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Please Note Meeting Will Be Held in the "New" Commission Chambers

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

West Fargo Planning & Zoning Commission Agenda
Monday, November 9, 2015 - West Fargo City Hall - 7:00 p.m.

1. Call to Order
2. Approval of Minutes – October 12, 2015
3. Public Hearing – A15-50 Knutson's 3rd Addition, a replat of Lots 3-5, Block 1 of Knutson's 1st Subdivision, City of West Fargo, North Dakota – Bakken Contracting
4. Public Hearing – A15-51 North Pond at the Preserve 8th Addition, a replat of Lot 3, Block 1 of North Pond at the Preserve 4th Addition, City of West Fargo, North Dakota
5. Public Hearing – A15-52 Oak Ridge 9th Addition, a replat of Lot 1, Block 1 of Oak Ridge 1st Addition, City of West Fargo, North Dakota
6. Public Hearing – A15-54 Brooks Harbor 6th Addition and Rezoning from A: Agricultural (proposed R-1SM: Mixed One and Two Family Dwellings) to R-1A: Single Family Dwellings and R-1: One and Two Family Dwellings, property located in the N½ of Section 19, T139N, R49W (part of proposed Lot 1, Block 4 of Brooks Harbor 5th Addition), City of West Fargo, North Dakota
7. Public Hearing – A15-55 Sandhills 3rd Addition in the SE¼ Section 2, T139N, R50W and replat of Lots 1-2, 4-11 and Lots 21-22 of Block 5; Lots 11-20 and Lot 22 of Block 6 and all of Block 7, Meadow Brook Park Subdivision; All of Blocks 1, 2 and 3 of Sandhills 2nd Subdivision; all of Park Boulevard, Archers Boulevard and Sandhills Avenue NW and name change plat of Charyl Avenue, City of West Fargo, North Dakota and Rezoning from A: Agricultural to LI: Light Industrial for proposed Sandhills 3rd Addition
8. Minor Planned Unit Development Modification at 550 13th Avenue East (Lot 1 less S 40' of E 35', Block 2 of Meyer 2nd Addition), City of West Fargo, North Dakota – Tot Spot
9. Public Hearing – A15-53 Conditional Use Permit for a home occupation which will have customers coming to the residence at 650 14th Avenue West (Lot 14, Block 1 of Sheyenne Park 3rd Addition), City of West Fargo, North Dakota – Grove
10. Non-agenda
11. Adjournment



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Larry M. Weil, Planning and Community Development Director
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West Fargo Planning and Zoning Commission
October 12, 2015 at 7:00 P.M.
West Fargo City Hall

Members Present: Connie Carlsrud
 Scott Diamond
 David Gust
 LeRoy Johnson
 Joe Kolb
 Tom McDougall
 Eddie Sheeley
 David Zupi

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Matt Welle, Dustin Scott, Matt Marshall, Kyle McCamy, Christian Tvedten, Jess Engel, Jeff Hunt, Carolyn Molland, Sam Wilke, Shelley Rice, Janet Redington, Dave Glessner, Ted Hall, Roger Fenstad, John Nore, Brian Hage

The meeting was called to order by Chair McDougall.

Commissioner Diamond made a motion to approve the September 14, 2015 meeting minutes as written. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A15-46 Brooks Harbor 5th Addition, Subdivision; Rezoning from Agricultural to C: Light Commercial Lot 1, Block 1 and Lot 1 Block 2 of Brooks Harbor 1st Addition and from Agricultural to R-1SM: Mixed One & Two Family Dwellings, R-1: One & Two Family Dwellings, R-2: Limited Multiple Dwellings, C-OP: Commercial Office Park, and P: Public Facilities property in the N½ of Section 19, T139N, R49W, City of West Fargo, North Dakota; and Land Use Plan Amendments from Low Density Residential to Office Park, from Low Density to Medium Density Residential property in the N½ of Section 19, T139N, R49W, City of West Fargo, North Dakota and from Medium Density Residential to General Commercial of Lot 1, Block 1 and Lot 1 Block 2 of Brooks Harbor 1st Addition, City of West Fargo, North Dakota

Larry reviewed the following information from the staff report:

The property, which is south of I-94 and west of Sheyenne Street, is currently zoned Agricultural. The area was annexed into the City in December 2005. The applicant proposes to develop the property for a church, elementary school, park, office park, city infrastructure, and future multi-family and single-family residential.

The developer has submitted an Area Plan and Preliminary Plat which shows the proposed subdivision and current development patterns in the area. The Land Use Plan depicts the area developing with Low Density Residential. The proposed land use as shown in the area plan encompasses a number of different uses for which some are consistent with the plan and others are not. Careful consideration should be given to the proposed changes to the land use plan. The applicant seeks to amend the land use plan as well for Blocks 1 and 2 of Brooks Harbor 1st Addition which are adjacent to Sheyenne Street from Medium Density Residential to General Commercial. The applicant and Economic Development Director believe that those properties are more appropriate to be developed in the future for general commercial uses as they are adjacent to a Major Arterial roadway. The applicant further believes that there will still be a need for more multiple-family within this area and would therefore wish to utilize this medium-density residential granted to this Brooks Harbor 1st Addition they propose to change over to Lot 2, Block 4 of the proposed Brooks Harbor 5th Addition.

In considering the change from Low Density Residential to Medium Density Residential as is proposed for Lot 2, Block 4 the City should consider the goals and objectives of the Comprehensive Plan as they consider a change to existing land use plan. Chapter 7 of the Comprehensive Plan 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.

Tim reviewed the following current development in the section:

- Total units which does not include the full build out in the Section:
 - 1602 total housing units
 - 815 total low density = 51%
 - 504 total high density
 - 283 total medium density
 - 787 total multiple family = 49%

As the section continues to build out with low density development it could be conceivable that the amount of low density will likely increase whereas there is currently no more land available for multiple-family residential. The proposed Lot 1, Block 4 to be developed as low density residential could potentially account for 342 additional low density units whereas the proposed change to Lot 2, Block 4 could potentially account for an additional 120 medium density units. These changes would skew the percentages to 56% single family and 44% multiple family. There is additional vacant land of approximately 45 acres south of Brooks Harbor within the Eaglewood development which has not been platted and is designated in the land use plan as low density residential accounting for a potential of 450 low density residential units which would skew the percentages further. If this application were approved and built to full allowable density, and Eaglewood developed at full density available to low density residential the section would be approximately 64% single-family and 36% multiple-family.

It may also be appropriate to consider that the section is to include the future development of the land north of 21st Avenue West which is not within this section, but bound by the barriers of the Sheyenne Diversion and I-94 to the north. On these properties the land use plan has designated the area developing as low density residential. In this area there is a potential for an additional 370 low density residential units. This potential development could potentially skew the section to be comprised of 69% single-family and 31% multiple-family if it were to develop at full allowable density as provided for in the existing land use plan and with the proposed amendment.

There are factors which include right-of-way, retention needs, and likelihood of development meeting full density that would indicate it would not fully develop to its potential and will more likely continue in the current pattern leaving the percentages to continue to be higher on the multiple-family side leading to inconsistency with the land use plan.

Larry stated that Block 1 and Block 2 of Brooks Harbor 1st Addition are already designated for medium density residential in the Land Use Plan and these 2 properties account for approximately 10.05 acres for which the applicant is proposing to change to general commercial therefore reducing the amount of land designated to multiple-family residential.

The zoning requested for the development is R-1: One & Two-Family Dwelling for Lot 1, Block 1; P: Public for Lot 2, Block 1, Lot 1, Block 3, and Lot 2, Block 3; C-OP: Commercial Office Park for Lot 1, Block 2 and Lot 3, Block 3; R-ISM: Mixed One and Two-Family Dwelling for Lot 1, Block 4; and R-2 Limited Multiple Dwelling for Lot 2, Block 4. CO-P: Commercial Office Park and P: Public zoning adjacent to the R-1 lots to the south would require buffering per the provisions of the City Landscaping Standards found in Section 4-449-A Buffer Yard “C” consisting of either a 6’ architectural screen with 25’ buffer yard and large and small evergreens alternated with deciduous trees or a 50’ buffer yard, large evergreen trees alternated with deciduous trees, small evergreen trees, and one row of evergreen or other shrubs. R-2: Limited Multiple Dwelling zoning adjacent to the R-1A lots to the south would require buffering per the provisions of the City Landscaping Standards found in Section 4-449-A Buffer Yard “A” consisting of either a 4’ architectural screen with 10’ buffer yard and small evergreens alternated with deciduous trees or a 20’ buffer yard, small evergreen trees alternated with deciduous trees and one row of evergreen or other shrubs.

Adequate street right-of-way is shown for all local streets within the subdivision. 22nd Avenue West is proposed with a wider right of way of 70’ to accommodate 6’ paths on both sides or a 10’ on one side and standard 4’ on the opposite. A previous plat, Brooks Harbor 4th, included the dedication of 9th Street West north to 21st Avenue West. 9th Street West will act as the collector roadway for this development and future developments in the area. 21st Avenue West is important to the area plan as it would operate in similar fashion to a minor collector roadway. It has been determined that the current alignment of 21st Avenue West, east of the proposed alignment of 9th Street West would need to be abandoned as it is on top of the flood protection levees of the Sheyenne Diversion project and should not be operating as a City street.

Retention needs of the development need to be considered and engineering is reviewing this to consider if easements will be necessary to tie into the existing retention ponds in previous plats of Brooks Harbor Additions. This should be identified and accommodated prior to final plat approval.

The plat was sent to the Park District for their review of park dedication. Land was dedicated with the first subdivision with the intent of cash-in-lieu of land dedication for this subdivision. Once the City receives communication from the Park District, we will develop a park dedication agreement. The agreement should be in place prior to City Commission consideration.

Notices were sent to property owners within 150', City officials, as well as utility companies and SE Cass Water Resource District. The City has received some phone calls questioning the proposed changes to the land use plan. The City has also received written correspondence in opposition to the proposed multiple family zoning. Additional emails were received this afternoon.

Larry stated that staff recommends, following the public hearing and due consideration to public input, to consider the following alternatives:

- A. Conditionally approve the Land Use Plan amendment, Preliminary Plat, and rezoning scheme on the basis that it is consistent with the Comprehensive Plan and city ordinances. The conditions of approval include the following:
 1. A drainage and utility plan is approved by the City Engineer.
 2. Final Plat with any necessary easements including identifying if easements are necessary for storm water retention.
 3. Restrictive covenants for the development are received for filing with the plat if proposed.
 4. A subdivision improvement agreement and park dedication agreement are received.
 5. An Attorney Title Opinion is received.
 6. Certificate of Taxes is received showing taxes are current.
 7. A mailbox plan is received and approved by the Post Office.
- B. Deny the Land Use Plan Amendment from Low Density to Medium Density for Lot 2, Block 4 and allow a Low Density zoning; and conditionally approve the remaining Land Use Plan Amendments, Preliminary Plat, and rezoning scheme. The conditions of approval are as listed above.
- C. Conditionally approve the Land Use Plan amendment, Preliminary Plat, and rezoning scheme on the basis that it is consistent with the Comprehensive Plan and city ordinances with the modification of multiple family being completed as a PUD and giving due consideration to building size and orientation with reference to the impacts on the single family neighborhoods. The conditions of approval are as listed above.

Christian Tvedten, 2266 10th Street West, stated that they just built their home and specifically chose the lot for the view and access to the pond behind their home. They checked with the builder, developer, realtor and City regarding the surrounding uses and were assured it would be single family. If they'd known it was going to be commercial or multiple family, they would've chosen to build elsewhere. He stated concern with increased noise and traffic, potential for garbage/trash from apartment building dumpsters. There are a lot of kids in the neighborhood. He invited commissioners to take a look at the current view from behind his home and asked that the proposed multiple family be moved further to the north.

Jeff Hunt, 612 23rd Avenue West, stated concern multiple family and with commercial office park behind his home. He works a lot of hours and doesn't want to have to worry about his family and the type of people those uses will bring to the neighborhood. They never would've bought their home here if they'd known about this.

Carolyn Molland, 2302 10th Street West, stated she lives next to Mr. Tvedten and never would've built if she'd known about this. She's disappointed because this isn't what they were told and is concerned and afraid about the potential for apartment "riff-raff".

Sam Wilke, 612 23rd Avenue West, stated concern with the multiple family and commercial behind single family residential. He's concerned with traffic flow and lack of buffering. He understands that the school has bought land for development; however, is concerned with development that isn't residential.

Mr. Tvedten asked about property values. Commissioner Carlsrud stated that according to appraisals, property values could decrease 5% due to apartments.

Kyle McCamy, engineer for the developer, stated that the landowner has donated the church and school property. The proposed commercial office park would be Village Family Services. She's proposing a Veteran's memorial on the east side. Her intent for multiple family west of 9th Street would be townhouses or condo for individuals who may not be able to afford a single family home, but would be able to enjoy the area school and park amenities.

Commissioner Zupi asked if the developer would be amenable to moving the multiple family further north of 22nd Avenue.

Mr. Hunt stated concern with the Village involving less than desirable individuals and the increased traffic. He feels this is a poor choice placing commercial, that it'd be more appropriate elsewhere.

Mr. McCamy stated that the park is strategically placed for use by both the school and Village service center.

Chair McDougall asked about the type of multiple family housing proposed. Mr. McCamy stated possibly 4-plexes similar to those along 26th Avenue. Larry stated that medium density residential could include condos, apartments, townhouses that could either be rentals or owned.

Jess Engel, 2266 10th Street West, asked if it would be low income housing. Mr. McCamy stated it would be another option in housing style.

Tim indicated that there are buffering provisions for commercial and multiple family uses and referred to Option C listed in the recommendations regarding zoning the multiple family PUD.

Larry stated that if the property were zoned PUD instead of R-2, prior to permitting, the developer would have to submit detailed development plans including elevations, site and landscaping plans and a public hearing held with notification of area property owners.

Commissioner Gust asked if owner vs. rental could be stipulated. Larry indicated it could not. Mr. McCamy stated that the owner hasn't decided if these would be rental or owner occupied.

Mr. Tvedten stated that he drove around the metro area looking for similar developments and couldn't find them. He's concerned with apartment trash and debris blowing into the pond. Mr. McCamy stated that there are similar developments along 26th Avenue, Maple Ridge at the Preserve, Burlington and Westport Beach.

Shelley Rice, 1152 21st Avenue West, stated that it's getting harder and harder to get across to Sheyenne Street due to traffic. She also stated concern with blowing garbage as currently they're dealing with construction debris from the north.

Tim stated that Sheyenne reconstruction is scheduled for 2018 and involves Federal Funding. Without Federal Funding, the project would require significant local assessments. Meanwhile to help alleviate traffic issues, stop lights and turn lanes are currently being installed along 26th Avenue West.

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

Commissioner Sheeley stated that the biggest issue seems to be the proposed multiple family on proposed Lot 2. PUD might be the most appropriate zoning, and initially was leaning toward B or C under staff recommendations. He stated that he's surprised no one mentioned the proposed child care center as there is a need for it in the community.

Mr. Hunt stated that he's concerned with the increase in traffic from the commercial uses in general.

Discussion was held regarding the proposed Village Service Center and Nokomis Child Care.

Commissioners Zupi and Kolb discussed Option "C" under staff recommendations and moving the multiple family further to the north, so everyone would be aware of the proposed zoning.

Commissioner Johnson stated he didn't feel right approving this as presented.

Mr. Hunt stated concern with low income services in his back yard and would prefer the commercial be moved further to the south along Sheyenne Street.

Commissioner Zupi made a motion for approval based on staff recommendation "C" with PUD zoning and moving the multiple family north of 22nd Avenue, leaving the low density residential to the south:

Conditionally approve the Land Use Plan amendment, Preliminary Plat, and rezoning scheme on the basis it is consistent with the Comprehensive Plan and city ordinances with the modification of multiple family being completed as a PUD and giving due consideration to building size and orientation with reference to the impacts on the single family neighborhoods. The conditions of approval:

1. A drainage and utility plan is approved by the City Engineer.
2. Final Plat with any necessary easements including identifying if easements are necessary for storm water retention.
3. Restrictive covenants for the development are received for filing with the plat if proposed.
4. A subdivision improvement agreement and park dedication agreement are received.
5. An Attorney Title Opinion is received.
6. Certificate of Taxes is received showing taxes are current.
7. A mailbox plan is received and approved by the Post Office.

Commissioner Gust seconded the motion. Commissioners Zupi, Carlsrud, Gust, McDougall, Sheeley, Diamond and Kolb voted aye. Commissioner Johnson voted nay. Motion carried 7-1.

Mr. Hunt stated concern with the commercial behind him and wouldn't have purchased if he'd known about this. He feels his concerns were pushed to the side.

Chair McDougall stated that the City Commission will review this on November 2nd at 5:30 pm. He encouraged property owners to work with the developer, to go to the City Commission meeting. If they left their contact information, the Planning Department could notify them regarding upcoming meetings.

Chair McDougall opened public hearing A15-47 Conditional Use Permit to allow for a portion of the lot to be used for automobile sales at 509 32nd Avenue West (Lot 3, Block 1 of Eagle Run Plaza 1st Addition, City of West Fargo, North Dakota).

Tim reviewed the following information from the staff report:

The property, which is located west of Sheyenne Street (Cass County Highway #17) and south of 32nd Avenue West, was platted and zoned for retail commercial lease space in October of 2002. In 2007, the property was replatted and rezoned to PUD: Planned Unit Development to ensure a cohesive sign and landscape plan in the development. The uses and associated regulations are subject to the underlying C: Light Commercial and CO: Corridor Overlay district standards.

On December 2, 2013 a conditional use permit was approved for auto sales on Lot 2 and Lot 12; however, the applicants changed their plans for Lot 12. In September of 2014, they applied for a conditional use permit for Lot 3. They withdrew their request and constructed a building for auto sales on Lot 2 as per the original conditional use permit. The applicant now intends to construct an auto service center on Lot 3 and would like to use part of the property as an auto sales lot for the adjacent auto sales lot. Auto service is a permitted use within the C: Light Commercial district whereas automobile sales may be permitted as a conditional use.

Access to the property is designated from a private drive via 6th Street West. A site plan was submitted showing a 3,510 square foot building, landscaping and parking. Building elevations show four drive-through overhead doors. The applicant has indicated the building will incorporate similar design elements to the existing Eagle Run Plaza of EIFS material and glass on all four sides. The building would be subject to the design guidelines of the Corridor Overlay which requires 70% non-metal surface. Parking and landscaping will be required to meet the requirements of our Ordinances prior to obtaining a certificate of occupancy.

Property owners within 350' were notified regarding this request. No comments have been received to date.

It is recommended to approve the application on the basis that the application is consistent with City plans and ordinances with the following recommended conditions:

1. Building and site will be required to meet all applicable building code and zoning district regulations.
2. Building façade is consistent with Eagle Run Plaza.

3. Applicant provide a parking plan to show that adequate parking will be available on both Lot 2 and Lot 3 for this use.

Applicant Dave Glessner stated that he and Ted Hall are available to answer any questions.

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

Commissioner Gust asked about it being a service center. Mr. Glessner stated that the building would be for service and cars for sale would be parked on the lot.

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

Chair McDougall opened public hearing A15-48 Planned Unit Development Amendment to construct a parking lot at 1918 9th Street East (Lot 5, Block 1 of Charleswood 29th Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant proposes to develop a parking lot with 105 spaces for an existing restaurant and bar on the adjacent lot. The proposed use is consistent with City Plans and Ordinances. The existing gravel parking lot is a noncompliant use as gravel parking surfaces are not allowed within the CO: Corridor Overlay district, nor has the use been approved as an amendment to the Planned Unit Development.

The existing use as a gravel parking lot is in violation of City Ordinances. The applicant has not been cited for the violation to date as staff was told by the City's Economic Development Director that they would be proposing an amendment to the approved PUD and planned to pave the lot. The applicant has submitted detailed development plans, including site and landscaping plans for a parking lot. The site plan shows a concrete parking lot which should be designed to meet the City standards for off-street parking found in Section 4-450 as well as the provisions regarding parking lots in the landscape standards found in Section 4-449-A of the City Ordinances.

Within the CO district when the property is abutting the designated streets (i.e. 9th St E) a minimum of 20' of landscaped open space is required to separate parking areas and the front lot line. In this case, the applicant is providing a 5' separation as they have indicated that the property is actually adjacent to Interstate right of way and not the adjacent right of way of 9th St E. The Interstate right of way at this location ranges from an approximate depth of 55' to 80' adjacent to the right of way and pavement edge of 9th St. E.

The applicant has provided a landscape plan with 242 plant units which exceed the requirements of 191 plant units on the 47,798 square foot lot. The property however shows 21 continuous spaces on two rows of parking in the middle of the lot which would not meet the requirement for interior landscaping on more than 20 spaces. The property is also missing a requirement of landscaping designed to buffer direct views of cars and hard surface areas when adjacent to right-of-way. Trees should be placed on the east boundary of the parking lot. The property will be accessed from the access easement platted as part of the Charleswood 29th plat to serve all interior lots.

Notices with maps were sent to City Departments and property owners within 150'. A letter was received in support of the proposed development from Charleswood Commercial Estates, LLC who is the adjacent lot owner and former owner of this lot.

It is recommended to approve the application on the basis that the application is consistent with City plans and ordinances with the following recommended conditions:

1. A landscape plan is re-submitted that meets all city requirements.
2. Open space requirements of CO: Corridor Overlay district be met if Interstate is expanded in the future or applicant provide for the required 20' of open space adjacent to the existing right-of-way.
3. Any changes to the drainage plan be received and approved by the City Engineer.
4. A construction schedule is received.
5. PUD Agreement is received.

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

Chair McDougall asked what the reasoning was for the parking along the east side. Tim stated that as the area develops, they expect to have shared parking.

Discussion was held regarding the 20' open space separation requirement.

Commissioner Kolb made a motion for approval based on staff recommendations 1-5, with a change to item #2 Open space requirements of CO: Corridor Overlay district be met and applicant provide for the required 20' of open space adjacent to the existing right-of-way. Commissioner Gust seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A15-49 Variance from the provisions of the CO-R: Redevelopment Corridor Overlay District standards regarding open space landscaping in required front yards for 1175 East Main Avenue (Lot 1, Block 1 of Gellers 3rd Addition), City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is located on Main Avenue East between 10th and 12th Street East, has been platted and zoned for light commercial uses for a number of years. When the original subdivision was considered, a 10-foot front yard setback was required for the parking lots as part of subdivision approval to provide green space and adequate access control for the frontage road.

In May of 2002, the use was expanded to allow for construction of a building for trailer sales on the west side of the lot and for an auto/truck sales business to relocate to the previous trailer sales building on the east side of the lot. In 2002 a variance was requested to reduce the subdivision front yard setback from 10' to zero which was denied. In 2003 the adjacent building to the east (leased by Brenco) requested a variance to reduce the subdivision front yard setback from 10' to zero when considering purchasing the property and finding that the parking lot was constructed illegally with a zero setback. The application was denied.

Following the 2000 Comprehensive Plan recommendations to improve the community's identity and image, in 2005 the City established the CO-R: Redevelopment Corridor Overlay District which is intended to promote orderly development and redevelopment and safe, attractive and desirable special patterns and locations for urban land uses adjacent to major street corridors, with full regard for the importance of these corridors as major growth areas for West Fargo and as gateways to the City. Main Avenue was considered one of these corridors.

In 2009 the Board of Adjustments approved a request for variance to reduce the front yard setback requirement from 10' to zero on the property east of 12th Street East (Dave's Tire). A similar variance request had been denied in 2002. The Main Avenue Reconstruction Project was in progress which was to eliminate the frontage roads in the area and provide green space/open space in the boulevard which was viewed as adequate by the City Board of Adjustments and therefore approved. In 2011 the Board of Adjustments reconsidered and approved a request for variance to reduce the front yard setbacks for the Brenco property which was similar to the Dave's Tire property. The applicant is now re-applying for a variance to reduce the front yard setback.

The applicant constructed their current building and parking lot after obtaining a conditional use permit in 2002. The parking lot was constructed to meet the 10-foot front yard setback as required by the subdivision approval. When the property was replatted in 2011 to sell their east building to Brenco, the lot was subdivided so that they maintained a portion of their original property. As such their parking lot had a 10-foot jog between their expanded use and the portion of the original property parking lot they kept. The original parking lot was erroneously constructed at a zero setback. The applicant would like to straighten their parking lot by constructing to the zero setback, which would also increase the parking/storage area of the property. The applicant believes that the property would be easier to maintain and look better. The property to the east was granted a variance in 2011 to allow their parking lot to remain as was developed.

With the Main Avenue Reconstruction project, the frontage road was eliminated and more room provided to address drainage considerations and green space. The original purpose for requiring the front yard setback as part of the subdivision approval is no longer valid, because of the reconstruction project and elimination of the frontage road. However, the CO-R: Redevelopment Corridor Overlay District requirements are still valid and being applied throughout the Main Avenue Corridor. At question is whether this area of the corridor is unique enough to warrant special consideration.

Access to the property was originally designated from 12th Street East as direct access to the Main Avenue Frontage Road was not allowed. Recently, however, the City approved a direct access to the property from Main Avenue.

Under the Zoning Ordinance, the applicant is to provide a written application demonstrating the following:

1. 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;
2. 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;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. 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.

The applicant indicated in his application that the special conditions and circumstances that are peculiar to the property are that the lot was originally developed (east part) to the property line as opposed to leaving the required 10' and now there is a lot with uneven concrete making it difficult to maintain and causing an undesirable look. The applicant indicated that he did not concrete the lot originally, but now has to deal with what is left there. Though it appears that there are some unique characteristics regarding the property, particularly the jogged setback within the property, the business owner at the time of replating in 2011 chose to place the lot line between the properties where it is placed which created the jogged effect. The property line could have been placed at the point where the jog takes place. It appears that the justification viewed by the Board of Adjustments previously on the adjacent property to the east and the property east of 12th Street East may be a consideration, which was the elimination of the frontage road in this area and the amount of green space/open space as a result of the Main Avenue Reconstruction Project creating the desired effect for the community (adequate separation of the parking lot from the bikeway and street improvements). Certainly there are other properties on Main Avenue, particularly between 12th Street East and 17th Street East that are similar in nature, though not within the same zoning district. Some of these properties have been developed and have met the 10-foot setback while others are yet to be developed.

It appears that it would be difficult to show justification by meeting all the conditions for variance approval. The variance is not unique to the property as several properties were included in the original subdivision. There may be some hardship to the owner, though generally financial reasons are not a consideration. The variance would not harm the surrounding neighborhood, though some properties have been held to the 10-foot front yard setback. With the reconstruction of Main Avenue, the frontage road is being eliminated and, and there is adequate right-of-way to create a green space between the parking lots and the roadway.

Area property owners within 150' of the variance have been notified, and no comments have been received.

It is recommended to approve the variance for this particular property on the basis that the original purpose for the subdivision setback standard is no longer appropriate with the reconstruction of Main Avenue and elimination of the frontage road; and the Comprehensive Plan and Zoning Ordinance objectives of improving the community's identity and image through the green space/open space of the boulevard in this area are being accomplished. The variance being requested is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Applicant John Nore indicated he's been the owner of Visto Sales for the past 5 years and wants to straighten out the property. He's made a number of improvements and is available to answer any questions.

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

Larry stated that had previous variances not been approved, part of the parking lots would've had to have been torn out. The Main Avenue project created green space.

Commissioner Gust made a motion for approval. Commissioner Zupi seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans for A15-42 Woodlinn West 4th Addition.

Larry stated since the last meeting the applicant has provided the City with a proposed construction schedule to begin construction on October 2, 2015 (permit at own risk approved by the City Commission on September 21, 2015) and end construction on July 1, 2016. They have also provided a drainage plan and have indicated they will be able to meet all other conditions as noted prior to final approval by the City Commission. City staff is working on a PUD Agreement which will also be completed and signed prior to final approval by the City Commission.

Commissioner Sheeley asked if drainage and construction plans had been submitted. Applicant Roger Fenstad stated that they have and they've begun construction.

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

The next item on the agenda was Continued - A15-41 Sandhills 3rd Addition, Replat & Rezoning from Agricultural to CM: Heavy Commercial/Light Industrial of Lots 1-15, 17-20 & Lot 22 of Block 6 and all of Block 7, Meadow Brook Park Subdivision; All of Blocks 1, 2 & 3 of Sandhills 2nd Subdivision; and all of Park Boulevard, Archers Boulevard and Sandhills Avenue NW, City of West Fargo, North Dakota.

Larry stated that since the last Planning and Zoning Commission meeting the developer and staff met with Sandhills Archers to discuss development plans and providing temporary access to the archery range when Sandhills Avenue NW would be reconstructed into a different configuration. Access to the archery range does not appear to be a big issue. Some discussion took place regarding additional taxes and special assessments to the archery range property as area improvements are made. It is not known what the figures would be at this point; however it is expected that assessments will be significant. A number of regional type assessments could be expected such as collector roads, storm sewer, sewer lift station, and more localized sewer, water and storm sewer services. The archery range may pursue meeting with elected leaders to see if there will be some consideration to lessening special assessment impacts on them based on the use and purpose.

The developer has been working with adjacent land owners to acquire additional property to provide the minimum right-of-way required for Charyl Avenue NW. They could not come to agreement with one property owner. As such the developer is reviewing their options. They may consider changing plans slightly and re-submitting an application. Other options include continuing to utilize Sandhills Avenue NW as the initial street structure and platting lots from that, and proposing a new street layout for the initial phase. Without utilizing Sandhills Avenue NW as the primary street and staying within the notice area, it will be difficult to move forward with this application.

The developer should provide the Commission with their intentions. If Sandhills Avenue NW is the primary street, then a revised plat would be needed with the rearranged lots. If the developer has other intentions, the current application should be withdrawn, or the Planning and Zoning Commission should deny the application on the basis that it is not consistent with City Plans and ordinances.

Sandhills Archery President Brian Hage asked if the road along the west portion of the proposed development had changed. Larry indicated no, that currently only one plat had been submitted and it was the one mailed to area property owners.

Commissioner Sheeley asked if issues with lots on the north side of Charyl Avenue had been worked out. Larry stated no. Economic Development Director Matt Marshall stated that one of the lots is owned by someone who lives in Canada and they're working on that, the other property owner wants a lot of money and another just wants to stay. He stated that even without this development there will still be special assessments from Main Avenue and 26th Street paving. Sandhills could be added to the TIF (Tax Increment Financing District) so when development occurs, collected taxes could be used for improvements to the area.

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

Commissioner Sheeley made a motion to deny the request. Commissioner Gust seconded the motion. No opposition. Motion carried.

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

STAFF REPORT

City of West Fargo

A15-50 Knutson's 3rd Addition, a replat of Lots 3-5, Block 1 of Knutson's 1st Subdivision, City of West Fargo, North Dakota

Bakken Contracting

Planning & Zoning Commission

Introduction – 11/9/15

Public Hearing – 11/9/15

City Commission

Final Plat Approval –

BACKGROUND:

PURPOSE: To change configuration of lots to serve new buildings.

EXISTING LAND USE: Construction Company and Vacant

EXISTING ZONING: PUD: Planned Unit Development, CO-I: Interstate Corridor Overlay and CO-R: Redevelopment Corridor Overlay

PARCEL SIZE: 3.03 Acres

CITY PLANS: Land Use – Light Industrial
Streets – Main Avenue West Service Road –Collector Street
Bikeway – N/A
Parks – N/A

STATEMENTS OF FACT:

- The property, which is located along the north side of Main Avenue W, east of 26th St NW, was previously platted and zoned PUD as part of Knutson's First Subdivision in 1997 and intended for commercial and light industrial uses.
- The proposed plat is consistent with City Plans and Ordinances.

DISCUSSIONS AND OBSERVATIONS:

- The applicant has submitted an Area Plan and Preliminary Plat for the proposed replat.
- The preliminary plat shows three lots ranging in size from 37,500 to 51,659 square feet.
- Proposed lots 1 and 3 are fronting on the Main Avenue frontage road. Proposed lot 2 is accessed by a 25' access easement which is on proposed lot 3. The access should be shared between the 3 lots and should include utility.
- As per PUD requirements approved in 1997, there can be a maximum of ten total access points to the 20 lots in Knutson's 1st and Knutson's 2nd.

- When this property was platted and rezoned in 1997, guidelines and limitations were approved along with the rezoning that spelled out development standards and allowable uses as well as uses that are not allowed. These guidelines and limitations are attached. The properties would also need to follow the CO-I: Interstate Corridor Overlay and CO-R: Redevelopment Corridor Overlay District standards. Proposed Lot 1 would no longer be fronting on Main Avenue and would therefore no longer be in the Redevelopment Corridor Overlay.
- City Departments were notified and no comments have been received to date.
- Staff has already received an Attorney Title Opinion, preliminary drainage plan, and certificate showing taxes are current.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- An additional lot for Heavy Commercial/Light Industrial use would be provided.

Cons for Development as Proposed

- None apparent.

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. Final drainage plan is received and approved by the City Engineer.
2. Necessary easements are placed on the Final Plat including clear access noted to all lots via a 25' access/utility easement on Lot 3.
3. The development of the property is required to follow the previous development standards placed on the Knutson's First Subdivision, as well as the "CO-I: Interstate Corridor Overlay and CO-R: Redevelopment Corridor Overlay District standards requirements.



A15-50
Proposed Subdivision



A15-50
Proposed Subdivision



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



STAFF REPORT

City of West Fargo

A15-51 North Pond at the Preserve 8th
Addition, a replat of Lot 3, Block 1 of
North Pond at the Preserve 4th
Addition, City of West Fargo, North
Dakota

Bullinger Enterprises, LLLP

Planning & Zoning Commission

Introduction – 11/9/15

Public Hearing – 11/9/15

City Commission

Final Plat Approval –

BACKGROUND:

PURPOSE: Replat land to accommodate commercial office development.

EXISTING LAND USE: Vacant

EXISTING ZONING: C-OP: Commercial Office Park

PARCEL SIZE: 7.88 acres

CITY PLANS: Land Use – Office Park
Streets – 26th Avenue East – Collector Street
6th Street East – Local Street
Bikeway – N/A
Parks – N/A

STATEMENTS OF FACT:

- The property is located west of Veteran's Boulevard and south of Interstate 94, between 23rd and 26th Avenues East.
- The Developer proposes replatting a previous platted lot for Commercial Office Park development.
- The proposed use conforms to the City's plans and ordinances.

DISCUSSIONS AND OBSERVATIONS:

- The developer has submitted an application and Preliminary Plat.
- Lot 1 is proposed to be 116,124 square feet and Lot 2 is 227,143 square feet.
- Access to this area is provided via 6th Street East and a previously approved access onto 26th Avenue East.
- Right-of-way was platted previously.
- Utility hook-up fees and park dedication have already been met with previous plats.

- A revised drainage plan is required for the subdivision which will need to be reviewed and approved by the City Engineer.
- Notices were sent out to City departments. No comments have been received to date.
- The City needs to receive a Title Opinion, certificate showing taxes being current, drainage plan, and any necessary easements on the Final Plat.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- An additional lot for commercial office park use would be provided.

Cons for Development as Proposed

- None apparent.

RECOMMENDATIONS:

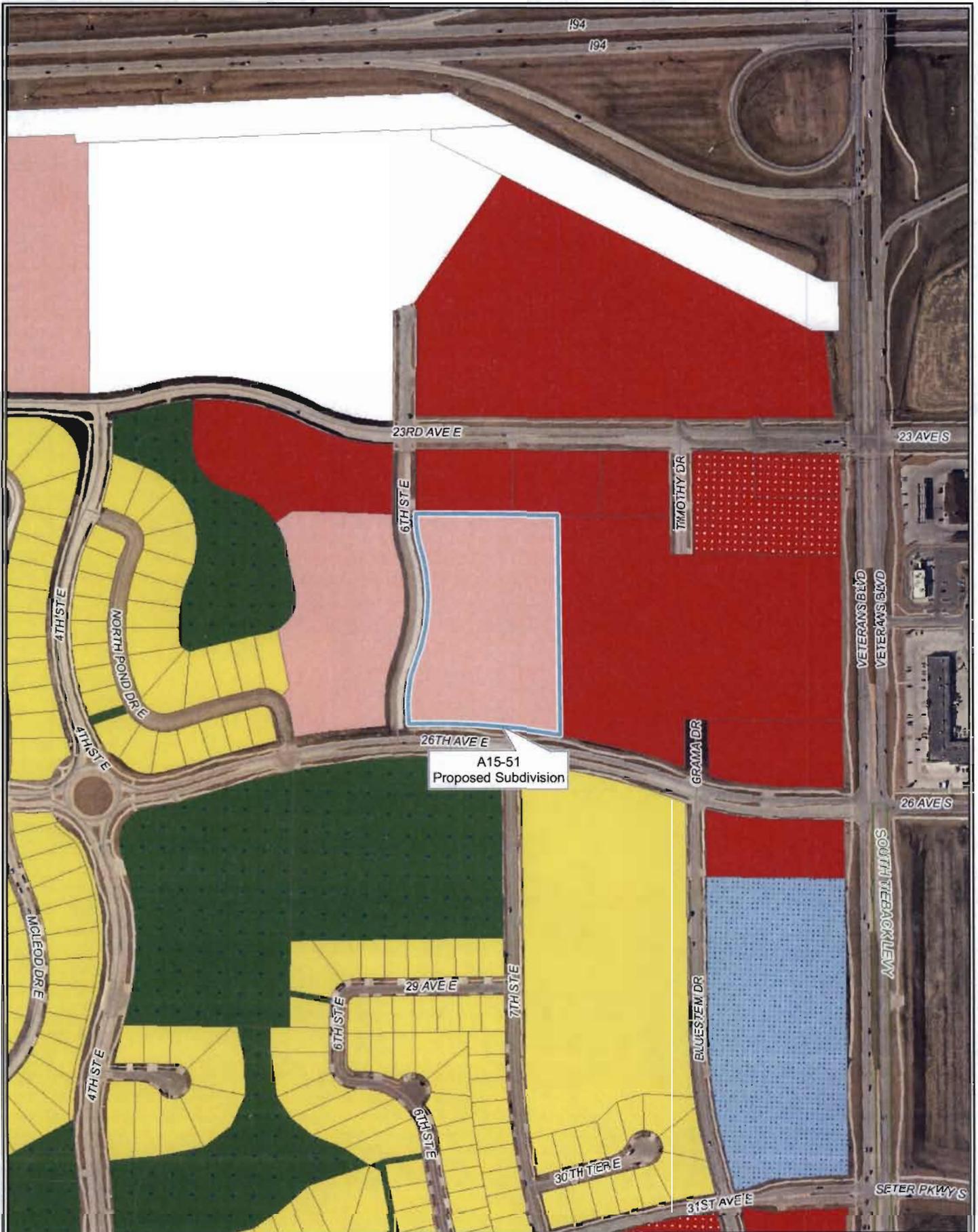
It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A Title Opinion is received.
2. A certificate is received showing that taxes are current.
3. A drainage plan is received and approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.



A15-51
Proposed Subdivision





A15-51
Proposed Subdivision



- | | | | | |
|--|--|--|---|---|
| <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 in Office Park | <ul style="list-style-type: none"> I/C I/J ICM-PUD - PUD in Light Industrial IM - Heavy Industrial P - Public | <ul style="list-style-type: none"> P-PUD - PUD in Public R-1A - Single Family R-1 - One and Two Family R-1SM - Mixed One and Two Family R-2 - Limited Multiple Dwelling | <ul style="list-style-type: none"> R-3 - Multiple Dwelling R-4 - Mobile Home M-5 - Manufactured Home R-1.1A - Large Lot Single Family R-PUD - PUD in Residential | <ul style="list-style-type: none"> R-1E - Rural Estate R-1R - Rural Residential |
|--|--|--|---|---|



STAFF REPORT

City of West Fargo

A15-52 Oak Ridge 9th Addition, a replat of Lot 1, Block 1 of Oak Ridge 1st Addition, City of West Fargo, North Dakota

Aaron Greterman

Planning & Zoning Commission

Introduction – 11/9/15

Public Hearing – 11/9/15

City Commission

Final Plat Approval –

BACKGROUND:

PURPOSE: Plat property for sale and commercial development.

EXISTING LAND USE: Vacant

EXISTING ZONING: C: Light Commercial

PARCEL SIZE: 114 Acres

CITY PLANS: Land Use - General Commercial
Streets – 32nd Avenue East – Minor Arterial
Bikeway – Existing Class I facilities 32nd Avenue East
Parks – N/A.

STATEMENTS OF FACT:

- The property, which is located west of Veteran's Boulevard and south of 32nd Avenue East, was annexed into the City in 2005.
- The property was platted in November 2008 to allow for a commercial office building.
- The Developer proposes replatting a portion of a larger tract for commercial development.
- The proposed development is consistent with the City's Land Use Plan and has already been zoned to C: Light Commercial to accommodate general commercial uses.

DISCUSSIONS AND OBSERVATIONS:

- The developer has submitted an application, Area Plan and Preliminary Plat.
- The City's Land Use Plan depicts the area along 32nd Avenue East from 4th Street East to Veteran's Boulevard and along Veteran's Boulevard developing as General Commercial. Medium Density Residential is shown to the west and south of this proposed plat.
- Access to the property is from 32nd Avenue East as well as a 40-foot private access easement through the middle of the property via 4th and 6th Streets East.
- The Preliminary Plat consists of six lots, ranging in size from 45,716 to 168,116 square feet.

- The lots would be subject to the requirements of the C: Light Commercial and CO: Corridor Overlay district standards.
- Right-of-way was dedicated as part of Oak Ridge 1st Addition.
- The plat of Oak Ridge 1st included access control with a 40' access possibly restricted in future to right in/right out. Staff recommends this now be restricted to right in/right out and noted on the plat as 32nd Ave E has been improved to a divided urban roadway.
- Landscaping for the development will be according to the City's landscape standards for the subdivision properties and street boulevard areas. A landscape plan will be required prior to a building permit being issued.
- A revised drainage plan is required for the subdivision. Storm water retention requirements for the subdivision area are included within the regional storm retention for Section 29. There is also currently a private retention pond to the south of the lots that will likely take some drainage as this property develops. If drainage to the pond is restricted in the future the properties would need to improve the storm water needs of the development. Agreements will need to address the potential for this need in the future to avoid conflicts regarding drainage of any of the properties.
- Park dedication was addressed with Oak Ridge 1st Addition, so no dedication is required for the subdivision replat.
- All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Hookup fees were paid with Oak Ridge 1st Addition.
- The City provided the preliminary plat and area plan to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies.
- The City needs to receive an Attorney Title Opinion, certificate showing taxes are current, drainage plan, and Final Plat with necessary easements.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- The proposed development is consistent with City plans and ordinances.

Cons for Development as Proposed

- Preliminary plat does not include restricted access onto 32nd Avenue East

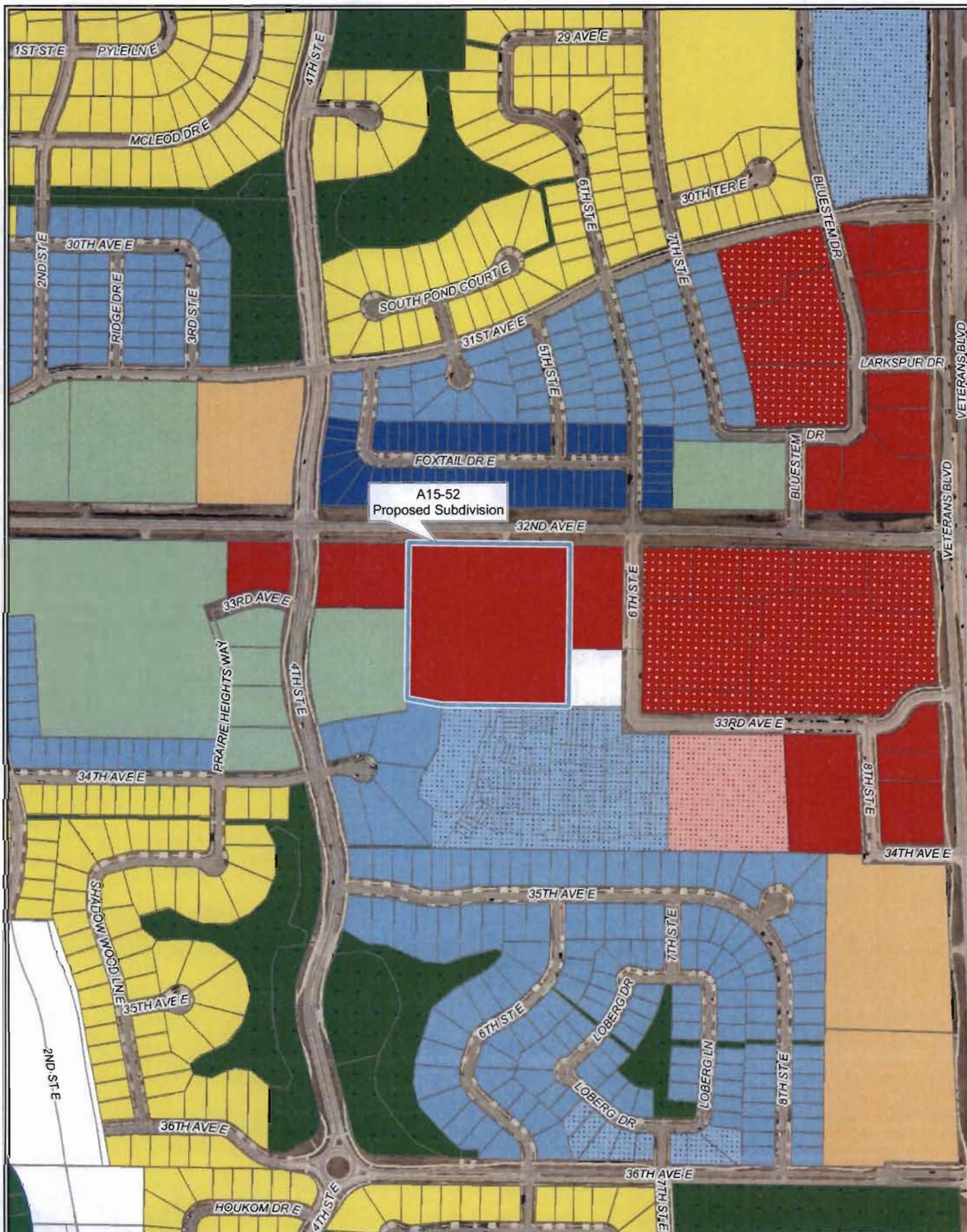
RECOMMENDATIONS:

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

1. Final plat includes notation of restricted access onto 32nd Avenue East.
2. A subdivision improvement agreement is received which includes addressing potential storm water needs in the future.
3. An Attorney Title Opinion is received.
4. A certificate is received showing taxes are current.
5. A drainage plan is received and approved by the City Engineer.



A15-52
Proposed Subdivision



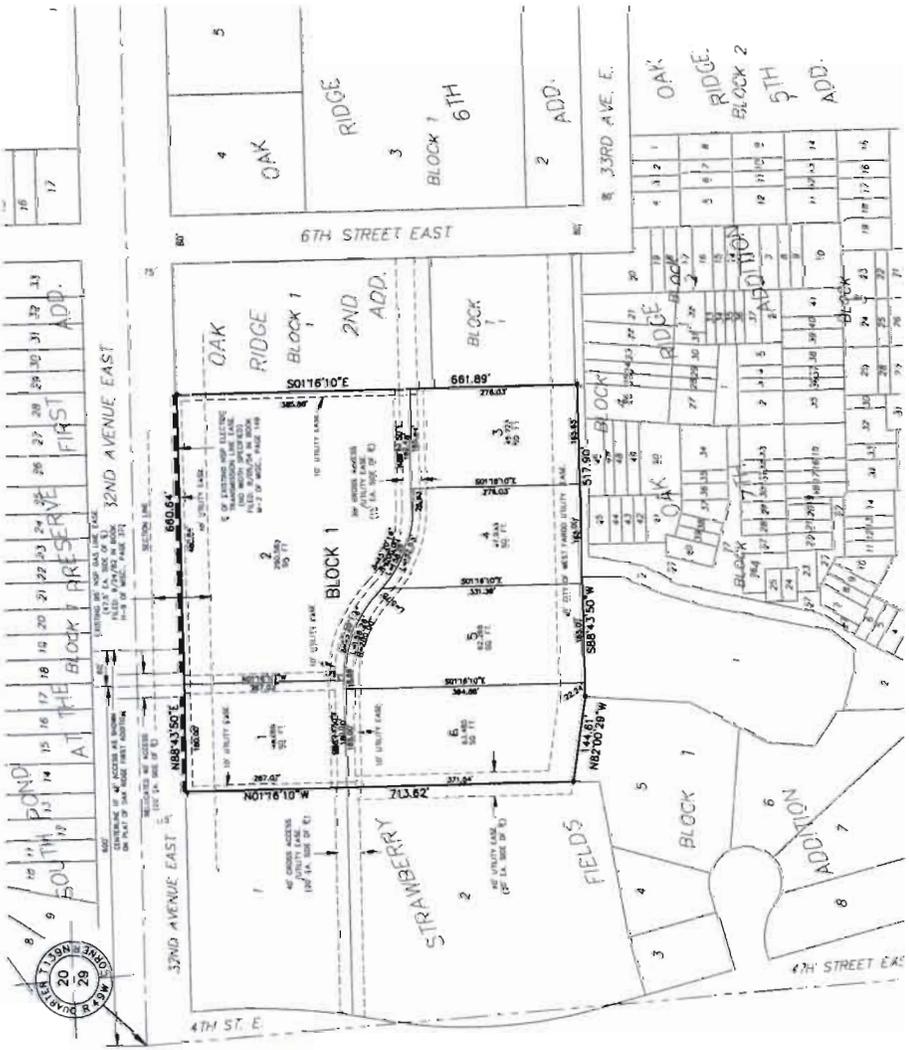
A15-52
Proposed Subdivision



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



PLAT OF OAK RIDGE NINTH ADDITION
 TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, OAK RIDGE FIRST ADDITION
 TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.

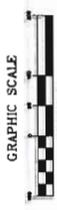


CITY ENGINEER'S APPROVAL
 THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

KEVIN J. BUCHOLZ, CITY ENGINEER
 STATE OF NORTH DAKOTA
 COUNTY OF CASS

2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE COUNTY OF CASS, I APPEARED KEVIN J. BUCHOLZ, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____



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 DENOTES ACT. LENGTH FROM
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CERTIFICATE

STEVEN W. HOLM, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF OAK RIDGE NINTH ADDITION TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, OAK RIDGE FIRST ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, AND THAT HE HAS REVIEWED THE PLAT AND IS SURE THAT THE INSTRUMENTS SHOWN ON SAID PLAT, THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOT 1, BLOCK 1, OAK RIDGE FIRST ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.
 SAID TRACT CONTAINS 111.14 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



STEVEN W. HOLM
 REGISTERED LAND SURVEYOR
 NO. 15-1871
 STATE OF NORTH DAKOTA
 COUNTY OF CASS

2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED STEVEN W. HOLM, KNOWN TO ME AS THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "OAK RIDGE NINTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 1, OAK RIDGE FIRST ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, THAT WE HAVE LAID IT TO BE PLATED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN ON SAID PLAT OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY RESOLVE ALL UNITY AND ACCESS EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER, THE WELLS FAMILY SERVICE CENTER

KEVIN CHRISTIANSON, PRESIDENT
 STATE OF NORTH DAKOTA
 COUNTY OF CASS

2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED KEVIN CHRISTIANSON, PRESIDENT OF THE WELLS FAMILY SERVICE CENTER, KNOWN TO ME AS THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WELLS FAMILY SERVICE CENTER.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____

WEST FARGO PLANNING COMMISSION APPROVAL
 THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

TOM WOODGULL, CHAIRMAN
 STATE OF NORTH DAKOTA
 COUNTY OF CASS

2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED TOM WOODGULL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME AS THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____

WEST FARGO COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

BOB WALTERS, PRESIDENT OF
 WEST FARGO PLANNING COMMISSION
 STATE OF NORTH DAKOTA
 COUNTY OF CASS

2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE COUNTY OF CASS, I APPEARED BOB WALTERS, PRESIDENT OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES _____



moore
 engineering, inc.
 SHEET 1 OF 1
 PROJ. NO. 15888

STAFF REPORT

City of West Fargo

A15-54 Brooks Harbor 6th Addition and Rezoning from A: Agricultural (proposed R-1SM: Mixed One & Two Family Dwellings) to R-1A: Single Family Dwellings and R-1: One & Two Family Dwellings, property located in the N¹/₂ of Section 19, T139N, R49W (part of proposed Lot 1, Block 4 of Brooks Harbor 5th Addition), City of West Fargo, North Dakota

Brooks Harbor Development, Inc.

Planning & Zoning Commission

Introduction – 11/9/15

Public Hearing – 11/9/15

City Commission

Introduction –

Public Hearing & 1st Reading –

2nd Reading & Final Plat Approval –

BACKGROUND:

PURPOSE: Plat and rezone property for single family development.

EXISTING LAND USE: Agricultural

EXISTING ZONING: Agricultural (Proposed R-1SM: Mixed One & Two Family Dwellings)

PROPOSED ZONING: R-1SM: Mixed One and Two Family Dwelling, R-1: One and Two Family Dwellings & R-1A: Single Family Dwellings

PARCEL SIZE: ± 34.25 Acres

CITY PLANS: Land Use – Low Density Residential
Streets – 9th Street West – Collector Street
10th Street West – Local Street
11th Street West – Local Street
21st Avenue West – Local Street
22nd Avenue West – Local Street
Admiral Drive West – Local Street
Commander Drive – Local Street
Legion Lane – Local Street
Bikeway – n/a
Parks – n/a

STATEMENTS OF FACT:

- The property, which is located south of I-94 and west of Sheyenne Street, is currently zoned Agricultural, however was included in the proposed plat of Brooks Harbor 5th with zoning to be R-1SM: Mixed One and Two Family Dwelling.
- The area was annexed into the City in December 2005.
- The proposed subdivision is adjacent to Brooks Harbor 2nd Addition which is immediately to the south and Brooks Harbor 4th to the west, which is under construction.
- The applicant proposes to develop the property as single family residential.
- The proposed use is consistent with City Plans and Ordinances.

DISCUSSIONS AND OBSERVATIONS:

- The developer has submitted an Area Plan and Preliminary Plat which shows the proposed subdivision and current development patterns in the area.
- The Land Use Plan depicts the area developing with Low Density Residential. The proposed land use as shown in the area plan is single family residential which is consistent with the plan.
- The zoning requested for the development is R-1SM: Mixed One and Two Family Dwelling, R-1: One and Two Family Dwelling & R-1A: Single Family Dwelling Districts. All lots meet the minimum lot requirements for the zoning district. Lot 14, Block 1 is a retention pond and should be zoned P: Public.
- Adequate street right-of-way is shown for all the local streets within the subdivision. 22nd Avenue West is proposed with a wider right of way of 70 feet to accommodate 6 foot paths on both sides or a 10 foot on one side and standard 4 foot on the opposite. Right of way on 21st Avenue West and 9th Street West were previously provided with Brooks Harbor 5th Addition. This plat includes additional right of way to accommodate a curved roadway section at the corner of 9th Street West and 21st Avenue West.
- Park dedication is being addressed along with Brooks Harbor 5th Addition.
- A hook-up fee is required for all subdivisions south of I-94 which benefit from the major sewer extension services installed through City financing. The hook-up fees are being addressed along with Brooks Harbor 5th Addition.
- Notices were sent to property owners within 150 feet, City officials, as well as utility companies and SE Cass Water Resource District.
- The City still needs to receive an Attorney Title Opinion, certificate showing taxes are current, drainage plan, Final Plat with all the changes discussed along with any necessary easements, revised area plan, copy of the restrictive covenants if proposed for the development, a mail delivery plan, and a subdivision improvement agreement.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- The proposed subdivision is consistent with City plans and ordinances.

Cons for Development as Proposed

- None apparent.

RECOMMENDATIONS:

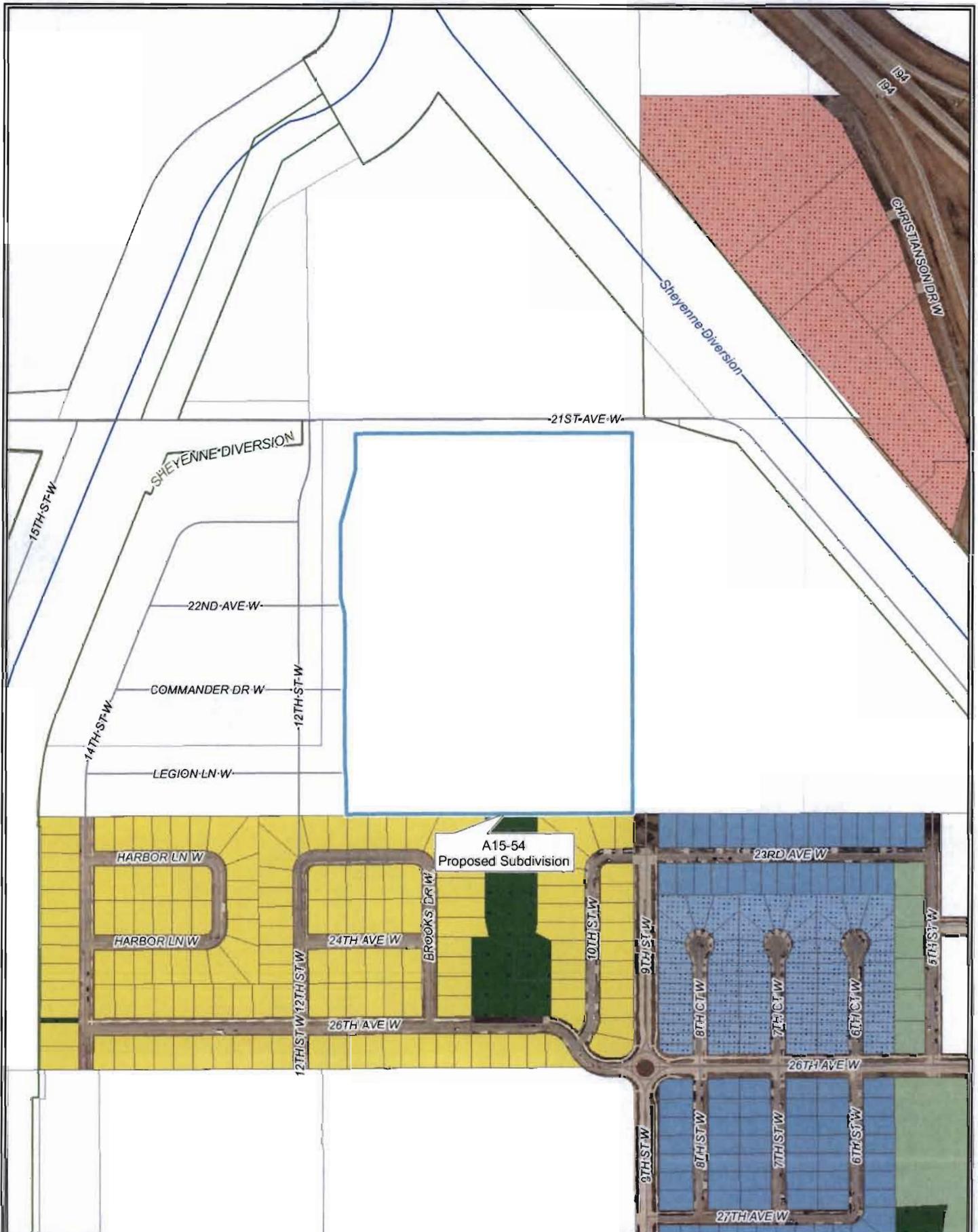
It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Lot 14, Block 1 is zoned P: Public.
2. A drainage and utility plan is approved by the City Engineer.
3. Any necessary easements are placed on the Final Plat.
4. A subdivision improvement agreement is received.
5. An Attorney Title Opinion is received.
6. Certificate of Taxes is received showing taxes are current.
7. A mailbox plan is received and approved by the Post Office.



A15-54
Proposed Subdivision





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



PLAT OF BROOKS HARBOR SIXTH ADDITION TO THE CITY OF WEST FARGO, A REPLAT OF LOT 1, BLOCK 4, BROOKS HARBOR FIFTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.

WEST FARGO PLANNING COMMISSION APPROVAL
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

TONI WOODGALL, CHAIRMAN
STATE OF NORTH DAKOTA
DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TONI WOODGALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION AND SHE DECLARED THE FOREGOING INSTRUMENT AND ADVANCED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

WEST FARGO CITY COMMISSION APPROVAL
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

WEST FARGO CITY COMMISSION
TINA FISKE, CITY AUDITOR
STATE OF NORTH DAKOTA
DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TINA FISKE, CITY AUDITOR OF THE WEST FARGO CITY COMMISSION AND SHE DECLARED THE FOREGOING INSTRUMENT AND ADVANCED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

CITY ENGINEER'S APPROVAL
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

KEVIN J. BUCKNER, CITY ENGINEER
STATE OF NORTH DAKOTA
DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEVIN J. BUCKNER, CITY ENGINEER OF THE WEST FARGO CITY COMMISSION AND HE DECLARED THE FOREGOING INSTRUMENT AND ADVANCED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

CERTIFICATE
STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF BROOKS HARBOR SIXTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, AND FIFTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, AND THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT, THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT ALL DISTANCES ARE CORRECTLY SHOWN AS INDICATED ON SAID PLAT. ALL DISTANCES ARE CORRECTLY SHOWN AS INDICATED ON SAID PLAT. ALL DISTANCES ARE CORRECTLY SHOWN AS INDICATED ON SAID PLAT. ALL DISTANCES ARE CORRECTLY SHOWN AS INDICATED ON SAID PLAT.



REGISTERED LAND SURVEYOR
STEVEN W. HOLM
REG. NO. LS-8571
STATE OF NORTH DAKOTA

DEDICATION
I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE FOREGOING INSTRUMENT AND THAT WE HAVE HEREBY DEDICATED SAID LAND TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, AND THAT THE FOREGOING INSTRUMENT AND ADVANCED TO ME THAT WE EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

OWNER: ALL EXCELLENT LOT 14, BLOCK 1, BROOKS HARBOR DEVELOPMENT, LLC
THOMAS D. MORGAN, PRESIDENT/MANAGER
STATE OF NORTH DAKOTA
DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THOMAS D. MORGAN, PRESIDENT/MANAGER OF BROOKS HARBOR DEVELOPMENT, LLC AND HE DECLARED THE FOREGOING INSTRUMENT AND ADVANCED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF BROOKS HARBOR DEVELOPMENT, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: _____



STAFF REPORT

City of West Fargo

A15-55 Sandhills 3rd Addition in the SE¼ Section 2, T139N, R50W and replat of Lots 1-2, 4-11 and Lots 21-22 of Block 5; Lots 11-20 and Lot 22 of Block 6 and all of Block 7, Meadow Brook Park Subdivision; All of Blocks 1, 2 and 3 of Sandhills 2nd Subdivision; all of Park Boulevard, Archers Boulevard and Sandhills Avenue NW and name change plat of Charyl Avenue, City of West Fargo, North Dakota and Rezoning from A: Agricultural to LI: Light Industrial for proposed Sandhills 3rd Addition

West Two Win Properties, LLC

Planning & Zoning Commission

Introduction – 11/9/15

Public Hearing – 11/9/15

City Commission

Introduction –

Public Hearing & 1st Reading –

2nd Reading & Final Plat Approval –

BACKGROUND:

PURPOSE: To develop property for light industrial uses.

EXISTING LAND USE: Agricultural

EXISTING ZONING: A: Agricultural

PROPOSED ZONING: LI: Light Industrial

PARCEL SIZE: ± 38.43 Acres

CITY PLANS: Land Use – Light Industrial
Streets – 26st Street NW – Collector Street
Park Lane – Local Street
Park Boulevard – Local Street
4th Avenue NW (Charyl Avenue) – Local Street
Bikeway – N/A
Parks - Park dedication is required.

STATEMENTS OF FACT:

- The property is located north of Main Avenue West and west of 26st Street NW.
- The City's Land Use Plan depicts the area as Light Industrial.
- The proposed Preliminary Plat is not consistent with City ordinances, though the intended uses are consistent with City Plans and Ordinances.

DISCUSSIONS AND OBSERVATIONS:

- The applicant had previously applied for the preliminary plat of Sandhills 3rd but the application was denied. The applicant is reapplying and has included 4th Avenue NW (Charyl Avenue) in the new proposed application.
- The applicant owns a significant portion of the property in the Sandhills and Meadow Brook Park area and is proposing a phased development starting with property to the north near the BNSF Railroad. The entire area was designated as Light Industrial in both 2000 and 2008 Comprehensive Plans.
- The Meadow Brook Park Subdivision was platted in 1953 as a small lot residential subdivision outside the cities of West Fargo and Riverside. Lots were given away as part of a lottery at a state or county fair sometime in the early 1960's. Soon after development in the subdivision began occurring in the form of manufactured style housing.
- Historically Meadow Brook Park has had a seasonally high water table and poor drainage conditions due in part to the soils. Prior to the creation of the Sheyenne Diversion, the area was also extremely flood prone. The lots are too small to support septic systems under the State and Cass County codes, which has resulted in septic system failures and contamination of adjacent properties. As a result development has been minimal over the years.
- The area was severely flooded in 1975 which forced several residents to seek alternative housing for a period of time. Cass County Public Health Department submitted a request to the Department of Housing and Urban Development (HUD) for flood/disaster relief under the Minimal Repair Program for a community sewerage collection system; however, was not funded. A request was then made to Farmers Home Administration (known today as Rural Development) which was viewed by the agency as an unwise investment, so was not funded.
- In the mid-1980's the area came into West Fargo's extraterritorial area for the purpose of planning and zoning. The area was zoned agricultural at that time and remains the same today.
- Following some requests to add onto structures and construct new structures, and Cass County Health concerns due to inadequate area and soil type to accommodate septic systems, as well as a request to extend sanitary sewer services to the area, the City conducted a study in 1998 to review existing conditions and land uses, as well as any development plans for Meadow Brook Park. Following the study and property owner involvement, it was found that the costs of extending services would be too burdensome for the majority of property owners and would likely result in even more properties coming back to the County for unpaid taxes. It was recommended to wait for more ownership stability and for the City to grow out to the area to reduce costs for extending municipal services. The City sought Community Development Block Grant funds through Lake Agassiz Regional Council; however, federal funds for the region were committed to flood mitigation

projects for the year and there was uncertainty of funding availability for the next year.

- In 2000 the City adopted a Comprehensive Plan following about 18 months of study. The Plan designated the areas in and around Meadow Brook Park as Light Industrial and recommended that the areas be rezoned for industrial uses. The Plan also recommended that CDBG funding be pursued to buy out existing properties and prepare the area for redevelopment for industrial uses.
- The City pursued CDBG funding; however, property buyouts for redevelopment purposes was not a priority for the regional program and would not be funded, so an application was not submitted.
- In 2002 the Fargo Moorhead Metropolitan Council of Governments undertook a study of the Meadow Brook Park area at the request of the City Commission. As a result of the City's adoption of the 2000 Comprehensive Plan and designating the Meadow Brook Park area for future industrial purposes, the intent was to better understand the background issues, work with the residents, and identify possible alternative strategies to consider. At the time of the study, of the 218 lots in Meadow Brook Park, 107 had come back to Cass County for back taxes. Of the remaining 111 lots, 59 were undeveloped and owned by individuals who lived outside the subdivision. The remaining 48 lots were owned by the residents of the subdivision and were the site of 17 residential structures.
- In 2005 the area was annexed into the City.
- In 2008 the City received an application for Sandhills Third Addition which replatted the three larger lots (blocks) of Sandhills Second Subdivision into smaller lots. A Final Plat was approved with conditions of the infrastructure servicing plan being approved by the City Engineer, necessary lift station needs being provided for, appropriate timing for municipal services, and limiting buildings until services would be provided. The Final Plat was not signed and recorded.
- A subdivision replat has now been submitted to vacate Sandhills Avenue NW and subdivide the larger tracts of Sandhills Second Subdivision into lots for sale and development. The applicant also submitted an Area Plan and Future Phase development plan showing the proposed lay out of streets and lots.
- The current Agricultural zoning does not allow industrial uses to be developed, so the applicant and property owner have requested rezoning the entire subdivision property to Light Industrial.
- The Area Plan was submitted showing the proposed subdivision and the surrounding area. The subdivision includes Sandhills Second Addition and the northern part of Meadow Brook Park Subdivision. To the north of the proposed subdivision is the Burlington Northern Santa Fe Railroad and landfill north of the railroad. To the east is the Butler industrial park. West of the proposed subdivision is the Sandhills Archers Club archery range. South of the plat area is the balance of Meadow Brook Park Subdivision which consists of a number of residential properties interspersed among vacant applicant properties and other resident and non-resident properties.
- The proposed Preliminary Plat is made up of 21 lots in four blocks utilizing 4th Avenue NW as the primary street and creating a new street named Park Lane which would provide access to a number of lots. Lot sizes on the preliminary plat are varied and will need to be verified prior to final platting as it appears some inaccuracies exist.
- The Preliminary Plat abuts Lots 1-10, Block 6 of Meadow Brook Park Subdivision in the southeast corner of the plat which are residential lots with a residential structure. The plat culls out Lot 21, Block 6 which is in separate ownership, and essentially surrounds this lot

with Lot 2 of the Preliminary Plat. Lot 21 is a 40-foot wide vacant lot. The residential property, which is 400 feet wide and 130 feet in depth, would continue to front on Charyl Avenue and may have redevelopment limitations when redeveloped as industrial, because of its depth. The 40-foot lot would not be a developable lot and could become a continual maintenance problem property and eventually come back to the County for back taxes becoming a public burden. There is no assurance that either of these two properties would eventually be incorporated within the new subdivision lots.

- The street being platted as Park Lane has adequate right-of-way per City ordinance. Charyl Avenue, currently has a 50-foot right-of-way with an additional 30 feet being dedicated with this plat, which is adequate as 80 feet of minimal right-of-way is the standard for commercial and industrial development. Fourth Avenue NW is intended to be the principal loop street for the entire redevelopment area of Sandhills and Meadow Brook Park subdivisions. The Collector Street which is 26th Street NW needs to have a total right-of-way of 100 feet. There was 50 feet of dedication on the east side with the Butler and Knutson subdivisions, so 50 feet is required for subdivisions in the Sandhills and Meadow Brook Park area (west side). The Preliminary Plat shows 50 feet of dedication; however, the right-of-way through the Meadow Brook Park area is only 33 feet. An additional 17 feet of right-of-way will be required, and may need to be obtained through condemnation utilizing eminent domain.
- The requested zoning for the plat area is LI: Light Industrial.
- The subdivision area was reviewed recently by the Planning and Zoning Commission as part of an Urban Development Area and establishing a tax increment financing district to facilitate installation of necessary infrastructure to accommodate industrial development, and thereby increase the local tax base. It would seem fitting that in addition to funding public infrastructure improvements, negotiated purchase costs for current properties not owned by the applicant should be included. This would allow for redevelopment according to the Future Phase Plan, and would provide for reasonable compensation to existing owners. It is inevitable that special assessments for infrastructure installation will become extremely burdensome for existing property owners, particularly those with residential dwellings. These property owners will certainly want to negotiate a purchase before being faced with special assessments.
- The subdivision is subject to park dedication requirements as no dedication was previously made for this area. The amount of dedication required would be 5% of the land area (approximately 1.9 acres) or its equivalent value as cash-in-lieu of land dedication. The City has not received the recommendation from the Park District yet. Once the recommendation is received an agreement can be structured.
- To satisfy the subdivision requirements, the City has yet to receive a sewer and water plan for the entire redevelopment area, drainage plan for the subdivision, certificate showing taxes are current, necessary easements determined and placed on the plat, approved mail delivery plan, park dedication agreement, and subdivision improvement agreement.
- Notices were sent out to property owners within 150 feet of the proposed subdivision and information was provided to City Departments, SE Cass Water Resource District, Park District, Cass County Health Department, Post Office, and utility companies for review and comment. The City has received considerable concerns and questions from the Sandhills Archery Club adjacent to this development regarding the financial impact of these improvements to their land and organization. The group also spoke at the public hearing for the previously withdrawn application of Sandhills 3rd. Staff is working to get this group a

meeting with City Leaders and the Park District to discuss any possible alternatives.

- The City still needs to receive an Attorney Title Opinion, certificate showing taxes are current, drainage plan, Final Plat with any necessary easements, park dedication agreement, a mail delivery plan, and a subdivision improvement agreement.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- The proposed zoning and industrial use of the area is consistent with the City's Land Use Plan.

Cons for Development as Proposed

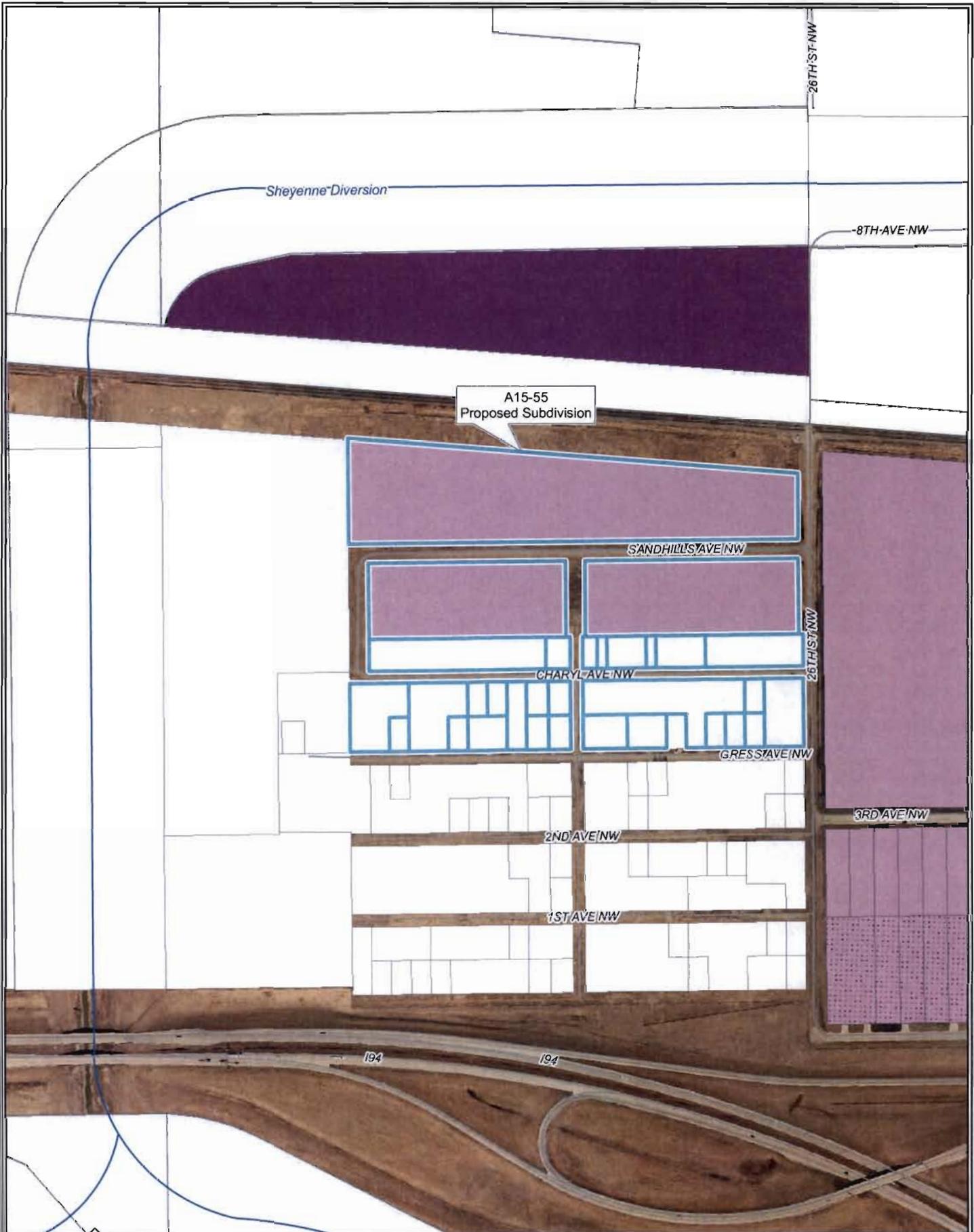
- The platting around lots not owned by the applicant creates potential property redevelopment and future maintenance issues.
- Lot 3, Block 5 of Meadow Brook Park Subdivision is not included in the plat, therefore not allowing the City to obtain adequate right of way required for the roadway.
- The plat does not include all portions along 26th Street NW, which is to be the collector roadway for this development. This does not allow for adequate right of way along 26th St NW.
- A sewer, water, storm sewer plan has not been developed for the entire redevelopment area insuring that services will be coordinated and adequately provided for.

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 sewer, water, storm sewer plan be developed for the entire redevelopment area.
2. Adequate right of way be secured for 4th Avenue NW and 26th Street NW to accommodate the required road widths of the development and collector roadways.
3. A drainage and utility plan is approved by the City Engineer.
4. Final Plat with any necessary easements including identifying if easements are necessary for storm water retention.
5. A park dedication agreement is received.
6. A subdivision improvement agreement is received.
7. An Attorney Title Opinion is received.
8. Certificate of Taxes is received showing taxes are current.
9. A mailbox plan is received and approved by the Post Office.





A15-55
Proposed Subdivision

Sheyenne Diversion

8TH AVE NW

26TH ST NW

SANDHILLS AVE NW

CHARYL AVE NW

26TH ST NW

GRESS AVE NW

2ND AVE NW

3RD AVE NW

1ST AVE NW

I94

I94



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



FACT SHEET

WEST FARGO PLANNING AND ZONING COMMISSION

NOVEMBER 9, 2015

MINOR PLANNED UNIT MODIFICATION AT 550 13TH AVENUE EAST (LOT 1 LESS S 40' OF E 35', BLOCK 2 OF MEYER 2ND ADDITION), CITY OF WEST FARGO, NORTH DAKOTA

The applicant has requested a minor revision to the Detailed Development Plans as previously approved for this property and has submitted plans showing a childcare center within an existing office building. The property is within the CO: Corridor Overlay district. The improvements will be done within the existing building, with the addition of a fenced area along the west side of the building which is set back from the front of the building and not within the required front yard of the CO district. The applicant is proposing 4' high chain link fence. In the CO fences are required to be decorative and/or provide landscape treatments to meet the intent of the district to promote orderly development and safe, attractive and desirable spatial patterns and locations for urban and suburban land uses adjacent to the designated streets with full regard given for the importance of these corridors as major growth areas for West Fargo and as landscaped gateways to the City. The applicant should either provide adequate landscaping to improve the look of the chain link fence which fronts 13th Avenue East, or provide more decorative fencing along the portion which fronts 13th Avenue East.

Minor changes may be considered by the Planning and Zoning Commission if the density or intensity of the development has not been increased. Minor changes may be approved by the Planning and Zoning Commission, whereas PUD amendments require a public hearing and approval by both the Planning and Zoning Commission and City Commission.

Modification of the PUD is required to maintain the original record for the PUD to remain compliant within the created PUD district.

Notices have been sent out to neighboring properties. No comments have been received to date.

Staff has reviewed these changes and recommends approval as a Minor PUD Modification with the condition noted above that the fencing along 13th Avenue East either include appropriate landscaping as approved by the Planning & Zoning Commission or the fencing be changed to a decorative material for the portion fronting 13th Avenue East, and that if comments are received by neighboring property owners they will either be resolved or brought back to the Planning Commission at the next scheduled meeting.



Proposed PUD Modification



STAFF REPORT

City of West Fargo

A15-53 Conditional Use Permit for a home occupation which will have customers coming to the residence at 650 14th Avenue West (Lot 14, Block 1 of Sheyenne Park 3rd Addition, City of West Fargo, North Dakota

Gregory Grove

Planning & Zoning Commission
Introduction – 11/9/15
Public Hearing – 11/9/15
City Commission
–

BACKGROUND:

PURPOSE: Conditional Use Permit to allow applicant to establish business repairing firearms which will have customers coming to the residence.

EXISTING LAND USE: Low Density Residential

EXISTING ZONING: R-1: One and Two Family Dwelling District

PARCEL SIZE: 12,096 Square Feet

CITY PLANS: Land Use – Low Density Residential
Streets – 14th Avenue East – Local Street
Bikeway – N/A
Parks - N/A

STATEMENTS OF FACT:

- The property is located south of 13th Avenue West, east of 8th Street West, on the north side of 14th Avenue West.
- The applicant would like to establish a firearms repair business out of his home and would like to allow for customers to come to his residence for his repair service.
- Section 4-448 of the City Ordinances under supplementary district regulations lists provisions for home occupations for which the home based business would be subject to.
- Section 4-448.10 states that as a conditional use, the City may consider a home occupation use which has customers coming to the site. It further states that the City may place any conditions on the home occupation as deemed necessary to insure that it will not be a detriment to the character and livability of the surrounding neighborhood.

DISCUSSIONS AND OBSERVATIONS:

- The applicant has submitted an application for a conditional use permit to provide the ability to have his customers come to his site to pick up and drop off firearms for repair.
- The property has a triple-stall garage and three-stall driveway which accesses 14th Avenue West.
- Home based businesses are required to provide off-street parking for customers in addition to the two required spaces for all single family residential units.
- Currently it appears that the property can accommodate 3 on-site/off-street parking spaces in addition to the three spaces in the garage for the residential use. All spaces are constructed of a durable material.

- 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 is adequately accessed from 14th Ave W, a local public street.
 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.
 - 4-448.6 requires all parking associated with the principal residential use and the home occupation to be accommodated on site while still maintaining the required lot coverage minimums. The applicant has not indicated that they will increase parking and it appears with 5 available spaces that they will have adequate parking to accommodate the residential property and the use.
 3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - 4-448.8 would prohibit exterior storage of equipment or materials used in the occupation.
 4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
 5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - 4-448-3 would only allow one sign, not to exceed one square foot, non-illuminated, and mounted flat against the wall of the principal building. The applicant has not indicated that they will have a sign.
 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.
 - The use does not appear to bring a great deal of traffic to the site, however comments regarding the specific use have been received.

- Notices were sent to property owners within 350 feet. Comments have been received regarding the use, hours, and amount of customers. The applicant has indicated that he will operate by appointment only. Customers would be limited to the appointments. Federal Agencies regulate the sale and repair of firearms. Staff has provided the information to the Police Department for further information on local regulations pertaining to firearms.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- The impact of the proposed home occupation on adjacent properties should be minimal if all ordinance conditions are followed.

Cons for Development as Proposed

- Concerns from a neighboring property owner regarding the type of business have been received.

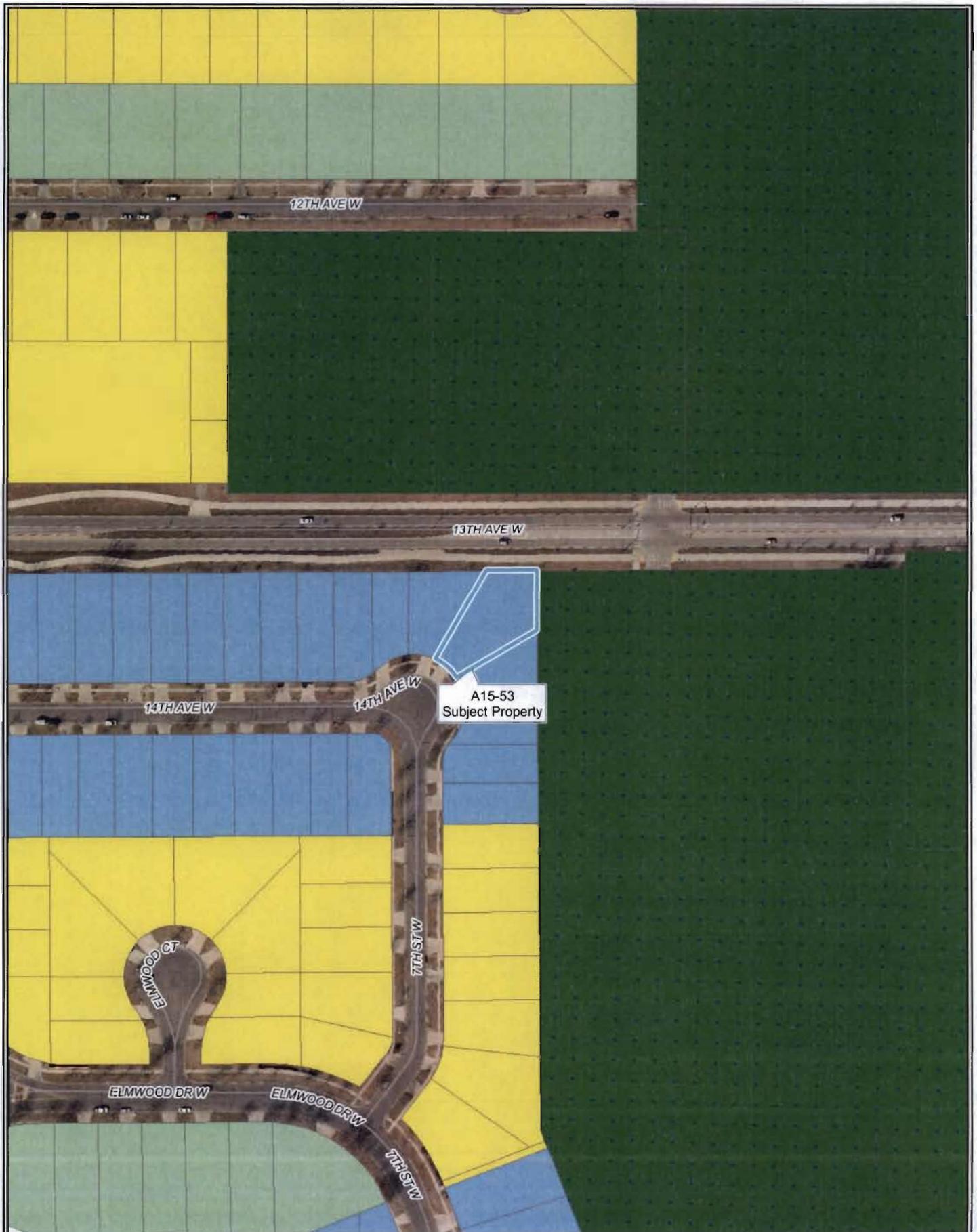
RECOMMENDATIONS:

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

1. Applicant meet all requirements set forth in the provisions for home occupations found in Section 4-448 of the City Ordinances.
2. Applicant meet all federal and local requirements as they pertain to the sale, repair, and handling of firearms.



A15-53
Subject Property



A15-53
Subject Property



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

