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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, May 14, 2019 at 5:30pm
West Fargo City Hall

Members Present: Joe Kolb, April Walker, Tom McDougall, Dave Gust, Megan Huffman

Members Absent: Shane LeBahn, Eric Dodds, Jana Reinke

Others Present: Larry Weil, Tim Solberg, Lisa Sankey, John Shockley, Dustin Scott, Matt Folstad, Wally Tintes, Brian Kounovsky, Steve Iverson, Levi Arness, Troy Mallow, John Crawford

Minutes Submitted By: Courtney Williams, Executive Assistant

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

Commissioner Gust made a motion to approve the April 2, 2019 meeting minutes as printed and mailed. Commissioner Huffman seconded the motion. No opposition. Motion carried.

Commissioner McDougall opened Public Hearing Public Hearing - A19-18 Conditional Use Permit for relocation and construction of accessory buildings for a non-farm residential use in an Agricultural district at 16674 37th Street SE (parcel in the NE¼ of Section 10, T139N, R50W [Mapleton Township]), Cass County, North Dakota.

Lisa discussed the following:

The purpose of this application is for the relocation and construction of accessory buildings for a non-farm residential use in an Agricultural district.

- The property is located in the City's extraterritorial (ET) area about a mile west of West Fargo.
- The current use of a non-farm single-family dwelling is considered a conditional use within the Agricultural District and was in place at the time of adoption into the City's ET jurisdictional boundary. Any addition to an existing conditional use requires an amended conditional use permit.
- The applicant submitted a site plan showing an existing 1,440 ft² getting new siding, roofing and being relocated to a concrete slab to the west. A new 2,000-ft² structure will be placed where the first building was previously. An enclosed lean-to would be constructed on the south side of the new building and west side of existing pole barn.

- The area is within a Special Flood Hazard Area (SFHA) Zone A. The new building will be required to meet all applicable Federal, State, and Local regulations.
- 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.

Property owners within 350', Mapleton Township officials, Cass County Planning, and the Cass County Sanitation were notified and no comments have been received to date.

- The area is in the G-4B Future Mixed-Use Growth Sector. There are no municipal services yet available in the area; however, it is recognized as an important future commercial node in West Fargo 2.0 and increased development outside of that which is consistent with the Comprehensive Plan should be discouraged. The City does not expect to extend infrastructure to the area until a FM Diversion or alternative flood mitigation measures have been undertaken. At that time, master planning for the area would also be required. The minor additions to an existing use could be considered of such minimal impact that they may be considered acceptable given the uncertainty of timing for future development of this corridor. That being said, it is good to discuss and consider the future of the site and make known to the applicant how the improvements to the site may be impacted by future growth.
- The application is providing an accessory to an existing use within the area outside the Sheyenne Diversion and is not increasing development in a flood prone area, therefore the application may be considered 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:

1. Applicant acknowledge the future growth plans of the City in this area through signing of the Conditional Use Permit.
2. Signed Conditional Use Permit Agreement is received.
3. The applicant is to meet all Federal, State and local requirements for improvements to the site and structures.

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

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

Commissioner McDougall opened Public Hearing - A19-19 Planned Unit Development Amendment for 320 32nd Avenue West (Lot 8, Block 1 of Eagle Run Plaza 6th Addition), City of West Fargo, North Dakota.

Tim discussed the following:

The purpose of this application is for the 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 6th Addition. Detailed development plans had not yet been submitted and are required prior to development.
- The applicant has submitted an application, detailed site plan, floor plan and building elevations.
- Applicant intends to construct a 6-story mixed-use building with underground parking, general commercial uses on floors 1 and 2, and residential on floors 3-6.
- 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 will be required to meet the building construction requirements of the CO: Corridor Overlay District.
- Parking for this property and others within the PUD is shared between the parking garage and surface parking available within the public lots surrounding the property. With the current site plan and recently approved parking garage, there are a total of 601 available stalls. The applicant is pursuing an agreement with the West Fargo School District to share parking at the hockey arena, which currently has surplus parking available.
- The applicant has utilized the services of Walker Parking Consultants, a nationwide firm specializing in parking, to determine parking demand on the site. They have used this to determine the amount of stalls to include in the parking ramp, and as a target to reach in building supply for the development. As the development continues, and in the interest of maximizing the commercial potential of the site, City staff has been working with the developer to ensure that as each new building is proposed, that the parking demand is balanced with the parking supply.
- There is a potential that a resolution by the City Commission to allow a reduction in parking is required with either this building, next building, or both. This would need to be determined prior to the issuance of a building permit.
- The applicant is working with Walker Parking Consultants to continue to gauge the development of the site with the demand ratios to determine

Property owners within 150' and applicable agencies and departments have been 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.

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. 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.
2. If deemed necessary by the City Attorney, a signed PUD Agreement is received.

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

Commissioner Gust asked if there was a shared parking agreement for the property, to which Tim stated City Attorney John Shockley is working with the applicant to formalize an agreement.

Commissioner Walker asked about the wording in the first condition in regards to the 'development will be subject but not limited to' language, to which Tim stated the language used is on every PUD.

Tim stated that this concept has already been accepted and this application is more detail. Tim stated the biggest change is the adjustment of a five-story building to six stories, as there are no height restrictions in Light Commercial. Tim also stated this would have to be approved by the City Commission

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

Commissioner McDougall opened Public Hearing – A19-20 Oak Ridge 18th Addition, Replat and Planned Unit Development Amendment of Lots 1-38, Block 3 of Oak Ridge 10th Addition and Lot 10, Block 1 of Oak Ridge 11th Addition, City of West Fargo, North Dakota – Hold Hearing & Continue

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

Commissioner McDougall continued the item to the next meeting.

Commissioner McDougall opened A19-17 The Wilds 12th Addition, Retracement Plat of Lots 7 & 8, Block 2 of The Wilds 1st Addition, City of West Fargo, North Dakota.

Lisa discussed the following:

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

- The applicant is proposing to combine two previously subdivided lots.
- 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.

Lisa stated that this item is not a Public Hearing.

Commissioner McDougall asked if the application is only combining two lots into one, to which Lisa stated yes.

Commissioner Gust asked if combining the lots will double the special assessments, to which City Attorney John Shockley stated they will generally pay more because it is a larger lot.

Commissioner Huffman moved and Commissioner Kolb seconded to approve the application with the three conditions listed in the staff report. No opposition. Motion carried.

Commissioner McDougall opened item A19-21 Goldenwood 6th Addition, Retracement Plat of Lots 5 & 6, Block 1 of Goldenwood 5th Addition, City of West Fargo – Jenson

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.
- 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:
 - No additional right-of-way is required or being established.
 - There is no proposed or perceived need of public improvements as a result of the combining of platted lots.
 - 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 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.

Lisa stated this item is not a Public Hearing.

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

Commissioner McDougall opened the discussion for a Request to approve access locations for 9th & Main LLC at Forum Communications First Addition.

Tim stated that there was no access request when first approved by the City Commission and that any decision by the Planning Commission will be reviewed at the next City Commission meeting. Tim stated this item is not a Public Hearing but the applicants are available for comment.

John Crawford, KLJ Engineering appeared before the Planning & Zoning Commission and presented the completed Traffic Analysis.

City Engineer Dustin Scott appeared before the Planning & Zoning Commission to address concerns regarding the access request. Dustin stated that the site distance from the northernmost access point is too close to the railroad tracks, and that there could be changes to the 9th Street corridor in the coming years.

Troy Mallow, Olaf Anderson, appeared before the Planning & Zoning Commission and stated that the access for trucks would be a right-in, right-out access coming in and out of 9th Street.

Owner Levi Arness appeared before the Planning & Zoning Commission and stated that the north access would be strictly for automobile traffic; no deliveries would be made from the north access. Levi stated that the development would work with the city to get access points approved so they can the project moving, and will make any changes necessary to make it happen.

After further discussion, Commissioner Gust moved and Commissioner Walker seconded to deny the request as presented and to work with the City Engineer to determine an appropriate outcome, which will have final approval by the City Commission. 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.

Tim stated that recommendations from the Special Assessment Community Forums have been presented to the City Commission, with final recommendations coming soon.

Tim stated that the Park District will be appearing at the Commission meeting on May 20, 2019 to appeal the decision to deny their application at the last Planning & Zoning Commission.

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