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Larry M. Weil, Planning and Community Development Director  
Tim Solberg, Senior Planner  
Lisa Sankey, Assistant Planner

West Fargo Planning & Zoning Commission Agenda  
Monday, October 10, 2016 - West Fargo City Hall - 7:00 p.m.

1. Call to Order
2. Approval of Minutes – September 12, 2016
3. Public Hearing – A16-51 Eaglewood 6<sup>th</sup> Addition, a replat of Lot 4, Block 1 of Eaglewood 2<sup>nd</sup> Addition, City of West Fargo, North Dakota - Sheyenne Villas LLC
4. Public Hearing – A16-52 Oak Ridge 11<sup>th</sup> Addition, Replat and Rezoning from C: Light Commercial to PUD: Planned Unit Development of Lots 1-5, Block 1 of Oakridge 9<sup>th</sup> Addition, City of West Fargo, North Dakota - Graham
5. **Continued** - Public Hearing – A16-53 Rezoning from Agricultural to R-2: Limited Multiple Dwellings property in the SE¼ of Section 31, T139N, R49W, City of West Fargo, North Dakota – J&O Real Estate
6. A16-54 Access onto 9<sup>th</sup> Street NW
7. Downtown Sheyenne St Corridor Study – FM Metro COG
8. **Continued** - A15-57 Gateway West Addition, Subdivision in the SE¼ of Section 18, T139N, R49W and Replat of Lot 13, Block 4 of Elmwood Court Addition, City of West Fargo, North Dakota –Vibuck
9. Non-agenda
10. Adjournment



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West Fargo Planning and Zoning Commission  
September 12, 2016 at 7:00 P.M.  
West Fargo City Hall

Members Present: Jim Brownlee  
Scott Diamond  
David Gust  
Leroy Johnson  
Joe Kolb  
Tom McDougall  
Jana Reinke

Members Absent: Shane LeBahn

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Matt Welle, Rob Jordahl, Nate Vollmuth, Tina Fisk, Darrell Vanyo, Mark Simmons, Duane Hanson, Mark Wentz, Dan Bueide, Brian Pattengale, Nathan Gemar, Bob Christiansen, Justin Fisher, Matt Sturlaugson, Ed & Shelley Eisenbeisz, Glen Mitzel, Miran Blanchard, Richard Lewis, Sarah Hilsendager, Shirley Kulla, Joel Morris, Bill Fugate, Luther and Paul Simley, Linda Mayo, Rachel Ibes, Dana Eckart, David Schulz

The meeting was called to order by Chair McDougall.

Commissioner Diamond made a motion to approve the August 8, 2016 meeting minutes as written. Commissioner Brownlee seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-45 Planned Unit Development Amendment for office/retail space at 1317 & 1433 Main Avenue East (Lots 3 & 4, Block 1 of Gellers 2<sup>nd</sup> Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant intends to construct a 9,000-ft<sup>2</sup> building for office and retail purposes on Lot 3 with parking on the west side of Lot 4. The PUD approved in 2006 for this property indicates uses should be approved as part of the PUD Amendment process, but that permitted uses would include those generally included in the CM: Heavy Commercial/Light Industrial zoning district with the exception of manufacturing, particularly of larger components, or those use that are listed as conditional uses in the CM District. The CM district has since been repealed and replaced with two separate districts, HC: Heavy Commercial and LI: Light Industrial. Staff would believe the uses of the C: Light Commercial and HC: Heavy Commercial zoning district would be most appropriate for this property and would be compatible with adjacent properties.

The proposed building fronts along Main Avenue East and therefore is subject to increased building construction requirements of the CO-R: Redevelopment Corridor Overlay District. The building is shown to be faced with glass, brick, and EIFS on the north and east elevations which would meet the building construction requirements of the CO-R district, similar to existing buildings in the development to the east. The east and south elevations are proposed as metal panel.

The property would utilize an existing private drive via an access easement to the south of the building, which provides access to 12<sup>th</sup> St E and 17<sup>th</sup> St E. The applicant has stated they would like to begin construction of the building as soon as possible and submitted construction plans for a building permit.

Property owners within 150', City departments and applicable agencies were notified and no comments were received.

The proposed PUD Amendment is consistent with the City's Land Use Plan, which depicts the area developing as General Commercial. 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. Uses on the property are within the permitted uses of the C: Light Commercial and HC: Heavy Commercial district standards.
2. A signed PUD Agreement is received.
3. Development will be subject, but not limited to CO-R: Redevelopment Corridor Overlay, 4-400 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.

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

Commissioner Gust made a motion to approve the request subject to the 3 conditions listed in the staff report. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-46 Conditional Use Permit for Retail and Food Service in a LI: Light Industrial District at 756 Center Street (Lot 6, Block 1 of Armour Industrial Park Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The LI: Light Industrial zoning district allows for eating and drinking establishments as a conditional use. The property is currently developed with an 8,100-ft<sup>2</sup> shop to the west and a 1,280 ft<sup>2</sup>, story and a half office along Center Street. The applicant has begun to outfit the property for use as a wholesale distribution facility for their catering company and would like to be able to sell retail and individual food service from the location in the future.

The area is developed with a mix of heavy commercial and light industrial uses. The approval of a conditional use permit may affect neighboring property owners within the LI: Light Industrial District from developing large above ground fuel storage. The proximity to M: Heavy Industrial should be noted, as many of the permitted uses within that district may be considered incompatible with retail and food service. The property is across Center Street from Cargill which would not currently be considered an incompatible use as the property directly adjacent is vacant. The City is not aware of any immediate expansion plans at this site.

Center Street may act as a buffer to some extent between the two districts. Center Street at this location provides over 100' of right of way. 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 and M: Heavy Industrial are acceptable to ensure existing and future development on this property is clearly informed they will be operating in close proximity to heavier uses.

With reference to the criteria for granting conditional uses, specifically regarding #9, General compatibility with adjacent properties and other property in the district, there does not appear to be any uses in the vicinity that may be injurious to such a use; however, it is important to note that if the use is approved it has the potential to limit other conditional use permits in the area that would be incompatible with this use such as aboveground fuel tanks.

Notices were sent to property owners within 350', a neighboring property owner to the south did have questions regarding the proposal, otherwise, no comments were received.

The application may be considered consistent with the Comprehensive Plan. Future consideration of incompatible uses within the district will ensure consistency with the Comprehensive Plan. It is recommended 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. Applicant be made aware through the signing of the conditional use permit that the neighboring properties are currently zoned LI: Light Industrial and M: Heavy Industrial and that their permitted uses be not considered a nuisance when lawfully undertaken.
2. A Signed Conditional Use Permit Agreement is received.

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

Commissioner Diamond asked if aboveground fuel tanks were approved by right in some of the zoning districts. Tim indicated they were conditionally permitted uses in the LI and M Districts.

Commissioner Reinke asked if there were safety concerns. Tim stated that was why it is put in as a conditional use, the

potential effect on neighboring property owners and to put it into the record if there are any future requests nearby. Commissioner Reinke asked if the applicant could come in with concerns about neighboring uses. Discussion was held regarding neighboring uses --- Cargill, trucking... Tim referred to recommended conditions for approval; the applicant is aware of area uses and is proposing to cater to those types of businesses. The applicant will be signing a conditional use permit agreement

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

Chair McDougall opened public hearing A16-47 Nitschke Addition, Subdivision and Rezoning from Agricultural to PUD: Planned Unit Development property in the SE¼ of Section 31, T139N, R49W, City of West Fargo, North Dakota.

Tim reviewed the following from the staff report:

The applicant submitted an application, preliminary plat and conceptual site plan. The site plan shows 88 total townhome units which are proposed in clusters of 6, 7, and 8 unit buildings. Each unit would have a two-stall garage with driveways that could accommodate parking for two additional vehicles. The site plan includes two areas for 17 additional parking stalls. The plat shows just one lot as the applicant intends for the units to be rental units. There is one existing approach onto Sheyenne Street for the development. This access is shown to be shifted north slightly to align with the existing 50th Ave E on the east side of Sheyenne St. as it has been proposed in the Sheyenne Street Corridor Study. The existing property is surrounded by mature trees. The proposed plan shows a landscape buffer easement surrounding existing trees. The applicant indicated they plan to keep all of the existing trees. The City Forestry Department is developing an inventory of the trees and will provide a report to identify the species and health.

The City's comprehensive plan shows the plat area and undeveloped area to the north developing as Medium Density Residential. The density proposed equates to approximately 10 units per acre. This would be under the allowable 14 units per acre for attached units of the low density residential land use classification. In contrast to most recently developing land in the metro area, the area in question is primarily low-density development. The overall units per acres in this section is currently at approximately 2 units per acre. Area plans for development of future phases of "The Wilds" indicate they will continue to develop low density residential. There is currently no high-density development (up to 24 units per acre) in this section of land. There are 308 units of medium density residential in the section (up to 16 units per acre) built as twin-home and townhome style structures.

Property owners within 150' and applicable agencies and departments were notified. West Fargo Fire Department and the City Police Department would like the detailed plans to include a secondary emergency means of access. Multiple correspondence has been received from neighboring property owners, as well as a tremendous amount from outside of the notification area regarding density, buffering, etc. Staff provided all emails received to the commissioners.

The proposed application is consistent with the City's land use plan, which depicts the area developing as medium density residential.

- Under the heading "Land Use and Community Growth"; Goal 3. Objective A. states "To encourage the appropriate integration of multiple family housing throughout the community, as opposed to segregated concentrations";
- Under the heading "Community Development, Design, and Housing"; Goal 2 is "To provide a diversity of residential neighborhoods, both single family and multiple-family, and a balance of housing alternatives to meet the changing life-cycle needs of residents."
- Under the heading "Community Development, Design, and Housing"; Goal 2. Objective H. which states "To provide a housing development pattern with the ratio of single-family dwelling units to multiple-family dwelling units between 60 to 70% single family to 30 to 40% multiple family" provides guidance on analyzing the request. Current development in the Section is as follows:

The ratio of single-family to multiple family development is currently at 32% medium density multiple family (twin home and townhome) and 68% low-density single family residential. If the remainder of The Wilds develops as is provided in the City's Land Use Plan, the ratio will continue to skew higher toward low density residential.

It is recommended the City approve the proposed application in concept on the basis it is consistent with City plans and ordinances and that the Planned Unit Development process allows for increased scrutiny of the compatibility with adjacent

properties. Prior to development and review of detailed plans, it is recommended the following conditions be met:

1. Further discussion with neighborhood takes place and concept plans be reviewed and considered by the City Commission.
2. Recommendations from the Forestry Department concerning the existing trees be reviewed and considered.
3. A secondary emergency access be provided and approved by Fire and Police.
4. Park or land dedication is coordinated with the City and Park District.
5. A drainage plan is submitted and approved by the City Engineer.

Tim stated that several commissioners may have been contacted by area property owners. He reminded them that this is a quasi-judicial discussion; the application meets the requirements of City plans and ordinances. Because the amount of protest received is more than 20% of adjacent property owners within 150', the zoning change would require  $\frac{3}{4}$  majority of the City Commission or 4 out of 5, to pass.

Chair McDougall asked people to provide their names and addresses when they speak in order to enter comments into the record.

Chair McDougall asked for clarification regarding the land use plan, if he was correct that it is depicted as medium density. Tim stated yes. The only reason more detailed information is required – concept plans and detailed development plans, is that the applicant is requesting PUD zoning. If it was straight R-2: Limited Multiple Dwelling zoning, it would just be a zoning change without specifics. As per state statutes, in order to zone property, the City is required to have a plan. Tim referred to the 2005 Land Use Plan Amendment to the West Fargo Comprehensive Plan for property south of I-94, which designated this area as medium density residential and again in 2008 with approval of the Comprehensive Plan.

Brian Pattengale, Houston Engineering and representing the developer, reviewed the site plan. He stated this will be 9 units per acre, with 13 buildings and they will preserve the existing trees. They looked at R-2 zoning; however, due to setbacks they'd be required to remove a number of trees. He is aware of neighborhood concerns and has read the comments received. This is not a single large 4-story structure; they will preserve the trees and greenspace with parking toward the middle of the development. These are 3-bedroom townhomes with 2 car garages and higher architectural standards. He indicated he was available to answer questions.

Commissioner Gust asked for clarification if they could tear down the trees and build provided they complied with R-2 zoning. Tim stated they would still have a public hearing on the zoning change, but wouldn't need to provide detailed site plans.

Chair McDougall stated that Commissioner Diamond would be abstaining from commenting and voting due to a conflict.

Commissioner Brownlee asked about similar developments. Mr. Pattengale stated Montgomery Homestead is similar with larger buildings.

Commissioner Gust asked if the intent is to maintain the trees in perpetuity. Mr. Pattengale stated they intend to preserve the landscape buffer and replace as needed. Tim stated that the forestry department will need to do an assessment as some trees may be dying. They'll do an inventory, to provide a solid basis in the agreement for what's required.

Bob Christiansen, 303 50<sup>th</sup> Place West, stated that he lives in the cul-de-sac directly next to trees. Trees are a big concern. He did a lot of research and spoke with the Nitschke's who planned to do an 11-unit single-family development, which they were comfortable with. There's a 30' utility easement which is going to take out a huge swath of trees. Stormwater runoff will go to the pond, so more trees will be removed. Mr. Pattengale stated they intend to bore underneath to preserve as many trees as possible.

Mr. Christiansen asked where else has multiple family been placed next to single family. Tim stated that the land use plan doesn't distinguish between types of low, medium and high density, it's handled through zoning. He gave the example of Eaglewood with transition in types of housing from low to medium density with a mix of twin homes, single family.... Mr. Christiansen stated that this is a big transition. Why was The Wilds able to build big houses next to this?

Darrell Vanyo, 112 50<sup>th</sup> Avenue East stated that he served on the City Commission for 13 years and is familiar with long-range plans. Plans shouldn't stay the same because the way development took place with The Wilds, things may have changed from the original intent of the plan. He built his home in McMahon Estates in 1999; in 2000-2001 residents on the

east side of Sheyenne opposed being annexed to Fargo and petitioned to be part of West Fargo. When the 2008 Long Range Plan was approved, they were already there.

Mr. Vanyo asked what the City will do with the trees when expanding Sheyenne Street, which will include a bike path. Will the City be able to guarantee the trees will be maintained? They are in opposition, they were there first. Sheyenne Street is very congested, Metro COG indicated traffic volumes are increasing, and with 88 units this will compound the problem. One access is poor planning and it will line up with his development. The commission needs to take a look at this and be careful to simply allow this development because of a long-range plan.

Tim stated that based on the Trip Generation manual, multiple family traffic generates 6.6 trips per day vs. single family, which has about 10 per day. There could be more traffic with single family.

Justin Fisher, 310 50<sup>th</sup> Place West stated he's on the pond side to the south. He enjoys the retention pond. He's concerned with rainwater runoff affecting the biological integrity of the pond. The first plan showed a dumpster. The other day he saw a bald eagle, which you don't see in larger cities, this is a small community. He also stated concern with a proposed sidewalk, which will create additional traffic through his neighborhood. The sidewalk really bothers him, as does the storm water issue and potential increased volume from this development. He feels the 2008 plan is antiquated.

Mr. Pattengale stated that the developer has changed the plan from dumpsters to individual collection.

Matt Sturlaugson, 4519 4<sup>th</sup> Street West, stated there are 30-40 kids coming in each week to see the horses on his 5-acre property to the north. He was concerned when development occurred to the south of him with a sidewalk so close to his horses. He also stated that the shelterbelts are dying and will have to come down.

Ed Eisenbeisz, 106 50<sup>th</sup> Avenue East, asked why with the conditional use permit application, people within 350' were notified, and with rezoning only 150'. Larry stated that 150' is set by state statute; the conditional use permit notification was set by the community.

Mr. Eisenbeisz asked about Police and Fire Department concerns with the single access point for all 88 units. Tim stated that it was a comment received from the police. Being that this is a concept, access would be reviewed again with detailed development plans. Mr. Eisenbeisz stated that letter he received does not show this. Tim stated that notification to property owners was sent out as soon as the application was received and he's putting up information as soon as he receives it. If anyone wants to be notified when detailed development plans are reviewed, please let Lisa know.

Mr. Eisenbeisz asked about timeframes for the project and road. Tim stated that detailed development plans would have a construction schedule. As for Sheyenne Street, areas to the north are proposed for 2018 and 2019. This section has not been programmed yet. Mr. Eisenbeisz stated that this is now a 2-lane highway and asked how this is going to work with traffic problems. Currently he has difficulty making a left turn to get to work.

Discussion was held regarding the Montgomery Homestead area. Tim stated that medium density allows for 8 units per structure, 12 units if exemplary in design. That development has up to 12-unit structures; this development proposes 6-8 unit buildings. Mr. Eisenbeisz compared property tax info on Montgomery Homestead to McMahan Estates. He believes single family generates 8 times the school tax than apartments. The 11 single family homes originally proposed would be more appropriate.

Glen Mitzel, 166 50<sup>th</sup> Avenue East, stated that he was part of the annexation mitigation. He stated that it needs to be pointed out that 36 single-family homes would generate 360 trips per day, but 88 apartments would generate 580 and the challenge will be at where the intersection will be located. How will the fire department deal with one ingress for 88 families? He's very disappointed in Houston Engineering that they haven't contacted Cass County Electric.

Miran Blanchard, 302 50<sup>th</sup> Place West, thanked Mr. Pattengale for addressing tree and dumpster concerns; however, he suggested reevaluating and changing the land use plan. This doesn't fit the aesthetics of the area regardless of the quality of the trees and landscaping. He also feels that it's important for the buffer needs to be maintained at this level.

Richard Lewis, 103 48<sup>th</sup> Avenue East stated that when The Wilds was first proposed he was told that would eventually be high-end condos. He felt he wasn't told the truth. Tim asked who said it would be condos. Mr. Lewis stated the developer.

Sara Hilsendager, 4716 Chokecherry Court, stated that she moved from Philadelphia where they lived across the street from a

lovely wooded area that eventually became rental. They couldn't predict the type of residents. She's concerned with quality and maintenance and asked about range in rental costs. Mr. Pattengale stated \$1375-1450. Mrs. Hilsendager asked who absorbs the special assessments for the units that aren't privately owned. Commissioner Brownlee stated that any assessments will go against each building, which the owner will pay. Mrs. Hilsendager asked about timeframes for completion. Mr. Pattengale stated that typically utilities are installed then the developer decides how many buildings to begin to construct.

Shirley Kulla, 154 50<sup>th</sup> Avenue East, stated she has a problem with rental units. She feels safe where she lives and would be much more comfortable with condominiums. She's lived in her home for 18 years. Tim stated that he checked with the police in terms of whether there was more crime in these types of units and the answer was no. There is a Crime Free Housing Program which the developer's management companies are part of.

Joel Morris, 4735 6<sup>th</sup> Street West, stated that he can see the trees from his home. He has two boys who go to Legacy Elementary School. It's a small school. This will increase the number of students and traffic. If there's a second exit, it'll go west along tiny streets. This is not a transition; this is putting this right in the middle of single family and will change the dynamic.

Shelley Eisenbeisz, 106 50<sup>th</sup> Avenue East, stated concern with safety. The same development (Montgomery Homestead) north of Aurora has problems. The police are called there and she won't feel safe if these are built.

Nate Vollmuth, Paces Lodging asked about access points. He represents the Martin family to the south who wish to have it known that they don't want their existing accesses hindered. He also represents the ownership group to the north who also don't want their current access hindered as well. Tim reviewed the Sheyenne Corridor Study which looks to be right in/right out. This should be discussed prior to Detailed Development Plans. Mr. Vollmuth asked if the access points weren't grandfathered in. Tim indicated this is the corridor study. This section of Sheyenne Street is not programmed yet and access has yet to be determined. Dustin stated that this point the City only has the ordinance to fall back on. Tim stated if the current use remains, it would most likely be grandfathered, if it's redeveloped, access could change.

Mr. Blanchard asked if there's no concerns with the safety of rental properties, then why is there a crime free housing program. This was a rhetorical question and he doesn't expect an answer. He also asked if the member of the committee not voting or commenting could disclose why. Commissioner Diamond stated that he has a financial relationship with a person who objected and has a family member who has objected.

Bill Fugate, 255 47<sup>th</sup> Avenue West, asked if there were any state or local ordinances that would prohibit renting a unit for drug or alcohol treatment. Tim stated that state licensed group homes serving 8 or fewer developmentally disabled persons are a permitted use in the R-2 District. He asked to be given a chance to research this and he'll provide info to Mr. Fugate and commissioners. Mr. Fugate stated that he specifically chose to live here because there weren't any rental properties. Larry stated that in the R-3 District, social service uses such as drug treatment shelters, homeless shelters and shelters for domestic abuse are permitted uses. They are conditionally permitted uses in the R-2 District. With a PUD the uses can be established; however, the developer didn't ask and isn't inclined to do so.

Mr. Eisenbeisz stated that he knew Harvey (Nitschke) for a number of years and knew in his heart he wanted single family. Tim stated that the current owner Patricia Nitschke signed off on the application.

Luther Simley, 118 50<sup>th</sup> Avenue East, stated that they built their home 20 years ago and knew Harvey very well. He wanted single-family development and proposed to bring in infrastructure for 11 homes. Mr. Simley looked at the density proposed and 88 units looks like they're seeing how many units they can fit into one space. Montgomery Homestead is a concrete jungle. A compromise should be owner occupied units. This is too much density. He's built 300 homes in the metro area and takes pride in that. He can only see this project deteriorating and asked what this will look like 30-35 years from now.

Linda Mayo, 105 50<sup>th</sup> Avenue East, stated concern with traffic. She sat on the I-94 bridge waiting to get onto Sheyenne Street.

Rachel Ibes, 319 50<sup>th</sup> Place West, stated that she's speaking for the children who can't speak for themselves. She's concerned with strangers. She knows all the families in her cul-de-sac.

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

Commissioner Reinke asked for clarification regarding the additional access point to the west. Tim stated that a proposed pedestrian/bikeway is shown to connect with a future path along Sheyenne Street, but not developed yet. The Comp Plan focuses on connectivity of bikeway/pedestrian facilities. Vehicular access is a whole different question and we've requested the police and fire department take a look at it. Commissioner Gust asked if a second vehicular access would be to the east. Tim stated that the only way it would go west would be platting to the west.

Chair McDougall stated that this is what happens when relatively small tracts of land are sold off and developed separately. Commissioner Brownlee stated that plans change over time. Rocking Horse Farm in Fargo was to be commercial, yet developed as single family. It's market driven. With the price of land, a million dollar piece of property, single family won't work. If not single family, then what can they do with the property? It's not going to stay this way forever. Nelson Acres was in the country and now it's in the middle of the City. The developer is looking at maintaining the trees. The land cost is too high to support single family.

Commissioner Reinke asked what the intention of the commission would be as she's new. Larry stated that with Sheyenne Street, medium density was the transition. With the huge amount of infrastructure costs, this area will be hit very hard with special assessments.

Commissioner Gust stated that he's an extraterritorial representative from Raymond Township. The Planning and Zoning Commission is an advisory board to the City Commission. As long as the project meets all the rules, it's hard for them to turn it down. He doesn't see as a board how they can do that. The City Commission has the final say; the developer is willing to maintain the shelterbelt.

Commissioner Gust made a motion for approval of the concept subject to the 5 conditions listed in the staff report. Commissioner Brownlee seconded the motion. Commissioners Kolb, Brownlee, McDougall and Gust voted in favor of the motion. Commissioners Johnson and Reinke opposed. Commissioner Diamond abstained. Motion carried 4-2.

Chair McDougall stated that property owners within 150' would be notified when the Detailed Development Plans would be reviewed. Any other individuals could write down their email addresses on the sign-in sheet to be notified. The next Planning and Zoning Commission meeting would be October 10<sup>th</sup>.

Chair McDougall opened public hearing A16-48 West Fargo 6<sup>th</sup> Addition, Subdivision in the S½ of Section 31, T140N, R49W, including part of Auditor's Lot 2 in the SE¼ of said Section 31, City of West Fargo, North Dakota.

Larry reviewed the following from the staff report:

The subdivision has been in the process for a number of years and waiting to clear up title work for the Title Opinion. The applicant is proposing to develop the property into 8 lots.

Lot 1 is undevelopable property between 12<sup>th</sup> Avenue NW and the Sheyenne River; Lot 2 is developed as the City Public Works Facility; Lot 3 is part of Cass County Drain #21; Lot 4 is area being used for Public Works storage; Lots 5-6 are Sheyenne Diversion lots; Lot 7 is Cass County Drain #21; and Lot 8 is a small left over lot.

Applicable agencies and departments were notified. SE Cass Water Resource District commented to verify that the east line of lot 5, Block 1 is a minimum of 15' from the outside levee toe.

The proposed application is consistent with the City's land use plan which depicts the area developing as Institutional/Community/School. 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. A drainage plan is received and 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.
5. Verify lot line per SE Cass Water Resource District comments.
6. Clarify the right-of-way along 12<sup>th</sup> Avenue NW.

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

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

Chair McDougall opened public hearing A16-49 West Fargo 7<sup>th</sup> Addition, Replat of Block 1 and Lots 1 & 2, Block 2 of West Fargo 3<sup>rd</sup> Addition and Subdivision and Rezoning from Agricultural to P: Public Facilities and M: Heavy Industrial, property in the NE¼ of Section 6, T139N, R49W, City of West Fargo, North Dakota; Rezoning from Agricultural to M: Heavy Industrial Lot 5, Block 2 of West Fargo 3<sup>rd</sup> Addition, from P: Public Facilities to M: Heavy Industrial Lot 12, Block 2 of West Fargo 3<sup>rd</sup> Addition; And from Agricultural to P: Public Facilities Lot 14, Block 2 of West Fargo 3<sup>rd</sup> Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The applicant is proposing to develop the property into 4 lots following the re-alignment of Cass County Highway #19/9<sup>th</sup> Street NW. The intent is to zone the properties Public Facilities which belong to SE Cass Water Resource District and accommodating Cass County Drain No. 21, as well as the property (Lot 3, Block 1) which is intended to house the City's salt/sand storage. The remaining property (Lot 2, Block 1) is intended for industrial use and would be zoned Heavy Industrial.

Most of the area was platted with West Fargo 3<sup>rd</sup> Addition. Some additional area was acquired from Central Livestock Association for the re-alignment of Cass County Highway 19/9<sup>th</sup> Street NW.

Property owners within 150' and applicable agencies and departments were notified and SE Cass Water Resource District needs to have an easement for Cass County Drain No. 21 across Cass County Highway #19/9<sup>th</sup> Street NW.

The proposed application is consistent with the City's land use plan which depicts the area developing as General Industrial. 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. Access be approved and provided on the final plat.
2. A drainage plan is received and approved by the City Engineer.
3. An Attorney Title Opinion is received and addressed to the City of West Fargo.
4. Signed Final Plat is received with any necessary easements.
5. A certificate is received showing taxes are current.
6. An easement is provided to SE Cass Water Resource District for Cass County Drain No. 21 across Cass County Highway #19/9<sup>th</sup> Street NW.

Larry stated that this is a result of the realignment of Cass County Hwy #19/9<sup>th</sup> Street NW when the street relocation created new parcels. Additional parcels are being rezoned to clean things up after the rezoning was approved, but those parcels were left out when the ordinance was developed. The parcels are proposed as P: Public Facilities except along 12<sup>th</sup> Avenue. The proposed M: Heavy Industrial could be sold by the City.

Larry stated that there is a question regarding a possible change in lot lines with Lot 2 of West Fargo 3<sup>rd</sup> and he has asked for clarification.

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

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

The next item on the agenda was Minor PUD Modification for private walkway at 250 Beaton Drive East (Lots 1-4, Block 1 of Melroe 1<sup>st</sup> Addition), City of West Fargo, North Dakota.

Tim stated that the applicant has requested a minor revision to the Detailed Development Plans as previously approved for Melroe 1<sup>st</sup> Addition. The request is to amend the approved Planned Unit Development (PUD) to allow an extension to a proposed walking path and changes to the existing landscape plan. The original PUD shows a proposed walking path located along the north and east sides of the property. The applicant intends to place landscaping north of the approved walking path to buffer it from single-family homes to the north. Additionally, the applicant proposes to extend the path to the west and remove a portion which connects to the City sidewalk on the south, and instead extend it into their property for internal connections only. The applicant has submitted a site plan illustrating these changes.

Notices were sent to neighboring properties. Comments received from two property owners were included with the agenda packets. The applicant was provided the comments, but staff is not aware of any changes yet to the submitted plan.

Comments were also received on the previously approved path after construction began to which the complainant brought forth to the City Commission. Staff and the Commission concurred a path was acceptable as it was approved in the PUD and is not prohibited within the buffer requirements found in the City's Landscaping Standards (4-449-A of City Ordinances). The applicant is far exceeding the requirements of the City's plant unit requirements found within the landscaping standards and has been maintaining, removing, and replacing trees and vegetation on the property.

Staff reviewed the proposed changes and recommends approval of the Minor PUD Modification. It may be appropriate to request the applicant work to the greatest extent possible with adjacent homeowners to find compromise; however, staff believes the path is acceptable within the buffer requirements between the two uses.

Dana Eckart, 623 20½ Avenue East, stated that he lives directly behind Bobcat and at previous meetings he asked about property values, landscaping and never once was a walking path discussed. His neighbor Troy Hefta received a letter in 2014 regarding a bike path along the shelterbelt. Mr. Eckart stated concern with his daughter playing in the backyard 4' from the proposed walking path. He doesn't feel comfortable. It's just for employees, but asked how they'll prevent the public from using the path. There are no gates. People could hide in the trees.

Mr. Eckart asked if there would be any limitations to him putting anything up to screen his property. Tim indicated he could put up a 6' privacy fence. Mr. Eckart indicated he didn't have a question before on the walking path because he didn't know about it. Tim stated that it wasn't on the site plan, but was in the narrative, which was sent out with property owner notification. The site plan was further developed after property owners were notified. Tim reviewed the narrative. When sending out notification it's to try to get people to the meetings, not everything is sent out. By the time detailed development plans were reviewed, it was added. Mr. Eckart stated it was added after he was notified. Tim stated the final plans aren't usually sent to residents.

Chair McDougall asked if there wasn't a buffer of trees along the proposed walking path. Mr. Eckart stated he's concerned more trees could be taken out. As for the fence, someone could still see into his house. The narrative said along the trees, not through the trees.

Commissioner Reinke asked if the buffers were met. Tim stated yes.

Chair McDougall asked if the fence is on the property line. Discussion was held regarding the fence. Larry thought it was inside Bobcat's property line by 6'. Mr. Eckart stated that if that's the case, then why when a tree is damaged, they're responsible for removal.

Attorney Dan Bueide stated that back in 2003 when Charleswood River Estates 5<sup>th</sup> was replatted to Charleswood River Estates 6<sup>th</sup> Addition, 6' of Clark's (Bobcat) property was platted. A 6' strip was deeded to the developer of Charleswood and two property owners to the north. Clark gave up 6' though due to concerns with storm drainage, restrictive covenants were placed on that 6' that there be no fence, no gardens, the residents can't place anything in the 6' and are required to maintain the trees, replace if necessary. No sheds, dog runs or clotheslines allowed. This was included in restrictive covenants, which were recorded. The path is located south of the fence.

Tim stated the property is zoned PUD because it was developed prior to the City's C-OP: Commercial Office Park District being established. Because it became a PUD, it's the only reason they're going through this procedure. There are numerous walking paths through West Fargo, through neighborhoods. Bobcat has the right to use their property.

Architect David Schulz, Schulz and Associates, stated that previously a straight path was proposed. He reviewed the site plan. Trees were not removed for path installation; they removed dead/dying ones, which will be replaced. They moved the buffer to between the fence and path. The original intent was to connect with one along Beaton Drive, but due to concerns from area property owners, that portion was disconnected. It will be signed private property.

Commissioner Diamond asked about material. Mr. Schulz stated concrete. Discussion was held regarding the path. It's only for employees and is signed private property. The west portion dead ends/ties into the parking lot.

Mr. Eckart asked how commissioners would feel if they thought one thing was going to happen and something different did. He doesn't have a say because it's Bobcat. Chair McDougall stated that there is a 6' privacy fence. Mr. Eckart stated it's

chain-link. Chair McDougall stated there are 20' trees, additional buffering and it is their property. There has to be give in both directions. Tim stated that Titan Machinery could come in and put in a path because they are zoned C-OP. Larry stated that there was a lot of discussion when Melroe came in. There were concerns with multi-family along the interstate and the best development was determined to be office. With single family there would be sound wall requirements. Charleswood wanted single family along the interstate and the City said no, they wanted a buffer to create distance. The shelterbelt was maintained.

Commissioner Reinke stated that the chain-link fence isn't a privacy fence. Larry stated that at the time, no fencing was required. Buffering was the shelterbelt. Today there are different requirements. Mr. Eckart stated that he couldn't put up a fence. Mr. Bueide stated not within the 6', it's in the restrictive covenants. Tim stated that restrictive covenants are between the property owners and not a city issue.

Commissioner Johnson made a motion for approval of the Minor PUD Modification for private walkway based on staff recommendations. Commissioner Brownlee seconded the motion. No opposition. Motion carried.

Commissioner Diamond made a motion to adjourn. Commissioner Gust seconded the motion. No opposition. Motion carried.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-51		REPLAT	
Eaglewood 6th			
Lot 4, Block 1 of Eaglewood 2 <sup>nd</sup> Addition, City of West Fargo, North Dakota			
Applicant: Jonathan Youness, Eagle Ridge Dev. Owner: Sheyenne Villas LLC		Staff Contact: Tim Solberg	
Planning & Zoning Commission Introduction:		10-10-2016	
Public Hearing:		10-10-2016	
City Commission:			

PURPOSE:
Replat one large lot into two smaller lots.

STATEMENTS OF FACT:	
Land Use Classification:	Medium Density Residential
Existing Land Use:	Medium Density Residential
Current Zoning District(s):	R-2: Limited Multiple Dwellings
Zoning Overlay District(s):	CO: Corridor Overlay District (Sheyenne St)
Proposed Zoning District(s):	Unchanged
Proposed Lot size(s) or range:	Lot 1: 6.31 acres; Lot 2: 5.69 acres
Total area size:	12 Acres
Adjacent Zoning Districts:	North – C: Light Commercial and R-2: Limited Multiple Dwellings South – P: Public East – C-OP: Commercial Office Park West – R-1: One & Two Family Dwellings
Adjacent street(s):	26 <sup>th</sup> Avenue West - Local
Adjacent Bike/Pedestrian Facilities:	Sidewalk along 26 <sup>th</sup> Ave W; Future path along Sheyenne St.
Available Parks/Trail Facilities:	Brooks Harbor Elementary under construction with adjacent park and Eaglewood park facility within ½ mile. Both accessible via path and sidewalks.
Park Dedication Requirements:	Provided with previous subdivision.

DISCUSSION AND OBSERVATIONS:
<ul style="list-style-type: none"> <li>• The applicant has submitted an application and preliminary plat.</li> <li>• The applicant is proposing to subdivide a previously platted large lot into two smaller lots for financing purposes.</li> <li>• Adequate road right-of-way has been dedicated with previous subdivisions.</li> <li>• On October 6, 2014, the Commission approved a conditional use permit for the development of 4 12-unit structures and 1 10-unit structure based upon their proposed building construction.</li> <li>• Development has occurred on the property for attached residential townhome units and is intended to continue with similar residential structures.</li> <li>• The applicant should provide a revised site plan that will illustrate that all structures that have</li> </ul>

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

been developed will meet the applicable district standards in the proposed subdivision.

- Due to the number of separate buildings in the site, a previous condition recommended by staff was that the developer place a site map at the entrance to the complex to assist City and emergency response.
- Staff has received an updated title opinion.
- The drainage plan of the previous subdivision will need to be revised and approved by the City Engineer.

**NOTICES:**

Sent to: Applicable agencies and departments

Comments Received:

- None

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

- The proposed application will need provide a site plan with plat to demonstrate that the district standards are met to determine if it is consistent with the City plans and ordinances.

**RECOMMENDATIONS:**

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 provide a site plan to be reviewed prior to City Commission to determine where the previous conditionally permitted and permitted structures are on each lot and that the new lots will conform to applicable district standards.
2. A revised drainage plan is submitted and approved by the City Engineer.
3. A signed Final Plat is received with any necessary easements.
4. A certificate is received showing taxes are current.



24TH AVE W

5TH ST W

26TH AVE W

7TH CT W

6TH CT W

7TH ST W

6TH ST W

27TH AVE W

SHEYENNE ST

Sheyenne River

A16-51  
Proposed Subdivision

7TH ST W

5TH ST W

29TH AVE W



A16-51  
Proposed Subdivision



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| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: white; border: 1px solid black; margin-right: 5px;"></span> A: Agricultural</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> C: Light Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> C-PUD: PUD in General Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> C-OP: Commercial Office Park</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> C-OP-PUD: PUD in Office Park</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkred; border: 1px solid black; margin-right: 5px;"></span> HC: Heavy Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: purple; border: 1px solid black; margin-right: 5px;"></span> LI: Light Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border: 1px solid black; margin-right: 5px;"></span> CM-PUD: PUD in Light Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkblue; border: 1px solid black; margin-right: 5px;"></span> MI: Heavy Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: black; border: 1px solid black; margin-right: 5px;"></span> P: Public</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> P-PUD: PUD in Public</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> R-L1A: Large Lot Single Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> R-1A: Single Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> R-1: One and Two Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border: 1px solid black; margin-right: 5px;"></span> R-1SM: Mixed One and Two Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> R-2: Limited Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> R-3: Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> R-4: Mobile Home</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkred; border: 1px solid black; margin-right: 5px;"></span> R-5: Manufactured Home Subdivision</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> R-1E: Rural Estate</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkgreen; border: 1px solid black; margin-right: 5px;"></span> R-R: Rural Residential</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> R-PUD: PUD in Residential</li> </ul> |
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CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-52 REPLAT AND REZONING	
Oakridge 11 <sup>th</sup> Addition	
Lots 1-5 Block 1 of Oakridge 9 <sup>th</sup> Addition, City of West Fargo, North Dakota	
Applicant: Mike Graham Owner: The Village Family Service Center	Staff Contact: Tim Solberg
Planning & Zoning Commission Introduction:	10-10-2016
Public Hearing:	10-10-2016
Detailed Development Plans:	
City Commission Introduction:	
Public Hearing & 1 <sup>st</sup> Reading:	
2 <sup>nd</sup> Reading and Final Plat Approval:	

**PURPOSE:**

Rezone from C: Light Commercial to PUD and replat five commercial lots into office and general commercial condominium lots with common lots, drives and amenities for the use of the development.

**STATEMENTS OF FACT:**

Land Use Classification:	General Commercial
Existing Land Use:	Vacant
Current Zoning District(s):	C: Light Commercial
Zoning Overlay District(s):	Corridor Overlay
Proposed Zoning District(s):	PUD: Planned Unit Development (Proposed Lot 1 and 22, Block 1: Unchanged)
Proposed Lot size(s) or range:	5,350 ft <sup>2</sup> – 94,285 ft <sup>2</sup>
Total area size:	8.56 Acres
Adjacent Zoning Districts:	North – R-1SM: Mixed One and Two Family South – PUD: Planned Unit Development (Residential Townhomes) and R-1: One and Two Family East – C: Light Commercial and A: Agriculture West – C: Light Commercial and R-2: Limited Multiple Dwelling
Adjacent street(s):	32 <sup>nd</sup> Avenue East (Minor Arterial)
Adjacent Bike/Pedestrian Facilities:	Path along 32 <sup>nd</sup> Ave E
Available Parks/Trail Facilities:	Shadow Wood Park facilities within ½ mile
Public Dedication Requirements:	Provided with previous subdivision

**DISCUSSION AND OBSERVATIONS:**

- The applicant has submitted an application, preliminary plat, site plan, area plan, and proposed district standards.
- The site plan and preliminary plat currently provides 35 new lots.
- Lots 1 and 22 of the preliminary plat are proposed to remain zoned C: Light Commercial.
- Lot 2 is proposed as a local retention pond for the development and should be included in the

## STAFF REPORT

## Planned Unit Development (PUD).

- Lots 3-21 and 23-35 of the preliminary plat are proposed to be developed as office condos with PUD standards as proposed and attached hereto which provide for detailed permitted uses, yard requirements, and site, landscaping, and building construction standards.
- The proposed uses as proposed are similar to those uses within the C: Light Commercial and C-OP: Commercial Office Park districts, albeit with greater detail. It may be appropriate for the uses to be further refined. Staff would point particularly to the following:
  - Permitted Use #2: It may be more appropriate to provide for this use as a conditional use if it is desirable for it to be reviewed by Planning and Zoning Commission and City Commission.
  - Permitted Use #4: Privately owned properties does not constitute a use. It would be appropriate to detail what this use may be.
  - Permitted Use #8: This use seems to not be possible in the development given the availability of parking and lot sizes as proposed.
  - Permitted Use #11: The “such as” which includes hospitals and nursing homes does not seem possible in the development given the availability of parking and lot sizes as proposed.
- The proposed yard requirements are consistent with the CO: Corridor Overlay district with an exception that the proposed front yard is 5’ greater than that of the CO district.
- Landscaping requirements may be easier for the purposes of administration and enforcement to match those of the City’s landscaping standards found in Section 4-449-A.
- Signage in the proposed standards states “Per the B3 Zoning District. The City does not have a B3 Zoning District. It would be appropriate to require signage to be under the provisions of the City sign regulations found in section 4-460.
- Parking should be regulated under the provision of the City’s off-street parking and loading regulations found in section 4-450.
- The development should also be regulated by the City’s supplementary district regulations found in section 4-440 as are all other recently established planned unit developments.
- The property is proposed to be accessed from 32<sup>nd</sup> Ave E to the north and by way of a private drive on an existing easement between 6<sup>th</sup> St E and 4<sup>th</sup> St E which would be extended within the proposed development to provide access to each separate lot.
- The private drive has been constructed to the west, but not yet to the east. The coordinated construction of the drive is essential to this development and will need to be included in a subdivision/PUD agreement. Given the private drive would become a more substantial access with multiple properties it should become a named street and included within the improvement district and/or PUD.
- The applicant is seeking a full approach to 32<sup>nd</sup> Ave E. The previous plat of Oak Ridge 9<sup>th</sup> Addition included a discussion of this and it was noted on the plat that the access is “Right In, Right Out or ¾ Access”. A traffic study may be required with detailed development plans to determine that a full access at this location would not greatly affect the operation or safety of 32<sup>nd</sup> Ave E.
- The access easement to 32<sup>nd</sup> Ave E may need to be restricted to reduce crash potential by avoiding direct access within 150’ of arterial roadway and should be denoted on the plat similar to a local roadway and/or within the easement document.

STAFF REPORT

**NOTICES:**

Sent to: Property owners within 150' and applicable agencies and departments

Comments Received:

- None

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

- The proposed plan is consistent with City plans and Ordinances:
  - Under the heading Land Use and Community Growth, Goal 3, Objective d. states "To encourage the development of diverse and interrelated retail and commercial use south of I-94."
  - Under the heading Economic Development, Goal 2, Objective b. states "To encourage the construction of additional commercial and industrial development within the community to diversify the tax base and provide a variety of higher wage employment opportunities."
  - Under the heading Economic Development, Goal 2, Objective d. states "To create a new base for economic development south of I-94."

**RECOMMENDATIONS:**

It is recommended that the City approve the proposed application in concept on the basis that it is consistent with City plans and ordinances. Current recommended conditions to be considered as the detailed development plans are created are as follows:

1. The uses listed in the proposed district standards should be amended to reflect concerns noted by staff.
2. District standards should include provisions to require but not limit to CO: Corridor Overlay District, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
3. A recommendation should be provided by City Engineer, Public Works Director, Police, and Planning regarding the proposed access to 32<sup>nd</sup> Ave E.

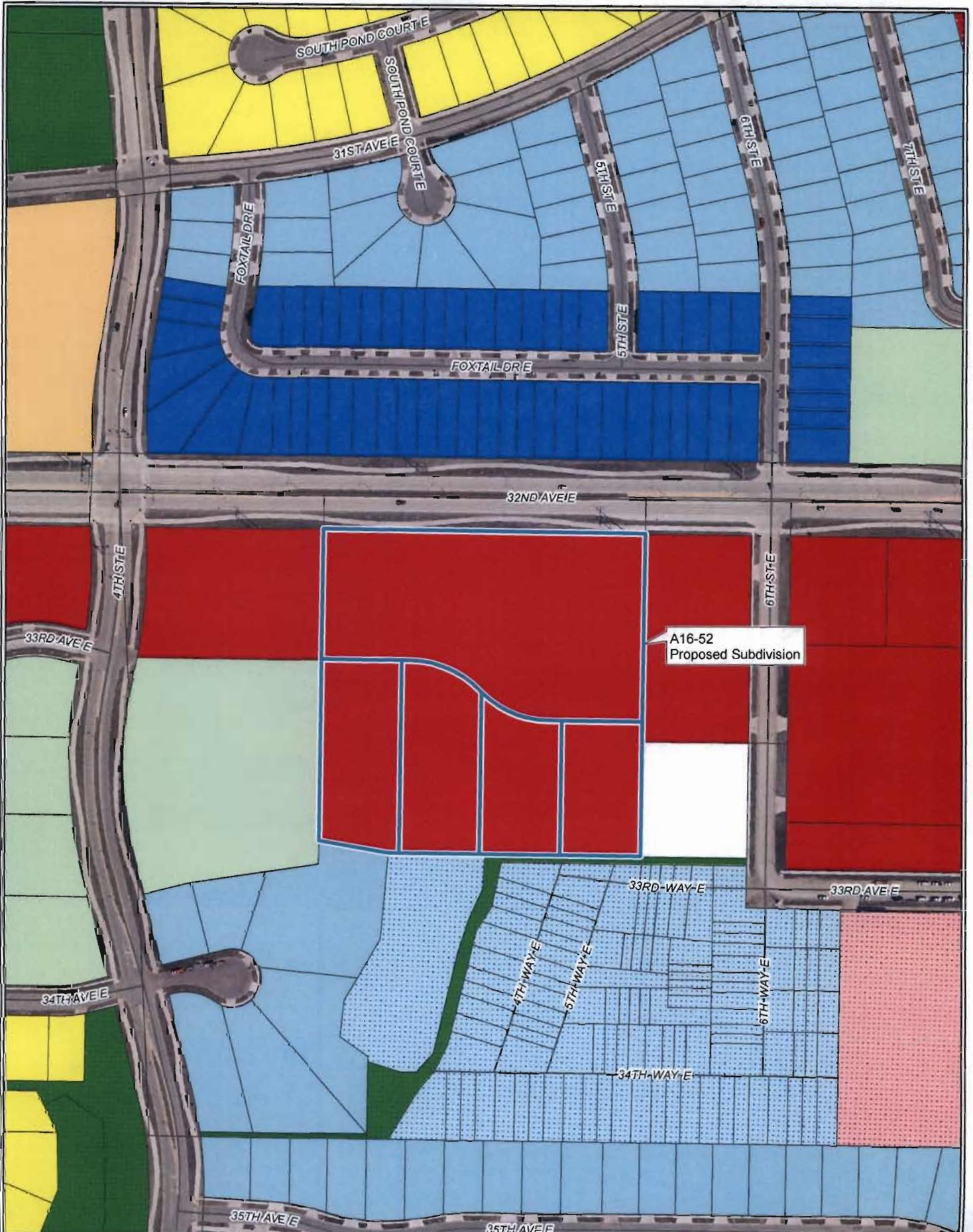


A16-52  
Proposed Subdivision



- |                              |                                 |   |  |                                     |
|------------------------------|---------------------------------|---|--|-------------------------------------|
| A: Agricultural              | C: Light Commercial             | P-PUD: PUD in Public                    | R-1SM: Mixed One and Two Family Dwelling | TR-5: Manufactured Home Subdivision |
| C-PUD: PUD in General        | U: Light Industrial             | RRLTA: Large Lot Single Family Dwelling | R-2: Limited Multiple Dwelling           | R-1E: Rural Estate                  |
| C: Commercial                | CM-PUD: PUD in Light Industrial | R-1A: Single Family Dwelling            | R-3: Multiple Dwelling                   | R-R: Rural Residential              |
| C-CP: Commercial Office Park | M: Heavy Industrial             | R-1: One and Two Family Dwelling        | R-4: Mobile Home                         | R-PUD: PUD in Residential           |
| C-OP: PUD in Office Park     | I: Public                       | HC: Heavy Commercial                    |  |                                     |





A16-52  
Proposed Subdivision

City of  
**WEST FARGO**

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ffff00; border: 1px solid black; margin-right: 5px;"></span> A: Agricultural</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> C: Light Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> C-PUD: PUD in General Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> C-OP: Commercial Office Park</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> C-OP-PUD: PUD in Office Park</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> HC: Heavy Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> LI: Light Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> CM-PUD: PUD in Light Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> M: Heavy Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> P: Public</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> P-PUD: PUD in Public</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-1A: Large Lot Single Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ffff00; border: 1px solid black; margin-right: 5px;"></span> R-1A: Single Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-1: One and Two Family Dwelling</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-1SM: Mixed One and Two Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-2: Limited Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-3: Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-4: Mobile Home</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-5: Manufactured Home Subdivision</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-1E: Rural Estate</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-R: Rural Residential</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R-PUD: PUD in Residential</li> </ul>
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# OAK RIDGE OFFICE CONDOS

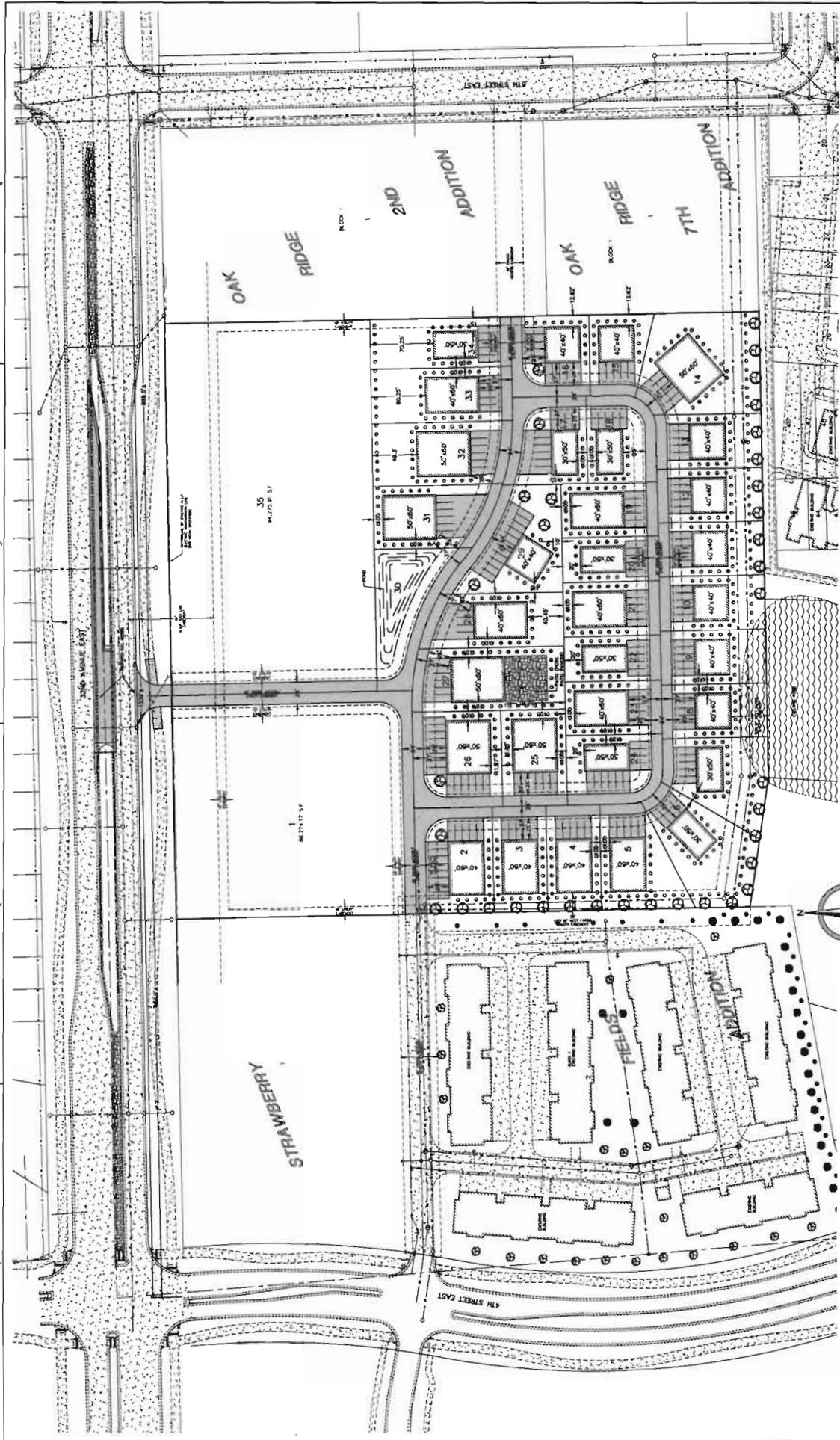
## WEST FARGO, NORTH DAKOTA



- 8 UNITS - 30'x50' OFFICE CONDO
- 9 UNITS - 40'x40' OFFICE CONDO
- 9 UNITS - 40'x60' OFFICE CONDO
- 6 UNITS - 50'x60' OFFICE CONDO
- 32 TOTAL UNITS



**moore**  
 engineering, inc.  
 Consulting Engineering • Land Surveying  
 925 10th Avenue East • West Fargo, North Dakota  
 www.mooreengineeringinc.com



PROJECT NO.	1000000000
DATE	08/20/10
REVISION	
SCALE	AS SHOWN
DESIGNED BY	
CHECKED BY	
DATE	

**moore**  
engineering, inc.

OAK RIDGE OFFICE CONDOS  
OAK RIDGE 9TH ADDITION  
WEST FARGO, NORTH DAKOTA

8 UNITS - 30'x50' OFFICE CONDO  
9 UNITS - 40'x40' OFFICE CONDO  
9 UNITS - 40'x60' OFFICE CONDO  
6 UNITS - 50'x60' OFFICE CONDO  
32 TOTAL UNITS

PLANTINGS  
36± TREES  
598± SHRUBS

4TH STREET EAST  
5TH STREET EAST  
OAK RIDGE  
2ND ADDITION  
7TH ADDITION  
FIELDS ADDITION  
STRAWBERRY

1  
2  
3

## OAKRIDGE OFFICE PARK PUD STANDARDS

Statement of Intent: The provisions of the PUD for Oakridge Office Park are intended to provide high quality, aesthetically attractive properties and grounds for commercial establishments looking for high visibility, easy access with ownership opportunities.

Permitted Uses in The office park of Oakridge Office Park:

1. Commercial and professional office buildings, single or multi-tenant.
2. Display of retail goods like cars, recreational vehicles, trucks or any other item traditionally associated with having a showroom, provided that the detailed sight plan(s) have been reviewed and approved by the Planning and Zoning Commission and City Commission.
3. General Commercial and Office uses.
4. Privately owned properties.
5. Personal Services.
6. Entertainment, social or recreational businesses.
7. Repair services such as radio, appliance or shoe repair shops.
8. Hotels and motels.
9. Banks, savings and loans, credit unions and mortgage services.
10. Churches and schools.
11. Medical and dental facilities, such as clinics, hospitals and nursing homes.
12. Veterinary clinics without overnight facilities.
13. Child care facilities.
14. Photography.
15. Massage.
16. Personal training.
17. Artist studios
18. Antique and architectural goods sales.
19. Chiropractic.
20. Consulting services.
21. Training facilities.
22. Short term/shared office space rentals.
23. Architectural services.
24. Engineering services.
25. Accounting and/or tax services.
26. Financial advising.
27. Computer/technology services.
28. Real estate sales and/or services.
29. Marketing services.

Site Development Standards:

1. Yard Requirements

- a. Front Yard: 20' from front property line - 15' in CO
- ✓ b. Side Yard: 10' from side property line.
- ✓ c. Rear Yard: 10' to primary structures, 3' to accessory.

2. Landscaping Requirements

- a. On all property within this PUD, no less than 15% of the property shall be landscaped with trees, shrubs, grass and other cultured plantings. The number of trees shall be no less than the total number of feet of the length of the lot perimeter divided by 50 feet or 5 trees whichever is greater from a list of trees provided by the West Fargo City Forester.
- b. Within parking lots, one landscaped island of at least 150 square feet shall be provided for every twenty parking spaces.
- c. Ponds for the management of storm water shall not count toward the minimum landscaped standard.

3. Signage

Per the B3 Zoning District.

4. Restrictions on Alterations

- a. Except as expressly provided elsewhere in this section, no structure, building, addition, deck, patio, fence, wall, enclosure, window, exterior door, antenna or other type of sending or receiving apparatus, sign, display, color change, material topographical or landscaping change, nor any other exterior improvements to or alteration of any Building or any other part of the Site which affects the Property, or which is visible from the exterior (collectively referred to as "Alterations"), shall be commenced, erected or maintained, unless and until the plans and specifications showing the nature, kind, shape, height, color, materials and locations of the Alterations shall have been approved in writing by the Condo Management.
- b. The Condo Management shall establish the criteria for approval of construction and Alterations, which shall include and require, at a minimum:
  - 1. Uniformity of color and trim, all overhead and entry door colors and locations (All buildings shall be orientated so that the gable ends of the buildings face in a common direction, with the fronts aligned with the adjacent buildings and a set distance from the road), type and design in relation to existing Buildings and topography,
  - 2. Ease of maintenance and repair,

3. Minimum setbacks from other Sites of 5 feet and maximum side wall height of 16 feet,
4. gable and eave overhangs of a minimum of 2 feet:
5. substantial preservation of sight lines of other Buildings, if material and
6. compliance with state and local government laws, codes, setbacks and regulations.

The Condo Management shall be the sole judge of whether the criteria are satisfied.

c. The following antennas may be installed on a Building, as permitted by applicable federal law: (i) one antenna one (1) meter or less in diameter for the purpose of receiving direct broadcast/satellite service or video programming services, or (ii) any antenna for receiving television broadcast signals; provided that the Condo Management may require that the antenna be installed so as to minimize its visibility from the front of the Building and otherwise camouflage its appearance, unless such requirements would (i) unreasonably delay installation, (ii) unreasonably increase the cost of installation, maintenance or use of the antenna, or (iii) preclude reception of an acceptable quality signal. Such installation shall be subject to all governmental laws, codes and ordinances. The Condo Management shall have authority to impose further, reasonable requirements consistent with law. The Owner is responsible for all maintenance and repair of any antenna installed on a Building.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-53 SUBDIVISION AND REZONING	
Nitschke Addition	
SE¼ of Section 31, T139N, R49W, City of West Fargo, North Dakota	
Applicant: Brian Pattengale, Houston Engineering Owner: J&O Real Estate, LLC	Staff Contact: Tim Solberg
Planning & Zoning Commission Introduction:	10-10-2016
Public Hearing:	10-10-2016
City Commission Introduction:	
Public Hearing & 1 <sup>st</sup> Reading:	
2 <sup>nd</sup> Reading and Final Plat Approval:	

PURPOSE:
Prepare the property for multiple-family residential development.

STATEMENTS OF FACT:	
Land Use Classification:	Medium Density Residential
Existing Land Use:	Single Family Residential
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	CO: Corridor Overlay District
Proposed Zoning District(s):	R2: Limited Multiple Dwelling
Proposed Lot size(s) or range:	8.77 Acres
Total area size:	8.77 Acres
Adjacent Zoning Districts:	North: A: Agricultural District South: A: Agricultural District East: R-1E: Rural Estate District West: R-1A: Single Family Dwelling & A: Agricultural District
Adjacent street(s):	Sheyenne Street (Arterial)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	Future path along Sheyenne Street
Park Dedication Requirements:	Park Dedication Required

DISCUSSION AND OBSERVATIONS:
<ul style="list-style-type: none"> <li>• The applicant has submitted an application and preliminary plat.</li> <li>• The plat shows just one lot.</li> <li>• There is one existing approach onto Sheyenne Street for the development.</li> <li>• The City's comprehensive plan shows the plat area and undeveloped area to the north developing as Medium Density Residential.</li> <li>• The density allowed under the Comprehensive Plan designation for Medium Density Residential is up to 16 units per acre.</li> <li>• In contrast to most recently developing land in the metro area, the area in question is primarily low density development. The overall units per acres in this section is currently at approximately 2 units per acre. Area plans for development of future phases of "The Wilds"</li> </ul>

STAFF REPORT

indicate they will continue to develop low density residential.

- There is currently no high density development (up to 24 units per acre) in this section of land.
- There are 308 units of medium density residential in the section (up to 16 units per acre) built as twin-home and townhome style structures.
- Right-of-way appears to be adequate with 150 feet along Sheyenne Street (75 feet of right-of-way on each side).
- Public and/or park dedication is required for the development, which would be 10% 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.
- A sewer hook-up fee is required for the subdivision and will need to be addressed within the subdivision improvement agreement.
- An Attorney Title Opinion is required and will need to be received prior to Final Plat consideration.

NOTICES:

Sent to: Property owners within 150' and applicable agencies and departments

Comments Received:

- Multiple correspondence indicating opposition has been received from neighboring property owners on the previous application for a Planned Unit Development of this area.

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

- The proposed application is consistent with the City's land use plan, which depicts the area developing as medium density residential.

RECOMMENDATIONS:

The applicant has not yet received clear direction on their previous application and has thus requested that the public hearing be continued on this application in order for them to continue to pursue their preferred plan of a Planned Unit Development for this area. Therefore, it is recommended that the Chair open the Public Hearing as it is scheduled and continue it for one month to the next regularly scheduled meeting held on November 14, 2016. **Staff would notify property owners within 150' of the next public hearing.**



A16-47  
Proposed Subdivision





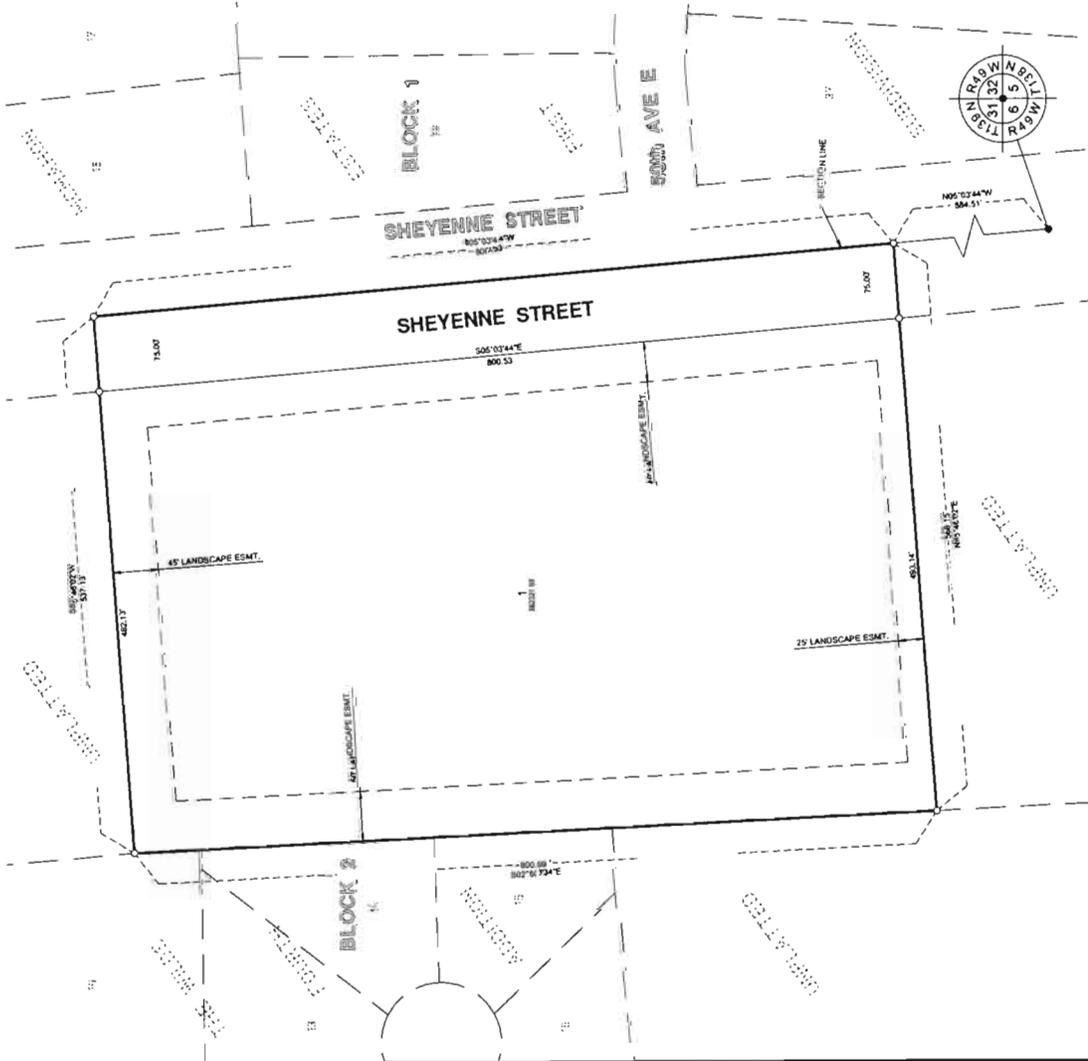
A16-47  
Proposed Subdivision



- |   |  |   |   |  |
|---|--|---|---|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; background-color: white;"></span> A: Agricultural</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: red;"></span> C: Light Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: orange;"></span> C-PUD: PUD in General Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: pink;"></span> C-OP: Commercial Office Park</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> C-OP-PUD: PUD in Office Park</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkblue;"></span> HC: Heavy Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: grey;"></span> J: Light Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightgrey;"></span> J-PM-PUD: PUD in Light Industrial</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: black;"></span> HI: Heavy Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: green;"></span> P: Public</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen;"></span> P-PUD: PUD in Public</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkgreen;"></span> R-L1A: Large Lot Single Family Dwelling</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow;"></span> R-1A: Single Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue;"></span> R-1: One and Two Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: blue;"></span> R-1SM: Mixed One and Two Family Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: darkblue;"></span> R-2: Limited Multiple Dwelling</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: orange;"></span> R-3: Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow;"></span> R-4: Mobile Home</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightyellow;"></span> R-5: Manufactured Home Subdivision</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen;"></span> R-E: Rural Estate</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: green;"></span> R-R: Rural Residential</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen;"></span> R-PUD: PUD in Residential</li> </ul> |
|---|--|---|---|--|



**NITSCHKE ADDITION**  
 BEING A PLAT OF PART OF THE SE 1/4 OF SECTION 31  
 T. 139 N., R. 49 W., 5th P.M.  
 TO THE CITY OF WEST FARGO,  
 CASS COUNTY, NORTH DAKOTA



**OWNERS CERTIFICATE:**

THESE PRESENTS: Harvey L. Nitschke and Patsy A. Nitschke, husband and wife, as the owners and propositors of that part of the Southeast Quarter of Section 31, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northeast corner of said Section 31; thence North 07°02'44" West (Assumed Bearing), along the eastern line of the Southeast Quarter of said Section 31, for a distance of 894.51 feet to the true point of beginning; thence continue North 07°02'44" West, along the eastern line of the Southeast Quarter of said Section 31, for a distance of 800.53 feet; thence South 85°46'02" West for a distance of 537.13 feet; thence South 07°02'44" East for a distance of 800.69 feet; thence North 85°46'02" East for a distance of 508.15 feet to the true point of beginning.

Said tract of land contains 8.777 acres, more or less.

And that said parties have caused the same to be surveyed and platted as NITSCHKE ADDITION to the City of West Fargo, Cass County, North Dakota, and do hereby dedicate to the public for public use the ardscape statements as shown on this plat.

OWNERS:  
 Harvey L. Nitschke  
 Patsy A. Nitschke

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:**  
 I, Shawn M. Thomason, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that the above is a true and correct copy of the original plat as shown to me in my office for the guidance of future surveys have been located or placed in the ground as shown.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Shawn M. Thomason, Professional Land Surveyor No. 5600

**CITY ENGINEER'S APPROVAL:**  
 Approved by the West Fargo City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Kevin J. Buzinski, City Engineer

**WEST FARGO PLANNING COMMISSION APPROVAL:**  
 Approved by the City of West Fargo Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Tom McDougall, Chairman

**WEST FARGO CITY COMMISSION APPROVAL:**  
 Approved by the Board of City Commissioners and ordered Read this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Ruth Mattern, President  
 of West Fargo City Commission

State of North Dakota ) ss  
 County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Ruth Mattern, President of West Fargo City Commission and Tina Pinc, West Fargo City Auditor, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of West Fargo.

Notary Public: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Tom McDougall, Chairman, West Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the West Fargo Planning Commission.

Notary Public: \_\_\_\_\_

**WEST FARGO CITY ATTORNEY APPROVAL:**  
 I do hereby certify that proper evidence of title has been examined by me and I approve the plat as to form in execution this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

John T. Stoddley, City Attorney

State of North Dakota ) ss  
 County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as the City Attorney.

Notary Public: \_\_\_\_\_



Project No. 7824-025  
**Houston Engineering Inc.**  
 Phone: 701.237.5065

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-54 ACCESS REQUEST	
West Fargo 7th Addition	
9 <sup>th</sup> Street NW (Lot 3, Block 1 of Proposed West Fargo 7th Addition)	
Applicant/Owner: City of West Fargo	Staff Contact: Larry Weil
Planning & Zoning Commission:	10-10-2016 -
City Commission:	

PURPOSE:
Request access onto a Collector Street.

STATEMENTS OF FACT:	
Land Use Classification:	General Industrial & Utility/Transportation
Existing Land Use:	Vacant – developing as City Salt Storage
Current Zoning District(s):	M: Heavy Industrial; Proposed P: Public Facilities
Zoning Overlay District(s):	None
Total area size:	≤ 1.3 Acres
Adjacent Zoning Districts:	M: Heavy Industrial & Public Facilities
Adjacent street(s):	9 <sup>th</sup> Street NW (Collector)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	Not applicable
Park Dedication Requirements:	Not applicable

DISCUSSION AND OBSERVATIONS:
<ul style="list-style-type: none"> <li>• The applicant is proposing two access locations onto a collector street section which was recently reconstructed as part of a re-alignment street project for 9<sup>th</sup> Street NW (Cass County Highway #19).</li> <li>• The salt/sand storage structure location on the property is greatly affected by soil conditions on the property. Soils on areas of the property are not suitable for building structures, so the structure was located to the stable area.</li> <li>• The applicant has indicated the accesses would be used for salt/sand trucks to enter, maneuver and exit the property. One access would be in front of the proposed salt/sand storage structure. The other access would be a shared access with the adjacent property to the north with a spacing of approximately 150 feet.</li> <li>• Access to arterial and collector roadways is governed both in the City Subdivision Ordinance and by Ordinance 2-0119 with guidance from the City’s Subdivision Ordinance.</li> <li>• Ordinance 2-0119 requires City Commission approval upon recommendation of the Planning &amp; Zoning Commission for access to arterial and collector roadways.</li> <li>• The City’s Subdivision Ordinance under 4-0406.3.J.(4) allows spacing of connections to collector streets and roadways in developing areas of 300 feet with a minimum spacing of 150’.</li> <li>• Given the area is less developed and more industrial in nature, and with a proposed use being a low traffic generating use, the spacing of access locations may be adequate. The shared access with the north property would likely be the only access allowed for that property, as the access</li> </ul>

STAFF REPORT

would be slightly more than 150 feet from the intersection of 12<sup>th</sup> Avenue NW. The classification of 12<sup>th</sup> Avenue NW is classified as a minor arterial street which would have even greater restrictions of access.

- Streets that are classified as Collectors and Arterials are designated as limited access streets to provide for better movement of traffic. Arterials should be oriented toward mobility (speed and capacity) rather than access, while local streets provide high levels of access. Collectors should provide a balance between access and mobility. Appropriate access control preserves the capacity on arterial streets, reducing the need for traffic to divert to local streets.

**NOTICES:**

Sent to: Applicable agencies and departments

Comments Received:

- The City's development review group has met and reviewed the proposed site plan and access locations. It is their position that the proposed access locations are justifiable.

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

- Review by Planning & Zoning Commission and City Commission is consistent with City Plans and Ordinances.

**RECOMMENDATIONS:**

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:

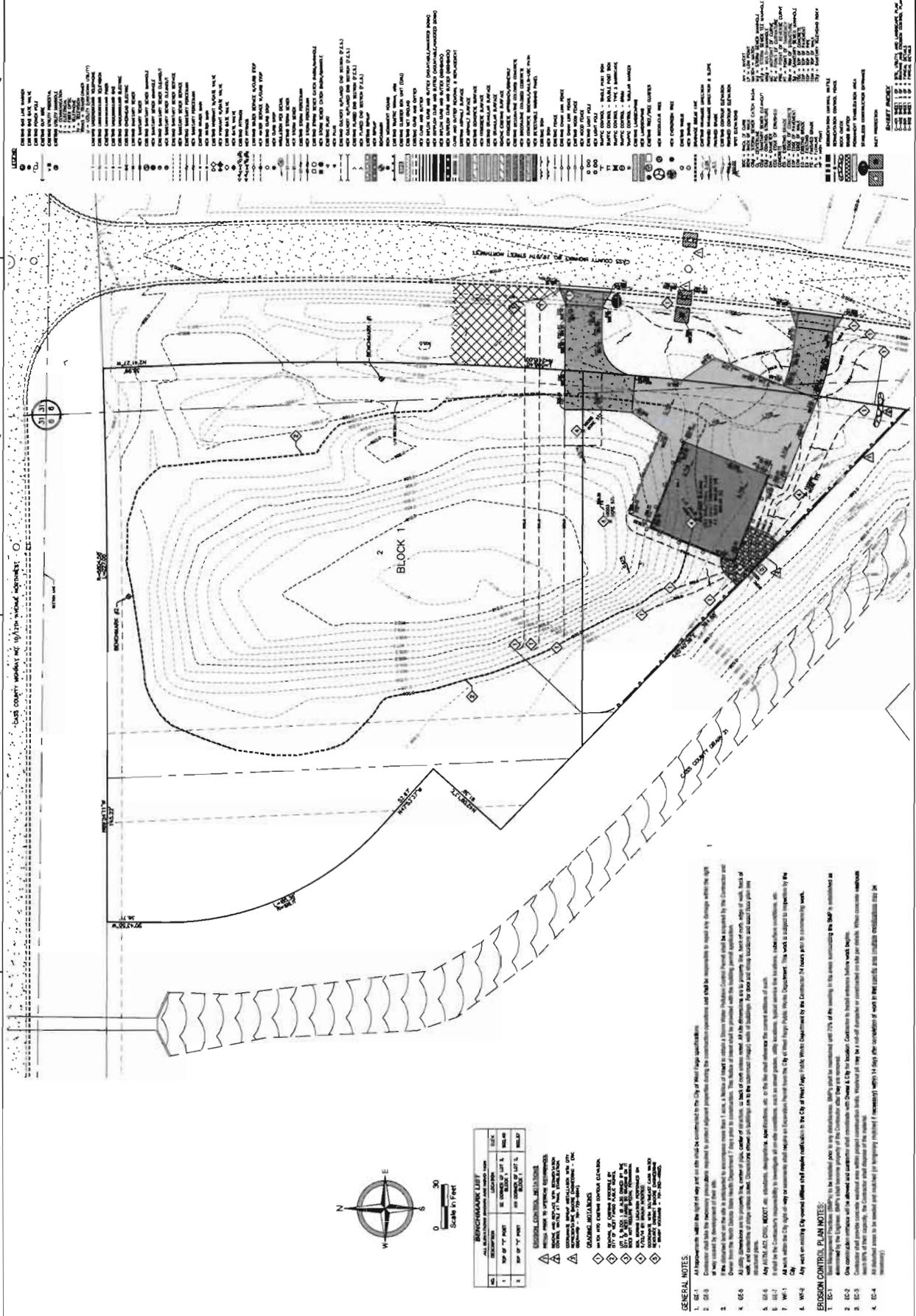
1. The north access is granted as a shared access with the property to the north.











**GENERAL NOTES:**

1. SEE ALL REQUIREMENTS WITHIN THE CITY OF WEST FARGO SPECIFICATIONS.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WEST FARGO PRIOR TO COMMENCING WORK.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WEST FARGO PRIOR TO COMMENCING WORK.
4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL REMAIN IN PLACE UNTIL THE PROJECT IS COMPLETE.
5. ANY EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL REMAIN IN PLACE UNTIL THE PROJECT IS COMPLETE.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WEST FARGO PRIOR TO COMMENCING WORK.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WEST FARGO PRIOR TO COMMENCING WORK.

**EROSION CONTROL PLAN NOTES:**

1. SEE ALL REQUIREMENTS WITHIN THE CITY OF WEST FARGO SPECIFICATIONS.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WEST FARGO PRIOR TO COMMENCING WORK.
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4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL REMAIN IN PLACE UNTIL THE PROJECT IS COMPLETE.

**BENCHMARK LIST**

NO.	DESCRIPTION	DATE
1	TOP OF "A" POINT	03.28.18
2	TOP OF "B" POINT	03.28.18
3	TOP OF "C" POINT	03.28.18
4	TOP OF "D" POINT	03.28.18
5	TOP OF "E" POINT	03.28.18
6	TOP OF "F" POINT	03.28.18
7	TOP OF "G" POINT	03.28.18
8	TOP OF "H" POINT	03.28.18
9	TOP OF "I" POINT	03.28.18
10	TOP OF "J" POINT	03.28.18



- EROSION CONTROL MEASURES:**
- 1. SILT FENCE
  - 2. SEDIMENT BASIN
  - 3. VEGETATIVE STABILIZATION
  - 4. EROSION CONTROL MATS
  - 5. CHECK DAMS
  - 6. SLOPE PROTECTION
  - 7. EROSION CONTROL CHANNELS
  - 8. EROSION CONTROL STRUCTURES
  - 9. EROSION CONTROL DEVICES
  - 10. EROSION CONTROL METHODS

- GRADING NOTES:**
- 1. SEE ALL REQUIREMENTS WITHIN THE CITY OF WEST FARGO SPECIFICATIONS.
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  - 4. ALL GRADING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF WEST FARGO SPECIFICATIONS.
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## Fargo-Moorhead Metropolitan Council of Governments

701.232.3242 • FAX 701.232.5043 • Case Plaza Suite 232 • One 2nd Street North • Fargo, North Dakota 58102-4807

Email: [metrococ@fmmetrococ.org](mailto:metrococ@fmmetrococ.org)

<http://www.fmmetrococ.org>

**To:** West Fargo Planning and Zoning Commission  
**From:** Dan Farnsworth  
**Date:** October 5, 2016  
**Subject:** Final Downtown Sheyenne Street Corridor Study

The Downtown Sheyenne Street Corridor Study extends from Main Ave to 13<sup>th</sup> Ave in the downtown West Fargo. The study was started in May 2015 and was completed in September 2016. This study is the second part of a two-part study. Phase I – Sheyenne Street from 13<sup>th</sup> Ave to 52<sup>nd</sup> Ave was approved in May 2016. This Downtown Sheyenne Street Study is Phase II.

The Downtown Sheyenne Street Corridor Study was guided by a study review committee consisting of representatives from Metro COG, City of West Fargo, NDDOT, local business owners, and study consultants KLJ and Moore Engineering.

Key recommendations from the study are as follows:

- **Redevelopment Accommodations** – roadway/sidewalk improvements related to downtown redevelopment
- **Traffic Control at 4<sup>th</sup> Ave** – a crosswalk beacon and pedestrian refuge island would help pedestrian access and safety
- **Traffic Control at 7<sup>th</sup> Ave** – as traffic is expected to increase, a signal at 7<sup>th</sup> Ave should be considered
- **Three-Lane Section with Bulb Outs from Main Ave to 7<sup>th</sup> Ave** – it is recommended that Sheyenne St remains a three-lane roadway (one lane each direction with center left turn lane). It is also recommended that bulb outs be installed at intersections to calm traffic, improve aesthetics and better accommodate pedestrians
- **Separated Bicycle Lanes from 7<sup>th</sup> Ave to 13<sup>th</sup> Ave** – it is recommended that this roadway section convert the existing underutilized on-street parking on the east side of the roadway into a separated bicycle lane
- **Bicycle Facilities from Main Ave to 7<sup>th</sup> Ave** – a variety of bicycle improvements along 7<sup>th</sup> Ave and 1<sup>st</sup> St are recommended
- **Parking Standards** – a variety of parking standards are provided for consideration
- **Eastbound Right-Turn Lane at Main Ave** – To improve intersection operations, an eastbound right-turn lane is recommended at the intersection of Sheyenne St and Main Ave.
- **Access Management Plan** – it is recommended that the proposed Access Management Plan as part of this study be incorporated to help alleviate issues related to excess access points
- **Aesthetics Plan** – aesthetic improvements are proposed which would make the corridor a more attractive place for businesses, patrons, and surrounding neighborhood

To view the entire study, including the Phase I study, please visit Metro COG's website at:  
[www.fmmetrococ.org](http://www.fmmetrococ.org) -> Resources -> Plans & Programs -> Sheyenne Street Corridor Study

### Requested Action:

**We request that the West Fargo Planning and Zoning Commission recommend a resolution of support from the West Fargo City Commission for the entire Sheyenne Street Corridor Study (Phase I & Phase II).**



## Downtown Sheyenne Street Corridor Study



Presented to:  
West Fargo Planning & Zoning Commission  
October 10<sup>th</sup>, 2016

## Study Partners



- Study Review Committee
  - Metro COG
  - West Fargo
  - North Dakota Department of Transportation
  - Local business owners
  - Consultants - KLJ, Moore Engineering

## Study Timeline

- April 2014 - Phase I study began
- May 2015 - Phase II study began
- May 2016 - Phase I study approved
- September 2016 - Phase II study complete



## Study Area

- Sheyenne Street -  
Main Ave to 13<sup>th</sup> Ave



## Study Recommendations

- Redevelopment accommodations
- Traffic control at 4<sup>th</sup> Ave
- Traffic control at 7<sup>th</sup> Ave
- Three-lane section with bulb outs (Main Ave to 7<sup>th</sup> Ave)
- Separated bicycle lanes from 7<sup>th</sup> Ave to 13<sup>th</sup> Ave
- Bicycle facilities from Main Ave to 7<sup>th</sup> Ave
- Parking standards
- Eastbound right-turn lane at Main Ave
- Access management plan
- Aesthetics plan



## Redevelopment Accommodations

- Improvements related to the redevelopment, such as closing the west approach of 4<sup>th</sup> Ave should be coordinated with the redevelopment



## Traffic Control at 4<sup>th</sup> Ave

- A crosswalk beacon and pedestrian refuge island would help pedestrian access and safety
- Estimated cost: \$30,000



## Traffic Control at 7<sup>th</sup> Ave

- As traffic is expected to increase, a signal at 7<sup>th</sup> Ave should be considered
- Estimated cost: \$300,000



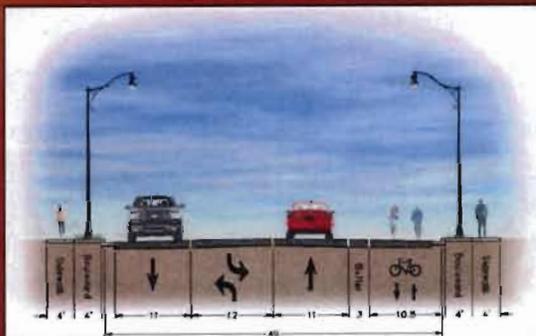
## Three-lane section with bulb outs (Main Ave to 7<sup>th</sup> Ave)

- It is recommended that Sheyenne St remain a three-lane roadway. It is also recommended that bulb outs be installed at intersections to calm traffic, improve aesthetics and better accommodate pedestrians
- Estimated cost: \$190,000 (doesn't include aesthetic improvements)



## Separated Bicycle Lane (7<sup>th</sup> Ave to 13<sup>th</sup> Ave)

- It is recommended that this roadway section convert the existing underutilized on-street parking on the east side of the roadway into a separated bicycle lane
- Estimated cost: \$65,000



## Bicycle facilities (Main Ave to 7<sup>th</sup> Ave)

- A variety of bicycle improvements along 7<sup>th</sup> Ave and 1<sup>st</sup> St are recommended



## Parking Standards

- A variety of parking standards are provided for consideration:
  - Fee-in-lieu of parking
  - City provided off-street parking
  - Shared parking arrangements
  - Changing the parking formula
  - Changing the parking supply
  - Angled parking
  - Landscape / screening opportunities



## Eastbound Right-Turn Lane at Main Ave

- To improve intersection operations, an eastbound right-turn lane is recommended at the intersection of Sheyenne St and Main Ave.

- Estimated cost: \$75,000



## Access Management Plan

- It is recommended that the proposed Access Management Plan as part of this study be incorporated to help alleviate issues related to excess access points.



## Aesthetics Plan



- Aesthetics improvements are proposed which would make the corridor a more attractive place for businesses, patrons, and surrounding neighborhoods.



Questions?