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*Tim Solberg, AICP, Director of Planning and Zoning*

*Larry M. Weil, Community Development Director*

*Lisa Sankey, Planner*

West Fargo Planning and Zoning Commission

Tuesday, April 2, 2019 at 5:30pm

West Fargo City Hall

Members Present:     Joe Kolb  
                              April Walker  
                              Tom McDougall  
                              Eric Dodds  
                              Jana Reinke  
                              Dave Gust  
                              Megan Huffman

Members Absent:     Shane LeBahn

Others Present: Larry Weil, Tim Solberg, Lisa Sankey, John Shockley, Dustin Scott, Bob Ames, Foss Architects, Sarah Wear, Ohnstad Twichell, Cody Shoman, Galvanizers Inc.

Minutes Submitted By: Courtney Williams, Executive Assistant

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

Commissioner Kolb made a motion to approve the March 12, 2019 meeting minutes as printed and mailed. Commissioner Huffman seconded the motion. No opposition. Motion carried.

Commissioner McDougall opened Public Hearing - A19-13 Eagle Run Plaza 8th Addition, Replat of Lot 1, Block 1 of Eagle Run Plaza 4th Addition and Lot 1, Block 1 of Eagle Run Plaza 6th Addition, City of West Fargo, North Dakota and Planned Unit Development Amendment of Lot 1, Block 1 of Eagle Run Plaza 6th Addition, City of West Fargo, North Dakota

Tim discussed the following:

The purpose of this application is to replat to split lot and provide for development of a mixed use building in an approved Planned Unit Development.

- This area was previously included in a larger rezoning to Planned Unit Development of Eagle Run Plaza 6<sup>th</sup> Addition. Detailed development plans had not yet been submitted so the property is zoned PUD, but detailed development plans are required prior to development.
- The applicant has submitted a preliminary plat and proposed district standards for the amended PUD. For purposes of illustration, they have also included site and floor plans with a proposed

building rendering. The proposal is for the area to continue to be part of the larger PUD of Eagle Run Plaza 6<sup>th</sup> Addition. Zoning on Lot 1, Block 1 of Eagle Run Plaza 4<sup>th</sup> Addition would remain unchanged.

- The applicant intends to construct a 5-story mixed-use building will include a combination of commercial space, multi-family dwellings, structured parking, and building amenity spaces.
- The proposed uses would be consistent within and compatible with surrounding uses with the exception of the fully permitted use of #20 – Multi-family residential which is a conditionally permitted use in the C: Light Commercial District. With recent denials of multiple family residential projects within this area of the City, staff would suggest qualifying language to allow this as a permitted use within the district.
- The applicant is requesting an alternative parking calculation through the district standards. Although the City currently has provided reduced parking within the Sheyenne Street Corridor Overlay district standards, it is not recommended to include it within a PUD and would rather suggest it be handled as a separate request following the standards of 4-450 (off-street parking and loading regulations) of City Ordinances. This separate request could come alongside Commission consideration of the PUD, or at a later date prior to permitting.
- There is redundancy in many items of the proposed district standards for the development. Staff suggests simplifying the matter with a condition that states the PUD is approved under the C: Light Commercial District with multiple dwelling units allowed above, beside, or behind commercial establishments along Sheyenne Street when either physically connected to the building or legal lot of record.
- The CO: Corridor Overlay district standards require that all development shall be subject to site and building plan review by the Planning and Zoning Commission and City Commission. Although the applicant has provided preliminary plans, they are likely to change to a degree so staff would suggest that final review be done at a later meeting prior to permitting. Staff would suggest however any concerns from Planning Commission or City Commission on the preliminary plans be provided to the applicant as they continue to prepare for permitting. This review does not require public hearing, but is intended to ensure development is consistent with the district intent.
- The development is proposing to add diagonal parking along 5<sup>th</sup> Street West. This will require further approval upon recommendation from the City Engineer, Public Works Director, Police and Fire.
- Any improvements made on the site which require public easement or right of way will be required to be included in an improvement agreement prior to final approval or prior to permitting buildings if not provided on the plat.
- The property is proposing access to Sheyenne Street at 29<sup>th</sup> Avenue West, a ¼ right in/right out, and an approved ¾ access shared with the lots to the South (“Lights at Sheyenne 32”). Approval of additional access to Sheyenne Street will require Commission approval.

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

The proposed district standards provided in the proposed application would be consistent with the City’s Comprehensive Plan, which depicts the area developing into a mixed-use node.

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. Reject the proposed district standards. Add to C: Light Commercial district standards for this PUD to allow for multiple dwelling units as a permitted use on Lot 1 and Lot 2, Block 1 when located above, beside, or behind commercial establishments along Sheyenne Street when either physically connected to the building or upon the same legal lot of record.
2. Proposed access onto Sheyenne Street be approved by the City Commission upon recommendation of the City Engineer.
3. Development of Lots 1 & 2, Block 1 will be subject, but not limited to C: Light Commercial district standards with exception as noted in recommendation #1, CO: Corridor Overlay district standards, 4-440 Supplementary District Regulations, 4-449-A. Landscaping Standard, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
4. A signed PUD Agreement and if necessary signed Improvement Agreement is received.
5. An updated drainage plan is received and approved by the City Engineer.
6. A signed Final Plat is received with any necessary easements.
7. An Attorney Title Opinion is received
8. A certificate is received showing taxes are current.

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

Commissioner Kolb asked if this has already been approved in concept, to which Tim stated yes.

Commissioner Dodds asked if there has been any coordination with the different property owners to ensure satisfaction with the plans, to which Tim stated yes, and they will rely on Overlay District and PUD Standards to look as similar as possible.

Tim stated the Comprehensive Plan supports more commercial development.

Commissioner McDougall asked if the final site plans required approval from both the Planning & Zoning and City Commissions because of the Overlay Districts, to which Tim stated yes.

Commissioner Gust moved and Commissioner Kolb seconded to approve the application with the eight recommendations listed in the staff report. No opposition. Motion carried.

Commissioner McDougall opened Public Hearing - A19-14 Planned Unit Development Amendment for 205 8th Avenue West (Lot 1, Block 1 of Southdale 2nd Addition), City of West Fargo, North Dakota –HACC

Tim discussed the following:

The purpose of this application is for Revised Plans for redevelopment of a site with a mix of multiple family dwellings and offices associated with the Cass County Housing Authority.

- The applicant has submitted an application and revised Detailed Development Plans. Original detailed plans were approved last October for the Cass County Housing Authority property.
- Revisions to the plans include:

- A pitched, gabled roof was added to the east half of the building facing Sheyenne Street – the Sheyenne street side elevation would remain flat roof.
- East building was changed from 3 story to 4 story and decreased in length.
- Enclosed parking structure added to east end of property.
- Elimination of the roadway/skyway connection between buildings. Both buildings now fully connected.
- Revisions to building appearance including roof gables, window sizes and placement and exterior material selection.
- The number of residential units has increased from 84 to 85.
- The new plan was prepared in order to reduce cost overruns from the original submission. The previous submission and approval was necessary as the properties were previously zoned as R-2: Limited Multiple Dwelling (medium density). The PUD both increased the density and allowed for the larger multiple family dwelling structures. In return, the applicant provided a higher level of design and provided a strong connection to the Sheyenne Street Overlay district and vision of West Fargo 2.0 concepts for Downtown West Fargo.
- The PUD process allows the Commissions to discern if the proposed plan meets this same intent as was provided for and approved with the previous PUD. Staff is discouraged that the original plan which was found to work very well with the Downtown Plan is not workable for the applicant, however feels the applicant has made significant effort to achieve a nice looking development that continues to provide a good transition into Downtown. The materials provided also are of higher quality and durability than standard residential materials and will be a significant and lasting improvement from the current site.

Notices have been sent to property owners within 150' and applicable agencies and departments. No comments have been received to date.

- This project invests in older neighborhoods, supports the growing senior population, improves the neighborhood design, and is consistent with goals of the Comprehensive Plan's Action Plan Big Idea to "Strengthen Neighborhoods and Expand Housing Choice".
- Redevelopment and reinvestment in the site to align with the "Core-Retrofit Growth Sector" will positively impact the City's downtown core area while maintaining affordable housing options for our residents.
- The applicant has partnered with urban designers who have included City staff in their design process to achieve consistency with the City's Downtown Framework Study, Sheyenne Street Corridor Study, and design elements found in West Fargo 2.0.

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. Planning Commission and City Commission consider and approve that the proposed changes meet the intent and vision of the previously approved PUD.
2. Development will be subject, but not limited to CO-R: Redevelopment Corridor Overlay, 4-440 Supplementary District Regulations, 4-449-A. Landscaping Standard, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
3. A signed revised PUD Agreement is received.

Tim stated that staff received a phone call regarding this application but have not been able to get a hold of the caller, but will keep trying.

Tim stated staff sent the application to EPIC Management for feedback and no concerns were noted.

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

Commissioner Kolb asked if the changes made were just to the detailed design; Bob Ames with Foss Architects appeared before the Planning & Zoning Commission and stated that due to budget concerns, changes were made to the detailed plans, but they are trying to keep the same feel of the other buildings in the area.

Commissioner Dodds moved and Commissioner Walker seconded to approve the application with the three recommendations listed in the staff report. No opposition. Motion carried.

Commissioner McDougall opened Public Hearing A19-15 Conditional Use Permit for an aboveground fuel tank for a business at 2438 Main Avenue West (Lot 7, Block 1 of Knutson's 1st Subdivision), City of West Fargo, North Dakota.

Lisa discussed the following:

The purpose of this application is to allow for an aboveground bulk fuel tank for fueling vehicles and equipment for a business.

- The applicant is requesting a 12,600-gallon tank for fueling vehicles and equipment and has provided a site plan which illustrates the proposed location of the tank to be 25' from the east property line.
- Aboveground class 1 (gasoline) and class 2 (diesel) liquid storage tanks larger than 5,000 gallons are provided for as a conditionally permitted use in the LI: Light Industrial zoning subject to the following:
  1. A minimum distance of 75 feet is maintained from property lines, as well as placement and screening to ensure both aesthetic and public safety purposes.
  2. The use is reviewed and approved by the Fire Department for quantities and separation from other lots of record and buildings.
- The site plan provided does not meet the required 75' setback, and it does not appear there is a location on the lot to provide for 75' in all directions. There could be justification for allowing a reduction. Lot 8, Block 1 adjacent to the east is used as a parking lot associated with both this lot and the lots east of all under the same ownership. A condition within the permit could read that the two lots be combined within the permit to ensure zoning compliance. Staff suggests advisement of the City Attorney on how this should be provided as he prepared the template used by staff for the conditional use permits.
- 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, no concerns were noted.

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

The application may be considered consistent with the Comprehensive Plan and the intent of the LI: Light Industrial District with an approved conditional use permit.

With regards to planning issues and aboveground storage tanks, staff does not have concern; however, the applicant must comply with all requirements set forth in the International Fire Code, which will be enforced by the West Fargo Fire Department.

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. The West Fargo Fire Department inspects and approves finished project prior to filling and operating fuel tanks.
2. Lot 8, Block 1 of Knutson's 1<sup>st</sup> Subdivision be combined within the Conditional Use Permit in a manner advised by the City Attorney.
3. A Signed Conditional Use Permit Agreement is received.

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

Commissioner Kolb asked if the two lots are being combined into one to allow for the tank, to which Attorney Sarah Wear stated that it could be written into the CUP.

Commissioner Gust asked if combining the lots allows for the 75-foot setback, to which Tim stated that the tank would be used by both lots, and it would be recorded against the property, and if it is not in compliance, it would have to be removed.

Commissioner Walker moved and Commissioner Gust seconded to approve the application with the three recommendations listed in the staff report. No opposition. Motion carried.

Commissioner McDougall opened Public Hearing A19-16 Kautzman's 2nd Addition, a replat of Lot 1, Block 1 of Kautzman's 1st Addition, City of West Fargo, North Dakota.

Lisa discussed the following:

The purpose of this application is to split one lot into three for purposes of separating the developed property.

- The applicant is proposing to subdivide one lot into three.
- The property is developed with manufacturing/warehouse space.
- The property owner proposes to construct an additional structure on the lot to the west with its own legal description.
- The proposed lot sizes will adequately meet yard requirements for development in the M: Heavy Industrial zoning district.

- The lot includes a retention pond used by Galvanizer's that is reported to be regulated. City staff is reviewing the matter through our Environmental Specialist and Code Compliance department through discussions with the state to determine how it drains. A revised drainage plan will be required by the City Engineer prior to final approval.

Notices were sent to applicable agencies and departments and Code Compliance is reviewing the retention pond and will provide comment prior to consideration by the City Commission.

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

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. Review of findings by Code Compliance office in regards to the retention pond on the proposed Lot 2, Block 1.
2. An updated drainage plan is approved by the City Engineer.
3. An Attorney Title Opinion to the City of West Fargo is received.
4. Signed Final Plat is received with any necessary easements.
5. A certificate is received showing taxes are current.

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

Commissioner Gust asked where the access point would be, to which Lisa stated there would be an access easement included on the plat on the west side.

Commissioner Dodds asked about the setback requirements on the retention pond on lot lines, to which City Engineer Dustin Scott stated that it is not a city maintained retention pond. Tim stated there are no yard requirements; it is not a traditional retention pond.

Commissioner Walker expressed concern about the property line in proximity to the pond, and how it will drain, to which Dustin stated a drainage is a requirement of final plat approval. Infrastructure is up to 12<sup>th</sup> Avenue.

Cody Shoman, Galvanizers Inc. appeared before the Commission and stated that the retention pond has never overflowed and there is only storage to the north so there is no need for concern.

Commissioner Dodds moved and Commissioner Walker seconded to approve the application with the five recommendations listed in the staff report. No opposition. Motion carried.

Commissioner McDougall 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.

Commissioner McDougall opened the discussion for Downtown District Guidelines. Tim reviewed the Downtown District Guidelines. No action was requested of the Commission.

There were no non-agenda items.

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