



*Aaron Nelson, AICP Director of Planning and Zoning
Malachi Petersen, Planner
Lisa Sankey, Planner
Chanda Erickson, Office Manager*

www.westfargond.gov

West Fargo Planning & Zoning Commission Agenda
Tuesday, February 8, 2022- 5:30 p.m.

1. Call to Order
2. Approval of Minutes – January 11, 2022
3. Public Hearing – A22-2 Conditional Use Permit for Off-Premise Signs in a P: Public Facilities District at 535 13th Avenue West (unplatted parcel in the NE¼ of Section 18, T139N, R49W [South Elmwood Park]), and Lot 1, Block 1 of Elmwood Court 4th Addition, City of West Fargo, North Dakota – West Fargo Parks
4. Public Hearing – A22-3 Conditional Use Permit for Home Occupation (firearms sales) with customers coming to site at 1677 10th Street West (Lot 61, Block 7 of Elmwood Court Addition), City of West Fargo, North Dakota – Knudsen
5. Public Hearing – A22-4 Eagle Run Plaza 13th Addition, a retracement plat and Conditional Use Permit to allow for Multiple Dwellings in a C: Light Commercial Zoning District at 3255 6th St W & 661 32nd Ave W (Lots 6 & 7, Block 1 of Eagle Run Plaza 9th Addition), City of West Fargo, North Dakota – Graham/Youness
6. Public Hearing – A22-5 Zoning Ordinance Amendment to Section 4-449 allowing for Telecommunications Towers within the P: Public Facilities District
7. Public Hearing – A22-6 Conditional Use Permit for a telecommunications tower in a P: Public Facilities District at 800 40th Ave E (Lot 1, Block 1 of Furnberg 2nd Addition) City of West Fargo, North Dakota – Powder River LLC
8. Public Hearing – A22-7 Grant Addition, a subdivision and rezoning from A: Agricultural to R-2: Limited Multiple Dwellings of property located in the NW ¼ of Section 6, T138N, R49W (7802 52nd Avenue West), City of West Fargo, North Dakota - Grant
9. Non-hearing – Recommendation for Planning Commission chair to serve as City of West Fargo's alternate member on MetroCOG Policy Board
10. Non-hearing – Options for future Commission discussion & informational meetings
11. Adjournment



*Aaron Nelson, Director of Planning and Zoning
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West Fargo Planning & Zoning Commission
Tuesday, January 11, 2022 at 5:30pm
West Fargo City Hall

Members Present: Joe Kolb, David Gust, Shane Lebahn, April Walker, Lana Rakow, Eric Dodds, Mike Thorstad, Brady Woodard

Others Present: Aaron Nelson, Tim Solberg, Lisa Sankey, John Shockley, Chanda Erickson, Malachi Petersen

Minutes Submitted by: Chanda Erickson, Office Manager

Meeting was called to order by Chair Kolb at 5:30pm.

Commissioner Gust moved and Commissioner Lebahn seconded to approve the December 14, 2021 meeting minutes as printed and mailed. No opposition, Motion carried.

Planning and Zoning elections for Chair and Vice-Chair. Commissioner Gust nominated Joe Kolb for Chair. Commissioner Lebahn seconded. No opposition. Motion carried. Commissioner Kolb nominated Eric Dodds for Vice Chair. Commissioner Gust seconded. No opposition. Motion carried.

Commissioner Kolb opened a Public Hearing - A22-1 Planned Unit Development (PUD) Amendment to permit a conversion of a townhome unit from residential use to daycare use to allow for expansion of a daycare facility at 2360 7th Avenue East (Lot 3, Block 1 of Meadow Ridge 15th Addition), City of West Fargo, North Dakota – Perry Center. There was no public comment. The Public Hearing was closed. After continued discussion, Commissioner Walker moved and Commissioner Dodds seconded to approve the application with the conditions listed in the staff report. No opposition. Motion carried.

Planning and Zoning Commissioner Training – John Shockley

Non agenda item - Discussion on Planning and Zoning Commission Meeting dates and time. Commissioner Gust motioned to keep the meeting date and time the same, second Tuesday of the month at 5:30pm. Commissioner Dodds seconded. No opposition. Motion carried.

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

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A22-2		CONDITIONAL USE PERMIT	
535 13 th Ave West			
Parcel in the NE¼ of Section 18, T139N, R49W [South Elmwood Park]), and Lot 1, Block 1 of Elmwood Court 4 th Addition, City of West Fargo, North Dakota			
Applicant: Lee Hofer, Hofer Signs Owner: West Park District		Staff Contact: Lisa Sankey	
Planning & Zoning Commission Public Hearing:		02-08-2022	
City Commission:			

PURPOSE:

Allow for Off-Site Signs as provided for as a conditional use in Section 4-433.3.1 of City Ordinances.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban Growth Sector
Existing Land Use:	Park Recreational Center
Current Zoning District(s):	P: Public Facilities
Zoning Overlay District(s):	NA
Total area size:	± 19 acres
Adjacent Zoning Districts:	North & East –P: Public Facilities South – R-1: One & Two Family Dwellings West – PUD: Planned Unit Development (Residential) & R-1: One & Two Family Dwellings
Adjacent street(s):	13 th Avenue W (Collector); 19 th Avenue W (Local)
Adjacent Bike/Pedestrian Facilities:	Multiuse Paths and sidewalks along roadways
Available Parks/Trail Facilities:	Not applicable

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a conditional use permit for two, 36 ft² non-lighted, off-premise signs for baseball field sponsorship signs at the north and south entrances of South Elmwood Park.
- Under 4-433.3 Conditionally Permitted Uses in the Public Facilities District and 4-460.9.3.b General Sign Regulations for the Public Facility District, as a conditionally permitted use, off-premise signs may be allowed.
- The City may impose height and other size requirements, as well as other requirements deemed necessary by the City to have such signs fit into the area in which they are proposed to be established.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

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

STAFF REPORT

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - No concerns noted.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted.
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted. The proposed signs are non-illuminated.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - No concerns noted.

NOTICES:

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

Comments Received: None to date.

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

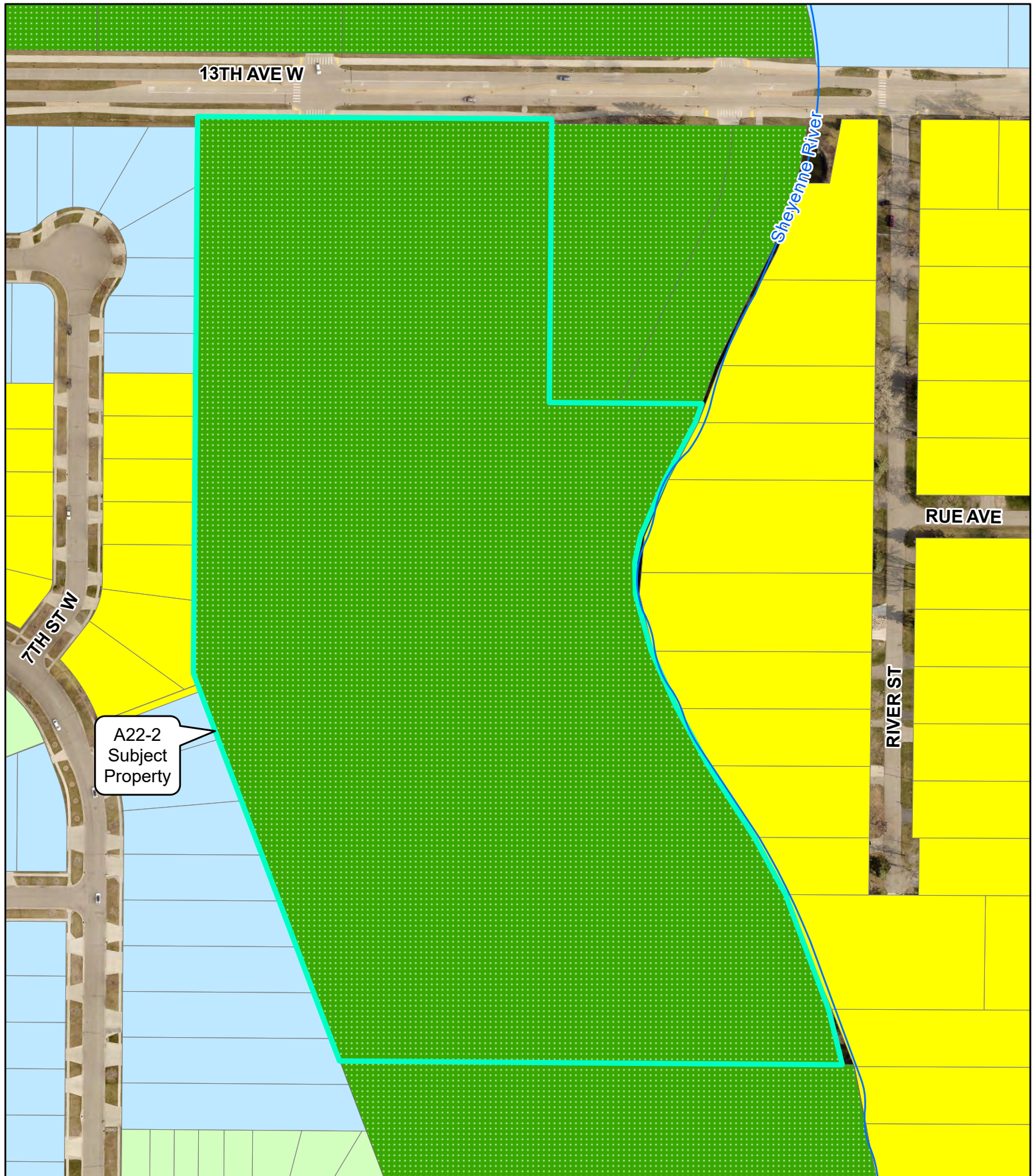
- The sign is accessory to the surrounding buildings and appears to be appropriately sized for the area. Public comments should be weighed when considering the application.

RECOMMENDATIONS:

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

1. Consideration be given to any public comments that may be received.
2. A Signed Conditional Use Permit Agreement is received.







West Fargo Zoning

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

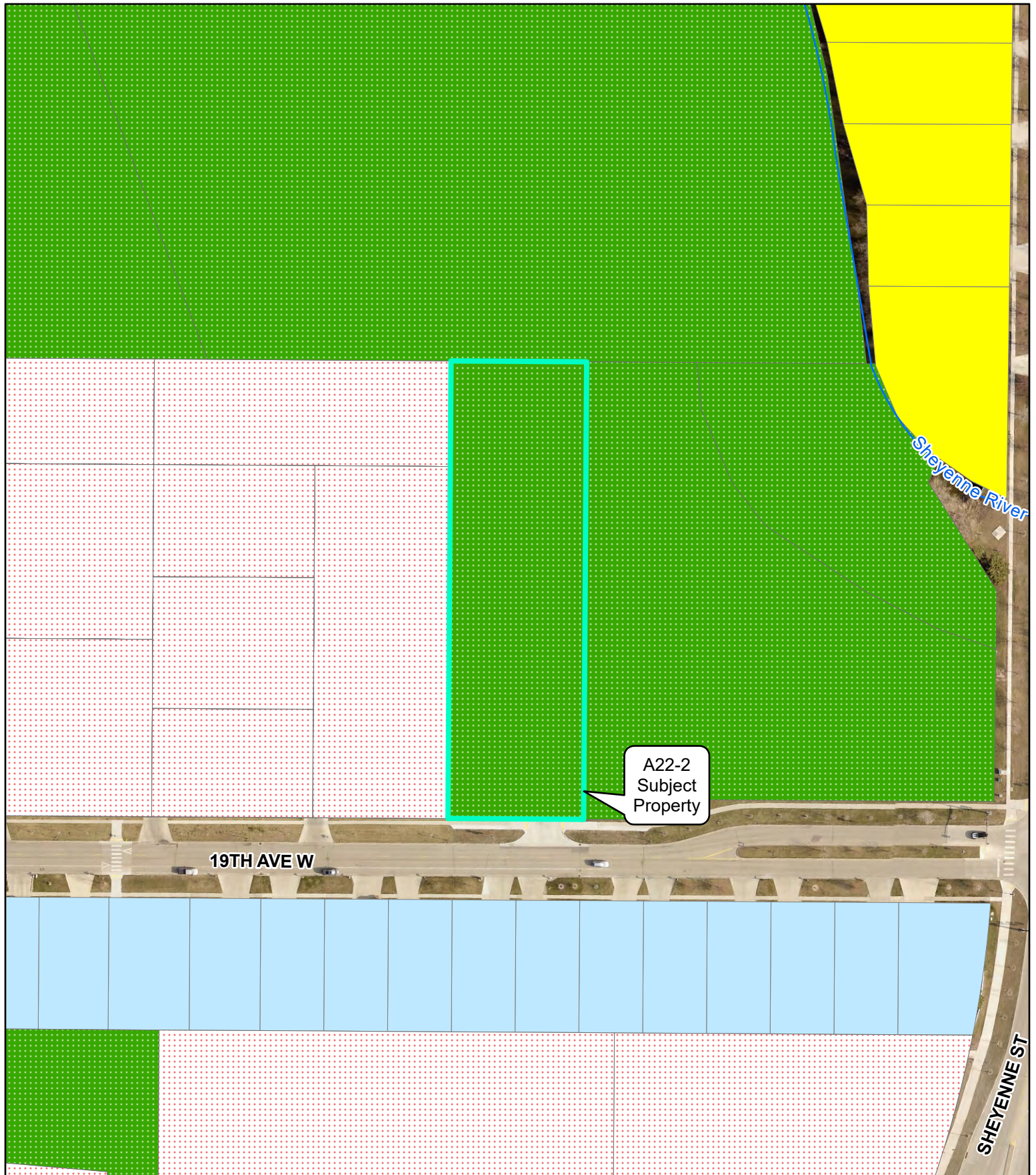
- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential



N





West Fargo Zoning

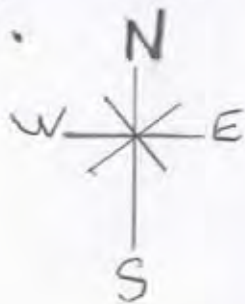
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SOUTH ENTRANCE:



PATH

18'

SIGN

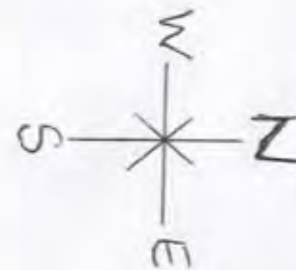
10'

GATE

SIDEWALK

19th AVE. W
STREET

NORTH ENTRANCE



SIGN

SIDEWALK

13th AVE.

PATH

4'

13'

SITE PLANS

NAME: HOFFER SIGNS

DATE: 1-6-2022

SUBDIVISION: ELMWOOD COURT
4th ADDITION



HOFER SIGNS

3551 4th Ave. S. Suite A
Fargo, ND 58103

PHONE: (701)235-5328

EMAIL: LEE@HOFERSIGNS.COM

CUSTOMER:

DESIGN DATE:

NOTES:

NORTH ENTRANCE SIGN



APPROVAL SIGNATURE **X**

DATE

NOTE: Due to monitor & printer variation, colors may not be exact.

THIS SKETCH IS PROPERTY OF HOFER SIGNS. USE OF ANY DESIGN ELEMENT OR ORIGINAL IDEA CONTAINED IN THIS SKETCH IS PROHIBITED UNLESS AUTHORIZED BY HOFER SIGNS.



HOFER SIGNS

3551 4th Ave. S. Suite A
Fargo, ND 58103

PHONE: (701)235-5328

EMAIL: LEE@HOFERSIGNS.COM

CUSTOMER:

DESIGN DATE:

NOTES:

SOUTH ENTRANCE SIGN



APPROVAL SIGNATURE **X**

DATE

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STAFF REPORT

A22-3		CONDITIONAL USE PERMIT	
1677 10 th St W			
Lots 61, Block 7 of Elmwood Court			
Owner/Applicant: Michael Knudsen		Staff Contact: Malachi Petersen	
Planning & Zoning Commission Public Hearing:		02-08-2022	
City Commission:			

PURPOSE:

Allowing for a home occupation which will have customers coming to the residence.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban - Growth Sector
Existing Land Use:	Residential
Current Zoning District(s):	R-1: One & Two Family Dwellings
Zoning Overlay District(s):	None
Total area size:	7,626 square feet
Adjacent Zoning Districts:	R-1: One & Two Family Dwellings (north, west, and east); R-2: Limited Multiple Dwelling (south)
Adjacent street(s):	10 th Street West (local)
Adjacent Bike/Pedestrian Facilities:	Adjacent sidewalks
Available Parks/Trail Facilities:	Elmwood Park accessible by sidewalks within .25 miles

DISCUSSION AND OBSERVATIONS:

- The applicant is seeking to operate a federally licensed firearms business out of his home. The business will be by appointment only.
- Federal Agencies regulate the sale, repair, and storage of firearms.
- The City has approved two Conditional Use Permits for firearm sales / repair since 2005 when CUPs started to be required for home occupations which have customers coming to the residence. According to the Federal Alcohol, Tobacco, and Firearms Bureau there are 8 FFL dealers who have their business registered as a residential home in West Fargo.
- Section 4-448 of the City Ordinances under supplementary district regulations lists provisions for home occupations for which the home-based business would be subject to.
- Section 4-448.10 states that as a conditional use, the City may consider a home occupation use which has customers coming to the site. It further states that the City may place any conditions on the home occupation as deemed necessary to ensure that it will not be a detriment to the character and livability of the surrounding neighborhood.
- Home-based businesses are required to provide off-street parking for customers in addition to the two required spaces for all single-family residential units.
- The property can accommodate up to 4 vehicle on-site/off-street parking spaces including space in the garage for the residential use.
- The applicant has been provided and has no concern meeting the full list of requirements to follow under the provisions for home occupations.

STAFF REPORT

- A conditional use permit agreement for the use will be required to be signed by the applicant and may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property is adequately accessed 10th Street West, a local public street.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - 4-448.6 requires all parking associated with the principal residential use and the home occupation to be accommodated on site while still maintaining the required lot coverage minimums. It appears with 2 spaces in the driveway and 2 spaces in the garage that the applicant will have adequate parking to accommodate the residential property and the proposed use.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - 4-448-3 would only allow one sign, not to exceed one square foot, non-illuminated, and mounted flat against the wall of the principal building.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - Due to the appointment-only nature of the business, it does not appear that this use will bring a great deal of traffic to the site.

NOTICES:

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

Comments Received:

- Out of 64 properties notified, comments and phone calls were received by six neighbors in opposition to the proposed CUP. All those in opposition said they were concerned about the nature of the product being sold. Comments received in writing are attached.
- A comment was received by Pierre Freeman, the West Fargo Emergency Manager, who expressed concern about the safe storage of firearms. Comment is attached.

STAFF REPORT

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

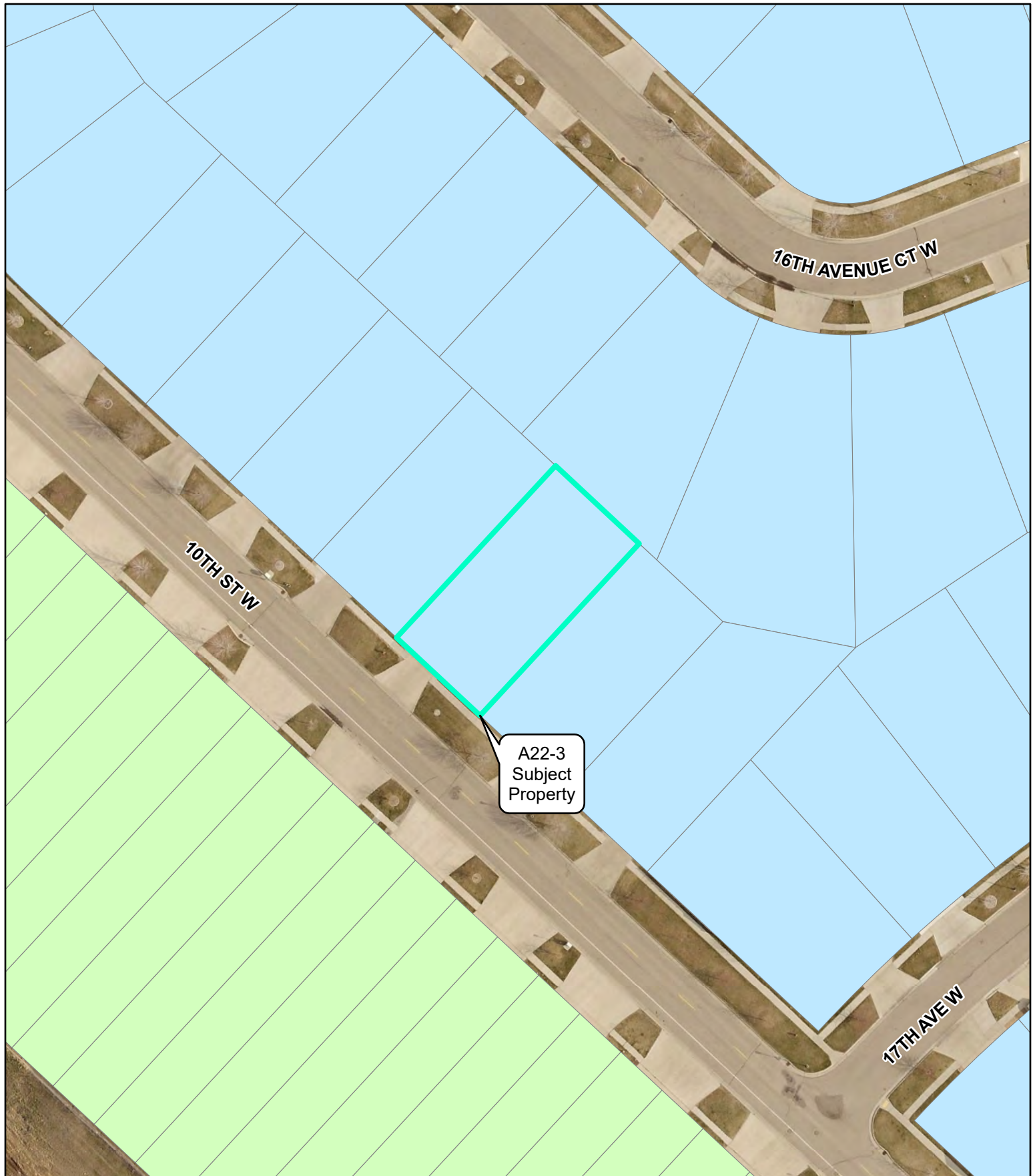
- The application may be considered consistent with the Comprehensive Plan if it is determined not be a detriment to the character and livability of the surrounding neighborhood.

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. Applicant meet all requirements set forth in the provisions for home occupations found in Section 4-448 of the City Ordinances.
2. Applicant meet all federal and local requirements as they pertain to the sale, repair, and handling of firearms.
3. Adequate parking for both the home occupation and the residence be maintained.
4. A Signed Conditional Use Permit Agreement is received.





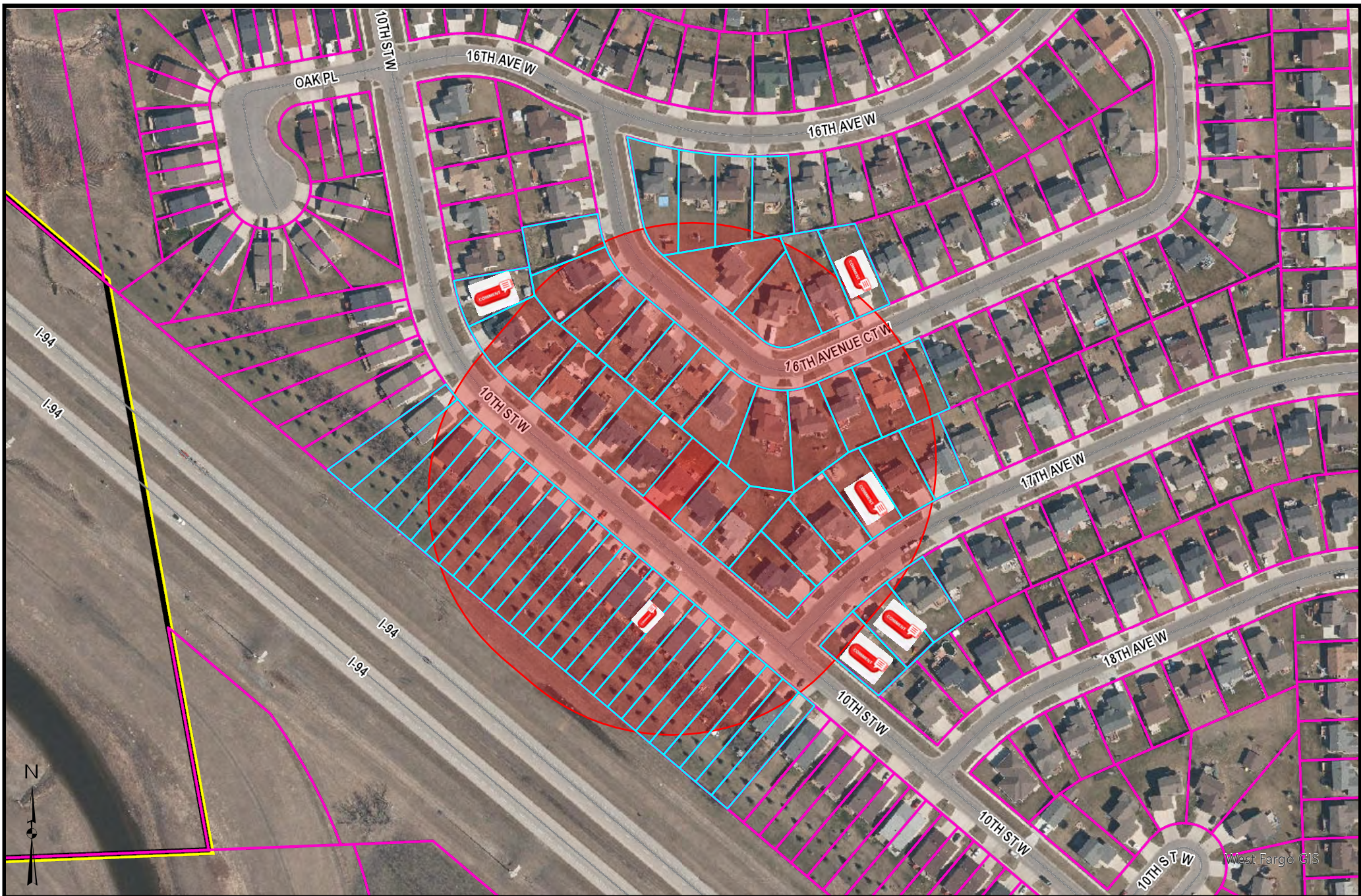
West Fargo Zoning

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West Fargo GIS

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Home Occupation

Date: 1/12/2022

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



From: [Pierre A. Freeman](#)
To: [Lisa A. Sankey](#)
Subject: RE: Conditional Use Permit for Home Occupation
Date: Friday, January 21, 2022 9:31:49 AM
Attachments: [image002.png](#)
[image001.png](#)

No issues with the current set of notices from planning.

Not crazy about firearms sales and storage in neighborhoods and within residents. Volume would or should be low or per buyer. This seems like a target for criminals to gain access to the residents and acquire firearms, whether stored properly or not. Safety of children in house and other children visiting house. Hopefully there is a full business plan included in the review to include storage, display of product, volume sold and housed, build to suit etc., security and monitoring. My two cents.

Otherwise on this one parking should be ok as long as it is low volume and it should also be low impact as buyers may only be picking up and not a point of sales purchases, but rather order and pick up.

Pierre Freeman, MS, REHS/RS
Emergency Manager, West Fargo Fire
Department

106 First St.
West Fargo, ND 58078
(701) 515-5600
Visit our website at:
westfargofire.org

Malachi D. Petersen

From: Ashley Anderson <ashmariea84@yahoo.com>
Sent: Monday, January 31, 2022 10:51 AM
To: Malachi D. Petersen
Subject: proposed conditional use permit for a home occupation

To whom it may concern;

I received a letter in the mail stating my neighbors at 1677 10th Street West, West Fargo would like a conditional permit to open firearms sales from their home.

I vehemently oppose this. This neighborhood is a family friendly one where our children ride their bikes freely in the summer and build snow forts in their yards during winter. The kind of people this business will attract on top of the inherent dangerousness of the actual items of sale are completely in opposition to the type of neighborhood we have strived to provide our family's and our neighbors.

I have on more than one occasion heard gunshots recently which I now must conclude have come from this neighbors residence. At this rate there is bound to be someone harmed or killed by a rogue firearm. This is not the type of business that is ran safely out of one's home residence, this is a business that must be run out of a commercial location.

Please make the correct decision and keep with the neighborhood feel and deny this permit.
This type of business is not one that should be run out of a home and certainly not out a house in our family friendly "safe" neighborhood.

Ashley Middendorf
824 17th Ave W

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Proposed conditional use permit for home occupation for 1677 10th St West

Brent Dubs <brentdubs@far.midco.net>

Wed 1/26/2022 4:29 PM

To: Malachi D. Petersen <Malachi.Petersen@westfargond.gov>;

Malachi,

Thank you for your letter informing us of the request for a conditional use permit for 1677 10th St W. and opportunity for comment.

While we don't have any issues with the occupants, we have grave concerns about the intent to sell firearms out of that residence. There are a large number of kids that play in the houses surrounding. The school buses also load and unload kids within two houses of that location multiple times a day. The idea that firearms are sold that close is very concerning to us. I would think that firearms sales would need to be zoned. I think this is something that is more suitable to be sold in zoned gun stores. It makes me wonder who would need to purchase guns in a private residence.

Again, we have no issues with the occupants. We don't know them. We wouldn't have any issues with them selling a different product, but guns are not something we are comfortable with. Even if the occupants are fine people, there is no telling if people who show up to their house to purchase weapons might not be stable. With kids regularly two houses away, we are strongly against granting the request.

Thank you for your time and opportunity to comment.

-Brent

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Malachi D. Petersen

From: C Koth <jkoth@aol.com>
Sent: Tuesday, February 1, 2022 9:52 AM
To: Malachi D. Petersen
Subject: Conditional Use Permit

Good Morning Malachi Petersen,

I'm writing in regards to the Conditional Use Permit for firearms sales at 1677 10th St W, West Fargo. Personally, I am not a fan of guns and I believe the sale of guns should be KEPT OUT of residential neighborhoods.

Thank you for considering my opinion.

Sincerely,
Cindy Koth
810 16th Ave Ct W
West Fargo, ND 58078

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Conditional use permit

cliff <cgmustang@midco.net>

Wed 1/26/2022 9:34 AM

Inbox

To: Malachi D. Petersen <Malachi.Petersen@westfargond.gov>;

Hi Malachi,

My name is Cliff Sheeley, 1635 10 st. W. I have a NO, Vote on this Memorandum. Thanks.

Sent from [Mail](#) for Windows

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Malachi D. Petersen

From: Donna Hestbeck <dhestbeck@gmail.com>
Sent: Tuesday, January 25, 2022 2:35 PM
To: Malachi D. Petersen
Subject: Proposed Conditional Use Permit for a Home Operation at 1677 10th Street West

Malachi,

I received your memorandum regarding the proposed conditional use permit for a home occupation at 1677 10th Street West, West Fargo for firearms sales.

I am NOT in favor of this. This is a residential area and should not be used as a place to purchase firearms. Please note my objection.

Thank you.

Donna Hestbeck
1686 10th Street West
West Fargo, ND 58078
701.541.2528

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STAFF REPORT

A22-4		CONDITIONAL USE PERMIT	
Eagle Run Plaza 13 th Addition			
3255 6th St W & 661 32nd Ave W			
Lots 6 & 7, Block 1 of Eagle Run Plaza 9 th Addition			
Applicant: Jonathan Youness		Staff Contact: Lisa Sankey	
Owner: Four Horsemen LLC			
Planning & Zoning Commission Public Hearing:		02-08-2022	
City Commission Final Plat Approval:			

PURPOSE:

Combination of two existing platted lots into one for sale and development for mixed use development and Conditional Use Permit for development of mixed use development containing residential units in a C: Light Commercial district.

STATEMENTS OF FACT:

Land Use Classification:	G-4A Core Retrofit Growth Area
Existing Land Use:	Vacant
Current Zoning District(s):	C: Light Commercial
Zoning Overlay District(s):	CO: Corridor Overlay District
Proposed Lot size(s) or range:	86,710 ft ²
Total area size:	1.99 Acres
Adjacent Zoning Districts:	North – EMU: Entertainment Mixed Use; West – C: Light Commercial; South & East – PUD: Planned Unit Development
Adjacent street(s):	33 rd Avenue West (local); 6 th Street W (local)
Adjacent Bike/Pedestrian Facilities:	Sidewalks along 6 th & 9 th Street West and 33 rd Avenue West; Multi-Use Path along 32 nd Avenue West & 9 th Street West
Available Parks/Trail Facilities:	Rendezvous Park Facility accessible within ½ mile by sidewalks and path
Park Dedication Requirements:	Provided with previous subdivision

DISCUSSION AND OBSERVATIONS (RETRACEMENT PLAT):

- The applicant is proposing to combine two previously subdivided lots.
- Property owners wishing to combine properties which have been previously platted for the purpose of building across lot lines and/or increasing lot area to address district requirements may submit a retracement plat provided the following conditions are met:
 1. No additional right-of-way is required or being established.
 2. There is no proposed or perceived need of public improvements as a result of the combining of platted lots.
 3. Lots to be combined are contiguous and under common ownership.

STAFF REPORT

- The proposed retracement plat will not affect the property or use. The retracement plat will be given a subdivision name with a lot and block number, which will be of benefit to the City and Cass County for administration purposes.
- With retracement plats there are no street right-of-way dedication or park dedication requirements.
- Access is proposed to 33rd Avenue West, as well as the existing cross access easements to 32nd Avenue West, 6th and 9th Streets West from the original Eagle Run Plaza 9th Addition plat.
- Sidewalk or multi-use path connectivity within the subdivision shall be provided with the development of each property.
- A public hearing is not required for retracement, though the applicant must plat the property according to platting standards and the plat must be reviewed by the Planning and Zoning and City Commissions.

DISCUSSION AND OBSERVATIONS FOR CONDITIONAL USE PERMIT:

- The applicant intends to construct a five-story mixed use building with commercial space along the east side of the building, tuck under garages on the main floor and 44 apartments on upper levels, which does require a public hearing for a conditional use permit.
- According to the Zoning Ordinance 4-427.3 multiple dwellings are allowed as a conditional use in the C: Light Commercial District subject to the following yard requirements:
 - Multiple Residential Uses: Shall conform to the area and yard requirements of the R-3 District. Lot coverage shall not exceed 50% of the lot.
- Under Section 4-431.5.2, there is a higher construction standard for areas in the CO: Corridor Overlay District, which would require the applicant to submit site, elevation and building plans to the Planning & Zoning and City Commissions at a later date for approval prior to issuance of a building permit.
- It should be noted that the development will be required to meet but will not be limited to 4-440 Supplementary District Regulations, Section 4-449-A Landscaping Standards, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - A pedestrian circulation plan should be included in the proposed development prior to Corridor Overlay review of the site plan in order to provide connectivity with the surrounding area.
 - The property is within the “Core Retrofit Growth Area”
 - Elements for walkable mixed-use ingress and egress include:
 - Building entrances fronting public streets/sidewalks
 - Clear and separated pedestrian circulation between entrances and public sidewalks
 - Parking located interior to and/or behind buildings
 - Minimum number of driveways

STAFF REPORT

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.
 - Consideration should be given to building placement and moving the building further to the south. The Comprehensive plan encourages parking to be hidden behind buildings in the internal parts of a block.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - Adequate waste collection (dumpster) enclosure and locations be provided as per Sanitation Department.
 - Refuse collection areas shall be permitted in rear yards and visually screened from adjoining properties and streets as per the Corridor Overlay District Requirements.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - A buffer yard with screening shall be provided on any side or rear yard with the higher intensity as per the landscaping ordinance.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The proposed development is located between commercial zoning on the north and west, commercial development on the east, and residential apartment buildings on the south.

NOTICES:

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

Comments Received:

- The Sanitation Superintendent commented on specifications for dumpster enclosure location and sizing.
- Engineering stated concern with the number of access locations into the development from the street and private access easement.

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

The plan envisions that most mixed-use development would occur in the G-4A Core-Retrofit Growth Sectors which this proposed development is located in. The requirements to review development within this area of the CO: Corridor Overlay district could provide oversight by the City Commission for development which is consistent with West Fargo 2.0.

STAFF REPORT

There are a number of items within the Principles of Good Planning and Design section of the Plan that relate to design, including walkability, scale, connectivity, and parking. The Plan notes the following specifics and recommendations of these items:

- **Walkability and Scale:** An interesting streetscape, pedestrian safety and comfort are critical for a walkable environment. It's important to design walkable places to create a sense of enclosure and human-scale by locating buildings closer to the street and minimizing large expanses of pavement.
- **Connectivity:** Encourage the improvement of existing roadway networks during infill development, specifically calling on the city to continue to implement bicycle and pedestrian connections to enhance walkability and strengthen neighborhoods.
- **Parking:** Parking should be hidden behind buildings in the internal parts of a block or be wrapped with buildings to screen the parking and activate the street or civic spaces, as visible parking lots in front of, and beside buildings, has a detrimental effect on people's willingness to walk.

Two items in the Strengthen Neighborhoods and Expand Housing Choice section of the Plan that relate to mixed use development include:

- **Increase Mix of Uses** of commercial, residential, recreation and civic, incorporating both vertical and horizontal mixed-use within the neighborhood, the block, and the building. An ideal mix would allow residents to meet all of their daily needs within a short walking distance. When this occurs, the number of automobile trips is reduced. Mixed use that has commercial with residential above promote active streets.
- **Concentrate Housing Within Mixed-Use Areas**, including new housing developments. Additionally, to better meet current and emerging trends, future development should focus on including high-quality, multi-family residences as opposed to development comprised only of single-family homes.

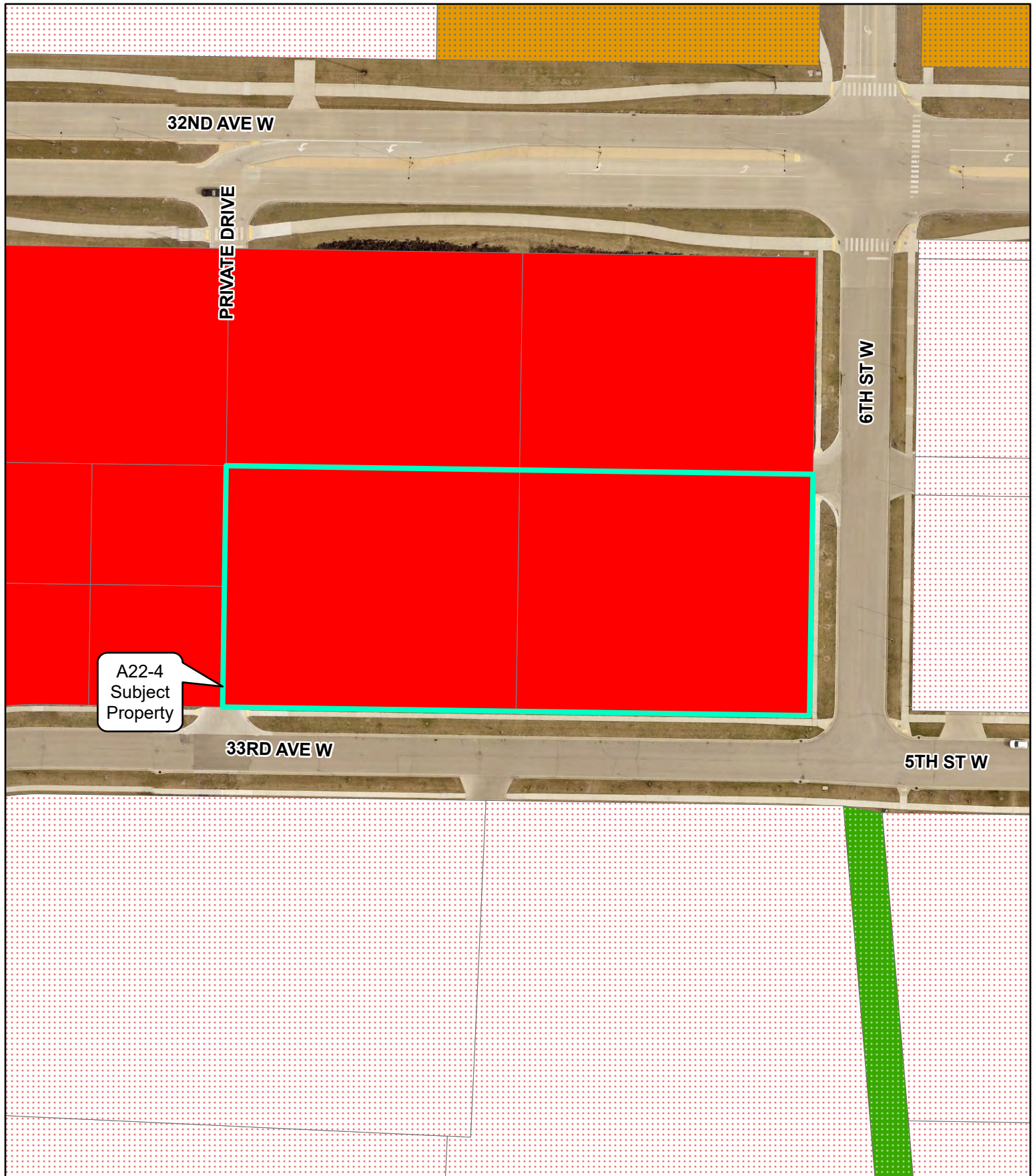
Due to the nature of a CUP, the City Commission has the authority to impose such conditions it deems necessary to fulfill the purpose and intent of this CUP ordinance and place it in greater alignment with the goals outlined by the Comprehensive Plan.

RECOMMENDATIONS:

It is recommended that the City approve the retracement plat and conditional use permit on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. An updated drainage plan is received and approved by the City Engineer, if necessary.
2. An updated utility plan is received and approved by the City Engineer if necessary.
3. A signed Final Plat is received with any necessary easements.
4. An Attorney Title Opinion is received.
5. A certificate is received showing taxes are current.
6. A signed Conditional Use Permit Agreement is received.
7. A pedestrian circulation plan be submitted
8. Development will be required to meet but will not be limited to 4-431 "CO" Corridor Overlay District, 4-440 Supplementary District Regulations, Section 4-449-A Landscaping Standards, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
9. Residential use is permitted only in conjunction with ground floor commercial.



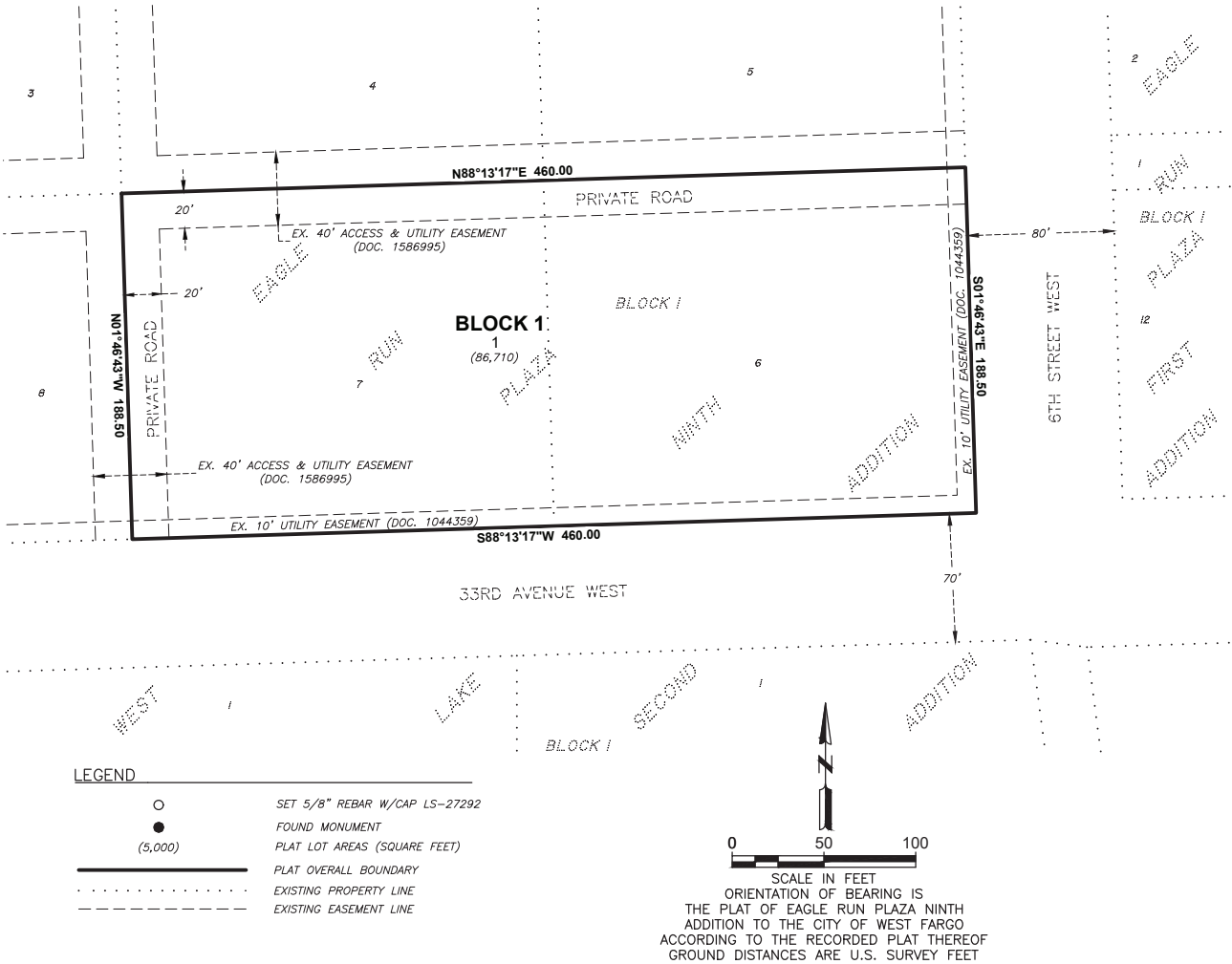


West Fargo Zoning 					
A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling			
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling			
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling			
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: 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			

S:\SURVEY\01_Projects\2022\522-500 MBH_Lots 6-7 Eagle Run Plaza 9th Add Topo - West Fargo\Drawings\Eagle Run Plaza 13th Add - West Fargo.dwg Plot Date & Time: 2 February 2022 8:02 PM

EAGLE RUN PLAZA THIRTEENTH ADDITION

TO THE CITY OF WEST FARGO,
A REPLAT OF LOTS 6 AND 7, BLOCK 1 OF EAGLE RUN PLAZA NINTH ADDITION TO THE CITY OF WEST FARGO,
CASS COUNTY, NORTH DAKOTA



CERTIFICATE

Joshua J. Nelson, being duly sworn, deposes and says that he is the Registered Land Surveyor who prepared and made the attached plat of "EAGLE RUN PLAZA THIRTEENTH ADDITION" to the City of West Fargo, a replat of Lots 6 and 7, Block 1 of Eagle Run Plaza Ninth Addition to the City of West Fargo, Cass County, North Dakota; that said plat is a true and correct representation of the boundary survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

All of Lot 6 and 7, Block 1 of Eagle Run Plaza Ninth Addition to the City of West Fargo, according to the recorded plat thereof on file and of record in the office of the recorder, Cass County, North Dakota.

Said tract contains 1.99 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record, if any.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

KPH, INC.
SURVEY
9530 39TH ST. S.
FARGO, ND 58104
701-499-7979

DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "EAGLE RUN PLAZA THIRTEENTH ADDITION" to the City of West Fargo, a replat of Lots 6 and 7, Block 1 of Eagle Run Plaza Ninth Addition to the City of West Fargo, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certificate of Joshua J. Nelson, Registered Land Surveyor, and that the description as shown in the certificate of the Registered Land Surveyor is correct.

Owner: Four Horsemen, LLC

Travis Olson, Managing Memeber

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Travis Olson, known to me to be the persons described in and who executed the same in the name of Four Horseman, LLC a North Dakota limited liability company.

Notary Public: _____

WEST FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of _
20____.

Bernie L. Dardis
President of the West Fargo City Commission

Attest: _____
Tina Fisk
City Auditor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Bernie L. Dardis, President, and Tina Fisk, City Auditor, known to me to be the persons described in and who executed the same as a 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
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Joseph F. Kolb, Planning Commission Chair, known to me to be the person described in and who executed the same as planning commission chair.

Notary Public: _____

WEST FARGO CITY ENGINEER APPROVAL

This plat in the City of West Fargo is hereby approved this ____ day of
_____, 20____.

Dustin T. Scott.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Dustin T. Scott, City Engineer, known to me to be the person described in and who executed the same as the city engineer.

Notary Public: _____

WEST FARGO CITY ATTORNEY APPROVAL

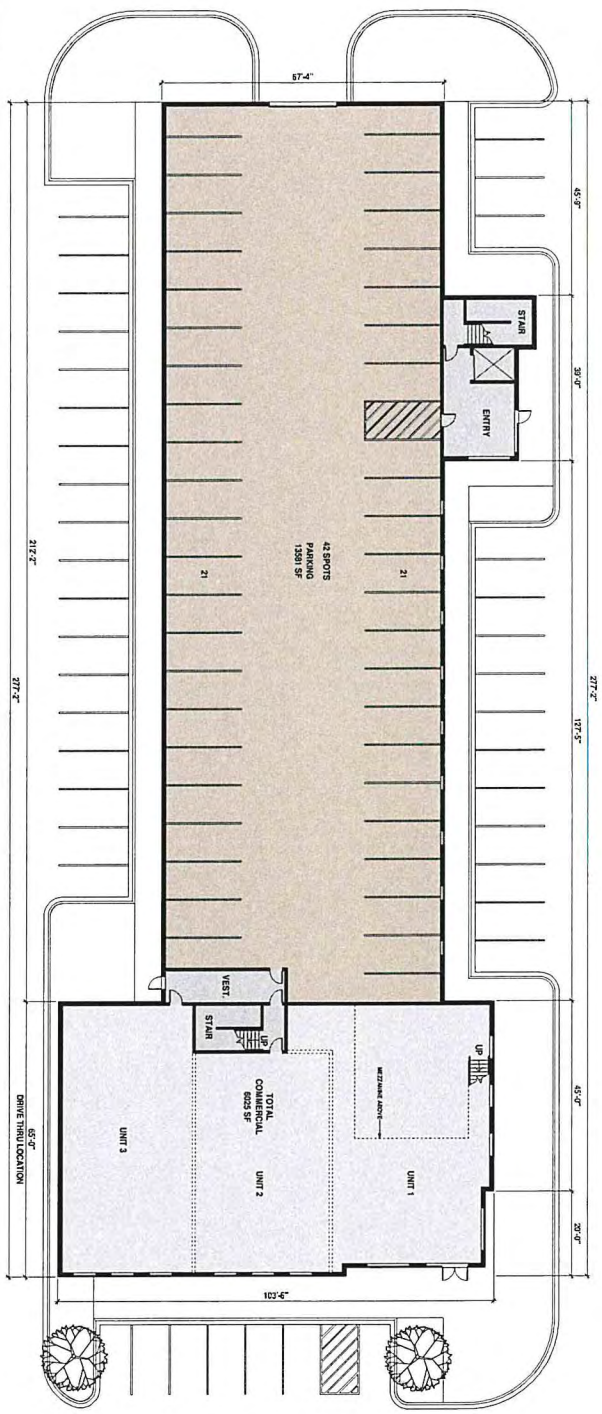
i hereby certify that proper evidence of title has been examined by me and I approve this plat as to form and execution this ____ day of _____
20____.

John T. Shockley
City Attorney

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared John T. Shockley, City Attorney, known to me to be the person described in and who executed the same as the city attorney.

Notary Public: _____



FIRST FLOOR
11/8" = 1'-0"



SECOND FLOOR
11/8" = 1'-0"



THIRD FLOOR
11/8" = 1'-0"



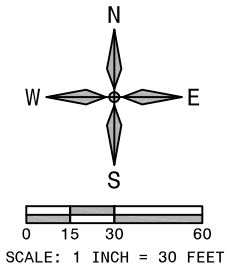
FOURTH FLOOR
11/8" = 1'-0"



FIFTH FLOOR
11/8" = 1'-0"



VHR
PARTNERS
ARCHITECTS



CITY REQUIREMENTS:

ZONING: "C" DISTRICT OR LIGHT COMMERCIAL DISTRICT.

LOT 7 BLOCK 1: 43,355.98 SF (.99 ACRE)
LOT 6 BLOCK 1: 43,356.08 SF (.99 ACRE)

TOTAL SF 86,712.04 (1.99 ACRE)

TOTAL IMPERVIOUS: 70,988.35 SF (1.63 ACRE) (81%)

PARKING NOTES:

51 UNIT APARTMENT / COMMERCIAL COMPLEX

PARKING REQUIREMENTS:

EFFICIENCY = 1 STALL X 7 = 7 STALLS

1, 2, & 3 BED = 2 STALLS X 44 = 88 STALLS

TOTAL RESIDENTIAL STALLS: 95

TOTAL COMMERCIAL STALLS: 63

UNDERGROUND PARKING STALLS: 44

TOTAL PARKING STALLS: 158

W/ 5 BEING ACCESSIBLE STALLS

EAGLE RIDGE
DEVELOPMENT

EAGLE RUN MIXED
USE BUILDING

WEST FARGO, NORTH DAKOTA

NOT FOR CONSTRUCTION

SITE PLAN

STAFF REPORT

A22-5 ZONING ORDINANCE AMENDMENTS	
Zoning Ordinance Amendment 4-449.3 Wireless Telecommunications	
Applicant: City of West Fargo	Staff Contact: Malachi Petersen
Planning and Zoning Commission Public Hearing:	02/08/2022
City Commission Public Hearing & 1st Reading:	
2 nd Reading:	

PURPOSE:

Amendment to Chapter 4 ordinances regarding Wireless Communications to add P: Public Facilities to the list of zoning districts that telecommunications towers are allowed subject to review and approval as conditional uses.

DISCUSSION AND OBSERVATIONS:

- The Wireless Telecommunications ordinance was originally adopted by the City of West Fargo in 1997.
- Telecommunications towers were originally allowed on government, school, and utility sites subject to review and approval as conditional uses when those uses were listed as residentially zoned property.
- In 2000, the P: Public Facilities zoning district was created. Many school, government, and utility sites were rezoned as P: Public Facilities.
- Due to an oversight, the P: Public Facilities district was never added to the list of acceptable zoning districts for the location of wireless communications towers subject to review and approval as a conditional use.
- The proposed amendment adds P: Public Facilities to the list of acceptable zoning districts that telecommunications towers are allowed subject to review and approval as a conditional use.

NOTICES:

Sent to: Notice in the newspaper and to City Departments

Comments Received:

- None

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

- The proposed amendment does not make major substantive changes to the existing ordinances and is consistent with the Comprehensive Plan.

RECOMMENDATIONS:

Staff is recommending approval of the proposed amendment.

4-449. WIRELESS TELECOMMUNICATIONS.

1. Purpose. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, these regulations are necessary to facilitate provision of wireless telecommunications services to the residents and businesses of the City, minimize adverse visual effects of towers through careful design and siting standards, avoid potential damage to adjacent properties from structural failure through structural standards and setback requirements, and maximize the use of existing and approved structures and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

2. Definition.

a. ANTENNA. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

b. COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

c. TOWER. Any ground or roof-mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

3. Towers in Residential and Other Zoning Districts.

a. Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance are allowed only in the rear yard of residentially zoned property.

b. Towers supporting commercial antennas and conforming to all applicable provisions of this ordinance are allowed only upon the following residential zoned property:

(1) Tower sites, subject to review and approval by the City Commission.

(2) Church sites, when camouflaged as steeples, bell towers, or other architecturally compatible structures; subject to review and approval as conditional uses.

(3) Park sites, when compatible with the nature or the park and subject to review and approval as conditional uses.

(4) Government, school, and utility sites, subject to review and approval as conditional uses.

c. Towers supporting commercial antennas and conforming to all applicable provisions of this ordinance are allowed within the Public Facilities, Agricultural, Light Commercial, and Heavy Commercial/Light Industrial Districts, subject to review and approval as conditional uses.

d. Towers supporting commercial antennas and conforming to all applicable provisions of this ordinance are allowed within the Heavy Industrial District as a permitted use, provided the property does not abut an Agricultural, Light Commercial, or any Residential District. Otherwise, these towers would be considered conditional uses.

4. Co-Location Requirement. All commercial wireless telecommunication towers erected, constructed, or located within the City must comply with the following requirements:

a. A proposal for a new commercial wireless telecommunications tower must not be approved unless the applicant proves that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a reasonable search radius of the proposed tower due to one or more of the following reasons:

(1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as

documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified professional engineer and the interference cannot be prevented as a reasonable cost.

(3) Existing or approved towers and building within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional engineer.

(4) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

b. Any proposed commercial telecommunications tower must be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user.

5. Tower Construction Requirements. All towers erected or constructed must be designed by a registered engineer.

6. Tower and Antenna Design Requirements. Proposed or modified towers and antennas must meet the following design requirements:

a. Towers and antennas must be designed to blend into the surrounding environment through the use of color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

b. Commercial wireless telecommunication towers must be a monopole design unless the City Commission determines that an alternative design would better blend into the surrounding environment or the applicant provides evidence to the City that an alternative design is necessary to successfully engage in commercial telecommunication services.

7. Tower Setbacks. Towers must conform with each of the following minimum setback requirements:

- a. Towers must meet the setbacks of the underlying zoning district and may not encroach upon any easement.
- b. Towers must be set back from the public right-of-way a minimum distance equal to one half of the height of the tower including all antennas and attachments.
- c. Towers may not be located between a principal structure and a public street within a front or side yard, with the following exceptions:

- (1) In Industrial Zoning Districts, towers may be placed within a side yard abutting a public street, provided that the street is not along the perimeter of the district.

- (2) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

- d. A tower's setback may be reduced or its location in relation to a public street adjusted, at the sole discretion of the City Commission, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure or if the applicant provides evidence that a setback reduction is necessary to successfully engage in commercial telecommunication services.

8. Tower Height. All proposed towers must meet the following height limitations:

- a. The height of towers will be determined by measuring the vertical distance from the tower's center point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and the tower must meet the height restrictions.

- b. Towers must conform to the following height restrictions:

- (1) In all residential zoning districts, the maximum height of any tower, including antennas and other attachments, will be the maximum height restriction for primary structures within that zoning district, unless otherwise provided for in Section 4-449.3(b).

(2) In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, must not exceed one foot for each two feet the tower is set back from a residential zoning district or a maximum height of 150 feet, whichever is less, unless the applicant provides evidence to the City that the proposed tower height is technically necessary to successfully engage in commercial telecommunication services.

(3) All towers must meet these maximum height restrictions of this section, unless located upon public buildings and utility structures, church sanctuaries, steeples and bell towers.

9. Tower Lighting. Towers must not be illuminated by artificial means and not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

10. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

11. Screening. All towers and structures accessory to the tower must be screened in accordance with Section 4-449.A of this ordinance.

Source: Ord. 1049, Sec. 30 (2015)

12. Abandoned or Unused Towers or Portions of Towers. All abandoned or unused towers and associated facilities must be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the City Commission. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

13. Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of commercial wireless telecommunication antennas on roofs, walls, and existing towers may be approved by resolution of the City Commission without a public hearing, provided the antennas meet the requirements of this ordinance. Requests under

this section must be accompanied by a final site plan and building plan and a report prepared by a qualified professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment must be indicated. Completed information shall be provided to the City, which will then be placed on the City Commission agenda. Applicants will be informed of incomplete applications within thirty (30) days. The City Commission may require additional information when considering an application.

Private wireless telecommunications antennas, such as satellite dishes and other similar antennas, are permitted accessory uses in all residential districts to a maximum height of 15 feet and may not be located in a required front or side yard setback; except for private wireless telecommunications antennas less than 30 inches in diameter which may be located within a required front or side yard setback if mounted upon a residential structure.

Source: Ord, 916, Sec. 47 (2012)

14. Interference with Public Safety Telecommunications. No new or existing telecommunications service may interfere with public safety telecommunications. Before the introduction of new service or changes in frequencies or maximum signal output, telecommunication providers must notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

15. Towers and Antennas Upon Public Right-of-Way and Public Property. With the exception of the necessary electric and telephone service and connection lines approved by the City, no part of any antenna or tower nor any lines, cable, equipment, or wires or braces in connection with either may at any time extend across or over any part of the public right-of-way, public street, highway, sidewalk, or property line without a lease approved by the City of West Fargo in accordance with the City's "Policy Statement Regarding Wireless Telecommunication Antennas and Towers."

16. Additional Submittal Requirements.

a. In addition to the information required elsewhere in this ordinance, development applications for towers must include the following supplemental information:

- (1) Descriptions of the tower height and design, including a cross-section and elevation.
- (2) Documentation of the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
- (3) Descriptions of the tower's capacity, including the number and type of antennas that can be accommodated.
- (4) Documentation regarding what steps the applicant will take to avoid interference with established public safety telecommunications.
- (5) Other information necessary to evaluate the request.

b. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successor to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

c. Before the issuance of a conditional use permit, the following supplemental information must be submitted:

- (1) Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and
- (2) A report from a qualified professional engineer with demonstrates the tower's compliance with the aforementioned structural and electrical standards.

Source: Ord. 530, Sec. 7 (1997).

STAFF REPORT

A22-6		CONDITIONAL USE PERMIT
800 40 th Avenue East		
Lot 1, Block 1 of Furnberg 2 nd Addition		
Applicant: Powder River LLC Owner: West Fargo Public Schools		Staff Contact: Malachi Petersen
Planning & Zoning Commission Public Hearing:		02-08-2022
City Commission:		

PURPOSE:

Developing a wireless telecommunications tower within a P: Public Facilities Zoning District

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban - Growth Sector
Existing Land Use:	School Facility (Football Field)
Current Zoning District(s):	P: Public Facilities
Zoning Overlay District(s):	CO: Corridor Overlay District
Total area size:	± 68 Acres
Adjacent Zoning Districts:	North – R-3: Multiple Family Dwellings and R-1: One and Two Family Dwellings South & East – City of Fargo West - R-1SM: Mixed One & Two Family and R-1A: Single Family Dwellings
Adjacent street(s):	Veteran's Blvd (Arterial); 40 th Ave W (Arterial) and 7 th St E (local); 36 th Ave E (Collector)
Adjacent Bike/Pedestrian Facilities:	Shadow Wood Park within ½ mile accessible by multi-use path
Available Parks/Trail Facilities:	Adjacent sidewalks and multi-use paths along 36 th Avenue East, 40 th Avenue East & Veteran's Blvd

DISCUSSION AND OBSERVATIONS:

- The applicant is requesting to build a new, telecommunications tower located on property leased from the West Fargo School District.
- Site plans show the proposed tower be located on a light pole at the high school football field. An equipment shelter will also be constructed at the base of the tower which will also be partially used for a school concession stand.
- A text amendment to the telecommunications regulations is currently being considered to allow towers within the P: Public Facilities zoning district with a conditional use permit.
- The applicant has provided a site plan which shows the proposed tower being placed on lease space of 25' x 60 feet in the middle of the property, on the west side of the football field.
- Telecommunications towers in non-residential districts are limited to 150' in height unless otherwise approved by the Planning and Zoning Commission and City Commission. The applicant

STAFF REPORT

has indicated that the structure is proposed to be placed on a new light pole, which will be 100' in height with a 10' lightening rod.

- Stealth screening will be put on place, to screen the tower's equipment from neighboring properties.
- The applicant has signed an affidavit agreeing to meet reasonable terms and conditions for shared use/colocation with other carriers.
- The applicant has submitted documentation required by the Federal Aviation Administration and the Federal Communications Commission showing the proposed structure would not affect flight operations of the West Fargo Municipal Airport.
- The proposed tower will be within the Corridor Overlay District in place along Veteran's Blvd.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect the current access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - All towers and structures accessory to the tower must be screened in accordance with Section 4-449.A of City Ordinances. Discretion is encouraged by the City Commission. A screen will be placed to screen the view of the tower's equipment from adjacent properties and roadway. The tower itself is also functioning as stadium lighting.
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.
7. Required yards and other open space.
 - The proposed tower would have a setback of more than 400ft feet from Veterans Blvd. Telecommunications towers are only required to be set back from the public right-of-way a minimum distance equal to one half of the height of the tower including all antennas and attachments which this proposed project will meet.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - No concerns noted.

STAFF REPORT

NOTICES:

Sent to: Property owners within 350’.

Comments Received:

- Received one phone call from a neighbor who had a question about location of the tower as well as concerns about potential health effects of 5G cell towers.

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

- West Fargo 2.0 does not prohibit or encourage the construction of telecommunications towers within West Fargo. The area where the tower will be constructed is in centrally located within a developed school complex.

RECOMMENDATIONS:

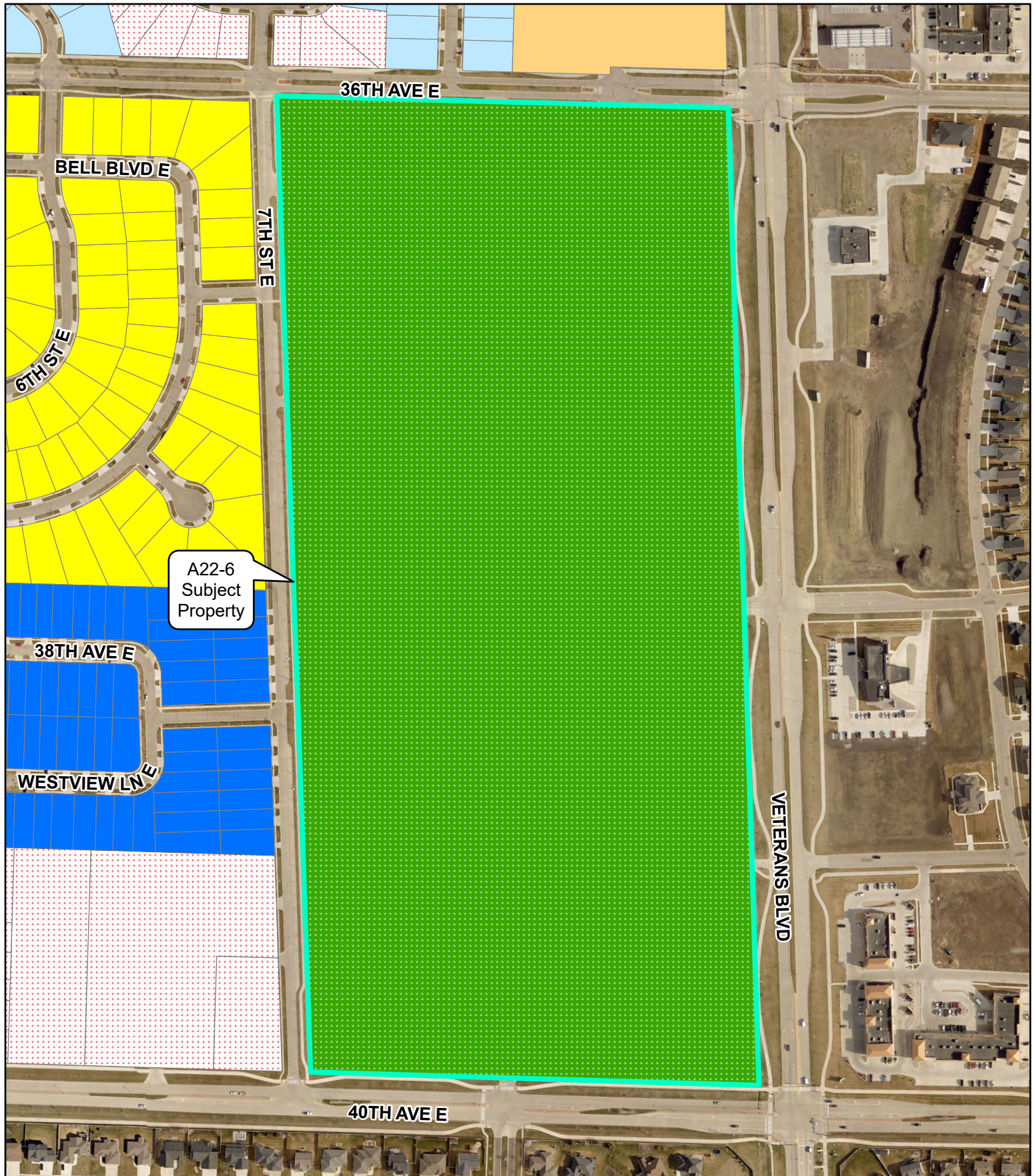
It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A Signed Conditional Use Permit Agreement is received.
2. Passage of CUP is contingent on approval of text amendment to P: Public Facilities zoning district.



Tower Location

A22-6
Subject
Property



West Fargo Zoning

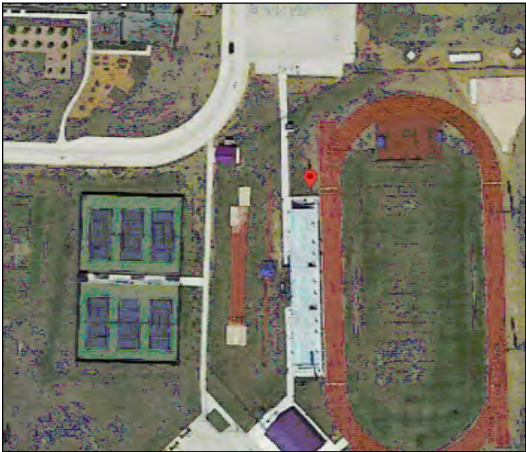
- A: Agricultural
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- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential



SITE PHOTO



PROJECT INFORMATION

SITE ADDRESS:	800 40TH AVENUE EAST WEST FARGO, ND 58078
COUNTY	CASS
SITE NAME:	SHEYENNE HIGH SCHOOL
SITE NUMBER	NDL02898
FA NUMBER:	11674618
PACE NUMBER:	MRUMW019999
PTN NUMBER:	3519A0AM1M
USID NUMBER:	243987
LATITUDE (NAD 83):	46° 49' 24.475" N 46.823465
LONGITUDE (NAD 83):	96° 53' 04.906" W -96.884696
GROUND ELEVATION:	909.6' AMSL
ZONING JURISDICTION:	WEST FARGO
TOWER OWNER:	AT&T
GROUND OWNER:	WEST FARGO SCHOOL DISTRICT
LANDLORD CONTACT:	MARK LEMER (701) 499-1004 LEMER@WEST-FARGO.K12.ND.US
POWER COMPANY:	CASS COUNTY ELECTRIC COOPERATIVE
TELEPHONE COMPANY:	MIDCONTINENT COMMUNICATIONS
OCCUPANCY GROUP:	U
CONSTRUCTION TYPE:	I-B
AT&T PROJECT MANAGERS:	PETER MCNEREY (952) 258-9629 PM753T@ATT.COM
B&V SITE ACQUISITION MANAGER:	JACQUELYN LUKENS (913) 458-6785 LUKENSJ@BV.COM
B&V CONSTRUCTION MANAGER:	JEREMY KINDER (636) 536-5877 KINDERJ@OVERLANDCONTRACTING.COM
B&V LEAD ENGINEER:	TYLER DAVISON (913) 458-9654 DAVISONTM@BV.COM

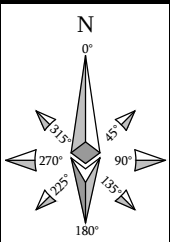
AT&T
MOBILITY

PROJECT: NSB
AT&T SITE ID: NDL02898
AT&T FA#: 11674618
PACE#: MRUMW019999
PTN#: 3519A0AM1M

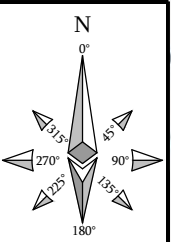
SHEYENNE HIGH SCHOOL
WEST FARGO, ND 58078

AREA MAP

VICINITY MAP



LOCAL MAP



DRIVING DIRECTIONS

DIRECTIONS FROM AT&T OFFICE: GO STRAIGHT (SOUTH SOUTHWEST) ON SOUTHTOWN DRIVE, TURN RIGHT (WEST SOUTHWEST) ONTO W80TH STREET, TURN RIGHT (NORTH) ONTO CR 17, KEEP RIGHT (NORTH NORTHWEST) ONTO I-494 RAMP, TAKE EXIT 27, GO STRAIGHT (NORTH) ONTO I-94 W RAMP, GO STRAIGHT (NORTHWEST) ONTO I-94 W RAMP, TAKE EXIT 348, GO STRAIGHT (WEST NORTHWEST) ONTO 45TH STREET SW RAMP, TURN LEFT (SOUTH) ONTO 45TH STREET SW, TURN RIGHT (WEST) ONTO 32ND AVENUE S, TURN LEFT (SOUTH) ONTO 57TH STREET S, TURN RIGHT (WEST) ONTO 36TH AVENUE E, SITE IS ON THE RIGHT.

ENGINEERING

2015 INTERNATIONAL BUILDING CODE
2014 NATIONAL ELECTRIC CODE
TIA/EIA-222-G OR LATEST EDITION

DRAWING INDEX

SHEET NO:	SHEET TITLE
COVER	TITLE SHEET
C-1	OVERALL SITE PLAN
C-2	COMPOUND PLAN
C-2.1	COMPOUND PLAN
C-3	SHELTER PLAN
C-4	SHELTER DETAILS
C-4.1	SHELTER ROOF DETAILS
C-5	SHELTER FOUNDATION
C-5.1	SHELTER FOUNDATION
C-6	SITE DETAILS
C-7	SITE DETAILS
C-8	CHAINLINK FENCE DETAILS
C-9	SIGNAGE DETAILS
C-10	SPECIAL INSPECTIONS
C-11	CONCRETE WORK NOTES
C-12	CIVIL SECTION NOTES
T-1	TOWER ELEVATION
T-2	ANTENNA MOUNTING AND COAX ROUTING
T-3	RRH REQUIREMENTS AND ANTENNA MOUNTING
T-4	TOWER EQUIPMENT DETAILS
T-5	CABLE COLOR CODING
T-6	TOWER SECTION NOTES
E-1	OVERALL ELECTRICAL PLAN
E-2	ELECTRICAL SHELTER PLAN
E-3	ELECTRICAL DETAILS
E-4	ELECTRICAL DETAILS
E-5	GROUNDING SITE PLAN
E-6	GROUNDING SHELTER PLAN
E-7	GROUNDING DETAILS
E-8	GROUNDING DETAILS
E-9	GROUNDING DETAILS
E-10	GROUNDING DETAILS
E-11	GROUNDING DETAILS
E-12	ELECTRICAL SECTION NOTES
N-1	LEGEND AND ABBREVIATIONS
N-2	GENERAL NOTES

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED



TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES
BEFORE YOU DIG IN NORTH DAKOTA, CALL STATE ONE CALL

TOLL FREE: 1-800-795-0555 OR 811
www.ndonecall.com

NORTH DAKOTA STATE STATUTE REQUIRES MIN OF 48 HOURS NOTICE BEFORE YOU EXCAVATE.

-THESE PLANS ADHERE TO ALL OF THE REQUIREMENTS CALLED OUT IN THE JURISDICTION
PLANNING AND ZONING FOR ANTENNAS AND SUPPORT STRUCTURES WHERE SITE IS LOCATED.
-SUBCONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING CONDITIONS ON SITE. IMMEDIATELY
NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO PERFORMING ANY WORK OR BE RESPONSIBLE
FOR THE SAME

AT&T
MOBILITY

7900 XERXES AVE S
3RD FLOOR
BLOOMINGTON MN 55431



BLACK & VEATCH

BLACK & VEATCH CORPORATION
7760 FRANCE AVENUE SOUTH
SUITE 1200
BLOOMINGTON, MN 55435

PROJECT NO: 129041.4116

DRAWN BY: VPB

CHECKED BY: JAT

REV	DATE	DESCRIPTION
3	01/13/22	SAC COMMENTS
2	01/07/22	SAC COMMENTS
1	10/16/20	SAC COMMENTS
0	09/09/20	ISSUED FOR CONSTRUCTION

IT IS A VIOLATION OF LAW FOR ANY PERSON,
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OF A LICENSED PROFESSIONAL ENGINEER,
TO ALTER THIS DOCUMENT.

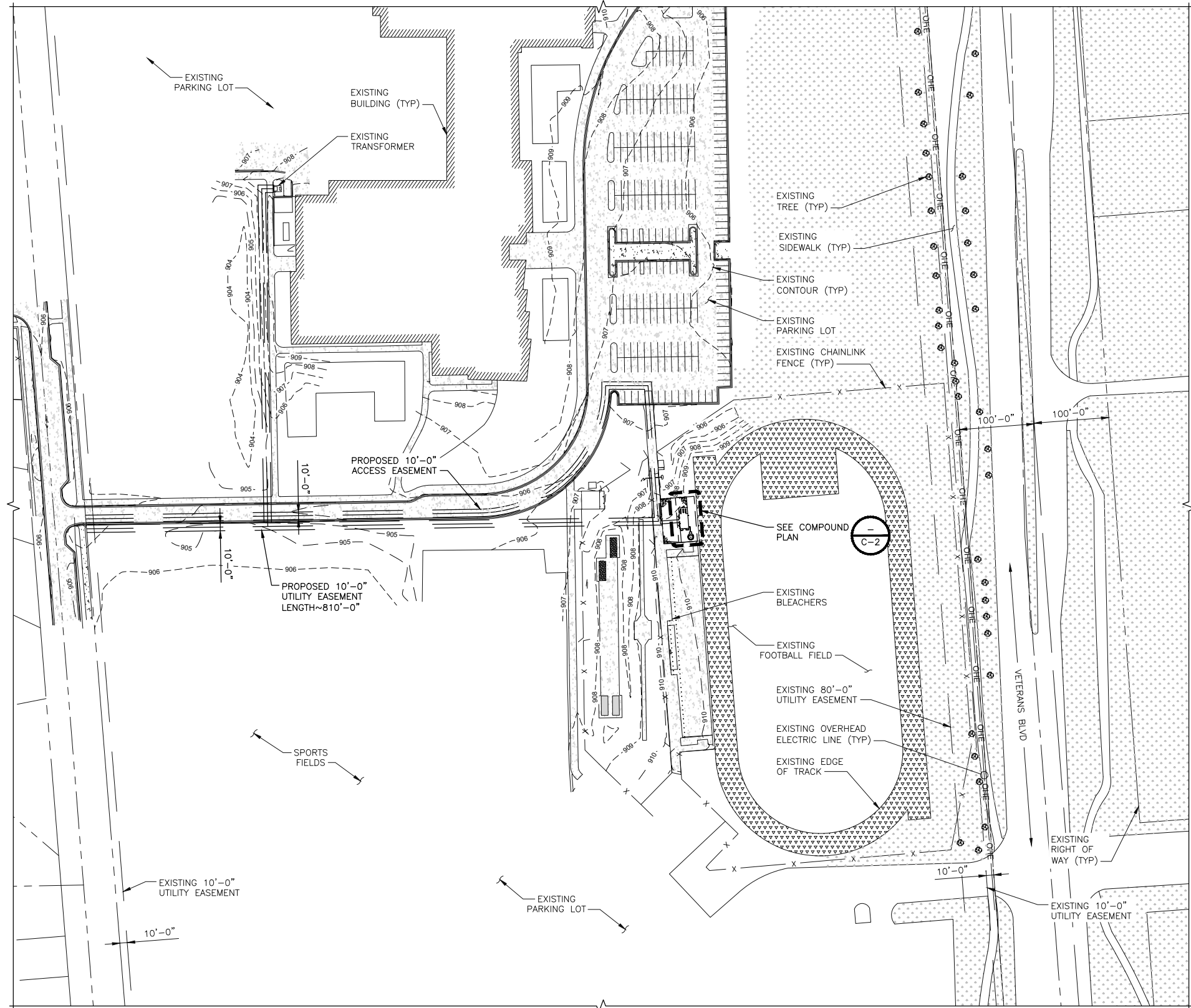
SHEYENNE HIGH SCHOOL
NDL02898
800 40TH AVENUE EAST
WEST FARGO, ND 58078
NSB

SHEET TITLE

TITLE SHEET

SHEET NUMBER

COVER



THIS DRAWING IS
NOT A SITE SURVEY

THE PURPOSE OF THIS DRAWING IS
TO SHOW HOW THE DEVELOPED SITE
RELATES TO THE PARENT PARCEL
AND ADJACENT PROPERTIES.

**AT&T
MOBILITY**

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BLOOMINGTON MN 55431

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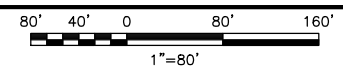
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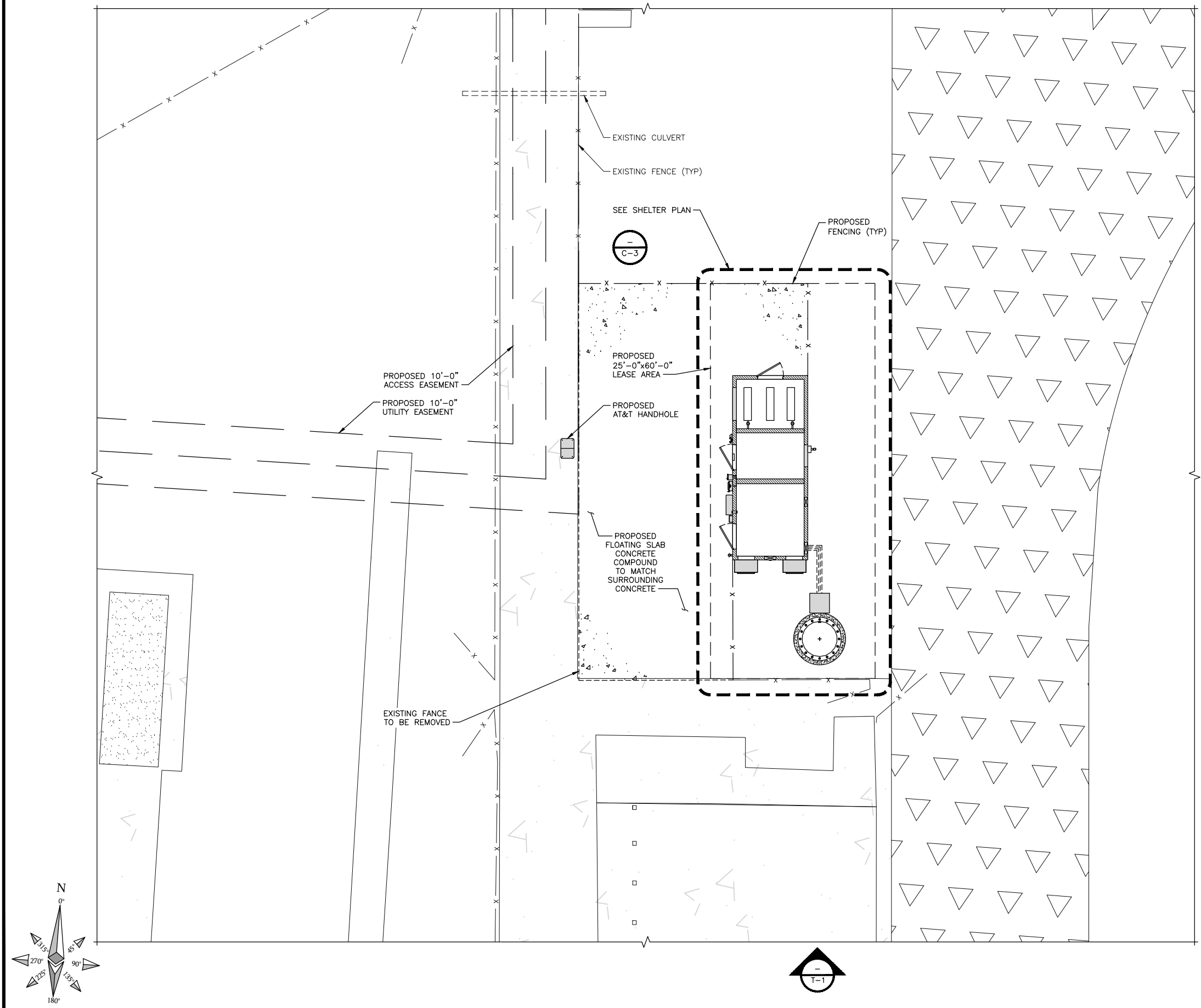
SHEYENNE HIGH SCHOOL
NDL02898
800 40TH AVENUE EAST
WEST FARGO, ND 58078
NSB

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
C-1

OVERALL SITE PLAN





THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE.

THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING:

PROPOSED-SITE:
INSTALL (1) 11'-5"x28'-0" FIBERBOND EQUIPMENT SHELTER
INSTALL (1) 3' X 3' X 3' DOGHOUSE

PROPOSED-TOWER:
INSTALL (1) VALMONT F4P-12-H10 (OR ENGINEER APPROVED EQUAL)
INSTALL (8) KMW EPBQ-654L8H8-L2 ANTENNAS
INSTALL (4) AIRSCALE B12/14/29 RRH UNITS
INSTALL (4) AIRSCALE B25/66 RRH UNITS
INSTALL (4) AIRSCALE B5 RRH UNITS
INSTALL (4) AIRSCALE B30 RRH UNITS
INSTALL (2) RAYCAP DC9-48-60-24-8C-EV SURGE UNITS
INSTALL (6) DC POWER TRUNK CABLES
INSTALL (2) 24-PAIR FIBER TRUNK CABLES

PROPOSED-SHELTER:
INSTALL (1) ALPHA POWER BAY
INSTALL (1) MARATHON BATTERY STACK
INSTALL (2) FIF RACKS
INSTALL (1) FSM4 BBU (BY OTHERS)
INSTALL (1) DC-12-48-60-RM SURGE UNIT
INSTALL (1) KOHLER 20KW GENERATOR

AT&T TO VERIFY
REQUIRED SHELTER
EQUIPMENT.

PROJECT DESCRIPTION

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED LTE GPS ANTENNA AND TRANSMITTING ANTENNAS.
3. PROPERTY LINES ARE APPROXIMATIONS ONLY.
4. ANTENNAS & MOUNTS OMITTED FOR CLARITY.
5. FOR FIBER TRUNK REF AT&T LTE GUIDE LINES REV. 1.9 PAGE 13 TABLE 2.1.2.
6. FOR DC POWER CABLE TRUNK REF AT&T LTE GUIDE LINES REV 1.9 PAGE 14 TABLE 2.1.3
7. PROPOSED FENCING TO TIE INTO MIDWAY POSTS IN EXISTING 4'-0" FENCE. CONTRACTOR TO REMOVE TIE IN POST AND REPLACE WITH A 6' CORNER POST FOR NEW FENCE ENCLOSURE.

NOTES

WOOD FENCE	
CHAINLINK FENCE	
LEASE AREA	
PROPOSED ICE BRIDGE	
EXISTING ICE BRIDGE	

LEGEND

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7900 XERXES AVE S
3RD FLOOR
BLOOMINGTON MN 55431

BLACK & VEATCH

BLACK & VEATCH CORPORATION
7760 FRANCE AVENUE SOUTH
SUITE 1200
BLOOMINGTON, MN 55435

PROJECT NO:	129041.4116
DRAWN BY:	VPB
CHECKED BY:	JAT

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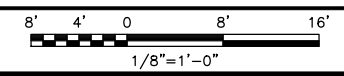
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SHEYENNE HIGH SCHOOL
NDL02898
800 40TH AVENUE EAST
WEST FARGO, ND 58078
NSB

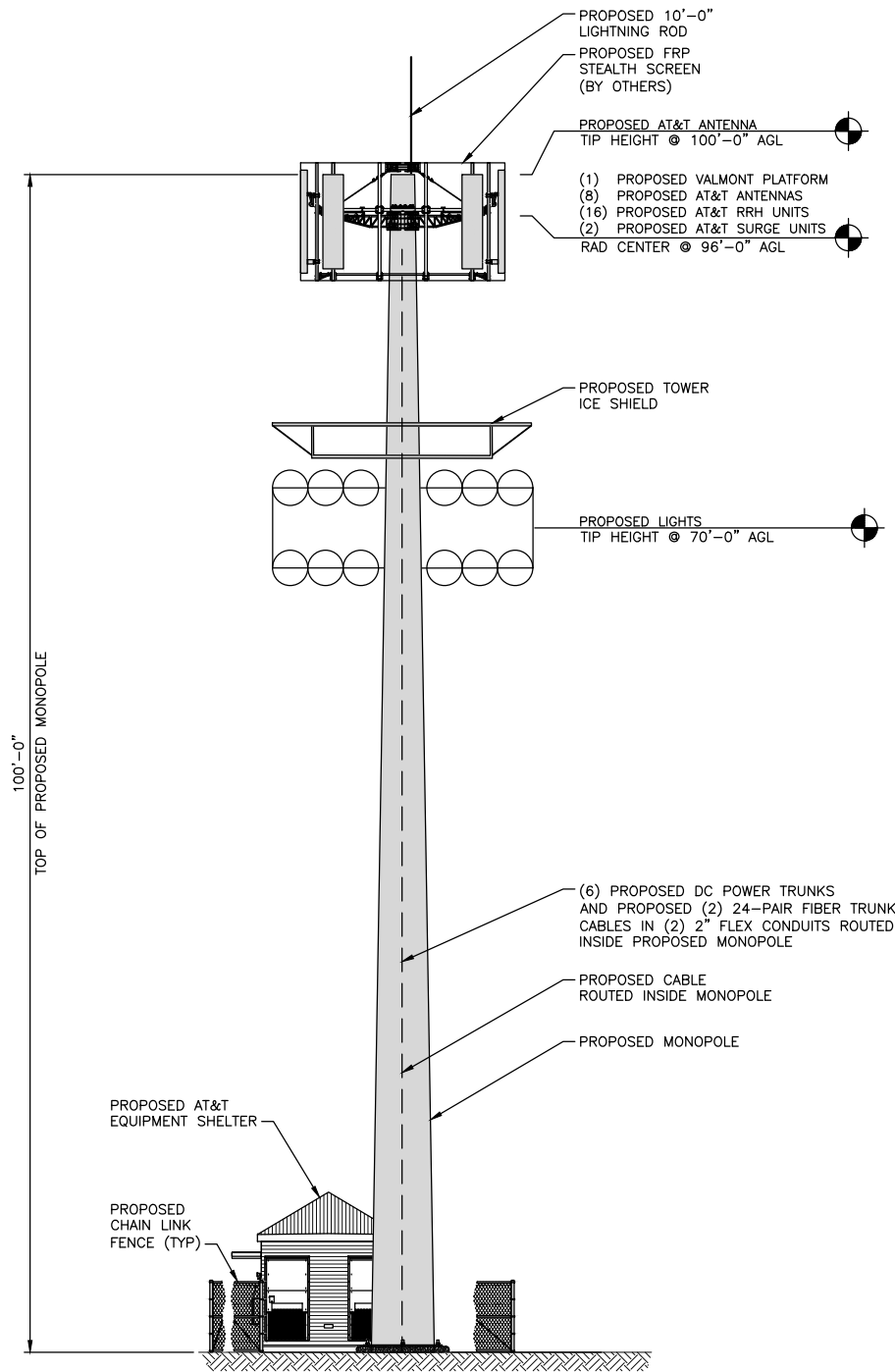
SHEET TITLE
COMPOUND PLAN

SHEET NUMBER
C-2

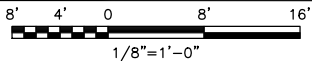
COMPOUND PLAN



1



PROPOSED TOWER SOUTH ELEVATION



THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE.

THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING:

PROPOSED-SITE:
INSTALL (1) 11'-5"x28'-0" FIBERBOND EQUIPMENT SHELTER
INSTALL (1) 3' X 3' X 3' DOGHOUSE

PROPOSED-TOWER:
INSTALL (1) VALMONT F4P-12-H10 (OR ENGINEER APPROVED EQUAL)
INSTALL (8) KMW EPBQ-654L8H8-L2 ANTENNAS
INSTALL (4) AIRSCALE B12/14/29 RRH UNITS
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INSTALL (4) AIRSCALE B5 RRH UNITS
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INSTALL (2) 24-PAIR FIBER TRUNK CABLES

PROPOSED-SHELTER:
INSTALL (1) ALPHA POWER BAY
INSTALL (1) MARATHON BATTERY STACK
INSTALL (2) FIF RACKS
INSTALL (1) FSM4 BBU (BY OTHERS)
INSTALL (1) DC-12-48-60-RM SURGE UNIT
INSTALL (1) KOHLER 20KW GENERATOR

AT&T TO VERIFY
REQUIRED SHELTER
EQUIPMENT.

PROJECT DESCRIPTION

- FENCE NOT ENTIRELY SHOWN FOR CLARITY.
- WHEN STACKING CABLES 3 OR MORE DEEP, USE STACKABLE SNAP-INS, TALLEY PART NUMBER SSH-158-3 (OR ENGINEER APPROVED EQUAL)

NOTES

THE PROPOSED ANTENNA MOUNTS ARE CURRENTLY BEING ANALYZED BY BLACK & VEATCH TO DETERMINE THEIR STRUCTURAL CAPACITY TO SUPPORT THE PROPOSED NEW LOADING. THESE DRAWINGS HAVE BEEN CREATED BASED ON THE ASSUMPTION THAT THE ANTENNA MOUNT ANALYSIS WILL SHOW THAT THE ANTENNA MOUNTS HAVE SUFFICIENT CAPACITY TO SUPPORT THE PROPOSED LOADING. INSTALLATION OF THE PROPOSED LOADING SHALL NOT COMMENCE UNTIL AN APPROVED ANTENNA MOUNTS ANALYSIS HAS BEEN RECEIVED BY THE OWNER OR AT&T AND HAS BEEN REVIEWED BY BLACK & VEATCH.

MOUNT ANALYSIS NOTE

THE EXISTING TOWER IS CURRENTLY BEING ANALYZED BY OTHERS TO DETERMINE ITS STRUCTURAL CAPACITY TO CARRY THE PROPOSED LOADS. THESE DRAWINGS HAVE BEEN CREATED BASED ON THE ASSUMPTION THAT THE STRUCTURAL ANALYSIS WILL SHOW THAT THE TOWER HAS SUFFICIENT CAPACITY TO SUPPORT THE PROPOSED NEW LOADS. INSTALLATION OF THE PROPOSED EQUIPMENT SHALL NOT COMMENCE UNTIL AN APPROVED STRUCTURAL ANALYSIS HAS BEEN RECEIVED BY THE OWNER OR AT&T AND HAS BEEN REVIEWED BY BLACK & VEATCH. CONTRACTOR SHALL REFERENCE THE TOWER STRUCTURAL ANALYSIS/DESIGN DRAWINGS FOR DIRECTIONS ON CABLE DISTRIBUTION/ROUTING.

AT&T
MOBILITY

7900 XERXES AVE S
3RD FLOOR
BLOOMINGTON MN 55431



BLACK & VEATCH

BLACK & VEATCH CORPORATION
7760 FRANCE AVENUE SOUTH
SUITE 1200
BLOOMINGTON, MN 55435

PROJECT NO:	129041.4116
DRAWN BY:	VPB
CHECKED BY:	JAT

3	01/13/22	SAC COMMENTS
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0	09/09/20	ISSUED FOR CONSTRUCTION
REV	DATE	DESCRIPTION

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SHEYENNE HIGH SCHOOL
NDL02898
800 40TH AVENUE EAST
WEST FARGO, ND 58078
NSB

SHEET TITLE

TOWER ELEVATION

SHEET NUMBER

T-1



WEST FARGO PUBLIC SCHOOLS
"Educating today's learners for tomorrow's world."

January 10, 2022

To Whom it May Concern,

West Fargo Public Schools is supportive of moving forward with applications needed to ensure regulatory compliance for the construction of a telecommunications tower at West Fargo Sheyenne High School.

District administrators have been in negotiations with private sector partners to lease the structure, as allowed under North Dakota Century Code.

Any inquiries can be directed to Levi Bachmeier at lbachmeier@west-fargo.k12.nd.us or 701.499.1077.

Respectfully,

Levi Bachmeier
Business Manager



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AGL-14343-OE

Issued Date: 07/15/2020

Donna-Marie Stipo
Tillman Infrastructure, LLC
152 West 57th Street
8th Floor
New York, NY 10019

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole West Fargo ND - TI-16424
Location:	West Fargo, ND
Latitude:	46-49-24.47N NAD 83
Longitude:	96-53-04.90W
Heights:	910 feet site elevation (SE) 199 feet above ground level (AGL) 1109 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 01/15/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2525, or natalie.schmalbeck@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AGL-14343-OE.

Signature Control No: 443306745-445535853

(DNE)

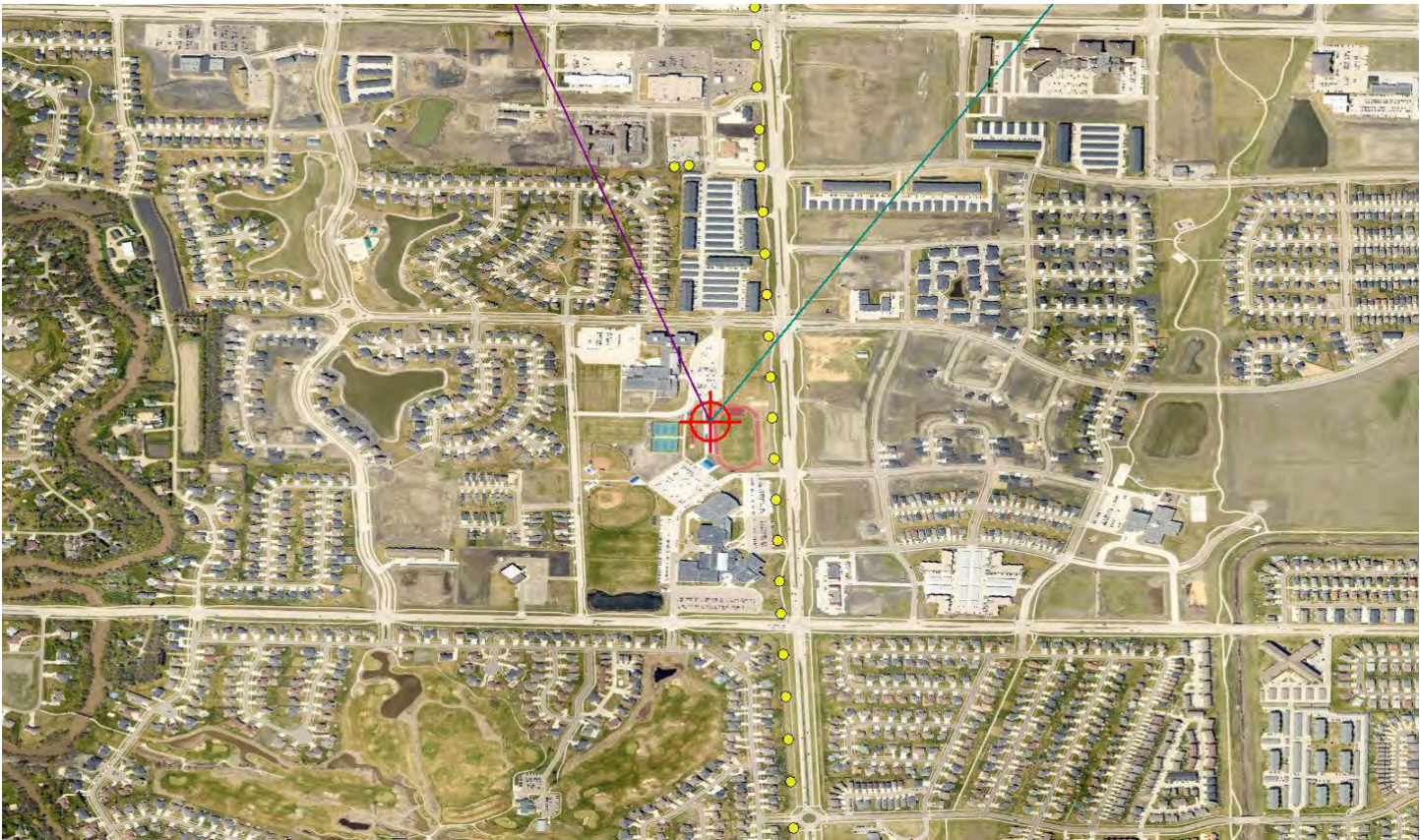
Natalie Schmalbeck
Technician

Attachment(s)
Frequency Data
Map(s)

cc: FCC

Frequency Data for ASN 2020-AGL-14343-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W





To whom it may concern,

TowerCo is a national wireless infrastructure company that builds & owns wireless communication towers as a skilled vendor for all wireless operators. We have extensive experience working with State agencies, municipalities, schools, & private landowners to provide solutions to our customers for wireless capacity & coverage. Our national site license agreements with Verizon, AT&T, T-Mobile, and Dish provide access to over 600 of our towers across the country for carriers to collocate for the needs of their respective networks. TowerCo's colocation process is streamlined and efficient to meet the needs of every wireless carrier.

For additional information please visit www.towerco.com or feel free to contact me at 248-361-6936 or jwoodward@towerco.com

Best Regards,

Jason Woodward
Vice President, Business Development

5000 Valleystone Dr.
Suite 200
Cary, NC 27519

address

919.653.5700

main

919.469.5530

fax

info@towerco.com

email

towerco.com

website

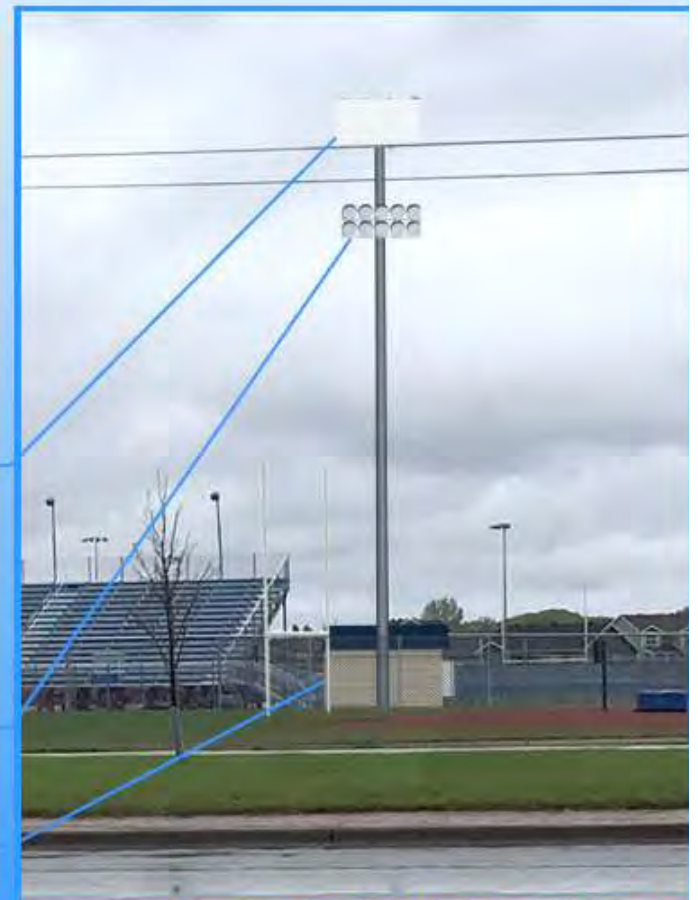


EXISTING CONDITIONS

(8) PROPOSED AT&T
ANTENNAS ON PROPOSED
MONOPOLE WITH FRP
SCREEN

PROPOSED LIGHTS

PROPOSED AT&T SHELTER



PHOTOGRAPHIC SIMULATION

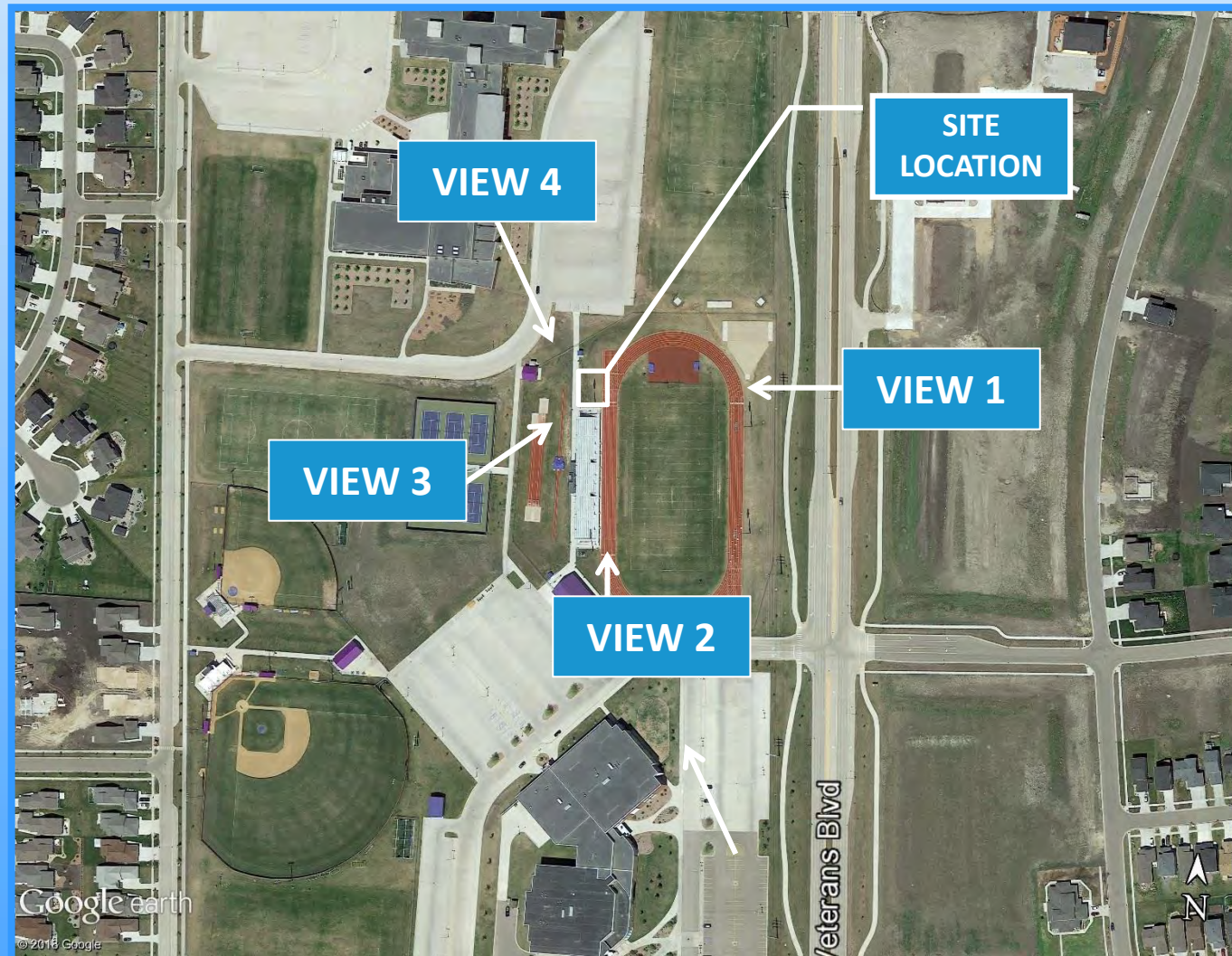


POWDER RIVER
Development Services LLC



PHOTOGRAPHIC SIMULATION

PROPOSED MODIFICATION OF WIRELESS COMMUNICATIONS FACILITY



The included Photographic Simulation(s) are intended as visual representations only and should not be used for construction purposes. The materials represented within the included Photographic Simulation(s) are subject to change.

SITE NUMBER:	MRUMW019999
SITE NAME:	SHEYENNE HIGH SCHOOL
SITE ADDRESS:	800 40 TH AVENUE EAST WEST FARGO, ND 58078
DATE:	01/05/2022
APPLICANT:	AT&T MOBILITY
CONTACT:	TYLER DAVISON BLACK & VEATCH (913) 458-9654

VIEW 1



EXISTING CONDITIONS

(8) PROPOSED AT&T
ANTENNAS ON PROPOSED
MONOPOLE WITH FRP
SCREEN

PROPOSED LIGHTS

PROPOSED AT&T SHELTER



PHOTOGRAPHIC SIMULATION



VIEW 2



EXISTING CONDITIONS

(8) PROPOSED AT&T
ANTENNAS ON PROPOSED
MONOPOLE WITH FRP
SCREEN

PROPOSED LIGHTS



PHOTOGRAPHIC SIMULATION

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A22-7 SUBDIVISION/REZONING	
Grant Addition	
7802 52 nd Ave W	
NW¼ of Section 6, T138N, R49W (7802 52nd Avenue West), City of West Fargo, North Dakota	
Applicant: Joel Fremstad Owner: Kathleen Grant	Staff Contact: Aaron Nelson, AICP
Planning & Zoning Commission Public Hearing:	02-08-2022
City Commission Introduction:	
Public Hearing & 1 st Reading:	
2 nd Reading & Final Plat Approval	

PURPOSE:

Plat and rezone land for future medium-density residential development.

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban – Growth Sector
Existing Land Use:	Non-Farm Single Family
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	N/A
Proposed Zoning District(s):	R-2: Limited Multiple Dwelling
Proposed Lot size(s) or range:	286,634 square feet
Total area size:	6.58 Acres
Adjacent Zoning Districts:	North – R-1SM: Mixed One & Two Family Dwellings; R-2: Limited Multiple Dwellings South– R-1SM: Mixed One & Two Family Dwellings West – A: Agricultural (Horace/Sheyenne Diversion) East - R-1: One and Two Family Dwellings
Adjacent/Proposed street(s):	Rachel Dr W (Local); existing access easement to 11 th St W; proposed access easement
Adjacent Bike/Pedestrian Facilities:	Sidewalks along 11 ^h St W
Available Parks/Trail Facilities:	Park within the Wilds development within a 1/10 of a mile accessible by multi-use path and sidewalks
Land Dedication Requirements:	Dedication required

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted applications for subdivision and rezone in order to plat the property into one lot and rezone the property from A (Agricultural) to R-2 (Limited Multiple Dwelling).
- There is an existing homestead on the property.
- There is no specific development or site plan proposed at this time. The owner states they are pursuing platting and zoning in order to sell the land for future development by the purchaser.

STAFF REPORT

- The property is currently accessed via gravel drive from 52nd Ave W, along the Sheyenne Diversion on property owned by SE Cass Water Resource District.
- Access and City services to the property are available via:
 - City-owned access lot (Lot 57, Block 1, The Wilds 11th Addition), which provides connection to 11th St W.
 - The abutting public right-of-way for Rachel Dr W, located on the south end of the subject property. (Although this street has not yet been constructed.)
- The proposed subdivision would link these two access points (noted above) via 40' access & utility easement. As of the writing of this staff report, City staff is still working with the applicant regarding the details of this easement.
- The City's subdivision standards typically require a cul-de-sac turnaround for dead-ends to public streets. However, the Planning Commission may grant a subdivision variance to waive this requirement, in accordance with §4-0403.2 of the City's subdivision ordinance.
- The proposed R-2 zoning district requires a minimum lot area of 1,800 square feet for each dwelling unit plus 200 square feet for each bedroom (including efficiency units). With a total land area of 6.58 acres, the proposed subdivision would allow for a maximum of 143 one-bedroom/efficiency units. That number would decrease as you add one- and two-bedroom units. Additionally, individual buildings are restricted to a maximum of 8 units, including townhouse structures and condominiums.
- Minimum landscaping standards are required for new multi-unit development. Additionally, depending upon the type of development, landscape buffering may be required adjacent to single-dwelling residential zoning districts.
- The Park District has requested fee-in-lieu of parkland dedication for the subdivision. The fee will help to fund existing Park facilities within the Wilds neighborhood.
- A development agreement will be needed to specify details relating to such things as access, utility servicing, and timing of construction.
- The Engineering Department noted that since the surrounding property is platted and since there is no specific development proposed at this time, a drainage plan is not required for the subdivision. However, a 10' drainage easement is needed along the property line abutting the Sheyenne Diversion.

CRITERIA FOR GRANTING SUBDIVISION VARIANCE:

With reference to the criteria for granting a subdivision variance, the following is noted:

1. The conditions upon which the variance is based are unique to the property and are not applicable generally to other property in the same district.
 - The property is uniquely situated due to its nature of being a "remainder" property, completely bounded by existing platted property and the Sheyenne Diversion.
2. Because of the particular physical surrounding of the property, a particular hardship to the owner would result, as opposed to mere inconvenience, if the strict letter of these regulations were carried out.
 - The need for the cul-de-sac results from the fact that there is only one public right-of-way connection to the subject property. This situation does not result from the owner's actions.
3. The granting of the variance would not harm the surrounding neighborhood in any way and would be beneficial to public health, safety, and welfare.

STAFF REPORT

- Staff is generally opposed to the creation of new cul-de-sacs due, primarily, to the added public cost to maintain them without the benefit of increased transportation connectivity. The proposed access easement would provide connectivity for the development while eliminating the need for public expense in maintenance.
- 4. The variance is consistent with the proper development of the area.
 - Cul-de-sacs can be useful in providing access to multiple properties in certain situations where connectivity is infeasible. However, in this case there is only one lot being proposed, which would have direct access to the public right-of-way for Rachel Dr W.

NOTICES:

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

Comments Received:

- Staff has received three inquiries from the public, mainly requesting additional information. Two of these individuals expressed some concern with the potential for loss of existing trees on the subject property and some apprehension regarding the potential for multi-dwelling. These comments are attached.

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

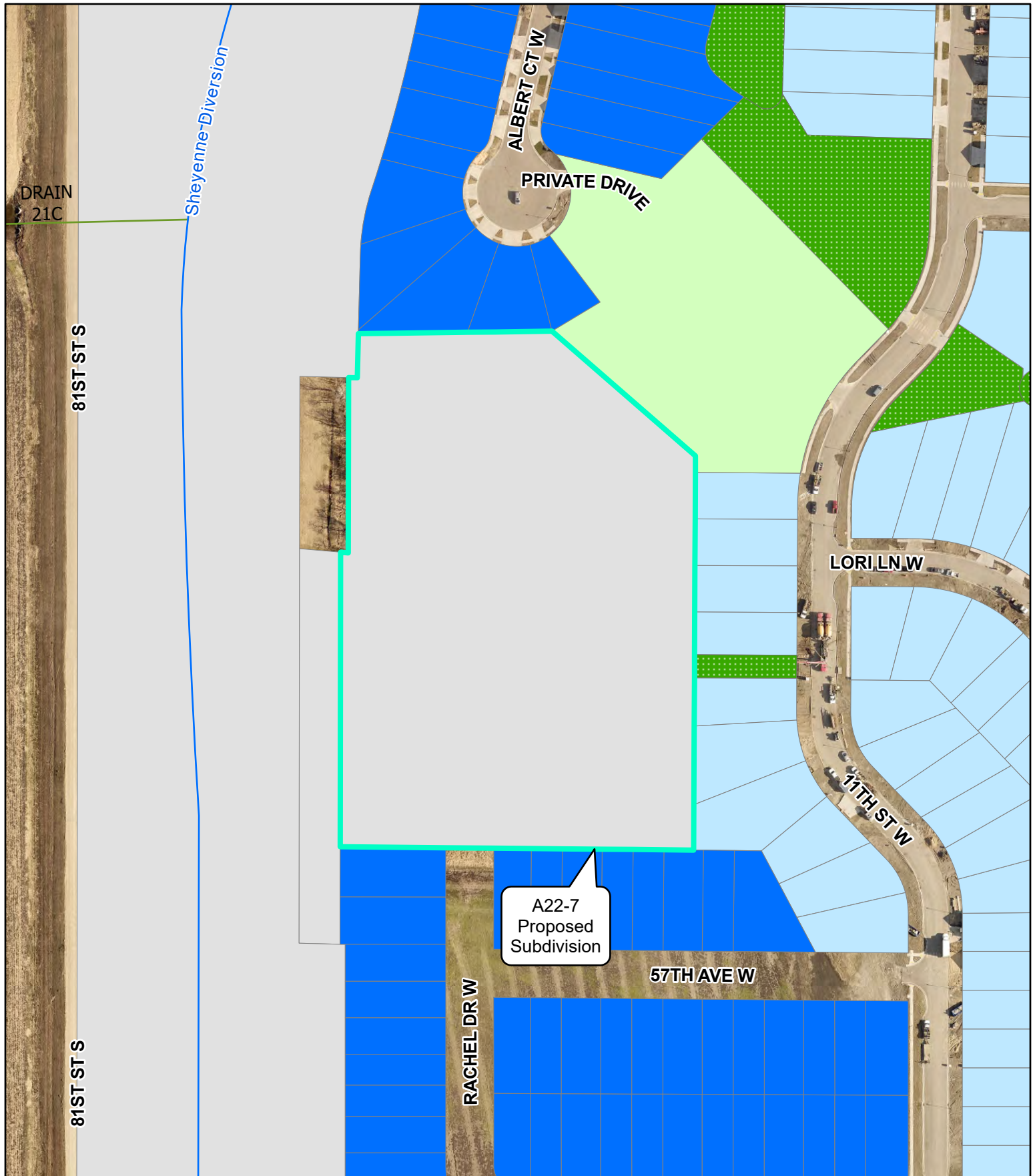
- The mix of housing types and increased densities will increase the diversity of the neighborhood housing stock consistent with goals of the Comprehensive Plan. Specifically, the plan's Big Idea to "Strengthen Neighborhoods and Expand Housing Choice."
- The West Fargo 2.0 plan also includes a conceptual plan for the Wilds neighborhood, which illustrates how diverse housing types, such as townhomes, duplexes, smaller apartment buildings, and condo buildings can be integrated alongside single-dwelling houses within the same neighborhood.

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. That the applicant continues to work with staff as to the details of the access and utility easement, including any necessary agreements.
2. A signed subdivision agreement is received, if deemed necessary.
3. A signed public land dedication/fee-in-lieu agreement is received and approved.
4. Final Plat is received with any necessary easements & conditions satisfied.
5. A certificate is received showing taxes are current.





West Fargo Zoning

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential



Plot Date & Time: 30 January 2022 2:07 PM

S:\SURVEY\01_Projects\2021\521-592_Eagle Ridge Grant Addition Plat - West Fargo\Drawings\21-592 Grant Addition Plat.dwg

GRANT ADDITION

TO THE CITY OF WEST FARGO, A PLAT OF PART OF GOVERNMENT LOT 4 AND GOVERNMENT LOT 5 AND PARTS OF AUDITOR'S LOT 1 AND AUDITOR'S LOT 3 OF THE NORTHWEST QUARTER SECTION 6, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

Joshua J. Nelson, being duly sworn, deposes and says that he is the Registered Land Surveyor who prepared and made the attached plat of "GRAND ADDITION" to the City of West Fargo, a plat of parts of Auditor's Lot 1 and Auditor's Lot 3 and part of Government Lot 4 and Government Lot 5 of the Northwest Quarter Section 6, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota; that said plat is a true and correct representation of the boundary survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

That part of Auditor's Lot 1 and Auditor's Lot 3 and part of Government Lot 4 and Government Lot 5 of the Northwest Quarter Section 6, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota described as follows:

Beginning at the northwest corner of Lot 1, Block 1 of THE WILDS TWENTY FIRST ADDITION, according to the recorded plat thereof on file and of record in the office of the County Recorder, Cass County, North Dakota; thence North 02 degrees 31 minutes 16 seconds West on the east line of the Sheyenne Diversion a distance of 379.75 feet; thence South 87 degrees 32 minutes 15 seconds East a distance of 10.04 feet; thence North 02 degrees 31 minutes 15 seconds West on the east line of the Sheyenne Diversion a distance of 226.05 feet; thence North 88 degrees 48 minutes 45 seconds East a distance of 11.28 feet; thence North 01 degree 11 minutes 15 seconds West on the east line of the Sheyenne Diversion a distance of 56.89 feet to the southeast corner of THE WILDS EIGHTEENTH ADDITION, according to the recorded plat thereof on file and of record in the office of the County Recorder, Cass County, North Dakota; thence North 86 degrees 39 minutes 40 seconds East on the south line of said addition a distance of 250.42 feet; thence South 51 degrees 43 minutes 54 seconds East on the southwesterly line of said addition a distance of 245.47 feet; thence South 02 degrees 20 minutes 20 seconds East on the west line of THE WILDS ELEVENTH ADDITION, according to the recorded plat thereof on file and of record in the office of the County Recorder, Cass County, North Dakota a distance of 508.20 to a point of intersection with the north line of THE WILDS TWENTY FIRST ADDITION, according to the recorded plat thereof on file and of record in the office of the County Recorder, Cass County, North Dakota; thence South 87 degrees 54 minutes 40 seconds West on said north line a distance of 457.24 feet to the point of beginning.

Said tract contains 6.58 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

DEDICATION

I, the undersigned, do hereby certify that I am the owner of the land described in the plat of "GRANT ADDITION" to the City of West Fargo, a plat of parts of Auditor's Lot 1 and Auditor's Lot 3 and part of Government Lot 4 and Government Lot 5 of the Northwest Quarter Section 6, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certificate of Joshua J. Nelson, Registered Land Surveyor, and that the description as shown in the certificate of the Registered Land Surveyor is correct. We hereby dedicate the access & utility easement shown on said plat to the use of the public.

Owner: Kathleen Grant

Kathleen Grant

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county and state, personally appeared Kathleen Grant, a single person, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

WEST FARGO CITY ENGINEER APPROVAL

This plat in the City of West Fargo is hereby approved this ____ day of _____ 20____.

Dustin T. Scott.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20____, before me, a notary public in and for said county and state, personally appeared Dustin T. Scott, City Engineer, known to me to be the person described in and who executed the same as the city engineer.

Notary Public: _____

WEST FARGO CITY ATTORNEY APPROVAL

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

John T. Shockley
City Attorney

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20____, before me, a notary public in and for said county and state, personally appeared John T. Shockley, City Attorney, known to me to be the person described in and who executed the same as the city attorney.

Notary Public: _____

WEST FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of _____ 20____.

Bernie L. Dardis
President of the West Fargo City Commission

Tina Fisk
City Auditor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20____, before me, a notary public in and for said county and state, personally appeared Bernie L. Dardis, President, and Tina Fisk, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

WEST FARGO PLANNING COMMISSION APPROVAL

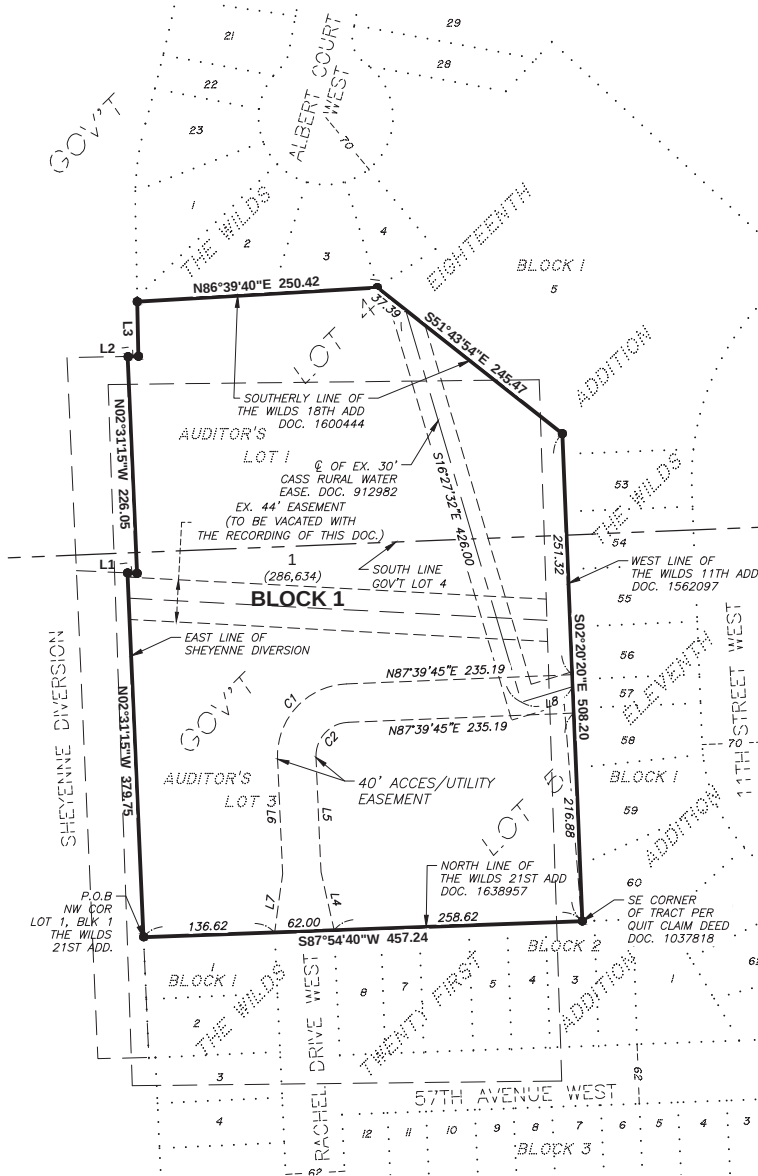
Approved by the City of West Fargo Planning Commission this ____ day of _ 20____.

Joseph F. Kolb
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20____, before me, a notary public in and for said county and state, personally appeared Joseph F. Kolb, Planning Commission Chair, known to me to be the person described in and who executed the same as planning commission chair.

Notary Public: _____



- LEGEND**
- SET MONUMENT 5/8" REBAR W/CAP LS-27292
 - FOUND MONUMENT
 - (5,000) PLAT LOT AREAS
 - PLAT OVERALL BOUNDARY
 - PLAT BLOCK LINES
 - EXISTING PROPERTY LINE
 - EXISTING PLATTED LINE
 - EXISTING EASEMENT LINE
 - PLAT NEW EASEMENT

SCALE IN FEET
ORIENTATION OF BEARING IS
THE WILDS 11TH ADDITION TO THE
CITY OF WEST FARGO ACCORDING TO
THE RECORDED PLAT THEREOF
DISTANCES ARE U.S. SURVEY FEET

KPH, INC.
SURVEY
9530 39TH ST. S.
FARGO, ND 58104
701-499-7979

LINE TABLE		
#	DISTANCE	BEARING
L1	10.04	S87°31'15"E
L2	11.28	N88°48'45"E
L3	56.89	N01°11'15"W
L4	61.98	N12°44'36"W
L5	119.68	N02°31'15"W
L6	119.68	N02°31'15"W
L7	61.53	N07°46'41"E
L8	55.81	N73°14'04"E

CURVE TABLE					
#	LENGTH	RADIUS	DELTA	CHORD DISTANCE	CHORD BEARING
C1	118.05	75.00	090°11'00"	106.24	S42°34'15"W
C2	55.09	35.00	090°11'00"	49.58	S42°34'15"W

Aaron M. Nelson

From: Mike Little <mikelittlemail@gmail.com>
Sent: Tuesday, January 25, 2022 4:22 PM
To: Aaron M. Nelson
Cc: Louise Little
Subject: Question: West Fargo Zoning Issue - NW 1/4 Section 6, T138N, R49W

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Aaron,

My wife Louise and I live at 1197 Albert Ct. W., West Fargo, ND 58078. We just received your letter about changes which would impact our backyard which abuts the A22-7 proposed subdivision change to limited multiple dwellings.

We chose this neighborhood for 2 reasons:

1. New construction was almost complete (When we moved in in March 2021, construction had not started on the other multifamily complexes. It surprised our neighbors and us to see multifamily units placed into a single family community. From a planning/zoning perspective, why would you do this? To my knowledge, nowhere else in the Wilds are there multifamily units. Is there a long-range plan we're not aware of to create apartments/condos in the country? It's weird and I assume it will devalue property values in this neighborhood, not to mention drive up traffic on what was supposed to be a quiet cul de sac.
2. There are established trees in our backyard which are on the farmstead property. We want these trees to stay. Established trees are hard to find in West Fargo especially in the Wilds neighborhoods. I would imagine that they would be a selling point to families looking to move into this area.

Are you able to share who the developer is who is looking to create more multifamily units in our neighborhood? Also, do you know if their plans include keeping the established trees behind our house?

Thank you,

Mike Little
701.610.0571

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Aaron M. Nelson

From: Alec Worwa <aworwa@legendarycap.com>
Sent: Monday, January 24, 2022 2:49 PM
To: Aaron M. Nelson
Subject: Proposed Grant Addition Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mr. Nelson,

I received a memorandum in the mail that outlines a proposed rezoning of a parcel of land in my neighborhood, the Wilds. Specifically, it's a request to rezone this multi-acre lot from A to R-2, or agriculture to limited multiple dwellings. This can potentially impact my property located at 1198 Albert Ct W as our backyard faces the tree line on lot 4.

I have a couple questions about this and was hoping you could help!

1. Do you know what the developer, who I assume is Christianson, is planning to develop here? Will it be similar to the townhomes developed on Private Drive nearby?
2. Looks like this is broken out into two lots, lot 4 and lot 5. Do his plans include developing property on Lot 4?
3. Do his plans include tearing down trees on Lot 4? If so, do you know how many? Will the majority of the tree's on lot 4 remain in place? Will my property no longer have a tree line in the backyard because of this planned development?
4. How many buildings, and about how many units per building, are in the plans for this development?
5. What is the approval process that the city will take for this rezoning request? How long does it take? What is considered in the decision? Has the developer submitted any backup plans in case this rezoning is denied?

Thank you,

Alec Worwa

Portfolio Manager
Legendary Capital



[701-541-6198](tel:701-541-6198)



aworwa@legendarycap.com



www.LegendaryAcquisitions.com



1635 43rd St S., Suite 205, Fargo, ND 58103



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MEMORANDUM

TO: West Fargo Planning & Zoning Commission

FROM: Aaron Nelson, Planning Director

DATE: February 3, 2022

SUBJECT: Item 9 – Recommendation for Planning Commission chair to serve as City of West Fargo’s alternate member on MetroCOG Policy Board

The Metropolitan Council of Governments (MetroCOG) has requested that the City of West Fargo designate an alternate member for the MetroCOG Policy Board. The alternate member would be responsible for filling in as a Board member whenever one of the City’s two regular members are unable to attend a meeting. The City’s regular Board members, Commissioners Olson and George, have suggested that someone from the Planning & Zoning Commission serve as the alternate member. Staff suggests that rather than identifying a specific individual from the Commission, that this be a function of the Commission chair position. In other words, whoever is elected to serve as the Planning & Zoning Commission chair would also be designated as the City’s alternate member for the Policy Board.

The Policy Board consists of 16 members from the various metro area jurisdictions. Representation from member jurisdictions is based on population, with the City of West Fargo having two members. Additional information regarding the MetroCOG Policy Board can be found on the MetroCOG website at <https://fmmetrocog.org/committees/policy-board>.

Recommended Motion:

“...to recommend that the City Commission designate the Planning & Zoning Commission chair as the City’s alternate member to the MetroCOG Policy Board.”

MEMORANDUM

TO: West Fargo Planning & Zoning Commission

FROM: Aaron Nelson, Planning Director

DATE: February 3, 2022

SUBJECT: Item 10 – Options for future Commission discussion & informational meetings

At the January meeting of the West Fargo Planning & Zoning Commission, it was suggested that staff explore options to facilitate informal Commission discussion on select topics. Generally speaking, there are two primary options for facilitating such discussion—either holding discussion during regular meetings or scheduling additional meetings. Both of these options include any number of sub-options, such as:

1. *Discussion items during the regular meetings of the Commission.*
 - a. *Non-application items could be discussed at the end of the regular agenda.*
 - b. *Commission meetings could be scheduled to start an hour early, with the first hour being reserved for special topic discussion.*
2. *Stand-alone meetings independent of regular meetings of the Commission.*
 - a. *Periodic “brown bag” meetings could be scheduled over the noon-hour.*
 - b. *Discussion meetings could be schedule on a different night, such as the 4th Tuesday of select months.*
 - c. *Virtual meetings could be held remotely.*

Regardless of the manner in which the Commission would like to hold these discussions, staff’s preference would be to remain flexible in terms of timing, by holding these discussions on an as-needed basis. These discussions would be best reserved for months with few applications, especially if there is a need for staff time and resources in preparation for the discussion.

Also indicated at the January Planning & Zoning Commission meeting was the desire to further discuss the City’s existing application notification requirements. Staff suggests that this could be one of the first topics of discussion to be considered once the Commission has determined the manner in which to best hold these discussions. However, there are likely many other topics which may be of a high priority.

Staff will be available to provide additional information and to participate in this discussion item with Commissioners on February 8.