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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, September 12, 2016 - West Fargo City Hall - 7:00 p.m.

1. Call to Order
2. Approval of Minutes – August 8, 2016
3. 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 2nd Addition), City of West Fargo, North Dakota - Henco
4. 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 - Pfau
5. Public Hearing – A16-47 Nitschke Addition, Subdivision and Rezoning from Agricultural to PUD: Planned Unit Development property in the SE $\frac{1}{4}$ of Section 31, T139N, R49W, City of West Fargo, North Dakota – J&O Real Estate
6. Public Hearing – A16-48 West Fargo 6th Addition, Subdivision in the S $\frac{1}{2}$ of Section 31, T140N, R49W, including part of Auditor's Lot 2 in the SE $\frac{1}{4}$ of said Section 31, City of West Fargo, North Dakota – City of West Fargo
7. Public Hearing – A16-49 West Fargo 7th Addition, Replat of Block 1 and Lots 1 & 2, Block 2 of West Fargo 3rd Addition and Subdivision and Rezoning from Agricultural to P: Public Facilities and M: Heavy Industrial, property in the NE $\frac{1}{4}$ 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 3rd Addition, from P: Public Facilities to M: Heavy Industrial Lot 12, Block 2 of West Fargo 3rd Addition; And from Agricultural to P: Public Facilities Lot 14, Block 2 of West Fargo 3rd Addition, City of West Fargo, North Dakota – City of West Fargo
8. Minor PUD Modification for private walkway at 250 Beaton Drive East (Lots 1-4, Block 1 of Melroe 1st Addition), City of West Fargo, North Dakota
9. **Continued** - A15-57 Gateway West Addition, Subdivision in the SE $\frac{1}{4}$ of Section 18, T139N, R49W and Replat of Lot 13, Block 4 of Elmwood Court Addition, City of West Fargo, North Dakota –Vibuck
10. Non-agenda
11. Adjournment



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West Fargo Planning and Zoning Commission
August 8, 2016 at 7:00 P.M.
West Fargo City Hall

Members Present: Jim Brownlee
 Scott Diamond
 Shane LeBahn
 Joe Kolb
 Tom McDougall
 Jana Reinke

Members Absent: David Gust, Leroy Johnson

Others Present: Lisa Sankey, Tim Solberg, Dustin Scott, Matt Welle, Mike Thorstad, Justin Forde, Carrie Scarr, Mark Lemer, Lee Dobrinz, Joe Williams, Trevor Deyo

The meeting was called to order by Chair McDougall.

Commissioner Brownlee made a motion to approve the July 11, 2016 meeting minutes as written. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-36 Sheyenne Plaza 1st Addition, replat of Lots 1-8, Block 7 of Francis 2nd Subdivision, and portion of the publicly dedicated alley west of said lots, City of West Fargo, North Dakota and variance from Ordinance Requirement 4-0406.3 allowing a reduction in alleyway from 25' for commercial or industrial alleys to 17' for commercial or industrial alleys.

Tim reviewed the following:

After consideration by the Planning & Zoning Commission, the building has been shifted to the west 3' to accommodate some difficulties with the sidewalk grade. This has caused the plat to also shift 3' into the adjacent alley and will include a partial vacation of the alleyway. The newly proposed alleyway would be narrower than City code would allow; however, it is proposed to be a one-way for access to the existing properties to the west and for underground residential parking and employee parking for the applicant which staff has supported. This may require consideration of a variance to allow the reduced alley width. The benefit to this all is that the sidewalk width in front of the building along Sheyenne Street has been increased by 3' as well. This changes the plat and required its consideration to be re-advertised.

For consideration of a variance, the Planning and Zoning Commission is to hold a public hearing and review and consider the findings of the request based on the following conditions:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - The development of the structure on the narrow lots does not allow for adequate sidewalk grade or width. By moving the building west 3', the design of the sidewalk is at an acceptable grade and the width is increased for more desirable downtown walkability as expressed by the Downtown Design Review Committee.
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - The development of this site is unique as it is a redevelopment of an existing developed property with limited land available. Rather than purchasing land to the west, the site can be more efficiently developed by approval of a variance to the required alley width.

- c. That the special conditions and circumstances do not result from the actions of the applicant;
 - The uniqueness of the redevelopment site is a result of past development and the desire to not encroach upon the existing development to the west.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - In similar redevelopment projects in the City's downtown, it would be reasonable to confer upon others the same privilege where it is considered acceptable by City Engineer, Public Works Director, Police Chief, Fire Chief, and Planning Director to allow a one-way alley.

Staff is of the belief the findings would justify approval of a variance; therefore, it is recommended the City approve it on the basis the findings of staff provide for consistency with City plans and ordinances with recommended conditions of approval as follows:

1. The alley be changed to allow for one-way traffic only and that signage be provided in coordination with the City Public Works Director.

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

Commissioner Kolb asked if property owners were notified. Tim stated yes. There were no comments. Previously there was only one comment from the property owner to the southwest who has no issues with the one-way alley.

Chair McDougall asked for clarification regarding the variance criteria. Generally speaking, a developer would be told to make the building smaller. Why is this different from anyone else? Tim indicated the Sheyenne Overlay District, Downtown Framework Study and pressure to reinvigorate this area... It would be approved for anyone in this district. The alternative would be to decrease the building size or buy out buildings to the west to provide for a wider sidewalk. He stated the City Commission, acting as the Board of Adjustments will be reviewing this more closely.

Commissioner Diamond stated similar concerns; however, the downtown area is unique and this meets the 4 parts of variance conditions.

Chair McDougall asked about the property on the north side. Tim indicated it would be a public park. Commissioner Reinke asked about a future project to the north. Tim reviewed the area and access.

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

Chair McDougall opened public hearing A16-40 Conditional Use Permit for a modified sign development plan at 3139 Bluestem Drive (Lot 1, Block 2 of South Pond at the Preserve 6th Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The City Sign Regulations (4-460) provide for an allotment of sign square footage which may not exceed 2 square feet for every 1 foot of lot frontage. This allotment is based on the linear lot frontage on a public street. On corner lots, the longer frontage may be used for the allotment. The property in question is not a corner lot, but is a lot with double frontage. The sign code does not speak to this situation, so staff interpretation has been to choose the larger of the two frontages.

The property in question was therefore granted 335.74 square feet based on the larger frontage of 167.87'. Under 4-460.9.2.c, parcels which are unusual in dimensions (large parcels with limited frontage) may have a modified sign development plan considered as a conditional use, particularly if the property is intended to be developed with multi-tenants building(s) and the allowable signage is very limited.

The property in question fronts Veteran's Blvd, however has parking and entrances off Bluestem Dr. The building is a multi-tenant building with space for 5 tenants. Signs that front Veteran's Blvd. cannot be seen from Bluestem Dr., and signs that front Bluestem Dr. cannot be seen from Veteran's Blvd. The applicant is requesting frontage for Bluestem Dr. be used to determine the allotment for signs on the west elevation fronting Bluestem, and for the frontage on Veteran's Blvd. to be used to determine the allotment for signs on the north and west elevations that front Veteran's.

The current sign permits for the anchor tenant and owner of the building noted the requirement to put together a multi-tenant sign plan; however, these notes were not relayed to the owner. Subsequent sign requests have brought concern they would not have an adequate allotment of square footage for all tenants where they wish to have one sign per frontage. The applicant wishes to be able to have one sign per frontage for each tenant. The signs proposed and permitted are all under the maximum allowed individual sign area and do not appear to be excessive.

There are very few properties in the City where sign allotment is a problem. Most properties have far more signage allotted to them than they request. Multi-tenant properties with limited frontage are the only properties where sign allotment is limited and have been found to be the only exception for which the modified sign development plan appears justified. The property in question is unique in that they have frontage on an Arterial roadway with no access. Their primary means of access is on a local road that serves a burgeoning commercial center and they wish to provide signage to capitalize on this while utilizing the exposure they have on the arterial. The building design was intended for this and is an attractive addition to the corridor.

With reference to the criteria for granting conditional uses, no concerns were noted. Property owners within 350' were notified and no comments were received.

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. Signage which is on the Bluestem Dr. (west) elevation will utilize the frontage of 152.61' to determine sign allotment. Signage which is on the Veteran's Blvd. (north and east) elevations will utilize the frontage of 167.87' to determine sign allotment.
2. A Signed Conditional Use Permit Agreement which outlines these details is received.

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

Commissioner Kolb asked how sign allotment is calculated. Tim stated that the largest of the lot frontage, times 2 for total square footage. Essentially use the larger of the two for total allotment; however, it's being doubled, as it's a double frontage lot and only one side is visible at a time.

Discussion was held regarding multi-tenant buildings. Tim indicated there may be a request for a similar building to the north near Taco Bell.

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

Chair McDougall opened public hearing A16-41 Planned Unit Development Amendment for an office building at 705 13th Avenue East (Lot 1, Block 1 of KASS 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

Applicant intends to construct a two-story 15,000 ft² office building on a vacant property. The site plan includes 83 parking stalls. The City Off-Street Parking regulations found in 4-450 of the City Ordinances would require 75 spaces based on the square feet of the proposed office building. There are significant encroachments occurring on the southwest portion of the lot from the adjacent residential properties. The encroachments will need to be removed prior to development.

Signs would be subject to the provisions of the City sign regulations and will require permitting at time of installation. It may be appropriate as well to consider the provisions of C-OP: Commercial Office Park district standards as the guiding standard for a sign at this location given it is within the Office Park land use category.

The City's landscaping standards will require a buffer yard between the property and the residential uses in the southwest portion of the lot. Either under these guidelines they would have the option of providing a 15' buffer yard with a 6' architectural screen with alternating small evergreen and deciduous trees OR a 30' buffer yard with alternating small evergreen and deciduous trees with one row of shrubs. The property would utilize Prairie Parkway with an existing approved access location to be shared with the currently vacant property to the south.

Property owners within 150' and applicable agencies and departments were notified. A neighbor to the southwest called to

express concern over the proximity of the trash collection and parking with the homes to the west. They are hoping to work with the applicant to find the best option for what the buffer, parking, and trash placement may look like in this area. Staff has inquired with the sanitation manager on the most appropriate placement of the trash collection. His thoughts are to move it south to provide for easier access for trash pickup and to provide adequate size for recycling and trash. This should be coordinated prior to permitting. A call was also received from a representative for the property to the west indicating that they haven't worked out an access agreement yet, although it's not necessary for approval of this project.

The proposed PUD Amendment is consistent with the City's Land Use Plan, which depicts the area developing as Office Park. 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. Buffer yard and trash collection be considered in coordination with adjacent neighbors and sanitation manager prior to permitting and included in PUD agreement if necessary.
2. Signage would be subject to the provisions of the C-OP: Commercial Office Park zoning district regulations.
3. Development will be subject, but not limited to CO: Corridor Overlay, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
4. A signed PUD Agreement is received.

Chair McDougall asked about the encroachments, buffer yard and trash collection. Tim indicated an adjacent property owner stated concern with trash in their back yard.

Joe Williams 1357 7 ½ Street East, stated that he was the property owner who called. Originally he was okay with landscaping until the property was staked out and he noticed how close it would be to his house. He would like to see a maintenance free fence. He had spoken with the builder, but he wondered how far the fence would go as there are separate property owners to the southeast (Sanford) and he would also prefer an 8' fence rather than a 6'.

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

Commissioner Kolb stated that this site has been reviewed before. Tim stated that Casey's was interested in the site, which would have required a land use plan amendment from office park to general commercial.

Tim reviewed the site plan showing the 15' buffer yard. There would be a fence at the property line, then a buffer yard with alternating trees. This would be versus a 30' buffer with no fence.

Discussion was held regarding the fence and possibly the feeling of boxing in the residents. Mr. Williams stated that he spoke with the builder about an easement where the property owners would maintain (mow) the area.

Builder Trevor Deyo stated that they'd be willing to work out a shared easement and discussed if they pushed back off the property line, how would the City see the buffer. Tim stated that if the fence is pushed over, they'd still need landscaping. Discussion was held regarding trees and fencing, possibly selling some property to the property owners to the west. Commissioner Kolb asked about adding some sort of agreement to fence or alternative in the motion. Tim stated he has a difficult time leaving it up to staff and property owners. Staff has only spoken to Mr. Williams.

Mr. Williams stated that they already have the bar to the west of them cutting them off and now the office building to the back. Tim stated that the use for the PUD is defined as office park, it can't be changed to fast food, etc.

Mr. Deyo stated that he's not sure what more they can do. They're willing to move the trash collection site, which will be screened anyway. They also have the option to have a 30' buffer and no fence.

Commissioner LeBahn asked how Mr. Williams felt about the 30' buffer vs. a fence. Mr. Williams stated that he now thinks the fence would look odd. Mr. Deyo stated it's more cost effective for them to have a 30' buffer than a solid fence with 15' buffer.

Commissioner Brownlee made a motion to approve the PUD Amendment subject to the four conditions listed in the staff report with an amendment to item one for a 30' buffer yard and relocating the trash collection site. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-42 Nelson Acres 6th Addition, replat of Lot 2, Block 1 of Nelson Acres 4th

Addition City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant is proposing to split a previously subdivided lot into two. There is an existing single family dwelling on proposed Lot 2. Lot 1 is intended to be developed as a retention pond due to regional road improvements along 40th Ave W. The lot will be owned by the City. Zoning on the retention pond lot should be changed to P: Public at the next adoption of an Official City Zoning Map.

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

Dustin Scott stated that with 40th Avenue and Sheyenne Street reconstruction, this would provide retention ponds and storm lift drainage. There were no comments from the public. The hearing was closed.

Commissioner Kolb made a motion for approval based on the recommendations listed in the staff report. Commissioner Diamond seconded the motion. No opposition. Motion carried.

The next item on the agenda was A16-43 Oakwood Bend 2nd Addition, a retracement plat of Lot 9 and 10, Block 1 of Oakwood Bend 1st Addition, City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant is proposing to combine two previously subdivided lots into one to construct a single family dwelling. Property owners wishing to combine properties which have been previously platted for the purpose of building across lot lines and/or increasing lot area to address district requirements may submit a retracement plat provided the following conditions are met:

1. No additional right-of-way is required or being established.
2. There is no proposed or perceived need of public improvements as a result of the combining of platted lots.
3. Lots to be combined are contiguous and under common ownership.

The proposed retracement plat will not affect the property or use. The retracement plat will be given a subdivision name with a lot and block number, which will be of benefit to the City and Cass County for administration purposes. With retracement plats there are no street right-of-way dedication or park dedication requirements. A public hearing is not required, though the applicant must plat the property according to the platting standards, and the plat must be reviewed by the Planning and Zoning Commission and City Commission

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

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

Commissioner Brownlee made a motion for approval subject to the three conditions listed in the staff report. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans A16-35 Eagle Run Plaza 5th Addition.

Tim reviewed the following:

Detailed plans have been submitted for the proposed Lot 1, Block 2 which would house the School District Ice Hockey Arena. Plans show an approximate 70,000 ft² building which would house 2 separate ice hockey rinks. The main rink provides seating for 711 whereas the auxiliary rink provides seating for 407. The arena includes locker rooms, concessions, restrooms, mezzanine, a community room, etc. to support its primary use as an ice hockey facility. Staff has also received a preliminary plat and title opinion addressed to the City of West Fargo. The preliminary plat provides one large lot for development of the hockey rink and two more large lots which are expected to be developed in the future. The use of public access easements as was previously discussed is used in order to obtain as much efficiency as possible with this significant commercial land in the City. Maintenance of the public improvements within the easements will need to be detailed within separate easement documents as well as the PUD agreement.

Determining parking requirements for such a facility as previously expressed is a little difficult based on City code and similar regional facilities. City parking regulations refer to skating facilities, however this being intended for high school activities, there is an expectation that there will be increased spectators causing staff and the applicant to consider the seating capacity rather than using the building area for developing an adequate parking capacity. Sports arenas would require 1 space per 5 seats based on maximum capacity. Based on the maximum seating capacity of the rinks combined, the City would require 224 parking spaces if using the sports arena land use found in 4-450. Their initial development would likely provide for 313 parking spaces in the main lot, with a western lot shown in the plans as an option which would provide 417 parking spaces total. The applicant has noted in their submittal that the existing Vets arena uses approximately 300 spaces with a seating capacity of approximately 1,000. Although these are approximate numbers, using this calculation would provide a total demand of 335 parking spaces. Having the west lot available for overflow with the ability for the City to require it to be developed may be the appropriate recommendation to avoid over-building parking in this area, but still leaving the flexibility to expand if necessary.

The exterior of the south building elevation which would front 32nd Ave W is composed of 13% “Kalwall”, which has been determined to be a polymer reinforced with fiber, 57% brick/glass/composite materials, and 30% metal panels. The east elevation which would front a public access is composed of a mix of materials including “Kalwall”, Glass, and Composite to reach 27% on their base bid and 35% with alternatives chosen, and metal panel which is at 73% on their base bid and 65% on their alternate. The west elevation which would front a public access is composed of 100% metal panel. The north elevation which would front a public access is composed of 100% metal panel. It is important to note that had this development occurred without the vacation of 6th Street that all four sides would have been required to be faced with 70% non-metal materials under the CO: Corridor Overlay district standards as all four sides would have fronted on a public street. The PUD along with the City’s acceptance of the street vacation would allow the proposed building materials to be compliant with the CO district standards. Although the building would be in compliance, it may be appropriate to ensure such items as utilities and loading areas be screened, and that large views of the metal structure on the west and/or north elevations that are visible from public streets include landscaping to increase the aesthetics of the building along the corridor.

If the Commission determines that the project meets the goals of the comprehensive plan as expressed during the conceptual plan review and outlined under the heading “Consistency with Comprehensive Plan and Other Applicable City Plans and Ordinances” on page 3 of the staff report, and that the detailed development plans meet the intent of the Corridor Overlay District, staff believes the proposed project would be consistent with City Plans and Ordinances.

Staff would recommend approval of the application on the basis that if the Commission determines that the goals of the Comprehensive Plan as outlined in the staff report and the intent of the Corridor Overlay district are met that the application would be consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Applicant agrees to pave western lot as shown on site plans if deemed necessary by the City Commission as presented by Planning Staff.
2. Landscaping and/or screening is used for utilities, trash collection, loading, and other such uses where visible from public streets.
3. North and west elevations include landscaping to break up metal exterior.
4. A drainage plan is submitted and approved by the City Engineer.
5. Development will be subject, but not limited to CO: Corridor Overlay, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
6. A signed PUD agreement is received.
7. A signed subdivision improvement agreement is received.
8. A signed Final Plat is received with any necessary easements.
9. A certificate is received showing taxes are current.

Tim also stated that a traffic study regarding access to the site via 32nd Avenue and Sheyenne was submitted last week and the City Staff needs an opportunity to review it. The study indicates a three quarter access could be warranted at 5th Street West and a full access at 6th Street with possible signalization; however, there are concerns with access points along Sheyenne Street, which warrant a closer look by the City Engineer.

Architect Lee Dobrinz stated that after the July meeting, they looked at comments and adjusted the south elevation. He reviewed a rendering showing the lantern effect of the Kalwall, increased the amount of brick and Kalwall, and added a woodgrain laminate material. A presentation showing future development to the east was also shown.

West Fargo Schools Business Manager Mark Lemer stated that their original intent was to place the hockey facility further to the east; however, Economic Development Director Matt Marshall wanted to see more uses that are commercial. The school district plans to sell off the eastern part to allow for this. Because of this they're able to take advantage of on-site water retention, decreased right-of-way with the public access easements. Allow more flexibility, as well as meeting the goals and objectives of the City's Comprehensive Plan. They're looking to get a building permit.

Commissioner Reinke stated concerns with traffic. Tim stated that Dustin Scott and Matt Welle need to review the traffic impact study in closer detail. The consultant for the study is the same one as the Sheyenne Street Corridor study. Dustin reviewed access.

Discussion was held regarding area development. Mr. Dobrinz stated that future development is in early stages and because it's a PUD there will be opportunity for further review as development is proposed.

Commissioner LeBahn made a motion to approve the Detailed Development Plans subject to the nine conditions listed in the staff report. Commissioner Brownlee seconded the motion. No opposition. Motion carried.

The next item on the agenda was A16-44 Aboveground Fuel Tank Facility on Parcel in the N½ of Section 4, Mapleton Township, Cass County, North Dakota.

Tim stated that this was discussed at the last meeting. Larry prepared a staff report, to assign a number for better tracking.

The applicant is proposing rezoning and platting for construction of a liquid petroleum tank storage and pipeline facility north of I-94 and east of 165th Avenue SE, which is north of the Kindred I-94 Exit. The proposed subdivision being considered by Cass County and rezoning being considered by Mapleton Township are compatible with the City Plans and Ordinances.

It is recommended that the City support the proposed application on the basis that it compatible with City plans and ordinances with proposed recommendations as follows based on considerations given for a conditional use permit within the City's A: Agricultural District:

1. The subdivision provide for lots which are separated by the Quarter Section lines which follow the boundaries of authority.
2. The applicant provide for a roadway easement across the south side of Lot 1 to access Lot 2. The access easement should meet the standards of the County and Township.
3. The appropriate flood elevation information is provided on the subdivision plat.
4. The proposed fuel storage facility is entirely on Lot 1 with adequate separation from Lot 2.
5. The applicant provide ingress and egress to the property and proposed structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
6. The applicant provide off-street parking and loading areas where required, with particular attention to item 5 above and minimizing any detrimental effects to adjoining properties.
7. The applicant provide refuse and service areas, utilities, and screening/buffering from adjoining properties, including Lot 2.

Tim indicated the applicant is looking for concurrence. Chair McDougall called for a vote, no opposition.

Tim reminded commissioners of the NDPA meeting in Bismarck on September 15.

Dustin Scott indicated the proposed access onto 32nd Avenue West for Eagle Run Plaza 5th was not specifically mentioned during the approval of detailed development plans and asked for a motion.

Commissioner Brownlee made a motion for approval of the $\frac{3}{4}$ access at 5th Street West and 32nd Avenue West as per the City Engineer's recommendation. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

Commissioner Kolb made a motion to adjourn. Commissioner Reinke seconded the motion. Meeting adjourned.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-45		PLANNED UNIT DEVELOPMENT AMENDMENT	
Gellers' 2 nd Addition			
1317 and 1433 Main Avenue East (Lots 3 & 4, Block 1 of Gellers 2 nd Addition)			
Applicant: Henco Property Leasing LLC		Staff Contact: Tim Solberg	
Owner: Odee B. Henrickson			
Planning & Zoning Commission Introduction:		09-12-2016	
Public Hearing:		09-12-2016	
City Commission:			

PURPOSE:

Construction of a 9,000 square foot building for office and retail purposes within a Planned Unit Development.

STATEMENTS OF FACT:

Land Use Classification:	General Commercial
Existing Land Use:	Vacant
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	CO-R: Redevelopment Corridor Overlay District
Total area size:	Lot 3 – 30,431 ft ² ; Lot 4 – 90,010 ft ²
Adjacent Zoning Districts:	North – M: Heavy Industrial South – R-4: Mobile Home Park East & West – PUD: Planned Unit Development (Commercial)
Adjacent street(s):	Main Avenue East (Arterial)
Adjacent Bike/Pedestrian Facilities:	Main Avenue East multi-use path
Available Parks/Trail Facilities:	Main Avenue East multi-use path
Park Dedication Requirements:	Have been provided in previous subdivision

DISCUSSION AND OBSERVATIONS:

- The applicant intends to construct 9,000 ft² building for office and retail purposes on Lot 3 with associated parking located on the west side of Lot 4.
- The PUD approved in 2006 for this property indicates that 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 that 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 the adjacent properties.
- Detailed development plans including site plan, floor plans, and building elevations have been submitted.
- The preliminary site plan shows setbacks and yard requirements to be met. There is a 20' utility easement on the south side of the property and a 40' access and public utility easement south

STAFF REPORT

of the proposed building. The site plan shows that the building will stay out of these easements.

- 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. The east and south elevations are proposed as metal panel.
- The property would utilize an existing private drive provided in access easement to the south of the building which provides access to 12th St E and 17th St E.
- The applicant has stated they would like to begin construction of the building as soon as possible and has submitted construction plans for a building permit.

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 PUD Amendment is consistent with the City's Land Use Plan, which depicts the area developing as General Commercial.

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. 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.



MAIN AVE/E

MAIN AVE/E

11TH ST E

A16-45
Subject Property

12TH ST E

WESTLY DR

STAR AVE

11TH ST E

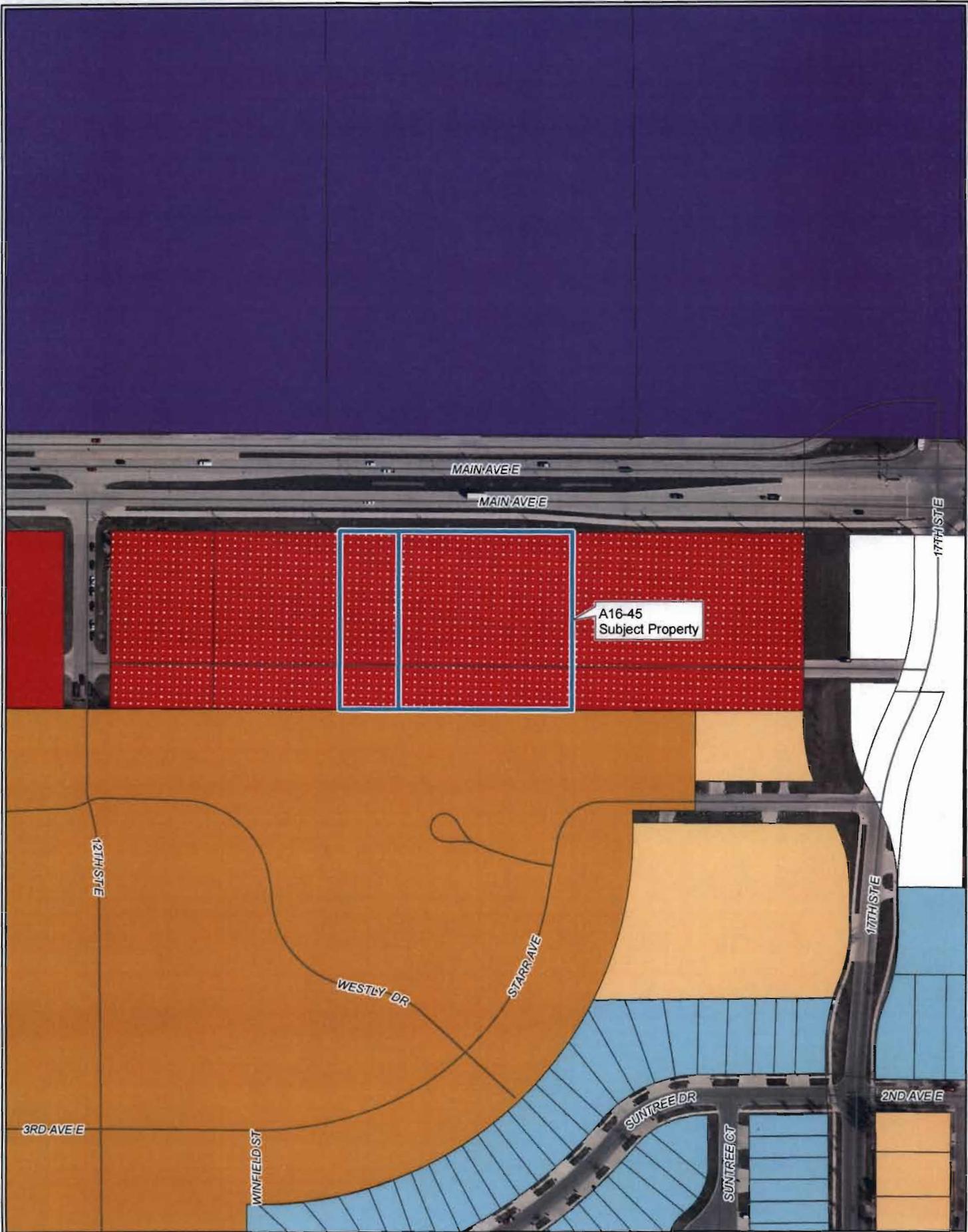
2ND AVE E

3RD AVE E

WINFIELD ST

SUN TREE DR

SUN TREE CT

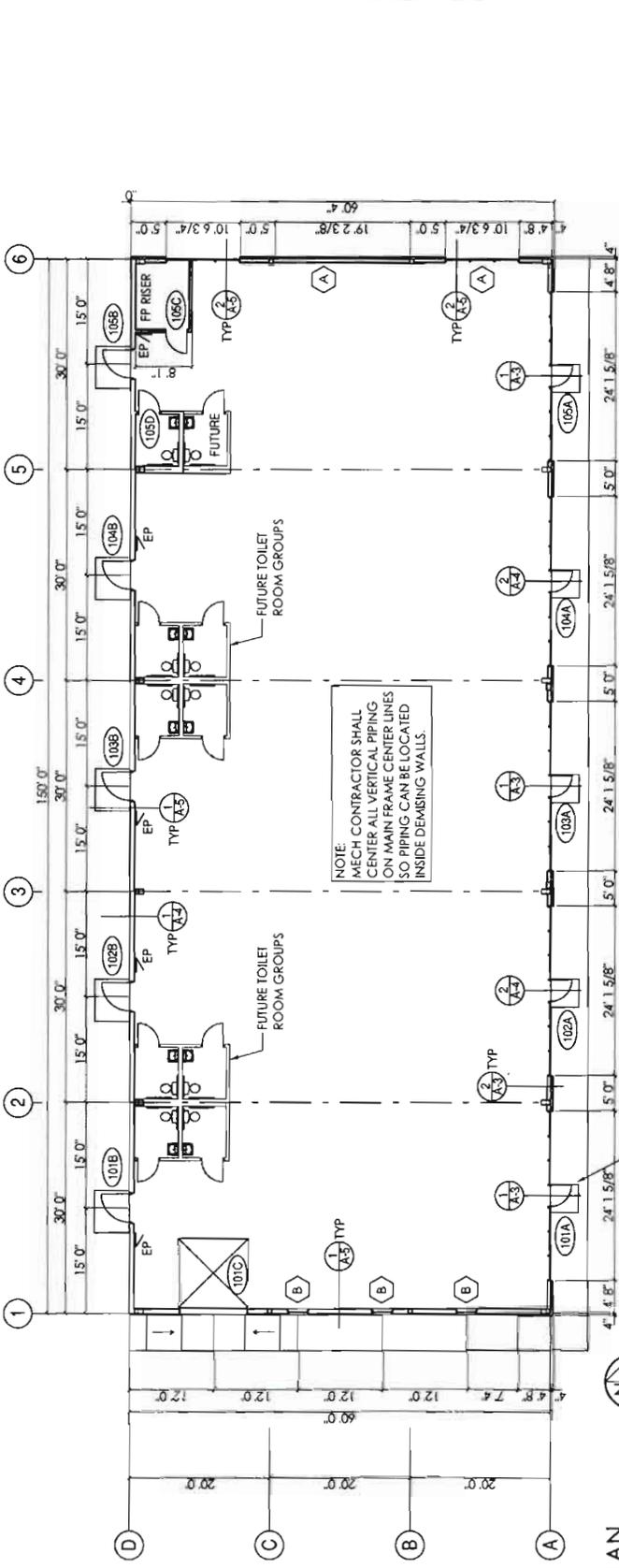


A16-45
Subject Property



- | |
|---|
| <ul style="list-style-type: none"> A: Agricultural C: Light Commercial C-PUD: PUD in General Commercial C-OP: Commercial Office Park C-OP-PUD: PUD in Office Park HC: Heavy Commercial LI: Light Industrial CM-PUD: PUD in Light Industrial M: Heavy Industrial P: Public P-PUD: PUD in Public R-L1A: Large Lot Single Family Dwelling R-1A: Single Family Dwelling R-1: One and Two Family Dwelling R-1SM: Mixed One and Two Family Dwelling R-2: Limited Multiple Dwelling R-3: Multiple Dwelling R-4: Mobile Home R-5: Manufactured Home Subdivision R-1E: Rural Estate R-R: Rural Residential R-PUD: PUD in Residential |
|---|





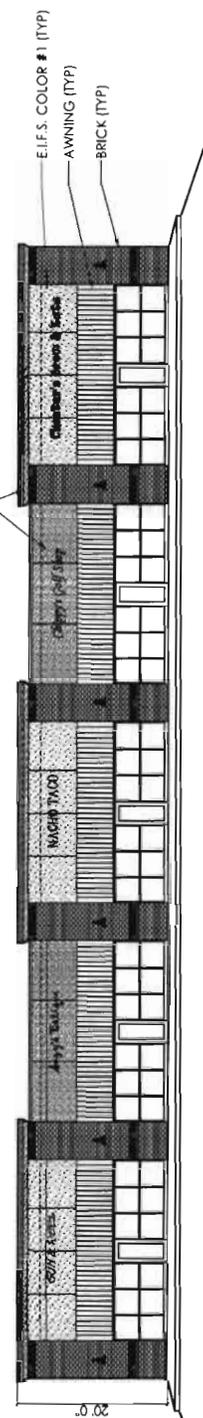
FLOOR PLAN

1/16" = 1'-0"

9000 SF

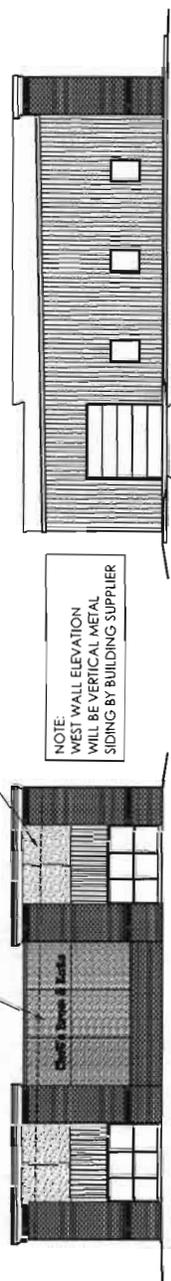


SEE STRUCT PLANS FOR STOOP DETAILS



EAST ELEVATION

1/16" = 1'-0"



NORTH ELEVATION

1/16" = 1'-0"

NOTE: WEST WALL ELEVATION WILL BE VERTICAL METAL SIDING BY BUILDING SUPPLIER

SOUTH ELEVATION

1/16" = 1'-0"

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-46		CONDITIONAL USE PERMIT	
756 Center Street			
Lot 6, Block 1 of Armour Industrial Park Addition			
Applicant: Applicant: Jaci Pfau		Staff Contact: Tim Solberg	
Owner: Dan Passolt, Commercial Spaces Inc.			
Planning & Zoning Commission Introduction:		09-12-2016	
Public Hearing:		09-12-2016	
City Commission:			

PURPOSE:
Allow for an existing building to provide Retail and Food Service in a LI: Light Industrial District.

STATEMENTS OF FACT:	
Land Use Classification:	Light Industrial
Existing Land Use:	Vacant (Previous Plumbing Shop/Construction Offices)
Current Zoning District(s):	LI: Light Industrial Zoning District
Zoning Overlay District(s):	CO-R: Redevelopment Corridor Overlay District
Total area size:	1.05 Acres
Adjacent Zoning Districts:	North – LI: Light Industrial South – LI: Light Industrial East – LI: Light Industrial West – M: Heavy Industrial
Adjacent street(s):	Center Street (Minor Arterial)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None

DISCUSSION AND OBSERVATIONS:
<ul style="list-style-type: none"> • The LI: Light Industrial zoning district allows for eating and drinking establishments as a conditional use. • The property is currently developed with a 8,100 square foot shop to the west and a 1,280 square foot, 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

STAFF REPORT

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 that existing and future development on this property is clearly informed that they will be operating in close proximity to heavier uses.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect the current access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted.
5. Screening and buffering with reference to type, dimensions, and character.
 - Property is already developed. Screening should not be required in excess of what the ordinances would require for future development.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - There does not appear to be any uses in the vicinity that may be injurious to such a use. It is important to note that if the use is approved that it has the potential to limit other conditional use permits in the area that would be incompatible with this use such as above ground fuel tanks.

NOTICES:

Sent to: Property owners within 350'.

Comments Received:

- None

STAFF REPORT

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

- 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.

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 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.



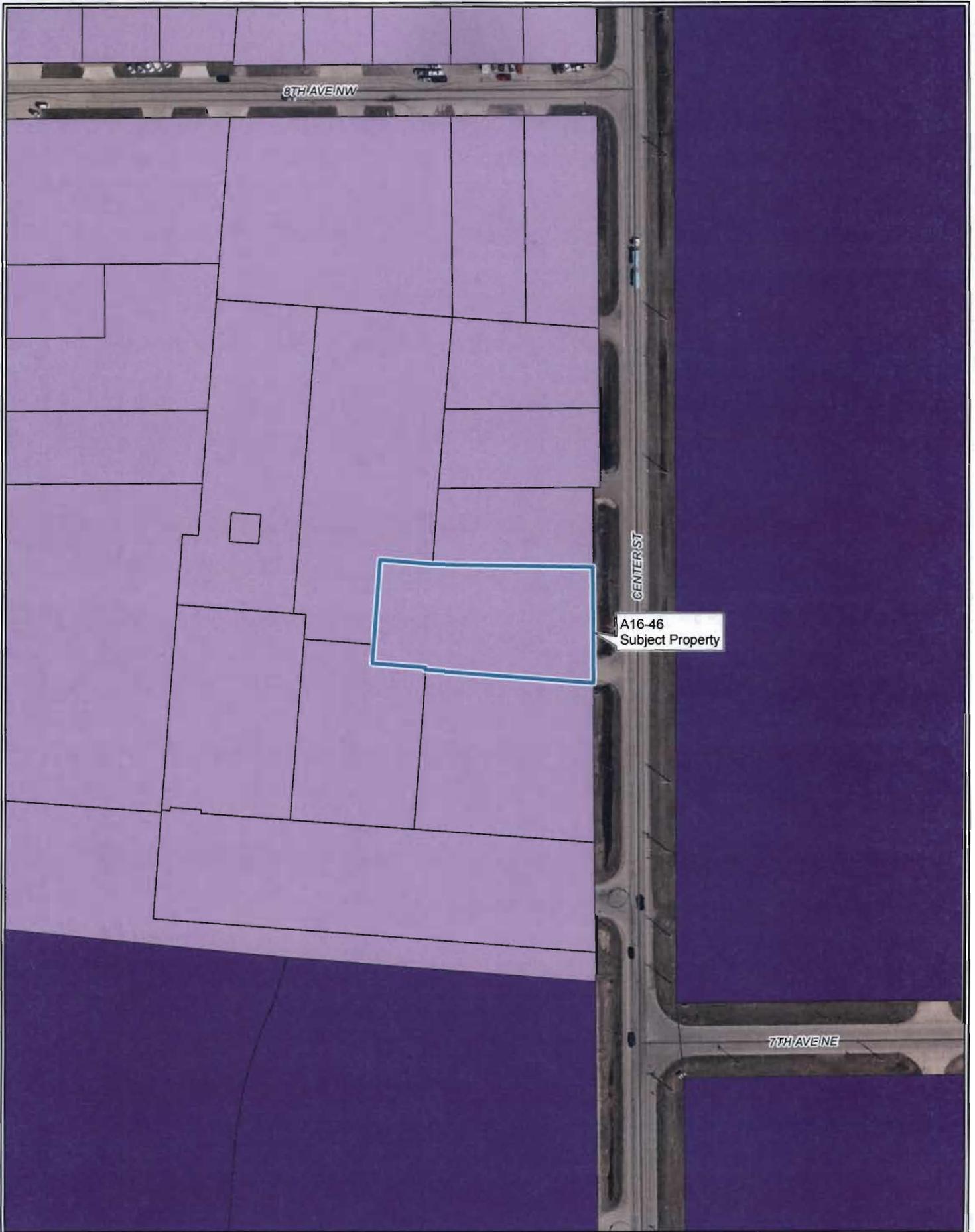
8TH AVE NW

CENTER ST

A16-46
Subject Property

7TH AVE NE





8TH AVE NW

CENTER ST

A16-46
Subject Property

7TH AVENE



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





CHASING TAILS
PUPPY LOVE

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-47 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:	09-12-2016
Public Hearing:	09-12-2016
Detailed Development Plans:	
City Commission Introduction:	
Public Hearing & 1 st Reading:	
2 nd 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):	PUD: Planned Unit Development
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"> • The applicant has 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. • Proposed trash enclosures are shown on the conceptual plan, however the applicant has indicated they may pursue individual trash collection for each unit. • Street widths are adequate for two way traffic with no parking. If approved, the applicant would be required to sign the internal streets for no parking.

STAFF REPORT

- 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 the existing trees. The applicant has indicated that they plan to keep all of the existing trees. The City Forestry Department is developing an inventory of the existing 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 of this development at 88 units per the 8.77 acres 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.
- 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

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

- 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
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Comments Received:

- 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. Staff has attached the comments for review by the Commission.

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.
- 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 (twinhome 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.

CONCEPT PLAN 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 and that the Planned Unit Development process allows for increased scrutiny of the compatibility with adjacent properties. Prior to the development and review of detailed plans it is recommended that the following conditions be met:

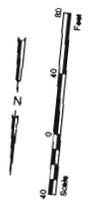
1. Further discussion with neighborhood takes place and concept plans be reviewed and considered by the City Commission.
2. Recommendations from the Forestry Department concerning the existing trees be reviewed and considered.
3. A secondary emergency access be provided and approved by Fire and Police.
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.



A16-47
Proposed Subdivision



TOTAL SITE 48 UNITS
 SITE AREA 8.778 ACRES
 SITE DENSITY 10.82 UNITS/ACRE



PRELIMINARY
 SITE LAYOUT
 PROJECT NO. 7824.025

NITSCHKE SITE
 MERIDIAN CONSTRUCTION
 WEST FARGO, NORTH DAKOTA

Drawn by
 BTP

Date
 08-17-16

Checked by
 BTP

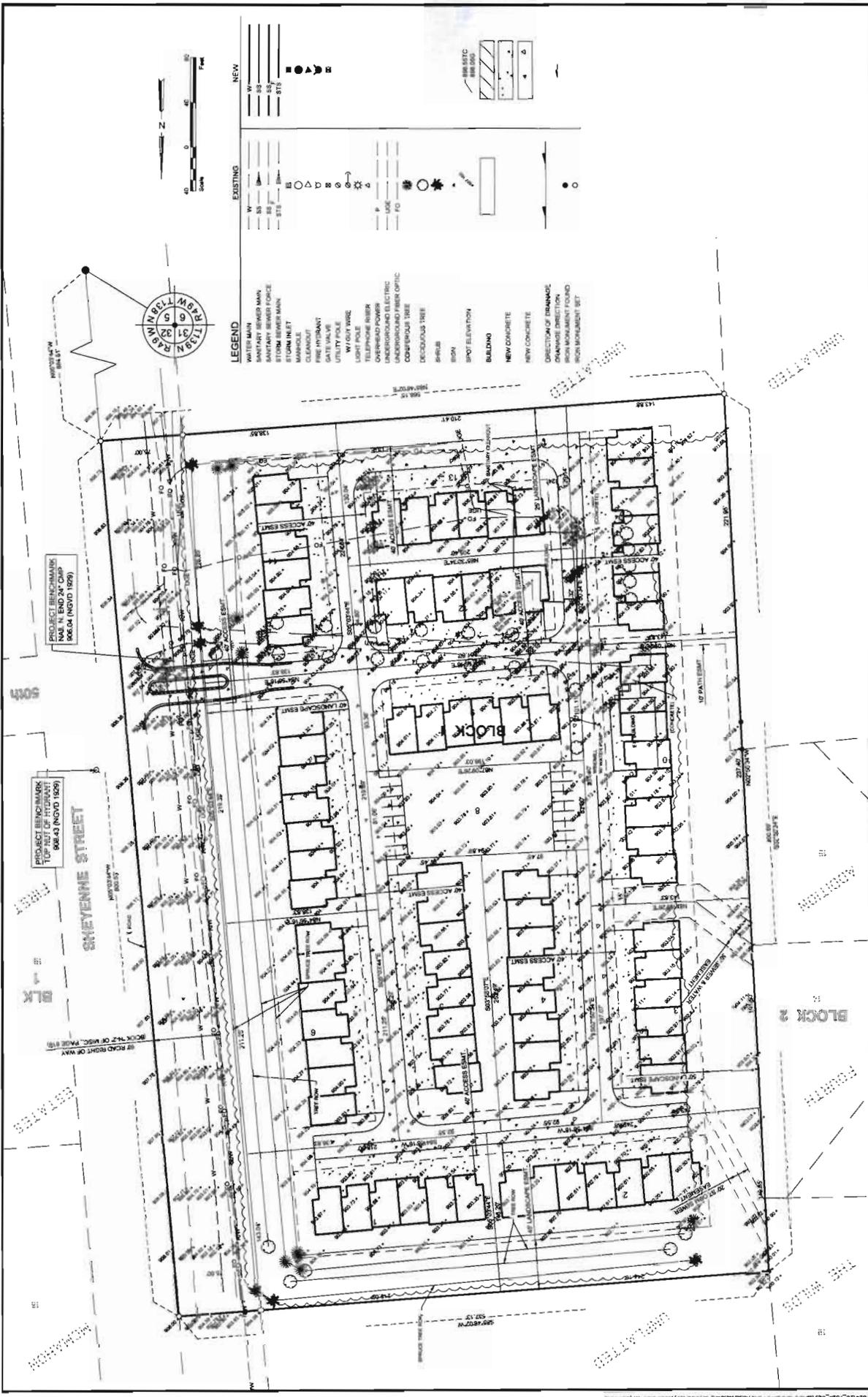
Scale
 AS SHOWN

Fargo
 P 701.237.5065
 F 701.237.5101



SHEET
 1 of 1

H:\Projects\7824.025\7824.025.dwg (17/08/2016 11:38 AM) (BTP)



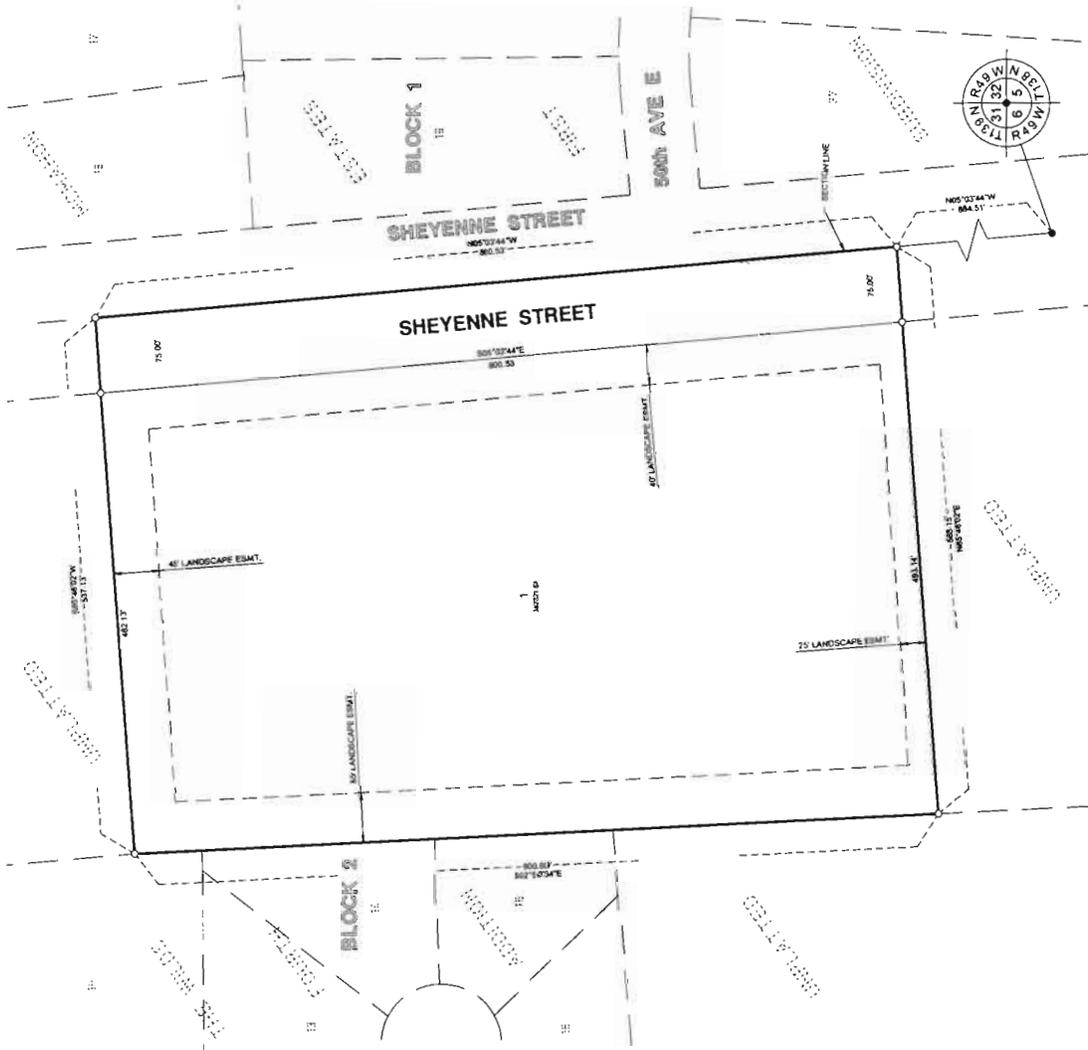
LEGEND

EXISTING	NEW
Water Main	Water Main
Sanitary Sewer Main	Sanitary Sewer Main
Storm Sewer Main	Storm Sewer Main
Storm Inlet	Storm Inlet
Manhole	Manhole
Fire Hydrant	Fire Hydrant
Gate Valve	Gate Valve
Utility Pole	Utility Pole
Light Pole	Light Pole
Telephone Ribber	Telephone Ribber
Underground Electric	Underground Electric
Underground Fiber Optic	Underground Fiber Optic
Conspicuous Tree	Conspicuous Tree
Deciduous Tree	Deciduous Tree
Shrub	Shrub
Spot Elevation	Spot Elevation
Building	Building
New Concrete	New Concrete
Direction of Drainage	Direction of Drainage
Drainage Direction	Drainage Direction
Iron Monument Found	Iron Monument Found
Iron Monument Set	Iron Monument Set

Drawn by KAS	Date 9-7-16	NITSCHKE ADDITION	SITE PLAN	SHEET
Checked by BTP	Scale AS SHOWN	WEST FARGO, NORTH DAKOTA	PROJECT NO. 7824-025	2 of X
Fargo P: 701.237-5065 F: 701.237-5101	Houston Engineering Inc.	<p>PRELIMINARY Not for Construction</p>		
<p>151</p>				

151

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: That Harvey L. Nitschke and Patty A. Nitschke, husband and wife, are the owners and possessor of that part of the Southeast Quarter of Section 31, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Section 31, thence North 89°02'41" West (Measured Backsight) along the westerly line of the Southeast Quarter of said Section 31, for a distance of 800.53 feet to the true point of beginning; thence South 89°02'41" West, along the westerly 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 02°50'34" East for a distance of 800.69 feet; thence North 85°46'02" East for a distance of 568.13 feet to the true point of beginning.

Said tract of land contains 9.777 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 landscape easements as shown on the plat.

OWNERS:

Harvey L. Nitschke

Patty A. Nitschke

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT:

I, Shawn M. Thomason, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey made by me in accordance with the guidance of laws surveys law as been located or placed in the ground as shown.

Dated this _____ day of _____, 20____

Shawn M. Thomason, Professional Land Surveyor No. 5660

CITY ENGINEERS APPROVAL:

Approved by the West Fargo City Engineer this _____ day of _____, 20____

Kevin J. Bucholz, City Engineer

WEST FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of West Fargo Planning Commission this _____ day of _____, 20____

Tom McLaughlin, Chairman

WEST FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____

Rich Matsum, President of West Fargo City Commission

State of North Dakota) ss)
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared _____, President of West Fargo City Commission of the City of West Fargo, North Dakota, known to me to be the person whose name is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the City of West Fargo.

Notary Public: _____

State of North Dakota) ss)
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared Harvey L. Nitschke and Patty A. Nitschke, husband and wife, 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 as their free act and deed.

Notary Public: _____

State of North Dakota) ss)
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared Shawn M. Thomason, Professional Land Surveyor, 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 his free act and deed.

Notary Public: _____

State of North Dakota) ss)
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared Kevin J. Bucholz, West Fargo City Engineer, 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 his free act and deed.

Notary Public: _____

State of North Dakota) ss)
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared Tom McLaughlin, 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:

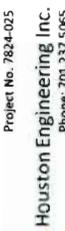
I do hereby certify that proper evidence of title has been examined by me and I approve the plat as to form and execution the _____ day of _____, 20____

John T. Shockey, City Attorney

State of North Dakota) ss)
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared John T. Shockey, City Attorney, 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



09/08/2016 08:08



09/08/2016 08:08

Tim P. Solberg

From: Chalsey Blanchard <chalseyberger@gmail.com>
Sent: Thursday, September 08, 2016 2:12 PM
To: Tim P. Solberg
Subject: Opposition to the proposed Nitschke Addition Rezoning

To:
Tim Solberg, Senior Planner
City of West Fargo, ND

RE: Proposed Nitschke Addition Rezoning

Tim,

We would like to express our strong opposition to the proposed rezoning of the Nitschke property. As the owners of the property directly west of the Nitschke property, we would be highly affected in a negative manner if this development takes place. We have 232' of a shared property line with this property. There are a number of reasons we are in opposition.

The sheer number of units is far too high for the neighborhood. We chose a lot in the Wilds subdivision because it had a clean, well-maintained, open, country type feeling to it and was home to single-family owned residential homes. Rental housing with 88 units, rather than owner-occupied homes, is very undesirable in our subdivision, let alone, in our backyard. Owner-occupied homes would be much more preferable due to the character of our development and the pride that comes with ownership. We want our potential neighbors to take care of their home and land and extend the same type of care and pride that we do in our own home. We do not want our lot to back up to trash cans, filthy run-off and a transient population that has no vested interest in caring for their surroundings.

Aesthetically, this rental housing unit will be very unappealing in this area. The conservation of the trees around the entire perimeter of the property is essential. There is no acceptable reason for any of the trees to be removed. Removal of any trees would environmentally and aesthetically devastating.

Depreciation of surrounding home values is another negative outcome of bringing in a medium-high density rental housing development.

Lack of storm water easements most likely will cause debris and other unhealthy runoff to drain directly through our yard and into our pond.

Adding 88 rental units will have a horrific impact on the already congested traffic load on Sheyenne Street. This will not only be hazardous for everyday traffic, but will impede emergency response vehicles.

Rental units will change the demographics, pride, character, value and safety of not only our subdivision, but literally, our children's backyard. We oppose the current plan and we hope the city will take the appropriate action to make sure the land is developed in a more considerate and practical manner.

Chalsey and Miran Blanchard
302 50th Place West
West Fargo, ND

Courtney Gieseke

4826 Lilac Dr. West Fargo, ND 58078

courtneyrud12@gmail.com

September 8, 2016

To the office of Tim Solberg,

I am writing in opposition to the Nitschke addition proposal along Sheyenne Street in West Fargo. I understand this addition will include 88 low value units in a concentrated area.

I recently purchased a home in the Wilds (January 2016), which would be separated from this new development by a very small distance, and as I understand, at a potential loss of the beautiful trees our neighborhood enjoys. My home search was long and deliberate (just ask our realtor!) and we considered many developments throughout Fargo and West Fargo. Our main concern from previous negative experience living near a multi-family unit was to avoid an area of high concentration and low value. After careful consideration, and discussion with developer, Mark Buschee, we chose to build our lives in the Wilds because there was no zoning for apartments/townhomes in the development.. I have been very happy with our choice, as we enjoy a beautiful, safe, quiet neighborhood.

As I watch the rapid rate of construction occurring throughout the FM area, particularly with multi-unit dwellings, I experience concern. Yes, our population has grown significantly. The availability of properties with a "neighborhood feel" is dwindling. Please do not allow this proposal to proceed and affect our property values, safety and dreams for the future.

Thank you for your kind consideration,

Sincerely

Courtney Gieseke

To: West Fargo Zoning and Planning Commission: Tom McDougall, Joe Kolb, Jim Brownlee, Scott Diamond, David Gust, LeRoy Johnson, Shane Lebahn, Jana Reinke

cc: Tim Solberg

Opposition to the proposed Nitschke Development - September 12, 2016 Zoning and Planning public hearing

My wife, I and our two girls received a notification and are residents within 150 feet of the proposed Nitschke Site. I am writing my opposition to the application by Meridian Construction to change the land use from agricultural (A) to multi-family (MF) for the construction of an 88-unit multi-family development.

Here are some of my concerns below:

- Traffic will be horrific (880 trips/day) with up to 88 times more daily activity coming out of the one and only access point to Sheyenne St.
- The proposed 88-unit plan doesn't match the character and nature of the existing developments adjacent on all sides of this property.
- Value of the adjacent homes will depreciate due to low cost, transient nature of the higher density rental units.
- The nature of rental units is transient dwelling with no pride of ownership, police calls will be higher, the "Country" living lifestyle is lost. The metro area already has 55% of available housing as rental units, do we really need any more?
- Aesthetic view of 88 units is very undesirable in our neighborhood. Especially if the mature trees will be destroyed. NRCS office had given Harvey & Patty a conservation award for all of the trees they planted years ago, and this may be in jeopardy of being torn out. Will the existing trees/shelterbelt stay or not?
- With all of the concrete, was proper consideration given to adequate storm water retention in the plan? There is no storm sewer easement in the 88-unit layout as there was in the 11-unit plan Harvey and Patty had.
- Increased crime rate is a concern. How many police calls were made in the similar subdivision north of Aurora Elementary School vs. the Wilds and McMahon Estates subdivisions?
- School tax revenue portion of property tax from rental units is lower than the higher value of existing single family dwellings adjacent to this proposal, with more school age children that would live in these units. The net effect is that the single family housing neighbors subsidize the higher density housing that typically has more children. If anyone has time to do a study of the County property tax records to compare the school revenue with the townhomes north of Aurora Elementary to 11 homes on 50th Ave E in McMahon Estates to get a better understanding, this would be useful information.

Conclusion:

There are many concerns I have listed and we as a group (the notified and un notified residents in this area) and we are unsure if the City of West Fargo has done its due diligence on this proposal in full. We have collectively discussed our opposition to the proposed land use change and multi-dwelling development on the Nitschke property. We feel that the proposed land use and development is not compatible with the surrounding single-family residential neighborhoods and this potential to reduce marketability and future home sales of existing structures. Furthermore, the propose development will reduce the visual appeal and aesthetics of current locations. Lastly, the 2008 City of West Fargo Comprehensive Plan concurs with goals and objects that support or opposition. We, as a collective group want to keep the secluded, small town feel of West Fargo that the current development patterns along Sheyenne Street have offered.

Sincerely,

Name – Paul Dahlen

Address – 311 50th Place W

Signature

A handwritten signature in black ink, appearing to read 'Paul Dahlen', with a long horizontal line extending to the right.

Tim P. Solberg

From: Linda Mayo <norskekidtoday@gmail.com>
Sent: Thursday, September 08, 2016 12:20 PM
To: Tim P. Solberg
Subject: About Nitschke Property

Dear Tim Solberg

This is Linda Mayo. My address is 105 50th Ave east West Fargo. I am so Disappointed with the plans for the Nitschke Property. I Oppose this.

I am so worried about the traffic You will put in Our area. I have already been sitting on interstate 94 trying to get onto Sheyenne. If You add these Big complexes that will just be Horrific for traveling for Us. I know if You lived on my block You wouldn't like this either.

When I moved to my Home I was thrilled that I had such a Country feel. I have always enjoyed leaving the busyness of Fargo and coming home to the feeling of Country. I would be very sad if You take down Beautiful trees and put huge complexes in their place. You wouldn't like that if You had bought a more Country feel Home and then to find People are going to put Big complexes up only for money. I know that Harvey and Patty Nitschke never wanted that in Our area. I know He wanted a 11 single home area. That would match up with the properties We have. Why would You take Our Country feel from Us? You know that's not kind.

I am also concerned about the Crime You will add to Our area. You do know how rental properties will bring terrible Crime.

Please do the right thing.

I Thank You for listening to My listening to My Concerns.

Sincerely,
Linda Mayo

September 8, 2016

To Whom It May Concern:

Please do not approve the rezoning proposal for the Nitschke addition at the Southeast quarter of Section 31, Township 139 North Range 49 West, Cass County North Dakota.

This is a high-density proposal along a very busy and congested highway. The land-owners in this area have purchased and pay taxes on much larger properties because spacious living is something that is of value to this community area.

While new neighbors and friends are great, this high level of density with a lack of green space does not fit into the community that surrounds the proposed area.

Lot sizes should be consistent with nearby McMahon Estates or The Wilds, not something drastically different such as this proposal.

Please consider the value of the surrounding properties if traffic congestion becomes a greater concern than it already is with access to Sheyenne Street.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Heather Sand".

Heather Sand

Tim P. Solberg

From: Sorenson Patrick L <SorensonPatrickL@JohnDeere.com>
Sent: Thursday, September 08, 2016 9:03 AM
To: Tim P. Solberg
Subject: Proposal for a multi unit apartment near The Wilds

Mr. Solberg,

I understand a proposal has been submitted to rezone an area of town near The Wilds development along Sheyenne Road in West Fargo. My understanding is the area is between The Wilds and Sheyenne Road just North of 52nd Avenue and west of 50th Ave. The request would be to rezone the area to accommodate an 80 unit multi-family complex.

I would like to voice my opposition to this proposal. The reasons for my opposition are as follows:

- The infrastructure cannot support the 80-160 additional vehicles that accompany the building. Sheyenne Road is only a 2 lane road and the additional traffic will cause congestion and increase the likelihood of traffic accidents and injuries.
 - Visual evidence shows the roundabout on Sheyenne and 52nd Avenue backs up considerably in the morning rush hour. Adding more vehicles will only cause this problem to worsen.
- The Wilds is a new development and has limited natural resources. The few mature trees would be impacted as well as the wildlife that currently resides in the area.
- Our decision to move into The Wilds in 2013 was to locate to an area of town with lower population density. Adding a multi-unit apartment will counter that as well as negatively impact values of current properties.

I would ask this proposal to be rejected for the reasons stated above. I understand West Fargo is growing, but other areas have the proper infrastructure to support this type of building.

Thank you for your consideration of this request.

Patrick Sorenson
231 47th Ave West

September 7, 2016

West Fargo Planning and Zoning Committee
c/o Mr. Tim Solberg
800 4th Avenue East
West Fargo, ND 58078

Dear Planning and Zoning Committee Members,

It came to our attention late Monday, September 5, 2016, of a proposed development of the Dr. Harvey Nitschke property on County Road 17/Sheyenne Street. The proposal will be on the Planning and Zoning Committee agenda for Monday, September 12, 2016. We strongly urge you to reconsider the proposal for 88 rental units for multiple reasons:

- The plan for building 88 rental units and multiple dwellings does not match the character and nature of the surrounding area of private, single family dwellings on ½ to one acre lots.
- The traffic created by 88 rental units with one entrance will increase exponentially. Using the average daily activity calculated for traffic patterns, the traffic will increase by 88 times daily, or 880 daily trips from one access point, just from the concentration of the 88 units and not counting the daily traffic from existing homes in subdivisions.
- Homeowners in the area are concerned for the potential decrease in personal property valuation with rental properties now being introduced to the area and the transiency that normally occurs with rental units.

Dr. Harvey Nitschke was very proud of the land, acreage, and home he and his family developed along Sheyenne Street over the years. His work was recognized by NRCS as a recipient of a conservation award for the trees planted and maintained throughout the years. In 2015 Dr. Nitschke had a preliminary plat (see attachment) developed by Moore Engineering for 11 privately owned, single family dwellings on his acreage, and unfortunately this plan never did result in a proposal to the Planning and Zoning Committee. It would be appropriate for Dr. Nitschke's dreams for his acreage to come to fruition.

As long term residents and engaged community members, we are highly concerned for this planned development within our neighborhood. We strongly encourage reconsideration of this plan and think about privately owned, single family dwellings on this acreage. Your careful consideration of this request will be greatly appreciated. Feel free to contact us at the address, phone number, or email addresses listed in the closing. Thank you!

Respectfully,

Bernie and Louise Dardis
123 50th Avenue East
West Fargo, ND 58078
701-367-2784 (Bernie's cell)
701-388-8511 (Louise's cell)
ldardis@fhi360.org

Tim P. Solberg

From: Joel Morris (Accenture) <v-jomo@microsoft.com>
Sent: Wednesday, September 07, 2016 11:47 AM
To: Tim P. Solberg
Cc: Jacque Morris
Subject: Nitschke Rezoning

Hi Tim,

My name is Joel Morris and I am a resident of the Wilds 2nd addition in West Fargo. We moved into this area 3 years ago this October as one of the first 3 houses on our block. When looking for a new house, we had no plans on building and even less desire to move to West Fargo. I had been a Fargo native my whole life and planned on staying that way. However, during our search, we found the wilds development and after looking at the plans provided for the roads in the area, single family lots and open spaces, we knew that this was where we would need to build to raise our expanding family. Having been here now for some time, we love the open space and curved streets. Our neighborhood is peaceful, quiet and safe for my 2 and 5-year-old. The area is wonderful and I can't imagine living anywhere else.

Having said this, I was trouble today to hear that there is a proposed rezoning in the area to add in multifamily dwellings. This is troubling and I would like to STRONGLY voice my opposition to this. Changing the landscape in the area will negatively affect the traffic density on our calm streets and change the "wild" naturistic countryside that we moved out here to enjoy. I will do my best to also attend the planning meeting, but with 2 young boys to take care of I wanted to ensure my voice was heard. Please do not change the single family zoning in the Wilds area.

Thank you for your time and consideration of my views as a proud resident of one of the best neighborhoods in the city.

Thanks,

Joel Morris

Project Management | Microsoft OneFinance | Fargo, ND, USA
Phone: +1 (701) 492 7172



Tim P. Solberg

From: Larry M. Weil
Sent: Wednesday, September 07, 2016 11:39 AM
To: Tim P. Solberg
Subject: FW: County 17 proposed development of the Harvey Nitschke property

Tim,

FYI

From: Bernard Dardis [mailto:bernie.dardis@indigosignworks.com]
Sent: Wednesday, September 07, 2016 10:02 AM
To: Rich A. Mattern <Rich.Mattern@westfargond.gov>; Mike Thorstad <thorpower@signprofargo.com>; Mark A. Simmons <Mark.Simmons@westfargond.gov>; Lebahn, Shane <Shane.Lebahn@fumic.com>; Larry M. Weil <Larry.Weil@westfargond.gov>
Cc: ldardis@fhi360.org; 'Darrell Vanyo' (dvanyo@hotmail.com) <dvanyo@hotmail.com>
Subject: County 17 proposed development of the Harvey Nitschke property

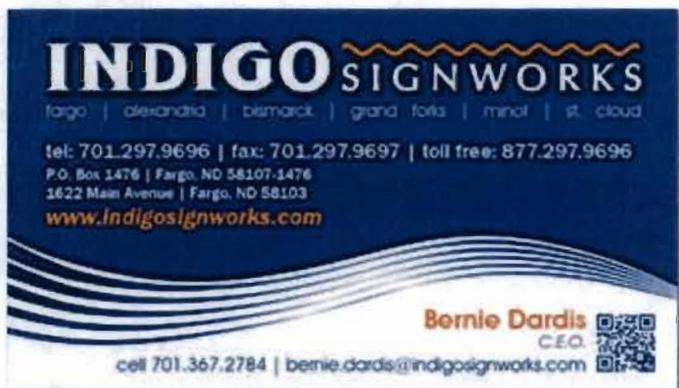
Good morning gentleman, I am writing to you this am to ask your consideration to review very closely the proposed development of the Dr. Harvey Nitschke property on County Road 17. It is my understand that at the next Planning and Zoning Commission meeting there will be discussion on the development of 80 rental units at this site. Last night 25 home owners from the west side of County 17 in McMahan Estates One and the east side residents in The Wild met to discuss our concerns. Please consider that this property only be developed for single family housing. Mr. Nitschke had Moore Engineering do drawings in 2015 in which it was plotted with 11 single family homes. The homeowners in our neighborhoods could and would support this type of development. The County Road 17 corridor south of 40th is all single family housing. Please do not allow this property to become a development with 80 rental units..... it is not consistent with the existing neighborhood,ie, single family housing.

I would welcome the opportunity to visit with you in person at your convenience. Thank-you for your consideration.
Respectfully Bernie and Louise Dardis

Thanks,

Bernie Dardis

Bernie Dardis



www.indigosignworks.com

Tim P. Solberg

From: Darrell <dvanyo@hotmail.com>
Sent: Wednesday, September 07, 2016 10:45 AM
To: Tim P. Solberg; Darrell
Subject: Rezoning

Hi Tim,

I understand that the P&Z Commission is contemplating a zoning change from Agricultural to PUD for the Nitschke Addition. I desire to voice my opposition to this change to a medium density multiple-family residential zone for the following reasons:

- 1) Having 85 units in this area with only one ingress/egress will present a nightmare for traffic particularly in the morning and late afternoon. One only has to look at how traffic channels toward Sheyenne St. in other developments to realize that adding another bottleneck along this main corridor will lead to a very, very congested traffic flow in one of the cities newest development areas.
- 2) The 85 unit proposal is not consistent nor compatible with the existing housing in this area. Most people who are building in the Wilds and those who have been part of McMahan for 15-20 years were not aware that when they built their homes; anything like this would be ultimately proposed to deter from the character and valuation of their neighborhoods. Just because a long range plan may have given some indication that the land use would change sometime in the future is not enough of a reason for home owners to oppose a long term plan when ultimately they don't know when or what exact plan will be coming in the future. Therefore, most home owners simply wait until a plan comes forward to determine their stance on that plan. We are now at that juncture and I would hope that the commission takes to heart the opinions of the homeowners who will have to live near such a development if it is allowed to continue.
- 3) The approval of this zoning change will open the door to the property north to become a medium density multiple family residential zone as well, because we all know that the most revenue that can be gained from development comes from high density dwellings.
- 4) The property to the south, as I understand, is targeted for commercial development which (coupled with the multiple-family residential zoning) brings about the worst possible scenario for the existing neighborhoods.
- 5) This zoning and subsequent development plan allows for rental units which, as we all know, brings in a more transient population who do not always have the same respect for the housing units and neighborhoods as homeowners do. This is not a derogatory comment, but rather a factual one. Typically, a denser development will also bring about more law enforcement issues than a less dense neighborhood. Once again, not a derogatory comment, but rather a factual one.
- 6) The trees that were planted surrounding this property (particularly the evergreens) are aesthetically pleasing in that they provide a break from the continuous view of housing units that line Sheyenne St. In fact, I believe that Mr. Nitschke received a conservancy award for his dedication and actions to planting those trees. It is highly likely that a medium density multiple-family residential zone will destroy all these trees and the replacement sight will be garages and multiple-family connected units. Not a very good

environmental exchange at all!

In closing, I would like again to state that I am opposed to a medium density multiple-family residential zone. Rather, I would propose what Mr. Nitschke was planning to do with that property, eventually. He proposed an 11 unit single family residential family development. Such a development would have my support and it would alleviate all the issues that I have previously enumerated.

Thanks, Tim,.

Sincerely,
Darrell Vanyo

Tim P. Solberg

From: James Schmidt <jschmidt@schmidtwealth.com>
Sent: Wednesday, September 07, 2016 10:42 AM
To: Tim P. Solberg
Subject: Proposed Nitschke Addition Rezoning Letter
Attachments: 17377 NITSCHKE IST ADD.pdf

Hello Tim, as a neighbor and property owner outside the 150 foot perimeter of the proposed rezoning please know that this plan would affect my family and that I am not in favor of it as currently planned. Here is why: 1 the density does not match the current housing density on all four borders. 2 the size of the lots are not congruent with the neighbors. 3 housing that is rental vs ownership is a concern. 4 the plan does not appear to address the traffic needs of 80 to 100 residences. 5 it appears the aesthetic nature of the proposed homes will certainly not equal the surrounding neighborhood.

A plan that I feel would work, that was previously started and may not have reached your office yet, is attached. Tim, thanks for the consideration and could you give me a quick reply so I know I have your email correct. Thanks,

Jim

James A. Schmidt, Jr., CPA, RIA, AEP®
129 50 Ave East West Fargo ND 28078
701-235-8785

SCHMIDT WEALTH MANAGEMENT
4650 26 Avenue South Suite J
Fargo, North Dakota 58104
701-478-8787 jschmidt@schmidtwealth.com

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9-6-2016

To:
Tim Solberg, Senior Planner
City of West Fargo, ND

Regarding:
Proposed Nitschke Addition Rezoning

Dear Tim,

Hello! Thanks for sending me the plat of what Harvey Nitschke was proposing for his land prior to his passing. I think his plan would have received no opposition if it had gone to Planning and Zoning. I knew Harvey for many years and I believe this would have been what he would have wanted done with his land had it all worked out however life is unpredictable and his time came sooner than his dream was realized.

We live at 118 50th Ave E and one of our neighbors who lives within the 150' notice zone approached us on what the new Proposed Nitschke Addition Rezoning in front of the City would look like. We have many concerns regarding this rezoning so I will mention some of them to you in this letter:

- Harvey wanted 11 single family homes with low density. This proposal is way out of the context of what is existing to the east and west with 88 units of attached rental homes. Not the right mix of this type of housing in this area.
- Rental housing vs owner occupied housing is a huge concern. Renters do not have a stake in the ownership so not the pride or care as they are just renting.
- The traffic entering and exiting the area from 11 single family homes to 88 rental units is a huge concern and with a single entry-exit approach would be a concern.
- Adjacent home values of existing homes may be effected with this dense of rental housing compared to single family detached or owner occupied condos.
- We have a safety concern for traffic, emergency vehicles, police, fire trucks, etc. with this dense of a development.
- We are concerned the trees developed by Harvey which he won an award for and had great pride in would be lost in leau of higher density housing.
- The amount of buildings, driveways, parking lots is way out of proportion as there will be little green space. There is very little visitor parking for the amount of units proposed.
- The setbacks to the neighbors to the west is only 65' and that doesn't consider the patio decks that will probably be closer to the existing trees making them at risk to be sacrificed to development.
- The location of the trash enclosures is a concern to the neighborhood.

We decided to tour the model complex that this is designed after called Montgomery Homestead in West Fargo. Some of the things that really stood out about this project:

- No street lighting
- 2 access points in and out instead of 1 as proposed
- None or very few of the renters park their vehicles in the garages
- This is a concrete jungle. Very little green space.
- The buildings are big and while cared for way out of character for this proposed location.
- This type of housing offers no value to the existing neighborhood proposed. These rental units just don't feel right in this location.

We realize the Nitschke property needs to be rezoned however this proposal is the wrong way to develop this land and we oppose this Proposed Addition Rezoning. We feel some single family development like what the Nitschke's had planned, or single family medium density, or owner occupied condos would be more of what is appropriate for this neighborhood. Thanks for your consideration!

Lute and Paula Simley
118 50th Ave E
West Fargo, ND

Email: paularae@I29.net

Tim P. Solberg

From: Karen Nelson <kenelson82@gmail.com>
Sent: Tuesday, September 06, 2016 10:25 PM
To: Tim P. Solberg
Subject: RE: Proposed Nitschke Addition Rezoning

RE: SE1/4 of Section 31, T139N, R49W, City of West Fargo

Mr. Solberg -

I am writing to you to comment on the notification regarding the proposed Nitschke Addition Rezoning from Ag to PUD.

As a resident of The Wilds development, I would not support this proposed change for the following reasons:

- Does not fit the aesthetic of the community - The Wilds development was marketed by the developer to be single family housing only, including no apartments, townhouses, twin homes or condos. Having a multi-family housing unit immediately adjacent to the development is a contrast to what is expected for residents.
- Negative impact for traffic - The Wilds is a growing community and houses an elementary school. I have concerns over the additional increase in traffic this may bring to the development and certainly to Sheyenne Street.
- Impact to property value - multifamily dwellings bring down the property value of nearby homes/developments. My home was recently accessed at an increase of 50% only 3 years after building the home. I would have concerns over paying such an increased rate (taxes have doubled) to only see my value reduced by a multifamily dwelling.

I appreciate the opportunity to voice my concerns as a resident of West Fargo and The Wilds community.

Thank you,
Karen Nelson
701-850-6160

Tim P. Solberg

From: Shelby Kluvers <shelby1610@earthlink.net>
Sent: Monday, September 05, 2016 4:35 PM
To: Tim P. Solberg
Subject: Proposed nitachke addition re zoning.

I am writing to protest the new addition on sheyenne behind our development. SE 1/4 of section 31 T139N R49W. There are no close multi unit developments and we would like to keep it that way. These are near million dollar houses and we don't want our property value to go down with multi family housing near. Also crime will go up. We do NOT want this in our backyard.

4765 lilac drive

Shelby Kluvers.

September 7, 2016

166 50th Ave East
West Fargo, ND 58078
(701) 281-0147

West Fargo Planning and Zoning
Tim Solberg, Senior Planner

RE: Proposed Nitschke Addition Rezoning

We have become aware of the current proposal to rezone the Nitschke property to 88 units and would like to express our disapproval of the plan.

Primarily, the proposed density (10 units per acre; 88 units on 8.8 acres) is not of the form, character, or nature of the surrounding properties. Neither the Wilds subdivisions nor the McMahon subdivisions, both which adjoin Nitschke, have densities anywhere near the proposed.

The primary concern supersedes even the massive traffic impacts this will pose (as those 88 units are more than double the traffic load of the entirety of McMahon First subdivision, roughly 36 homes).

And the primary concern exists before considering the demographic differences, namely, the surrounding properties are resident owned and maintained and this will be rental property.

Finally, we are concerned with the land and the runoff from it. It is presently heavily treed with considerable greenspace. Loss of those would be a loss of the character of the whole area as well as affect the maintainability of County 17 (Sheyenne Street) during winter storms. Also, the storm runoff will be complete (no immediate retention) and fast due to the mass of concrete flatwork proposed.

Additionally, that runoff will proceed directly past or through various proposed trash enclosures to a retaining pond in The Wilds where any debris will accumulate and at best be an eyesore, and at worst a health hazard.

We would find the prior plan (circa 2014) for 11 lots on the Nitschke property to be more than acceptable as it does align to the form, character, and nature of the surrounding properties.

In closing, we oppose the current plan and look forward to the hearing at the Planning and Zoning meeting on September 12, 2016 at 7 pm.

Lynn and Glenn Mitzel
West Fargo, ND

Tim P. Solberg

From: Deb Schmidt <debschmidt@far.midco.net>
Sent: Wednesday, September 07, 2016 7:54 PM
To: Tim P. Solberg
Subject: Proposed Nitschke Addition Rezoning

Hi Tim,

We own a house on 50th Ave E. This is outside of the 150 foot notification for the letters going out to people, but luckily we have been alerted by the few that were in the 150 foot range. I feel that it does impact us also. The only entrance for either the new or our existing development would be directly across from each other. Which wouldn't be a big deal if the project had stayed at the 11 proposed residences. But when you up that to 90 other residences trying to exit out at high traffic times , in close proximity to a traffic circle, on an already busy Sheyenne Street, that I believe presents a problem. This development is not consistent with the type of housing on any of it's 4 sides. I understand that it is a busier road and the housing values will not match what is around it, but to take it into a rental high/ medium density of housing, is not in the neighborhoods best interests. I am definitely not in favor of this current proposed plan, but I would favor an addition that would be like Harvey's (before he died) proposed plan, with 11 lots with a cul de sac. That would keep it in harmony with the neighborhoods surrounding this property.

Sincerely,

Deb Schmidt
129 50th Ave E
West Fargo, ND
701-235-8785
701-866-3047

To: West Fargo Zoning and Planning Commission: Tom McDougall, Joe Kolb, Jim Brownlee, Scott Diamond, David Gust, LeRoy Johnson, Shane Lebahn , Jana Reinke

cc: Tim Solberg

Re: Comments opposing proposed Nitschke Development, SE1/4 Section 31 Tract 139N Range 49W, for the September 12, 2016 Zoning and Planning public hearing

I am a resident within the viewing/affected area of the proposed Nitschke Site, and have been identified to be physically located within the 150 foot required notice area. I am writing in opposition to the application by Meridian Construction to change the landuse from agricultural (A) to planned unit development (PUD) for the construction of an 88 unit multi-family development.

Summary

This proposed multi-family zoning change and proposed development:

- a) Is not compatible with the surrounding single-family residential neighborhoods;
- b) Has great potential to reduce marketability and future home sales of existing structures;
- c) Will reduce the visual appeal and aesthetics of current locations;
- d) Does not connect to the historic core and design to maintain the small town feel

Compatibility

The proposed rezoning and proposed 88 unit multi-unit development strays away from the current regional design and feel that is seen all along Sheyenne Street from 37th Avenue moving south to Horace. Within this described Sheyenne Street corridor, there is only one multi-unit area found in the Westport Beach development, which is nearly three-quarters of a mile away from Sheyenne Street. The majority of developed homes within the three-quarters of a mile of the described Sheyenne corridor being large lot, low density residential intertwined with some rural residential. The proposed landuse change to multi-family for the construction of an 88 unit multi-family development would directly abut large low density residential lots without any type of residential continuum that would commonly be seen with smaller lot sizes with more condensed building structures such as twin homes. The preliminary plat of the Nitschke Addition, rendered by Moore Engineering per the guidance of the late Rodney Nitschke in 2014, is an example of an acceptable development that keeps the integrity and continuity of the development.

Future Land Value/Desire

The proposed rezoning and multi-unit development has great potential to negatively affect those residences within the immediate vicinity in terms of resale value and buying desire. The large draw for many residents within the proposed area, as well as the previously defined Sheyenne Street corridor, is that there is a small town feel without high commercial and residential confinement. The large lots, complimented by the river and artificial wetland structures, signify a transition from the confined city feel to a more rural atmosphere. These spaces are appraised according to the location, size and water features found. However, property owners near the newly proposed landuse change and multi-unit development will lose that rural appeal and will not be capable to compete competitively against similar properties not near such a development. This in turn will force potential sales loss in relation to the strong housing market.

Local Aesthetics

As noted above, the desire for most to live in this area of West Fargo was the open space and more of a connection to nature. The proposed rezoning and multi-unit development could have dramatic impacts on the local vegetation, trees, and wildlife seen within the current urban landscape. The Sheyenne River is a major wildlife corridor for many species of birds, pollinators, and mammals. The proposed development will inevitably have negative effects on current established trees and vegetation, which in turn will drive down the diversity of wildlife seen. Furthermore, the proposed development will also add an expounded amount visual and noise pollution, all of which are major environmental sociological factors that current residents oppose. This opposition was also identified by residents during the community input meeting in 2007 for the development of the 2008 City of West Fargo Comprehensive Plan (Appendix 2 West Fargo Comprehensive Plan)

Community Feel

The residential patterns seen along the described Sheyenne Street corridor have consistently maintained a family orientated, small town atmosphere. This, in large part, has been possible because neighborhoods are centered and consistent. Our neighborhoods are open, and welcoming to pedestrians and most we know by first name. By rezoning and allowing a large multiple-family residential development to take place within the proposed location will only set the stage for a more reserved atmosphere due to transient residents. We would anticipate more pedestrian traffic inappropriately using current developed single unit yards to travel to the nearest park, pond, and school as a way to greatly reduce the travel distance of having to go all the way around to 47th Avenue or 52nd Avenue. Lastly, we would anticipate that the new multi-unit development would also increase crime activity as based on simple per-capita probability of crime versus density.

Ties to the 2008 Goals and Policies

The 2008 City of West Fargo Comprehensive Plan (Chapter 7) indicate policies to guide future actions. This section is outlined by goals followed by objectives, which serve as a guide for future development. Here, I identified common parallels with the goals and objectives that concur with my opposition:

Land Use and Community Growth

Goal 4. To provide orderly transitions between incompatible land uses

Objective a. To encourage the provision of buffers or gradual land use transitions, such as vegetative screening, open space and berming, between different types and intensities of existing land uses

Objective c. To require deeper setbacks for new residential developments along arterial and collector streets and berming and/or vegetation along those roadways with higher traffic volumes in order to minimize noise and visual impacts

Community Development, Design, and Housing

Goal 2. 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.

Objective a. To encourage the development of a mix of housing types that blend with the existing housing stock

Objective f. To preserve the integrity of established residential neighborhoods by prohibiting the intrusion of incompatible uses

Community Identity

Goal 1. To preserve and maintain the small town ambience in West Fargo

Objective a. To develop unique neighborhood patterns that allow neighbors and neighborhoods to connect easily

Objective b. To encourage creative neighborhood and community wide events and activities to catalyze interaction among the residents of West Fargo

Objective d. To ensure that new developments south of I-94 are well connected to the historic core and are designed to maintain the small town flavor

Goal 4. To ensure that all areas of the city are visually appealing and well maintained.

Objective a. To support quality design and aesthetic appeal of all future development

Transportation

Goal 1. To establish and maintain an effective, efficient and safe transportation system

Objective a. To provide a functional and well-maintained roadway system that is consistent with adjacent land uses and provides an appropriate level of service

Objective d. To require streets to be developed according to their function (pavement width, load capacity, continuity of streets and access provisions)

Additional Concerns

My final concerns about the proposed rezoning and proposed 88 unit multi-unit development relate to the issue of storm water runoff and environmental degradation. The current proposed plan highlights a high density of housing with a tremendous amount of impervious surfaces. The location of peripheral trash enclosures, particularly nearest to the pond is of great concern for additional contamination events. The water retention ponds are an aesthetic feature but also serve as a practical water storage unit for storm water. However, to function properly the retention ponds need to have a vegetative community to promote aerobic respiration processes. Introduction of contamination storm water runoff from large point sources, such as large multi-unit trash enclosures, have the potential to disrupt and negatively affect the vegetative and biotic communities within the wetland, essentially negating the functional integrity of the retention pond. This could cause further cascading issues in soil biotic health on all pond boarding properties.

Conclusion

Here within, I have collectively discussed my opposition to the proposed landuse change and multi-unit development on the Nitschke property. I feel that the proposed landuse and development is not compatible with the surrounding single-family residential neighborhoods and this has potential to reduce marketability and future home sales of existing structures. Furthermore, the propose development will reduce the visual appeal and aesthetics of current locations. Lastly, the 2008 City of West Fargo Comprehensive Plan concurs with goals and objects that support my opposition. I want to keep the secluded, small town feel of West Fargo that the current development patterns along my referenced corridor along Sheyenne Street have offered.

Sincerely,

Justin Fisher

310 50th Place West
West Fargo, ND 58078

September 7, 2016

Bob & Nicole Christensen
303 50th Place West
West Fargo, ND 58078
(701) 371-3637

West Fargo Planning and Zoning

Attention Mr. Tim Solberg,

Thank you so much for making our family aware of the recent proposal for the **Nitschke property**. We are writing this letter today to strongly oppose this plan. We feel that the proposed plan of an 88-unit medium-density housing is definitely not something that fits with the character and aesthetics of this area of our community. We recently built our home in The Wilds and spent a fair amount of time choosing our location. Our property backs up to the Nitschke land (303 50th Place West – The Wilds). When we were considering our lot, we visited with the Nitschke family and understood their plan for large lots (1 acre +) with single-family homes which we felt was consistent and desirable for this area. We recognize that this property is going to be developed, but we are just asking that the plan be more consistent with the surrounding residential area.

We have several concerns and questions with the proposed rezoning:

- The plan does not blend with any of the existing real estate in that area, thus running the risk of decreasing property values for existing structures / property, as well as changing the overall nature of that area.
- There is a lack of transition between higher-end homes and multi-unit rental property. This is not consistent with the overall theme throughout West Fargo.
- We feel strongly that the existing trees and shelter belt needs to remain intact, as that lends itself to privacy, as well as maturity of that area. We do know that Mr. Nitschke won a previous award for his work with conservation and his maintenance of those planned tree lines. Tearing them out would be a detriment to the rest of the area around that property, as well as a disgrace to that award.
- The sheer number of units, while not aesthetically pleasing, does not lend itself to green space and neighborhood feel. This leads to concerns regarding the massive traffic load and water run off concerns that will follow.
- The large number of rental-based units also raises questions about increased crime and concerns. As understood from a discussion with a member of the West Fargo Police Department, it is noted that a similar multi-unit neighborhood North of Aurora Elementary yields several police department calls on a regular basis. This is very concerning to those of us in this area.
- Also the fact that the proposal includes rental properties, rather than owner occupied housing. This raises a concern regarding maintenance and overall pride in the property.

We greatly appreciate the opportunity to voice our concerns and again reiterate our opposition to this 88-unit plan. The news of this proposed plan has led to great stress for our family as our back yard and property value will be greatly impacted by this development. We understand the Nitschke land will be developed in the near future. We prefer the original plan that Mr. Nitschke had proposed prior to his death (attached). We feel that bears the closest similarity to the surrounding properties and will not be a detriment or concern to neighboring property owners. We look forward to further conversation at the Planning and Zoning meeting on Monday, September 12th.

Sincerely,

Bob & Nicole Christensen

Tim.solberg@westfarond.gov

Mr. Solberg,

We understand there is a proposal to rezone an area near our home in The Wilds in SW West Fargo from agricultural to medium-density multi-family residential development, just north of the traffic circle at Sheyenne and 52nd Ave in West Fargo. It is our understanding the rezoning is being proposed in order to build an 80-unit complex just east of The Wilds housing area, west of the Sheyenne River.

We strongly oppose this proposal. Our reasons are as follows:

- Current traffic cannot support the addition of an 80-unit complex
 - o This would likely bring in some 140-160 additional cars on a 2-way road with no current plans to widen the main thoroughfare (Sheyenne Road) south of intersection with 48th Ave E, and across from 50th Ave E
- We enjoy a relatively crime-free area, and national statistics indicate a higher crime rates with increased density, especially in closely housed multi-family units
- Additional density will bring about decreases in the natural resources (Mature trees would be cut along this scenic area) and the wildlife-like refuge we currently enjoy in West Fargo would be negatively impacted
- We specifically located to this area for a less-dense neighborhood, populated by carefully planned single home development—a multi-unit apartment complex would lower our property values and detract from West Fargo's natural landscape

This proposal only recently came to the attention of community members where we live. Among the neighbors we know and have spoken with thus far, there is ZERO support for this project.

We respectfully request the rezoning proposal be denied outright, or tabled for further and broader community input. We have invested many years and substantial life savings for our home and we would appreciate the Planning and Zoning Commission's careful consideration of our future.

Sincerely,

Jim Sterling, PhD

Liz Sterling RN, MEd

Tim P. Solberg

From: snowsterling@aol.com
Sent: Thursday, September 08, 2016 6:19 AM
To: Tim P. Solberg
Subject: Proposed rezoning

I would like to express to the board my opposition to the high density rezoning of the section 31, t139N, r49W off Sheyenne by The Wilds. The proposal is not congruent with the surrounding neighborhood. The impact of the board decision on our property values is very severe and this decision should not be entered with such limited notice and input. We depend on the city administrators to consider the issues, concerns and values of the citizens. There is no support among the surrounding residents for this proposal. It should not pass. There is mobilization of citizens in the area to oppose the project despite the very limited notification. I request the board honor the voices in the community and not pass this proposal. Sincerely, Mary Welsh

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-48		Subdivision	
West Fargo 6 th Addition			
Property located the S½ of Section 31, T140N, R49W, including part of Auditor's Lot 2 in the SE ¼ of said Section 31, City of West Fargo, North Dakota			
Applicant: City of West Fargo		Larry Weil	
Owners: City of West Fargo, Southeast Cass Water Resource District, and Cass County			
Planning & Zoning Commission Introduction:		09-12-2016	
Public Hearing:		09-12-2016	
Final Plat Approval:			

PURPOSE:
Plat previously unplatted City and County property.

STATEMENTS OF FACT:	
Land Use Classification:	Institutional/Community/School; General Industrial
Existing Land Use:	Public Facilities (Public Works Shop/Diversion)
Current Zoning District(s):	P: Public Facilities
Zoning Overlay District(s):	CO-R: Redevelopment Overlay District
Proposed Lot size(s) or range:	Varied
Total area size:	81.2 Acres
Adjacent Zoning Districts:	North – A: Agricultural South – A: Agricultural and M: Heavy Industrial East – R-1: One and Two Family Dwellings West – A: Agricultural
Adjacent street(s):	12 th Avenue NW/Cass County Hwy #10 - Arterial
Adjacent Bike/Pedestrian Facilities:	Future Proposed Class I Facility on 12 th Avenue NW
Available Parks/Trail Facilities:	None
Public Dedication Requirements:	None

DISCUSSION AND OBSERVATIONS:
<ul style="list-style-type: none"> • 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 eight lots. • Lot 1 is undevelopable property between 12th 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. • Right-of-way is not clearly shown, but varies throughout. The right-of-way should be clearly identified. Standard right-of-way the City requires on arterial streets is between 120-150 feet. • 12th Avenue NW and 12th Avenue NE are currently under reconstruction as part of a planned project with State and Federal funding. The corridor has been reviewed and planned in

STAFF REPORT

preparation for the project. Access points to the Arterial Street have been reviewed and approved through that process.

- The subdivision is developed with public uses including Sheyenne Diversion, County Drains and a municipal public facility, so no park dedication is required.
- It would be appropriate for there to be a drainage plan and necessary easements placed on the Final Plat. Also, the City needs to receive an Attorney Title Opinion to verify ownership of each of the lots.

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- SE Cass Water Resource District commented to verify that the east line of lot 5, Block 1 is a minimum of 15 feet from the outside levee toe.

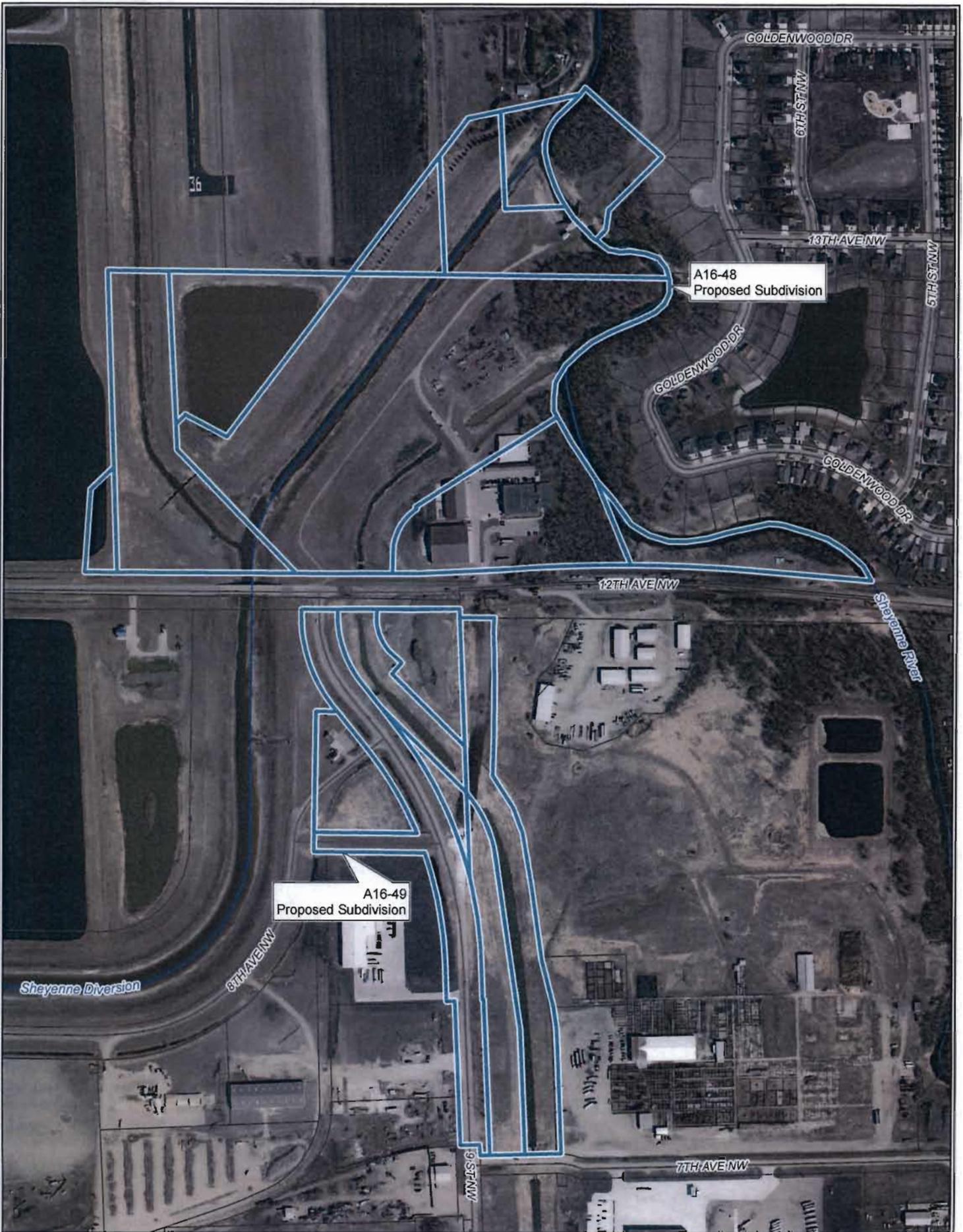
CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed application is consistent with the City's land use plan which depicts the area developing as Institutional/Community/School

RECOMMENDATIONS:

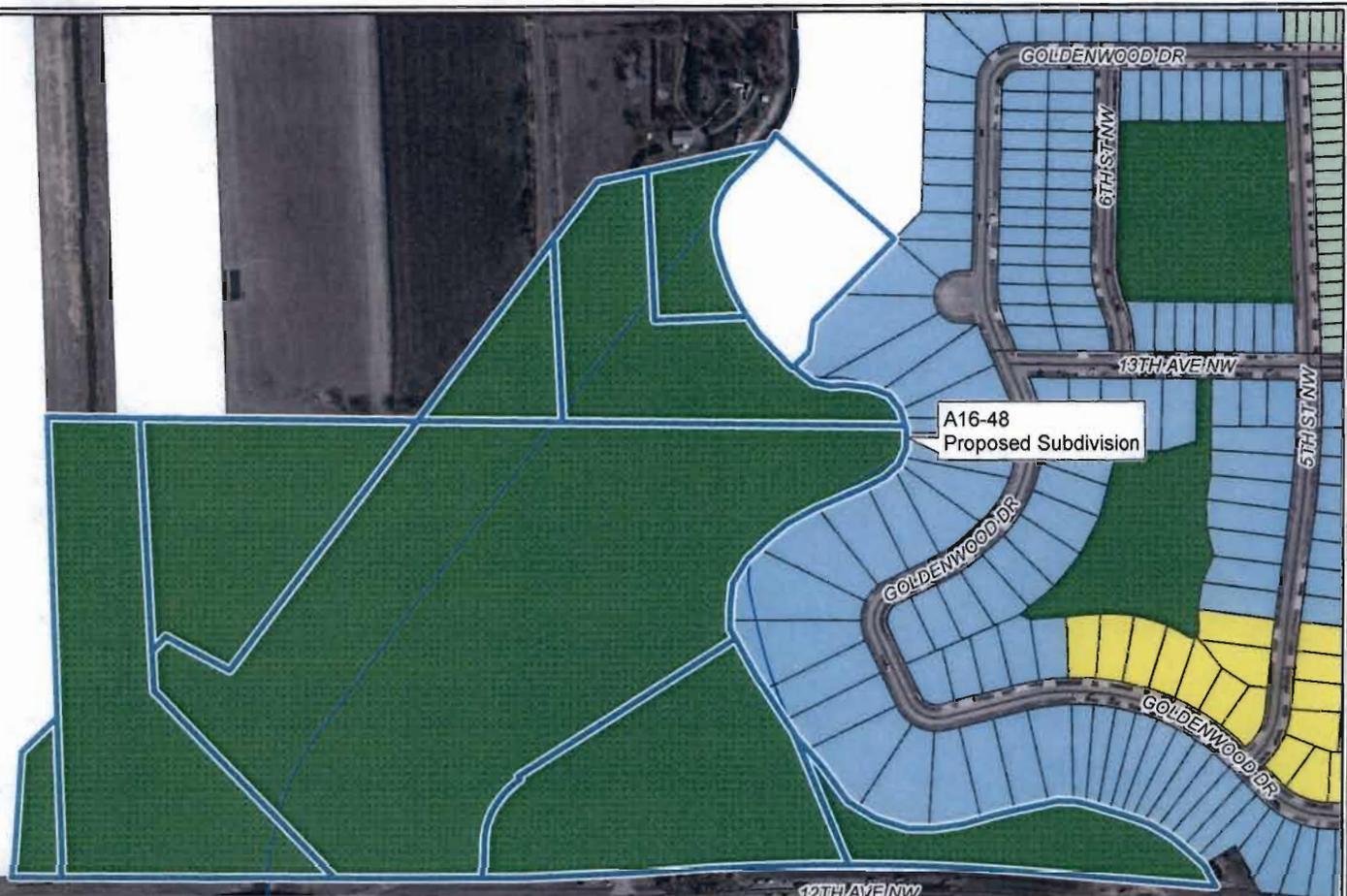
It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. 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 12th Avenue NW.



A16-48
Proposed Subdivision

A16-49
Proposed Subdivision



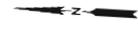
**City of
WEST
FARGO**

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

WEST FARGO
6TH ADDITION

BLOCK 1

CASS COUNTY HIGHWAY NO. 10



AREA PLAN: S. 1/2 31-140-49
WEST FARGO 6TH ADDITION
WEST FARGO, NORTH DAKOTA

moore engineering, inc.
Consulting Engineering, Land Surveying
1001 1st Ave. S. Fargo, ND 58103

DATE	REVISED
7/23/15	7/29/15
DRAWN BY	PROJECT NO.
JAS	18750
CHECKED BY	DATE
SCALE	
1" = 200'	
1	1
OF	OF

CASS COUNTY
PLAN NO. 22



SECTION 31

SECTION 32

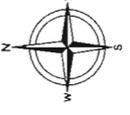
SECTION 6

SECTION 8

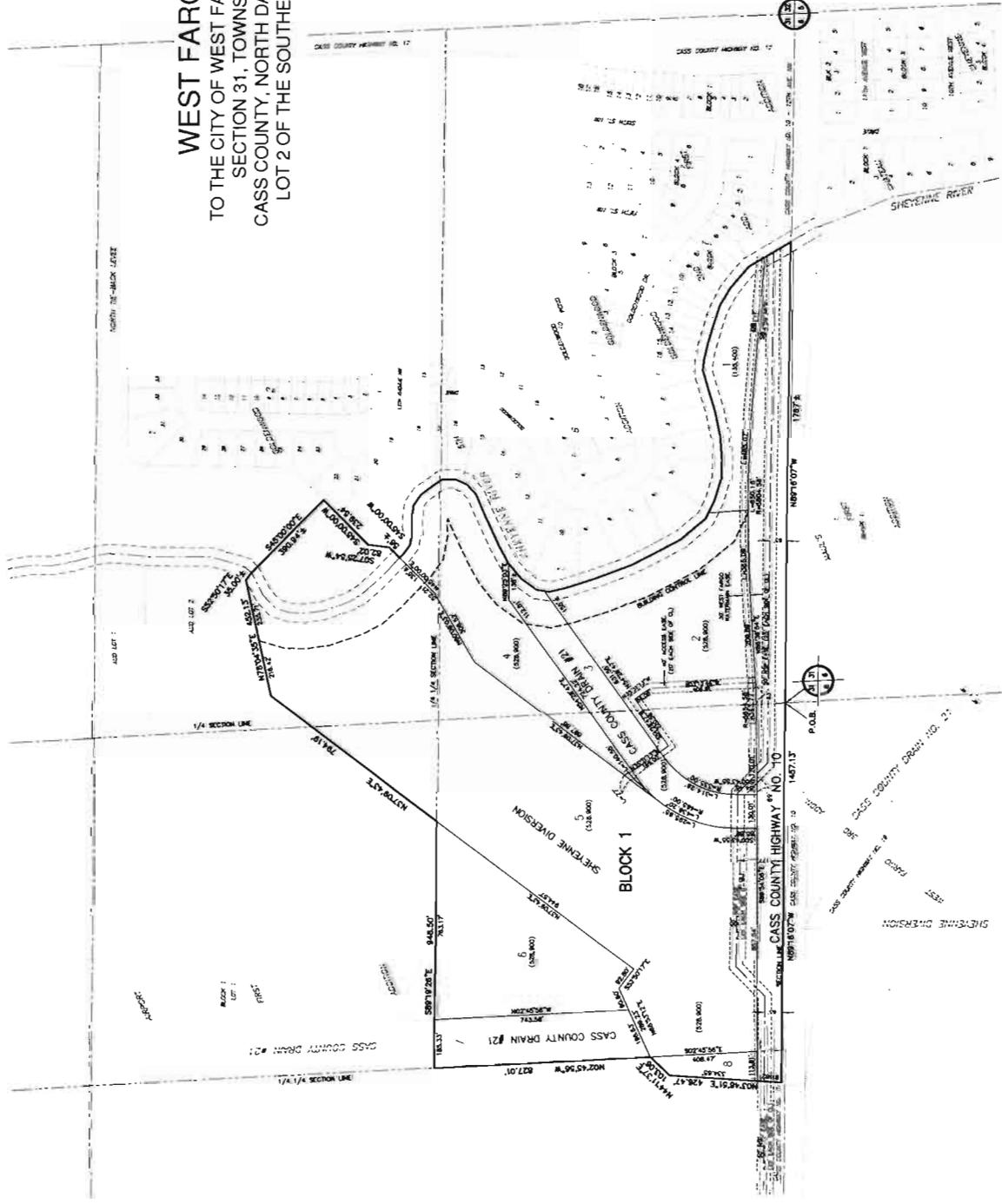
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PLAT OF
WEST FARGO SIXTH ADDITION
 TO THE CITY OF WEST FARGO, A PART OF THE SOUTH HALF OF
 SECTION 31, TOWNSHIP 140 NORTH, RANGE 49 WEST,
 CASS COUNTY, NORTH DAKOTA, INCLUDING PART OF AUDITORS
 LOT 2 OF THE SOUTHEAST QUARTER OF SAID SECTION 31.

LEGEND
 IRON MONUMENT PLACED
 DENOTES ARC LENGTH
 DENOTES CENTRAL ANGLE
 ALL UTILITY EASEMENTS SHOWN
 THIS UNLESS OTHERWISE NOTED:
 5' UTILITY EASEMENTS AT REAR
 LOT LINES SHOWN THIS UNLESS
 OTHERWISE NOTED



0 100 200
 Scale in Feet



PLAT OF
WEST FARGO SIXTH ADDITION
 TO THE CITY OF WEST FARGO, A PART OF THE SOUTH HALF OF
 SECTION 31, TOWNSHIP 140 NORTH, RANGE 49 WEST,
 CASS COUNTY, NORTH DAKOTA, INCLUDING PART OF AUDITORS
 LOT 2 OF THE SOUTHEAST QUARTER OF SAID SECTION 31.

LEGEND

- IRON MONUMENT FOUND
- IRON MONUMENT LOCATED
- CONCRETE MONUMENT
- CONCRETE MONUMENT WITH DIMENSIONS AND LENGTH
- DIMENSIONED CURVE
- DIMENSIONED RADIUS, LENGTH AND CHORD
- ALL 10' UTILITY EASEMENTS SHOWN THIS UNLESS OTHERWISE NOTED
- 10' UTILITY EASEMENT
- 10' UTILITY EASEMENT WITH 10' REAR SETBACK
- 10' UTILITY EASEMENT WITH 10' FRONT SETBACK
- 10' UTILITY EASEMENT WITH 10' SIDE SETBACK
- 10' UTILITY EASEMENT WITH 10' FRONT AND 10' SIDE SETBACK
- 10' UTILITY EASEMENT WITH 10' FRONT AND 10' REAR SETBACK
- 10' UTILITY EASEMENT WITH 10' FRONT, 10' REAR AND 10' SIDE SETBACK
- 10' UTILITY EASEMENT WITH 10' FRONT, 10' REAR AND 10' SIDE SETBACK AND 10' FRONT SETBACK
- 10' UTILITY EASEMENT WITH 10' FRONT, 10' REAR AND 10' SIDE SETBACK AND 10' FRONT AND 10' REAR SETBACK
- 10' UTILITY EASEMENT WITH 10' FRONT, 10' REAR AND 10' SIDE SETBACK AND 10' FRONT, 10' REAR AND 10' SIDE SETBACK AND 10' FRONT AND 10' REAR SETBACK
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Scale in Feet
 0 100 200



CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A16-49		Subdivision/Rezoning	
West Fargo 7 th Addition			
Block 1 and Lots 1, 5, 12 & 14, Block 2 of West Fargo 3 rd Addition and property in the NE ¼ of Section 6, T139N, R49W, City of West Fargo, North Dakota;			
Applicant: City of West Fargo Owners: City of West Fargo, Southeast Cass Water Resource District, and Cass County		Staff Contact: Larry Weil	
Planning & Zoning Commission Introduction:		09-12-2016	
Public Hearing:			
City Commission Introduction:			
Public Hearing & 1 st Reading:			
2 nd Reading and Final Plat Approval:			

PURPOSE:

Prepare the property for future industrial and municipal development and plat for County Hwy #19N realignment.

STATEMENTS OF FACT:

Land Use Classification:	General Industrial
Existing Land Use:	Vacant
Current Zoning District(s):	A: Agricultural; Heavy Industrial; Public Facilities
Zoning Overlay District(s):	CO-R: Redevelopment Overlay District
Proposed Zoning District(s):	M: Heavy Industrial
Proposed Lot size(s) or range:	Varied
Total area size:	27.72 Acres
Adjacent Zoning Districts:	North – P: Public Facilities South – M: Heavy Industrial East – M: Heavy Industrial West – M: Heavy Industrial
Adjacent street(s):	12 th Avenue NW – Arterial; 9 th Street NW (County Hwy #19N) - Collector
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Public Dedication Requirements:	Dedication Required – 5% of industrial subdivision area which did not have previous dedication.

DISCUSSION AND OBSERVATIONS:

- The applicant is proposing to develop the property into four lots following the re-alignment of Cass County Highway #19/9th 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)

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

is intended for industrial use and would be zoned Heavy Industrial.

- The area was recently annexed into the City with a 2015 Annexation Plat.
- Most of the area was platted with West Fargo 3rd Addition. Some additional area was acquired from Central Livestock Association for the re-alignment of Cass County Highway 19/9th Street NW.
- 150 feet of right-of-way is provided for 9th Street NW which meets City standards.
- Access to properties will be provided from 9th St NW (County Hwy #19).
- A limited amount of public dedication is required for the area not platted previously. The dedication is more than adequately satisfied with the lot dedicated to the City's salt/sand storage facility.
- An Attorney Title Opinion is needed to clearly identify ownership, as well as a drainage plan.

NOTICES:

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

Comments Received:

- SE Cass Water Resource District needs to have an easement for Cass County Drain No. 21 across Cass County Highway #19/9th Street NW.

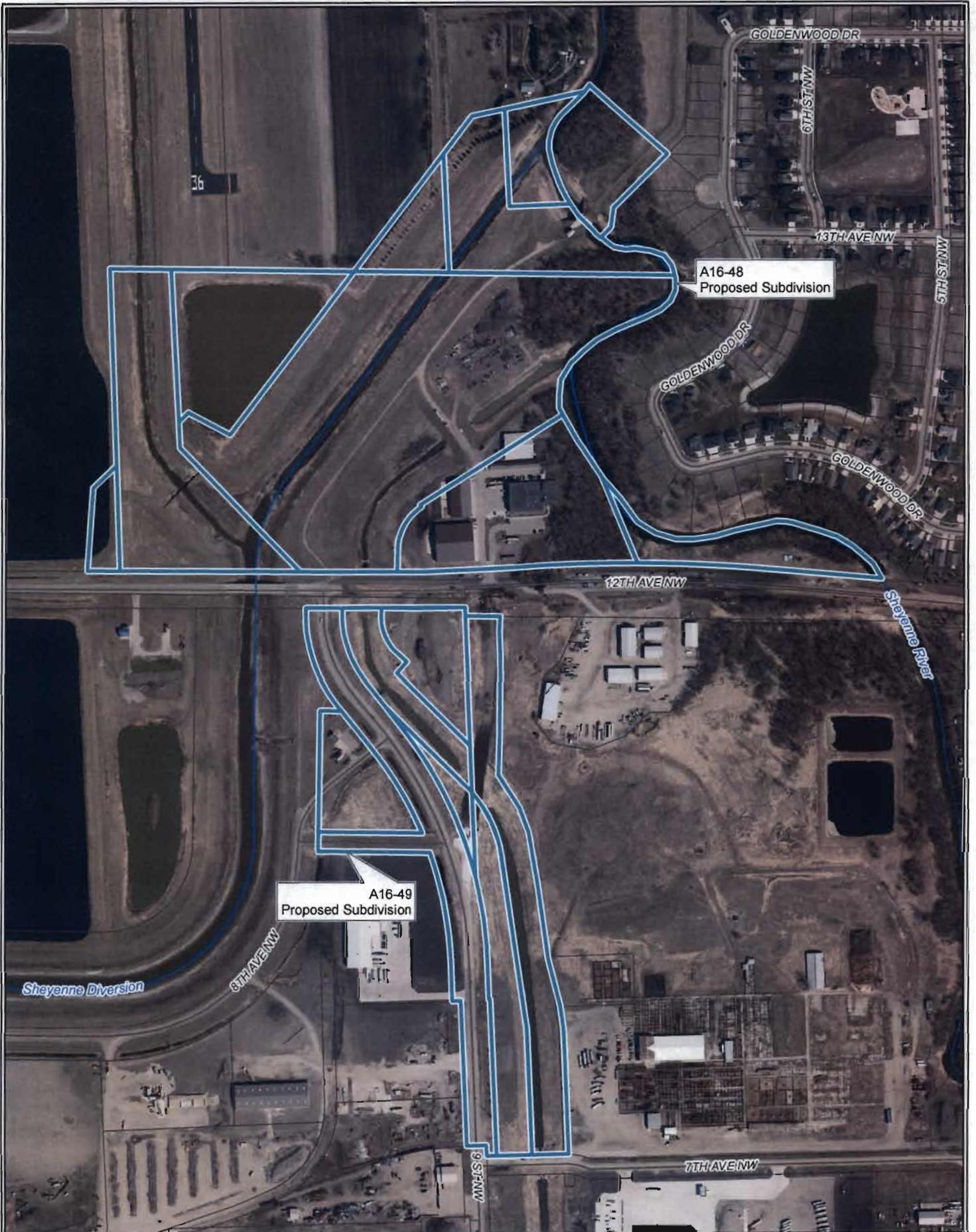
CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed application is consistent with the City's land use plan which depicts the area developing as General Industrial.

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:

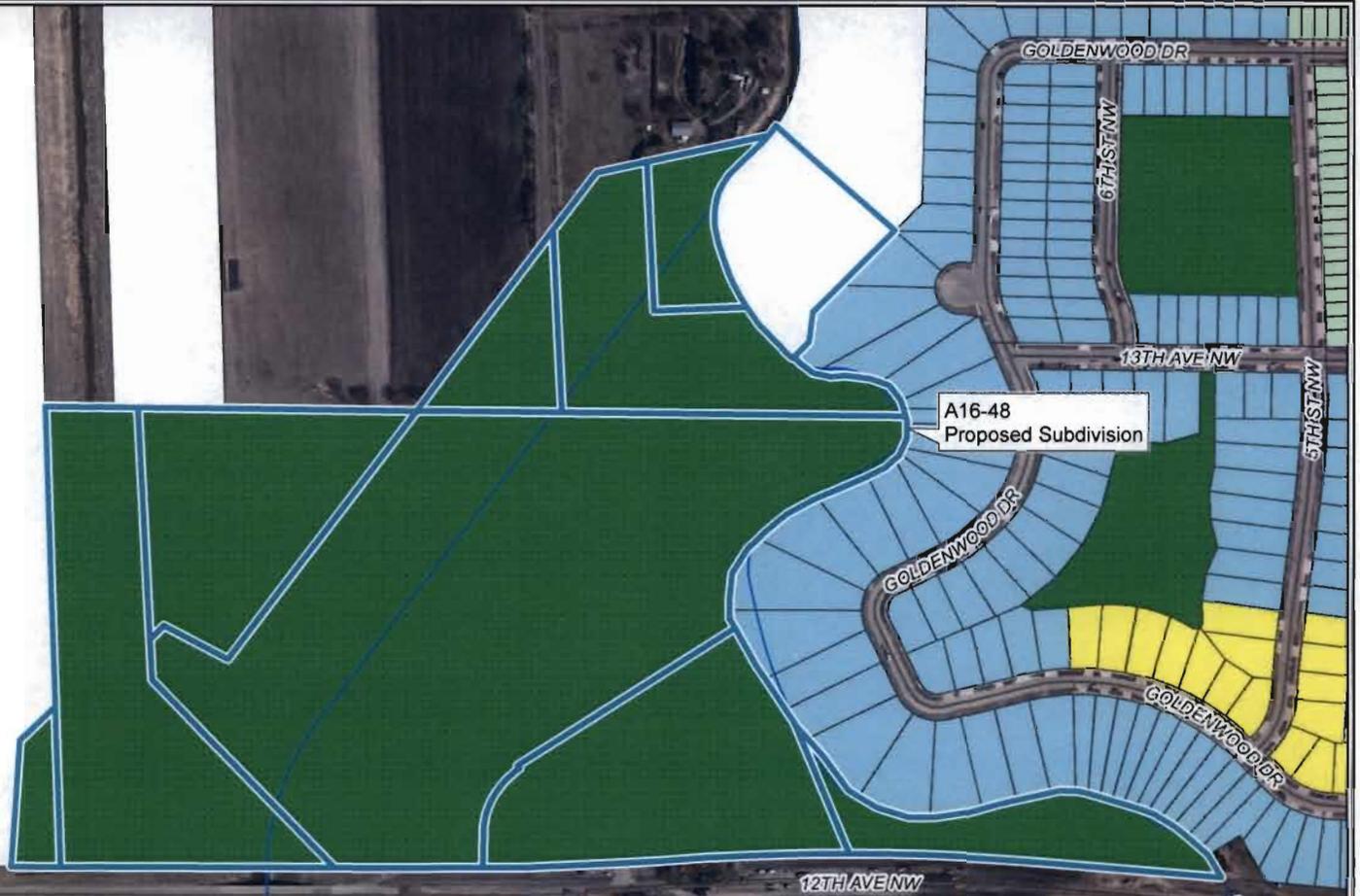
1. Access be approved and provided on the final plat.
2. A drainage plan is received and approved by the City Engineer.
3. An Attorney Title Opinion is received and addressed to the City of West Fargo.
4. Signed Final Plat is received with any necessary easements.
5. A certificate is received showing taxes are current.
6. An easement is provided to SE Cass Water Resource District for Cass County Drain No. 21 across Cass County Highway #19/9th Street NW.



A16-48
Proposed Subdivision

A16-49
Proposed Subdivision





A16-48
Proposed Subdivision



A16-49
Proposed Subdivision



- | | | | | |
|----------------------------------|---------------------------------|---|--|------------------------------------|
| A: Agricultural | C-OP-PUD: PUD in Office Park | M: Heavy Industrial | R-1A: Single Family Dwelling | R-3: Multiple Dwelling |
| C: Light Commercial | HC: Heavy Commercial | P: Public | R-1: One and Two Family Dwelling | R-4: Mobile Home |
| C-PUD: PUD in General Commercial | LI: Light Industrial | P-PUD: PUD in Public | R-1SM: Mixed One and Two Family Dwelling | R-5: Manufactured Home Subdivision |
| C-OP: Commercial Office Park | CM-PUD: PUD in Light Industrial | R-L1A: Large Lot Single Family Dwelling | R-2: Limited Multiple Dwelling | R-1E: Rural Estate |
| | | | | R-R: Rural Residential |
| | | | | R-PUD: PUD in Residential |



PLAT OF WEST FARGO SEVENTH ADDITION

TO THE CITY OF WEST FARGO, A REPLAT OF BLOCK 1 AND LOTS 1 AND 2, BLOCK 2, OF WEST FARGO THIRD ADDITION TO THE CITY OF WEST FARGO AND PART OF AUDITORS LOT 1 OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.

CERTIFICATE

STEVEN W. HOLM,
PREPARED AND MADE
A REPLAT OF BLOCK
FARGO, AND PART OF
49 WEST, CASS CO
SURVEY THEREOF;
PLACED IN THE ()
BOUNDARY LINES (

THAT PART ()
NORTH DAKOTA, DI

BEGINNING AT
WEST FARGO, CASS
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A DISTANCE OF 27
CITY OF WEST FAR
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DISTANCE OF 642.1
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THENCE SOUTH
A DISTANCE OF 15

SAID TRACT
RIGHTS-OF-WAY A

STEVEN W. HOLM
REGISTERED LAND
REG. NO. LS-6571

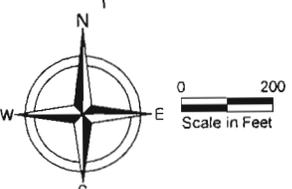
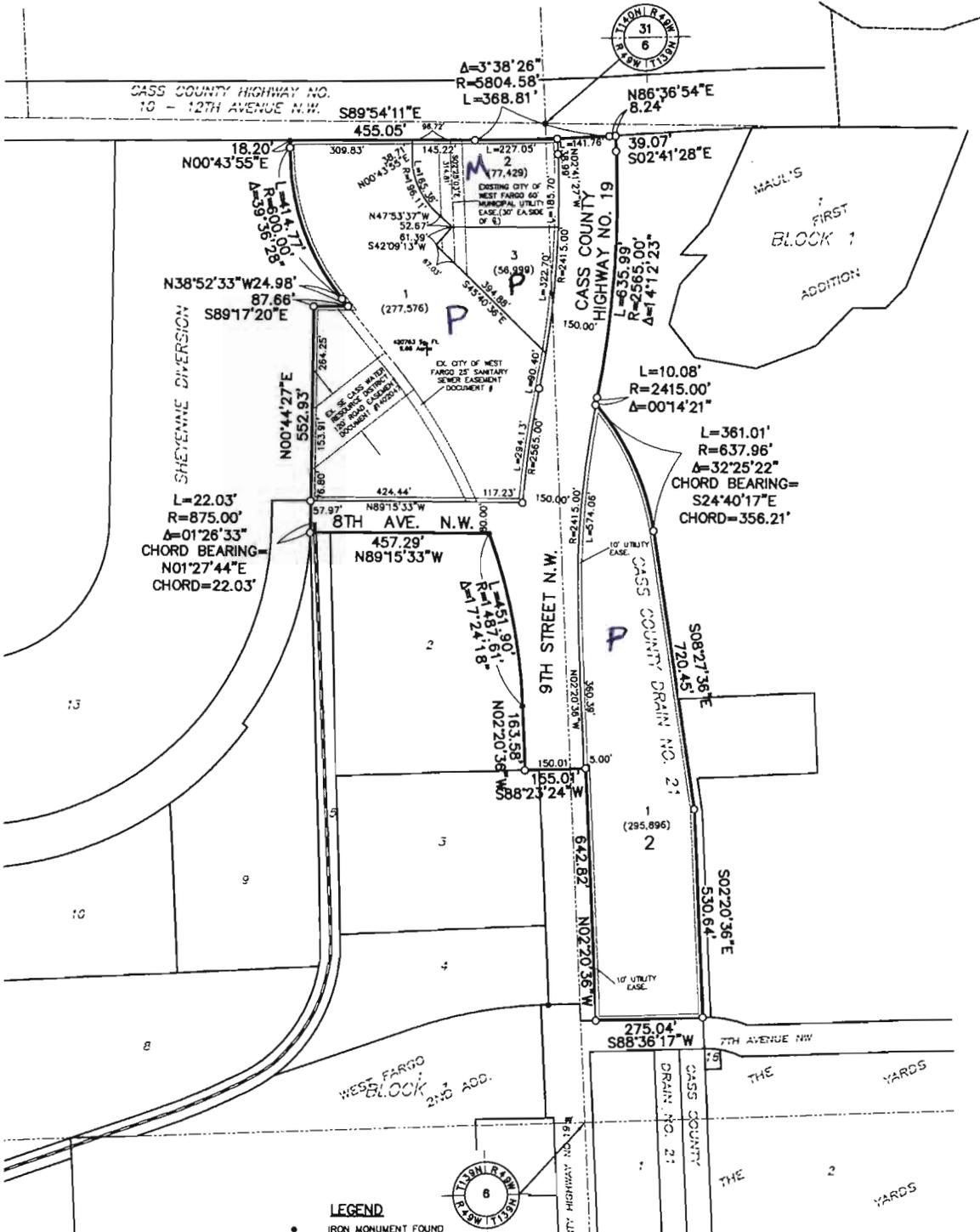
STATE OF NORTH ()
COUNTY OF CASS
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PERSON DESCRIBED
EXECUTED THE SA

NOTARY PUBLIC, C.
MY COMMISSION EX
DEDICATION

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OF "WEST FARGO"
BLOCK 2, OF WEST
NORTHEAST QUARTE
WE HAVE CAUSED
STEVEN W. HOLM,
THE REGISTERED L
EASEMENTS SHOWN
OWNER:

STATE OF NORTH ()
COUNTY OF CASS
ON THIS
AND STATE, PERSC
DESCRIBED IN AN
EXECUTED THE SA

NOTARY PUBLIC, C.
MY COMMISSION EX



LEGEND

- IRON MONUMENT FOUND
- IRON MONUMENT PLACED
- DENOTES ARC LENGTH
- DENOTES RADIUS LENGTH
- DENOTES CENTRAL ANGLE
- DENOTES LOT AREAS IN SQ. FT.

ACCESS CONTROL: ACCESS LOCATIONS TO BE APPROVED BY THE CITY OF WEST FARGO AT THE TIME OF SITE REVIEW.

BASES OF BEARING: WEST FARGO THIRD ADDITION TO THE CITY OF WEST FARGO AS RECORDED.



FACT SHEET

WEST FARGO PLANNING AND ZONING COMMISSION

SEPTEMBER 12, 2016

MINOR PLANNED UNIT DEVELOPMENT MODIFICATION PRIVATE WALKWAY LOCATED AT 250 BEATON DRIVE EAST (LOTS 1-4, BLOCK 1 OF MELROE 1ST ADDITION), CITY OF WEST FARGO, NORTH DAKOTA

The applicant has requested a minor revision to the Detailed Development Plans as previously approved for Melroe 1st 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 have been sent out to neighboring properties. Comments were received from two property owners which have been attached hereto. The applicant has been provided the comments, but staff is not aware of any changes yet to the submitted plan.

Comments were also received of the previously approved path after construction began to which the complainant brought forth to the City Commission. Staff and the Commission concurred that 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 has 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.



Subject Property

Robert Henderson
 Expansion and Renovation
 West Park, West Dallas

ARCHITECT
 10100 W. LAKOTA AVE.
 SUITE 100
 WEST DALLAS, TX 75224
 PHONE: 214.343.1111
 FAX: 214.343.1112

LANDSCAPE ARCHITECT
 10100 W. LAKOTA AVE.
 SUITE 100
 WEST DALLAS, TX 75224
 PHONE: 214.343.1111
 FAX: 214.343.1112

CIVIL ENGINEER
 10100 W. LAKOTA AVE.
 SUITE 100
 WEST DALLAS, TX 75224
 PHONE: 214.343.1111
 FAX: 214.343.1112

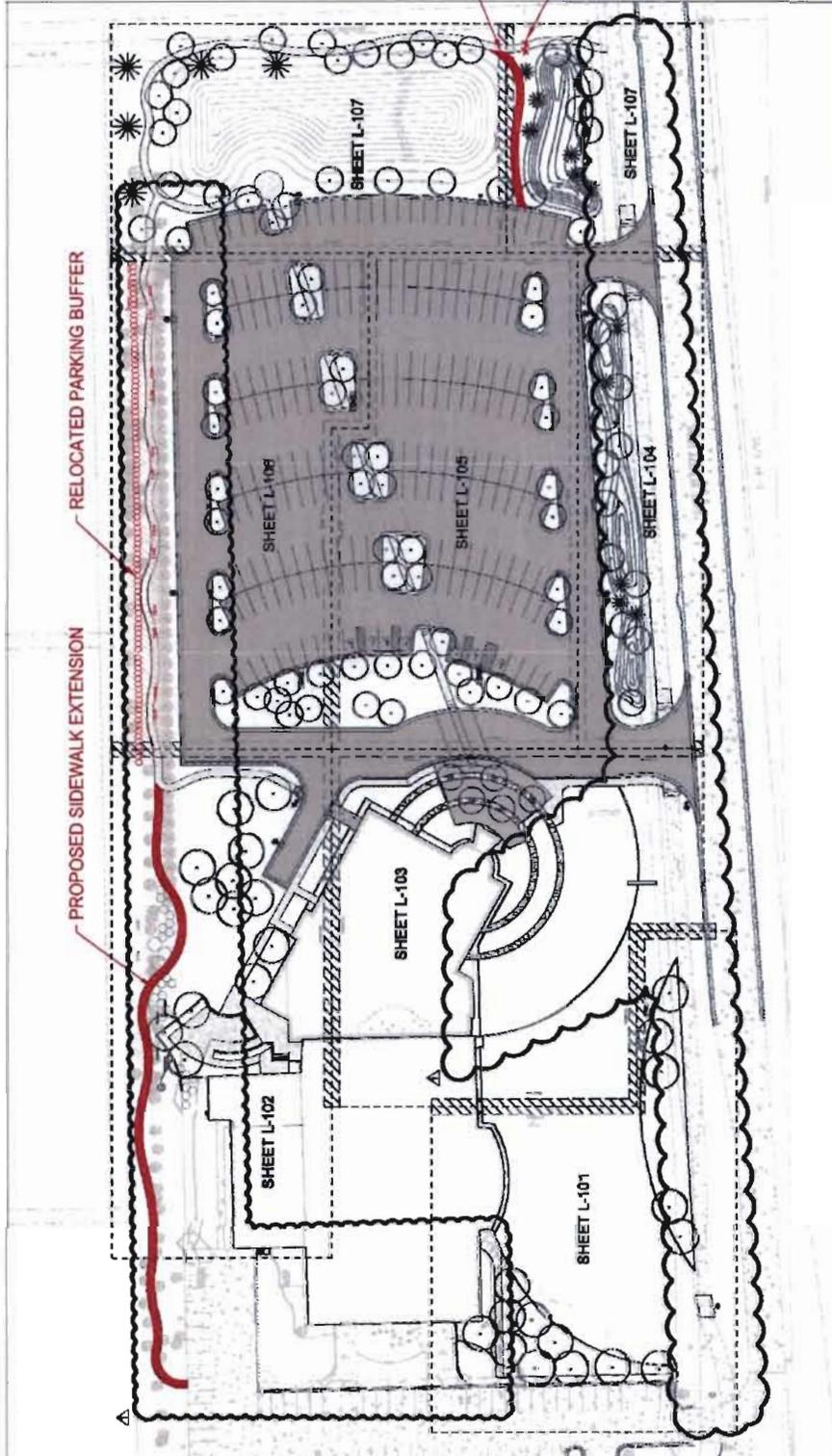
STRUCTURAL ENGINEER
 10100 W. LAKOTA AVE.
 SUITE 100
 WEST DALLAS, TX 75224
 PHONE: 214.343.1111
 FAX: 214.343.1112

MECHANICAL ENGINEER
 10100 W. LAKOTA AVE.
 SUITE 100
 WEST DALLAS, TX 75224
 PHONE: 214.343.1111
 FAX: 214.343.1112

REROUTED SIDEWALK
 FOR INTERNAL
 CONNECTION
 DELETED SIDEWALK
 CONNECTION TO CITY
 SIDEWALK

RELOCATED PARKING BUFFER

PROPOSED SIDEWALK EXTENSION



01 LANDSCAPE SITE PLAN

GENERAL LANDSCAPING NOTES

1. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE SITE AND HAS IDENTIFIED THE FOLLOWING AREAS AS HAVING POTENTIAL FOR VISUAL IMPACT. THESE AREAS ARE IDENTIFIED BY A DOTTED LINE ON THIS PLAN.
2. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE SITE AND HAS IDENTIFIED THE FOLLOWING AREAS AS HAVING POTENTIAL FOR VISUAL IMPACT. THESE AREAS ARE IDENTIFIED BY A DOTTED LINE ON THIS PLAN.
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4. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE SITE AND HAS IDENTIFIED THE FOLLOWING AREAS AS HAVING POTENTIAL FOR VISUAL IMPACT. THESE AREAS ARE IDENTIFIED BY A DOTTED LINE ON THIS PLAN.
5. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE SITE AND HAS IDENTIFIED THE FOLLOWING AREAS AS HAVING POTENTIAL FOR VISUAL IMPACT. THESE AREAS ARE IDENTIFIED BY A DOTTED LINE ON THIS PLAN.
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7. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE SITE AND HAS IDENTIFIED THE FOLLOWING AREAS AS HAVING POTENTIAL FOR VISUAL IMPACT. THESE AREAS ARE IDENTIFIED BY A DOTTED LINE ON THIS PLAN.
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11. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE SITE AND HAS IDENTIFIED THE FOLLOWING AREAS AS HAVING POTENTIAL FOR VISUAL IMPACT. THESE AREAS ARE IDENTIFIED BY A DOTTED LINE ON THIS PLAN.
12. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE SITE AND HAS IDENTIFIED THE FOLLOWING AREAS AS HAVING POTENTIAL FOR VISUAL IMPACT. THESE AREAS ARE IDENTIFIED BY A DOTTED LINE ON THIS PLAN.
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L-100

September 7, 2016

Re: Proposed Minor Planned Unit Development Modification
for 250 Beaton Drive East (Lots 1-4, Block 1 of Melroe 1st Addition)

To whom it may concern:

We received notice from the City of West Fargo regarding Bobcat Company's request to add a walking path on their property. We are against this proposal. Our back yard faces the current parking lot for Bobcat Company. We purchased our house because there was a parking lot in the back yard which would provide us some privacy. If you add a walking path along our chain link fence, we will lose our privacy. That is the major reason we purchased this house. Privacy!

The proposed plan appears to add the walking path right along our chain link fence. We do **not** want that. We cherish our privacy in our back yard. Please do not add a walking path along our fence line.

If the proposed plan is allowed to go forward, we would request the installation of some privacy measures:

- 1.) Company must plant a thick and tall privacy hedge along the entire fence line.
- 2.) Company cannot add a walking path within "X" number of feet from the fence line.
- 3.) Company must plant additional shrubs, trees, and landscaping to beautify the area.

Thank you for reviewing our concerns. If you need any additional information from us, please feel free to contact us. Thank you for your time.

Chad and Lisa Clark
509 20 ½ Avenue East
West Fargo, ND 58078
Phone: 701-277-1151

Tim P. Solberg

From: Mark and Karla <flashrod@mtco.com>
Sent: Friday, September 02, 2016 3:49 PM
To: Tim P. Solberg
Subject: Doosan Parking Lot Buffer

Tim, it was good to speak with you today. I appreciate receiving the letter and diagrams that describe the minor changes to the landscaping plan.

I am located at 639 20-1/2 Ave East and our property includes a raised brick patio that overlooks the

new parking lot and walking path. My concern is to ensure that the landscaping that is provided as

part of the new parking buffer is sufficient and high enough to block the view of the employees using

the walking path. I would estimate that the trees and bushes would need to be about 10 feet tall to

accomplish a reasonable amount of privacy as we use our back yard patio.

My Wife and I are retired. We enjoy our backyard almost everyday during the summer.

Please contact those in charge to determine what type of landscaping and how high the landscaping elements are in the plan.

Thank's again,

Mark and Karla Craig

639 20-1/2 Avenue East

Home (701) 639-4932

Cell (309) 339-3182