reference.
- The applicant proposes to develop a block of single family lots with the zoning being R-1SM: Mixed One & Two Family Dwellings residential development, which would be consistent with the surrounding development patterns.
- The remaining large lot is proposed to be developed for multiple dwellings with three, 33-unit structures and associated garage structures currently shown on the concept plan.
- Applications for multiple family dwellings within this proximity have been denied in recent years by the City Commission as they were unwilling to amend the previous Land Use Plan of the 2008 Comprehensive Plan to allow any more high density residential development in this section. The new Comprehensive Plan encourages increased density to help reduce infrastructure cost burdens, but also seeks to strengthen neighborhoods and expand housing choice through improving neighborhood design. Although there is a push to increase density for efficiencies, it is still important to consider the makeup and design of the neighborhood to encourage improvement to neighborhoods when development occurs.
- The proposed replat will potentially require new easements or right of way to accommodate circulation and connection of roads and services. This will need to be reviewed as the detailed development plans are created.

Notices were sent to property owners within 150', applicable agencies and departments. Email correspondence has been received and attached noting concerns about decreased property values when adjacent to apartment buildings in the area and increased traffic associated with increased density.

- The property is currently zoned R-1, so the proposal is not consistent with the zoning decisions which have been previously made as part of the area plan for this portion of the Brooks Harbor development.
- In visual surveys reviewed during the public input phase of West Fargo 2.0, large garage buildings on the street side were very negatively received leading to discussion within the section “Strengthen Neighborhoods and Expand Housing Choice”. Better design of the site can reduce this negative impact to the streetscape.
- The proposed increased density in the neighborhood can help to lessen the burden of infrastructure costs which is a concept promoted in West Fargo 2.0.

If it is determined by the Commission to be acceptable to change the zoning district to accommodate the multiple family portion of the development staff recommends that the City approve the application in concept on the basis that with an approved zoning change that it could be determined to be consistent with City plans and ordinances with recommended conditions of approval as follows:

- Consideration of neighborhood concerns be granted in advance of development of detailed development plans.
- Design that will either remove the large garage structures, move them from the street, or provide buffering to encourage better neighborhood design.
- Staff notes that the property is currently zoned R-1: One and Two Family dwelling district. A change to a higher density is not entitled and the Commission has the discretion to deny the request solely on the basis of the current zoning of the lot.

At their November 13, 2018 meeting, the Planning and Zoning Commission approved the Concept subject to the two conditions listed above to include providing options within the multiple family portion of the project that will look at overall density, potential impact to the school, traffic concerns and aesthetics to improve its compatibility in the neighborhood.

12-17-18 Update: The applicant has provided an updated concept for the City Commission consideration that reduces the multiple family units from 99 to 90. They have also provided a concept of all single family units under the current zoning to demonstrate the traffic and density differences between their proposal and the current zoning.

2-12-19 Update: The applicant has provided an updated plat for Planning and Zoning consideration that maintains the existing zoning of R-1: One and Two Family Dwellings. Multiple family structures are no longer being proposed. The preliminary plat consists of 64 lots with two local streets. Lot sizes meet the requirements of a townhome which are typically used in our community to build twin-homes as approved within R-1 district standards. Right-of-way provided for the local streets is 62', which meets City requirements.

The proposed application is consistent with the City plans and ordinances as the property is currently zoned R-1 and would not change. Access of the local streets onto 9th St. W. will need to be reviewed and approved by the City Commission as it is classified as a “collector” roadway. The spacing provided on the preliminary plat is consistent with the City’s requirements of a minimum of 150’ spacing of connections to a collector roadway.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

- Access spacing is approved by the City Commission with recommendation by the City Engineer.
- A signed subdivision agreement is received.
- An Attorney Title Opinion is received.
- A drainage plan is approved by the City Engineer.
- Final Plat is received with any necessary easements.
- A certificate is received showing taxes are current.

Tim stated that the Public Hearing needs to be reopened, closed, and then the Commission can make a decision.

The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed.

Commissioner Kolb stated that these plans are different than the originals, and asked if the neighbors are happy with the changes, to which Tim stated yes.

Commissioner Walker thanked the applicant for listening to the public and making changes.

Commissioner Walker moved and Commissioner LeBahn seconded to approve the updated application with the six conditions listed. No opposition. Motion carried.

Acting Chair Kolb continued Public Hearing – A18-2 Tehar 2nd Addition, Replat of Lot 1, Block 1 of Tehar Subdivision, Subdivision property in the SE¼ of Section 18, T139N, R49W, City of West Fargo, North Dakota and Rezoning from A: Agricultural to PUD: Planned Unit Development – Graham.

Consultants with MetroCog appeared before the Commission for a 13th Avenue Corridor Study Presentation.

Commissioner Dodds asked if there were plans for an interstate overpass with entrance and exit ramps, to which Tim stated not at this time due to the need for an additional study by the state.

No action was requested of the Commission.

Tim stated that at the next meeting, the Commission will discuss bylaws, including the date and time of Planning & Zoning Commission Meetings. There were no other non-agenda items.

Commissioner Dodds moved and Commissioner Walker seconded to adjourn No opposition. Meeting adjourned.