



Aaron Nelson, AICP Director of Planning and Zoning
Leslie McGillivray-Rivas, Sr. Planner
Lisa Sankey, Planner
Breanna Siegler, Office Manager

www.westfargond.gov

West Fargo Planning & Zoning Commission Agenda
Tuesday, May 14th, 2024 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- April 8th, 2024
- D. Regular Agenda
 - 1. Public Hearing-A24-9 Charleswood River Estates 12th Addition, a request for replat at 405 & 421 20th Ave E (Lot 1-2, Block 1 of Charleswood River Estates 11th Addition)- Sankey
 - 2. Public Hearing-A24-10 The Wilds 24th Addition, a request for replat at 5817 James Drive and 950-974 61st Ave E (Lots 1-8, Block 1 of The Wilds 23rd Addition)- Sankey
 - 3. Public Hearing- A24-11 North Pond at the Preserve 14th Addition (previously advertised as North Pond at the Preserve 18th Addition), a request for a Conditional Use Permit for proposed auto sales at 450 23rd Ave. E (Lot 1, Block 1 of North Pond at the Preserve 14th Addition)- McGillivray-Rivas
 - 4. Public Hearing- A24-15 North Pond at the Preserve 18th Addition, a request for replat at 450 23rd Ave. E (Lot 1, Block 1 of North Pond at the Preserve 14th Addition)- McGillivray-Rivas (***continued to June 11, 2024 meeting***)
 - 5. Public Hearing- A24-12 Brooks Harbor 5th Addition, a request for a Planned Unit Development at 2250 5th St. W to build townhouse style apartments (Lot 3, Block 3 of Brooks Harbor 5th Addition)- McGillivray-Rivas
 - 6. Public Hearing- A24-13 R&R 1st Addition, a request for subdivision located in the NW ¼ of Section 4, T139N, R49W- Sankey
- E. Non-Agenda Items
- F. Adjourn from Regular Agenda
- G. Discussion Agenda
 - 1. Proposed revisions to Title IV Ordinances regarding the Planned Unit Development (PUD) zoning district.
- H. Adjourn from Discussion Agenda



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West Fargo Planning & Zoning Commission Meeting Minutes
Monday, April 8th 2024 - 5:30 p.m.

Members Present: Eric Dodds, Mike Thorstad, Kathi Schwan, Dave Gust

Members Absent: Aleyna Leibfried, Joe Kolb

Others Present: Aaron Nelson, Lisa Sankey, Leslie McGillivray-Rivas, Kat McNamara, Breanna Siegler

Minutes Submitted by: Breanna Siegler, Office Manager

Meeting was called to order by Vice-Chair Dodds at 5:32pm. Commissioner Gust motioned to approve the order of the agenda, Commissioner Schwan seconded. No opposition. Motion passed.

Commissioner Schwan moved and Commissioner Thorstad seconded a motion to approve the minutes from March 12, 2024. No opposition. Motion passed.

Vice-Chair Dodds opened a public hearing for A24-7 Zoning Ordinance Amendments to Title IV relating to nonconformities. Vice-Chair Dodds opened the floor for public comment. No public comment was brought forth. Vice-Chair Dodds closed the public hearing. Discussion held. Commissioner Gust motioned to approve. Commissioner Schwan seconded. No opposition. Motion passed.

Vice-Chair Dodds opened a public hearing for A24-8 Zoning Ordinance Amendments relating to temporary signs. Vice-Chair Dodds asked for public comment. No public comment was brought forth. Vice-Chair Dodds closed the public hearing. Discussion held. Commissioner Schwan motioned and Commissioner Gust seconded to approve. No opposition. Motion passed.

Vice-Chair Dodds invited City Staff to speak on A23-29 Nelson Acres 5th Addition, a request for access modification to a controlled access street at 225 40th Ave W (Lot 1, Block 1 of Nelson Acres 5th Addition). This is not a public hearing. City staff presented a brief history of the application's approval path which included creation of a committee created by City Commission directed to seek solutions. Staff elaborated on two solutions vetted by the city engineer with input of traffic consultants. Two proposed solutions were presented.

1. Proposed access solution includes creation of a legal U-turn for westbound traffic to head east into the SheyWest property.
2. Elongate turn lane to keep traffic off of 40th Ave entirely.

Staff recommended approval to present the two options to the City Commission for viability.

Discussion ensued regarding the solution: Commissioner Thorstad asked if a "J-turn" configuration on 52nd Ave in Fargo would be another alternative. City Engineer Dan Hanson stated that this site does not have the median width to allow a J-turn configuration. He detailed the design considerations which included depth of boulevard in the overall Right of Way width and the length of the lanes of that design. It was noted that there was not adequate space to accommodate the J-Turn design. It was noted that the two proposed solutions will only work

for passenger vehicles, truck traffic would not be relieved with this solution. Ms. McGillivray-Rivas noted that the approval for recommending the alternative would not be an approval for the work to be completed. Mr. Hanson explained further; He noted a traffic engineer would have to do an analysis if the PZ Commission recommends for the traffic modifications would be done per the results of a traffic study. Petition for improvements would be submitted and a feasibility study would be completed. Recommendations would be offered by the business completing the study.

Commissioner Gust voiced concern about proposal that directs the U-turn to take place at the intersection on 4th. Would recycle center traffic wanting to turn right be confused by a car in the left turn lane committing to making a U-turn and not turning left into the recycle center. Commissioner Schwan motioned to approve bringing this forth to City Commission with the two recommendations listed. Vice-Chair Dodds gave the applicant the opportunity to speak on this matter. Jodi Kallias stated that she has reservations regarding the U-turn option onto 4th. The applicant stated that she would be willing to be assessed the estimated \$2 million to install a roundabout. She expressed willingness to work with the city to reach a solution. Vice-Chair Dodds asked if the applicant felt confident supporting either of the two proposals mentioned in this application. The applicant noted she would prefer the second model because it affects less utilities and prevents them turning at the intersection with the recycling center. Commissioner Schwan motioned to modify her amendment to include analysis of the installation of a roundabout. Commissioner Gust seconded. No opposition. Motion passed.

Vice-Chair Dodds opened the floor for non-agenda items. None were brought forth. Commissioner Gust moved and Commissioner Schwan seconded adjournment from the regular agenda. No opposition. Motion passed and the regular agenda was adjourned at 6:34 pm.

Vice-Chair Dodds asked if the discussion agenda item could be postponed until Chair Kolb can be present at the meeting. Director Nelson said deferment of this discussion would be possible. Upon confirmation, Vice-Chair Dodds deferred this discussion item until next month.

Vice-Chair Dodds adjourned from discussion agenda at 6:37pm

STAFF REPORT

A24-9 MINOR SUBDIVISION	
Charleswood River Estates 12 th Addition	
Block 1 of Charleswood River Estates 11th Addition (405 & 421 20th Ave E)	
Applicant/Owner: Jesse & Mulinda Craig & Craig Holdings, LLC	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	05-14-2024
City Commission Final Plat Approval:	

PURPOSE:

Replat two residential PUD lots by adjusting a lot line.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Single Family Dwelling & Vacant Residential Lot
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	CO-SR: Sheyenne River Corridor Overlay
Total area size:	3.17 Acres
Proposed Lot size(s) or range:	Lot 1 – 93,254 ft ² ; Lot 2 – 44,776 ft ²
Adjacent Zoning Districts:	East & North – R-1A: Single Family Dwellings West & South – PUD: Planned Unit Development (Residential)
Adjacent street(s):	20 th Avenue East (Local Street)
Adjacent Bike/Pedestrian Facilities:	Adjacent to sidewalks of Charleswood development
Available Parks/Trail Facilities:	Charleswood Park within ½ mile
Park Dedication Requirements:	Provided with previous subdivision

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application and proposed plat.
- The replat is necessary for a minor lot line adjustment. The homeowner is selling his home and proposes to adjust the lot line to reduce the lot width and plat that property with the adjacent lot to the east.
- The proposed subdivision is located on a peninsula along the Sheyenne River, west of Charleswood River Estates 2nd-6th Additions and accessed off the west end of 20th Ave E via a private drive.
- The property is zoned PUD: Planned Unit Development to allow for greater flexibility in design. These lots are proposed to be developed with environmental sensitivity as a priority, i.e. keeping trees, minimal soil disturbance, minimal run-off, etc.
- The property was developed primarily for larger lot, single family residential dwellings where public sewer and water services were available along a private drive with the following development standards as per the 2014 Resolution Amending the Charleswood River Estates 10th Addition Plat:
 - o Lot Area a minimum of 35,000 square feet
 - o Minimum Lot Width of 90 feet
 - o Front Yard Setback of 32 feet
 - o Side Yard Setback a minimum of 5 feet with 10 feet being the minimum from the corner lot.
 - o Rear Yard is 75 feet from the riverbank (building control line)

STAFF REPORT

- The City requires a building control line established on the plat when subdivisions are along the Sheyenne River. The building control line is to be established 100 feet from the riverbank per the Subdivision Ordinance. With the approval of previous subdivision plats, the City Commission approved a variance to allow the building control line at 75 feet from the established riverbank but added a condition that a geotechnical evaluation be completed for each lot prior to permitting. Based on information from the firm performing the geotechnical study, the City Commission passed a resolution in December 2014 amending the condition to the following: **“After the issuance of a building permit by the City of West Fargo, but prior to construction of the home, including pouring a foundation and/or basement the owner of each property or the Developer must obtain and submit to the West Fargo Building Inspector an excavation observation report approved by a licensed geotechnical engineer or his authorized representative for the individual home which evidences that an on-site compaction and strength test on foundation subgrade has been performed and the results of said test(s) are within acceptable national and local geotechnical engineering standards/specifications to support the proposed home.”**
- The developer and subsequent owners are responsible for maintaining existing trees and natural grasses to the extent possible according to the Sheyenne River Corridor Overlay District and City’s Landscape Standard.

NOTICES:

Sent to:	Legal notices published in the Forum and notices sent to applicable agencies and departments.
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Comments Received in relation to preliminary plat:

- No comments received to date.

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

- The proposed application is consistent with the City plans and ordinances.

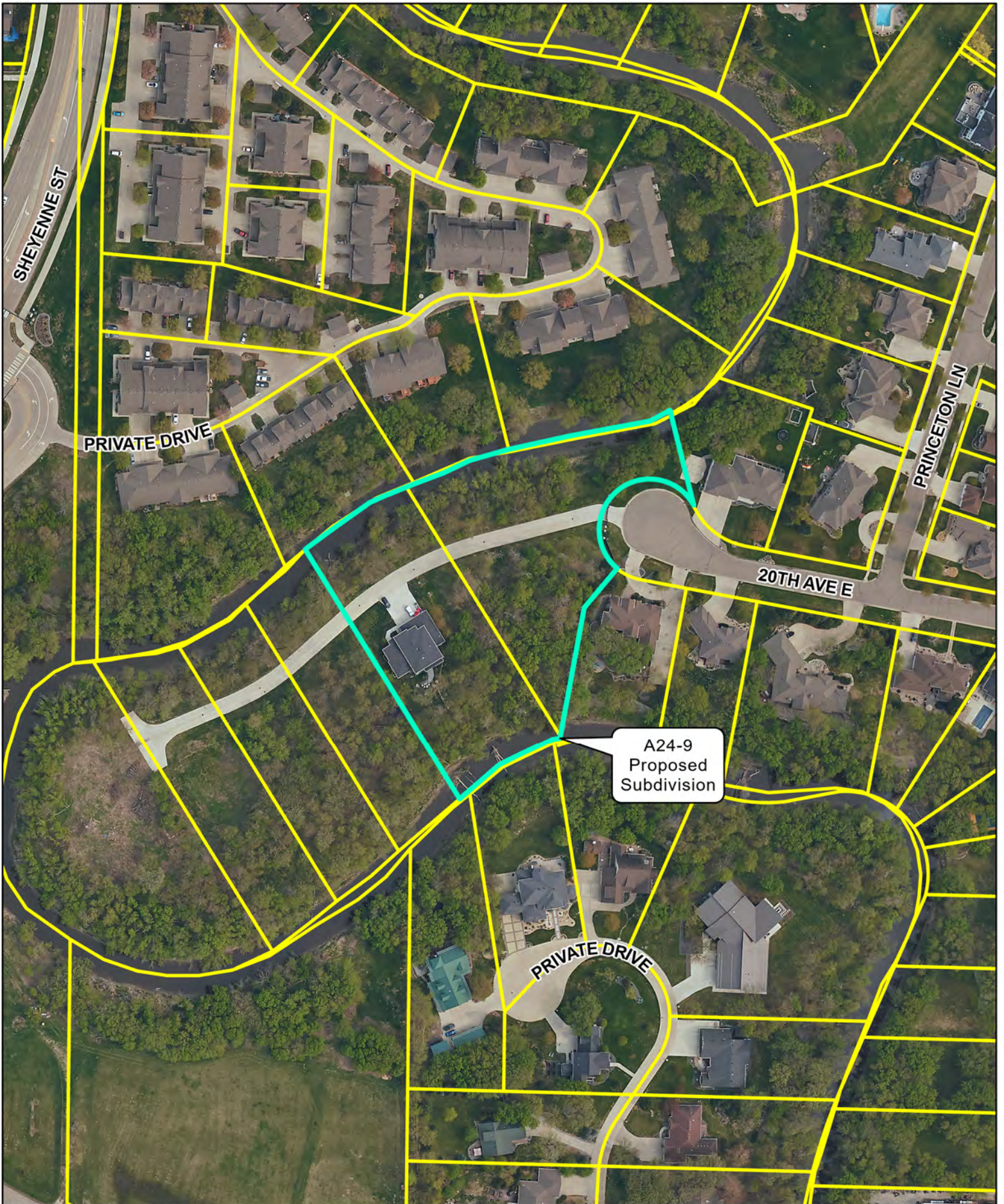
RECOMMENDATIONS:

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

1. Development of proposed Lot 1 will follow the original development plan and standards for the single family lots as approved with the original Charleswood River Estates 9th Addition as well as the required excavation observation report for each home as noted above.

Attachments:

- Aerial map
- Zoning map
- Preliminary Plat
- Charleswood River Estates 10th Addition Resolution outlining development standards



Features

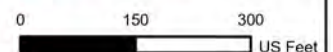
Agenda Zone Lots





West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential



PRELIMINARY PLAT OF
CHARLESWOOD RIVER ESTATES TWELFTH ADDITION

A REPLAT OF LOTS 1 AND 2, BLOCK 1 CHARLESWOOD RIVER ESTATES ELEVENTH ADDITION
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

OWNER
JESSE R. CRAIG, et.al.
1405 1ST AVENUE N.
FARGO, ND 58102
PH: 701.232.1355

ENGINEER / SURVEYOR

KLJ ENGINEERING LLC
300 23RD AVENUE E, SUITE 100
WEST FARGO, ND 58103
PH: 701.232.5353
www.kljeng.com

LEGEND

●	REBAR AND CAP FOUND
○	REBAR FOUND
○	REBAR AND CAP TO BE SET LS 4687
---	PROPOSED LOT LINE
---	EXISTING LOT LINE
---	EXISTING 10' EASEMENT LINE
---	SURVEY LINE
---	RIVER CENTERLINE
---	EXISTING INGRESS/EGRESS CENTERLINE
---	EXISTING INGRESS/EGRESS EASEMENT
---	TOP OF RIVER BANK
(S00°24'29"E)	RECORDED BEARING
S00°24'29"E	MEASURED BEARING

BASIS OF BEARING:
SURVEY IS BASED ON FARGO GIS HORIZONTAL DATUM, US
SURVEY FEET, DISTANCES SHOWN ARE GROUND DISTANCES.

NOTES:

RIVER CENTERLINE AND TOP OF BANK ARE DERIVED FROM
2015 AERIAL MAP. PROPERTY LINES ARE EXTENDED TO RIVER
CENTERLINE, ALTHOUGH STATE MAY CLAIM SOVEREIGN
LANDS TO TOP OF BANK.

PRELIMINARY



40 0 40 80
SCALE 1" = 40' FEET

SHEET 1 OF 2

5/7/2024



May 07, 2024 1:33pm \\klj\kljeng\Projects\Charleswood River Estates\12th Addition\12th Addition.dwg, Charleswood River Estates

KLJ PROJECT NO. 2414.02244

A REPLAT OF LOTS 1 AND 2, BLOCK 1 CHARLESWOOD RIVER ESTATES ELEVENTH ADDITION
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

SAID PLAT CONTAINS 3.17 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

PRELIMINARY

12/15/14
Approved S-O

Commissioner _____ introduced and moved the adoption of the following Resolution:

**RESOLUTION APPROVING AMENDMENT TO RESOLUTION
APPROVING CHARLESWOOD RIVER ESTATES 10th ADDITION PLAT**

WHEREAS, on August 27, 2014, the West Fargo City Commission approved the final plat of Charleswood River Estates 10th Addition (hereinafter the “Charleswood 10th Addition Plat”); and

WHEREAS, the City Commission approved the Charleswood 10th Addition Plat with several conditions, including condition nine (9) which provided that a “geotechnical study is provided for each lot prior to permitting demonstrating that the property can support the structure(s).” See Exhibit A.; and

WHEREAS, condition nine (9) was based upon geotechnical studies dated August 8th, 2008, (relevant page of report attached as **Exhibit B**) and supplemented by a report dated September 4, 2013, (relevant page of report attached as **Exhibit C**) and authored by Braun Intertec, a licenced North Dakota professional engineer; and

WHEREAS, based upon current knowledge of subsurface conditions, Braun Intertec has waived the requirement of performing a subsurface investigation for the individual homes and instead is recommending performing excavation observation by a licensed geotechnical engineer or his authorized representative for the individual homes and performing on-site compaction and strength test on foundation subgrade which will be built under the proposed development. See Exhibit D; and

WHEREAS, RFMC, LLC, the residential housing developer of Charleswood 10th Addition (hereinafter the “Developer”), has requested the City Commission amend condition number nine (9) as a result of Braun Intertec’s revised recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo that the conditions for approval for the Plat of Charleswood 10th Addition be amended as follows:

1. An Attorney Title Opinion is received.
2. A certificate showing taxes being current is received.
3. The City receives and approved drainage and municipal services plan.
4. A mailbox plan is submitted by the developer for consideration.
5. Any necessary easement are placed on the Final Plat
6. Any revised covenants are filed with the Final Plat.
7. An Outline is received for the anticipated schedule and sequence of construction for all Improvements.
8. A Subdivision/PUD Agreement is received.
9. ~~A geotechnical study is provided for each lot prior to permitting demonstrating that the property can support the structure(s).~~ After the issuance of a building permit by the City of West Fargo, but prior to construction of the home, including pouring a foundation and/or basement the owner of each property or the Developer must obtain and submit to the West Fargo Building inspector an excavation observation report approved by a licensed geotechnical engineer or his authorized representative for the individual home which evidences that an on-site compaction and strength test on foundation subgrade has been performed and the results of said test(s) are within acceptable national and local geotechnical engineering standards/specifications to support the proposed home.
10. Water and sewer lines will be installed in accordance with City Standards, and inspected and approved by the City Engineer, and the City will own, operate and maintain such water and sewer lines and appurtenances including gate valves and hydrants. Subsequent property owners will be responsible for installing and maintaining sewer injector pumps for sewage from each residential structure into the sewer main.

** ~~Strike through text is hereby removed and~~ underlined text is hereby added to the above conditions.*

BE IT FURTHER RESOLVED BY, the Board of City Commissioners that terms, conditions and findings of the Staff Report attached as **Exhibit A**, is amended only to the extent provided in this Resolution and said Staff Report is hereby incorporated by reference and is part of this Resolution and binding upon the property within Charleswood 10th Addition Plat.

Dated this 15th day of December, 2014.

APPROVED:

President of the Board of City Commissioners

ATTEST:

City Auditor

Commissioner _____ seconded the motion. On roll call the following commissioners
voted in favor of said motion: _____.

The following commissioners voted nay: _____. The following commissioners were
absent and not voting: _____. The majority having voted aye, the motion was carried
and the Resolution was duly adopted.

STAFF REPORT

City of West Fargo

A14-31 Charleswood River Estates
10th Addition, replat of Lots 1-8,
Block 1 of Charleswood River Estates
9th Addition, City of West Fargo,
North Dakota

Aaron Greterman

Planning & Zoning Commission

Introduction – 6/9/14

Public Hearing – 6/9/14 - Approval
City Commission

Final Plat Approval – 9/2/14

BACKGROUND:

PURPOSE: To subdivide property for single family residential development.

EXISTING LAND USE: Vacant

EXISTING ZONING: PUD: Planned Unit Development

PARCEL SIZE: ± 8.4 Acres

CITY PLANS: Land Use – Low Density Residential
Streets – 20th Avenue East – Local Street
Private Drive
Bikeway – N/A
Parks - The developer has fulfilled the required dedication.

STATEMENTS OF FACT:

- The proposed subdivision is located on a peninsula along the Sheyenne River, west of Charleswood River Estates 2nd-6th Additions and northwest of the Oakwood Bend development.
- This development would be accessed off of the west end of 20th Ave E via a private drive.
- The proposed use (single family) is consistent with the City's Future Land Use Plan and is in conformance with the Approved Area Plan.

DISCUSSIONS AND OBSERVATIONS:

- The Preliminary Plat shows 7 lots. Preliminary plans are for single family homes with a private drive.
- Last fall the developer replatted the property to allow for 8 single family lots. He is now proposing wider lots.

Exhibit "A"

Staff Report – A14-31

Page 2

- The property is zoned PUD: Planned Unit Development to allow for greater flexibility in design. These lots are proposed to be developed with environmental sensitivity as a priority, i.e. keeping trees, minimal soil disturbance, minimal run-off, etc.
- This development will be a gated community with control access gates off the west end of 20th Ave E. The entry will be designed to be attractive with flowers, plants and possibly a water fall feature. Residents will have a pass key to open the gates when they drive up. Emergency responders will be issued a pass key as well.
- The City requires a building control line established on the plat when subdivisions are along the Sheyenne River. The building control line is to be established 100 feet from the riverbank per the Subdivision Ordinance. With the approval of the previous subdivision plat, the City Commission approved a variance to allow the building control line at 75 feet from the established riverbank, but added a condition that a geotechnical study be completed for each lot prior to permitting.
- Detailed development plans approved for the development included lot and yard requirements for the lots which will remain the same.
- Park dedication requirements for the Charleswood development were satisfied a number of years ago.
- The developer and subsequent owners will be responsible for maintaining existing trees and natural grasses to the extent possible according to the Sheyenne River Corridor Overlay District and City's Landscape Standard.
- The City has not yet received the following information: Attorney Title Opinion, revised drainage and municipal services plan, certificate showing taxes are current, necessary utility easements shown on the Final Plat, outline for the anticipated schedule and sequence of construction for all improvements, and revised subdivision/PUD agreement.
- Notices were sent out to utility companies, SE Cass Water Resource District, Park District, West Fargo Post Office and City departments for review. The Police Department has indicated the need to ensure access of emergency responders. Previously the Post Office indicated the development would be serviced with cluster box delivery. SE Cass Water Resource District encourages the City to adopt Cass County river setback criteria for the platting of lots adjacent to the Sheyenne River, as the geotechnical instability of river banks adjacent to the Sheyenne River is a known hazard and is further exacerbated in river oxbow areas such as that proposed by this development.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- The development is consistent with the City's plans, ordinances and approved area plan.
- Single family is viewed as the most appropriate use for the area.

Cons for Development as Proposed

- The subdivision is affected by the proximity of the Sheyenne River and potentially unstable soil conditions.

RECOMMENDATIONS:

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

1. An Attorney Title Opinion is received.
2. A certificate showing taxes being current is received.
3. The City receives an approved drainage and municipal services plan.
4. A mailbox plan is submitted by the developer for consideration.
5. Any necessary easements are placed on the Final Plat.
6. Any revised restrictive covenants are filed with the Final Plat.
7. An outline is received for the anticipated schedule and sequence of construction for all improvements.
8. A Subdivision/PUD Agreement is received.
9. A geotechnical study is provided for each lot prior to permitting demonstrating that the property can support the structure(s).
10. Water and sewer lines will be installed in accordance with City standards, and inspected and approved by the City Engineer, and the City will own, operate and maintain such water and sewer lines and appurtenances including gate valves and hydrants. Subsequent property owners will be responsible for installing and maintaining sewer injector pumps for sewage from each residential structure into the sewer main.

Planning and Zoning Commission Recommendation:

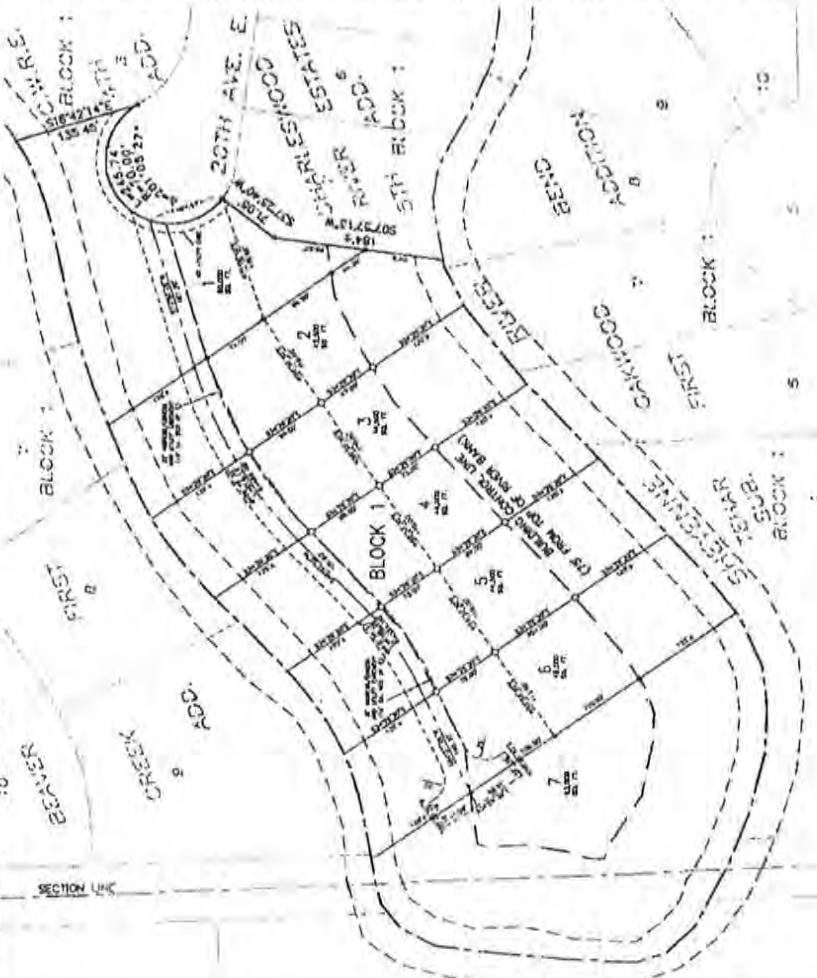
At their June 9, 2014 meeting the Planning and Zoning Commission approved the request subject to the 10 conditions listed above.

Exhibit "A"



Exhibit "A"



[illegible]

CHARLIE SCARF



CERTIFICATE

CHARTER BY AIRCRAFTS is another one that our clients really like. We have a number of clients who are interested in the chartering of aircraft for their business. We have a number of clients who are interested in the chartering of aircraft for their business. We have a number of clients who are interested in the chartering of aircraft for their business.

ALL OF CHARLESTON RIVER ESTATES #14 IN ADDITION TO THE CITY OF WEST FAROE, DASS COUNTY, NORTH CAROLINA.

THE ABOVE DESCRIBED TRACT CONTAINS 2.5 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS OF RECORD, IF ANY.



DAVID S. MEYER
REGISTERED LAND SURVEYOR
NO REG. NO. 2004
STATE OF MICHIGAN
ON SEP 16 2 55

ON THIS DATE, 2014, BEFORE ME, a Notary Public in and for said County and State, PERSONALLY APPEARED AND I MET WITH AFTER RECEIVING LAND SURVEYOR KNOWLEDGE TO ME TO BE THE PERSONAL REPRESENTATIVE OF THE FOREGOING CLIENTS; IT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CLATSOP COUNTY, NORTH OREGON
MY COMMISSION EXPIRES

DEDICATION

[illegible]

ALFRED M. JOHNSON
BLAKE OF WORTH PARISH
COUNTY OF CLAY

ON THIS DAY OF 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAIL COUNTY AND STATE, PERSONALLY APPEARED AFTER PERSONAL KNOWLEDGE TO ME, TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEEDICATION AND ACKNOWLEDGED TO ME THAT HE DECEASED WAS SAAT, THE NAME OF RMC, LLC.

NOTARY PUBLIC, CLARK COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES:

WEST FARGO CITY COMMISSION APPROVAL

APPROVED BY THE WEST VIRGINIA COMMISSION THIS _____ OF _____ 2014.

JOHN BATHURST, PRESIDENT OF
THE WEST / MID-CITY COMMISSION

STATE OF NORTH CAROLINA }
COUNTY OF CATAWBA }

100-153645-100
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 05-11-2000 BY 60322 UCBAW

WILLIAM AUGUSTUS CARR, COUNTY CLERK, ALABAMA

THESE RESULTS ARE IN ACCORD WITH THE FINDINGS OF OTHER STUDIES THAT HAVE SHOWN THAT THE USE OF A SINGLE-STEP PROCESS CAN BE EFFECTIVE IN REDUCING THE RISK OF INFECTION IN PATIENTS WITH A SINGLE-STEP PROCESS.

DATE _____ FILE APPROVED & FORWARDED BY: _____

FROM MIDDLETON, CHASE
STATE OF NORTH CAROLINA
COUNTY OF CASE }

ON THIS DAY OF 2013, BEFORE ME, A NOTARIAL PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TO ME, THE UNDERSIGNED, _____, the _____ of the _____ PLANNING COMMISSION, known to me to be the PERSON RECORDED IN AND WHO EXECUTED THE PRECEDING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTES THE SAME IN FULL FAITH OF THE CITY OF WEST FARGO PLANNING COMMISSION.

ACTIVITY PUBLIC, CIVIL SOCIETY, HEALTH SACRIFICE

WEST FALCON CITY ENGINEER'S APPROVAL

APPROVED BY THE WEST VALLEY CITY ENGINEER THIS _____ DAY OF _____ 2004.

KEVIN J. BUCHOLTZ, CITY ENGINEER
201.9. 22. 1000000. 0.000000

[illegible]

NO 1494 PUBLIC LAND COUNTY, MOBILE COUNTY
SAY COLUMBIA COUNTY

...

moore
STEPHENS

Exhibit "A"

Charleswood 31st Addition

The Charleswood 31st addition is being developed primarily for larger lot, single-family residential dwellings where public water and sewer services are available. This addition & its road will be developed in a way to save as many trees as possible to preserve the natural characteristics of the area that make it so great.

Lot Area: Minimum of 35,000 sq ft (building area to be less than that due to river setback requirements)

Lot Width: Minimum of 90 ft

Setback: Minimum of 32 ft

Side Yard: Minimum of 5 ft with 10 ft being the minimum set back from the corner lot

Rear Yard: 75 ft from top of river bank (see building control line)

Covenants & Restrictions: Will follow the guidelines set by its neighboring Charleswood River Estate 5th Addition

Road: The road will be private without curb & gutter to preserve as many of the trees as possible.

Exhibit "B"

Charleswood, Inc.
Our Project FA-08-02481
August 8, 2008
Page 8

D.2.d. Erosion Control

The project site is located in a peninsula of land located adjacent to a loop in the Sheyenne River. As is common in these loops, erosion of the river bank occurs when the water enters the loop and where the water exits the loop. This is because the water is accelerating in these locations, which causes erosion. Development of this site will require some type of erosion control along approximately 250 feet of the entrance and 250 feet of the exist of the loop. The erosion protection can consist of rip rap or a wall structure. Additional survey information and markers would be required to aid in better locating the extent of the erosion control system.

D.3. Recommendations for Housing

In general the soil conditions will not limit construction of homes. Our borings did encounter variable soil conditions, and we recommend that a geotechnical evaluation be performed for the individual homes.

D.4. Construction Quality Control

D.4.a. Excavation Observations

We recommend having a geotechnical engineer observe all excavations related to subgrade preparation for the roadways, utilities and manholes. The purpose of the observations is to evaluate the competence of the geologic materials exposed in the excavations, and the adequacy of required excavation oversizing.

D.4.b. Materials Testing

We recommend performing relative moisture and compaction tests on all fill materials placed below the proposed roadways. We recommend slump, air content and strength tests of Portland cement concrete.

D.4.c. Cold Weather Precautions

If site grading and construction is anticipated during cold weather, all snow and ice should be removed from cut and fill areas prior to additional grading. No fill should be placed on frozen subgrades. No frozen soils should be used as fill.

Concrete delivered to the site should meet the temperature requirements of ASTM C 94. Concrete should not be placed on frozen subgrades. Concrete should be protected from freezing until the necessary strength is attained. Frost should not be permitted to penetrate below footings.

E. Procedures

E.1. Penetration Test Boring

The penetration test boring was drilled with a ATV-mounted core and auger drill equipped with hollow-stem auger. The borings were performed in accordance with ASTM D 1586. Penetration test samples

BRAUN
INTERTEC

A.4. Site Conditions

The site currently exists as an undeveloped tree covered peninsula of land located on the east side of a loop within the Sheyenne River. Based upon our review of the elevations listed within the referenced boring logs, we understand the area is relatively flat.

A.5. Scope of Services

Our scope of services for this project was submitted as a Proposal to Mr. Dusting Scott of Moore Engineering Inc. on August 9, 2013. We received authorization to proceed from Mr. Scott on August 12, 2013. Our scope of services was performed under the terms of our June 15, 2006, General Conditions.

Information obtained from the referenced boring logs and Geotechnical Evaluation was used to identify the geotechnical issues influencing design and construction, qualify the nature of their impact, and outline alternatives for their mitigation. Upon reviewing these items, we developed baseline recommendations for:

- Excavation dewatering;
- The reuse of on-site materials during construction and the impact of groundwater on construction;
- Preparing pavement and utility subgrades and the selection, placement, and compaction of excavation backfill and other required fill;
- Pavement sections based upon the traffic data provided and the information obtained from the referenced boring logs; and
- Providing quality control and evaluating differing site conditions during construction.

Please note that our previous report prepared for Charleswood, Inc., addressed slope stability concerns pertaining to the residential development of this addition. Our scope of services did not involve re-addressing any slope stability concerns for the utility installations or street construction. The recommendations included in our report prepared for Charleswood, Inc., remain unchanged.

Exhibit "D"



Braun Intertec Corporation
526 10th Street NE, Suite 300
P.O. Box 485
West Fargo, ND 58078

Phone: 701.232.8701
Fax: 701.232.7817
Web: braunintertec.com

December 12, 2014

Project B14-09576

Mr. Jeff Johnson & Aaron Greterman
RNSC, LLC.
4342 15th Avenue South, Suite 105
Fargo, ND 58103

Re: Addendum 1 to Geotechnical Evaluation Report (Braun Project No. FA-08-02461)
Charleswood River Estates 10th Addition
20th Avenue East
West Fargo, North Dakota

Dear Mr. Johnson & Mr. Greterman:

This letter serves as Addendum 1 to our Geotechnical Evaluation Report (FA-08-02461) for the above mentioned project, dated August 8, 2008. This Addendum presents our revised recommendation regarding the requirement of subsurface investigation for individual homes to be built under the scope of the project.

Background

Our Geotechnical Evaluation Report (Braun Intertec Project No. FA-08-02461, dated August 8, 2008) provided the recommendation for the construction of the proposed development under Charleswood River Estates 10th Addition. The subsurface investigation performed as a part of the project revealed presence of variable soil condition across the project site and as a result of that we recommended performing further subsurface investigation for individual homes to be built under the said project. This requirement of further geotechnical investigation for individual home was mentioned in Section D.3. of our geotechnical report, dated August 8, 2008.

New Information

A separate subsurface investigation under Braun Intertec Project No. FA-13-05204, dated September 4, 2013 was performed for Moore Engineering in the Charleswood area. This report provided the recommendation for the construction of the pavements and utilities under Charleswood River Estates 31st Addition to be located at 20th Avenue East and Priceton Lane in West Fargo, North Dakota. The subsurface investigation performed under these two projects (Braun Intertec Project No. FA-08-02461 and FA-13-05204) in the same vicinity provided us a broader spectrum of knowledge regarding subsurface soil profile for the peninsula.

Recommendations

Based on our current knowledge of subsurface condition at the project site we waive the requirement of performing subsurface investigation for the individual homes under the project as was stated under Section D.3. of our geotechnical report, dated August 8, 2008. However, in order to avoid presence of

unforeseen soil conditions under the building foot print, we recommend performing the excavation observation by a licensed geotechnical engineer or his authorized representative for the individual homes and performing on-site compaction and strength test on foundation subgrade which will be built under the proposed development.

Remarks

This addendum should be attached to and considered a part of our original Geotechnical Evaluation Report. With the exception of any results or recommendations changed by this Addendum, the information contained in our Geotechnical Evaluation Report remains unchanged.

In performing its services, Braun Intertec used that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession currently practicing in the same locality. No warranty, express or implied, is made.

If you have any questions about this Addendum, please contact Steve Nagle at 701.238.3425.

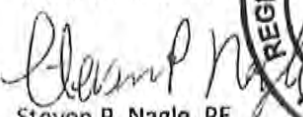
Sincerely,

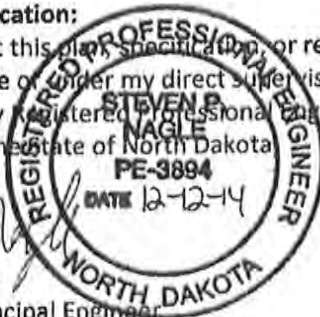
BRAUN INTERTEC CORPORATION


Debashis Sikdar, PE
Project Engineer

Professional Certification:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered Professional Engineer under the laws of the state of North Dakota


Steven P. Nagle, PE
Vice President/ Principal Engineer
Registration Number: PE-3894



STAFF REPORT

A24-10 REPLAT	
The Wilds 24 th Addition	
Lots 1-8, (5817 James Drive & 950-974 61st Ave E), Block 1 The Wilds 23rd Addition	
Owner: J & O Real Estates, LLC	Staff Contact: Lisa Sankey
Applicant: Mike Nelson, Jordahl Custom Homes	
Planning & Zoning Commission Public Hearing:	05-14-2024
City Commission Final Plat Approval	

PURPOSE:

Replat eight lots into one for development of limited multiple dwellings.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	R-2: Limited Multiple Dwellings
Zoning Overlay District(s):	n/a
Proposed Lot size(s) or range:	3.783 Acres
Total area size:	3.783 Acres
Adjacent Zoning Districts:	North, West & South – R-1: One & Two Family Dwellings East – R-2: Limited Multiple Dwellings
Adjacent street(s):	James Dr W (local); 61 st Ave W (local) ; 9 th St W (collector)
Adjacent Bike/Pedestrian Facilities:	Path along 9 th Street West
Available Parks/Trail Facilities:	The Wilds Park less than a tenth of a mile to the north.
Land Dedication Requirements:	n/a

DISCUSSION AND OBSERVATIONS:

- The applicant submitted a subdivision application to combine eight lots into one large lot for townhouse style apartments.
- Last year, the previous owner applied and received approval for a replat for townhouse style apartments on the larger lot, and a three and four-unit townhouse structure on the seven smaller lots along 61st Avenue West. The new owners are replatting to revert to the original subdivision.
- A preliminary site plan shows three and four unit townhouse style structures for a total of 43 units.
- As per the landscaping ordinance, a buffer yard would be required along the west side of the property, abutting the single family homes, which would consist of either a four-foot screen and 10 feet buffer yard consisting of small evergreen trees alternated with deciduous trees or a 20-foot buffer yard consisting of Small Evergreen Trees, Alternated with Deciduous Trees, and One Row Evergreen or Other Shrubs.
- Both City Engineering and Public Works have indicated that there are sewer and water services to the lots being vacated along the south side which will need to be abandoned.
- Engineering indicated there should be access control along 9th Street West.

STAFF REPORT

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- None to date

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

- Under Strengthen Neighborhoods and Expand Housing Choice in West Fargo 2.0 there is continually a need for a healthy balance of mixed-income housing that is located in the right place and in conjunction with other types of uses.
- Under West Fargo 2.0 Around the Plan under “The Wilds South” – Complete Neighborhood and Mixing Housing Types which discusses integrating a range of housing type, as well as Mixing housing types within the same neighborhood, to include single family homes, but also townhouses, duplexes, smaller apartment buildings, and condo buildings would be more appealing to a wider variety of residents and enhance the character of the city.

RECOMMENDATION:

It is recommended that the City approve the proposed replat on the basis that it is consistent with City plans and ordinances subject to the following:

1. Prior to issuance of a building permit, sewer and water services to the previously platted lots (Lots 2-8, Block 1 of The Wilds 23rd Addition) along 61st Avenue West will need to be abandoned/capped as per Public Works specifications.
2. Access control line along 9th Street West be included on the final plat.

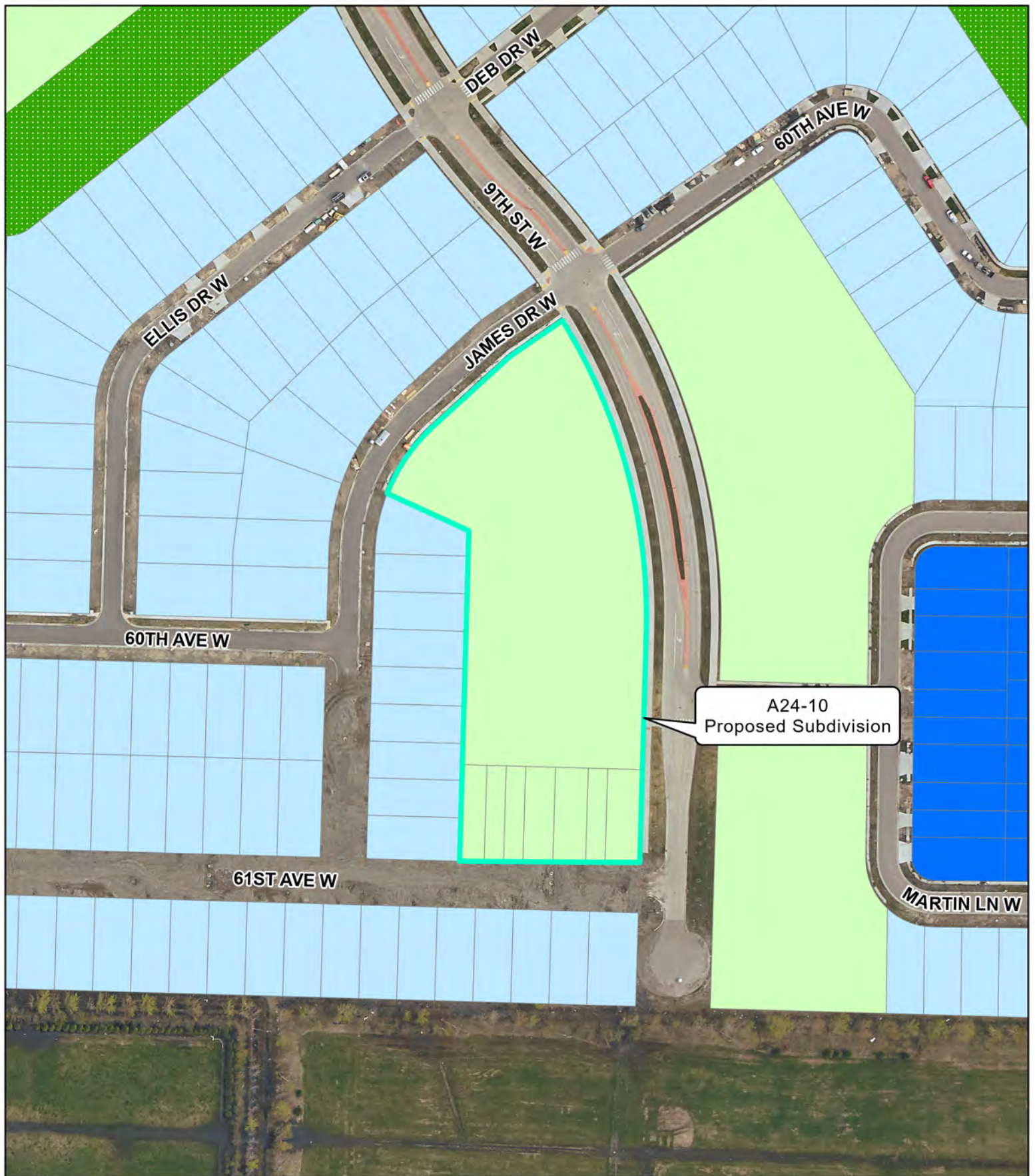
Attachments

1. Aerial map
2. Zoning map
3. Preliminary plat
4. Site Plan



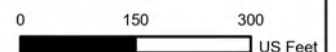
Features

 Agenda Zone  Lots



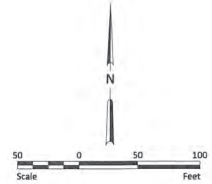
West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential



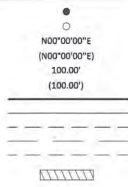
THE WILDS TWENTY FOURTH ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 1, THE WILDS TWENTY THIRD ADDITION
TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA

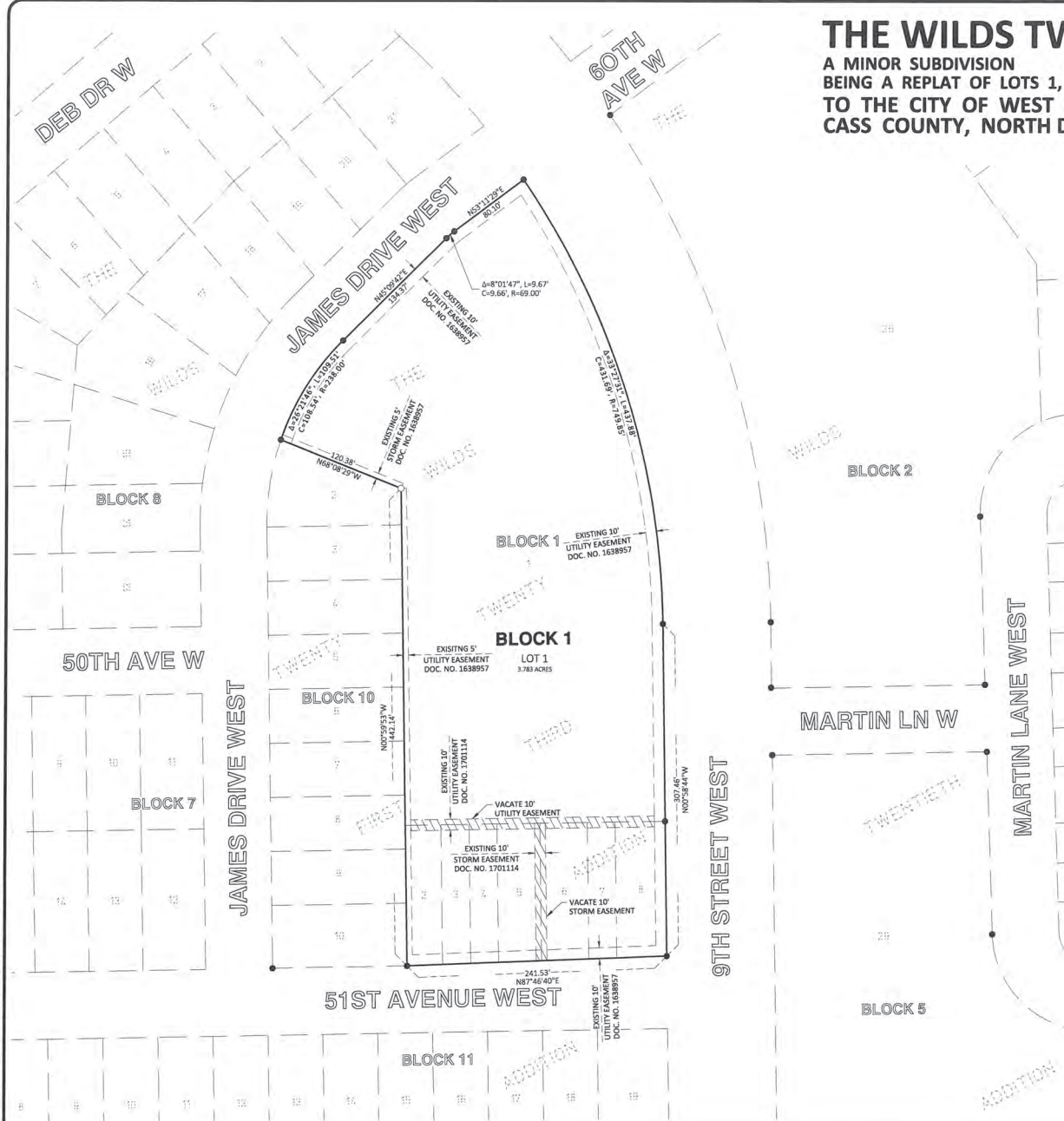


LEGEND

IRON MONUMENT FOUND
1/2" I.D. PIPE SET
MEASURED BEARING
PLAT BEARING
MEASURED DISTANCE
PLAT DISTANCE
PLAT BOUNDARY
NEW LOT LINE
NEW UTILITY EASEMENT
EXISTING LOT LINE
EXISTING UTILITY EASEMENT
EASEMENTS TO BE VACATED
WITH THIS DOCUMENT



H:\BIN\9004\9004\9004_0017\CAD\Plat\9004_0017_Preliminary Plat.dwg



PRELIMINARY PLAT

THE WILDS TWENTY FOURTH ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 1, THE WILDS TWENTY THIRD ADDITION
TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE, EASEMENT VACATION, AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That J & O Real Estate, LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 1, The Wilds Twenty Third Addition, to the City of West Fargo, Cass County, North Dakota.

Said tract contains 3.783 acres, more or less.

And that said party does hereby vacate the easements designated for vacation on this plat; and does hereby cause the above described tract to be surveyed and replatted as **THE WILDS TWENTY FOURTH ADDITION** to the City of West Fargo, Cass County, North Dakota.

OWNER:

J & O Real Estate, LLC

Brent C. Olson, Secretary/Treasurer

State of _____
County of _____ } ss

On this _____ day of _____, 20____, before me personally appeared Brent C. Olson, Secretary/Treasurer of J & O Real Estate, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that I am the Professional Land Surveyor who prepared and made the attached plat of "THE WILDS TWENTY FOURTH ADDITION" to the City of West Fargo; that said plat is a true and correct representation of the survey thereof; that all distances are correctly shown on said plat; and that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this _____ day of _____, 20____.

Curtis A. Skarphol
Professional Land Surveyor No. 4723

State of North Dakota _____
County of Cass _____ } ss

On this _____ day of _____, 20____, before me personally appeared Curtis A. Skarphol, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Daniel R. Hanson, City Engineer

State of North Dakota _____
County of Cass _____ } ss

On this _____ day of _____, 20____, before me personally appeared Daniel R. Hanson, West Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

WEST FARGO PLANNING COMMISSION APPROVAL:

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

Joseph F. Kolb, Chairman
West Fargo Planning Commission

State of North Dakota _____
County of Cass _____ } ss

On this _____ day of _____, 20____, before me personally appeared Joseph F. Kolb, Chairman, West Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the West Fargo Planning Commission.

Notary Public: _____

WEST FARGO CITY ATTORNEY APPROVAL:

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

John T. Shockley, City Attorney

State of North Dakota _____
County of Cass _____ } ss

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

Notary Public: _____

WEST FARGO CITY COMMISSION APPROVAL:

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

Bernie L. Dardis
President of the West Fargo City Commission

Dustin T. Scott
City Auditor

State of North Dakota _____
County of Cass _____ } ss

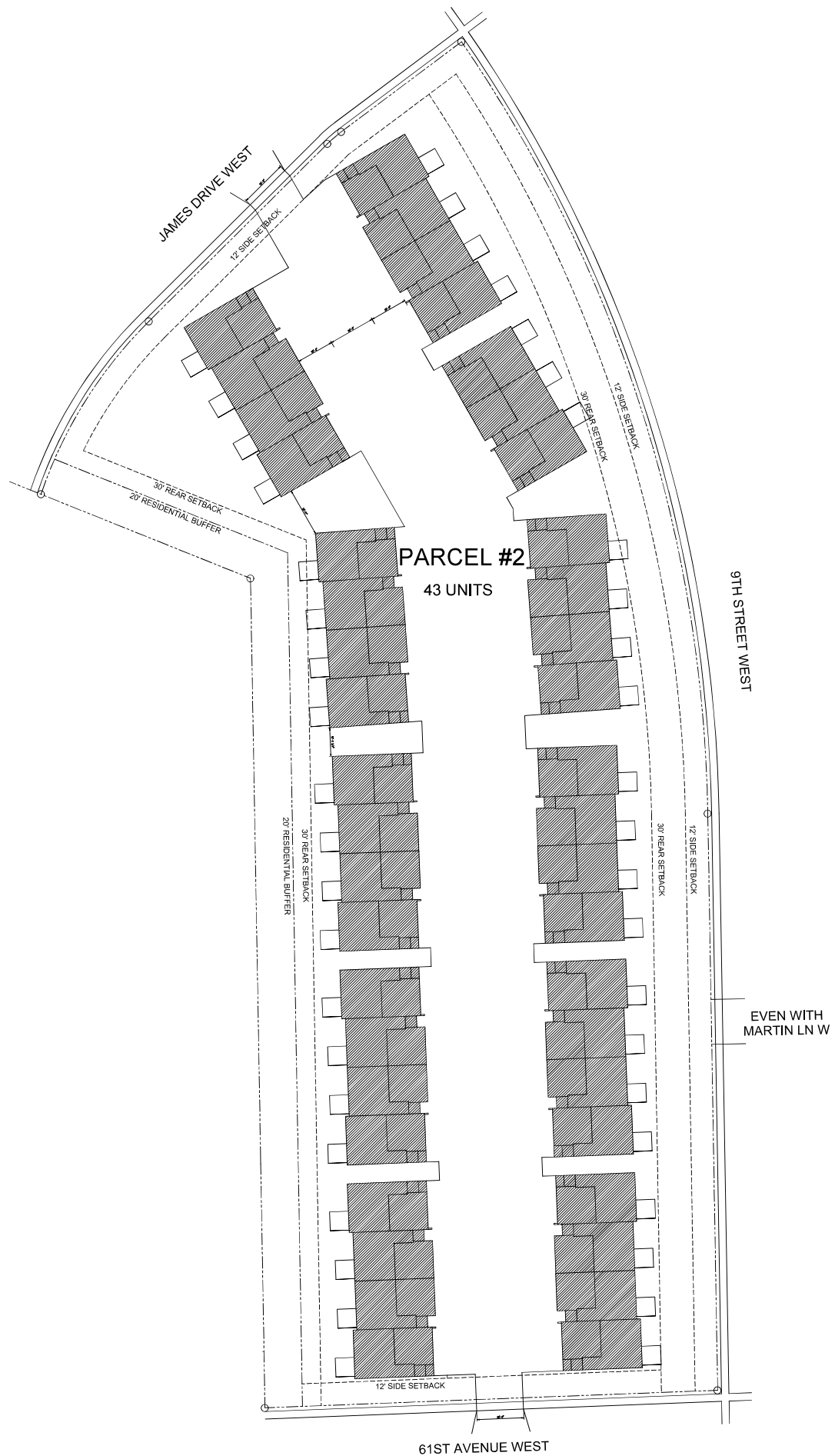
On this _____ day of _____, 20____, before me personally appeared Bernie L. Dardis, President of the West Fargo City Commission; and Dustin T. Scott, City Auditor, City of West Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of West Fargo.

Notary Public: _____



Sheet 2 of 2
Project No. 9004-0017

PRELIMINARY PLAT



CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A12-11 Conditional Use Permit	
Name of Development: North Pond at the Preserve 14 th Addition Conditional Use Permit	
Legal Description: Lot 1, Block 1 of North Pond at the Preserve 14 th Addition	
Applicant: Brad Sather, I & S Development Property Owner: Dakota Medical Foundation	Staff Contact: Leslie McGillivray-Rivas
Planning & Zoning Commission Public Hearing:	May 14, 2024
City Commission:	

PURPOSE:

The purpose of the request is to allow automobile sale as a Conditional Use within the C: Light Commercial zoning district.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub -Urban - Growth Sector
Existing Land Use:	Undeveloped – Vacant Lands
Current Zoning District(s):	C: Light Commercial
Zoning Overlay District(s):	CO-I Interstate Corridor Overlay
Proposed Lot size(s) or range:	Approximately 10.5 Acres
Total area size:	21.10 Acres
Adjacent Zoning Districts:	North – A: Agriculture & CO-I Interstate Corridor Overlay South – C: Light Commercial East – C: Light Commercial West – C: Light Commercial
Adjacent street(s):	Adjacent but not directly connected to Interstate 94 , Access from Rustad Lane East (local) and 23 rd Ave East (Collector).
Adjacent Bike/Pedestrian Facilities:	Pedestrian walkways on both sides of Rustad Lane East, Multi-use trail directly south of 23 rd Ave East.
Available Parks/Trail Facilities:	Rustad Recreation Center is located .36 miles south of the site,
Public Dedication Requirements:	Parkland dedication has been fulfilled by way of an agreement dated March 15, 2015, completed as part of North Pond at the Preserve 6 th Addition. The agreement included undeveloped parcels.

DISCUSSION AND OBSERVATIONS:

- The applicant has applied for a Conditional Use Permit (CUP) for two boutique automobile sales businesses to operate within one proposed site within the C: Light Commercial District and CO-I Interstate Corridor Overlay District.
- The applicant has indicated the two sales businesses will operate from two separate structures which will have an elevated building appearance standard. The structures will each be two stories in height with potential for an elevated showroom on the second story. No architectural

STAFF REPORT

drawings have been provided to demonstrate the design or building material selection with the application.

- The property was platted as a single parcel in anticipation of a previous development application. The anticipated subdivision replating effort did not proceed to final plat after preliminary approval was granted. However, discussions with the city engineer and planning occurred pertaining to preliminary utility and ROW dedication. These discussion will need to proceed once the plat application is to proceed.
- The CO-I Interstate Corridor Overlay District, contains the statement of intent, and indicates the goal “to promote orderly development and redevelopment and safe, attractive and desirable spatial patterns and locations for urban land uses adjacent the Interstate 94 Corridor”. Additionally, the intent of the district states, “Full regard is given for the importance of this corridor as a major growth area for West Fargo and as a highly visible gateway through the City.”
- Conditionally permitted uses allowed in the CO-I overlay district are the same as those conditionally permitted in the underlying zoning district.
- Site Development Standards of the CO-I district requires higher building construction standard. These standards limit certain building materials to a lesser degree of building coverage. An approved building material is found within the appearance standard and will be evaluated at the time of the building permit. Deviation in the use or quantity of the preferred materials must be presented and “as approved by commission”.
- An application for a replat was submitted at the time of this application. However, the applicant requested tabling the application until the results of the conditional use permit are known.

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 reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property as a single platted lot has adequate ability to be connected with the traffic network per the perimeter road of 23rd Ave East adjacent the southern border of the property and the constructed road of Rustad Lane East which is intended to be the primary access to the auto dealers site.
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.
 - Off-street parking and loading facilities are contained within the property.
 - The location of the autosales lot proposed adjacent to an interstate road system will have no greater impact on the adjoining properties or those generally in the district in regard to noise or odor.
 - Light effects of the proposed site design are not known as detail was not provided in the application.
3. Refuse and service areas, with reference to the items in (1) and (2) above.
 - Refuse areas are not delineated on the site plan upon which to assess.
4. Utilities, with reference of locations, availability, and compatibility.

STAFF REPORT

- Utilities are available to access the site. Additional design detail within the site in regard to location of water services with particular regard to fire suppression is needed.
- 5. Screening and buffering with reference to type, dimensions, and character.
 - The site is previously undeveloped, there are bufferyards and landscaping required within a front yard setback area as per the CO-I: Interstate Corridor Overlay District standards.
- 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.
 - Signage has not been provided for review. Signage is a separate permit application and will be reviewed at the time of submittal.
- 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.
 - A preliminary jurisdictional determination confirming the presence of wetlands (Jurisdictional Waters of the United States) was completed in 2022/2023. A prior development proposal on the property conveyed to the City Engineer a Corp of Engineers determination indicating the presence of jurisdictional wetlands. Further investigation will need to be completed by the applicant to determine if the prior determination is valid. The applicant will be required to complete permitting requirements by the Corp of Engineers which may include wetland mitigation.
 - No additional concerns conveyed.
- 9. General compatibility with adjacent properties and other properties in the district.
 - It is anticipated that the open space/parcels created by this site plan will develop at a future date with any of the permitted uses in this commercially zoned property. Thereby there are no concerns noted.

NOTICES:

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

Comments Received:

- Email(s) have been received from adjoining property owners within 350' and some residential owners within the Homeowners Association for North Pond at the Preserve. All emails are included in the packet. Generally, the issues/concerns expressed are the following:
 - Increased traffic
 - Traffic exceeding speed limits
 - Increased traffic relating to the area school
 - Light shed from the property
 - Incompatibility of proposed use
 - Noise originating from traffic

STAFF REPORT

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

- The proposed application is consistent with City plans and ordinances. The West Fargo comprehensive planning document, West Fargo 2.0 highlights desire to support diversity of commercial establishments to strengthen economic vitality and create a sustainable economy that spans all sectors.

RECOMMENDATIONS:

It is recommended that the City approve the proposed application with recommended conditions of approval as follows:

1. Replatting of the subject property is required prior to issuance of building permits. Design of the replat shall include the following:
 - a. Right of Way dedication for the completion of Rustad Lane E which would connect to 23rd Ave SE in a location approved by the City.
 - b. Jurisdictional Wetland determination and any mitigation efforts must be satisfied with the Army Corp of Engineers and demonstrated to the City Engineer prior to the issuance of building permits.
2. The land use of auto sales shall be restricted to northern portion of Lot 1, Block 1, North Pond at The Preserve 14th Addition, as indicated in the accompany site plan for the conditional use permit.
3. Prior to final consideration by the City Commission, the applicant shall provide the following documentation to ensure compliance with the criteria for the granting of a Conditional Use Permit:
 - a. Documentation that lighting will not create nuisance to adjoining properties. This may include a photometric plan or seasonal light reduction plan.
 - b. A revised site plan which detail the areas where refuse is contained and screened, signage locations, landscape open space requirements along I-94 and any additional site development standard not sufficiently labeled or dimensioned.
4. A signed Conditional Use Permit Agreement is provided prior to consideration by City Commission.

Attachments:

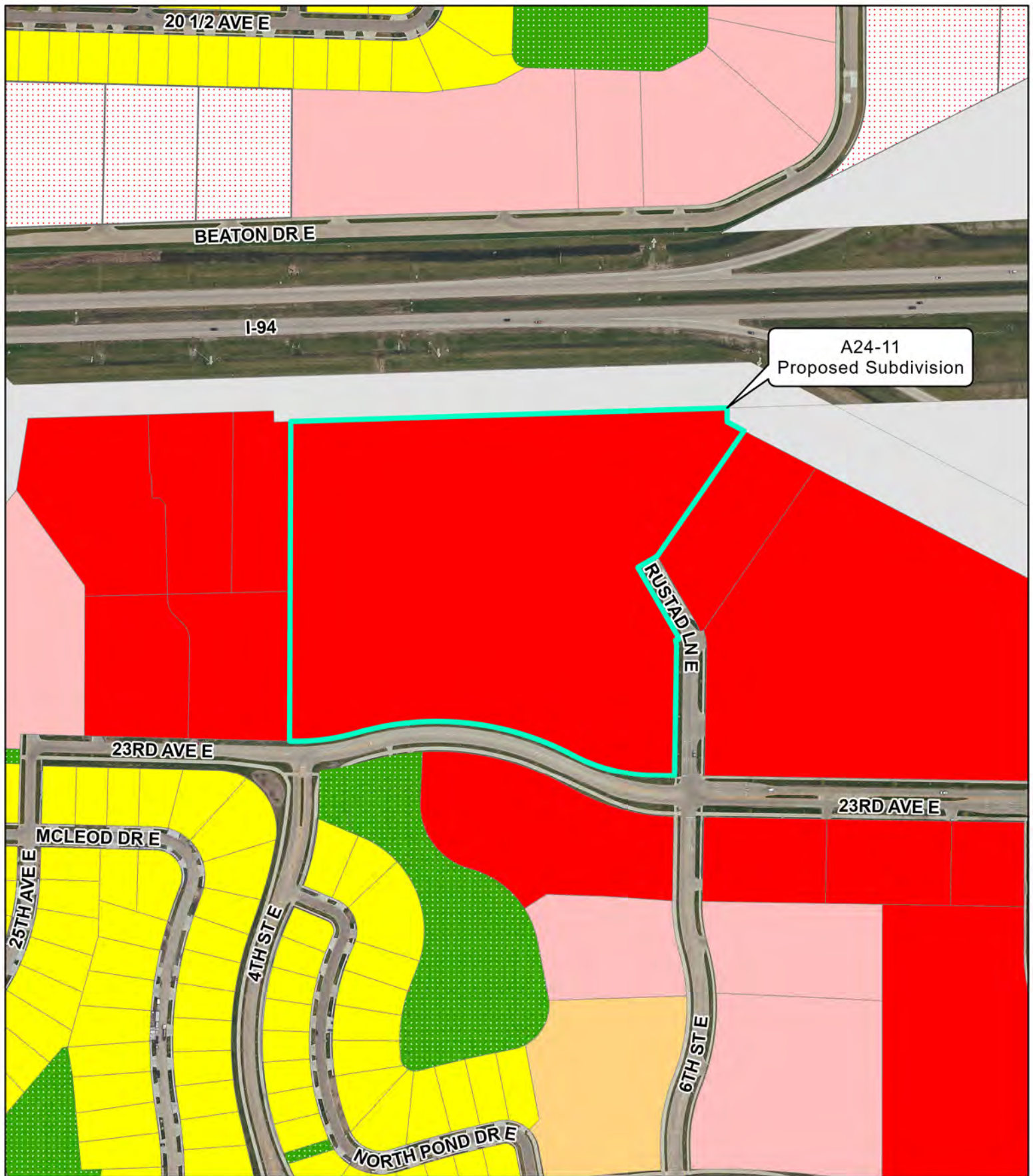
1. Aerial Location map
2. Zoning map
3. Plat-North Pond at the Preserve 14th Addition
4. Conditional Use Site Plan
5. Letters of opposition



Features

Agenda Zone Lots





West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential



0 300 600
US Feet

PLAT OF
NORTH POND AT THE PRESERVE FOURTEENTH ADDITION

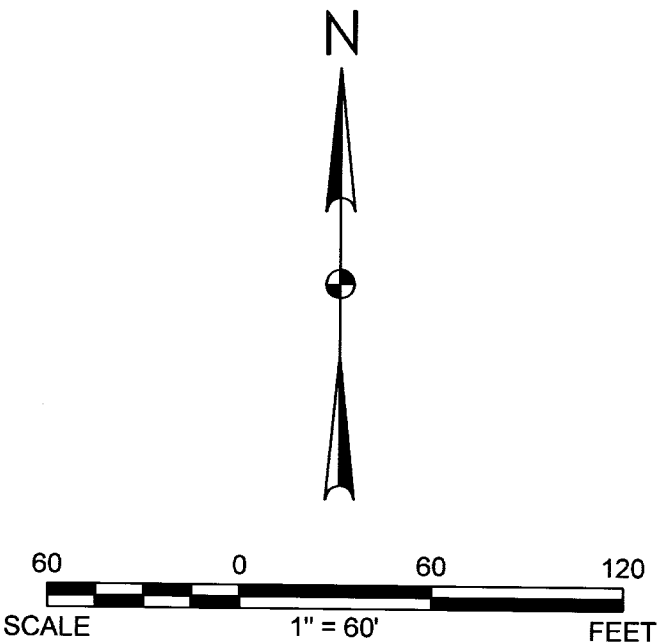
AN UNPLATTED PARCEL IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 139 NORTH, RANGE 49 WEST,
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

OWNER
DAKOTA MEDICAL FOUNDATION
4141 28TH AVE. S.
FARGO, ND 58104
PH: 701.271.0263

ENGINEER / SURVEYOR
KLJ ENGINEERING LLC
300 23RD AVENUE E, SUITE 100
WEST FARGO, ND 58078
PH: 701.232.5353
www.kljeng.com

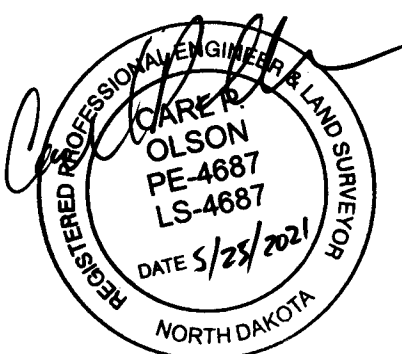
LEGEND	
	REBAR AND CAP FOUND
	REBAR FOUND
	IRON BOLT FOUND

BASIS OF BEARING:
SURVEY IS BASED ON FARGO GIS HORIZONTAL DATUM, US
SURVEY FEET. DISTANCES SHOWN ARE GROUND DISTANCES.



SHEET 1 OF 2

5/24/2021



AUDITOR'S OFFICE
COUNTY OF CASS, NORTH DAKOTA
7/26/2021
Taxes and Special Assessments paid
and transfer entered.
Micki M. Moeckel, Auditor
DLJ, Deputy



RECORDED IN THE OFFICE OF CASS COUNTY, ND
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE:
DEBORAH A. MOELLER, COUNTY RECORDER
by Teresa D. Kirby, Dep. 1640162
Recorded Electronically



PLAT OF NORTH POND AT THE PRESERVE FOURTEENTH ADDITION

AN UNPLATTED PARCEL IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 139 NORTH, RANGE 49 WEST,
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS DESCRIPTION, ACCEPTANCE AND DEDICATION:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF
"NORTH POND AT THE PRESERVE FOURTEENTH ADDITION" TO THE CITY OF WEST FARGO.

That part of the Northeast Quarter of Section Twenty, Township One Hundred Thirty-nine North of Range
Forty-nine West of the Fifth Principal Meridian, Cass County, North Dakota, lying Westerly of the North Pond at
the Preserve Tenth Addition to the City of West Fargo, Cass County, North Dakota, and North Pond at the
Preserve First Addition to the City of West Fargo, Cass County, North Dakota, and lying Northerly of 23rd Avenue
East, as dedicated on the recorded Plat of North Pond at the Preserve Second Addition to the City of West
Fargo, Cass County, North Dakota, except any portion thereof located within the following described tracts of
land, and less highway rights-of-way of record:

TRACT 1: That part of the Northeast Quarter of Section Twenty, Township One Hundred Thirty-nine North of
Range Forty-nine West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:
Commencing at the Northeast corner of said Northeast Quarter; thence South 02°29'15" East along the East line
of said Northeast Quarter for a distance of 856.91 feet; thence South 87°30'45" West for the distance
of 50.00 feet to a point on the Westerly right-of-way line of the Sheyenne Diversion; the point of
beginning; thence South 87°30'45" West for a distance of 100.00 feet; thence North 65°20'50" West for a distance
of 1,179.31 feet to a point on the Southerly right-of-way line of the Sheyenne Diversion; thence
South 85°38'20" West along the Southerly right-of-way line of said Sheyenne Diversion for a distance
of 284.18 feet; thence South 04°22'35" East for a distance of 36.79 feet; thence South 65°20'50" East for a
distance of 1,451.01 feet; thence North 87°30'45" East for a distance of 141.02 feet to a point on the Westerly
right-of-way line of the Sheyenne Diversion; thence North 02°29'15" West along the Westerly right-of-way line of
said Sheyenne Diversion parallel to the East line of said Northeast Quarter for a distance of 170.00 feet to the
point of beginning; and

TRACT 2: That part of the Northeast Quarter of Section Twenty, Township One Hundred Thirty-nine North of
Range Forty-nine West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:
Commencing at the Northwest corner of said Northeast Quarter; thence South 02°25'40" East along the West line
of said Northeast Quarter for a distance of 310.79 feet to a point on the South right-of-way of Interstate
Highway No. 94, the point of beginning; thence North 85°37'14" East along the South right-of-way of Interstate
Highway No. 94 for a distance of 2,653.09 feet to a point on the East line of said Northeast Quarter, said point
being 158.58 feet South of the Northeast corner of said Northeast Quarter; thence South 02°28'40" East along
the East line of said Northeast Quarter for a distance of 2,487.19 feet to the Southeast corner of said Northeast
Quarter; thence South 88°51'19" West along the South line of said Northeast Quarter for a distance of 50.01 feet
to a point 50.00 feet West of the East line of said Northeast Quarter; thence North 02°28'40" West and parallel
to the East line of said Northeast Quarter for a distance of 2,363.94 feet; thence South 85°38'09" West for a
distance of 2,603.14 feet to a point on the West line of said Northeast Quarter; thence North 02°25'40" West
along the West line of said Northeast Quarter for a distance of 119.76 feet to the point of beginning.

THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT. WE HEREBY
DEDICATE UTILITY EASEMENTS TO THE USE OF THE PUBLIC AS SHOWN ON SAID PLAT.
SAID PLAT CONTAINS 21.126 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF
RECORD.

OWNER: DAKOTA MEDICAL FOUNDATION

J. Patrick Trayner
Executive Director

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS 26 DAY OF May, 2021
BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED J. Patrick Trayner
TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED
THE SAME AS A FREE ACT AND DEED.

Kathi L. Mayer

NOTARY PUBLIC

KATHI L. MAYER
Notary Public
State of North Dakota
My Commission Expires Dec. 14, 2022

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, CARL P. OLSON, PROFESSIONAL LAND SURVEYOR UNDER THE
LAWS OF THE STATE OF NORTH DAKOTA DO HEREBY CERTIFY
THAT THE ATTACHED PLAT IS A TRUE AND ACCURATE
REPRESENTATION OF THE SURVEY OF SAID SUBDIVISION AND ALL
DISTANCES SHOWN ON SAID PLAT ARE CORRECT, THAT THE
MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN
CORRECTLY PLACED IN THE GROUND AS SHOWN.

CARL P. OLSON, PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA LICENSE # LS-4687
STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS 25th DAY OF May,
2021, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED CARL P. OLSON, TO
ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

KEVIN M. CUMMINGS
Notary Public
State of North Dakota
My Commission Expires Mar. 5, 2022

CITY OF WEST FARGO ENGINEERING DEPARTMENT APPROVAL

APPROVED BY CITY ENGINEER THIS 22nd DAY OF July,
2021

DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS 22nd DAY OF July,
2021, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT,
TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE SAME AS A FREE ACT AND DEED.

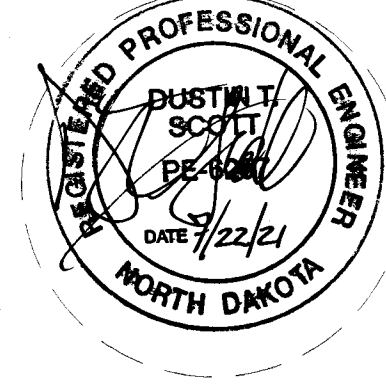
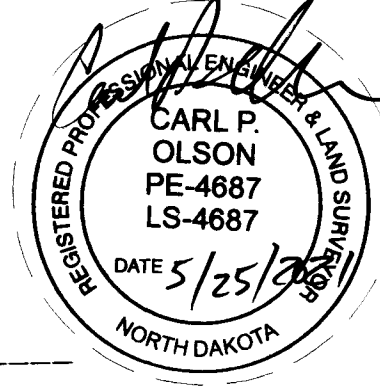
Chanda Erickson
NOTARY PUBLIC

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS 13 DAY OF July,
2021, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY,
CITY ATTORNEY, KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO
EXECUTED THE SAME AS A FREE ACT AND DEED.

Chanda Erickson
NOTARY PUBLIC

CHANDA ERICKSON
Notary Public
State of North Dakota
My Commission Expires Nov. 18, 2021



CITY OF WEST FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF WEST FARGO PLANNING COMMISSION
THIS 13 DAY OF April, 2021

JOSEPH F. KOLB, CHAIR
WEST FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS 13 DAY OF April,
2021, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB,
WEST FARGO PLANNING COMMISSION CHAIR, TO ME KNOWN TO BE
THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A
FREE ACT AND DEED.

Chanda Erickson
NOTARY PUBLIC

CHANDA ERICKSON
Notary Public
State of North Dakota
My Commission Expires Nov. 18, 2021

CITY OF WEST FARGO ATTORNEY APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED
FILED THIS 13 DAY OF July, 2021

John T. Shockley
JOHN T. SHOCKLEY, CITY ATTORNEY

CITY OF WEST FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED
FILED THIS 7 DAY OF June, 2021

BERNIE L. DARDIS, President of the Board of City Commissioners

ATTEST: *Tina Fisk*
TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS 7 DAY OF June,
2021, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS,
MAYOR, CITY OF WEST FARGO, AND TINA FISK, CITY AUDITOR, CITY
OF WEST FARGO, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN
AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

Chanda Erickson
NOTARY PUBLIC

CHANDA ERICKSON
Notary Public
State of North Dakota
My Commission Expires Nov. 18, 2021

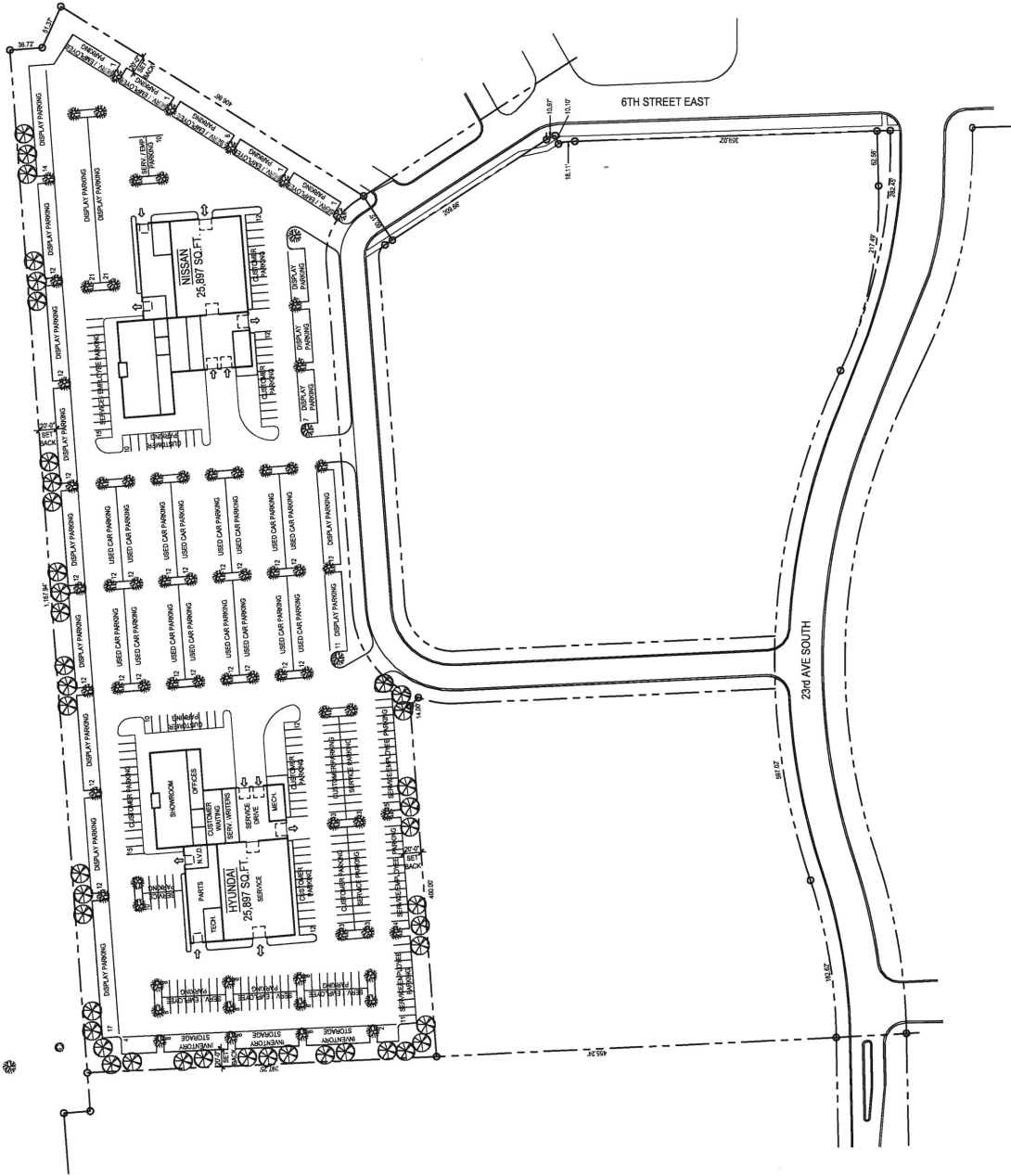


West Fargo Planning Department

1640162
Page: 2 of 2
7/26/2021 12:50 PM
PLAT \$20.00

SITE DATA	
TOTAL SITE AREA *	84 ACRES
TOTAL BUILDING AREA *	41,500 SQ. FT.
TOTAL IMPERVIOUS AREA *	51,700 SQ. FT.
TOTAL GREEN SPACE AREA *	29,400 SQ. FT.
TOTAL OPEN SPACE AREA *	71,300 SQ. FT.

PARKING	
DISPLAY SPACES *	201
USED CAR SPACES *	192
CUSTOMER PARKING SPACES *	129
SERVICE & EMPLOYEE SPACES *	185
TOTAL SPACES *	337



D.L.A.
Darwin Lindahl Architects, P.A.
 4174 Quebec Ave. North, Suite 108
 Minneapolis, Minnesota 55427
 Phone: (612) 835-0441
 Email: info@dlarchitects.com

THE DRAWING AND THE INFORMATION IS FOR THE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND THE RESULTS OF THE STUDY. THE DRAWING IS THE PROPERTY OF DARWIN LINDAHL ARCHITECTS, P.A. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DARWIN LINDAHL ARCHITECTS, P.A.

Project #: 2024-02

PROPOSED FACILITY FOR: **GATEWAY SITE STUDY** WEST FARGO, ND

Revisions:
 No. Revision: _____
 Date: _____

Certification:
PRELIMINARY
 NOT FOR CONSTRUCTION
 PRINTED ON: INFORMATION
 DATE: 5/10/2024

Drawing:
SITE PLAN

Sheet No.:
A050



City Commission Agenda Item Request

Please Note: The following information must be completed and submitted before noon on the Wednesday preceding the City Commission Meeting. Failure to comply may delay action being taken on your request.

Office Use:

Regular Agenda Item #:

Consent Agenda Item #:

Agenda Item Information:

Contact Name: *

David Leedah

Phone Number: *

7013531733

Email Address:

david.leedah@gmail.com

Date *

5/3/2024

Topic for Consent or Regular Agenda?

Please select one option:

- ☐ Consent Agenda
☒ Regular Agenda

Please Briefly Describe Your Request *

I am writing in regards to the proposed conditional use permit for automobile sales on lot 1, block 1, north pond at the preserve 14th addition. I am writing to strongly OPPOSE any approval related to this permit. I live in Rivers Bend neighborhood at 2414 McLeod Dr E. Neither side of the interstate currently has a car lot, and I think this is a notable detriment to our neighborhood.

Site Address or Legal Description (if applicable)

lot 1, block 1, north pond at the preserve 14th addition

Action Being Requested from City Commission *

Please deny the request for the conditional use permit.

Upload Additional Documentation (Optional):

From: [David Leedah](#)
To: [Leslie McGillivray-Rivas](#)
Cc: [Alissa Leedah](#)
Subject: Re: Opposition to conditional use permit for lot 1, block 1, north pond 14th addition
Date: Friday, May 3, 2024 12:42:25 PM

Hi Leslie, thanks for the email! We share the concern of other neighbors where adding this car dealership would cause more noise, a higher degree of bright/high fluorescent lighting, and more traffic through our neighborhood than any of us intended to have when we purchased our homes in this neighborhood. Our neighborhood sits adjacent to this property, and our house sits just across the street and down two lots from the homes that received the formal notice from the West Fargo city commission. I believe a variance to allow selling vehicles in this case should not be allowed, especially without a full assessment of the impact on property values, other intrusive items like noise, lighting, and traffic in that area. The current businesses that reside along the interstate near that property are appropriately calm and fit the overall tone of this part of the city. I think anyone would reasonably conclude that a car dealership between Duluth trading company and Vance Thompson vision is a hard pivot and unacceptable deviation from the businesses that currently reside in that area. I am very aware that there will be businesses in those open spaces, and I definitely appreciate the efforts of our city to make sure that businesses that do occupy those spaces are aligned with the original zoning and conditions that were set.

Please consider this formal opposition against the conditional use permit for the property referenced.

Warm regards,
David and Alissa Leedah

2424 McLeod Dr E
West Fargo

On Friday, May 3, 2024, Leslie McGillivray-Rivas <Leslie.McGillivray-Rivas@westfargond.gov> wrote:

Greetings Mr. and Mrs. Leedah,

Attached is the packet of information that was distributed to our internal staff for comment and to adjoining neighbors.

You are welcome to respond to this email with your feedback. Additionally, attached is the criteria for consideration for a Conditional Use Permit.

Further, you are welcome to attend the Planning and Zoning Commission meeting on May 14, 2024, at 5:30pm. There is a public hearing where once the staff and the applicant present, any person in attendance may speak and ask questions or voice concerns.

Please let me know if you have any specific questions.

Kind Regards,

Leslie McGillivray-Rivas

Senior Planner

(701) 515-5377

From: David Leedahl <david.leedahl@gmail.com>

Sent: Friday, May 3, 2024 8:40 AM

To: Leslie McGillivray-Rivas <Leslie.McGillivray-Rivas@westfargond.gov>

Cc: Alissa Leedahl <alissaleedahl@gmail.com>

Subject: Opposition to conditional use permit for lot 1, block 1, north pond 14th addition

Hi Leslie,

Appreciate you talking to me on the phone!

Please let me know how I can respond with feedback of opposition related to this conditional use permit for auto sales.

Thanks!

David Leedahl

[2414 McLeod Dr E \(rivers bend\)](#)

From: [Josh Diemert](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Re: North Pond at the Preserve - Conditional Use Permit
Date: Friday, May 3, 2024 1:32:28 PM

Leslie

Thank you for sharing.

I would like to reiterate my opposition to this proposed use of the land.

23rd ave is already dangerous to navigate while driving by Costco, and adding even more truck and vehicle traffic will only exacerbate that issue. We fully understand that a commercial entity of some sort will end up on the vacant lots that surround this area, I however feel a car dealership is not the correct fit.

The increase in traffic is my primary concern. The lights that will be on all night will also be detrimental to our neighborhood.

I encourage the planning commission to deny this permit and allow another commercial entity that better fits with the neighborhood to take advantage of this location.

Thank You

Josh Diemert
2503 McLeod Dr E, West Fargo, ND 58078

On Fri, May 3, 2024 at 9:18 AM Leslie McGillivray-Rivas <Leslie.McGillivray-Rivas@westfargond.gov> wrote:

Greetings Mr. Diemert,

Please see the attached information for your review.

Should you have any questions or comments, you may respond to this email address. We will include your correspondence in the packet of information placed on the agenda for the May 14, 2024 Planning and Zoning Commission.

This item is on the agenda and is a public hearing.

Kind Regards,



Leslie McGillivray-Rivas

Senior Planner, City of West Fargo

[800 Fourth Ave. E., Suite #1](#)

[West Fargo, ND 58078](#)

(701) 515-5377

Visit our website at:

[westfargond.gov](#)

From: [Tanya Harlow](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Fwd: Proposed Conditional Use Permit for Vehicle Sales
Date: Sunday, May 5, 2024 10:28:29 PM

> To Whom It May Concern:

>

> I am writing to convey my discontent with the proposal for a car lot near my neighborhood in Rivers Bend. My concern is twofold:

> 1) I have concerns about this car lot potentially reducing home values in this area. Many people have spent a great deal of money building these homes and it seems very unfair that their home values could be affected by an unforeseen business in this area.

> 2) I have significant concerns about the potential for increased traffic that this particular business would bring to my neighborhood given that many people will likely drive through our neighborhood when test driving cars. I specifically purchased a home in this neighborhood because my last neighborhood had too much through traffic with cars driving at higher speeds. I would hate for this to become a common occurrence in Rivers Bend, which is such a peaceful place to live. Additionally, I also have concerns about the increase in traffic so near to a school, which could be potentially dangerous for our children.

>

> I appreciate your time and consideration in this matter. I urge you to not issue a use permit for car sales for this area.

>

> Sincerely,

>

> Tanya Harlow, MD

> 2689 Rivers Bend Dr E

> West Fargo

>

> Sent from my iPhone

From: [Julie Mohl](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Proposed Conditional Use Permit for Vehicle Sales
Date: Friday, May 10, 2024 11:53:23 AM

Dear Ms. McGillivray-Rivas:

I am writing to express my concern about the proposed conditional use permit for vehicle sales at 450 23rd Avenue East. We own one of the properties perhaps most directly affected by this decision, as the subject property is in direct view of our entire home. We selected our lot and built a home fully aware that the area behind us was zoned for light commercial use. We enjoy seeing the activity of the city and appreciate the existing businesses in our proximity. We anticipated a similar business or businesses would move in eventually; however, an auto lot is extremely undesirable next to a residential area, especially a single-family development.

According to the Conditional Use ordinance subsection 4-555, the planning committee is required to consider the "compatibility and harmony with properties in the district." Please consider the inevitable noise of a car dealership, including car alarms, outdoor PA system announcements, and auto carrier semis traveling adjacent to our homes and loading/unloading vehicles at all hours. Please consider the glare of numerous 24-hour lights illuminating the proposed 737 parking spots directly behind our homes. Please consider the implications of the long hours of operation of a Gateway dealership on the families enjoying our homes, backyards, and neighborhood. Please consider the increased traffic and test drivers who will avoid the already congested area around Costco by turning into and driving through our neighborhood or down 4th and 6th streets directly toward our two neighborhood elementary schools. There are young children walking and biking to and from school daily, as well as pedestrians visiting River's Bend Park and/or enjoying the walking paths throughout our neighborhood, along 23rd and 26th avenues, and around the Rustad Recreation Center.

Approval of the current proposal leaves opportunity for future expansion onto the undeveloped lots. There is potential for formation of a large "auto mall" in the area, exacerbating all of the above concerns. A decline in our property values has already been predicted by two local realtors I spoke to about this proposal.

Please consider the families who chose this area not only for its proximity to local employers, but for its beauty and peaceful enclave. There are healthcare providers, business owners, church leaders, teachers, retirees, and numerous children among us. The proposed car lot is **not** compatible or in harmony with our property or those of our neighbors. No other major auto dealerships exist in the Fargo-Moorhead-West Fargo area directly adjacent to any residential area, particularly not single family homes.

I sincerely appreciate your consideration.

Respectfully submitted,

Julie and Leighton Mohl

2331 McLeod Drive East
West Fargo, ND 58078

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A24-12 PLANNED UNIT DEVELOPMENT	
Brooks Harbor 5 th Addition	
Brooks Harbor 5 th Addition, Lot 3, Block 3, City of West Fargo, North Dakota	
Owner: Magnum Properties LLC Applicant: Brookstone	Staff Contact: Leslie McGillivray-Rivas
Concept Development Plans – Planning & Zoning Commission Public Hearing:	May 14, 2024
Detailed Development Plans – Planning & Zoning Commission:	
Detailed Development Plans – City Commission:	

PURPOSE:

Development of residential townhomes within a Planned Unit Development.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	n/a
Total area size:	4.77 Acres
Adjacent Zoning Districts:	North: P - Public South: R-1- One- and Two-Family Dwelling District East: C-OP Commercial Office Park, CO-Corridor Overlay, and CO-I Interstate Corridor Overlay West: P-Public
Adjacent street(s):	22nd Avenue East (Local); 5th Street East (Local)
Adjacent Bike/Pedestrian Facilities:	Existing along 22nd Avenue East and 5th Street East. Trail adjoining Brooks Harbor Elementary property.
Available Parks/Trail Facilities:	There is a trail connection westerly of Brooks Harbor Elementary. The school also has playground equipment and open play space. Brooks Harbor Fishing Pond and Eaglewood Park are nearby.
Park Dedication Requirements:	To be determined

DISCUSSION AND OBSERVATIONS:

- The applicant applied for approval of a change of zoning from commercial use PUD: Planned Unit Development to a residential PUD: Planned Unit Development. The applicants seeks approval PUD for a residential use due to higher architectural standards.
- A concept plan has been submitted with the application which shows a total of 52 townhomes which include sixteen 3-Plex townhomes and one 4-Plex townhomes. Details are as follows:
 - 3-Plex units indicate 4 bedrooms, 3 baths, 2 living room or 1 den/1 living room with attached two stall garages. The three units measure 82' in width x 48'-8" in bldg. depth.

STAFF REPORT

- Driveway spaces are shown providing two additional parking surfaces per unit. Decks are indicated to the rear of each building, one per unit.
- 4-Plex units indicate 4 bedrooms, 3 baths, 2 living room or 1 den/1 living room with attached two stall garages. The three units measure 108' in width x 48'-8" in bldg. depth. Driveway spaces are shown providing two additional parking surfaces per unit. Decks are indicated to the rear of each building, one per unit.
 - Land area of the proposed Residential PUD is 4.77 acres. The applicant has provided the following concept plan site standards:
 - Front Yard Setback (adjoining public street) : 25'
 - Rear Yard Setback: 30'
 - Side Yard Setback (South) 25'
 - Side Yard Setback (North) 8' (reduction from R-2 Standard of 12' minimum)
 - Impervious Surfaces Coverage Area: 66% (building plus paving)
 - Buildings: 36%
 - Pavement: 30%
 - Landscape or Green Area: 34%
 - Parking:
 - Interior Garage Parking: 104
 - Driveway Parking: 104
 - Off Street Parking: 8
 - Bufferyards:
 - South: A Bufferyard 20' depth (proposed decks may encroach)
 - The applicant is requesting a reduction of the Northern side yard setback to 8 feet and encroachment of decks into the bufferyard depth at the southern property line.
 - Interior Parking and Exterior parking totals = 216 spaces for visitors and residents which exceeds the requirements of City Off-Street Parking regulations found in 4-450 of the City Ordinances. However, off street parking locations do not provide separation from property boundaries, screening, or landscape buffering.
 - Architectural character and building materials are stated in the application to be a high design standard. Further, the applicant has detailed the addition of different architectural elements added to the front of the homes to give each building a unique look. Specific façade treatments include:
 - An increased amount of stone/brick than typical for this level of home
 - Shed roofs and dormers.
 - Different types of siding including lap, board, batten, and shake.
 - Building massing brought forward over garage.
 - The applicant stated intent to include the curvilinear road layout to provide a more organic lot shape while also meandering housing setbacks.
 - The applicant provided detailed narrative to respond to concerns expressed regarding traffic and support of increasing diversity of housing options within the community.
 - Staff review notes desired site design guidance from West Fargo 2.0 which aspires for walkable design, including an interesting streetscape, pedestrian safety, tree-lined streets, and hidden parking, among other things. The density of the multiple structures does partially screen some of the parking and vehicular circulation areas. However, very little is currently shown in the way of

STAFF REPORT

landscape buffering. A complete landscape plan will be required as part of the approval of the detailed development plan.

- West Fargo Park District has approved the connection to the trail system but wishes to be consulted regarding design standards at point of connection.
- City engineering staff notes that soil conditions reflect potential location of wetlands and will require a delineation which will confirm if jurisdictional wetlands are present.

NOTICES:

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

Comments Received:

- Email(s) have been received from adjoining property owners within 150' and some residential owners within the Homeowners Association for North Pond at the Preserve. All emails are included in the packet. Generally, the issues/concerns expressed are the following:
 - Increased traffic relating to the area school
 - Traffic backups leaving the subdivision to access Sheyenne Street
 - Concern for reduction in property values
 - Potential for overcrowding of schools
 - Rental Property verses a commercial/public use
- Information provided by city staff, West Fargo Park District and West Fargo School District was provided as time allowed to neighborhood community questions. Responses to some of the specific questions received from public comment included the following:
 - West Fargo Public Schools:
 - As to the enrollment projections- I believe the land is currently classed as commercial, so it would not have been included in our enrollment projections. Brooks Harbor is already at its capacity (and consistently oscillating on being overcapacity) and there will likely need to be some analysis of its boundaries done to ensure a long term sustainable enrollment for the school- this would certainly exacerbate that challenge/reality and could force some parts of the attendance area that are farther from the school out of the Brooks Harbor Elementary's boundary and be pushed to an adjacent elementary school. Historically the district has not taken a formal position in opposition to development as that's been viewed as beyond our scope, but have attempted to share potential enrollment impacts in a transparent manner. This certainly could have a significant impact on existing residents from a school boundary perspective as we try hard to minimize boundary adjustments.
 - West Fargo Engineering Department:
 - Regarding traffic concerns, staff noted that a traffic study was completed for the previous application of a hockey facility at the subject property. There is currently traffic congestion issues along 26th Avenue, backing up from the intersection with Sheyenne St, specifically during the AM rush hour. While any new development will add to the situation, the previously approved hockey facility was anticipated to generate an additional 394 AM peak hour trips and 511 PM peak hour trips, and 6,673 daily trips. The study noted that the proposed hockey arena would likely result in traffic delays at the intersection of 5th St W and 26th Ave W, but that the addition of a turn lane could mitigate anticipated delays at the intersection. The

STAFF REPORT

study also contained options for mitigating impacts to the intersection of 26th Ave W and Shyenne St, such as converting the west approach to a two-way left turn lane left turn lane and adding a dedicated eastbound right turn lane.

- With regards to the special assessments that would potentially be levied if these suggested improvements were constructed: This would be a commission level decision if there would be any special assessments. Likely if they were constructed, the assessment district would include an area of Brooks Harbor that would be utilizing the roadway. It should be noted that all the development of this neighborhood would be contributing to the congestion of the intersections noted, not only these new areas of development.
- It should be noted that if this project is approved as requested, the level of service of both the intersections noted above will be reduced until roadway improvements suggested are implemented.
- Lastly, this study was not conducted for the current proposed specific development but was assuming the construction of a new hockey arena.
- West Fargo Park District:
 - The Park District does not currently have a need for additional property in this location. There are two additional parks within 1800 feet) of the Park property near Brooks Harbor School. That is 3 total parks within a 1000 foot radius in this neighborhood. One has a playground, fishing pier, and open greenspace, the one has a playground, multi-use trails, and open greenspace that is for neighborhood use such as soccer, football, or baseball, and the park space by Brooks Harbor School has a playground, walking paths, and parking.
- West Fargo Assessor's Office:
 - The city doesn't typically estimate how a project will affect property values, as we change values due to sales that have occurred in the last year. That being said, in neighborhoods with a mix of housing stock (value -wise) such as this, we haven't seen a tangible negative affect on property values due to this type of townhouse development.

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

- There are several aspects of the West Fargo 2.0 plan that relate to the proposed PUD.
- West Fargo 2.0 seeks to grow the City's economy and increase the City's commercial tax base by increasing the ratio of jobs and businesses in relation to residential land-use. The subject property has previously been zoned for commercial, office, and recreational uses. If approved, the proposed PUD would eliminate the potential for such uses and would increase residential land-use in relation to other land uses.
- West Fargo 2.0 also recognizes the need for housing and to diversify the type of housing supply within the City, which is currently dominated by single-family detached units. The proposed project would add to the diversity of housing options available within the City.
- For new residential areas, West Fargo 2.0 also places an emphasis on improved neighborhood and housing design, including such things as de-emphasizing garages, incorporation of front porches, and additional trees and landscaping.

STAFF REPORT

RECOMMENDATION:

As outlined within this staff report, there are both pros and cons to the proposed PUD. If Commissioners find that the proposal is largely consistent with the City's Comprehensive Plan, it is recommended that the PUD be approved with the following conditions:

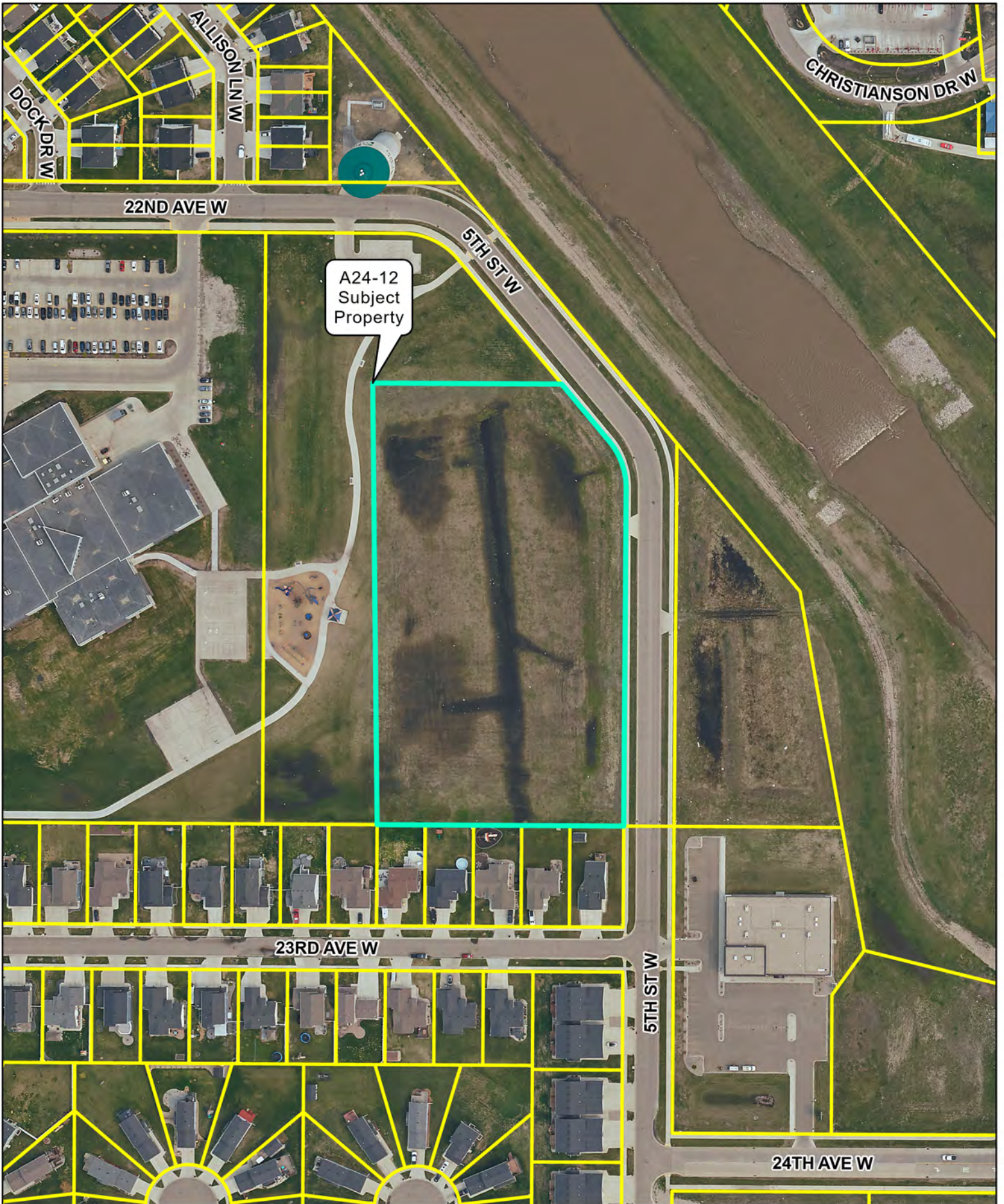
1. The PUD Concept Development Plan shall be modified as follows, prior to consideration of the Detailed Development Plan:
 - a. Decks shall be removed from the required buffer yard on the south side of the lot.
 - b. Decks shall not encroach more than half the distance into a required setback.
 - c. A minimum 4-foot-tall opaque screen or equivalent landscape buffer be placed between vehicular parking/circulation areas on the western property line.
 - d. Detail added regarding demarcation and/or separation of vehicular circulation & parking areas in relation to pedestrian sidewalk.
2. The development standards for the proposed PUD shall include the following:
 - a. Development will abide by the R-2 (Limited multiple Dwelling District) standards, aside from the following:
 - i. The north interior side setback shall be reduced from 12 feet to 8 feet.
 - b. Building Materials:
 - i. Principle Materials – Unless otherwise deemed acceptable by the City Planner, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), or fiber cement. All materials shall be durable and have a multi-generational life span. Horizontal steel lap siding and vertical steel batten shall be allowed but should not exceed 75% of the building elevation.
 - ii. Accent Materials – In conjunction with the principal materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, aluminum, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.
 - iii. Building Façades Facing Public Right-of-Way – At least 50% of all exterior walls which directly face a public right-of-way shall be constructed or clad with natural stone, synthetic stone, brick, and/or integrally-colored and textured concrete masonry units.
 - c. Landscaping:
 - i. At least 50% of the required plant units shall be in the form of trees.
 - ii. At least 50% of the required plant units shall be located within 75 feet of the public right-of-way.
 - d. Driveways:
 - i. Maximum driveway width is 40 feet.
 - ii. A minimum 5 foot landscape buffer is required between driveways. Such landscape buffers shall contain at least one tree.
3. A preliminary wetland delineation be completed by certified professional prior to Detailed Development Plan submittal.

STAFF REPORT

- | |
|---|
| <ol style="list-style-type: none">4. A signed PUD agreement is received and approved in conjunction with the Detailed Development Plan. |
|---|

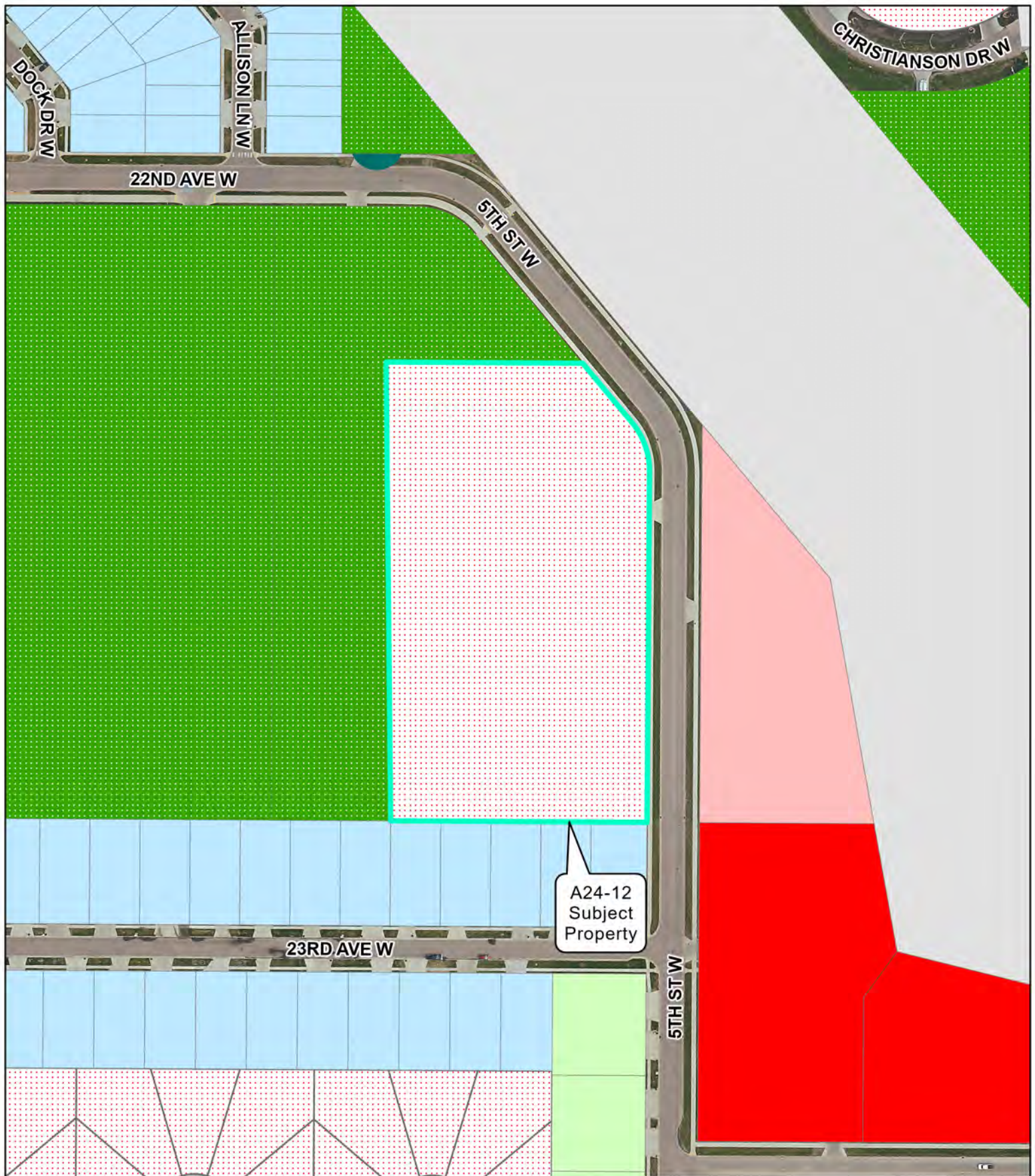
Attachments

1. Aerial Location map
2. Zoning map
3. Introductory narrative, PUD concept plan, building plans, renderings and project summary
4. Letters of opposition
5. Applicant provided letters of support



Features

 Agenda Zone  Lots



West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential



0 150 300
US Feet



City of West Fargo Planning and Zoning and City Commission

Project: Brooks Harbor Twinhomes

Location: 2250 5th St. W West Fargo, ND 58078

The project consists of 52 townhome units within the residential portion of Brooks Harbor in the City of West Fargo. This parcel of land is ideally suited for this type of development for several reasons:

1. Surrounding uses are similar in level of construction. This project will blend well with the neighboring residences.
2. While the entire City of West Fargo as a whole is 34% rental (West Fargo 2.0-Urban is Back), this area is less than 10%. This product helps provide a diverse option of housing that is currently undersupplied to the area.
3. This project is within a 5-minute walk to a public park, school and a commercial district, meeting the city's goal of walkability





The project also incorporates a high design standard. Different architectural elements have been added to the front façade of the homes to give each building its own unique look. Additional consideration has been paid to the street design as well as parking. Some of these elements include:

1. An increased amount of stone/brick than typical for this level of home
2. Shed roofs and dormers
3. Different types of siding including: lap, board and batten and shake
4. Bringing of the house forward over the garage to give the garage a more tucked under feel instead of the “snout houses” the West Fargo 2.0 – Big Ideas tries to protect against.
5. The fronts of the houses facing 5th Street makes the houses more social and provides a beautiful, visible corridor to the City of West Fargo.
6. Coving and curving of streets provide for a more organic lot shape with homes placed along meandering setbacks.
7. Although the project already exceeds parking requirements, the plan allows for additional parking spots to the east, closest to the city park. This meets the city’s objective of ‘hidden parking’.



These features provide for an improved design while keeping infrastructure and housing costs affordable for families.

We have also written letters to the surrounding homeowners describing the project and have gone door to door asking for feedback. To date, we have not received any negative feedback regarding the project.



Concept Development Plan Submittal

Address: 2250 5th St W

Legal Description: Lot 3 Block 3 of Brooks Harbor 5th Addition

General Character: We intend to build sixteen 3-plex and one 4-plex townhomes for a total of 52 units on this lot. We have met city requirements for parking standards and have also included additional overflow parking. We will be providing an accessway to the park area to the west. Further details of the project will be outlined in Appendix A.

Land Uses: To the north and south of the site there are low to medium density residential. To the east there is commercial land use. To the west there is public land use.



Site Plan & Plans: Please see the attached site plan showing the building layout, roads, and overflow parking.

Details of the proposed buildings are as follows-

3-Plex: These buildings would measure 82' wide by 48'-8" deep. This would be a 3-level split design with the outside units consisting of 4 bedrooms, 3 bathrooms, 2 living rooms, and an attached 2 stall garage. The interior unit would consist of 4 bedrooms, 3 bathrooms, a den, 1 living space, and an attached 2 stall garage.

4-Plex: This building would measure 108' wide by 48'-8" deep. This would be a 3-level split design with the outside units consisting of 4 bedrooms, 3 bathrooms, 2 living rooms, and an attached 2 stall garage. The interior units would consist of 4 bedrooms, 3 bathrooms, a den, 1 living space, and an attached 2 stall garage.

Please review Appendix A for further details.

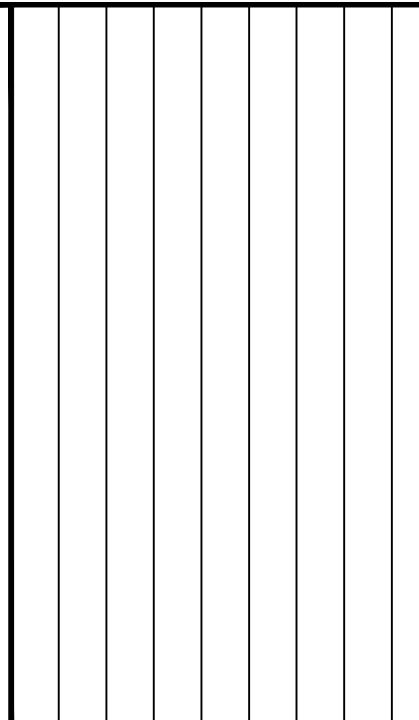
Schedule: We plan to build this development out in one phase. We would start construction in mid to late summer of 2024 with the completion date of Summer 2025.

Reason for PUD: We are seeking to obtain a PUD for the benefit of higher architectural standards. Our proposal exceeds the R-2 and R-3 standards. Specific PUD requirements are outlined in Appendix A.

We appreciate your time reviewing this proposal and look forward to further discussion.

Thank you,

Miranda Bergdahl
Design Lead
Brookstone Property



PRELIMINARY
NOT FOR
CONSTRUCTION

E JOB #	24037
PROJECT DATE:	2/20/2024
CHECKED BY:	AJT
DRAWN BY:	TJJ
APPROVED BY:	AJT

Concept 5



BROOKSTONE 3-PLEX

3 LEVEL SPLIT - 4 BEDROOM / 2 STALL GARAGE

1018 17TH ST E, WEST FARGO, ND 58078

CONSTRUCTION SET 03.01.2024

PROJECT DIRECTORY

ARCHITECT:
Craftwell Architecture + Construction
2534 S University Dr. #3
Fargo, ND 58103
Contact: MIKE DAWSON
E: MIKE@WCRAFTWELL.COM
P: 701.478.4600

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

BUILDING STATISTICS

FOUNDATION (FOOTPRINT) 3,432 SF
UPPER LEVEL (FOOTPRINT) 3,727 SF

UNIT STATISTICS

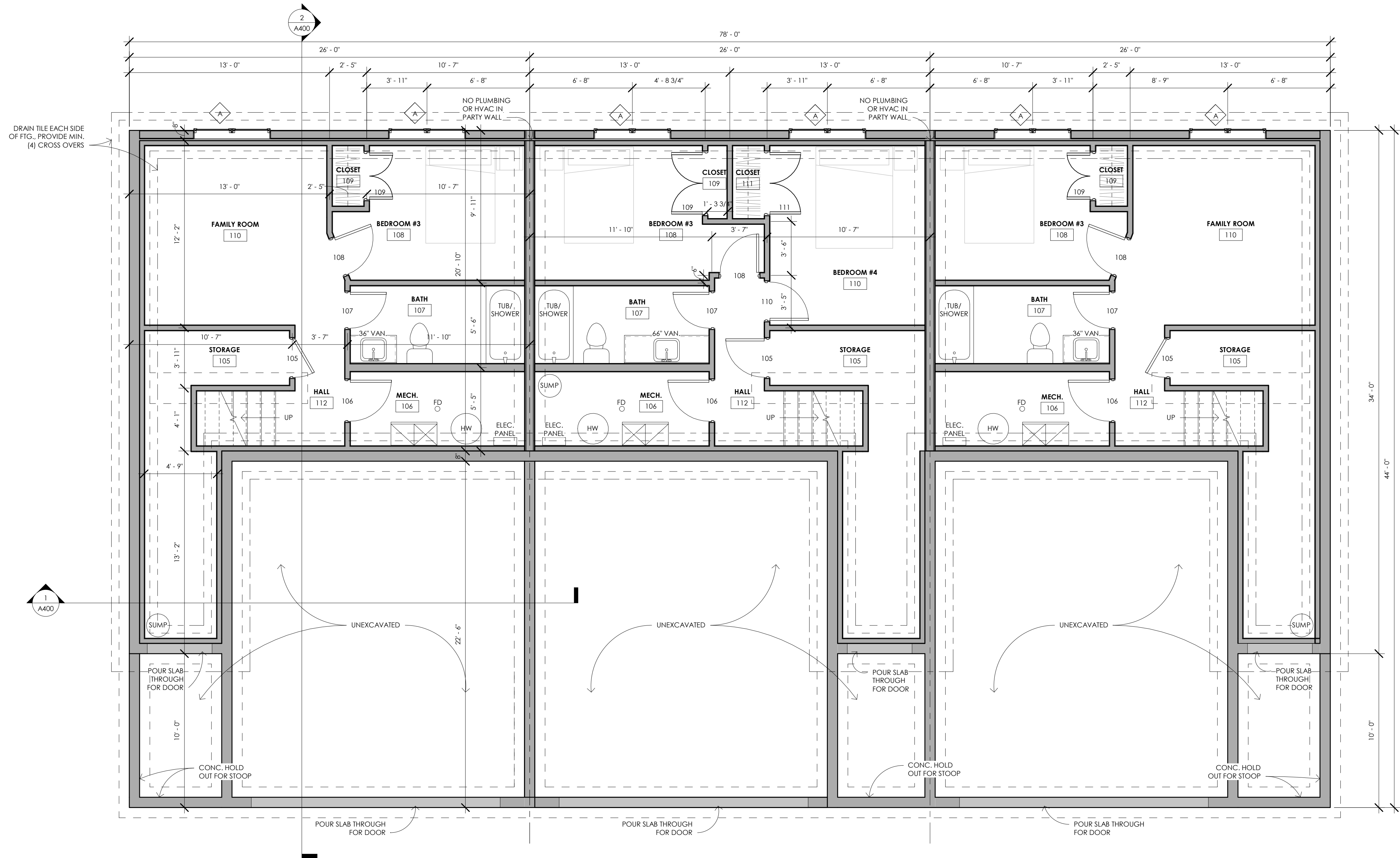
LOWER LEVEL (FOOTPRINT) 1,084 SF
LOWER LEVEL 461 SF
ENTRANCE / STAIRS 169 SF
GARAGE 454 SF
UPPER LEVEL (FOOTPRINT) 1,234 SF

SHEET INDEX

A101 FOUNDATION / LOWER LEVEL
A200 ENTRANCE / GARAGE LEVEL
A201 UPPER LEVEL FLOOR PLANS
A202 ROOF PLAN
A203 LOWER LEVEL RCP
A204 ENTRANCE LEVEL RCP
A205 UPPER LEVEL RCP
A300 EXTERIOR ELEVATIONS (N/S)
A301 EXTERIOR ELEVATIONS (E/W)
A400 BUILDING SECTIONS
A401 DETAILS / SCHEDULES

PROJECT GENERAL NOTES

- IF ANY DISCREPANCIES EXIST BETWEEN ARCHITECTURE AND OTHER DRAWINGS CONSULT WITH ARCHITECT BEFORE COMMENCING WITH CONSTRUCTION.
- DO NOT SCALE DRAWINGS. IF ADDITIONAL DIMENSIONS ARE REQUIRED CONTACT ARCHITECT.
- CONTRACTORS SHALL BE RESPONSIBLE TO FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING WITH WORK AND TO NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
- CONTRACTORS SHALL VERIFY AND INSURE ALL UTILITIES ARE LOCATED IN FIELD AND COORDINATE AS NECESSARY WITH NEW WORK.
- CONTRACTORS SHALL PERFORM WORK IN CONFORMANCE WITH ALL APPLICABLE BUILDING CODES AND LAWS.
- NOTIFY ARCHITECT OF ANY DISCREPANCIES BETWEEN SPECIFICATIONS, PLANS, AND NOTES. CONTRACTOR SHALL BE HELD TO COMPLY WITH THE MORE STRINGENT REQUIREMENTS.
- REQUIRED MEANS OF EGRESS AND SECURITY TO SPACE SHALL BE MAINTAINED DURING CONSTRUCTION.
- ROUGH CARPENTRY CONTRACTOR SHALL COORDINATE AND INSTALL ALL NECESSARY BLOCKING SHIMS AND BACKING FOR FIXTURES, EQUIPMENT, AND ACCESSORIES RELATED TO THE SCOPE OF WORK.
- SUBMIT ALL COLOR SAMPLES TO OWNER AND ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION. ALLOW AMPLE TIME FOR SELECTIONS AND APPROVALS.
- EXTERIOR DIMENSIONS ARE FROM OUTSIDE OF FOUNDATION (FACE OF CONCRETE)
- INTERIOR DIMENSIONS ARE EITHER TO FACE OF FRAMING OR CENTER OF WALL.



FOUNDATION NOTES

- VERIFY ALL FLOOD ELEVATIONS AND FROST DEPTH COVERAGE WITH SITE LOCATIONS
- GC TO VERIFY ALL FOOTING SIZES AND BEARING LOCATIONS PRIOR TO CONSTRUCTION
- FOUNDATION WALL TO HAVE 2" LEDGE FOR SLAB
- POUR SLAB THROUGH AT ALL EXTERIOR DOOR LOCATIONS
- SLOPE FLOOR TO DRAINS
- VERIFY ALL ROUGH-IN PLUMBING LOCATIONS WITH FIXTURES

ROOM STATISTICS

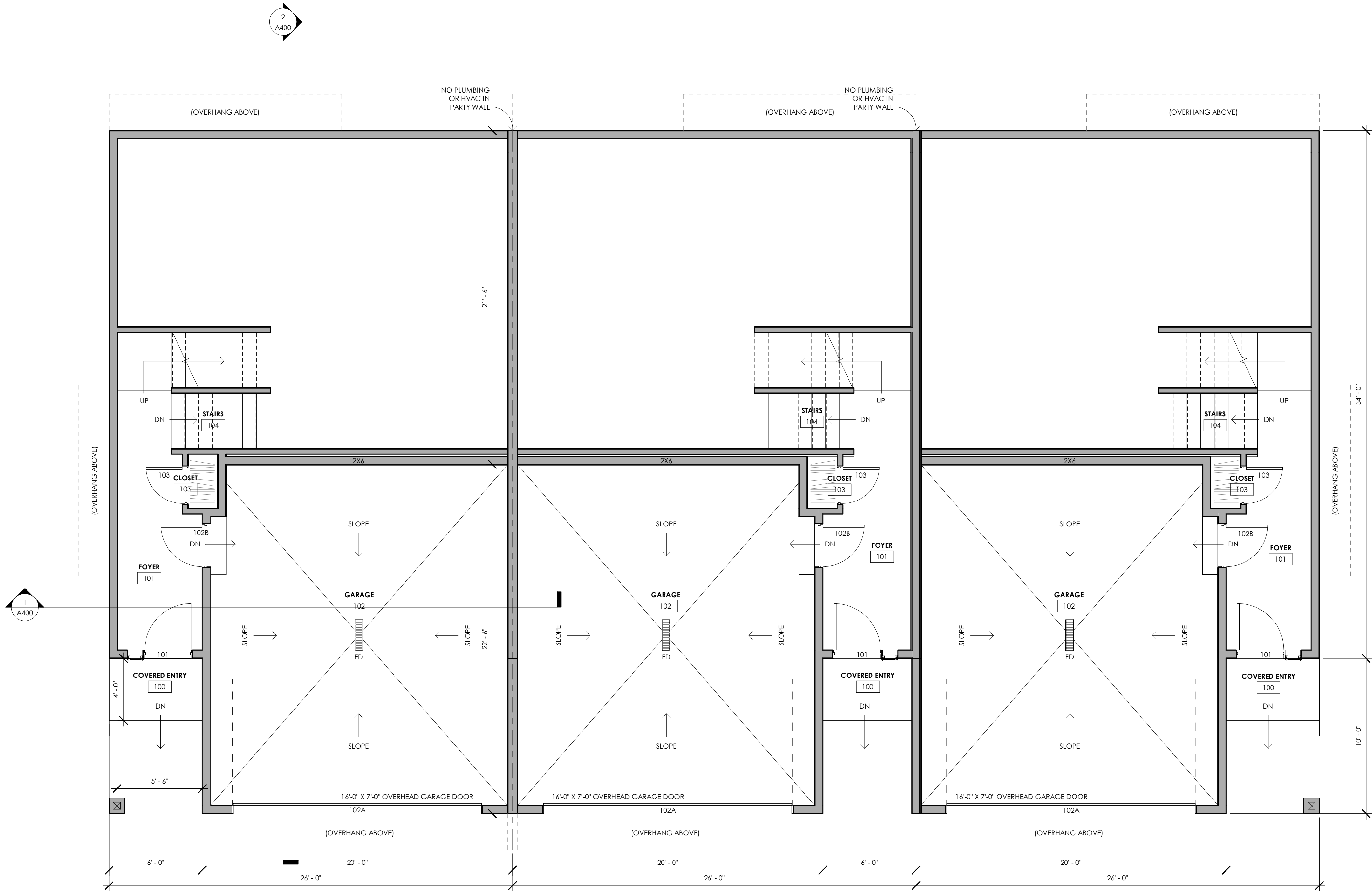
STORAGE 105	102 SF
MECHANICAL 106	54 SF
BATH 107	57 SF
BEDROOM 108	103 SF
BEDROOM 110	110 SF

UNIT STATISTICS

LOWER LEVEL (FOOTPRINT)	1,084 SF
LOWER LEVEL	461 SF
ENTRANCE / STAIRS	169 SF
GARAGE	454 SF
UPPER LEVEL (FOOTPRINT)	1,234 SF

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

1
A101 FOUNDATION / LOWER LEVEL
1/4" = 1'-0"



ROOM STATISTICS

FOYER 101	79 SF
GARAGE 102	416 SF

UNIT STATISTICS

LOWER LEVEL (FOOTPRINT)	1,084 SF
LOWER LEVEL	461 SF
ENTRANCE / STAIRS	169 SF
GARAGE	454 SF
UPPER LEVEL (FOOTPRINT)	1,234 SF

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

1 ENTRANCE / GARAGE LEVEL
1/4" = 1'-0"

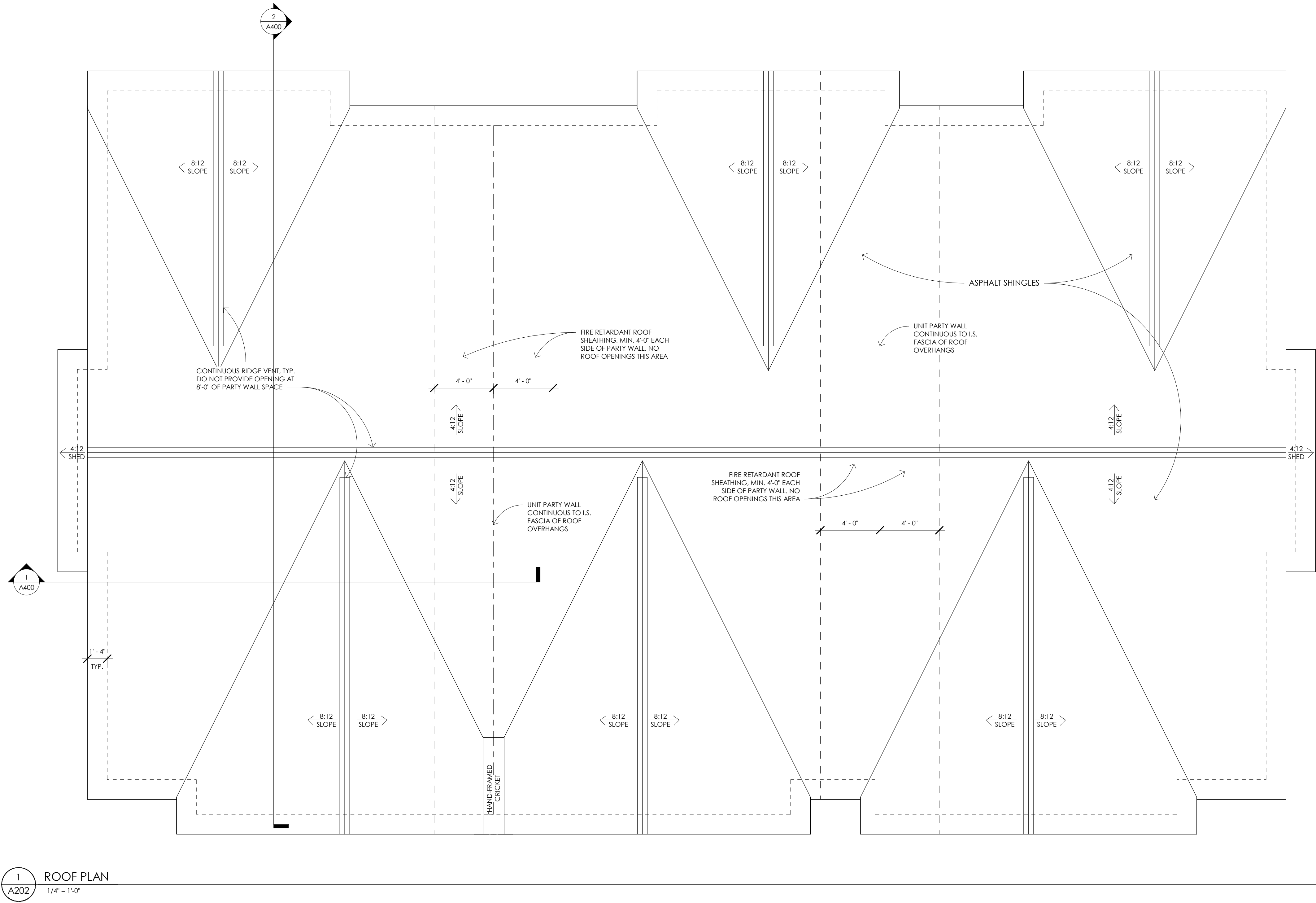


ROOM STATISTICS	
P. BEDROOM 201	146 SF
P. CLOSET 202	40 SF
P. BATH 203	63 SF
BEDROOM 204	116 SF
BATH 206	45 SF
HALL 208	52 SF
KITCHEN 210	133 SF
DEN 211	104 SF
BEDROOM 211	125 SF
GREAT ROOM 213	201 SF
DINING 214	103 SF

UNIT STATISTICS	
LOWER LEVEL (FOOTPRINT)	1,084 SF
LOWER LEVEL	461 SF
ENTRANCE / STAIRS	169 SF
GARAGE	454 SF
UPPER LEVEL (FOOTPRINT)	1,234 SF

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE



1
A202

ROOF PLAN

1/4" = 1'-0"

24005 BROOKSTONE (3-PLEX)

BROOKSTONE 3-PLEX

1018 17TH ST E WEST FARGO ND 58078

PROJECT PHASE	
DESIGN DEVELOPMENT	
DATE	PROJECT
03.04.2024	24005
ROOF PLAN	
A202	



1 SOUTH ELEVATION
A300 1/4" = 1'-0"



2 NORTH ELEVATION
A300 1/4" = 1'-0"

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

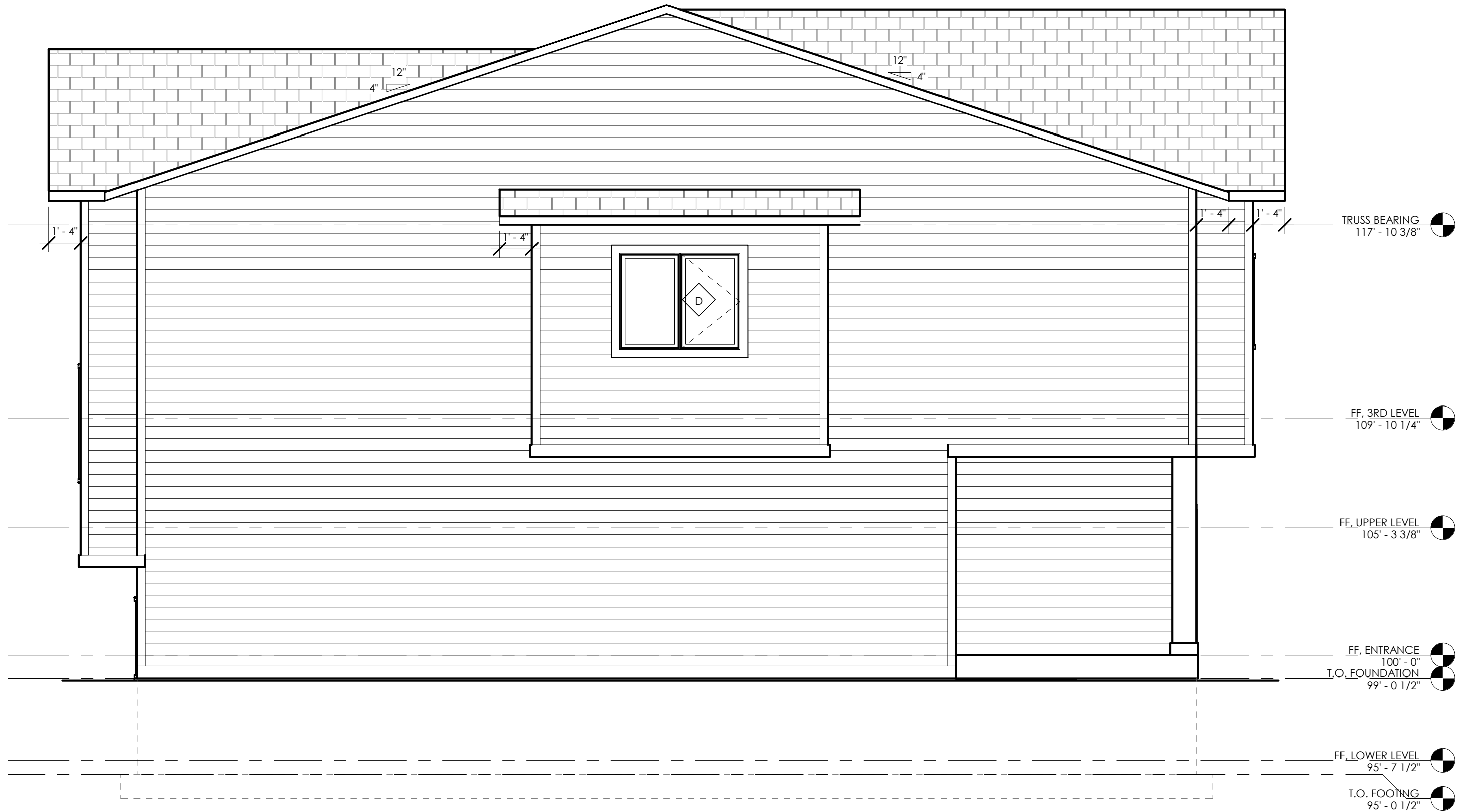
24005 BROOKSTONE (3-PLEX)
BROOKSTONE 3-PLEX
1018 17TH ST E WEST FARGO ND 58078

PROJECT PHASE	
DESIGN DEVELOPMENT	
DATE	PROJECT
03.04.2024	24005
EXTERIOR ELEVATIONS (N/S)	
A300	

3/4/2024 8:43:59 AM



1 EAST ELEVATION
A301 1/4" = 1'-0"



2 WEST ELEVATION
A301 1/4" = 1'-0"



REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

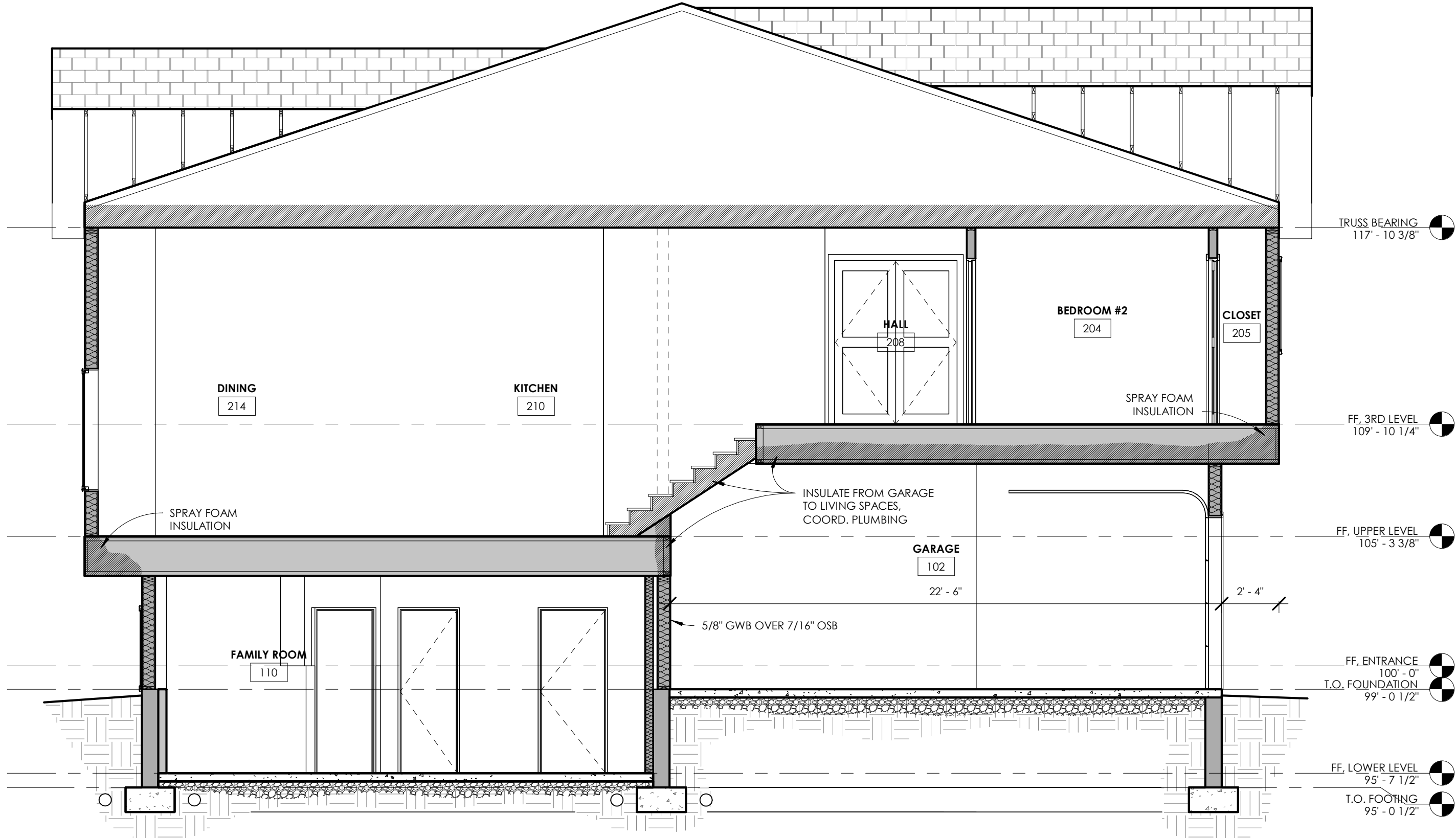
24005 BROOKSTONE (3-PLEX)
BROOKSTONE 3-PLEX
1018 17TH ST E WEST FARGO ND 58078

PROJECT PHASE	
DESIGN DEVELOPMENT	
DATE	PROJECT
03.04.2024	24005
EXTERIOR ELEVATIONS (E/W)	
A301	

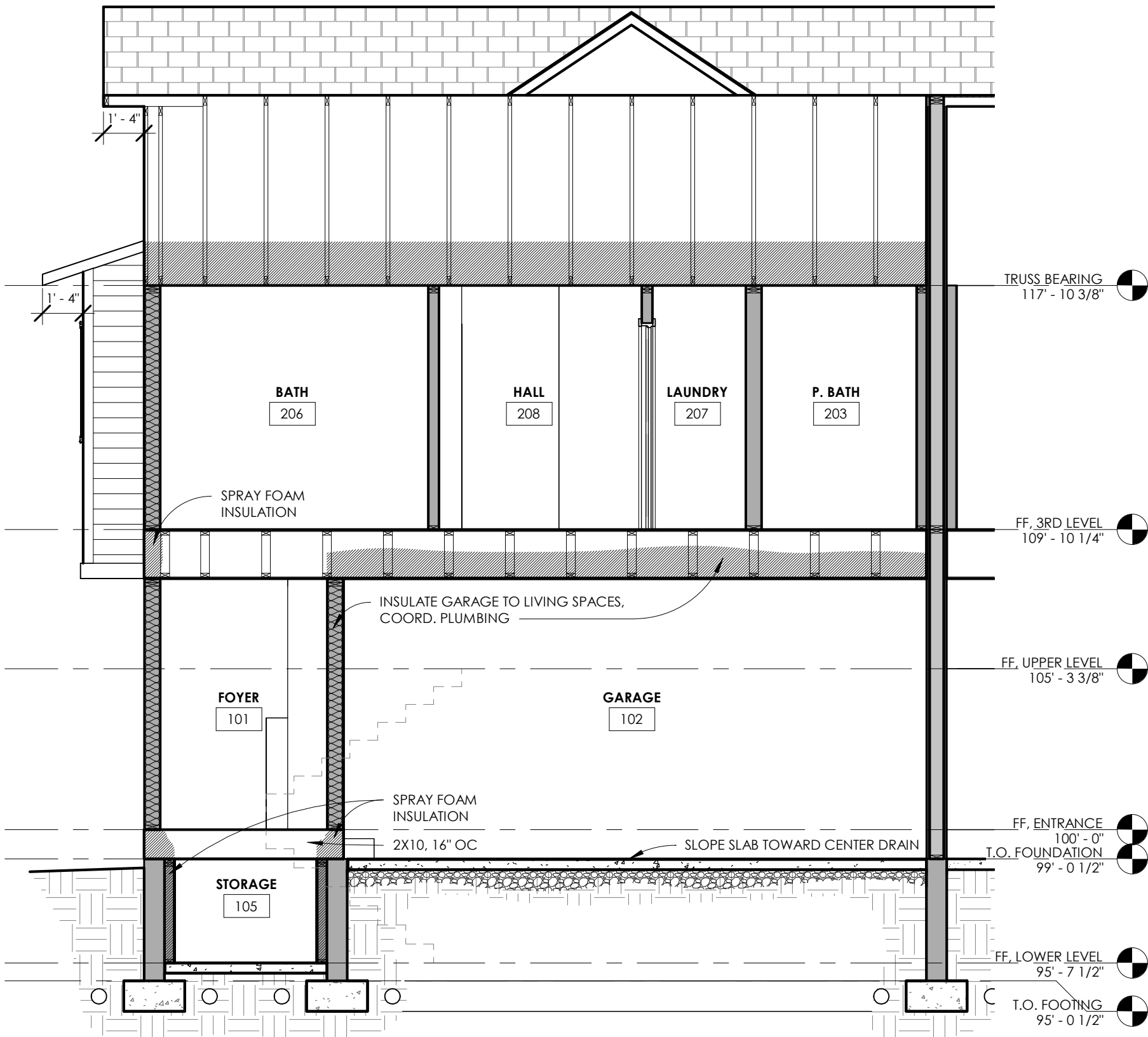
REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

24005 BROOKSTONE (3-PLEX)
BROOKSTONE 3-PLEX
1018 17TH ST E WEST FARGO ND 58078

PROJECT PHASE DESIGN DEVELOPMENT	
DATE 03.04.2024	PROJECT 24005
BUILDING SECTIONS	
A400	



2 LONGITUDINAL SECTION
A400 1/4" = 1'-0"



1 CROSS SECTION
A400 1/4" = 1'-0"

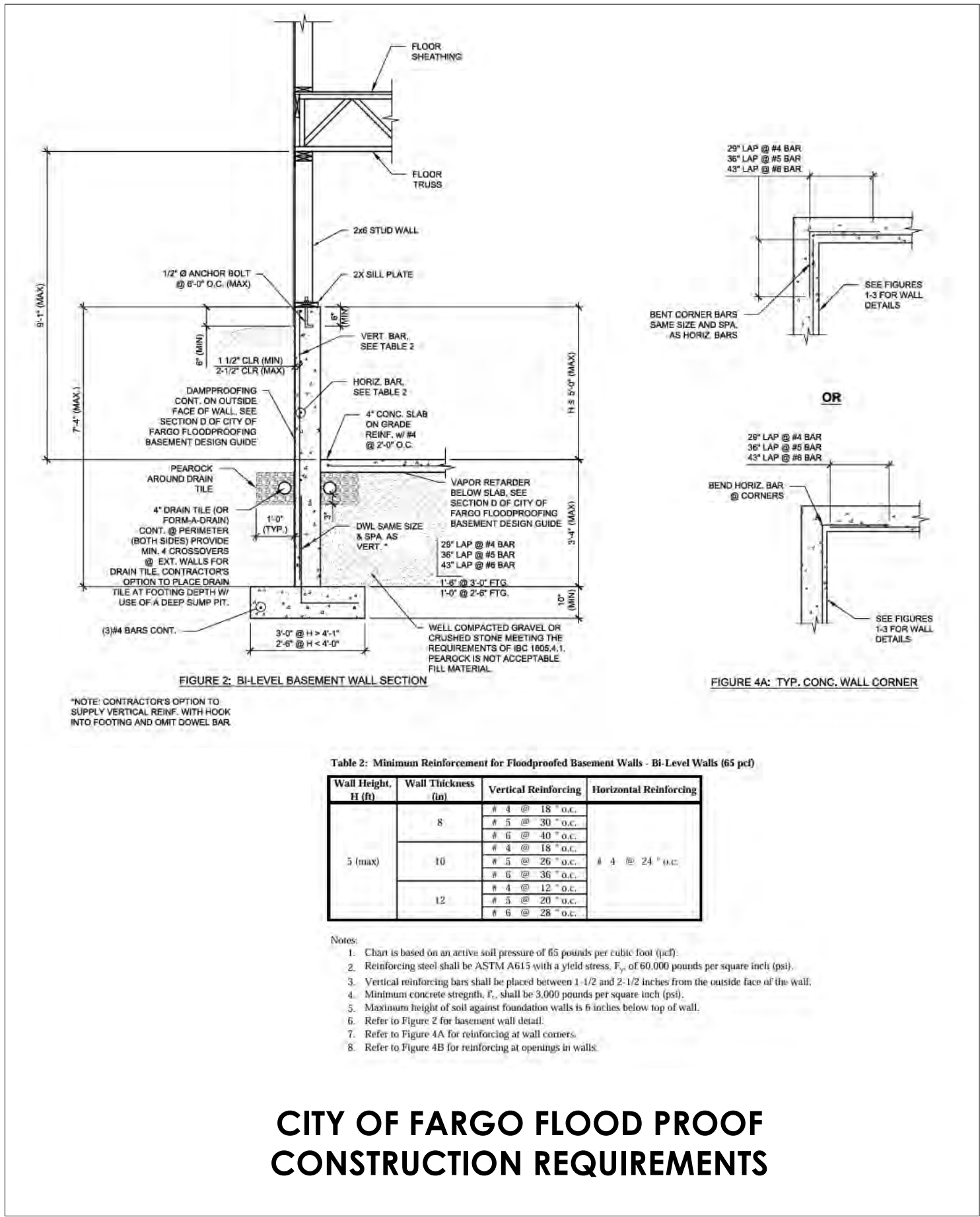


Table 2: Minimum Reinforcement for Floodproofed Basement Walls - B-Level Walls (65 psf)

Wall Height, H (ft)	Wall Thickness, t (in)	Vertical Reinforcing	Horizontal Reinforcing
5 (max)	8	# 4 @ 18" O.C.	# 4 @ 24" O.C.
		# 4 @ 30" O.C.	
	10	# 4 @ 18" O.C.	
		# 4 @ 30" O.C.	
12	12	# 4 @ 18" O.C.	
		# 4 @ 30" O.C.	

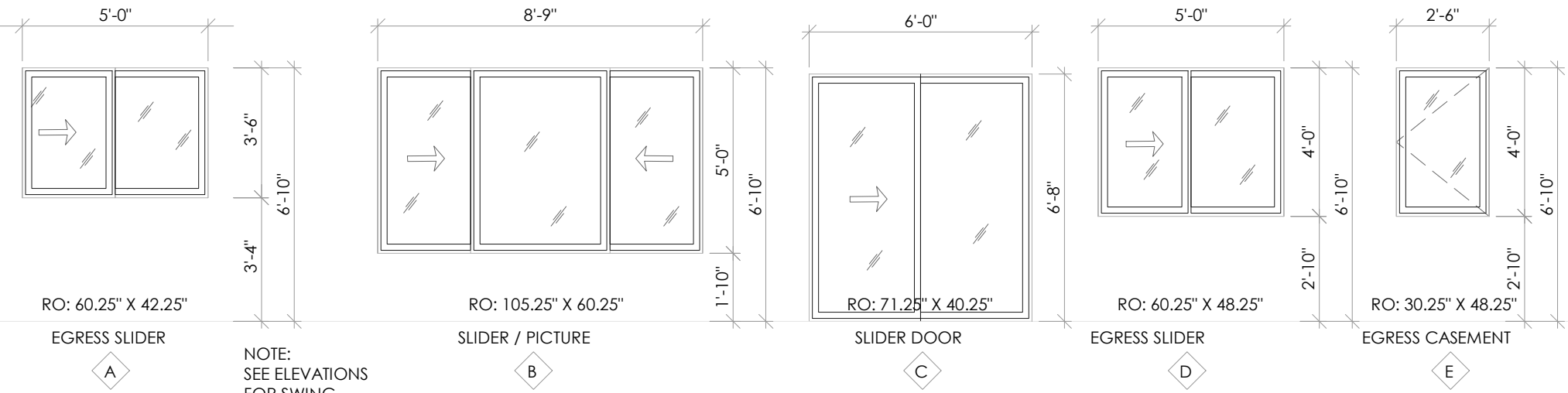
Notes:

1. Chlor is based on an active wall pressure of 65 pounds per cubic foot (pcf).
2. Reinforcing steel shall be ASTM A615 with a yield stress, F_y , of 60,000 pounds per square inch (psi).
3. Vertical reinforcing bars shall be placed between 1/2 and 2-1/2 inches from the outside face of the wall.
4. Minimum concrete strength, f'_c , shall be 3,000 pounds per square inch (psi).
5. Maximum height of wall against foundation walls is 6 inches below top of wall.
6. Refer to Figure 2 for basement wall detail.
7. Refer to Figure 4A for reinforcing at wall corners.
8. Refer to Figure 4B for reinforcing at openings in walls.

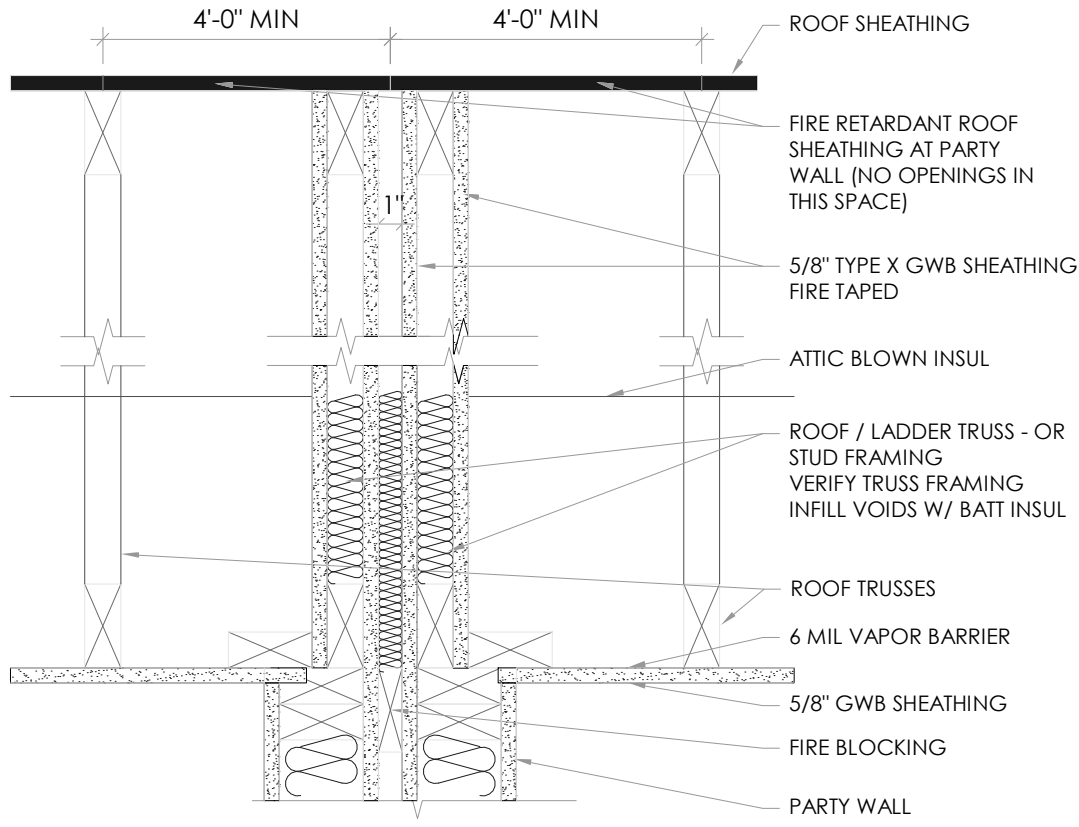
CITY OF FARGO FLOOD PROOF CONSTRUCTION REQUIREMENTS

ROOM FINISH SCHEDULE				
TAG	ROOM	FLOOR	WALLS	CEILINGCLG. HGT. NOTES
100	COVERED ENTRY			SEE RCP
101	FOYER			
102	GARAGE			
103	CLOSET			
104	STAIRS			
105	STORAGE			
106	MECHANICAL			
107	BATH			
108	BEDROOM #3			
109	CLOSET			
110	BEDROOM #4 / FAMILY			
111	CLOSET			
112	HALL			
201	M. BEDROOM #1			
202	M. CLOSET			
203	M. BATH			
204	BEDROOM #2			
205	CLOSET			
206	BATH			
207	LAUNDRY			
208	HALL			
209	STAIRS			
210	KITCHEN			
211	DEN / BEDROOM #3			
212	STAIRS			
213	GREAT ROOM			
214	DINING			
215	CLOSET			

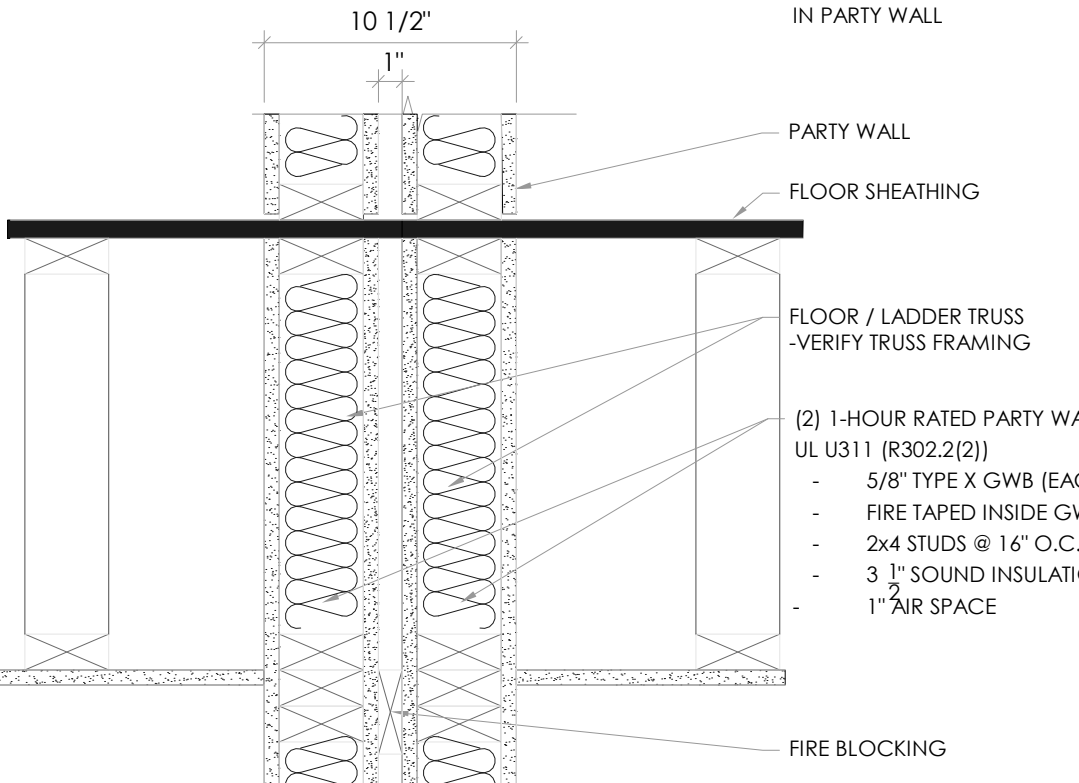
DOOR SCHEDULE				
TAG	ROOM	WIDTH	HEIGHT	THK
101	FOYER	3'-0"	6'-8"	1-3/4"
102A	GARAGE	16'-0"	7'-0"	2"
102B	GARAGE	3'-0"	6'-8"	1-3/4"
103	CLOSET	2'-6"	6'-8"	1-3/8"
105	STORAGE	2'-6"		
106	MECHANICAL	2'-8"		
107	BATH	2'-6"		
108	BEDROOM #3	2'-6"		
109	CLOSET	(2) 2'-0"		
109	BEDROOM #4	2'-6"		
111	CLOSET	(2) 2'-0"		
201	M. BEDROOM #1	2'-6"		
202	M. CLOSET	2'-6"		
203	M. BATH	2'-6"		
204	BEDROOM #2	2'-6"		
205	CLOSET	(2) 2'-6"		
206	BATH	2'-6"		
207	LAUNDRY	(2) 2'-6"		
211	BEDROOM #3	2'-6"		
215	CLOSET	2'-6"		



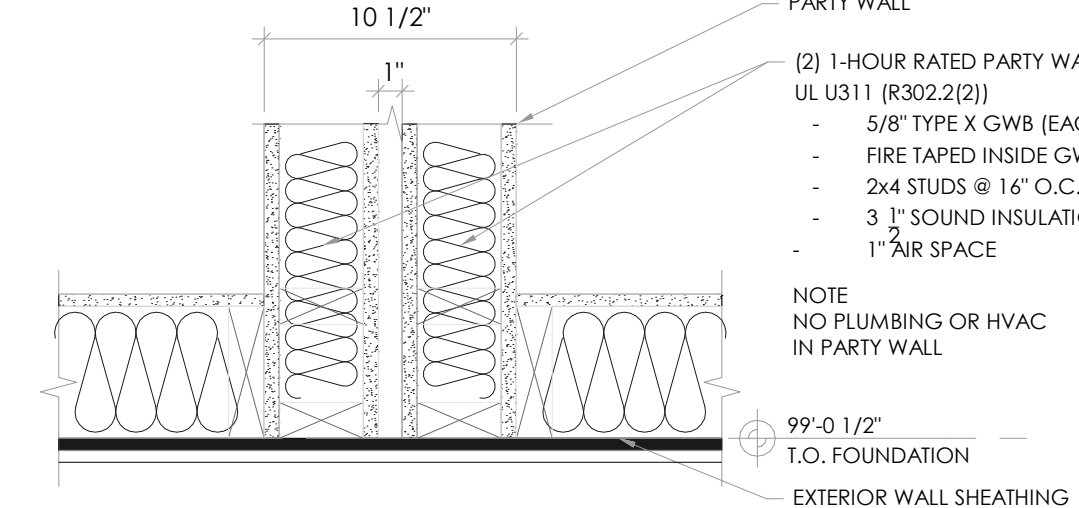
3 A401 EXTERIOR WINDOW TYPES SCALE: 1/4"=1'-0"



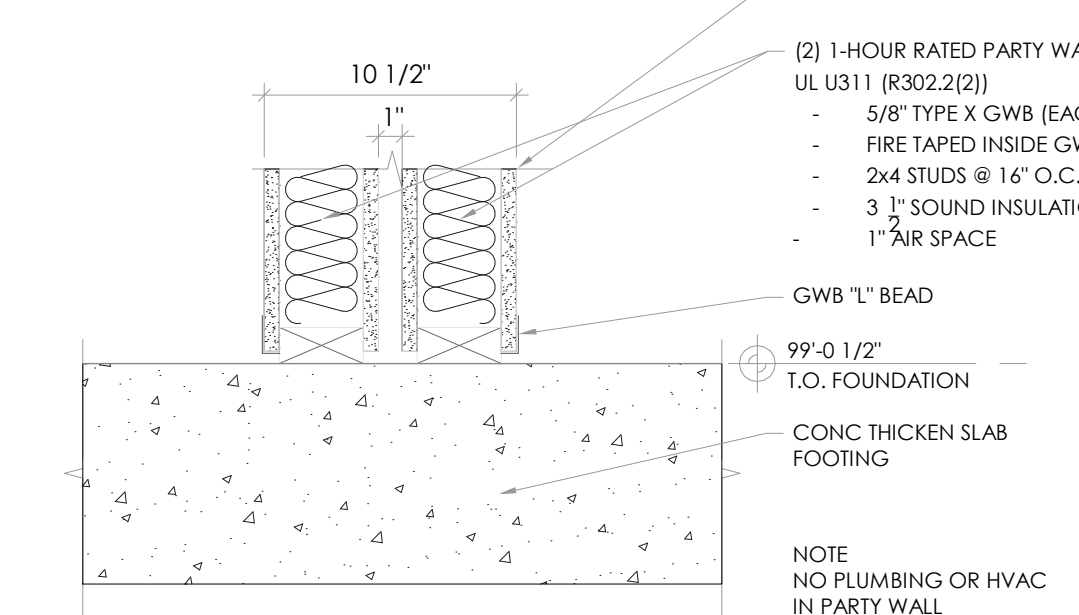
5 A401 PARTY WALL DETAIL @ ROOF TRUSS SCALE: 1 1/2"=1'-0"



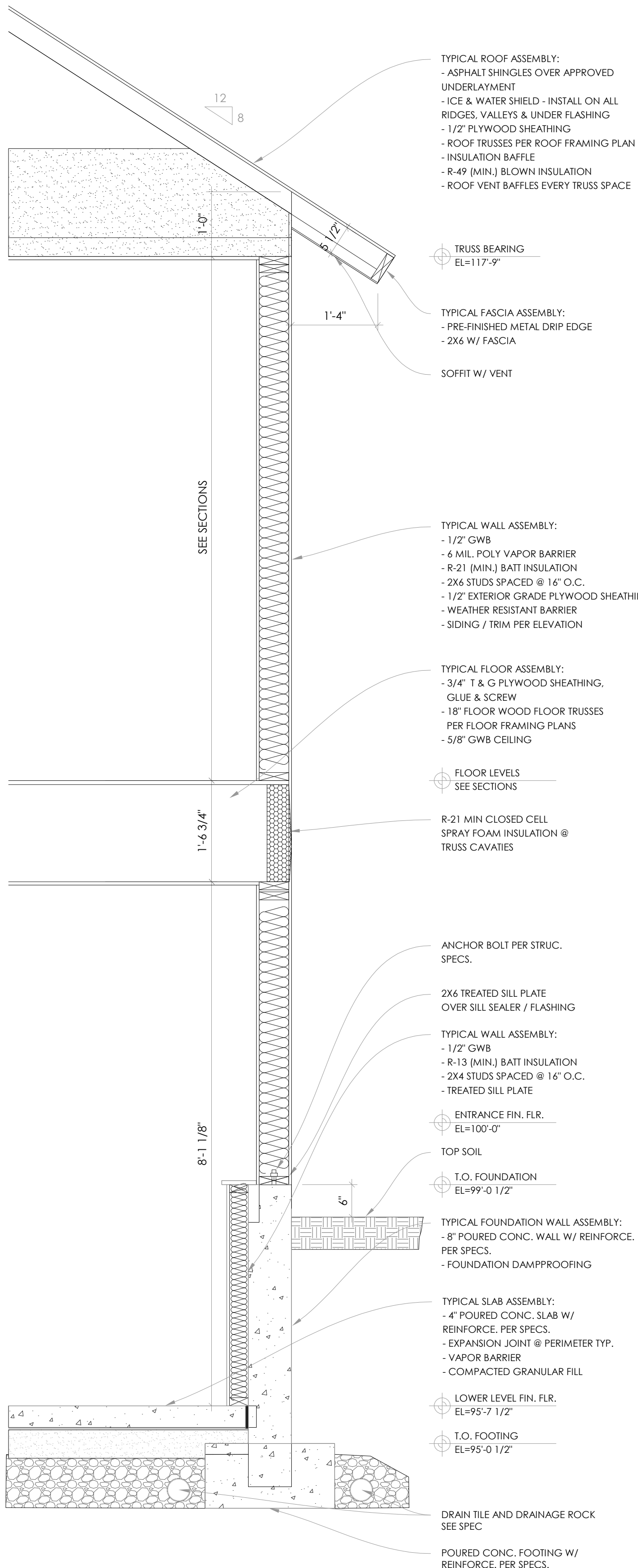
4 A401 PARTY WALL DETAIL @ FLOOR TRUSS SCALE: 1 1/2"=1'-0"



3 A401 PARTY WALL DETAIL @ EXTERIOR WALL SCALE: 1 1/2"=1'-0"



2 A401 PARTY WALL DETAIL @ FOUNDATION SCALE: 1 1/2"=1'-0"



1 A401 MATERIALS WALL SECTION SCALE: 3/4"=1'-0"

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

















Brooks Harbor Townhomes

Project Overview

The project consists of 52 townhome units within the residential portion of Brooks Harbor in the City of West Fargo. This parcel of land is ideally suited for this type of development for several reasons:

1. Surrounding uses are similar in level of construction. This project will blend well with the neighboring residences. The lot is between a school and park and a future commercial lot, providing a transition of product intensities.
2. While the entire City of West Fargo as a whole is 34% rental (West Fargo 2.0-Urban is Back), this area is less than 10%. This product helps provide a diverse option of housing that is currently undersupplied to this area.
3. This project is within a 5-minute walk to a public park, school, and a commercial district, meeting the city's goal of walkability.

Workforce Housing

Over the last several years, the cost of housing has drastically increased due to the cost of construction. Coupled with higher interest rates, home affordability is lower than it has been in nearly 40 years. With this area of West Fargo largely homeowner occupied, a large portion of housing is currently being underrepresented: workforce housing. This project seeks to fill this gap by providing a bridge between apartment living and home ownership for essential workers including teachers, police, fire, and health care workers who would have in recent years been priced out of the home ownership market.

High Standards of Design and Construction

The project incorporates a high design standard. Different architectural elements have been added to the front façade of the homes to give each building its own unique look. Additional consideration has been paid to the street design as well as the parking. Although the project follows the R-3 standards, we are proposing a PUD in order to elevate the aesthetic and life span of the project's features. The PUD requirements we are proposing are:



1. Specific dimensional information of each of the buildings and their locations.
2. Specific road curvature and coving for a more organic lot shape with homes placed along meandering setbacks.
3. Specific architectural features on each building including the placement of shed roofs and dormers.
4. Specific siding details for each building including the placement of shake, board and batten, lap and masonry. Specific materials along 5th Street to include LP siding and masonry to provide longevity of building materials 2 to 4 times longer than typical housing of this type.
5. Higher than standard parking space requirements.
6. Residential neighbors have requested additional access to the city park to the west. We will provide sidewalk access through the project to the park.

These PUD details provide not only an increase in aesthetic value for the City of West Fargo, but also provides a more livable, social corridor to the project's and neighborhood residents.

Practical Development Options

The development options for this lot vary. The current zoning of a commercial PUD was for a private use hockey arena for the Fargo Angels. This group has decided to build their arena in a different area. While this project may have found success in this location, the lot is not ideally suited for commercial endeavors. Reasons for this include:

1. The long-term visibility of this area from highly trafficked roadways is poor. Eventually, the lots to the east will be developed with commercial uses and will shadow visibility of this lot.
2. Residential neighbors have voiced concerns of increased traffic and parking in this area with the addition of commercial on this lot. The intensity of commercial is poorly suited for this residential area.
3. Users of this commercial do not have good access on and off of Cty Rd 17 and must travel to 26th Ave W to get stop light protected access.



Our proposed project is not dissimilar to existing land uses in this corridor. Diamond Creek Townhomes and the J&L built twinhomes are both within two blocks of this lot and were both better suited for commercial development because of their visibility and ability to access a left out, stoplight protected intersection. We believe that between access, visibility, neighboring uses and product demand, the best use for the property is our current proposal.

From: [Tyler Erickson](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Brookstone Property Development
Date: Thursday, May 2, 2024 9:07:15 PM

Hi Leslie:

Below are my comments on the above-mentioned property development project. I plan on attending the meeting as a learning opportunity and to also hopefully get some answers to my questions.

"When I first read about this project on facebook I was confused about why I hadn't also receive a letter regarding this proposed development because we only live 4 to 5 blocks NW of this area.

Then I read the letter and saw individuals only receive notice of the project if they're an adjacent prop owner w/in 150 feet of the proposed development. Had the OP not posted this, I wonder when I would have received notice. I hope that we could maybe be expanded a tish to include more stakeholders on the front end.

As far as my take on this project, I'm torn. On a macro level as a city, I think we have a responsibility to build market rate housing and capitalize on opportunities to increase the tax base, which this project would ultimately fulfill. I also don't see specials as much of a concern because, as another commenter pointed out, the infrastructure should already be there, the developer will just tie in.

However, the potential number of kids being added to the district is not insignificant. Assuming there are 50 units with 2 kids in half of the units, at most 50 kids will be added - if that's a reasonable assumption, then I think a conversation with the WFPSD is necessary to get ahead of that potential challenge. This is also in light of coming of age kids from the community who will be attending the school in the near future.

To that point, I don't think the city's actions exist in a vacuum - there are collateral consequences in the form of potential overcrowding at schools, adding to traffic congestion, the likelihood of future school expansions, and ultimately safety concerns to the ever increasing number of children in the area that will attend that school and the impact of more traffic on that safety.

Admittedly, my wife and I don't have school-aged children just yet but I know how fast that clock moves. We're particularly excited to let our kids walk/bike to school some day and adding more housing to an area that frequently deals with traffic congestion does not necessarily put us at ease - just my opinion. Then again, that argument only seems to conclude with the suggestion that underdevelopment is the best decision, which I don't believe is the best solution either.

At least at this point in time, from what little I know about the proposed development, and its proximity to the elementary school although I think this could work, I'm not willing to commit to supporting it. As a community, and in light of the safety concerns and ever-increasing need for more public school space, I think we can find something more worthwhile and likely safer than townhouse style apartments to put right next to our area's elementary school.

Is it an option to not allow this to go through? Do I have standing to object to the project?
What are the parameters that the P&Z Commission must operate within in this situation?"

Thank you!

Tyler Erickson

From: [Marah Kleingartner](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Brookstone Proposed PUD
Date: Thursday, May 2, 2024 11:03:23 AM

Hi Leslie,

I would like to express my thoughts/feelings on the Brookstone proposed PUD in the Brooks Harbor development. It is my strong opinion that this is NOT in the best interest of our development!

1) Our school is already at a max for enrollment. Our classrooms have 25+ kids each + teacher shortages/burn-out continues to be an issue. Along with classrooms, because of the amount of kids we have in our school already, pick up and drop off lines are extremely lengthy. I understand that this location would be within walking distance of the school but adding more congestion would not be in the best interest of our current students and/or teachers/school faculty.

2) Taxes/Specials continue to be a high concern for every West Fargo resident, especially in the newer development areas. Adding additional taxes and specials to those that already have 40k, 50k, 60k, is outrageous and it will continue to push good, longer-term, families and residents OUT of West Fargo. More cars, more people, more traffic = more wear and tear on our roads and neighborhoods= more fixing, replacing, and repairing that HOMEOWNERS get the bill for, not renters! Don't we want to maintain our communities for homeowners before large developers and renters who will come and go year by year??

Thank You,
Marah

From: [Monte Gehrtz](#)
To: [Leslie McGillivray-Rivas](#)
Subject: 2250 5th St W
Date: Thursday, May 2, 2024 1:25:05 PM
Attachments: [Outlook-kqcvnyda.png](#)

Hello Leslie,

I wanted to share my concerns of the proposed town homes to be built next to the Brooks Harbor Elementary School. This land should not be used for something that brings in the density of condos or anything similar. Brooks Harbor already has massive issues with only one exit from the neighborhood going north on Sheyenne St. Rental units will bring more people living per unit, leading to overflows of parking on the street and extra traffic. The school pickup line already creates a mess twice a day, this would all be on the same street. I drive this street every single time on the way to my house, as does half of Brooks Harbor and all of Highland Meadows. It's high traffic and can't handle the use it gets already.

At the very least there should only be single family homes built on this plot of land. The hockey arena would have been best considering it would have been busy in times that nothing else is going on like school hours and people coming to and from work.

Please deny the request from Brook Stone for permitting condos and similar rental housing plans.

Thank you,

Monte

Monte Gehrtz, CEO

1127 22nd Ave W

West Fargo, ND 58078

From: [Anthony K](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Concerned Resident of Brooks Harbor regarding Planned Unit Development
Date: Thursday, May 9, 2024 9:36:53 PM

Hello Leslie,

My name is Anthony Kleinwachter and I live at 522 23rd Ave W, West Fargo, ND 58078. My property is directly adjacent to the 2250 5th St proposed Brook Stone development.

Myself, along with many others in our neighborhood, have several concerns with the proposed development. We understand that this lot will be developed at some point, but hoped it would be beneficial to our neighborhood and surrounding community. When we purchased our home in 2018 the lot was owned by a non-profit (previously a church?) and we were optimistic the future of the lot would be beneficial to the community. In 2020 the property changed ownership and the proposal came along for a hockey arena. At first we weren't overly excited, but the developers met with home owners and took our feedback into consideration and how this project would benefit the private schools in the area. They also considered easement and a potential sidewalk behind the adjoining properties. It now appears these plans have fallen through and property has taken a new plan.

The new proposal for this property is a Planned Unit Development, with 50+ units. The drawing/plan that was shared with us has used every possible inch of property filled to pack as many units as possible into the development. I understand wanting to utilize the property from a profit standpoint but at what expense? How does this impact property owners and the neighborhood? From a community perspective this does not take into consideration, appearance, neighborhood impact, and impact to the surrounding property owners.

Below are a few valuable points that we would appreciate are considered before approving any proposed developments.

1. Impact to traffic and roadways. The Brooks Harbor development is already difficult to enter/exit during peak traffic periods. The traffic light on 26th Ave is backed up past the 5th street intersection and causes backup to the 9th St roundabout. Also, when school is dismissed at 2:20 each day, traffic backs up to 5th St almost reaching 23rd Ave intersection near Just for Kix (pictures attached). The development proposal showed direct street driveways onto 5th St and access road to 5th street. Given no parking allowed on 5th St north of 23rd Ave, this would dramatically impact those units. Development with additional construction traffic and future commuters will also damage the streets that are already in poor shape in a short period of time. Have the developers considered alternative traffic solutions?
2. Impact to the neighboring school. Brook Harbor elementary is already at max capacity and underwent an expansion last year to accommodate incoming students.. Any additional influx of students would impact capacity. Has the West Fargo school district been consulted regarding additional impact?
3. Impact to the community. The proposed development is for rental units. This was stated as a need for the community, but we would like to know how this data was collected. We have rental units already in place on 5th St south of 23rd Ave, and they are utilized with new tenants frequently. In addition, studies have shown that rental tenants have less concern for the surrounding community, as they are not permanent residents. Rental and Multi-Unit developments could also increase the risk of crime to the area. There is a lot of foot traffic

near the adjoining school park and we witness citizens crossing the vacant lot frequently. This could be a concern for the proposed renters/owners. We also feel an easement or sidewalk on the south side of the property would alleviate this issue and connect the park to 5th St and a quick route for school age kids to travel to/from school or the park, with minimal impact and interaction to the development owners.

4. Impact to neighboring property owners. Studies have shown that Multi-Unit developments can reduce neighboring property values, both during construction and after which takes several years to come back to market. Even greater impact when the development doesn't take into consideration appearance and impact with the surrounding area.

Thank you for your time and consideration of our concerns.

Anthony Kleinwachter
522 23rd Ave W
West Fargo, ND 58078



From: [Sarah Griesbach](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Brooks Harbor Project
Date: Thursday, May 9, 2024 11:53:09 AM

Good morning,

I received a letter about the proposed project behind our house, next to Brooks Harbor Elementary.

I would ask that the city considers a few things before approving the project as-is.

Traffic in our area is often significantly congested when trying to get to the stoplight to go north on Sheyenne. If you look at where our house is, we often have to go west on 23rd, then south on 9th to the roundabout, then east on 26th, to the light to have a chance at getting on Sheyenne, just to go north. Traffic gets so backed up on 5th St W when trying to turn left on 26th that going backwards and out of our way is usually the best chance we have. The addition of the proposed number of units and their location is concerning as it will add quite a bit more vehicles either trying to turn left on 26th, backing things up even worse, or even more people having to go backwards and around just to get to Sheyenne.

Another consideration with this proposal, is that there is no parking allowed on that stretch on either side of 5th Street West. With the number of residents per unit (likely multiple cars each) and when one considers how many visitors, regular/overnight guests, deliveries, etc. it looks like there would potentially be a parking issue. When corresponding with Brookstone, they showed their proposed layout (*attached*) and how much parking they would account for. When you look at the line of homes in the rendering along 5th, there doesn't appear to be much parking for each unit and then parking isn't allowed on the street. My question is, where will the overflow parking be? When Just for Kix has large events, oftentimes 23rd Avenue (the street I live on) turns into overflow parking. Even in their rendering, the 3rd house on the bottom, the car is parked blocking the sidewalk. I understand it's just for show but it does kind of look like parking won't be as accommodating.

I am asking the City to please review the proposal and location before approving the plans as they are. Thank you for your consideration.

I have 3 follow-up questions:

Will there be a time during the May 14th meeting for the public to come up and ask questions of the Committee or the developer?

Can you please confirm how far back this development has to be from our property lines?

If this proposal is approved, if it were to change, would we get another notification or once it's ok'd, they have to stick to the plan? I just want to be sure there suddenly aren't apartments without notice.

Thanks!

Sincerely,

Sarah Griesbach
606 23rd Ave W, West Fargo, ND 58078

From: [slafferty](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Brook Harbour proposed housing
Date: Thursday, May 9, 2024 2:57:04 PM

Leslie,

I am writing in opposition to this proposed housing development east of Brooks Harbor school. The traffic already along 22nd Ave is already a mess and congested and will only be worse if housing unit is built.

The other issues is where these kids who live in these homes will go to school as Brooks Harbor is at capacity even after a recent expansion.

Please reconsider allowing this because this is not what our neighborhood needs, and our school is already at capacity.

Thanks

Shaun Lafferty
1109 22nd Ave West

Sent via the Samsung Galaxy Note20 Ultra 5G, an AT&T 5G smartphone

From: [Taviah Haglund](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Lot 3, block 3 of brooks harbor
Date: Wednesday, May 1, 2024 4:32:57 PM

In regards to 2250 5th St West development:

We live in 1 off the 5 houses adjacent to the planned project and have a few comments and questions.

1. what projected impact will the additional units have on the school attendance/capacity and how will this impact other families in the area planning to have their children attend Brooks Elementary school?
2. How is the city planning to address the congestion issues at the 26th ave/sheyenne traffic light that will be worsened at the 5th St/26th ave intersection already seen during peak times? How will any solutions impact special assessments for home owners?
3. How is the planning committee handling the issue of 5th street congestion that backs up from the school almost to 23rd Ave during school pick up the impact this project will have, especially during winter months?
4. How will this project affect property values in the area?
5. The transient nature of tenants in a townhouse/rental type establishment creates potential safety concerns being in close proximity to the school/outdoor playground, has this been considered?
6. Has the city planning committee considered collaborating with the school and/or park district to allocate this space to enhance park/green space area for activities such as soccer, football, baseball, etc?

Thank you for taking our questions and concerns.

Taviah and Chris Haglund
516 23rd Ave W
West Fargo, ND 58078

Get [Outlook for iOS](#)

From: [Sam Wilke](#)
To: [Leslie McGillivray-Rivas](#)
Cc: [tammy wilke](#)
Subject: Proposed PUD 2250 5th St W
Date: Thursday, May 9, 2024 5:00:04 PM

Good afternoon, unfortunately we have commitments the evening of the planning meeting for the subject property. We own an adjacent property at 612 23rd Ave W and oppose the proposed change to land usage. We purchased our home in the early days of the Brooks Harbor subdivision development and have been promised or assured of many things for that property and the same near the water tower and for the commercial development along Sheyenne. During prior meetings and proposals, it has been noted by the Commission that our area is already over required and recommended multi-family housing numbers. A couple years ago, additional dense housing was added to the section of land west of the water tower and north of the school. We do not desire to have more multi-family housing or densely laid out single family or twin homes built within Brooks Harbor. Owned single family dwellings are much preferred as opposed to rental units of any kind. We feel that parcel of land should remain commercial as intended and previously planned. We'd welcome the sales and business taxes/fees to help offset costs of a growing city and to potentially provide businesses that would benefit and enhance the neighborhood versus encumber it with housing density. Thank you.

Sam and Tammy Wilke

Sent from [Outlook](#)



**MAGNUM
ELECTRIC**

Headquarters:

471 Christianson Dr. W

West Fargo, ND 58078

701-551-3240

magnumelectric.net

May 10, 2024

To whom it may concern,

I am writing to express my support for the Brooks Harbor Townhomes project at 2250 5th St West. Since my start at Magnum Electric in 2021, Magnum has kept growing at a steady pace increasing the need for us to recruit and retain new people from outside the FMWF area and those within our community just starting their careers. Many are in the stage of life where they are not quite ready to own a home outright and want an affordable option with close proximity to work, essential services, churches, parks, entertainment, and excellent schools.

The Brooks Harbor Townhomes' project uniquely fits this need providing residents the ability to establish themselves in our community, develop relationships and stay as they grow their own family.

The city of West Fargo has done a great deal of work over the years to provide the infrastructure and opportunities for residents and businesses thereby creating an economic engine to allow for prosperity. As a resident of West Fargo for 20 years, I personally have benefited from these efforts as I am able to bike 1.5 miles to wherever I need to go! That's why I'm excited for the potential the Brooks Harbor Townhomes' project has to positively impact the lives of so many. Let's keep feeding the engine that allows our community to keep growing!

Be safe and be well,

Linette Dahl
Director of HR

**POWER
AHEAD**



To who it may concern,

I am writing this letter to support the Brooks Harbor Townhomes at 2250 5th St West and draw the correlation between community initiatives and this project. I have been a part of the FM business community for 20 years and lived in Cass/Clay counties my entire life.

As the community grows, the need for diverse housing options becomes more imperative. The commission and City are well aware of the workforce shortage that our community faces, and the indirect issues with this are affordable housing and childcare. As the FMWF Chamber and Economic Development Corporation develop their Comprehensive Plan to tackle workforce, they didn't address these two vital components. Brooks Harbor Townhomes' solution increases the number of high bedroom count, high quality, mid-price range options to West Fargo that will create housing for 120 workers*. My high employer clients that are located in West Fargo, TrueNorth Steel, Dakota Fence Co., Magnum Electric, All Finish Concrete, Hebron Brick, need to have affordable housing options as they attempt to retain high school/college graduates as well as attract people from other parts of the country.

For current residents of West Fargo, attracting renters in this price point increases the marketability of their homes as renters can test out this area of the metro, fall in love, and purchase their next home here. This helps minimize the weight potential homebuyers put on property taxes and special assessments that are higher here than other areas of the metro as they have used the roads, parks and schools that drive these costs.

As referenced in Brookstone's letter, this high-density model in this particular part of West Fargo is in alignment with the city's strategic plan 2.0. The most successful neighborhoods are those in which people can grow and thrive within a small radius. Imagine a nurse, electrician, or plumber, starting in a Brooks Harbor Townhome, saving for their downpayment of their home on 27th Ave W, and finally their dream home on Brooks Harbor pond.

This option creates opportunities for our next generation of workforce to live, work, and play in the greatest city in the upper Midwest. That is why Light Consulting, Light Workforce Solutions and Dale Carnegie have chosen to have their businesses thrive in this part of the community.

Sincerely,

Sarah West

Proud West Fargo Business owner of Light Consulting, Light Workforce Solutions, & Dale Carnegie or North Dakota

*52 units x Average worker per household 2.3 in ND according to the 2022 US Census Bureau

STAFF REPORT

A24-14 SUBDIVISION	
R & R 1 st Addition	
NW ¼ of Section 4, T139N, R49W (1042 & 1050 7th Ave NE), City of West Fargo	
Owner: Craig Runk	Staff Contact: Lisa Sankey
Applicant: Curtis Skarphol, Houston Engineering	
Planning & Zoning Commission Public Hearing:	05-14-2024
City Commission:	

PURPOSE:

Subdivide unplatted parcels into three lots.

STATEMENTS OF FACT:

Land Use Classification:	G-3: Employment Growth Sector
Existing Land Use:	Vacant/Shop/Storage Space
Current Zoning District(s):	M: Heavy Industrial
Zoning Overlay District(s):	CO-R: Redevelopment Corridor Overlay District
Proposed Zoning District(s):	Unchanged
Proposed Lot size(s) or range:	3.5+ Acres
Total area size:	13.56 Acres
Adjacent Zoning Districts:	M: Heavy Industrial
Adjacent street(s):	7 th Avenue NE (Arterial); 9 th Street NE (Arterial)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Land Dedication Requirements:	5% dedication required or fee-in-lieu for undeveloped parcels

DISCUSSION AND OBSERVATIONS:

- The applicant is proposing to subdivide undeveloped parcels into three lots and dedicate right of way for industrial development.
- Part of the property is developed with shop/warehouse space.
- The property owner proposes to sell proposed Lots 1 and 2 and maintain the existing shop space on proposed Lot 3.
- Additional right-of-way dedication is being platted for 9th Street NE and 7th Avenue NE for the 9th Street Project, which proposes a roundabout at the intersection of those streets.
- Seventy-five feet of right-of-way is shown for the proposed roundabout at the intersection of 7th Avenue NE and 9th Street NE and an additional 40' of right-of-way is shown along 9th Street NE for a total of 100' feet.
- The City's subdivision ordinance requires a 5% public dedication for industrial developments.
- The Park District has indicated no need for land within the subject property and requests payment in-lieu of land dedication. Being additional property would be needed for right-of-way, this may be handled through the public dedication process.

STAFF REPORT

- Land dedication for the additional right of way for roundabout and frontage road is shown on the plat and the square footage is being deducted from the 5% public dedication. The remaining amount would be cash-in-lieu.
- A public dedication agreement will be needed to outline the terms of the dedication, prior to City Commission approval.

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- No comments received to-date.

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

- The proposed application is consistent with the City plans and ordinances.

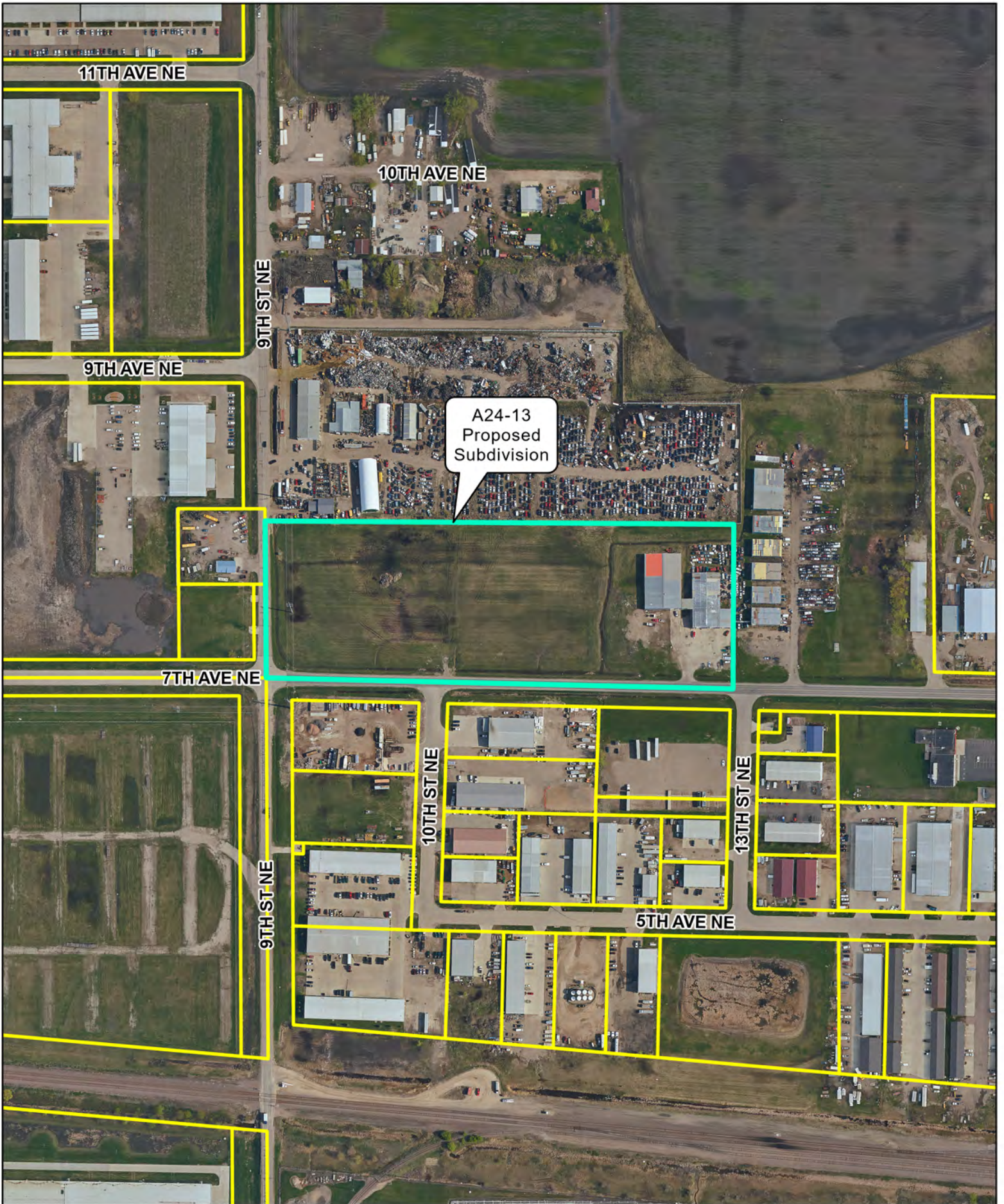
RECOMMENDATIONS:

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

1. The applicant continues to work with staff as to the details of the public land dedication and acquisition of land for right-of-way, and that a signed Public Dedication Agreement is submitted outlining such details prior to City Commission Consideration.

Attachments:

- Aerial map
- Zoning map
- Preliminary Plat
- Right-of-way dedication graphic



A24-13
Proposed
Subdivision





West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential



BEING A PLAT OF A PORTION OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 4, T. 139 N., R. 49 W.
TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA

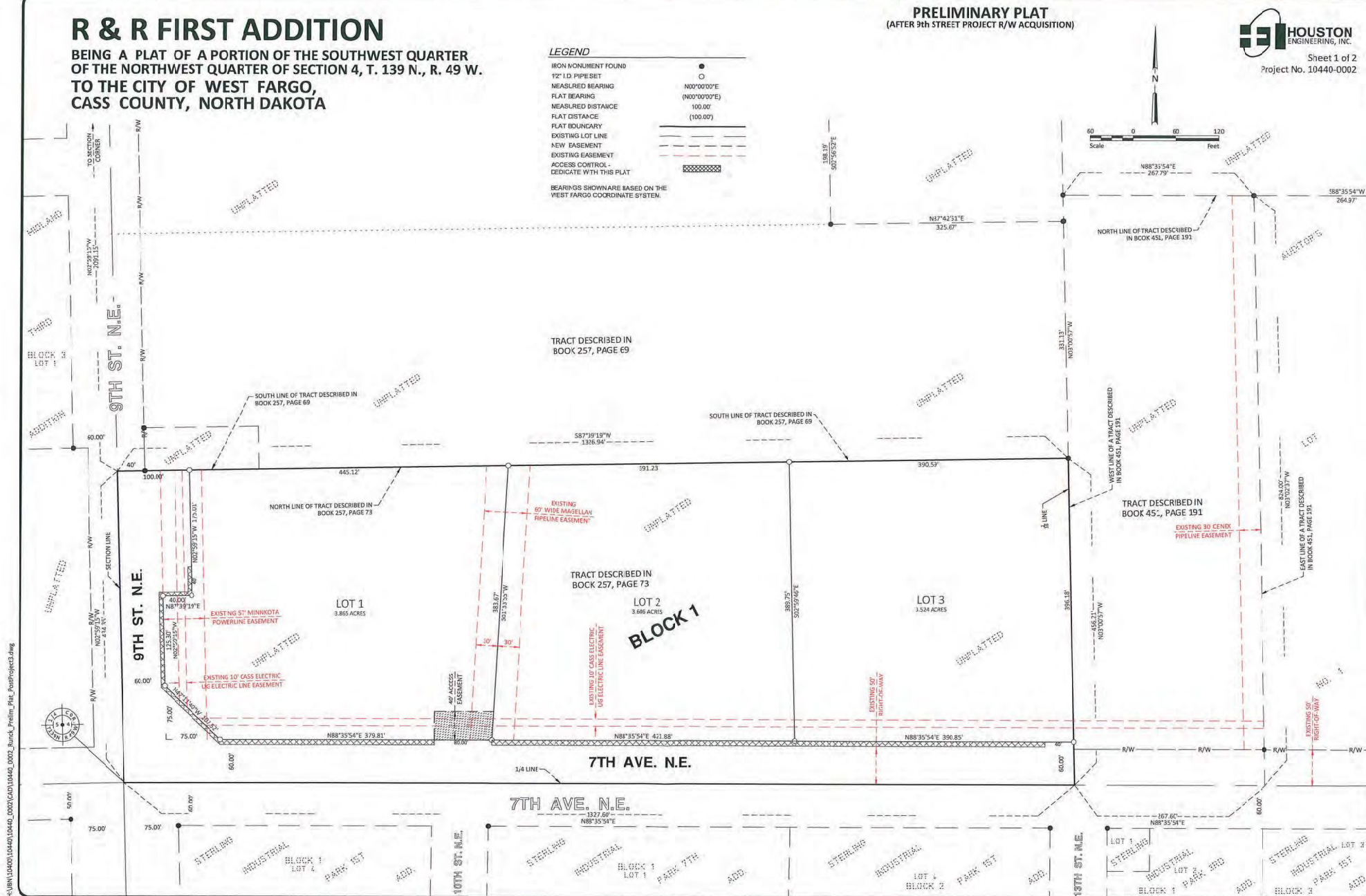


Sheet 1 of
Project No. 10440-000

LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
FLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
FLAT DISTANCE	(100.00')
FLAT BOUNDARY	_____
EXISTING LOT LINE	_____
NEW EASEMENT	_____
EXISTING EASEMENT	_____
ACCESS CONTROL - DEDICATE WITH THIS PLAT	

BEARINGS SHOWN ARE BASED ON THE
WEST FARGO COORDINATE SYSTEM.



R & R FIRST ADDITION

BEING A PLAT OF A PORTION OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 4, T. 139 N., R. 49 W.
TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Craig A. Runck and Wanda Runck, husband and wife, and Lannie Runck, a single person, are the owners and proprietors of that part of the Southwest Quarter of the Northwest Quarter of Section 4, Township 139 North, Range 49 West of the Fifth Principal Meridian, City of West Fargo, Cass County, North Dakota, described as follows:

Commencing at the Northwest Corner of said Section 4; thence South 02°59'15" East, along the west line of the Northwest Quarter of said Section 4, for a distance of 2091.15 feet to the southwest corner of a tract of land described in Book 257 of Deeds, Page 65, on file at the Cass County Recorder's Office, said point also being the northwest corner of a tract of land described in Book 257 of Deeds, Page 73, on file at said Recorder's Office, and the True Point of Beginning; thence continue South 02°59'15" East, along the west line of the Northwest Quarter of said Section 4, for a distance of 434.35 feet to the Southwest Corner of the Northwest Quarter of said Section 4; thence North 88°35'54" East, along the south line of the Northwest Quarter of said Section 4, for a distance of 1327.60 feet to the southeast corner of the Southwest Quarter of the Northwest Quarter of said Section 4; thence North 03°07'57" West, along the east line of the Southwest Quarter of the Northwest Quarter of said Section 4, for a distance of 456.21 feet to the southeast corner of a tract of land described in said Book 257 of Deeds, Page 69, said point also being the northeast corner of a tract of land described in said Book 257 of Deeds, Page 73; thence South 87°39'19" West, along the boundary line common to the two said adjoining tracts, for a distance of 1326.94 feet to the True Point of Beginning.

Said tract contains 13.564 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **R & R First Addition** to the City of West Fargo, Cass County, North Dakota, do hereby dedicate to the public, for public use, the street and avenue, the utility easements, and the access control easements as depicted on the plat, and do hereby dedicate to the current and future owners of Lot 2, the 40-foot access easement as shown on this Plat.

OWNERS:

Craig A. Runck and Wanda Runck, husband and wife

Craig A. Runck Wanda Runck

State of North Dakota }
County of Cass }

On this _____ day of _____, 20____, before me personally appeared Craig A. Runck and Wanda Runck, husband and wife, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same as their free act and deed.

Notary Public: _____

Lannie Runck, a single person

Lannie Runck
State of North Dakota }
County of Cass }

On this _____ day of _____, 20____, before me personally appeared Lannie Runck, a single person, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that I am the Professional Land Surveyor who prepared and made the attached plat of "R & R First Addition" to the City of West Fargo; that said plat is a true and correct representation of the survey thereof; that all distances are correctly shown on said plat; and that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this _____ day of _____, 20____

Curtis A. Skarphol
Professional Land Surveyor No. 4723

State of North Dakota }
County of Cass }

On this _____ day of _____, 20____, before me personally appeared Curtis A. Skarphol, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Daniel R. Hanson, City Engineer

State of North Dakota }
County of Cass }

On this _____ day of _____, 20____, before me personally appeared Daniel R. Hanson, West Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as City Engineer.

Notary Public: _____

WEST FARGO PLANNING COMMISSION APPROVAL:

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

Joseph F. Kolb, Chairman
West Fargo Planning Commission

State of North Dakota }
County of Cass }

On this _____ day of _____, 20____, before me personally appeared Joseph F. Kolb, Chairman, West Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the West Fargo Planning Commission.

Notary Public: _____

WEST FARGO CITY ATTORNEY APPROVAL:

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

John T. Shockley, City Attorney

State of North Dakota }
County of Cass }

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

Notary Public: _____

WEST FARGO CITY COMMISSION APPROVAL:

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

Bernie L. Dardis
President of the
West Fargo City Commission

Dustin T. Scott
City Auditor

State of North Dakota }
County of Cass }

On this _____ day of _____, 20____, before me personally appeared Bernie L. Dardis, President of the West Fargo City Commission; and Dustin T. Scott, City Auditor, City of West Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of West Fargo.

Notary Public: _____

BEING A PLAT OF A PORTION OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 4, T. 139 N., R. 49 W.
TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA



Sheet 1 of
Project No. 10440-000

[illegible]

R & R FIRST ADDITION

BEING A PLAT OF A PORTION OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 4, T. 139 N., R. 49 W.
TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA

PRELIMINARY PLAT
(AFTER 9th STREET PROJECT R/W ACQUISITION)

H HOUSTON
ENGINEERING, INC.
Sheet 1 of 2
Project No. 10440-0002

LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	---
EXISTING LOT LINE	---
NEW EASEMENT	---
EXISTING EASEMENT	---
ACCESS CONTROL - DEDICATE WITH THIS PLAT	▨

BEARINGS SHOWN ARE BASED ON THE
WEST FARGO COORDINATE SYSTEM.

TRACT DESCRIBED IN
BOOK 257, PAGE 69

SOUTH LINE OF TRACT DESCRIBED IN
BOOK 257, PAGE 69

NORTH LINE OF TRACT DESCRIBED
IN BOOK 451, PAGE 191

TRACT DESCRIBED IN
BOOK 451, PAGE 191

TRACT DESCRIBED IN
BOOK 257, PAGE 73

BLOCK 1

Permanent Acquisition
Compensated by Credit
Toward 5% Public Land
Dedication

LOT 1
3.865 ACRES
Temporary Easement
Acquired with 9th St
Project

Dedicated RW from
Platting Process

Temporary Easement
Acquired with 9th St
Project

7TH AVE. N.E.

7TH AVE. N.E.

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MEMORANDUM

TO: West Fargo Planning & Zoning Commission
FROM: Aaron Nelson, Planning Director *AN*
DATE: May 9, 2024
SUBJECT: Discussion on Proposed Revisions to Title IV Ordinances Regarding Planned Unit Development (PUD)

Targeted text amendments to Title IV zoning & subdivision ordinances were identified as a short-term project need within the West Fargo Planning Needs Assessment Action Plan in 2023. Staff is continuing to work on a series of proposed Title IV ordinance amendments which will first be brought forth for introduction and discussion purposes at least one month prior to inclusion on the regular Planning & Zoning Commission agenda as an actionable item.

At the May 14 meeting, staff will provide an overview of proposed text amendments to the Planned Unit Development (PUD) zoning district. This is a discussion item only and no action is requested.

The Planned Unit Development (PUD) is unique in that it is both a zoning district as well as a type of development plan. PUD zoning districts are inextricably linked to corresponding PUD development plans (i.e., “Concept Plans” and “Detailed Development Plans”) in that no rights of development apply to a PUD district other than those expressly included in the approved PUD development plans.

While the overall intent and purpose of the PUD remains the same, staff is proposing modification in order to emphasize the public benefit for PUD proposals, streamline the manner in which they are reviewed and approved, and clarify the standards and documentation which establish and constitute an approved PUD.

In summary, proposed amendments include:

- Modification of approval process.
- Additional requirements for applicants to demonstrate public benefit of proposed PUD.
- Specification of which standards are eligible for modification by PUD, and which are not.
- Addition of criteria of approval for PUD Detailed Development Plan.
- Clarification of how phased PUDs and PUD amendments are handled.
- Clarification of how the Sign Code is applied within PUD districts.

Attachments

- Proposed amended §4-432 – PUD District Standards
- Existing §4-432 – PUD District Standards
- Approval process comparison graphic



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4-432 "PUD" or Planned Unit Development

4-432.1 Overview & Intent

- A. A Planned Unit Development (PUD) is both a zoning district as well as a development plan. PUD districts are inextricably linked to PUD development plans (Concept Plans and Detailed Development Plans) in that no rights of development apply to a PUD district other than those expressly included in the approved PUD development plans.
- B. The PUD district is established to allow greater development design flexibility than would otherwise be allowed through strict application and interpretation of the standards and requirements of this Title IV. This flexibility is offered to:
 - 1. Promote innovative development that achieves higher standards of site and building design;
 - 2. Encourage sustainable development that conserves energy, materials, and makes efficient use of land;
 - 3. Preserve and enhances desirable site characteristics such as natural topography, scenic features and open spaces;
 - 4. Allow a mixture of land uses that might not otherwise be permitted in a single district;
 - 5. Provide the developer reasonable assurance of project approval before extensive expenditure on project design costs, while providing City officials with assurances that the project will retain the character envisioned at the time of approval.
- C. The benefits offered to the city in exchange for the flexibility allowed by approval of a PUD are intended to be significant enough to justify the modifications of the standards required under baseline district regulations. These benefits may include but are not limited to:
 - 1. Implementation of City goals or initiatives as identified within the Comprehensive Plan.
 - 2. Efficient use of public services and infrastructure.
 - 3. High-quality site and/or building design, that features best practices for such things as on-site storm water management, green building materials, or enhanced water and/or energy efficiency;
 - 4. Development that features a high-quality mix of housing types to promote enhanced housing choice and affordability;
 - 5. Preservation and/or protection of areas of significant natural resources (e.g., wetlands, wildlife habitat, stands of mature trees), beyond the requirements of the baseline zoning regulations;
 - 6. A mix of uses that supports a complete neighborhood, and features compact design to enable walkability;
 - 7. Enhanced amenities, such as community gathering areas, open space, parkland, connections to/provision of walking and biking trails;
 - 8. Provide for appropriate transitions between differing land uses.

4-432.2 General Provisions

A. Applicability

A PUD may be requested on any parcel that meets the minimum land area requirement described in subsection 4-432.2.C below, where particular design, dimensional, or use combinations cannot be accommodated by any of the City's conventional base zoning districts. A PUD shall not be used to pursue a site-specific solution for a single issue that can be resolved through an administrative procedure authorized under this title, such as a rezoning, CUP, or subdivision.

B. Authority to Initiate Application

A PUD application may only be filed in the name(s) of the recorded owner(s) of property included in the development, or by holder(s) of an equitable interest in the property. However, before approval of a PUD can be obtained, the applicant must show evidence of full ownership interest in the land (legal title or the execution of a binding sales agreement).

C. Minimum Land Area Required

The tract of land for which a PUD is proposed shall be a minimum of 2 acres. Areas of less than 2 acres may be considered if the applicant can show that waiving the minimum land area requirement is in the public interest, and that at least one of the following conditions is met:

1. Unusual physical features of the site or the surrounding neighborhood are such that development under a standard zoning district would not conserve the unique physical features of the site or would not allow functional or environmental compatibility with the surrounding neighborhood.
2. The site is adjacent to an area which has been developed under the provisions of a PUD District and will contribute to the amenities and functionality of the neighborhood.
3. The site is part of an urban redevelopment and/or spot renewal program, provided it does not conflict with the nature of the surrounding neighborhood.

D. Designation of Baseline Zoning Standards

A PUD application must specify which one of the city's current zoning districts most closely relates to the proposed development. The selected zoning district standards shall be used to establish the baseline zoning standards for the PUD. Additionally, the PUD application shall specify each instance in which a variation from the baseline zoning district standards is proposed, along with the type or extent of variation being requested. Where a request to vary from a standard is not specifically included in the PUD application, the baseline district standard shall apply.

E. Variations to Standards

A PUD may be used to request variations to the following standards:

1. Permitted Uses
Any use may be requested as a permitted use or conditional use within the PUD, even when it would not be allowed in the baseline zoning district.
2. Dimensional Standards
Any dimensional standard, or combination of dimensional standards, including minimum lot size, setbacks, lot coverage limits, and maximum height.
3. Development and Design Standards
Building design requirements, or development standards including §4-440 Supplementary District Regulations and §4-450 Off-Street Parking and Loading Regulations.
4. Overlay Zoning District Standards
Any requirement or standard of the corridor overlay zoning districts, other than the CO-SR (Sheyenne River Corridor Overlay) district.
5. Limitations
A PUD may not be used:
 - a. For the primary purpose of increasing the allowed density of the baseline zoning district. In such a case, a rezoning shall be required.
 - b. To request exemption from providing required public improvements such as streets, sidewalks, water, sanitary sewer and stormwater management infrastructure.
 - c. To request exemption from providing required application information, or to vary from compliance with standard application procedures.
 - d. To modify the standards of the CO-SR (Sheyenne River Corridor Overlay) district.
 - e. To modify applicable sign code regulations of §4-460.

4-432.3 Review and Approval Procedure

The PUD approval process shall be undertaken in two stages. The first stage includes approval of the PUD Concept Develop Plan in conjunction with approval of a rezoning to the PUD zoning district. The second stage includes approval of the PUD Detailed Development Plan. No rights of development are conveyed by the PUD until both of these stages are complete, as outlined by this ordinance.

A. Approval of PUD Concept Plan and Zoning District

The applicant shall submit to the City Planner an application for a PUD, along with proposed PUD Concept Plan, associated designs, sketches, basic site information, and an explanation of how the proposal contributes to general development objectives for the area and its relation to the policies of the City. The Planning and Zoning Commission shall review the PUD application and the Concept Plan for the total area of the proposed PUD, prior to final approval by the City Commission. In addition to the approval process outlined below, the standards of §4-540 also apply in relation to the establishment of the PUD zoning district.

1. **Application Submittal for PUD Concept Plan and Zoning District**
 - a. The PUD application form shall be established by the City Planner and shall include at a minimum the following items:
 - (1.) A statement specifying the baseline zoning district proposed for the project, and a list of all standards of the baseline district that the PUD proposes to vary, along with a description of the extent of variation that is being requested.
 - (2.) A comprehensive description of the community benefit(s) the development will provide in exchange for flexibility from baseline zoning district standards and a list of any features and/or additional development standards proposed to be incorporated into the PUD to help achieve the community benefit(s).
 - b. The Concept Plan shall include:
 - (1.) A legal description of the property.
 - (2.) A narrative statement describing the general character of the intended development.
 - (3.) An accurate map of the project area showing the site and its proposed land uses, and the adjacent properties and their present or projected land uses.
 - (4.) The pattern of proposed land uses including the shape, size, and arrangement of proposed use areas, density, and environmental character.
 - (5.) The pattern of public and/or private streets.
 - (6.) Proposed open space and public sites.
 - (7.) Preliminary number, size, and concept of the proposed structures within each area.
 - (8.) A preliminary schedule of the anticipated sequence of sub-area development for the entire site area included in the PUD. (See §432.3.C for phased development requirements.)
 - c. Where applicable, a written statement outlining the ownership and maintenance responsibility of the common open spaces, access streets, roads, shared utilities and recreation areas and documentation of this responsibility. This may include a written agreement with the City of West Fargo providing that should the improvements set forth in the Concept Development Plan fail to be completed within eighteen (18) months after the initiation of construction, then and in that event the City of West Fargo shall be authorized to provide for the installation of the required improvements. The installation of improvements shall be paid for by utilization of and the levy of special assessment process, and as part of the agreement, the developer and any associated parties waive any rights to protest the special assessment.

- d. Coordination with Other Regulations:
 - (1.) PUD districts are not exempt from applicable overlay zoning districts. Nevertheless, some individual overlay zoning district standards may be modified in accordance with §4-432.2.E.
 - (2.) If the PUD request applies to a parcel that has not been subdivided, subdivision review shall be carried out simultaneously with the review of a PUD zoning application. Development plans submitted under this article shall be in a form which will satisfy the requirements of the subdivision regulations for preliminary and final plats.

2. Staff Review

Upon receipt of a complete application, the City Planner and applicable review agencies shall review the application. The City Planner shall prepare a staff report that reviews the application in relation to the Comprehensive Plan, the standards of and purpose of this Ordinance, and all other applicable requirements.

3. Planning and Zoning Commission Review

- a. Public Hearing

A public hearing shall be held before the Planning and Zoning Commission after notice of the time and place has been published in the City's official newspaper for two consecutive weeks prior to the date of the public hearing.
- b. Planning and Zoning Commission Recommendation

Following a public hearing, the Planning and Zoning Commission may recommend to the City Commission approval, approval with conditions, or denial of the application upon consideration of the Comprehensive Plan, the standards of and purpose of this Ordinance, and all other applicable requirements.

4. City Commission Review

- a. Public Hearing

A public hearing shall be held before the City Commission after notice of the time and place has been published in the City's official newspaper for two consecutive weeks prior to the date of the public hearing.
- b. City Commission Decision

The City Commission may approve or deny the application upon consideration of the Comprehensive Plan, the standards of and purpose of this Ordinance, and all other applicable requirements.

5. Effect of Approval of PUD Concept Plan

- a. City Commission approval of the PUD Concept Plan and PUD zoning district shall establish the basic right to use the area in conformity with the application and Concept Plan as approved. However, this right is conditioned upon final approval of the accompanying Detailed Development Plan by the Planning & Zoning Commission, and shall not

make permissible any development prior to that Commission's formal approval of the Detailed Development Plan.

B. Approval of PUD Detailed Development Plan

The Planning & Zoning Commission shall give final approval to the PUD Detailed Development Plan for overall site development, or for sub-areas of a phased PUD development.

1. Application Submittal for Detailed Development Plan

In order to secure final approval and designation as a PUD for a proposed site, the applicant shall submit to the City Planner:

- a. The PUD Detailed Development Plan application.
- b. A Detailed Development Plan of the entire site or for any area/sub-areas that will be developed upon approval of the Detailed Development Plan, which shall include:
 - (1.) A copy of the development's approved subdivision plat including lot lines, easements, public rights-of-way, etc.
 - (2.) Detailed site plan(s) and construction documents illustrating:
 - (a) Size, location, and arrangement of buildings including lot size, building spacing, setbacks, yards, etc.
 - (b) Parking areas, private and public streets, sidewalks, and other transportation facilities, including specification of pavement materials.
 - (c) Landscaping, screening, and final ground contours.
 - (d) Common open spaces and/or recreation areas.
 - (e) Sewer, water, and other utility lines.
 - (f) Garbage, dumpster, or refuse collection locations.
 - (g) Proposed signage.
 - (h) Building elevations.

2. PUD Detailed Development Plan Review Criteria

A PUD Detailed Development Plan may be approved by the Planning & Zoning Commission if it is determined by the Commission to be in substantial compliance with the approved PUD Concept Plan. The PUD Detailed Development Plan may be deemed to be in substantial compliance with the

PUD Concept Plan so long as, when compared with the PUD Concept Plan, it does not result in:

- a. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;
- b. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;
- c. A reduction in the amount of open space;
- d. Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;
- e. Any change determined by the Planning & Zoning Commission to represent an increase in development intensity; or
- f. A substantial change in the layout of buildings.

3. Staff Review

Upon receipt of a complete application, the City Planner and applicable review agencies shall review the application. The City Planner shall prepare a staff report that reviews the application in relation to the PUD Detailed Development Plan review criteria and all other applicable development standards.

4. Planning & Zoning Commission Review

The Planning & Zoning Commission shall approve or deny the application upon consideration of the PUD Detailed Development Plan review criteria and all other applicable development standards.

5. Effect of Approval & Expiration of Approval

Approval of a PUD Detailed Development Plan shall confer upon the applicant the right to develop the subject property in accordance with the approved PUD Detailed Development Plan.

The right to develop in accordance with an approved PUD Detailed Development Plan shall lapse and be of no further effect if construction of the PUD does not start within two (2) years of the effective date of approval of the PUD Detailed Development Plan or within the time-frame established by the City Commission during approval of the PUD Concept Plan, whichever is greater. In the event of such lapse of approval:

- a) the PUD Detailed Development Plan shall be of no effect, and a new PUD Detailed Development Plan will need to be approved in accordance with this ordinance, prior to development.
- b) the Planning and Zoning Commission may initiate action to rezone the land from the PUD zoning district.

6. Appeal of Decision

Upon denial of an application for PUD Detailed Development Plan by the Planning & Zoning Commission, an applicant may appeal the decision to the Board of Adjustment in accordance with §4-560. Such appeal shall be made by the applicant within 10 days of denial by the Planning & Zoning Commission.

C. **Phased Development Plans**

Large or complex PUD projects may be proposed in phases over a period of time, or when a development consists of multiple properties that are initially under different ownership prior to development. In such an event, the applicant may seek approval for the entire project based on a Concept Plan, then follow up with a Detailed Development Plan for each subsequent sub-area at a later date, according to the following procedures.

1. The applicant shall initially submit a PUD application and Concept Plan that includes the entire final area of the project.
2. The application shall state that the Concept Plan is associated with a phased development, and that Detailed Development Plans will be submitted sequentially, according to the proposed preliminary schedule of sub-area development for the entire site area.
3. The PUD rezoning application and Concept Plan shall be reviewed and approved according to the procedure described in §4-432.3.A, *Approval of PUD Concept Plan and Zoning District*.
4. Each successive phase of development shall then submit and receive approval of a Detailed Development Plan, according to the procedure described in §4-432.3.B, *Approval of PUD Detailed Development Plan*, prior to proceeding with construction.

4-432.4 Amendments

Amendments to approved PUD Concept Plans, Detailed Development Plans, and PUD zoning districts, may be approved in the same manner as provided for in §4-432.3.

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4-460. SIGN REGULATIONS

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4-460.9 General District Regulations.

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4. "PUD" Districts. In "Planned Unit Development" Districts, sign restrictions shall be based upon the ~~baseline zoning district designated for the individual uses and structures contained in the development. If no baseline zoning district has been established,~~ signs shall be in compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed. Signs considered to be off-premise signs must:

- a) ~~meet the requirements set forth above for on-premise signs for the most restrictive zoning district in which the use is allowed,~~
- b) must be limited to advertising businesses located within the same PUD District, and
- c) the off-premise signs must be a permissive use in the PUD District.

5. "CO" District. In addition to the sign restrictions stated above, the following restrictions shall apply:

* * * * *

c. In underlying PUD District, on-premise signs shall be permitted according to the provisions of the underlying district and the provisions of this section, the most restrictive provisions prevailing. Off-premise signs in the underlying PUD District must:

- a) meet the requirements set forth above for on-premise signs,
- b) must be limited to advertising businesses located within the same PUD District, and
- c) the off-premise signs must be a permissive use in the PUD District.

4-432. "PUD" DISTRICT FOR PLANNED UNIT DEVELOPMENT DISTRICT

4-432.1. Statement of Intent. The provisions of the PUD District are established to provide comprehensive procedures and standards designed to allow greater flexibility, uniqueness, innovative design and energy conservation in the development or redevelopment of areas of the community by developing adjacent to, or by incorporating within a mixture of densities/intensities or use types. The benefits of the PUD are intended to be significant as to warrant modifications of the standards required under other district regulations. These provisions are further intended to promote conservation and more efficient use of land, higher standards of site and building design and the preservation and enhancement of desirable site characteristics such as natural topography, scenic features and open spaces. It is also intended that these provisions will give the developer reasonable assurance of ultimate approval before expending complete design monies while providing City officials with assurances that the project will retain the character envisioned at the time of concurrence.

Source: Ord. 476, Sec. 1 (1994).

4-432.2. Permitted Uses. Any use which is permitted by this ordinance within the residential, commercial or industrial districts shall be considered as potentially allowable within a PUD District.

Source: Ord. 476, Sec. 2 (1994).

4-432.3. Who May Apply--Ownership Requirements. An application for approval of a PUD shall be filed in the name(s) of the recorded owner(s) of property included in the development. However, the application may be filed by holder(s) of an equitable interest in such property. Before approval of a plan can be obtained, the applicant must show evidence of full ownership interest in the land (legal title or the execution of a binding sales agreement). The entire project must be in single ownership by the time the final development plan can be approved.

4-432.4. Minimum Areas Generally Required. The tract of land for which a PUD project is proposed shall be a minimum of 2 acres. Areas of less than 2 acres may qualify as a PUD project if the applicant can show that the waiving of this requirement is in the public interest and that at least one of the following conditions is met:

- a. Unusual physical features of the site or the surrounding neighborhood are such that development under a different zoning district would not conserve the unique physical features of the site or would not allow functional or environmental compatibility with the surrounding neighborhood.
- b. The site is adjacent to an area which has been developed under the provisions of a Planned Unit Development

District and will contribute to the amenity and functionality of the neighborhood.

- c. The site is part of an urban redevelopment and/or spot renewal program, provided it does not conflict with the nature of the surrounding neighborhood.

4-432.5. Coordination with Subdivision Regulations. It is the intent of this article that subdivision review be carried out simultaneously with the review of a Planned Unit Development and that the development plans submitted under this article be submitted in a form which will satisfy the requirements of the subdivision control regulations for preliminary and final plats.

4-432.6. Administrative Procedure. Administrative approval is to be obtained for a PUD project at two stages: (1) the Planning and Zoning Commission is to review and give preliminary approval to a Concept Development Plan for the total area of the proposed PUD District; and, (2) final approval is to be given to a Detailed Development Plan by the Planning and Zoning Commission and the City Commission for the total site development or for sub-areas of the proposed PUD District. Prior to these two steps, the prospective applicant should submit to the Planning and Zoning Commission and its staff, preliminary plans and sketches and basic site information for consideration and advise as to the relation of the proposal to general development objectives to be attained in the area and as to the policies of the Commission with reference thereto.

A. Preliminary Approval of a Planned Unit Development Project

1. The proponents of a PUD project shall submit a Concept Development Plan to the Planning and Zoning Commission.
2. The Concept Development Plan shall consist of the following:
 - a. A legal description of the property.
 - b. A statement describing the general character of the intended development.
 - c. An accurate map of the project area showing the proposed site and its proposed land uses, and the adjacent properties and their present urban or projected land uses.
 - d. The pattern of proposed land uses including the shape, size and arrangement of proposed use areas, density, and environmental character.
 - e. The pattern of public and/or private streets.

- f. Proposed open space and public sites.
- g. Preliminary number, size and concept of the proposed structures within each area.
- h. An outline for the anticipated schedule and sequence of development in terms of sub-areas for the total PUD District.
- i. Preliminary Subdivision plat.

3. Referral and Hearing

- a. On receipt of the application and the Concept Development Plan, the Planning Commission and its staff shall study the proposal to determine conformity with the City's Comprehensive Plan and the above requirements. This shall be done at the first regularly scheduled meeting of the Planning Commission.
- b. In reviewing the plan, the Planning Commission shall determine if the proposed development is consistent with the intended purposes of the PUD District, with the Comprehensive Plan, and with the overall development of the City of West Fargo. The design may provide for the modification of yards, setbacks, and height requirements, but the density, intensity of use, and lot coverage requirements for residential developments for the district as a whole shall not be reduced below that required in the R-3 District.
- c. The Planning Commission will hold a public hearing on the Concept Development Plan, after notification of the surrounding property owners, and will notify the applicant of its decision to approve, approve with modifications, or disapprove the plan.
- d. Approval of the rezoning and the related Concept Development Plan shall establish the basic right to use the area in conformity with the plan as approved, and shall be recorded as an integral component of the district regulations, but such plan is conditioned upon approval of a Detailed Development Plan, and shall not make permissible any of the uses as proposed until a Detailed Development Plan is submitted and approved for all or a portion of the Concept Development Plan.

B. Final Approval of a Planned Unit Development Project

1. In order to secure final approval and designation as a PUD District for a proposed site, the applicant will submit to the City Planning Commission a Detailed Development Plan of any or all of the agreed to site sub-areas.
2. The Detailed Development Plan for any or all PUD District shall consist of the following:
 - a. A final subdivision plat including lot lines, easements, public rights-of-way, etc.
 - b. A map of the site illustrating the following:
 - (1) Size, location and arrangement of buildings including building spacing, setbacks, yards, etc.
 - (2) Parking areas, private and public streets, sidewalks, and other transportation facilities.
 - (3) Landscaping, screening and final ground contours,
 - (4) Common open spaces and/or recreation areas.
 - (5) Sewer, water, and other utility lines.
 - c. Where applicable, a written statement outlining the ownership and maintenance responsibility of the common open spaces and recreation areas and documentation of this responsibility.
 - d. A written agreement with the City of West Fargo providing that should the improvements set forth in the illustration above fail to be completed within 18 months after the initiation of construction, as provided for in Subsection 5 below, then and in that event the City of West Fargo shall be authorized to provide for the installation of said improvements. The installation of said improvements shall be paid for by utilization of the special assessment process, for such cases made, and the developer so involved shall, as a part of the agreement waive any rights s/he might otherwise have to protest said special assessments.

3. The proponents of the PUD project shall secure the final approval for the designated section of the PUD area from the Planning Commission and the City Commission.
 4. Upon approval of the Planning Commission and the City Commission, the Detailed Development Plan is attached to and is part of the ordinance establishing the zoning designation of the land. The Detailed Development Plan is the document on which building permits and other City development approvals are issued. The City Building Inspectorate is not authorized to issue permits for improvements which are not indicated on the approved plan.
 5. Construction of the PUD shall be started within 2 years from the effective date of approval of the plan by the City Commission. Failure to begin the development within 2 years shall automatically void the development plan and another detailed development plan must be submitted and approved prior to any development of the property.
- C. Establishing Zoning in Advance of Development Plans: Circumstances may arise where the planned development may be proposed in phases over a longer period of time, or the development consists of multiple properties which may be owned separately or may be sold to another party prior to development. In such an event, the proponent(s) of a PUD may seek to rezone the property initially to PUD with the consideration of the Detailed Development Plan at a later date according to the following procedures.
1. The proponents of a PUD development shall initially submit a Concept Development Plan to the Planning and Zoning Commission as outlined previously.
 2. The Planning and Zoning Commission shall hold a hearing on the proposed Concept Development Plan after notification of the surrounding property owner, and will notify the applicant of its decision to approve, approve with modifications, or disapprove the plan. Following a public hearing before and consideration by the Planning and Zoning Commission, the Commission shall submit in writing its recommendations on the proposed zoning ordinance amendment, supplement, change or modification to the City Commission within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the

Comprehensive Plan. Said recommendations shall be of an advisory nature only.

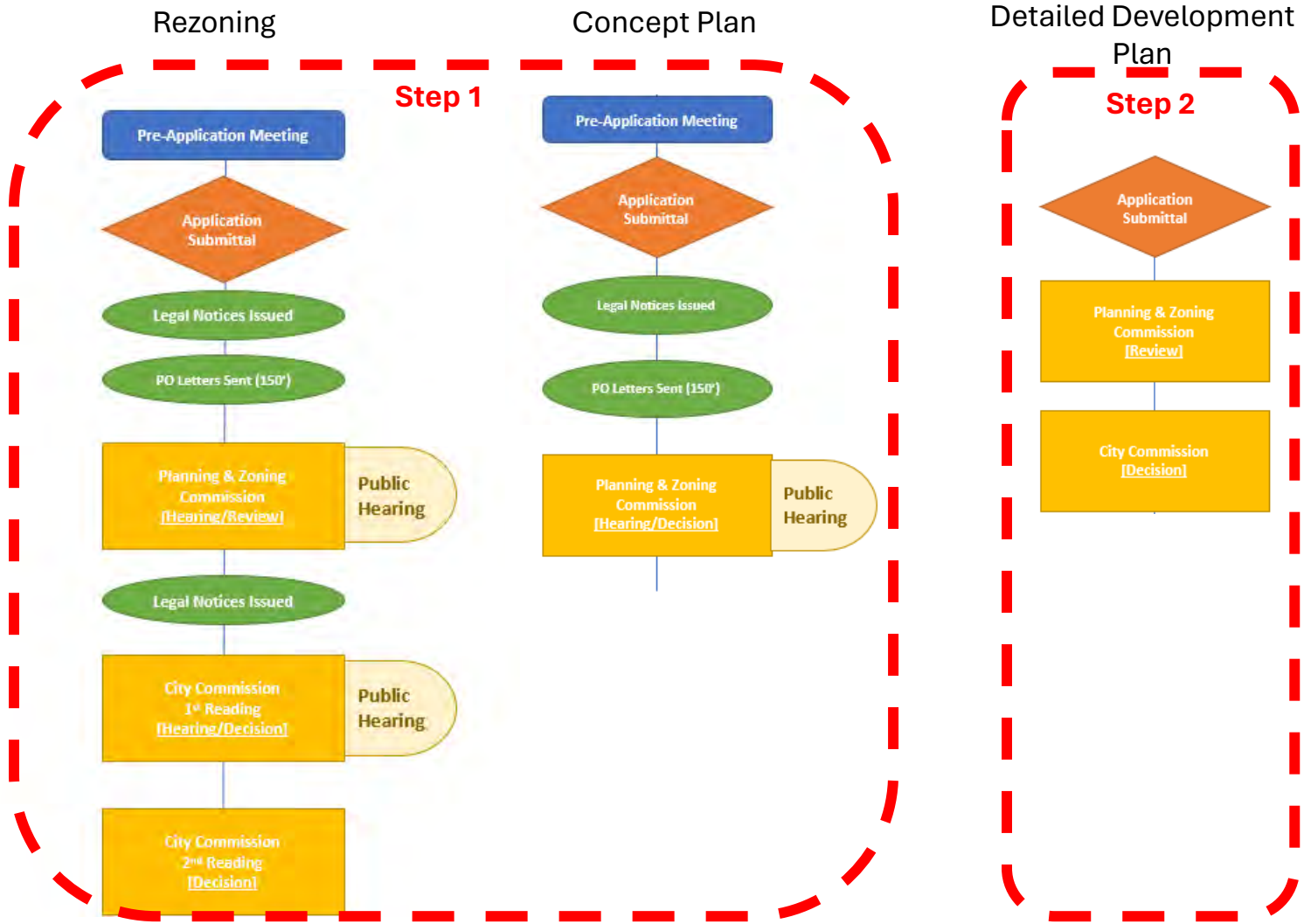
3. After receipt of the recommendation on any zoning ordinance amendment from the Planning and Zoning Commission, or in any event of the failure of the Planning and Zoning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning and Zoning Commission, the Board of City Commissioners shall hold a public hearing, after which the proposed amendment may be passed. If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of twenty per cent or more:
 - a. Of the area of the lots included in such proposed change; or
 - b. Of the area adjacent, extending one hundred fifty feet (45.72 meters) from the area to be changed, excluding the width of streets or other public right-of-way, the amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Commission. All protests must be filed with the City Auditor, in writing, prior to the time set for the hearing.
 - c. Upon establishment of any regulation, restriction, or boundary hereunder the governing body of West Fargo shall file a certified copy thereof with the City Auditor and shall cause notice of the same to be published in the official newspaper of the City. Said notice shall describe the nature, scope, and purpose of the regulation, restriction, or boundary, and shall state the times at which it will be available to the public for inspection and copying at the Office of the City Auditor.
4. PUD Amendment: Prior to any building permit for development within the PUD, the proponent of a project shall submit to the Planning and Zoning Commission an application and Detailed Development Plans for the property as outlined previously, which will be considered a PUD Amendment. The Planning and Zoning Commission shall hold a hearing on the proposed PUD Amendment after notification of the surrounding property owners, and will notify the applicant of its decision to approve, approve with modifications, or disapprove the plan. The PUD Amendment shall be reviewed for consistency with the Comprehensive Plan and for compatibility

with characteristics of other uses within the designated PUD area and other uses in the adjoining areas. Following a public hearing before and consideration by the Planning and Zoning Commission, the Commission shall submit in writing its recommendations on the proposed PUD Amendment to the City Commission. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of the PUD Amendment on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

5. After receipt of the recommendation from the Planning and Zoning Commission, the City Commission shall review the Detailed Development Plan for the PUD Amendment and approve, approve with modifications or conditions, or deny the request. The Detailed Development Plan is attached to and is part of the Zoning designation of the property. The Detailed Development Plan is the document on which building permits and other City development approvals are issued. The City Building Inspector is not authorized to issue permits for improvements which are not indicated on the approved plan.
 6. A written agreement as outlined previously shall be signed, which includes terms and conditions for the development and provides for installation of improvements as outlined previously.
- D. Amendments: Any change in the Detailed Development Plan shall first be submitted for approval to the City Planning Commission, and if, in the opinion of the Planning Commission, such change constitutes substantial alteration of the original plan, especially with regards to a change in land use or an increase in development density or intensity, the procedure provided in Sections C.4-C.6 above shall be required.

Source: Ord, 916, Sec. 41 (2012)

Current PUD Process



Proposed PUD Process

