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

West Fargo Planning & Zoning Commission Agenda
Monday, January 12, 2015 - West Fargo City Hall - 7:00 p.m.

1. Call to Order
2. Election of Chair and Vice Chair
3. Approval of Minutes – December 8, 2014
4. Public Hearing – A15-1 Center at 7th Second Addition, a replat of Lot 1, Block 1 of Center at 7th Addition (121 7th Avenue NE), City of West Fargo, North Dakota – MSN Investments
5. Public Hearing – A15-2 Oak Ridge 8th Addition, a replat of Lot 2, Block 1 of Oak Ridge 4th Addition (825 33rd Avenue East), City of West Fargo, North Dakota – Osgood Investments
6. A15-3 Request for Access at 12th Avenue NE (Lot 1, Block 1 of Bogey 4th Addition) - Hazer
7. Review of Rules of Conduct/Bylaws
8. Non-agenda
9. Adjournment



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West Fargo Planning and Zoning Commission
December 8, 2014 at 7:00 P.M.
West Fargo City Hall

Members Present: Jerry Beck
LeRoy Johnson
Tom McDougall
Terry Potter
Scott Diamond
Eddie Sheeley
David Zupi

Members Absent: Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Deb Daub, Stephen Smith, Dan Bueide, Bruce Redington, Randy Cramer, Paul Rice, Art Goldhammer, Jill and Brady Swenson, Lindsey Muscha, Shane Mechaley, Simon Wilson, Jacob Beecher, Tom Schauer, Joe Kolb, Kyle McCamy, Matt Marshall, Mike Graham, Bruce Qvammen

The meeting was called to order by Chair McDougall.

Commissioner Potter made a motion to approve the November 10, 2014 meeting minutes as written. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-55 Conditional Use Permit for residential signage within a Corridor Overlay District at 2915 Bluestem Drive (Lot 2, Block 1 of South Pond at the Preserve 2nd Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

A Conditional Use Permit is required for signage within residential districts within the Corridor Overlay District. PUD District standards state that the most restrictive prevailing provisions regulate the permit. A Conditional Use Permit may allow increased signage in the Corridor Overlay District, but will need to at minimum meet the provisions of those requirements for signage in Commercial Districts within the Corridor Overlay District. The proposed use is generally consistent with City Plans and Ordinances.

The applicant proposes placing two signs on the northeast and southeast corners of the property. The signs are approximately 40 square feet each with decorative stone panels holding the sign in place. Setbacks shall meet the minimum requirements of 15' from the Veterans Blvd property line and 5' from 26th and 31st. The setback must be measured from the closest portion of the sign to the property line, which according to submitted plans would be the base of this sign.

The Conditional Use Permit can set the size and height that would be allowed, but in no case shall the requirements be less restrictive than that of the commercial district within the corridor overlay district. The lighting must be dim enough to not reflect off windshields and cause sight problems for traffic.

Property owners within 350' were notified; no comments have been received to date.

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

1. Lighting must take into consideration location of residential neighborhood. Low intensity lighting should be used.

There were no public comments. The hearing was closed.

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

Chair McDougall opened public hearing A14-56 Conditional Use Permit for residential signage within a Corridor Overlay District at 319 32nd Avenue East (Lot 2, Block 1 of Prairie Heights Development 2nd Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

A Conditional Use Permit is required for signage within residential districts within the Corridor Overlay District. PUD District standards state that the most restrictive prevailing provisions regulate the permit. A Conditional Use Permit may allow increased signage in the Corridor Overlay District, but will need to at minimum meet the provisions of those requirements for signage in Commercial Districts within the Corridor Overlay District

The applicant is proposing to place channel letters with the Church name on the north, east, and west building walls and the placement of a 20' high freestanding electronic message center sign at the front of the property. Setbacks shall meet minimum requirements of 15' from the 32nd Ave E property line and 5' from any other roadway. The setback must be measured from the closest portion of the sign to the property line. Sign setbacks will exceed this due to the distance required from an Xcel utility easement along 32nd Avenue.

Illumination of signs in residential districts is only allowed as a conditional use. The electronic message center requires a CUP. Keeping the sign single sided facing away from the single family residents may mitigate impact to the residential property to the north. The Conditional Use Permit can set the size and height that would be allowed, but in no case shall the requirements be less restrictive than that of the commercial district within the corridor overlay district. The lighting must be dim enough to not reflect off of windshields and cause sight problems for traffic.

Property owners within 350' were notified. A comment was received from a property owner objecting to the freestanding sign size as proposed. The comment was that it should not be increased from its current size and that the proposed sign appeared unreasonable and unsightly. If concerns from adjacent residential neighbors arise related to the electronic message center, the Church should be notified and required to only operate the sign between the hours of 7am and 10pm.

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

1. Due consideration be given to public comment.
2. Permit note that if complaints are received that timing of electronic message center messages and hours of operation can be adjusted.
3. Lighting must take into consideration location near residential neighborhood. Low intensity lighting that does not become a visual nuisance or distraction to the motoring public should be used and is required to meet 4-460.7.17 of the City Sign Regulations.

Chair McDougall asked for a summary of the ordinance regarding animated message centers. Larry reviewed the following:

Reader boards shall be reviewed by various City departments to determine if such sign may create a nuisance or traffic hazard because of lighting glare, focus, animation or flashing. Visual nuisance or traffic hazard effects may be minimized through the use of static images or message (no flashing or scrolling messages), time sequencing of images or messages, i.e., 8 second standard changes and reduced intensity in lighting. In the event that such sign is determined to potentially constitute a nuisance or traffic hazard, the sign shall be reviewed as a conditional use.

Tim reviewed the sign and sign plans.

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

Commissioner Sheeley asked about the existing sign. Applicant Stephen Smith stated that it's a 4' x 8' freestanding sign, which is 3' off the ground.

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

Chair McDougall opened public hearing A14-57 Brooks Harbor 4th Addition, Subdivision and Rezoning from Agricultural to R-1A: Single Family Dwellings, property in the N½ of Section 19, T139N, R49W, City of West Fargo, North Dakota and Replat of Lots 15-18, Block 5 of Brooks Harbor 2nd 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 proposed subdivision is adjacent to Brooks Harbor 2nd Addition which is immediately to the south and is under construction. The applicant proposes to develop the property as single family residential. The proposed use is consistent with City Plans and Ordinances.

The developer 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-1A: Single Family Dwelling District. All lots exceed the minimum lot requirements for the zoning district.

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' to accommodate 6' paths on both sides or a 10' on one side and standard 4' on the opposite. A small lot is proposed to accommodate path connection to the diversion for a future recreational path as has been identified in the Sheyenne Diversion/Sheyenne Street Bicycle and Pedestrian Study. The plat includes 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.

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 for the area being platted can be included within the assessment district.

Notices were sent to property owners within 150', City officials, as well as utility companies and SE Cass Water Resource District. Comment was received from an adjacent neighbor on an existing large residential lot to the north with concerns on how this development may affect his special assessments. These concerns have been relayed to the developer, City Engineer, and City Administrator.

It is recommended to conditionally approve the Preliminary Plat on the basis that it is consistent with City plans and 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.

Bruce Redington, 908 21st Avenue West, stated that the issue isn't with development, but with special assessments on his

property. The Brooks Harbor Lift Station Assessment is a substantial amount of money and with proposed construction of 21st Avenue and 9th Street West, he's concerned with future assessments. He's interested in developing his property in the future and asked about timeframes for construction and assessments for those streets. He has 1300' of frontage along 21st Avenue West.

Larry stated that several departments have met on this. As the area develops, there are access constraints. The City Commission has spoken several times about wanting to see more access into developments. The primary access will be from 26th Avenue. Currently access via 12th Street West is still fairly limited. The reason the gravel road will be abandoned is because the diversion is a protective levy and the Corps of Engineers and SE Cass Water Resource District would prefer streets not be placed there. He stated that there may be a possibility to delay improvements.

Dustin Scott stated that proceeding with a resolution of necessity is subject to a protest hearing. With 50% protest there was discussion of developing 9th Street halfway. The gravel road is deteriorating, there are still maintenance costs, i.e. gravel. In the short term (1-2 years) it will be decommissioned.

Discussion was held regarding assessment districts. Dustin stated that typically it would be assessed half mile each way; however, with I-94 to the north, that would be difficult, so they would need to prorate for the property to the north. And in terms of amounts of assessments, they won't know until cost estimates are received for the project.

Mr. Redington stated that he doesn't oppose the development. If his area develops then it won't be an issue; however, he's already got significant assessments for the lift station. He's also concerned because this summer there was a significant amount of truck traffic going past his house and it wasn't for the Brooks Harbor development. It created ruts and dust and he's not sure where those trucks were traveling.

Chair McDougall stated that the Planning and Zoning Commission doesn't determine assessments and encouraged Mr. Redington to take his concerns to the Special Assessment Committee.

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

Chair McDougall asked why the area is developing this way, from the west. Applicant Randy Cramer stated that they only have control of the back 43 acres. Ms. Loberg isn't interested in developing to the east at this point.

Chair McDougall asked how access is allowed onto curves when one had to be abandoned to the south in Hidden Acres. Larry stated that there are sight distance issues at the bridge structure. Current access is allowed at 24th and 26th.

Commissioner Sheeley asked why they would use 21st and 9th. It doesn't make sense to install it now. Larry stated the greatest concern is the corridor and establishing right-of-way. Dustin stated that sewer and water needs to follow 9th Street to service Brooks Harbor 4th.

Chair McDougall stated that the developer controls a small portion and asked what happens if the land owner sells to someone else. Dustin stated that 9th Street would be included in the plat and the owner will have to sign it. Mr. Cramer stated she's verbally Okayed to go ahead with the easements. Chair McDougall stated that the Redingtons would still be affected.

Tim stated if 21st isn't improved it should be blocked to prevent cement trucks from accessing.

Commissioner Beck asked for timeframes for improvements and assessments. Dustin stated that if construction occurs in 2015, assessments could be certified in 2016 or 2017. He stated that they can generate cost estimates and a rough schedule and will continue to communicate with Mr. Redington.

Paul Rice, 1152 21st Avenue West, stated that he lives west of Mr. Redington and is not planning to sell. He's concerned with the lift station and holding pond. He asked why they're getting assessed. Commissioner Sheeley stated that a special assessment meeting is coming up.

Mr. Rice asked about 21st Avenue. Currently there's too much traffic and not enough access. He stated concern with lack of emergency vehicle access.

Mr. Redington stated that he's not against 9th Street. Eventually the area will develop, it's just a matter of timing.

Tim stated that 9th Street continues south 2.5 miles. It's a collector street.

Discussion was held regarding access along the Diversion Road. Chair McDougall stated that Planning and Zoning doesn't decide special assessments or easements. He asked if commissioners felt comfortable approving the plat before them for Brooks Harbor 4th as proposed.

Commissioner Zupi made a motion to approve the preliminary plat based on staff recommendations 1-7 listed in the staff report, as well as an additional condition (#8) that consideration be given to property owners north of the development along 21st Avenue in terms of timing of their assessments. Commissioner Beck seconded the motion. No opposition. Motion carried.

Chair McDougall stated that Commissioner Potter has a conflict and will be abstaining from commenting and voting on the next item.

Chair McDougall opened public hearing A14-58 Oak Ridge 7th Addition, Rezoning from Agricultural to PUD: Planned Unit Development and Land Use Plan Amendment from Low Density Residential to Medium Density Residential, property in the NE¼ of Section 29, T139N, R49W, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The developer proposes platting a portion of a larger tract and zoning the parcels for a townhouse development and platting one lot at a little over one acre to be zoned as C: Light Commercial. The application is consistent with City Plans and Ordinances.

The developer has submitted an application, Area Plan and Preliminary Plat for a residential development for townhouses and one lot to be retained by the original owner for development of general commercial uses and to be zoned C: Light Commercial. The Area Plan submitted by the developer shows where the proposed subdivision is located and surrounding properties/developments, which are under separate ownership. The Area Plan shows the Shadow Wood single family development to the south and Strawberry Fields single family to the west on 4th Street East. The area to the north is proposed as General Commercial and to the east Office Park with a proposed assisted living center.

The lot intended for townhouse condominiums consists of approximately 10.1 acres and is intended to provide 119 townhouse condo units which is a density of 11.8 units per acre. The developer intends to stage the development in three phases. It will be important to identify the phases in the Detailed Development Plans, the timeframes for each phase and manner of phasing so that adequate access for municipal services and emergency vehicles can continually be provided.

The primary entrance to the subdivision is at the intersection of 6th Street and 33rd Avenue East. The streets show rights-of-way of 62' in width. All streets in the development are considered private drives. The right-of-way for 6th Street and 33rd Avenue East was dedicated previously with Oak Ridge 5th Addition.

The adjacent Strawberry Fields Addition set aside a 10' lot extending from this land west to 4th St E and was intended for a bike/pedestrian path to connect this area to the paths and parks in the Shadow Wood area. Staff feels it would be appropriate to continue this path into the proposed plat for connectivity, and that the path including that which is legally described as Lot 9, Block 1 of Strawberry Fields Addition should be improved as part of the improvement district. If approved, staff would recommend that the path be considered as partial fulfillment of the required park dedication for the plat. Staff believes the requirement of the path would be consistent with the Comprehensive Plan; Transportation Goal 3, Objective a. "to provide bikeways/trails and pedestrian pathways and trails that connect residential areas with each other, with park facilities, school facilities, and with major activity centers".

Goal 2 under Community Development, Design, and Housing in the City's Comprehensive Plan provides some points of discussion for this development.

- Objective b. "To provide opportunities for high-quality multiple family developments, including townhomes, condominiums, and higher density rental properties" certainly is fitting with this proposal in that this development provides a development which includes amenities and regulations within a proposed homeowners association that would indicate it should be considered of "high-quality".
- Objective g. "To promote a diversity of multiple-family residential units including townhouse, condominiums, and low and higher density rental properties to be evaluated by each section of land to ensure an equitable distribution throughout

the growth area. A minimum of 20% of housing will meet the medium density standard of 16 units per acre or less and consist of 4 to 8 unit apartment buildings, townhouses, and condominiums.

- Objective h. "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 30-40% multiple-family" provides points that as we consider this development it should be noted that the higher density housing in this section has been met and that there is a small amount available in the section to be dedicated to medium density. This proposal meets the density requirements of low density; however the housing type is more fitting with medium density. Staff feels the combination allows for approval of this development is consistent with the Comprehensive Plan and that a land use plan amendment should be associated with the development, but only approved as part of this PUD as it is unique to the proposed development.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies. We have received four comments to date from residential neighbors to the south indicating concerns with increased traffic and positioning of some of the proposed homes as well as the proposed dog park and existing trees on the property. The developer has been communicating with these residents as they continue to develop their plans. Communication that has been provided to staff is included as an attachment to the staff report.

It is recommended the City Planning and Zoning Commission conditionally approve the proposed application as a concept development plan on the basis that with an approved land use plan amendment it will be consistent with City plans and ordinances. The conditions of approval which would need to be satisfied prior to review of the detailed development plans and future consideration by the City Commission are as follows:

1. Concerns of adjacent neighborhood are given due consideration.
2. That a Land Use Plan Amendment from low density residential to medium density residential be approved at final approval of the Planned Unit Development.
3. Final Plat with any necessary easements including that the existing retention pond be included within the other lot of the plat so as not to create it as a separate lot.
4. That a path connecting the development to adjacent developments on Lot 9, Block 1, Strawberry Fields Addition be a part of the proposed development and included in the improvement district.
5. A drainage and utility plan is approved by the City Engineer.
6. Any necessary easements are placed on the Final Plat.
7. A landscape plan is received prior to building permits being issued.
8. Condominium documents for the development are received for filing with the plat if proposed.
9. A phasing plan is developed for the three phases showing the timeframes and manner of phasing to continually provide adequate access for municipal services and emergency vehicles.
10. A subdivision improvement/PUD agreement and park dedication agreement are received.
11. An Attorney Title Opinion is received.
12. Certificate of Taxes is received showing taxes are current.
13. A mailbox plan is received and approved by the Post Office.

Tim stated that the staff report referred to #8, condominium documents being received and filed with the plat; however, the developer indicated each townhouse unit would be platted as a separate lot.

Larry reviewed the aerial photo to identify the future land uses including the assisted living center, Cash Wise and townhouse-style apartments along the east side of 4th Street.

Applicant Art Goldhammer introduced himself and indicated he was available to answer any questions.

Brady Swenson, 532 35th Avenue East, stated that he knew it would eventually be developed, but didn't expect 3-story buildings with an alley and 6' fence behind his house. He stated concern with safety. He'd like to work with the developer to come up with a better plan. They'd like to see more green space and is concerned with the proposed dog park.

Jill Swenson, 532 35th Avenue East, stated that there is no transition between their high end homes. This doesn't make sense. She has a \$400,000 home. Abutting an alley will cause their property values to decrease.

Chair McDougall asked about the façade and height of the structures. Mr. Goldhammer stated that it will be a mix of 2-3 story townhouses, so 38' height for a 3-story structure. There's a home in Strawberry Fields to the west that is 42' high. This will be stucco, not vinyl siding. They tried to have duplexes and 4-plexes along the south row to preserve greenspace

and encourage use of little spaces. They're not opposed to removing the dog park if there are issues.

Mrs. Swenson stated that she understands the developer thinks it'll look classy, but there will still be an alley in her backyard.

Lindsey Muscha, 516 35th Avenue East, stated concern with the alley and parking lot, as well as lack of connectivity from the dog park. Tim stated that the dog park would be for residents to walk to within the development.

Commissioner Zupi asked about the retention pond. Tim stated that it's not needed for regional water retention, just for this development. So it would be maintained by the developer.

Shane Mechaley, 428 35th Avenue East, stated that when he bought his property, he thought the area to the north was going to be developed a certain way. He's concerned with lack of privacy caused by the dog park, sidewalk, trees being removed. He stated his neighbors on both sides couldn't attend tonight's meeting and have similar concerns.

Simon Wilson, 3411 4th Street East, stated that he moved into his new home in Strawberry Fields in August. When he purchased his lot, he was shown plans for 23 single family homes, not 500-600 people living in townhouses. He didn't plan to fence his yard. His neighbor's house isn't finished, but recently went back on the market. He's very dissatisfied with the changes to the plans.

Mrs. Swenson asked if the plan with 23 homes along 2 cul-de-sacs was discontinued due to specials. Dustin stated that bids came back with 100,000-125,000 in specials per lot for infrastructure. The developer sold the land to Mr. Goldhammer.

Chair McDougall asked for clarification regarding land use, as part of the application remains within the confines of low density, but the applicant is requesting medium density. Larry stated that it has to do with the form of housing. Low density residential is up to 10 units per acre for single family detached units or 14 units for single family attached (twin homes). He gave the example of Eaglewood with much smaller lots. Because the developer is proposing more than twin homes --- 2-5 unit structures, the form requires medium density for the land use.

Chair McDougall stated that this development, based on units per acre meets the low density residential land use requirements. Tim stated that the developer could chose to build 200 twin homes and still meet the low density residential land use requirements. Mr. Goldhammer stated that he chose not to do so in order to give more variety, provide paths, etc.

Mr. Swenson stated concern with noise from garbage trucks, snow removal equipment and cars in the parking lot behind their home. Mrs. Swenson stated she wants a typical backyard. She's also concerned about the privacy fence.

Jacob Beecher, 644 35th Avenue East, stated that he's right behind the proposed assisted living center and asked if the alleyway would be connected the assisted living center driveway. Tim indicated no.

Tom Schauer, 500 35th Avenue East, asked what it was going to look like and if there were any photographs of the finished project. He also stated concern with the dog park.

Mr. Goldhammer stated that he thought the dog park would be a nice amenity for the residents in his development, but can remove it if there are concerns. He stated that the development would be HOA maintained and prices of the townhomes would be \$180,000 to 300,000.

Mr. Schauer asked about the existing trees. Mr. Goldhammer stated that they'll add landscaping and try to maintain as many trees as possible. They intend to fill in areas for screening and aesthetics --- 6-8' trees, as well as shrubs.

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

Commissioner Diamond stated that there are a lot of complaints about the dog park. He asked Mr. Goldhammer if he was open to reconsidering it. Mr. Goldhammer stated he'd be willing to remove it.

Discussion was held regarding density and housing style. Commissioner Zupi asked if something in between could be proposed such as twin homes on the exterior with higher structures further to the north. Chair McDougall asked if they intend to exceed height requirements. Tim stated that single family height is 35' and they don't propose to exceed height requirements. It's more of an issue with having more than two units per structure.

Tim stated that if this were approved tonight and 20% of the property owners protested, a 4/5 vote by the City Commission would be required. Larry stated that the plans are conceptual and in order to go forward, the applicant will have to bring floor plans, detailed site plans, etc. before the Planning and Zoning Commission before being forwarded to the City Commission.

Chair McDougall asked about changing the layout of the backyards. Mr. Goldhammer stated that he's open to flipping it, if it keeps the peace and to move forward.

Joe Kolb, 508 35th Avenue East, stated that the biggest objection is the road. Mr. Goldhammer stated that he's willing to revise the lots, road, parking lot. He stated that if the residents support his project he's willing to flip one of the tiers and remove the dog park. He'll come up with a couple different plans.

Mrs. Swenson stated that she's still not supportive of it due to the number of people and decrease in property values. Larry stated that neither the Planning and Zoning nor City Commissions can judge a development based on value.

Discussion was held regarding parking. Tim stated that with a 20' road, parking isn't allowed along the private drive. He stated that if the developer works out the details, a neighborhood meeting could be held to review proposed changes to plans.

Chair McDougall stated that the request is to change the land use plan from low to medium density residential and to rezone to PUD. Larry stated that condition #2 in the staff report ties the land use change to final approval of the Planned Unit Development. They go together.

Commissioner Sheeley made a motion to approve the Concept Development Plans subject to conditions 1-7 and 9-13 listed in the staff report, with an additional condition that the City meet with the developer and residents to review revised plans. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-59 Nitschke Addition, Rezoning from Agricultural to R-1A: Single Family Dwellings and Land Use Plan Amendment from Medium Density Residential to Low Density Residential, property in the SE¼ of Section 31, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is bordered by Sheyenne Street to the east and 9th Street West to the west, is located south of the Nelson Acres subdivisions, east of The Wild's and north 52nd Avenue South. The developer proposes platting to accommodate single family development. This application is not consistent with the city's Comprehensive Plan as this area is Medium Density Residential on the Future Land Use Plan and a Land Use Plan Amendment would be required.

The developer submitted an application, Area Plan and Preliminary Plat. The Area Plan submitted by the developer shows where the proposed subdivision is located, as well as the surrounding properties/developments. The Preliminary Plat consists of 11 single family lots.

The necessary right-of-way should include a total of 150' along Sheyenne Street (75' of right-of-way on each side. Local streets need minimum of 62' of platted R-O-W, the developer is proposing a private drive. The subdivision ordinance calls for buffer easements up to 30' along arterial roads (Sheyenne Street) for buffering/screening when residential development is adjacent to the street. Provision should be made for landscaping and/or fencing where residential properties are platted near these streets. A landscape plan should be developed that indicates they can meet this requirement. A Class I bikeway is planned along Sheyenne Street and a drainage plan is required for the subdivision

The plat was sent to the Park District for review. Once the City receives communication from the Park District, a park dedication agreement will be developed. The agreement should be in place prior to City Commission consideration. Park and trail amenities are located west of the subdivision. Staff feels the development should offer connectivity in some manner to reach these facilities. Given Sheyenne Street does not have facilities to reach those amenities, staff is recommending they provide access by way of a path to the end of the property to the west for future connection into the Wilds. The requirement of the path would be consistent with the Comprehensive Plan; Transportation Goal 3, Objective a. "to provide bikeways/trails and pedestrian pathways and trails that connect residential areas with each other, with park facilities, school facilities, and with major activity centers". This path should be improved prior to issuance of any building permits.

The section is significantly low in terms of diversity of housing types. This property has been designated for medium density residential development. Due to the relative compatibility of low density residential development, land use plan amendments

with lower density are not often scrutinized. There remains vacant land in this section; however consideration should be given to the availability of land and lack of opportunities which will exist to more efficiently provide a mix of housing types in this area of the City. Goal 2 under Community Development, Design, and Housing in the City's Comprehensive Plan includes two objectives which speak to this issue: Objective g. "To promote a diversity of multiple-family residential units including townhouse, condominiums, and low and higher density rental properties to be evaluated by each section of land to ensure an equitable distribution throughout the growth area. A minimum of 20% of housing will meet the medium density standard of 16 units per acre or less and consist of 4 to 8 unit apartment buildings, townhouses, and condominiums"; and Objective h. "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 30-40% multiple-family". The continuing development of low density residential in this section will not meet the goals and objectives of the land use plan.

Sewer and water services have not been extended to the property yet. A special improvement district will need to be established to provide for the needed services. 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. Arrangements for payment need to be made prior to the subdivision plat being recorded.

Notices were sent to property owners within 150', county and City officials, as well as utility companies and SE Cass Water Resource District. No comments have been received.

It is recommended that the City conditionally approve the proposed application on the basis that with an approved land use plan amendment it will be consistent with City plans and ordinances. The conditions of approval are as follows:

1. That a Land Use Plan Amendment from medium density residential to low density residential be considered and approved prior to final approval.
2. That a path connecting the development to adjacent developments be included in the plat.
3. A buffer/screening/landscape plan is received for the property line along Sheyenne Street.
4. Any necessary easements are placed on the Final Plat.
5. A drainage and utility plan is approved by the City Engineer.
6. A subdivision improvement agreement and park dedication agreement are 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.

OR

If the Planning & Zoning Commission and/or City Commission consider the Land Use Plan Amendment and choose not to approve, it is recommended to deny the application on the basis that it is not consistent with City plans and ordinances.

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

Engineer Kyle McCamy, stated that he's spoken with the property owner to the west and identified a route for the path connecting the development.

Commissioner Zupi asked about the developments to the north and south. Larry stated that the land use to the north is designated as Medium Density Residential and the area to the south is also Medium Density, with General Commercial closer to the intersection of 52nd Avenue and Sheyenne Street.

Commissioner Zupi stated indicated that with the larger single family lots proposed, he could see potential issues with development of the lots to the north and south. He stated concern with changing the land use plan.

Mr. McCamy stated that with the larger trees and buffering along Sheyenne Street, these lots shouldn't be affected by the surrounding uses.

Chair McDougall asked about Sheyenne Street Realignment and if these house would be affected. Dustin indicated they shouldn't have to purchase any additional right-of-way and this should fit within the existing right-of-way. 25-30 year projections show 3 lanes. He used Veteran's Boulevard as an example indicating it has 200' of right-of-way. This area has 75' of right-of-way on each side of Sheyenne Street.

Commissioner Sheeley stated that it appears the bikepath issue has been resolved.

Commissioner Sheeley made a motion to approve the subdivision and rezoning subject to the 9 conditions listed in the staff report. Commissioner Beck seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-60 Rezoning from Agricultural to C: Light Commercial Lots 3 & 6, Block 1 of North Pond at the Preserve 3rd Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is west of Veteran's Boulevard, between 23rd Avenue East and 26th Avenue East. The lots have previously been platted; however, were not zoned and remained with Agricultural zoning. The applicant proposes zoning the lots to C: Light Commercial. The proposed rezoning is consistent with the City's Land Use Plan, which depicts the area developing as General Commercial.

The developer submitted an application for rezoning property for light commercial development. The lot was recently platted as part of North Pond at the Preserve 3rd Addition, located between 23rd Avenue East and 26th Avenue East west of Veteran's Boulevard. A number of lots within the subdivision were not zoned at the time, as no sales or development plans were pending.

The lot is within the CO: Corridor Overlay District which requires greater yard requirements and higher building construction standards along the Veterans Boulevard corridor. Landscaping would be according to the City's Landscape Standards, and a landscape plan will be required prior to building permits being issued. Notices were sent out to neighboring property owners within 150'; no comments have been received to date.

Staff recommends approval.

Dan Bueide, Attorney with Vogel Law Firm and representing the property owner, indicated he's available to answer any questions.

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

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

Chair McDougall opened public hearing A14-61 Doll's 7th Addition, Replat and Rezoning from C: Light Commercial to PUD: Planned Unit Development of Lots 3-7, Block 1 of Doll's 5th Addition, City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property is east of Sheyenne Street and south of Interstate 94. The applicant proposes to replat lots 3-7, block 1 of Doll's 5th Addition into 31 lots for development of a commercial condo association, retention, and a larger commercial lot adjacent to Sheyenne Street to be developed at a later date. Lots 1-29 are proposed as a Planned Unit Development to include uses that are of commercial to light industrial in nature with special conditions intended to increase the compatibility with general commercial uses. Lot 30 is proposed for retention needs of the development. Lot 31 is proposed to be unchanged from C: Light Commercial zoning. Lot 31 is also under the CO: Corridor Overlay District. The light commercial uses are consistent with the land use plans whereas, the proposed heavier uses are not consistent with the intended general commercial uses as designated in the land use plan.

The applicant proposes developing a commercial condo association with uses that fit into both the Light Commercial and Heavy Commercial/Light Industrial zoning districts which are outlined in a conceptual development plan. The applicant is proposing a buffer yard to include a 4' berm topped by a 6' privacy fence and evergreen trees to create an adequate buffer between the proposed development and existing residential development to the east. The proposal includes yard, sign, and landscaping requirements however staff would recommend that the supplementary district regulations are met which is standard in other planned unit developments and should also be included in the developer's agreements.

The applicant submitted proposed building elevations as to be followed in their condo association bylaws. The elevations show approximately 2,400 square foot metal buildings uniform in color and style with one insulated overhead door, one

entrance door, and windows.

The applicant is proposing to alter the existing access easement and include within the development private roads with public easement for city sewer and water. The condo association would maintain the roads within the development. With the approval of Doll's 5th Addition on August 29th of 2008 a developers agreement was entered into between the previous developer and the City outlining that the existing easement in place on Doll's 5th Addition would be improved prior to issuance of any building permits on lot 5, 6, or 7 of Block 1. The private access easement was intended to provide connectivity from Sheyenne Street to Shiloh Street as a second access to the development to the east which was recommended by Cass County and City departments particularly for emergency response access to the area. The proposed development would alter this access, so if approved the agreement will need to be revisited with coordination of City departments, Southeast Cass Water Resource District, and adjacent property owners.

Notices were sent to property owners within 150' and to all within the Doll's additions and to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies. Staff has received comments from adjacent property owners regarding the development outlining concerns with the compatibility of such uses. The applicant has met separately with the neighbors and is attempting to make some compromises. Comments have been provided to the Commissioners attached to this report outlining the concerns and outcome of that meeting as reported by an unofficial representative of the neighborhood. The most nearest residential neighbor has also provided two letters. One letter addresses the concerns related to the buildings and the berm. One letter addresses the leftover right of way that was platted along with Doll's 2nd Subdivision. The applicant of this development indicated he has no interest in extending that road, and the neighbor would like it vacated to protect it from being developed and to ensure an increased buffer between the uses.

Staff has further received concerns from the adjacent businesses and owners of Lots 1 and 2, Block 1 of Doll's 6th Addition regarding the proposed changes to the approved access easement between Sheyenne Street and Shiloh Street.

Sheyenne Street at this location is currently undergoing a corridor study which is seeking to identify current issues with the roadway along with proposed improvements in the future. The current approved 2015-2018 Transportation Improvement Program includes reconstruction of Sheyenne Street from 32nd Avenue to 19th Avenue for 2018. Likely improvements are also being considered to the Interstate Interchange near this location as well. These improvements will have a very large impact on this property both from an access and visibility standpoint.

It is recommended the City Planning and Zoning Commission deny the proposed application as a concept development plan on the basis that it is not consistent with City plans and ordinances.

If approved, the conditions of approval which would need to be satisfied prior to review of the detailed development plans and future consideration by the City Commission are as follows:

1. Land use plan amendment from general commercial to light industrial be considered and approved prior to and along with the final approval of the Planned Unit Development.
2. Concerns of adjacent neighborhood are given due consideration.
3. A drainage and utility plan is approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.
5. A landscape plan is received prior to building permits being issued.
6. Restrictive covenants or condominium documents for the development are received for filing with the plat if proposed.
7. A subdivision improvement, park dedication, and PUD agreement are received.
8. An Attorney Title Opinion is received.
9. Certificate of Taxes is received showing taxes are current.
10. A mailbox plan is received and approved by the Post Office.

Applicant Mike Graham stated that this project would give businesses good interstate access. He's working with the neighborhood to come up with a good plan. Proposed uses could be personal hobby shops, secure file storage.

Chair McDougall asked about the light industrial uses. Mr. Graham stated to allow for electrical contractors or roofers who need office/shop space.

Economic Development Director Matt Marshall stated that there would be restrictive covenants in place and buildings would be consistent to existing ones to the north.

Chair McDougall asked if this would be in the Corridor Overlay or will these be a row of Morton buildings. Larry stated that the lot along Sheyenne Street will be retained as C: Light Commercial. Mr. Graham stated there would be no outdoor storage or parking. He reviewed the building exterior and layout.

Commissioner Sheeley asked about the access easement. Larry stated that is something that needs to be worked out. Police and Fire have concerns with only one access into the development. It's important for some connectivity and to maintain accessibility. The Concept Plans show access in a different location than previously approved. Mr. Graham indicated they talked about holding off on a couple lots to the west as they don't quite know how the front lot will develop until they know how Sheyenne Street will develop. Larry stated he'd like an agreement in place to not approve permits on those lots until that is determined.

Tim indicated another email was received today regarding wanting the uses along the east side to be more of a lighter commercial use. Mr. Graham stated that he didn't know what the uses will be, but didn't see it being an issue to shift more intense uses to the north when marketing lots.

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

Commissioner Zupi stated that he didn't see how this could be consistent with the land use plan and referred to condition #1, Land use plan amendment from general commercial to light industrial be considered and approved prior to and along with the final approval of the Planned Unit Development.

Discussion was held regarding uses and whether storage was an appropriate use. Mr. Graham stated that by zoning as PUD with allowable uses defined, he's trying to avoid coming in each time for individual lots. He's visited with the neighbors and they're on board. Applicant Bruce Qvammen stated that he views these structures as business incubators for someone who's just starting out. Individual ownership with restrictive covenants.

Commissioner Johnson asked about size of the buildings. Mr. Graham stated 2,400 square feet with a bathroom and office. Mr. Bueide asked about number of buildings per lot. Mr. Graham stated one per lot. His goal is to not have it look like a sea of steel. Mr. Qvammen stated they'll buffer with a berm, fence and landscaping.

Commissioner Zupi asked if some of the lots could be merged if someone wanted a bigger building. Mr. Graham stated they're trying to stick with these plans, no outside storage.

Commissioner Beck asked about driveways to the buildings. Mr. Graham stated they'd be concrete.

Discussion was held regarding the westernmost lot along Sheyenne Street. Mr. Qvammen stated that nothing gets done with the property until Sheyenne Street gets rebuilt.

Commissioner Zupi asked about signage. Mr. Qvammen stated monument signage would be allowed on each lot. Tim stated that signage would have to be on premise as they can't advertise along Sheyenne Street.

Commissioner Potter made a motion for approval based on staff recommendations 1-10 listed in the staff report. Commissioner Beck seconded the motion. No opposition. Motion carried.

Commissioner Diamond made a motion to adjourn. Commissioner Sheeley seconded the motion. Meeting adjourned.

STAFF REPORT

City of West Fargo

A15-1 Center at 7th Second Addition,
a replat of Lot 1, Block 1 of Center at
7th Addition (121 7th Avenue NE), City
of West Fargo, North Dakota

MSN Investments

Planning & Zoning Commission

Introduction – 1/12/15

Public Hearing – 1/12/15

City Commission

Final Plat Approval –

BACKGROUND:

PURPOSE: Plat for Industrial Development.

EXISTING LAND USE: Vacant

EXISTING ZONING: M: Heavy Industrial

PARCEL SIZE: 6.3 Acres

CITY PLANS: Land Use - General Industrial
Streets - 7th Avenue NE - Minor Arterial
- Center Street - Minor Arterial
Bikeway - Proposed future bikeways are planned along Center Street.
Parks - Park dedication is required.

STATEMENTS OF FACT:

- The property, which is located on the southeast corner of 7th Avenue NE and Center Street, is zoned M: Heavy Industrial.
- This property is bound on the east by a Burlington Northern Santa Fe (BNSF) spur line and BNSF Railroad to the south.
- The proposed use conforms to the City's plans and ordinances.

DISCUSSIONS AND OBSERVATIONS:

- The property has been vacant for a number of years. The applicant proposes platting the existing lot into three (3) separate lots.
- An easement for the BNSF Railroad spur line is identified on the east border of the plat that refers to the original plat of Center at 7th Addition. On the original plat it is noted that the easement was not dedicated on that plat, but shown for reference ("REF.") only.
- Zoning will remain unchanged.

- The property does not have local street access, but rather access was determined with the original plat, via 7th Avenue NE, which is designated as a Minor Arterial street.
- Streets classified as Collectors and Arterials are designated as limited access streets to provide for better movement of traffic. Arterials should be oriented toward mobility (speed and capacity) rather than access, while local streets provide high levels of access. Appropriate access control preserves the capacity on arterial streets, reducing the need for traffic to divert to local streets.
- Under the guidelines of the Comprehensive Plan, higher intensity uses may have direct access on collectors and arterials if other alternatives are not available; however, each site needs to be evaluated on a case by case basis and alternatives considered. Sites should be limited to one access point which is set back an adequate distance from existing or future intersections.
- According to guidelines adopted by the City, the desired spacing of connections to collector roadways in developing areas is 300 feet with a minimum spacing of 150 feet. The desired spacing of connections to arterial roadways in developing areas is 660 feet with the minimum spacing of 330 feet.
- An existing access is proposed to continue into the property from 7th Avenue, which lines up with an existing approach on Cargill property on the north side of 7th Avenue which was installed as part of the 7th Avenue NE reconstruction project. At the time of the street reconstruction there was no knowledge whether a street network would be developed south of 7th Avenue NE, so accesses were installed in the desired locations for future use. There is approximately 350 feet between the access and Center Street.
- Right-of-way was dedicated as part of the original plat.
- Park dedication requirements were also met with the previous plat, when the applicant donated a lot for public use by the City for a Fire Department training site.
- Legal notice has been given in the paper, and departmental reviews have been sent out. We have not received any comments of concern.
- The City still needs to receive a title opinion, a drainage plan, and any necessary easements shown on the Final Plat.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Use as Proposed

- The proposed development conforms to the City's plans and ordinances.

Cons for Use as Proposed

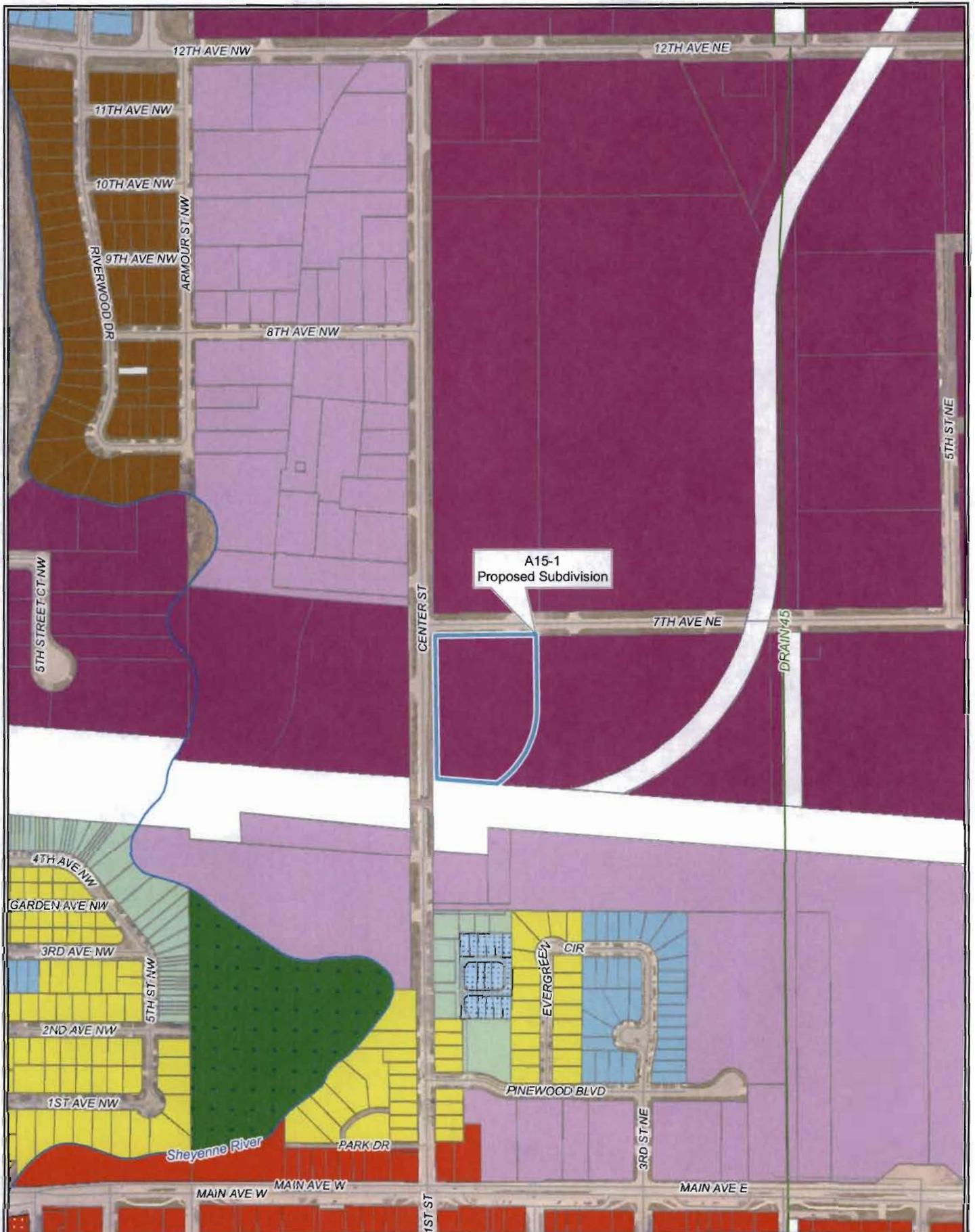
- None apparent.

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 recommended conditions of approval are as follows:

1. An Attorney Title Opinion is received.

2. Access control for 7th Avenue NE and Center Street is placed on the Final Plat.
3. Any necessary easements are shown on the Final Plat.
4. A drainage plan is received and approved by the City Engineer and Public Works Director.



A15-1
Proposed Subdivision



- | | | | | |
|---------------------------------|--|--------------------------|----------------------------------|---------------------------------|
| A - Agricultural | C-OP - PUD in Commercial Office Park | P - Public | R-15M - Mixed One and Two Family | R-S - Manufactured Home |
| C - Light Commercial | CM - Heavy Commercial/Light Industrial | P-PUD - IPUD in Public | R-2 - Limited Multiple Dwelling | R-L1A - Large Lot Single Family |
| C-PUD - PUD in Light Commercial | CM-PUD - PUD in Heavy Comm/Light Ind | R-1A - Single Family | R-3 - Multiple Dwelling | R-1E - Rural Estate |
| C-OP - Commercial Office Park | M - Heavy Industrial | R-1 - One and Two Family | R-4 - Mobile Homes | R-R - Rural Residential |
| | | | | R-PUD - PUD in Residential |



NOT TO SCALE

STAFF REPORT

City of West Fargo

A15-2 Oak Ridge 8th Addition, a replat of Lot 2, Block 1 of Oak Ridge 4th Addition (825 33rd Avenue East), City of West Fargo, North Dakota

Osgood Investments

Planning & Zoning Commission

Introduction – 1/12/15

Public Hearing – 1/12/15

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: 1.55 Acres

CITY PLANS: Land Use - General Commercial
Streets - 33rd Avenue East – Local Street
8th Street East – Local Street
Veteran's Boulevard – Minor Arterial Street
Bikeway – Existing Class I facilities on Veteran's Boulevard
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 December of 2012 to allow for a utility substation on the west side of 8th Street East and replatted again in 2013 to allow for a funeral home and crematorium to be constructed on the lot to the south.
- 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, site plan, Area Plan and Preliminary Plat for a 1.5-acre commercial development along and to the west of Veteran's Boulevard.

- 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. Low Density Residential is shown to the west between the commercial development and the Shadow Wood development. High Density Residential is located to the south of this proposed plat.
- The Area Plan submitted by the developer shows where the proposed subdivision is located with reference to the developer's larger tract, as well as the surrounding properties/developments. The developer has property to the north which is designated as General Commercial per the City's Land Use Plan. The property to the west is for a utility substation, and the property to the south is zoned R-3 and being developed with apartments.
- Access to Veteran's Boulevard is via 33rd Avenue East.
- The Preliminary Plat consists of two lots, one which is 36,051 square feet (Lot 1) and the other which is 31,561 square feet (Lot 2).
- 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 3rd Addition.
- 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.
- Park dedication was addressed with Oak Ridge Third 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 addressed with Oak Ridge Third 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

- None apparent.

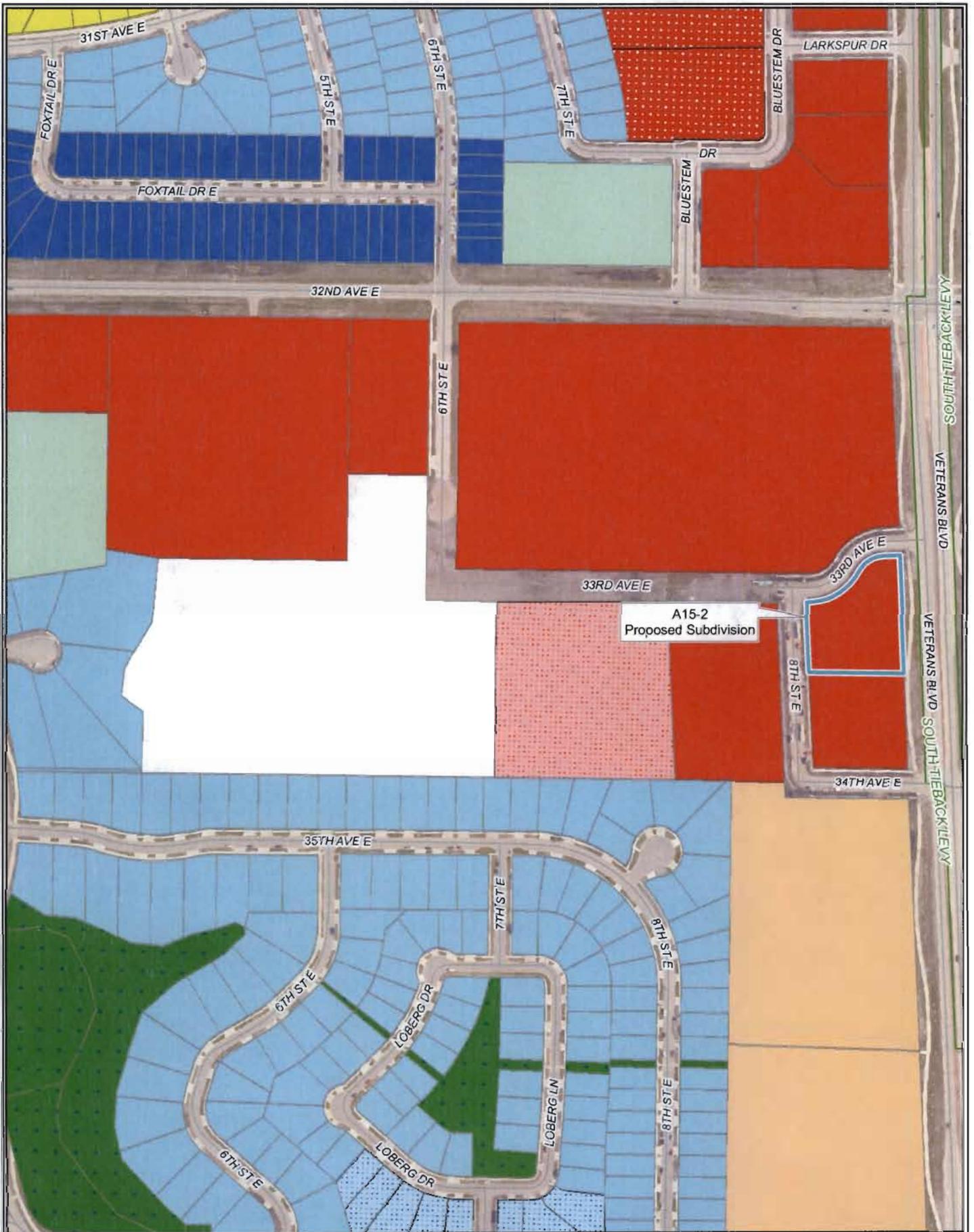
RECOMMENDATIONS:

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. An Attorney Title Opinion is received.
2. A certificate is received showing taxes are current.
3. A drainage plan is received and approved by the City Engineer.



A15-2
Proposed Subdivision



A - Agricultural	C-OP - PUD in Commercial Office Park	P - Public	R-15M - Mixed One and Two Family	R-UD - Manufactured Homes
C - Light Commercial	CM1 - Heavy Commercial/Light Industrial	P-PUD - PUD in Public	R-2 - Limited Multiple Dwelling	R-UL1A - Large Single Family
C-PUD - PUD in Light Commercial	CM-PUD - PUD in Heavy Comm/Light Ind	R-1A - Single Family	R-3 - Multiple Dwelling	R-1E - Rural Estate
C-OP - Commercial Office Park	M - Heavy Industrial	R-1 - One and Two Family	R-4 - Mobile Home	R-1R - Rural Residential
				R-PUD - PUD Residential



PLAT OF OAK RIDGE EIGHTH ADDITION

TO THE CITY OF WEST FARGO, A REPLAT OF LOT 2, BLOCK 1,
OAK RIDGE FOURTH ADDITION TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

HARRY S. PETER, NOTARY PUBLIC, COUNTY OF CASS, STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF OAK RIDGE EIGHTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, A REPLAT OF LOT 2, BLOCK 1, OAK RIDGE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, AND THAT THE MONUMENTS SHOWN ON SAID PLAT, THAT MONUMENTS HAVE BEEN PLACED IN THE GROUNDS AS DESIGNATED CORRECTLY AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO-WIT:

ALL OF LOT 2, BLOCK 1, OAK RIDGE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA. SAID TRACT CONTAINS 3.55 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



STEVEN W. HOLM
NOTARY PUBLIC
REG. NO. 15-0371
STATE OF NORTH DAKOTA
COMMISSION EXPIRES 12-31-2011

ON THIS EIGHTH DAY OF FEBRUARY, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NICH WALTER, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____ DAY OF _____, 2015.

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF OAK RIDGE EIGHTH ADDITION TO THE CITY OF WEST FARGO, A REPLAT OF LOT 2, BLOCK 1, OAK RIDGE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, AND THAT SAID LAND IS BEING PLACED INTO LOTS AND BLOCKS AS SHOWN ON SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF STEVEN W. HOLM IS CORRECT. WE HEREBY DEDICATE ALL UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOTS 1 & 2, BLOCK 1
OSWOOD INVESTMENTS, LLC

STEVE CHRISTIANSON, PRESIDENT
STATE OF NORTH DAKOTA
COMMISSION EXPIRES _____ DAY OF _____, 2015.

ON THIS EIGHTH DAY OF FEBRUARY, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NICH WALTER, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____ DAY OF _____, 2015.

WEST FARGO PLANNING COMMISSION APPROVAL

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

TIM MCGUGGALL, CHAIRMAN
CITY OF WEST FARGO
CASS COUNTY, NORTH DAKOTA

ON THIS EIGHTH DAY OF FEBRUARY, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NICH WALTER, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____ DAY OF _____, 2015.

WEST FARGO COMMISSION APPROVAL

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

JAMES BROWNE, CITY AUDITOR
CITY OF WEST FARGO
CASS COUNTY, NORTH DAKOTA

ON THIS EIGHTH DAY OF FEBRUARY, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NICH WALTER, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____ DAY OF _____, 2015.

CITY ENGINEER'S APPROVAL

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

KEVIN J. BUCKHOLTZ, CITY ENGINEER
CITY OF WEST FARGO
CASS COUNTY, NORTH DAKOTA

ON THIS EIGHTH DAY OF FEBRUARY, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NICH WALTER, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____ DAY OF _____, 2015.

STAFF REPORT

City of West Fargo

A15-3 Request for Access at 475 12th
Avenue NE (Lot 1, Block 1, Bogey
Fourth Addition)

Duane Hazer

Planning & Zoning Commission

– 1/12/15

City Commission

–

BACKGROUND:

PURPOSE: Request an access onto 12th Avenue NE, an Arterial roadway.

EXISTING LAND USE: Salvage Yard

EXISTING ZONING: M: Heavy Industrial

STATEMENTS OF FACT:

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

DISCUSSIONS AND OBSERVATIONS:

- The applicant proposes to add an access onto 12th Avenue NE from his property on the south side of the road.
- The City's Public Works department and Engineering conducted a review of this proposed intersection based on the existing and potential traffic of the existing and future land uses on this site.
- The traffic analysis indicated that the access will not interfere with the functionality of 12th Avenue NE.
- The final design for the upcoming 12th Avenue project is complete and this proposed access has been included in those plans. The road section at this stretch will include a raised concrete median for traffic safety due to the railroad crossing and would therefore only allow the ability of a right in/right out access to be constructed at this site.
- During the platting of the property and approval of Bogey Fourth Addition, access control was placed on the plat and it was determined that primary access to the property would be by way of the platted 11th Avenue NE and 5th Street NE and the existing access on 12th Avenue NE would be approved as temporary. Neither 11th Avenue NE, nor 5th Street NE

have yet been constructed to the property and the 12th Avenue NE access is the only improved access to the site.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- None apparent.

Cons for Development as Proposed

- None apparent.

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 recommended conditions of approval are as follows:

1. Applicant provides detailed plans to include details as required by engineering and public works for access permit.
2. Removal of existing temporary approach.
3. Access is granted as right in/right out only.



A15-3
Subject Property

OLAF
ANDERSON
 GENERAL CONTRACTORS
 1211 12TH AVE N.E.
 FARGO, N.D. 58103
 PHONE: 781-221-2000
 FAX: 781-221-2005

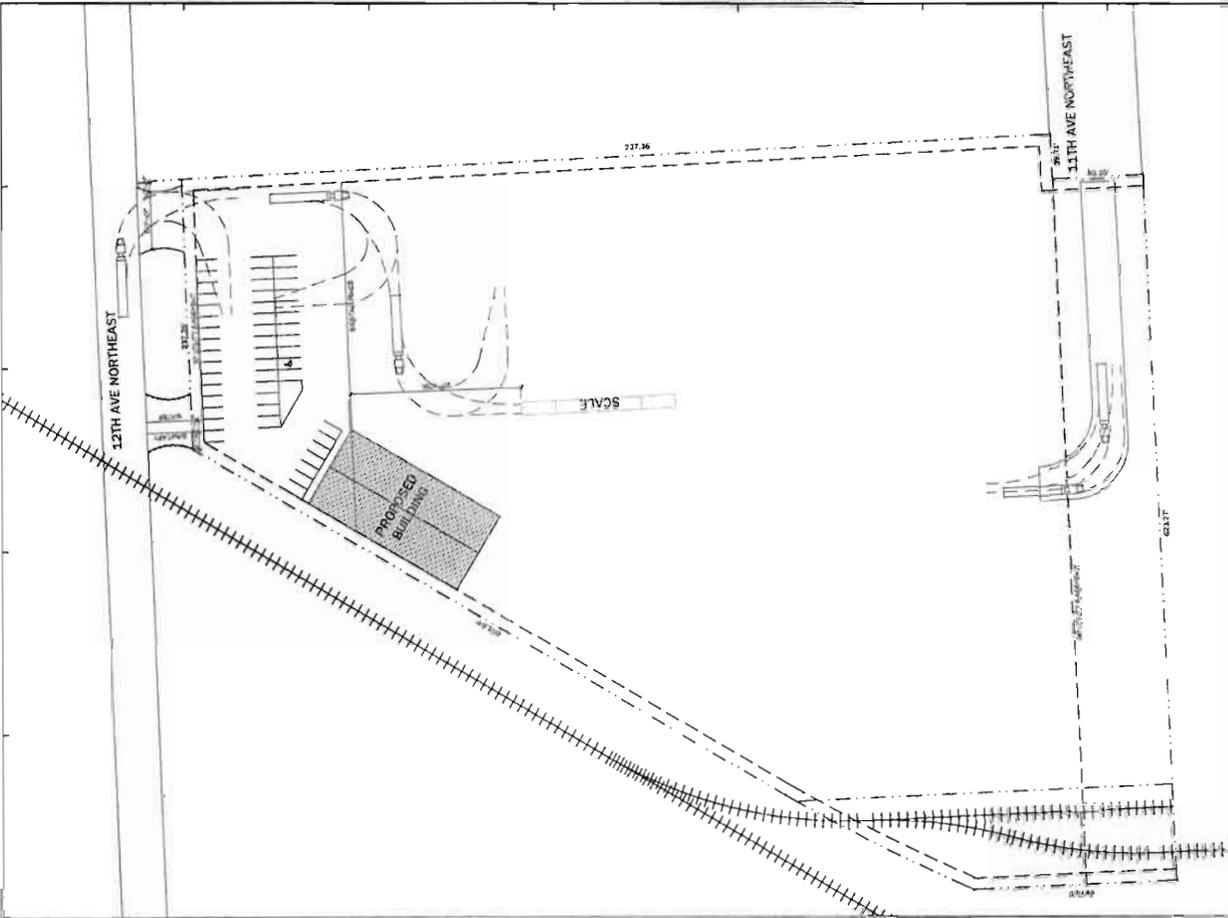
This plan is the exclusive property of Olaf Anderson & Son Construction Company and is to be returned, unaltered, to the Engineer within 30 days of the date of the final plan. It is not to be used for any other purpose without the written consent of the Engineer.

DATE: 11-14-2010
 DRAWN BY: TAD
 CHECKED BY: TAD
 PROJECT: 11-14-2010
 SHEET NO.: 11-14-2010
 SHEET TOTAL: 11-14-2010

DATE: 11-14-2010	DRAWN BY: TAD	CHECKED BY: TAD
PROJECT: 11-14-2010	SHEET NO.: 11-14-2010	SHEET TOTAL: 11-14-2010

HAZERS AUTO & TRUCK PARTS
 811 9TH STREET EAST
 WEST FARGO, ND

SP1
 SHEET TOTAL: 11-14-2010



SITE PLAN
 HAZERS AUTO & TRUCK PARTS

**PRELIMINARY
 DRAWING**
 Design Subject to Change Upon
 Review by Building Officials

RULES OF CONDUCT
WEST FARGO PLANNING AND ZONING COMMISSION

ARTICLE 1. GENERAL BACKGROUND

1.1. Function

The Planning and Zoning Commission (hereafter referred to as the Board) serves the Planning Department and City Commission as an advisor and representative of citizen interests on matters involving future planning, zoning, subdivisions, and municipal development. The Board decisions on such matters relate to the impact that the decision has on the Comprehensive Plan and whether such a decision furthers community-wide health, safety, and welfare.

1.2. General Duties

The duties of the Board shall include, but not be limited to:

1. Recommending to the City Commission programs for community improvement;
2. Preparing land use, housing, recreation, financial, public facility, redevelopment, and transportation plans;
3. Implementing the elements of the Comprehensive Plan through decisions on Zoning and Subdivision Applications.
4. Promoting the interest in and understanding of the Comprehensive Plan;
5. Advise the City Commission on all matters relating to Community Planning and Development.
6. Advising the Planning Department on work programs and tasks.
7. Provide a forum for citizen comments relating to community development.

1.3. Relationship to Planning Department

The City Planning Department serves as Staff to the Board. All development applications are received and processed through the Planning Department who subsequently provides recommendations to the Board.

The Board carries out its duties based on an adopted yearly work program. City Staff implements that work program through guidance by the Board.

It is recommended that each Board member use the Planning Department as an information resource. Individual site visits are also encouraged for all development applications.

ARTICLE 2. GENERAL STATUTES AND ORDINANCES GOVERNING ACTION

2.1 Applicable State and Local Laws.

To the extent that they remain in force and effect, or as they are amended, the Board and its members shall be governed by the following State Statutes, Local Ordinances and Plans including the following:

- a. N.D.C.C. 40-47 (City Zoning)
- b. N.D.C.C. 40-48 (Master Plans and Planning Commission)
- c. N.D.C.C. 40-50.1 (Platting)
- d. N.D.C.C. 40-58 (Urban Renewal Law)
- e. N.D.C.C. 44-04 (Public Records and Meetings)
- f. Chapter 4-04 (Municipal Code - Subdivision Regulations)
- g. Chapter 4-100 - 4-500 (Municipal Code - Zoning Ordinance)
- h. The Articles of Conduct set herein
- i. West Fargo Comprehensive Plan
- j. Any other laws or ordinances as they may apply

2.2. Familiarity with State Statutes, Local Ordinances and Plans.

Upon taking office, all members of the Board shall become familiar with the applicable State laws, Local Ordinances, and Plans under Section 1.1. Members will be responsible for maintaining a knowledge of these items, with any amendments, which govern the conduct of the Board's affairs.

2.3 Rules of Conduct Available to Public

As part of the public record, an official copy of the rules of conduct shall be maintained at the City Planning Department. This copy shall be made available during the course of all Board meetings.

2.4 Amendments

An amendment to any provision in these Articles of Conduct can be made through a majority vote of the Board members provided such amendment is not contrary to State law or to other ordinances. Any amendment must be incorporated into the official copy of these rules.

ARTICLE 3. MEMBERS

3.1 Appointment, Terms, and Compensation

The Mayor, with approval of the City Commission, shall appoint all municipal representatives to the Board. Extraterritorial representatives shall be appointed by the Board of County Commissioners.

Member terms shall be five years. No member shall serve more than two full terms.

Compensation may be set in an amount as determined by the City Commission.

3.2 Causes for Removal from Board

A Board member may be removed by the City Commission for misconduct and in particular for:

- a. Failure to attend 75% of the yearly meetings.
- b. Failure to disclose conflict of interest which otherwise would have disqualified a vote on a decision which affected a member personally or monetarily.
- c. Failure to maintain reasonable familiarity with State and Local Laws, Community Plans, and rules affecting the Board, or failure to be guided thereby, as required in Section 2.1.

3.3 Resignations and Removals

When members propose to resign, written notice shall, if feasible, be given to the Chair or Vice-chair two months prior to the date of resignation.

To remove a member, written notice of removal will be presented to that member from the City Commission.

Due to vacation of office by death or illness, the Chair shall notify the body responsible for appointment informing them of the need to fill the vacant seat.

ARTICLE 4. OFFICERS

4.1 Election of Chair and Vice-chair.

A Chair and Vice-chair shall be elected annually at the first regularly scheduled meeting of the year by a majority vote of the Board. There will be no limit as to the number of terms a Chair or Vice-chair may serve.

4.2 Succession of Vice-chair to Office of Chair

If the Chair resigns or becomes no longer a member of the Board, the Vice-chair shall succeed that person for the remainder of the term. An election to select a new Vice-chair shall be made by majority vote at the next regularly scheduled meeting in order to fill the unexpired term.

4.3 Presiding at Meetings

If present and able, the Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice-chair shall preside. If both are absent or unable to preside, the remaining members shall appoint a temporary Chair from the remaining membership.

In accordance with these and other applicable rules, the presiding officer shall maintain order and decide on all points of procedure.

4.4 Managerial Powers

The Chair shall direct the official business of the Board, supervise the Staff and Board work load, request needed assistance, and exercise general disciplinary power. The Chair may also appoint subcommittees when determined necessary.

4.5 Agendas, Notices, and Recording

The Planning Department shall be responsible for the preparation of Agendas, Staff reports, and publishing of Public Hearing Notices.

The Assistant Planner of the Planning Department shall maintain minutes of each meeting. The Minutes of the Board shall be kept in a Minute Book within the Planning Department and be a part of the public record.

ARTICLE 5. CONDUCT OF BOARD MEMBERS AND STAFF

5.1 Representation of Applicants

No member of the Board, or its Staff, may represent applicants on matters on which the Board is to make determinations.

5.2 Conflict of Interest

No member of the Board, the Staff, or any agency serving the Board, shall participate in any case which he or she has personal or financial interest in the property or action concerned, or will be directly affected by the decision, or has or believes that there is any other Conflict of Interest as defined by North Dakota State Law.

5.3 Notification of Conflict of Interest

As soon as any member of the Board, Staff, or Agency serving the Board, become aware of any potential Conflict of Interest in any case, notification shall be given to the Chair. When the Chair finds that conflict clearly or reasonably exists, the Chair will disqualify that person from acting or participating in the case at hand. The secretary shall note in the Minute Book that the Chair excused that person from acting due to Conflict of Interest.

5.4 Disqualification on Grounds of Influence Other Than at Public Hearings

A member may disqualify his or her vote whenever any applicant, or their agent, has sought to influence the vote of the member prior to full Board review. If

disqualification does not occur, the member shall make it known to the Board that private discussion with the applicant or agent has taken place prior to the meeting and detail the contents of that discussion.

ARTICLE 6. MEETINGS, HEARINGS, GENERALLY

6.1 Regular Meetings

Regular meetings of the Board shall be held at 7:00 P.M. at the West Fargo City Hall on the second and sometimes the fourth Monday's of each month; provided that such meetings may be held at any other convenient place if directed by the Chair upon findings of necessity.

6.2 Special Meetings

Special meetings may be held at the call of the Chair. All public notices shall be issued in the same manner as for regular meetings.

6.3 Cancellation

If no business is scheduled, or if it is apparent that a quorum will not be available, any meeting may be cancelled by the Chair by giving notice to all Board members, Press, and Media Representatives.

6.4 Quorum

A quorum of the Board will consist of four members. No Board action on any item can be taken without a quorum present.

6.5 Public Meetings of the Board; Other Activities of the Board

All meetings of the Board involving hearing of evidence and making Board decisions shall be open to the public with formal notice as required by State Law.

Meetings of the conduct of other business, such as trips for the collection of evidence, will not require formal public notice, but shall be scheduled during the course of a regular or special meeting. No formal action on any application can be taken during these type of meetings.

6.6 Executive Sessions

Meeting of all or part of the members to discuss the merits of an application shall not be conducted unless such meeting is open to the public and proper legal notices given as required by law.

ARTICLE 7. PROCEDURES AT PUBLIC HEARINGS

7.1 Any person may appear or be represented.

At the hearing, any person may appear or be represented by an authorized agent.

7.2 Order for Presenting Evidence

- a. The Chair describes the nature of the case and the Staff presents Staff Report.
- b. The applicant and their agent(s) outline(s) the reasons for the request and presents supporting evidence.
- c. Public Hearing is opened by the Chair.
- d. Public comments are presented after each person states their name and address for the record.
- e. All proponents of the application, other than the applicant, present evidence for support.
- f. All opponents of the application present reasons of opposition.
- g. q. Following all comments, the Chair closes the Public Hearing.
- h. Board members deliberate and question appropriate persons.
- i. Board takes action of the application providing the basis for their decision.

7.3 Conduct during Public Hearing

During the hearing, comments shall proceed without interruption and be enforced by the Chair. All arguments and evidence should be presented to the Chair.

The Board, Chair, or Staff may direct any questions to the applicant or any person in the audience to bring out pertinent facts during the course of the hearing. The Board may also call for pertinent facts from the Staff or make appropriate comments about the case.

The Chair is responsible for maintaining Public Hearing decorum.

ARTICLE 8. FINDINGS AND DECISIONS

8.1 Timing

The Chair may elect, or the Board approve on motion to:

- a. Proceed immediately to a decision on the item before the Board, or
- b. Defer the decision until later in the same meeting, or
- c. Defer the decision until a specified special or regular meeting of the Board as long as it is within time limit guidelines set for the application by City Ordinance.

8.2 Form and Procedure

All decisions of the Board shall be made at a public meeting by motion made and seconded and by general vote. A roll call vote may be requested by any Board member or by any member of the audience.

The motion shall specify the proposed action, any attached conditions, and the findings of fact which caused the proposed action.

8.3 Notification of Decisions

All decisions of the Board are advisory and subject to final approval by the City Commission. The City Commission is to be notified by the Planning Department of all decisions made by the Board.

The applicant shall also be notified in writing by the Planning Department of the decision. This notification shall include the decision, Board findings of fact, and timing for any further review by either the Board or the City Commission.

ARTICLE 9. RECORDS

9.1 Public Records

All actions of the Board shall be recorded and maintained for open public access by the Planning Department as governed by North Dakota State Law.

9.2 Contents of Records

Records of all Zoning and Subdivision cases shall be maintained by the Planning Department. Decisions on each case shall clearly show the supporting reasoning for the decisions, its relationship to the Comprehensive Plan, and the procedure followed in reaching the decision.

ARTICLE 10. WORK PROGRAM

10.1 Yearly Priorities

The Board shall be responsible for developing and adopting a Planning and Zoning Work Program for each year. This program shall be adopted by the first meeting of each year and set out the anticipated priority for each work element. All work programs must be in conformity to the Comprehensive Plan and any other applicable Laws and Ordinances.

Updated and Reviewed by Planning and Zoning Commission on March 10, 2008.