



Aaron Nelson, AICP Director of Planning and Zoning
Lisa Sankey, Planner
Breanna Siegler, Office Manager

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West Fargo Planning & Zoning Commission Agenda
Tuesday, December 10th, 2024 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- November 12th, 2024
- D. Regular Agenda
 - 1. Public Hearing- A24-31 12th Ave Industrial Addition, a request for subdivision in the NW ¼ of Section 4, T139N, R49W - Sankey
 - 2. Public Hearing- A24-32 Hope Lutheran Addition, a request for subdivision and zoning change from A: Agricultural to R-1A: Single Family Dwellings in the S ½ of Section 31, T139N, R49W- Sankey
(request for continuation to the January 14, 2025 meeting)
- E. Non-Agenda Items
- F. Adjourn from Regular Agenda

West Fargo Planning & Zoning Commission Meeting Minutes
Tuesday, November 12th 2024 - 5:30 p.m.

Members Present: Joe Kolb, Kathi Schwan, Mike Thorstad, Matt Kopp, Dave Gust

Members Absent: Eric Dodds

Others Present: Aaron Nelson, Leslie McGillivray-Rivas, Lisa Sankey, Katie Schmidt, Breanna Siegler

Minutes Submitted by: Breanna Siegler, Office Manager

Meeting was called to order by Chair Kolb at 5:30pm. Chair Kolb asked for approval of the order of the agenda. Commissioner Gust motioned to approve the regular agenda. Commissioner Schwan seconded the motion. No opposition. Motion passed.

Commissioner Schwan moved and Commissioner Thorstad seconded the motion to approve the minutes from October 8, 2024. No opposition. Motion passed.

Chair Kolb introduced A24-29 Gateway West 1st Addition, a request for approval of a Planned Unit Development Detailed Development Plan at 1950 Sheyenne St. (Lot 8, Block 1 of Gateway West 1st Addition). Discussion held. Commissioner Gust motioned to approve the detailed development plan. Commissioner Kopp seconded. No opposition. Motion passed.

Chair Kolb opened a Public Hearing for A24-30 Meadow Ridge 18th Addition, a request for approval of a replat and a Planned Unit Development at 2345 & 2355 Meadow Ridge Parkway (Lots 1 & 2, Block 1 of Meadow Ridge 15th Addition). Chair Kolb asked for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Discussion held with clarifications given about parking reduction request and how that will be affected by the recent PUD Ordinance Amendment. Commissioner Gust motioned to approve the replat and PUD. Commissioner Schwan seconded the motion. No Opposition. Motion passed.

Chair Kolb opened the floor for non-agenda items. None were brought forth.

Chair Kolb asked for a motion to adjourn from the regular agenda. Commissioner Kopp moved to adjourn and Commissioner Gust seconded. Chair Kolb adjourned from the regular agenda at 6:02pm.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A24-31 SUBDIVISION	
12 th Avenue Industrial Addition	
NW ¼ of Section 4, T139N, R49W (1042 & 1050 7th Ave NE), City of West Fargo	
Owner: City of Fargo (Jim Gilmour) Applicant: Nate Vollmuth, Goldmark	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	12-10-24
City Commission:	

PURPOSE:

Subdivide portion of unplatted parcel into two lots.

STATEMENTS OF FACT:

Land Use Classification:	G-3: Employment Growth Sector
Existing Land Use:	Vacant/Well Monitoring Equipment/Snow Storage
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:	8.1-11.3 Acres
Total area size:	24.1 Acres
Adjacent Zoning Districts:	M: Heavy Industrial
Adjacent street(s):	12 th Avenue NE (Arterial); 12 th Street NE (future local)
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 a portion of an undeveloped parcel into two lots.
- Lot 1 is utilized for snow storage and Lot 2 includes monitoring equipment for the Fargo landfill.
- The property owner proposes to retain the platted parcels while allowing for future sale and development of the remaining unplatted parcel.
- Public right-of-way and utility services access for proposed Lot 2 is via an access and utility easement along the south side of Lot 1, via 12th Street NE.
- Seventy-five feet of right-of-way dedication is being platted for 12th Avenue NE and 80' for 12th Street NE.
- A temporary turnaround easement is noted on the south side of 12th Street NE.
- Access control is noted on the plat along 12th Avenue NE, as well as 150' to the south along 12th Street NE.
- Although right-of-way is being platted for 12th St NE, there is no intention by the applicant to request public infrastructure improvements for 12th St NE at this time. The applicant intends to continue to utilize Lot 1 for snow storage for the foreseeable future.

STAFF REPORT

- The City's subdivision ordinance requires 5% public dedication for industrial development. The Park District has indicated no need for land within the subject property and requests payment in-lieu of land dedication.
- A public dedication agreement will be needed to outline the terms of the dedication, prior to City Commission approval.

NOTICES:

Sent to: Public notice published in the Forum and 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.

RECOMMENDATION:

It is recommended that the City approve the proposed Subdivision on the basis that it is consistent with City plans and ordinances.

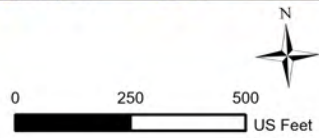
Attachments:

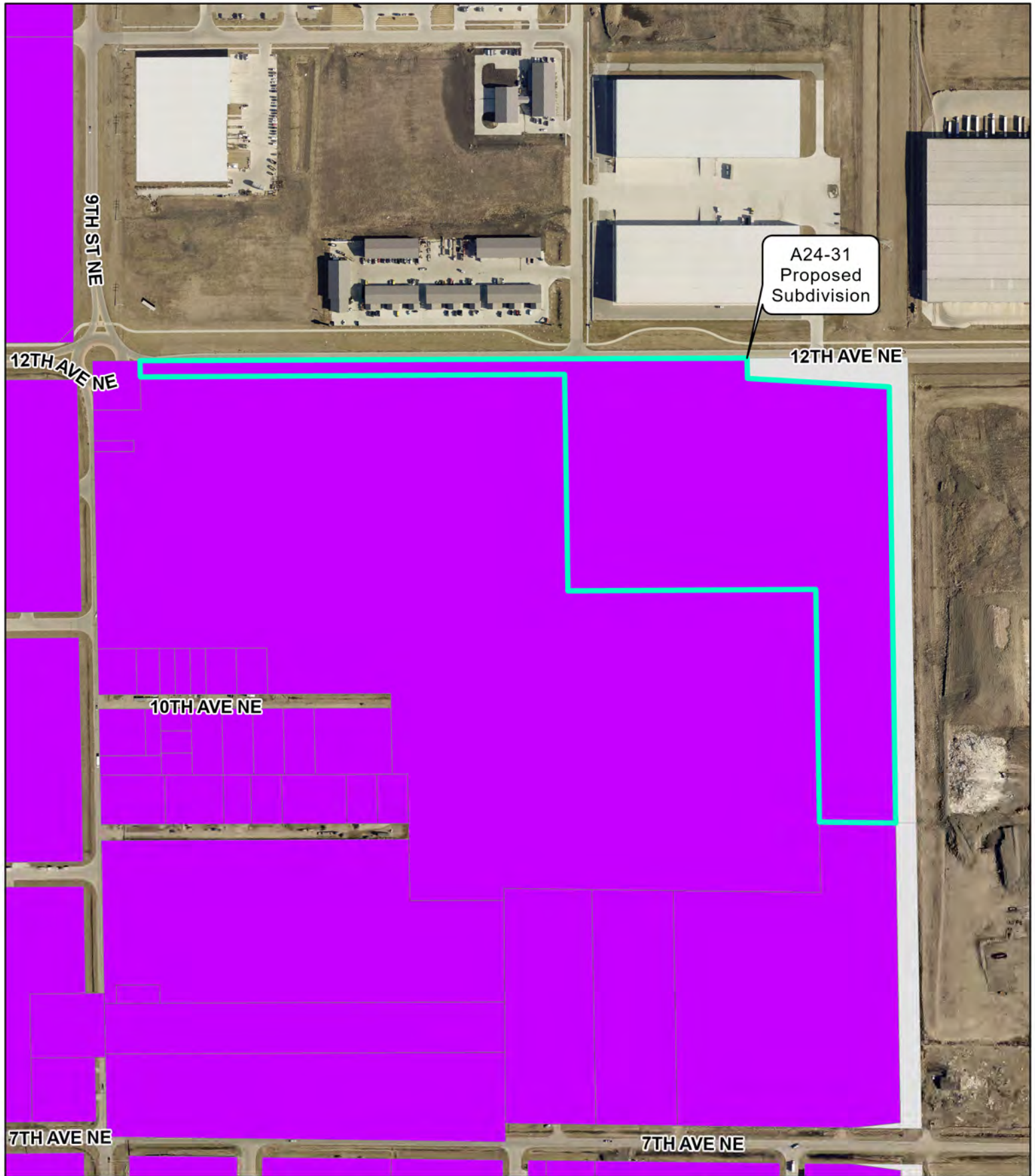
- Aerial map
- Zoning map
- Preliminary Plat
- Area Plan
- Draft Public Dedication Agreement



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



0 250 500
US Feet

12TH AVENUE INDUSTRIAL ADDITION

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

LEGEND

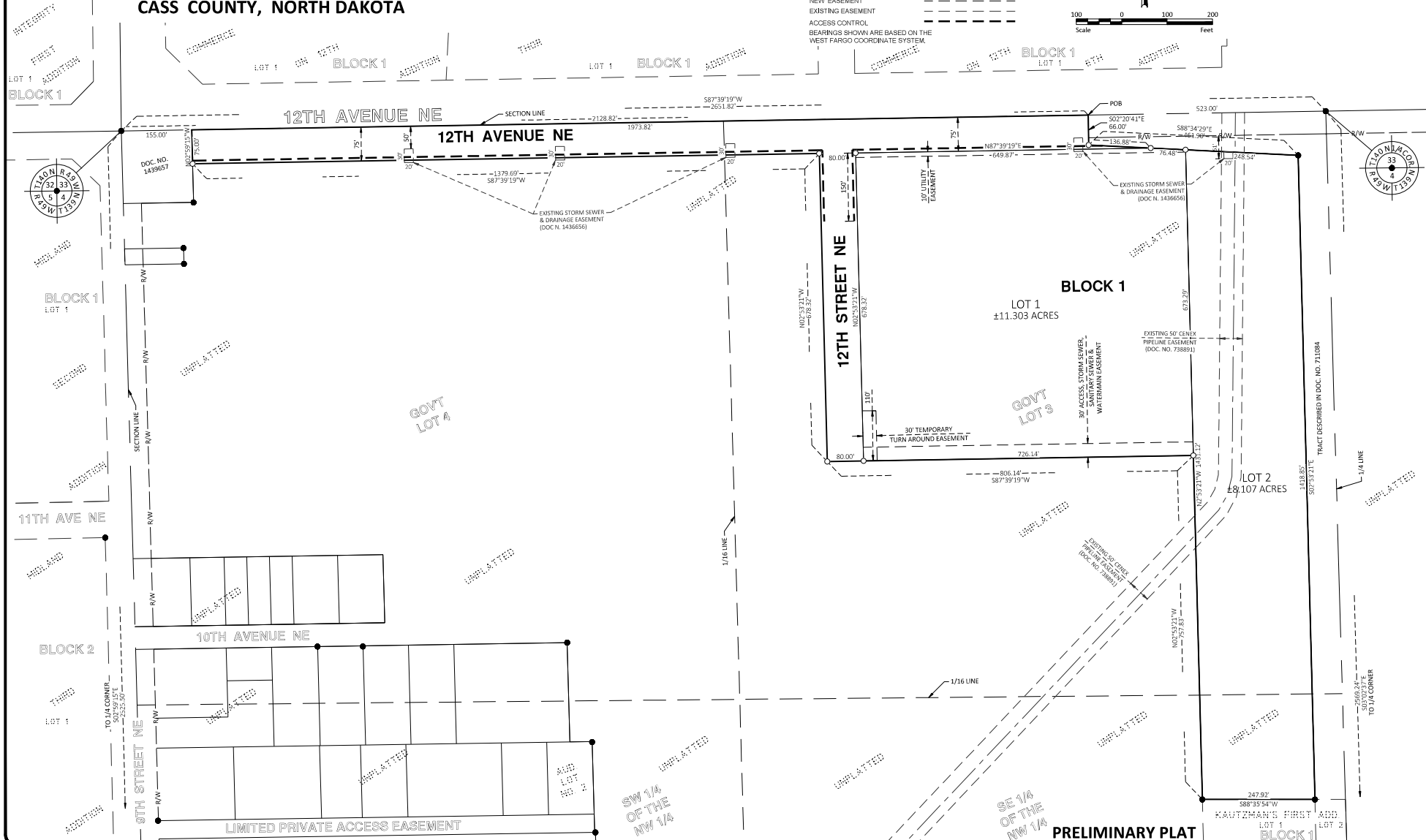
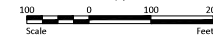
IRON MONUMENT FOUND
1/2" I.D. PIPE SET
MEASURED BEARING
PLAT BEARING
MEASURED DISTANCE
PLAT DISTANCE
PLAT BOUNDARY
EXISTING LOT LINE
NEW EASEMENT
EXISTING EASEMENT
ACCESS CONTROL
BEARINGS SHOWN ARE BASED ON THE
WEST FARGO COORDINATE SYSTEM.



N00°00'00"E
(N00°00'00"E)

100.00'

(100.00')



12TH AVENUE INDUSTRIAL ADDITION

BEING A PLAT OF A PORTION 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 the City of Fargo, North Dakota, a municipal corporation, is the owner and proprietor of that part 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 northeast corner of said Northwest Quarter; thence South 87°39'19" West, along the northerly line of said Northwest Quarter, for a distance of 523.00 feet to the northwest corner of a tract described in Document No. 711084, on file at the Cass County Recorder's Office, and the True Point of Beginning; thence South 02°20'41" East, along the westerly line of a tract described in said Document No. 711084, for a distance of 66.00 feet; thence South 88°34'29" East, along the westerly line of a tract described in said Document No. 711084, for a distance of 461.90 feet; thence South 02°53'21" East, along the westerly line of a tract described in said Document No. 711084, for a distance of 1418.85 feet to the northeast corner of Lot 1, Block 1, Kautzman's First Addition, on file at said Recorder's Office; thence South 88°35'54" West, along the northerly line of said Lot 1, for a distance of 247.92 feet; thence North 02°53'21" West for a distance of 757.83 feet; thence South 87°39'19" West for a distance of 806.14 feet; thence North 02°53'21" West for a distance of 678.32 feet to a point of intersection with the southerly line of the North 75.00 feet of said Northwest Quarter; thence South 87°39'19" West, along the southerly line of the North 75.00 feet of said Northwest Quarter, for a distance of 1379.69 feet to a point of intersection with the easterly line of a tract described in Document No. 1439657, on file at said Recorder's Office; thence North 02°59'15" West, along the easterly line of a tract described in said Document No. 1439657, for a distance of 75.00 feet to a point of intersection with the northerly line of said Northwest Quarter; thence North 87°39'19" East, along the northerly line of said Northwest Quarter, for a distance of 1973.82 feet to the True Point of Beginning.

Said tract contains 24.068 acres, more or less.

And that said party has caused the same to be surveyed and plotted as **12TH AVENUE INDUSTRIAL ADDITION** to the City of West Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the streets and avenues, storm sewer easement, sanitary sewer easement, watermain easement, temporary turn around easement, and the access control easement as shown on this plat.

OWNER:
City of Fargo

Attest:
Timothy J. Mahoney, Mayor
Steven Sprague, Auditor

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo, and Steven Sprague, City Auditor, City of 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 Fargo.

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 **12TH AVENUE INDUSTRIAL 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)
) ss
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)
) ss
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)
) ss
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____.

Katie J. Schmidt, City Attorney

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Katie J. Schmidt, City Attorney, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she 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)
) ss
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: _____



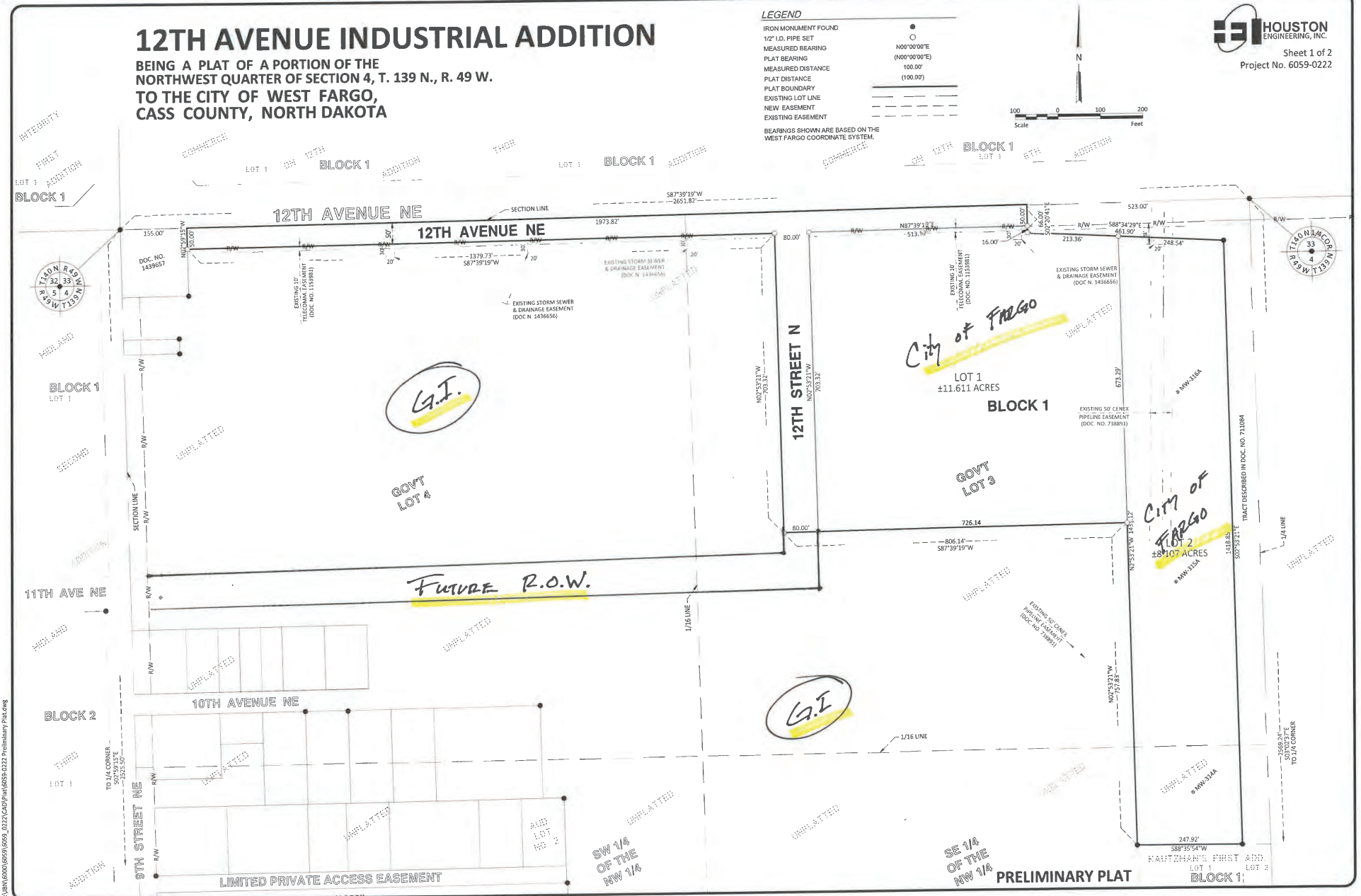
Sheet 2 of 2
Project No. 6059-0222

PRELIMINARY PLAT

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

IRON MONUMENT FOUND
1/2" I.D. PIPE SET
MEASURED BEARING
PLAT BEARING
MEASURED DISTANCE
PLAT DISTANCE
PLAT BOUNDARY
EXISTING LOT LINE
NEW EASEMENT
EXISTING EASEMENT

●
 ○
 N00°00'00"E
 (N00°00'00"E)
 100.00'
 (100.00')



AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2024, by and between the City of Fargo (the “Developer”) and the City of West Fargo, a North Dakota Municipal corporation (the “City”).

WHEREAS, the Developer desires to plat and develop a piece of property in the City of West Fargo to be known as 12th Avenue Industrial Addition (the “Property”); and

WHEREAS, the ordinances of the City of West Fargo require at the time of platting that certain public property be dedicated to the City or a cash payment to be made in lieu thereof; and

WHEREAS, the parties agree that such dedication shall be made as herein provided.

NOW, THEREFORE, be it agreed between the parties as follows:

1. The Developer hereby agrees that it will pay a total sum of \$52,843.72 in lieu of public dedication, which entire sum shall be paid prior to and as a condition precedent to the City recording the subdivision plat of 12th Avenue Industrial Addition.
2. The City agrees that it will review the plat of 12th Avenue Industrial Addition, and following regular procedures will approve a plat of 12th Avenue Industrial Addition with payment in lieu of public land dedication in the amount set forth in paragraph 1 of this Agreement. Nothing in this agreement shall be construed as exempting the plat of 12th Avenue Industrial Addition from complying with the City of West Fargo’s subdivision ordinances as amended from time to time.
3. The City agrees that it will use the cash payment in lieu of public dedication

for the purpose of providing public uses and facilities which will benefit the general neighborhood of 12th Avenue Industrial Addition under the provisions of the subdivision regulations found under Title IV of the ordinances of the City of West Fargo, North Dakota.

4. The parties to this Agreement understand that if the Developer conveys the property interest in 12th Avenue Industrial Addition to another entity or person, those entities or persons shall be bound by the terms of this Agreement. Furthermore, any other successor, heir, assign or assignee of real estate in 12th Avenue Industrial Addition will be bound by the terms and conditions of this Agreement, and no entity shall be entitled to a building permit in 12th Avenue Industrial Addition unless and until the dedications herein described have been made and determined to have been satisfied by the City of West Fargo.

5. Any and all claims that arise or may arise against Developer, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of West Fargo. Furthermore, Developer, its agents, servants, employees, or assigns shall save, indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorney's fees, which the City, its officers or employees may hereafter sustain, arise out of, incur, or be required to pay, in any way connected with the use of the Property. However, this paragraph shall not apply to suits against the City arising out of its negligence or intentional acts, or those of its employees, agents or designees.

6. This Agreement may not be altered or amended except in writing executed

by all parties.

7. This Agreement shall be recorded. Additionally, it shall be the affirmative duty of the Developer to provide a copy of this Agreement to any successor, heir or assign.

8. This Agreement shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement shall be brought in an appropriate venue in the State of North Dakota.

9. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

BY: _____
Its: Mayor

STATE OF NORTH DAKOTA)
)

On this ____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Bernie Dardis and Dustin T. Scott, known to me to be the persons who are described in and who executed the above and foregoing document and acknowledged to me that they executed the same.

Notary Public

DEVELOPER:

City of Fargo

By: Timothy J. Mahoney, Mayor

By: Steven Sprauge, Auditor

STATE OF NORTH DAKOTA

)

)

COUNTY OF CASS

)

On this ____ day of _____, 2022, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Timothy J. Mahoney and Steven Sprauge, known to me to be the persons who are described in and who executed the above and foregoing document and acknowledged to me that they executed the same on behalf of the City of Fargo

[SEAL]

Notary Public