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Tim Solberg, AICP, Director of Planning and Zoning  
Lisa Sankey, Planner  
Malachi Petersen, Planner  
Chanda Erickson, Office Manager

West Fargo Planning & Zoning Commission Agenda  
Tuesday, June 9, 2020 - 5:30 p.m.

**Due To CDC Social Distancing Guidelines Related To The Covid-19 Pandemic The Public Is Asked To Attend The Meeting Via Zoom Meeting Channel At The Following Web Address:**

<https://us02web.zoom.us/j/88418609967?pwd=MHIHRzhDdEs5SVVFQVBiU2xLam5lZz09>

**Or Telephone: Dial (312) 626-6799**  
**Webinar ID: 923 1175 5638**  
**Password: 190580**

1. Call to Order
2. Approval of Minutes – May 12, 2020
3. Public Hearing – A20-17 Sandhills 6<sup>th</sup> Addition, Replat of Lot 2, Block 1 of Sandhills 3<sup>rd</sup> Addition and Replat and Rezone from Agricultural to LI: Light Industrial of Lot 21, Block 6 of Meadow Brook Park Subdivision, City of West Fargo, North Dakota – City Vision
4. Public Hearing – A20-18 Conditional Use Permit for construction of an accessory building on an Agriculturally zoned parcel at 3605 2<sup>nd</sup> Street East (unplatted parcel located in the SW¼ of Section 29, T139N, R49W), City of West Fargo, North Dakota - Eberhardt
5. Continued - A20-10 Conditional Use Permit for off-premise signage within the DMU: Downtown Mixed Use District at 444 Sheyenne Street (Lot 2, Block 1 of Sheyenne Plaza 1<sup>st</sup> Addition), City of West Fargo, North Dakota – WF Events
6. **Withdrawn** - Continued - A20-16 Sandhills 5<sup>th</sup> Addition, Replat and Rezoning from Agricultural to LI: Light Industrial, All of Block 2, Lots 5-16 of Block 3, Lots 12-15 of Block 4, Lots 10-13 of Block 8, Lots 7-16 And Lot 22 of Block 9 And All of Blocks 10 And 11 All In Meadow Brook Park Subdivision; Vacation Plat of part of Gress Avenue, part of 2<sup>nd</sup> Avenue NW, part 1<sup>st</sup> Avenue NW, All of Northern Pacific Avenue And part of Park Boulevard All In Meadow Brook Park Subdivision And Auditor's Lot 1 of the SE ¼ of Section 2, T139N, R50W, City of West Fargo, North Dakota – Syndica LLP
7. **Continued** - A20-9 Zoning Ordinance Amendment to review proposed NC: Neighborhood Commercial Zoning District
8. Correspondence
9. Non-agenda
10. Adjournment



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Tim Solberg, AICP, Director of Planning and Zoning  
Larry M. Weil, Community Development Director  
Lisa Sankey, Planner  
Malachi Petersen, Planner  
Chanda Erickson, Office Manager

West Fargo Planning & Zoning Commission  
Tuesday, May 12, 2020 at 5:30pm  
West Fargo City Hall

**DUE TO CDC SOCIAL DISTANCING GUIDELINES RELATED TO THE COVID-19 PANDEMIC THIS PLANNING AND ZONING MEETING WAS VIA ZOOM MEETING**

Members Present: Tom McDougall  
Joe Kolb  
David Gust  
Shane Lebahn  
Jana Reinke  
April Walker  
Eric Dodds  
Lana Rankow

Others Present: Dustin Scott, Tim Solberg, Lisa Sankey, John Shockley, Chanda Erickson, Malachi Petersen, Lukas Croaker

Minutes Submitted by: Chanda Erickson, Office Manager

Meeting was called to order by Chair McDougall at 5:30pm. Chair McDougall gave meeting instructions.

Commissioner Kolb moved and Commissioner Gust seconded to approve the April 14, 2020 meeting minutes as printed and mailed. No opposition, Motion carried.

Commissioner McDougall opened a Public Hearing – A20-10 Conditional Use Permit for off-premise signage within the DMU: Downtown Mixed Use District at 444 Sheyenne Street (Lot 2, Block 1 of Sheyenne Plaza 1<sup>st</sup> Addition), City of West Fargo, North Dakota. There was no public comment. The Public Hearing was closed. After continued discussion, Commissioner Walker moved and Commissioner Dodds seconded to table the application. No opposition. Motion carried.

- David and Mary Ann Dost, 313 Morrison Street, emailed opposing more signs. They thing the lighting is already too bright.
- Mike Amundson, Executive Director of West Fargo Events, was available for questions.

Commissioner McDougall opened a Public Hearing – Public Hearing – A20-12 Center at 7<sup>th</sup> 3<sup>rd</sup> Addition, replat of Lots 2 & 3, Block 1, Center at 7<sup>th</sup> Second Addition, City of West Fargo, North Dakota. There was no public comment. The Public Hearing was closed. After discussion, Commissioner Gust moved and Commissioner Reinke seconded to approve the application with the four conditions listed in the staff report. No opposition. Motion carried.

Commissioner McDougall opened a Public Hearing – A20-13 Maple River Subdivision, subdivision in Auditor's Lot 3 NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 24, T140N, R50W, Cass County, North Dakota. The Public Hearing was closed. After discussion, Commissioner Kolb moved and Commissioner Lebahn seconded to approve the application with the four conditions listed in the staff report. No opposition. Motion carried.

- Shannon Roers-Jones clarified there was no plans to build therefore, a drainage plan was not required.

Commissioner McDougall opened a Public Hearing – A20-14 River's Bend at the Preserve 6<sup>th</sup> Addition, replat of Lots 4-8 of Block 3 of River's Bend at the Preserve 4<sup>th</sup> Addition, City of West Fargo, North Dakota. The Public Hearing was closed. After discussion, Commissioner Walker moved and Commissioner Dodds seconded to approve the application with the five conditions listed in the staff report. No opposition. Motion carried.

- Steve Stoner, applicant, was available for questions.

Commissioner McDougall opened a Public Hearing – A20-15 Westview 4th Addition, Replat and PUD Amendment for Office Condominiums on Lot 1, Block 1 of Westview 2<sup>nd</sup> Addition, City of West Fargo, North Dakota. The Public Hearing was closed. After discussion, Commissioner Walker moved and Commissioner Kolb seconded to approve the application with the seven conditions listed in the staff report with two added recommendations. The first recommendation would be to have get lighting maximums provided within District Standards. The second recommendation is to have the signage reflect the Office Park Standards for lighting. No opposition. Motion carried.

- Joe and Cindy Sepulveda, 6287 Osgood Parkway South, Fargo, voiced concerns about lighting and increased traffic.
- Thomas and Constance Kirchoffner, 6207 Parkway South, Fargo, emailed concerns about increased traffic and the abundance of commercial office space in the area.
- Mike Graham, applicant, offered to provide lighting calculations.

Commissioner McDougall opened a Public Hearing – A20-16 Sandhills 5<sup>th</sup> Addition, Replat and Rezoning from Agricultural to LI: Light Industrial, All of Block 2, Lots 5-16 of Block 3, Lots 12-15 of Block 4, Lots 10-13 of Block 8, Lots 7-16 And Lot 22 of Block 9 And All of Blocks 10 And 11 All In Meadow Brook Park Subdivision; Vacation Plat of part of Gress Avenue, part of 2<sup>nd</sup> Avenue NW, part 1<sup>st</sup> Avenue NW, All of Northern Pacific Avenue And part of Park Boulevard All In Meadow Brook Park Subdivision And Auditor's Lot 1 of the SE  $\frac{1}{4}$  of Section 2, T139N,

R50W, City of West Fargo, North Dakota. The Public Hearing was closed. After discussion, Commissioner Gust moved and Commissioner Rankow seconded to table the application. No opposition. Motion carried.

- Jody Malus, on behalf of Duane Hazer 1208 1<sup>st</sup> Avenue NW, read a letter opposing the application.
- Timothy Cockayne, 204 Park Blvd spoke in opposition of the application.
- Lauren Orchard, Economic Development Director, would like to research some solutions for the home owners in this area, possibly create a TIF District.
- Austin Morris, Enclave Development, commented they are trying to have the lowest impact to the community and willing to work with the homeowners to have a viable project.

Commissioner McDougall re-opened a tabled discussion - A20-9, Zoning Ordinance Amendment to review Neighborhood Commercial Zoning District, City of West Fargo, North Dakota. Commissioner McDougall motioned to continue. No opposition.

There was one non-agenda item. Tim Solberg informed the Commission that Larry Weil, Community Development Director, has officially retired.

Commissioner Gust and Commissioner Kolb seconded to adjourn. No opposition. Meeting adjourned.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A20-17 REPLAT & REZONE	
Sandhills 6 <sup>th</sup> Addition	
Lot 2, Block 1 of Sandhills 3 <sup>rd</sup> Addition & Lot 21, Block 6 of Meadow Brook Park Subdivision, City of West Fargo, North Dakota	
Owner/Applicant: Ben Koppelman, City Vision	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	06-09-2020
City Commission Introduction:	
Public Hearing & 1 <sup>st</sup> Reading:	
2 <sup>nd</sup> Reading & Final Plat Approval	

**PURPOSE:**

Replatting and rezoning to allow lot line adjustments to allow for continued Light Industrial Development

**STATEMENTS OF FACT:**

Existing Land Use:	Light Industrial Shop Space/Vacant
Land Use Classification:	G-3 Employment Growth Sector
Current Zoning District(s):	LI: Light Industrial & A: Agricultural
Zoning Overlay District(s):	N/A
Proposed Lot size(s) or range:	.73-1.06 Acres
Total area size:	1.79 Acres
Adjacent Zoning Districts:	LI : Light Industrial
Adjacent street(s):	4 <sup>th</sup> Ave NW (local); 28 <sup>th</sup> Ct NW (local)
Adjacent Bike/Pedestrian Facilities:	Paths along Main Ave W – no sidewalks available
Available Parks/Trail Facilities:	Nearest park is Armour Park located 2.33 miles to the southeast – no public park within ½ mile
Land Dedication Requirements:	n/a

**DISCUSSION AND OBSERVATIONS:**

- The applicant has submitted an application for a proposed replat and rezoning.
- When Sandhills 3<sup>rd</sup> was platted and zoned, Lot 21 was not included as the previous property owner was located in Canada. The parcel remained Agricultural. City Vision has since purchased the lot.
- The rezoning is necessary for further construction of light industrial facilities.
- The two new lots will meet the current zoning district requirements, with a 40-foot shared access easement onto 4<sup>th</sup> Avenue NW.
- Right-of-way is adequate as needs for commercial/industrial roadways are required to be a minimum of 80 feet.

**NOTICES:**

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

STAFF REPORT

- Phone calls have been received asking for additional information.
- Comments were made by the engineering department regarding a few typos on the plat.

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

- The proposed plan is consistent with City plans and Ordinances.

**RECOMMENDATIONS:**

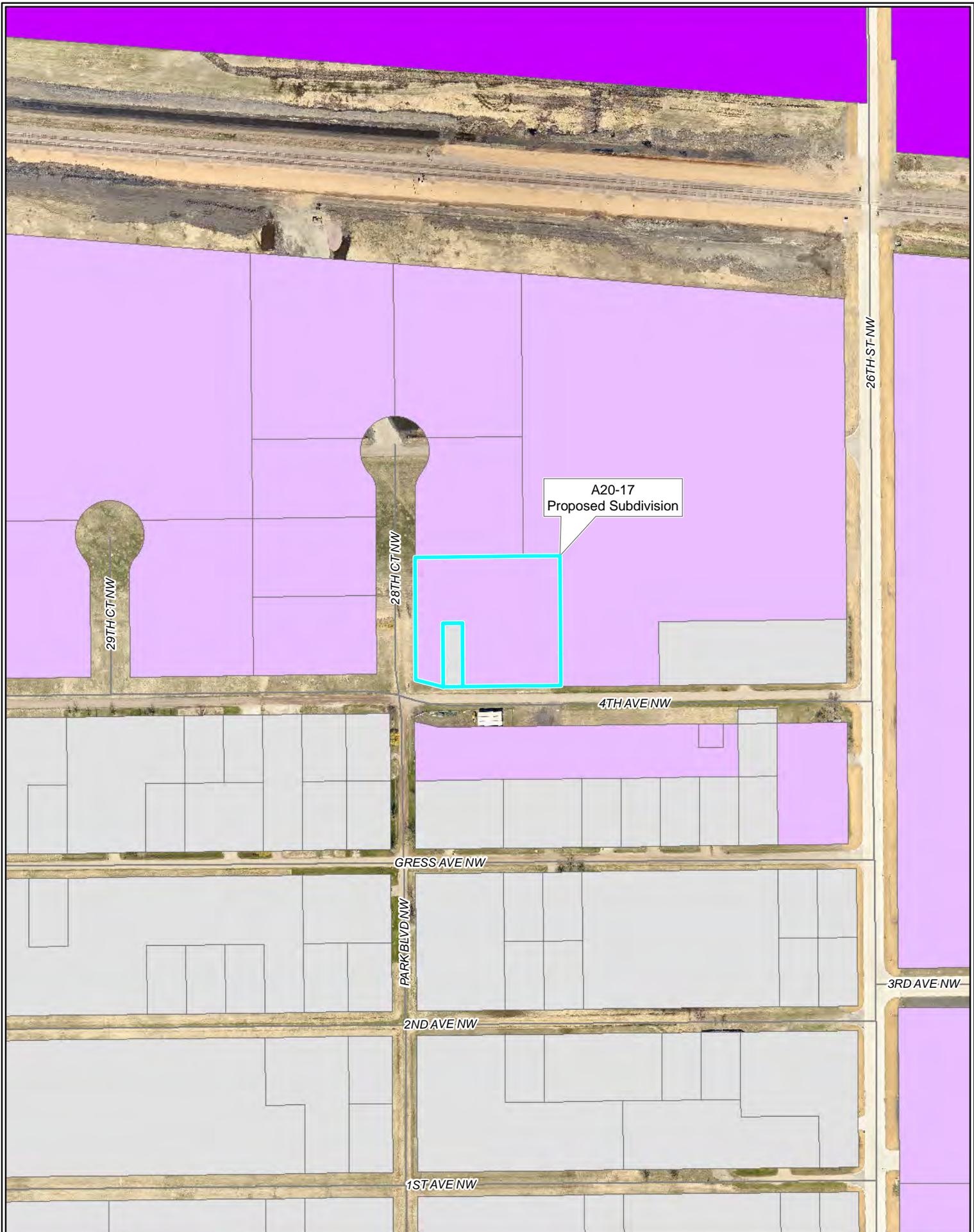
It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. An updated drainage plan is approved by the City Engineer.
2. An Attorney Title Opinion to the City of West Fargo is received.
3. Signed Final Plat is received with any necessary easements.
4. A signed subdivision agreement is received.
5. A certificate is received showing taxes are current.



A20-17  
Proposed Subdivision





A20-17  
Proposed Subdivision

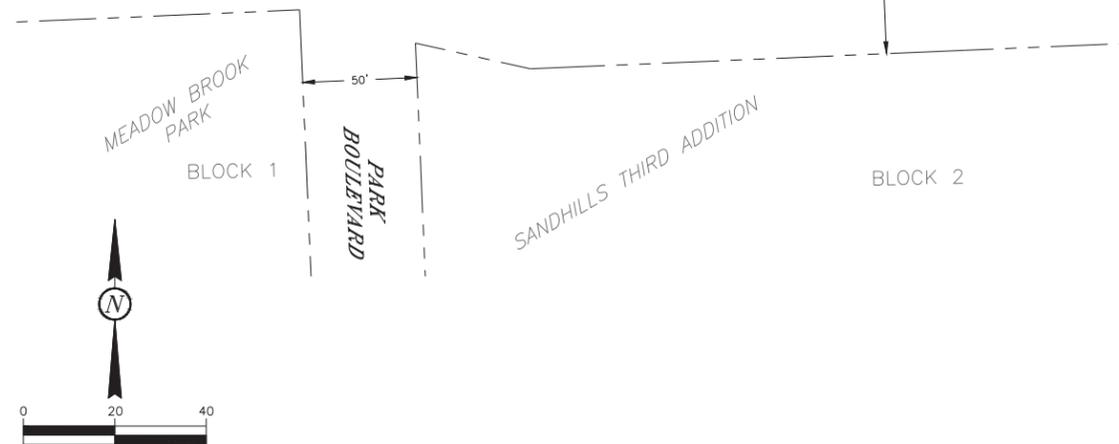
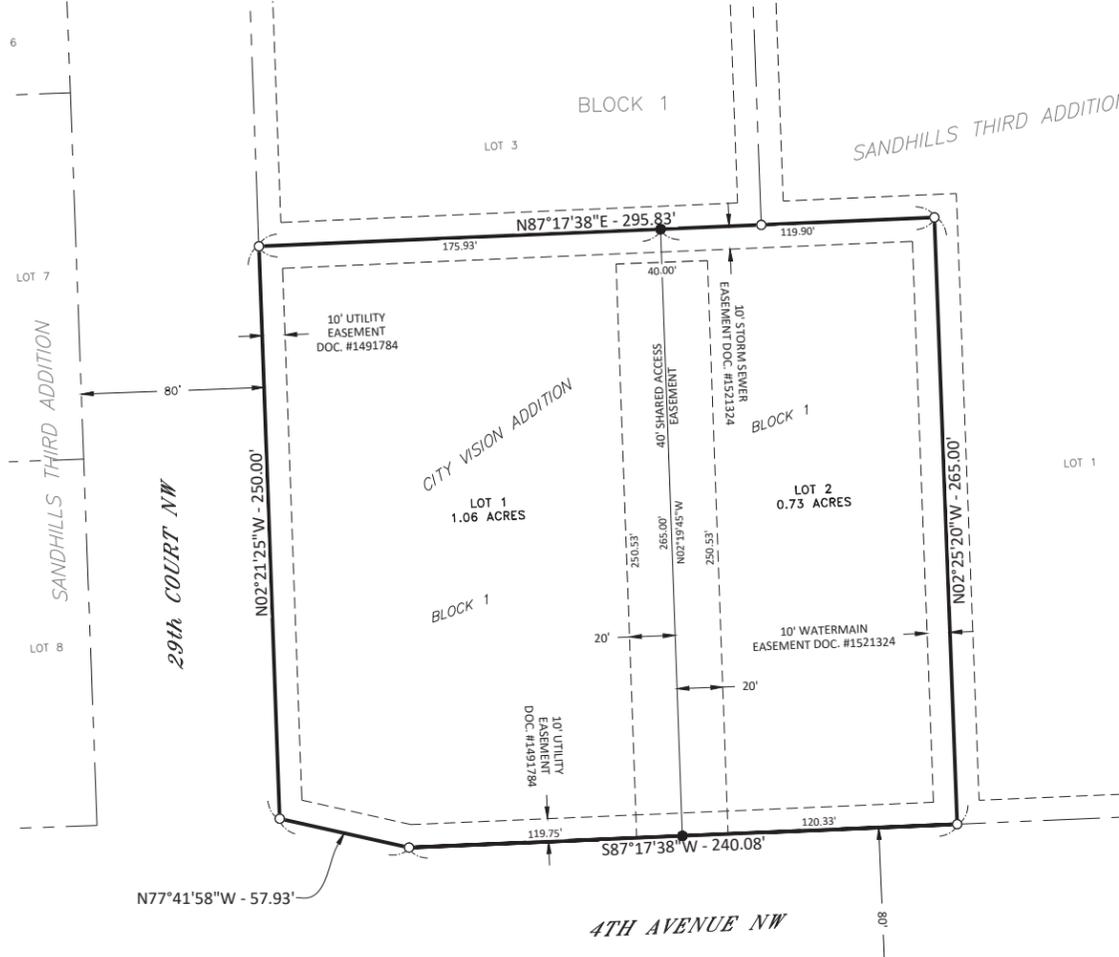
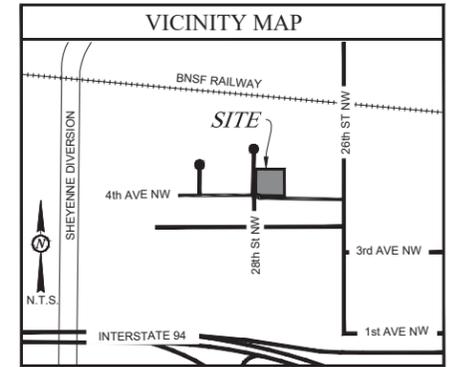


- |  |  |   |   |   |
|--|--|---|---|---|
| <ul style="list-style-type: none"> <li><span style="color: grey;">■</span> A: Agricultural</li> <li><span style="color: red;">■</span> C: Light Commercial</li> <li><span style="color: grey;">■</span> C-OP: Commercial Office Park</li> <li><span style="color: red;">■</span> HC: Heavy Commercial</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: purple;">■</span> LI: Light Industrial</li> <li><span style="color: purple;">■</span> M: Heavy Industrial</li> <li><span style="color: green;">■</span> P: Public</li> <li><span style="color: blue;">■</span> R-1: One and Two Family</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: yellow;">■</span> R-1A: Single Family</li> <li><span style="color: green;">■</span> R-1E: Rural Estate</li> <li><span style="color: blue;">■</span> R-1S: Special One and Two Family</li> <li><span style="color: blue;">■</span> R-1SM: Mixed One and Two Family</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: lightgreen;">■</span> R-2: Limited Multiple Dwelling</li> <li><span style="color: orange;">■</span> R-3: Multiple Dwelling</li> <li><span style="color: orange;">■</span> R-4: Mobile Home</li> <li><span style="color: brown;">■</span> R-5: Manufactured Home</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: green;">■</span> R-L1A: Large Lot Single Family</li> <li><span style="color: green;">■</span> R-R: Rural Residential</li> <li><span style="color: grey;">■</span> PUD: Planned Unit Development</li> <li><span style="color: green;">■</span> DMU: Downtown Mixed Use</li> </ul> |
|--|--|---|---|---|



# CITY VISION ADDITION

TO THE CITY OF WEST FARGO, A REPLAT OF LOT 2, BLOCK 1 OF SANDHILLS THIRD ADDITION AND LOT 21, BLOCK 6 OF MEADOW BROOK PARK SUBDIVISION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA.



**LEGEND**

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- PROPERTY BOUNDARY LINE
- NEW LOT LINE

**SURVEY INFORMATION**

DATE OF SURVEY: APRIL 2020  
 BASIS OF BEARING: THE NORTH LINE OF BLOCK 3, SANDHILLS 2ND SUB. HAS AN ASSUMED BEARING OF S87°34'50"E.

**NOTES**

1. THIS PLAT IS LOCATED WITHIN FEMA ZONE "X" - AREA WITH REDUCED FLOOD RISK DUE TO LEVEE. AREA WITHIN THE PLAT IS BEING PROTECTED FROM THE 1-PERCENT-ANNUAL-CHANCE OR GREATER FLOOD HAZARD BY A LEVEE SYSTEM.

## OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT CITY VISION PROPERTIES LLC, IS THE OWNER OF CITY VISION ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, STATE OF NORTH DAKOTA; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 ALL OF LOT 2, BLOCK 1 OF SANDHILLS THIRD ADDITION TO THE CITY OF WEST FARGO.  
 AND  
 ALL OF LOT 21, BLOCK 6 OF MEADOW BROOK PARK SUBDIVISION TO THE CITY OF WEST FARGO.  
 SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS CITY VISION ADDITION TO THE CITY OF WEST FARGO, NORTH DAKOTA. SAID CITY VISION ADDITION, CONSISTS OF 2 LOTS AND 1 BLOCK, AND CONTAINS 1.79 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF SIGHT AND RECORD.

BY: \_\_\_\_\_  
 BEN KOPPELMAN, OWNER

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BEN KOPPELMAN, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

## CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF CITY VISION ADDITION IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
 BRENIE DARDIS  
 MAYOR

\_\_\_\_\_  
 TINA FISK  
 CITY AUDITOR

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENIE DARDIS AND TINA FISK, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

## SURVEYORS CERTIFICATE

I COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN, AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

\_\_\_\_\_  
 COLE A. NESET  
 REGISTERED LAND SURVEYOR  
 ND REG. NO. 7513

DATE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

## CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF CITY VISION ADDITION IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
 TOM MCDUGALL  
 CHAIRMAN PLANNING COMMISSION

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM MCDUGALL, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

## CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF CITY VISION ADDITION IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
 DUSTIN SCOTT  
 CITY ENGINEER

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN SCOTT TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

## CITY ATTORNEY APPROVAL

THIS PLAT IN THE CITY OF CITY VISION ADDITION IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
 JOHN T. SHOCKLEY  
 WEST FARGO CITY ATTORNEY

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

SHEET 1 OF 1

PROJECT #	RP-20-01
REVISION DATE:	6-2-2020
DRAWN BY:	KRS
CHECKED BY:	CAN



1111 WESTRAC DR. SUITE 108  
 FARGO, ND 58103  
 PHONE: 701-235-0199 EX. 17  
 EMAIL: CNESET@NESETSURVEYS.COM

STAFF REPORT

A20-18		CONDITIONAL USE PERMIT	
3605 2 <sup>nd</sup> Street East , West Fargo, North Dakota			
Unplatted parcel in the SW¼ of Section 29, T139N, R49W), City of West Fargo, North Dakota			
Owner/Applicant: Jeff Eberhardt		Staff Contact: Tim Solberg, AICP	
Planning & Zoning Commission Introduction:		06-09-2020	
Public Hearing:		06-09-2020	
City Commission:			

**PURPOSE:**

Construction of accessory building for a non-farm residential use in an Agricultural district

**STATEMENTS OF FACT:**

Land Use Classification:	G-2: Sub-Urban - Growth Sector
Existing Land Use:	Residential
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	NA
Total area size:	1.65 Acres
Adjacent Zoning Districts:	West, North & South - A: Agricultural); East - R-1A: Single Family Dwellings
Adjacent street(s):	2 <sup>nd</sup> Street East (Local)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None

**DISCUSSION AND OBSERVATIONS:**

- The property is located within the City Limits between 32<sup>nd</sup> and 40<sup>th</sup> Avenues East in an area bordered by parcels to the north and south, which have yet to be annexed into the City.
- The current use of a non-farm single-family dwelling is considered a conditional use within the Agricultural District and was in place at the time of adoption into the City Limits' Boundary. Any addition to an existing conditional use requires an amended conditional use permit. Although the property has been annexed, it has never been platted. It has been anticipated that when development of the surrounding properties that have yet to be annexed occurs that it would then be likely that this property would be platted and properly zoned to a residential zoning district.
- The applicant submitted site and elevation plans showing a new 30' x 28' (840 ft<sup>2</sup>) footprint, two-story structure with a gross floor area of 1,572 ft<sup>2</sup>. There would be no size restrictions within the A: Agricultural district, it is at the discretion of the conditional use permit process.
- The proposed structure is proposed to meet the required setback distances of a standard City of West Fargo local road with moderately increased right of way width of 70'. The site plan provided however incorrectly indicates that right of way is provided – the lot has not yet been platted. This section of 2<sup>nd</sup> St E however has been determined that it will remain a local road and we anticipate no more than 70' of right of way will be required at time of platting.
- The proposed elevations indicate the building would be built of residential materials. The building height is proposed to be around 20.5' at midpoint. This is not an issue for the Agricultural district,

STAFF REPORT

however if the property were to be rezoned to a residential district this would exceed the allowable height of a detached accessory structure which is 15' at midpoint.

- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

**CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:**

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - The property has adequate access and the improvements will not affect this access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
  - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
  - No concerns noted
4. Utilities, with reference of locations, availability, and compatibility.
  - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
  - 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.
  - No concerns noted
7. Required yards and other open space.
  - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
  - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
  - The land adjacent to this area is tilled farmland with single family residential to the east. Incompatible development patterns are not anticipated.

**NOTICES:**

Sent to: Property owners within 350' and applicable agencies and departments.

Comments Received:

- None

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

- There are no plans for incompatible development patterns in the vicinity.
- Regarding structure height, it is not consistent with current residential district standards. Staff would note however that West Fargo 2.0 as well as a current trend in providing for increase

STAFF REPORT

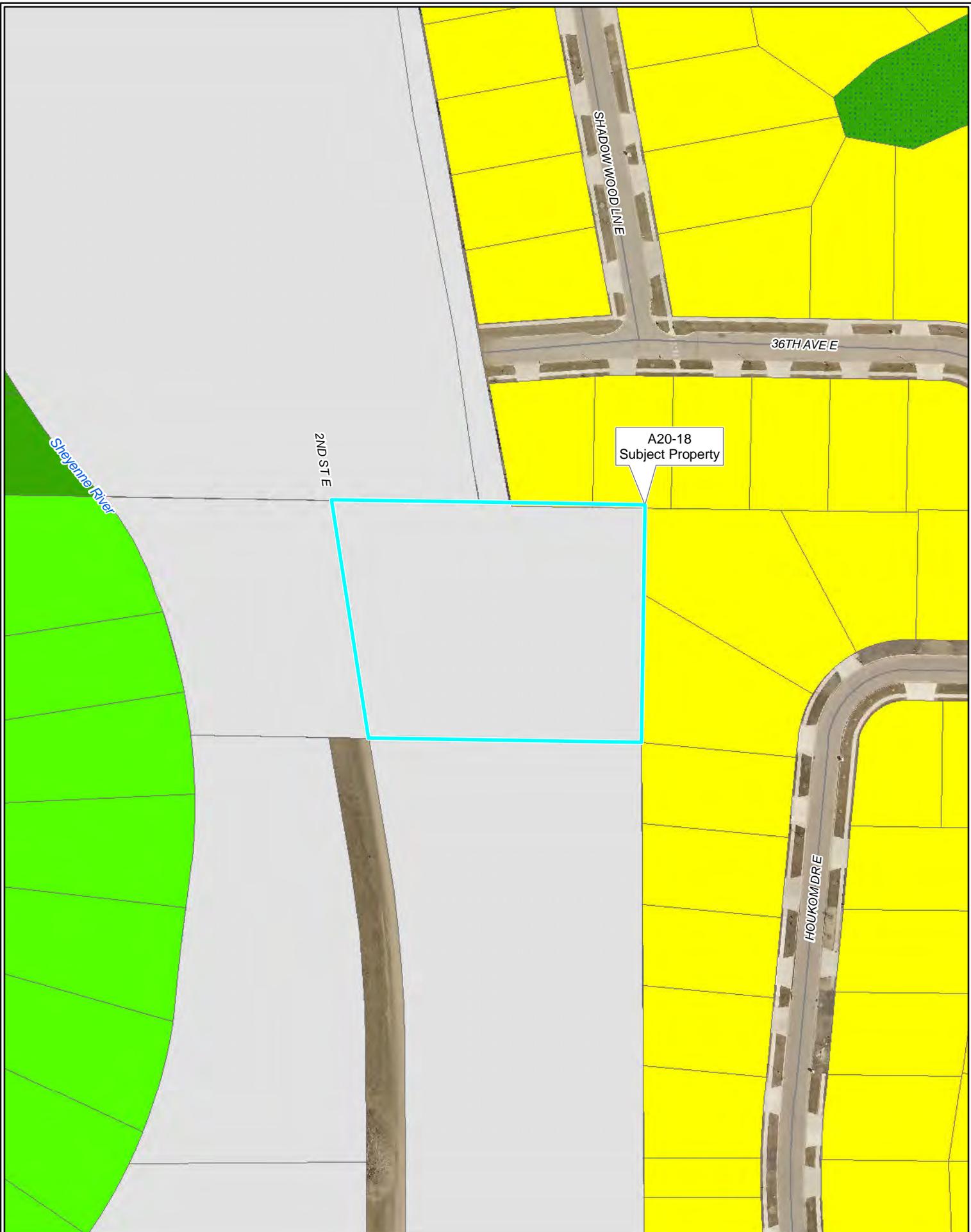
affordable housing options and housing choice would push to not limit the potential for accessory dwelling units which would likely result in the City increasing the height limitations for detached accessory structures depending upon their side and rear setback distances. The proposed structure has an approximate 50' side yard setback so there may be little to be concerned with height – the biggest concern would be if the property were rezoned without changes to current ordinances which would result in a legal non-conforming structure.

**RECOMMENDATIONS:**

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

1. Consideration be given to how the home and accessory building may transition if it were to be rezoned to a residential district.
2. A Signed Conditional Use Permit Agreement is received.

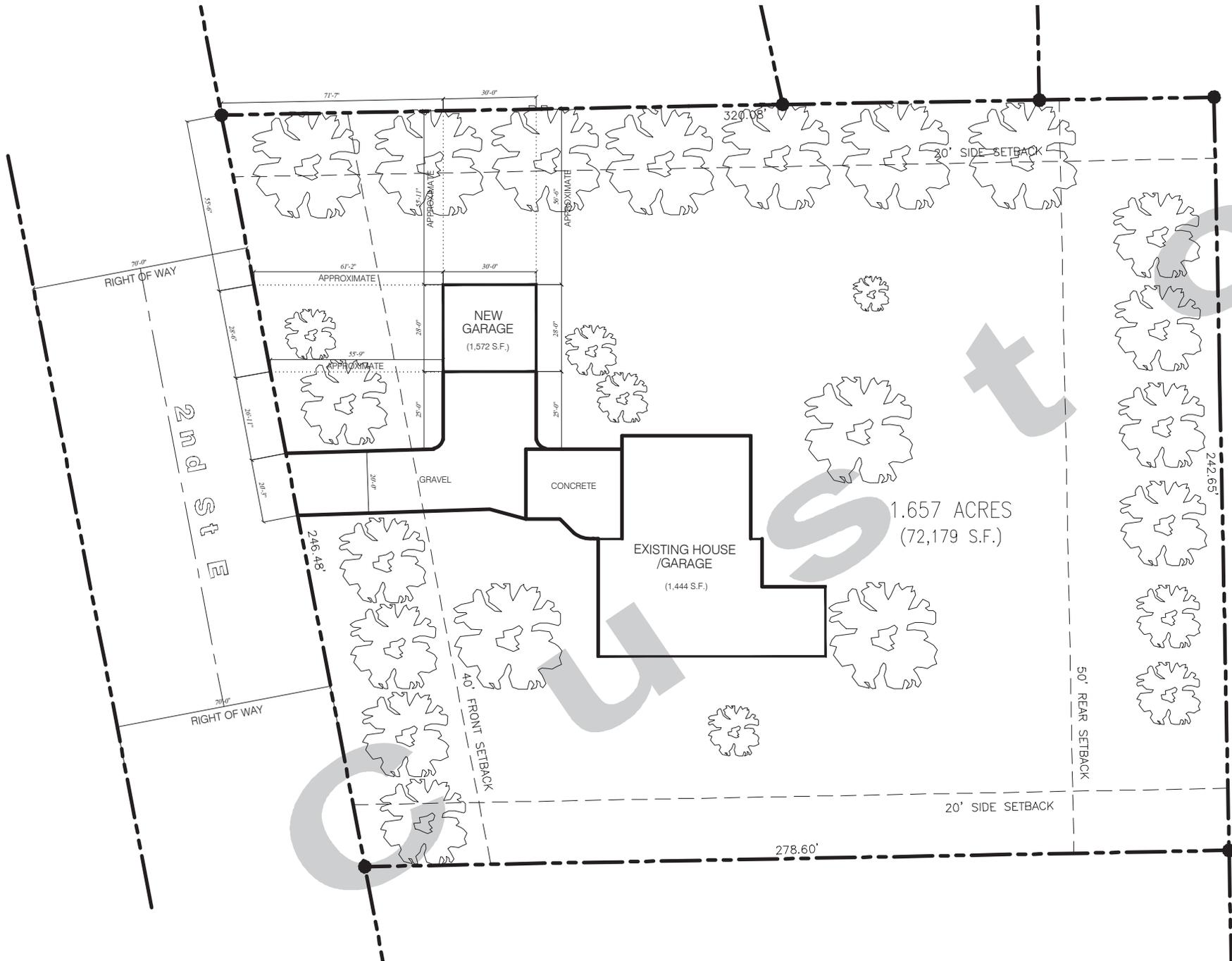




A20-18  
Subject Property

**City of WEST FARGO**

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid gray; margin-right: 5px;"></span> A: Agricultural</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid red; margin-right: 5px;"></span> C: Light Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid gray; margin-right: 5px;"></span> C-OP: Commercial Office Park</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid red; margin-right: 5px;"></span> HC: Heavy Commercial</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid purple; margin-right: 5px;"></span> LI: Light Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid purple; margin-right: 5px;"></span> M: Heavy Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid green; margin-right: 5px;"></span> P: Public</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid cyan; margin-right: 5px;"></span> R-1: One and Two Family</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid yellow; margin-right: 5px;"></span> R-1A: Single Family</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid green; margin-right: 5px;"></span> R-1E: Rural Estate</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid cyan; margin-right: 5px;"></span> R-1S: Special One and Two Family</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid blue; margin-right: 5px;"></span> R-1SM: Mixed One and Two Family</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid green; margin-right: 5px;"></span> R-2: Limited Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid orange; margin-right: 5px;"></span> R-3: Multiple Dwelling</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid orange; margin-right: 5px;"></span> R-4: Mobile Home</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid brown; margin-right: 5px;"></span> R-5: Manufactured Home</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid green; margin-right: 5px;"></span> R-L1A: Large Lot Single Family</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid green; margin-right: 5px;"></span> R-R: Rural Residential</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid gray; margin-right: 5px;"></span> PUD: Planned Unit Development</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid green; margin-right: 5px;"></span> DMU: Downtown Mixed Use</li> </ul>
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RIGHT OF WAY

2nd St E

RIGHT OF WAY

40' FRONT SETBACK

50' REAR SETBACK

20' SIDE SETBACK

30' SIDE SETBACK

GRAVEL

CONCRETE

NEW GARAGE  
(1,572 S.F.)

EXISTING HOUSE  
/ GARAGE  
(1,444 S.F.)

1.657 ACRES  
(72,179 S.F.)

APPROXIMATE

APPROXIMATE

APPROXIMATE

APPROXIMATE

278.60'

246.48'

242.65'

320.08'

59.35'

70.0'

70.0'

71.7'

30.0'

38.6'

30.1'

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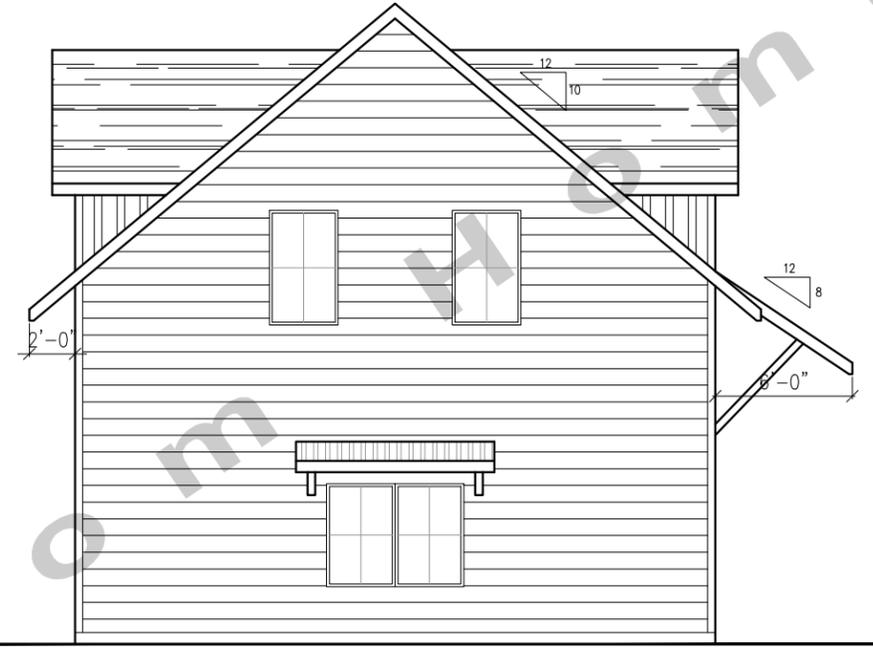
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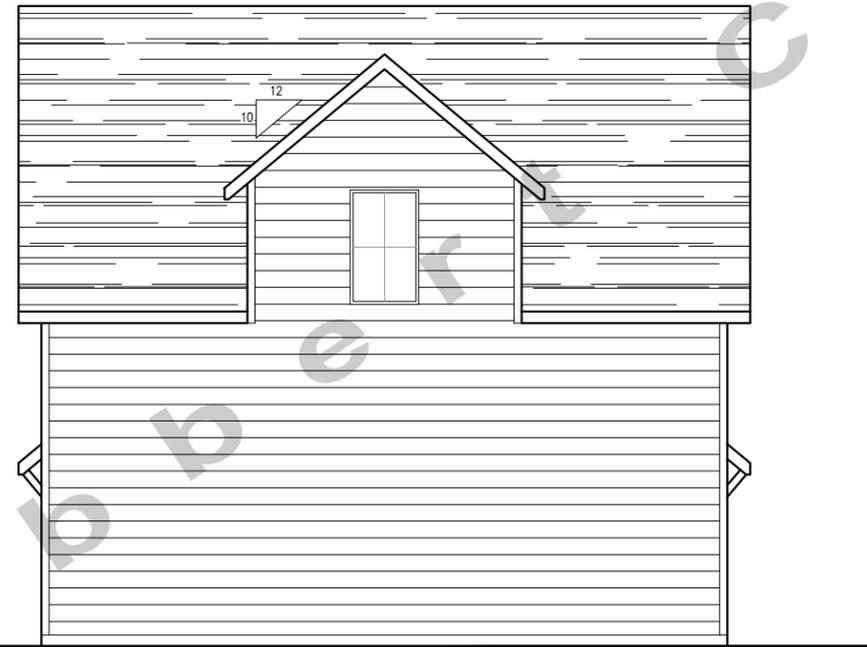
30.0'



**Front Elevation**  
SCALE 1/8" = 1'



**Left Elevation**  
SCALE 1/8" = 1'



**Rear Elevation**  
SCALE 1/8" = 1'



**Right Elevation**  
SCALE 1/8" = 1'



5522 - 36th Street Southwest  
Fargo, North Dakota 58104-678  
ph: 701-780.1805 fax: 701-780.0117

**Eberhardt Garage**  
3605 2nd St E  
West Fargo, ND

**NOT FOR CONSTRUCTION**

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ISSUED: 04.02.2

REVISIONS:

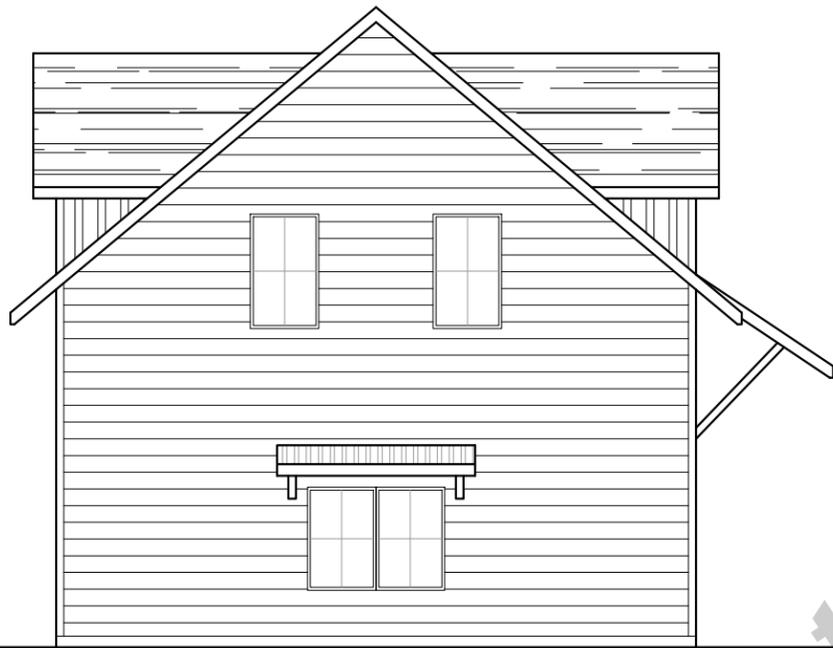
04.07.20

04.08.20

04.09.20

04.10.20

drawn by: SS



**Landscape Elevation**  
SCALE 1/8" = 1'

©

D a b b e r t C u s t o m H o m e s

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5522 - 36th Street Southwest  
Fargo, North Dakota 58104-6778  
ph: 701.280.1805 fax: 701.280.0117

**Eberhardt Garage**  
3605 2nd St E  
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ISSUED: 04.02.20

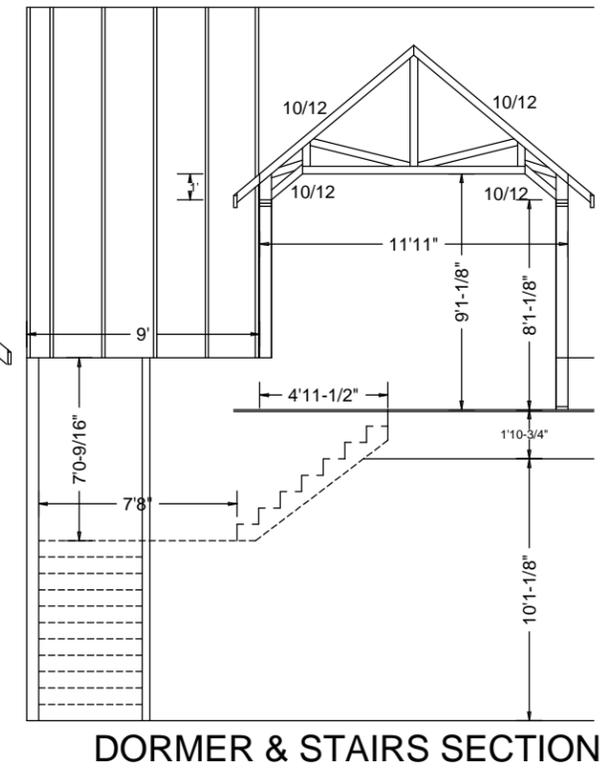
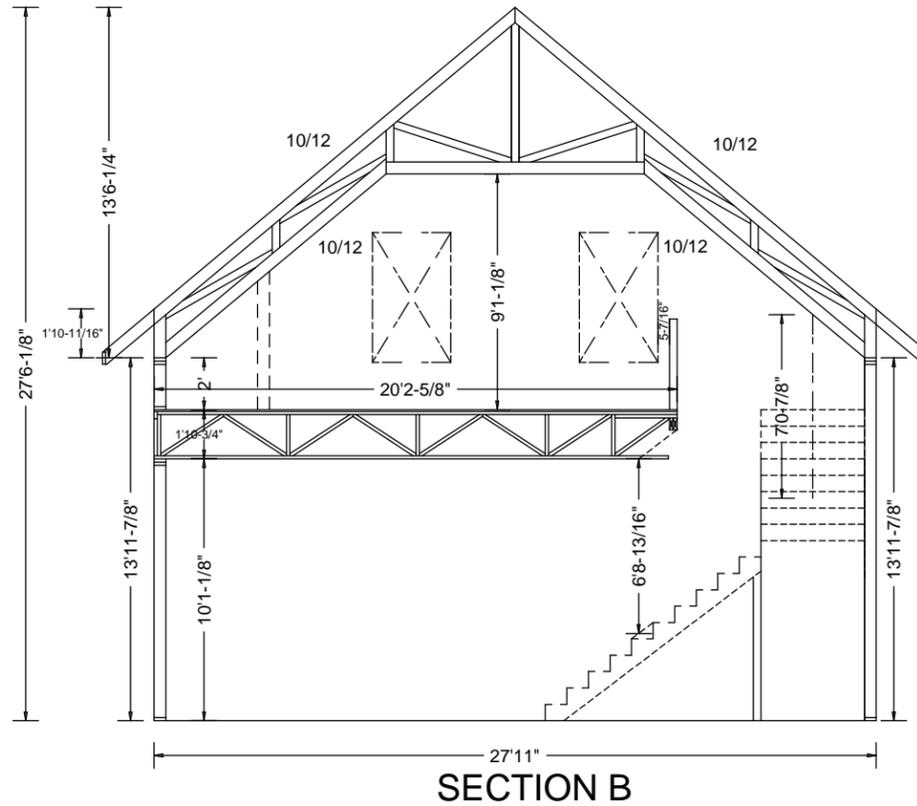
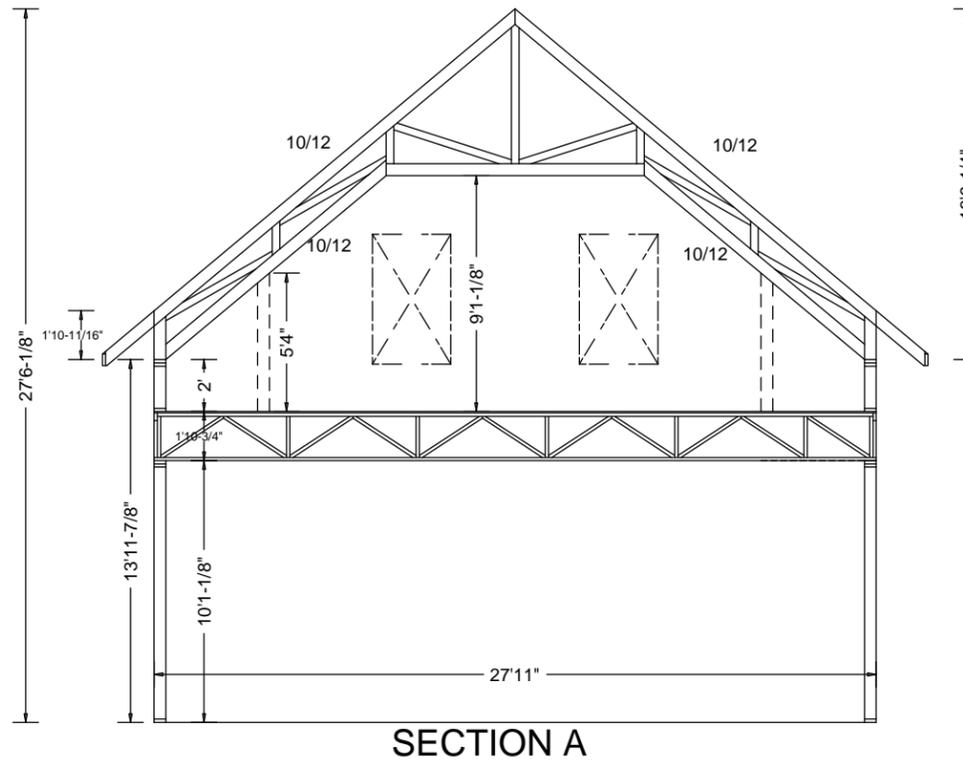
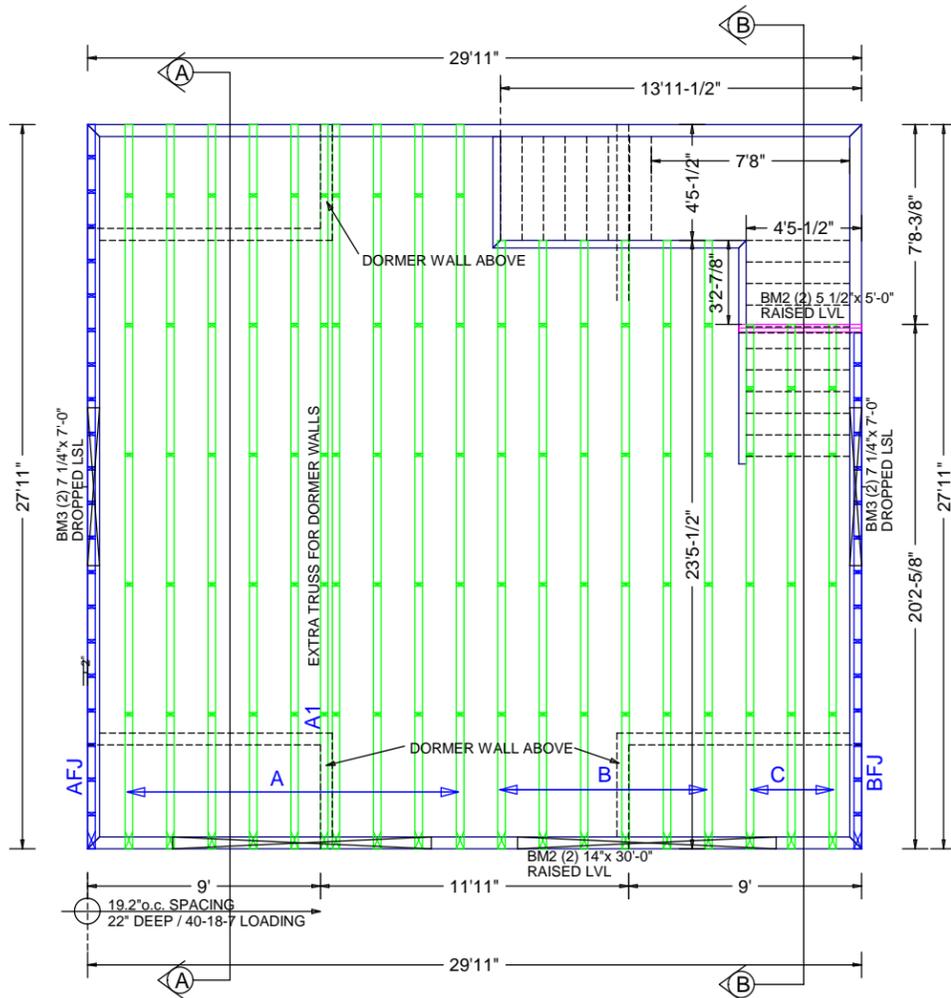
REVISIONS:

04.07.20	
04.08.20	
04.09.20	
04.10.20	

drawn by: SS

FARGO TRUSS SYSTEMS NOT RESPONSIBLE FOR FIELD LAYOUT ADJUSTMENTS FOR MECHANICAL OR OTHER REQUIREMENTS.

FRAMING CONTRACTOR TO VERIFY ALL PLUMBING LOCATIONS BEFORE LAYING PLYWOOD. FIELD REPAIR DRAWINGS WILL BE BILLED AT \$250.00 EACH



Job Description: EBERHARDT - GARAGE  
 Contractor: DABBERT CUSTOM HOMES  
 Designer: KB  
 Design Date: 04-24-2020  
 Job Location: 3605 2ndST E

JOB NO:  
 Q1465-20

PAGE NO:  
 1 OF 1

STAFF REPORT

A20-10		CONDITIONAL USE PERMIT	
444 Sheyenne Street			
Lot 2, Block 1 of Sheyenne Plaza 1 <sup>st</sup> Addition			
Applicant: Mike Amundson – West Fargo Events Owner: Sheyenne Plaza LLC		Staff Contact: Lisa Sankey, Planner	
Planning & Zoning Commission Introduction:		05-12-2020	
Public Hearing:		05-12-2020 - Tabled	
City Commission:			

**PURPOSE:**

- Constructing an off premise sign within the DMU: Downtown Mixed Use District for the purpose allowing for off-premise advertising on the existing electronic message center and to provide for an off-premise sign which denotes sponsorship of the POW/MIA Plaza

**STATEMENTS OF FACT:**

Land Use Classification:	G-4A Core Retrofit Growth Area
Existing Land Use:	Mixed Use
Current Zoning District(s):	DMU: Downtown Mixed Use District
Zoning Overlay District(s):	None
Total area size:	44,145 Square Feet
Adjacent Zoning Districts:	North, South & East – DMU: Downtown Mixed Use West – R-2: Limited Multiple Dwellings
Adjacent street(s):	Sheyenne Street (Arterial); 5 <sup>th</sup> Avenue West (Local)
Adjacent Bike/Pedestrian Facilities:	n/a
Available Parks/Trail Facilities:	n/a

**DISCUSSION AND OBSERVATIONS:**

- The applicant has submitted an application, as well as site and building plans and elevations of the existing and proposed sign. The proposed sign is 6' x 3' (18 ft<sup>2</sup>) and the existing sign is a 9.46' x 15.75' (149 ft<sup>2</sup>) video board to promote sponsors, events taking place in the district and for commercial tenants of the properties located within the POW/MIA Plaza area.
- DMU: Downtown Mixed Use District zoning district allows for off-premise signage as a conditional use with the statement that "Signage within the district should take into account the characteristics of its surrounding area and the intent and context of a vibrant entertainment environment. The Commission should deliberate such items as size, intensity of light or color, and motion to avoid nuisance factors to the public and neighboring uses."
- City Sign Regulation 4-460.9.2.d which regulates "Off-Premise signs" states that no two off-premise signs may be placed less than two hundred fifty (250) feet apart, unless said signs are separated by buildings or other obstructions in such a manner that only one sign is visible from the roadway at any time. The signs are both facing inward toward the POW/MIA Plaza and not the street. The larger video board is visible from the street and is closer to the roadway. It could be construed that the smaller 18-ft<sup>2</sup> sign is not visible from the street and is intended primarily to denote the

STAFF REPORT

sponsorship of the plaza creating a unique situation that given the opportunity to review as a conditional use provides for discretion and consideration of the Planning Commission and City Commission.

- The property is developed with a multi-tenant mixed-use building with varying general commercial and residential uses as well as a community plaza.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

**CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:**

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

5. 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.
  - No concerns noted.
6. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
  - No concerns noted.
7. Refuse and service areas, with particular reference to the items in (1) and (2) above.
  - No concerns noted.
8. Utilities, with reference of locations, availability, and compatibility.
  - No concerns noted.
9. Screening and buffering with reference to type, dimensions, and character.
  - No concerns noted.
10. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
  - Discretion and discernment should be given by the Commission taking into account scale of the sign against the adjacent properties as well as concerns from neighboring properties notified as well as the general public.
11. Required yards and other open space.
  - No concerns noted.
12. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
  - No concerns noted.
13. General compatibility with adjacent properties and other property in the district.
  - The land adjacent to this area is Downtown Mixed Use Zoning District and compatible uses and buildings have been previously approved within the subdivision.

STAFF REPORT

**NOTICES:**

Sent to: Property owners within 350’.

Comments Received:

- An email was received from a property owner indicating concerns with building lighting at the Pioneer Place and Sheyenne Plaza buildings, as well as the existing video monitor being on all night.
- An email was received asking that the same considerations are in place, similar to that of the off-premise sign approved at The Lights, such as a timer and dimmer being used. He also expressed concerns with building lighting.
- A call was received from an individual with rental property to the west asking for more information. He indicated he had no concerns with placement of signs once informed they were located on the north side of the building.

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

- Off-premise signs are not specifically addressed in the Comprehensive Plan, but should be considered in context to the approved district. The sign appears to be appropriately sized; however, staff is cautious to ensure that the surrounding properties and general public will not be negatively affected by the proposal. These are considerations that should be carefully deliberated by both Planning Commission and City Commission.

**RECOMMENDATIONS:**

If it is found through deliberation by the Commission that the proposal will not generate a nuisance to adjacent properties and the general public, 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. Consideration be given to citizen concerns over the lighting intensity and/or timing of the video board.
2. The signs are accessory to the building and POW/MIA plaza within the Downtown Mixed Use District and should either the building or the zoning district change, then the sign would require review and potential removal.
3. The proposed signs do not exceed the current proposal of 18 ft<sup>2</sup> for the POW/MIA Sponsorship sign and 149 ft<sup>2</sup> for the existing video board thus providing sufficient response to the requirements for off-premise signage found in Section 4-460.9.2.d of City Ordinances.
4. A Signed Conditional Use Permit Agreement is received.

**PLANNING AND ZONING RECOMMENDATION:**

At their May 12, 2020 meeting, the Planning and Zoning Commission tabled this item to allow for more information from the applicant outlining the use of the video board for off-premise advertising. Commissioners were concerned with changing the purpose of the video board and the sign not meeting criteria and setting a precedence.

STAFF REPORT

**UPDATE:**

The applicant submitted a letter outlining the use of the video board for off-premise advertising, provided the following:

- “The City of West Fargo has contracted with West Fargo Events to provide management, programming, and maintenance services on the City of West Fargo’s POW/MIA Plaza. The intention for the Conditional Use Permit application submitted by West Fargo Events is to permit the video board as an off-premise sign consistent with the Downtown Mixed-Use Zoning District. The screen hours of operation can be adjusted as needed for city ordinance. Our current arrangement is 6am-11pm to minimize the impact it has on the neighborhood.”

**At the time of packet preparation, the applicant was reworking details on the placement of the Choice Bank Sponsorship sign – staff will provide a rendering to Planning Commission via email as soon as it is received.**

**RECOMMENDATIONS:**

If it is found through deliberation by the Commission that the proposal will not generate a nuisance to adjacent properties and the general public, 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 listed above.

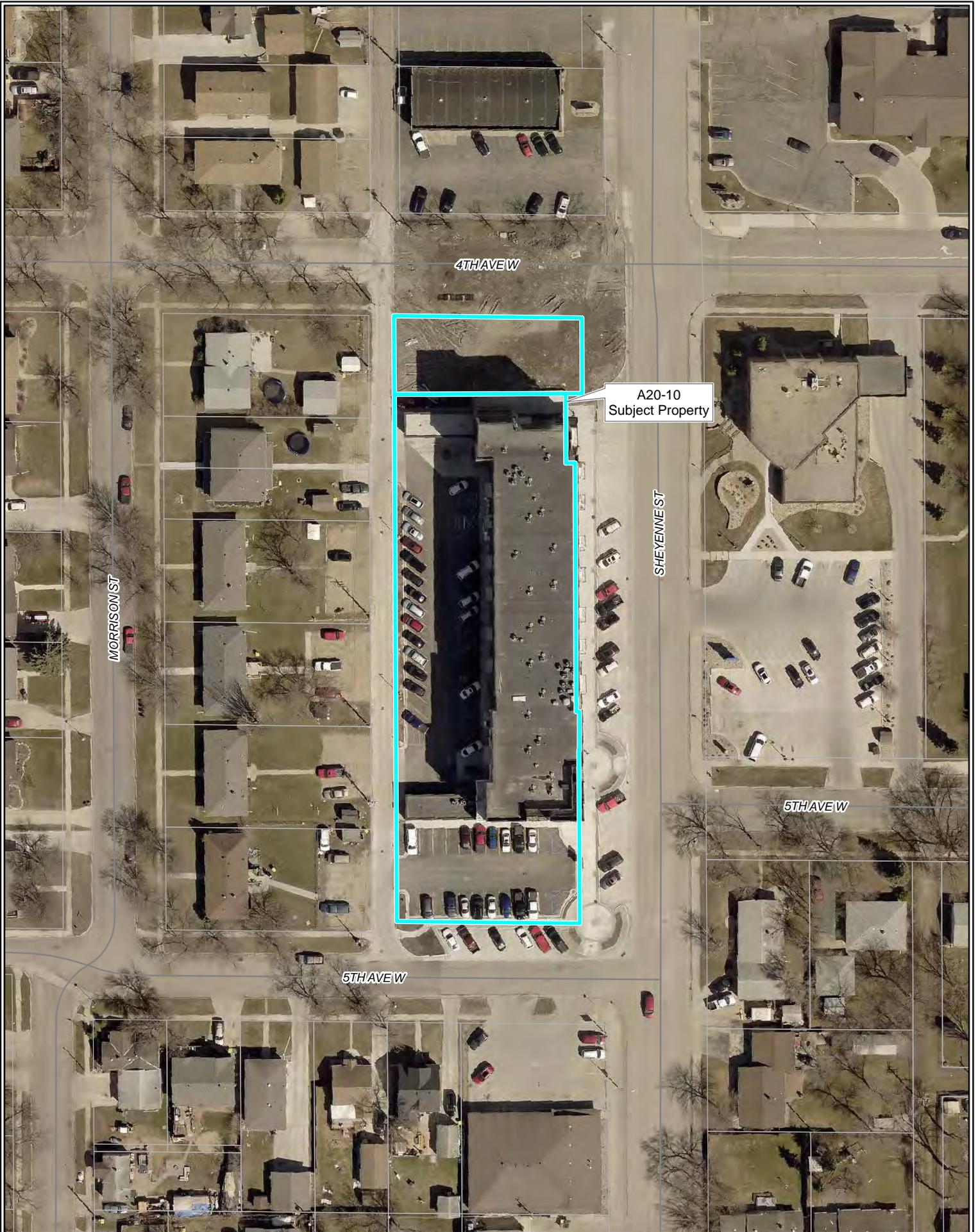


May 29, 2020

The City of West Fargo has contracted with West Fargo Events to provide management, programming, and maintenance services on the City of West Fargo's POW/MIA Plaza. The intention for the Conditional Use Permit application submitted by West Fargo Events is to permit the video board as an off-premise sign consistent with the Downtown Mixed-Use Zoning District. The screen hours of operation can be adjusted as needed for city ordinance. Our current arrangement is 6am-11pm to minimize the impact it has on the neighborhood.

Respectfully submitted,

Mike Amundson  
West Fargo Events  
Executive Director



A20-10  
Subject Property

MORRISON ST

4TH AVE N

SHEYENNE ST

5TH AVE N

5TH AVE N





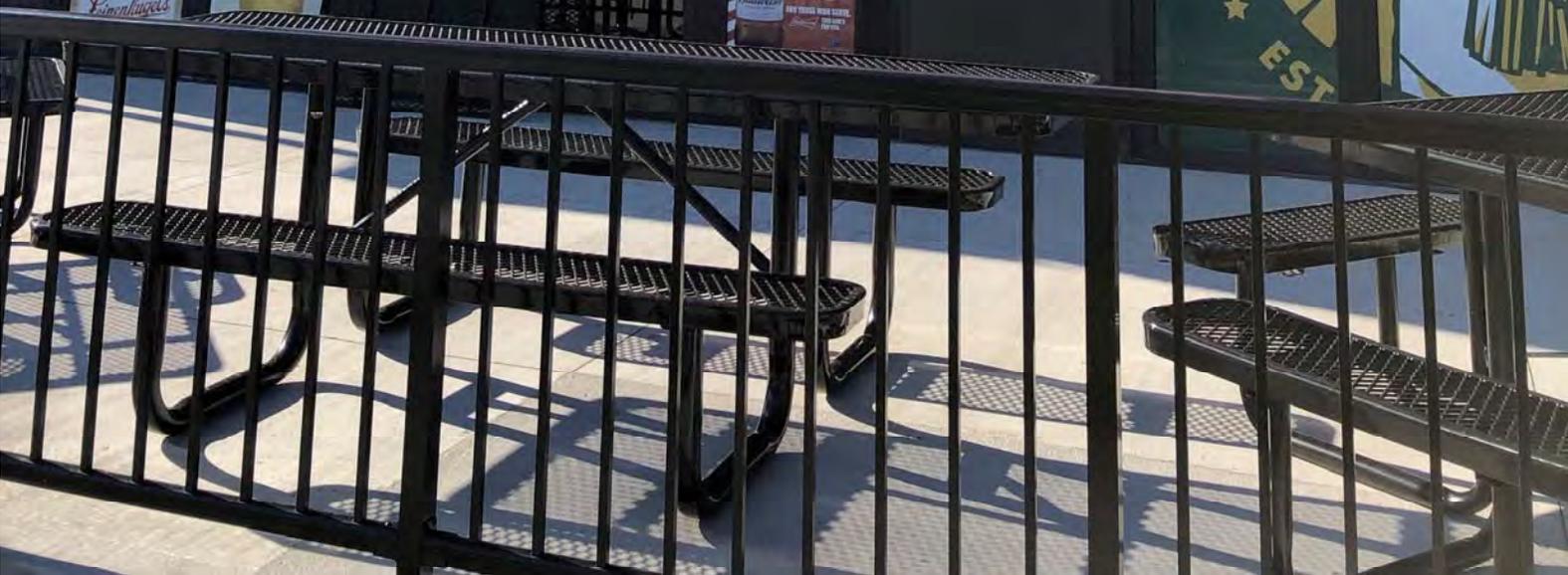


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DOWNTOWN  
WEST FARGO  
WELCOMES YOU

ite



West Fargo Events

West Fargo, ND  
Quote # 64619-1

Date: 2/10/2020  
Revised Date:

Sales Representative:  
Jill Gustofson

Drawn by: BDK

Page Scale: 1" = 1'-0"  
Page Size: 11x17



Illuminated Single Sided Cabinet Sign

Cabinet: Aluminum (Black)  
Face: Polycarbonate  
Graphics: 3M film Print  
Black 3630-22

1622 Main Avenue | Fargo, ND 58103  
p. 701.297.9696 | f. 701.297.9697

MN | alexandria | st. cloud | minneapolis  
ND | fargo | bismarck | grand fork | minot

Due to the limitations of the printing process,  
the colors shown may not reflect actual colors.



## Lisa A. Sankey

---

**From:** Mary Ann Dost <maedost@gmail.com>  
**Sent:** Tuesday, April 28, 2020 6:00 PM  
**To:** Lisa A. Sankey  
**Subject:** Proposed Conditional Use Permit

We feel there are already too many lights in the area at night. The Pioneer building has lights on the back of the building and at the south end top in their open area, all of them too bright. There is the tower lights at the POW/MIA park that are on all night plus the park/VFW sign and the advertising monitor. It is just too much.

Mary Ann and David Dost



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**From:** [Roben Anderson](#)  
**To:** [Tim P. Solberg](#); [Lisa A. Sankey](#)  
**Subject:** Off-Premise Signage Public Hearing  
**Date:** Friday, May 8, 2020 2:24:43 PM

---

Hello,

I would ask that the same considerations are in place, like recommendation #1 states, that a timer and dimmer are used, similar to that of the off-premise sign approved at The Lights.

The Dost's are correct in that the lighting is on all night (both the towers and string lights). There's not a need for that lighting to be on all night. I know a neighbor has had to purchase black-out curtains so they can live comfortably in their house because of it (they purchased the house before the plaza was constructed).

My wife's grandma received the notification and the only concerns that I've heard are about the lighting all night.

Thank you,

Roben Anderson  
108 Francis Street

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116 North 4<sup>th</sup> Street, Suite 200  
Bismarck, North Dakota 58501  
701.258.6622  
701.258.5957  
[www.swca.com](http://www.swca.com)

May 27, 2020

Tom McDougall  
West Fargo Planning and Zoning Commission  
800 Fourth Ave. E., Suite 1  
West Fargo, ND 58078

Re: NuStar North System Pipeline Relocation Project  
Cass County, North Dakota

Dear Tom McDougall,

NuStar Pipeline Operating Partnership L.P. (NuStar) is proposing the North System Pipeline Relocation project (Project) that will consist of a 10-inch diameter, approximately 2.21-mile-long welded steel pipeline that will relocate the portion of NuStar's existing North System Pipeline that will be impacted by construction of the Fargo-Moorhead Diversion Channel in Cass County, North Dakota. As shown on the enclosed Project Location Map, the pipeline relocation route will go directly south from its starting point for approximately 2,750 feet then turn east and go for approximately 8,945 feet to its endpoint. The entire segment that will be taken out of service by the relocation pipeline will be completely purged clean of any petroleum products, capped, and abandoned in place, except for the segment directly impacted by construction of the Diversion Channel and Drain 14. The Project analysis area is a one-mile wide corridor centered on the pipeline centerline that encompasses the following legal locations in North Dakota:

- Cass County – Sections 9, 10, and 11, Township 139 North, Range 50 West

The Project is scheduled to begin construction in the fall of 2020.

SWCA Environmental Consultants is notifying the West Fargo Planning and Zoning Commission of the proposed Project and offering the opportunity for comments. Information received from the West Fargo Planning and Zoning Commission will be used in a North Dakota Public Service Commission application being prepared for the Project. Please send your replies and/or requests for additional project information to:

James W. Dawson, Senior Project Manager  
SWCA Environmental Consultants  
116 North 4th Street, Suite 200  
Bismarck, North Dakota 58501 (701) 258-6622  
[jdawson@swca.com](mailto:jdawson@swca.com)

Sincerely,

A handwritten signature in black ink that reads "James W. Dawson". The signature is written in a cursive style.

James W. Dawson  
Enclosure: Project Location Map

