



West Fargo Planning and Zoning Meeting
West Fargo City Hall Commission Chambers
800 4th Ave E, West Fargo, 58078
Tuesday, March 8, 2022 5:30 PM

1. Call to Order
2. Approval of Minutes – February 8, 2022
3. Public Hearing – A22-8 DMF Health Innovations Park First Addition, a replat of 450 23rd Avenue East (Lot 1, Block 1 of North Pond at the Preserve 14th Addition), City of West Fargo, North Dakota – Dakota Medical Foundation
4. Non-Agenda Items - Discussion on April meeting date due to the Board of Equalization scheduling conflict. Monday, April 11th or Wednesday, April 13th.
5. Adjourn



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

West Fargo Planning & Zoning Commission
Tuesday, February 8, 2022 at 5:30pm
West Fargo City Hall

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

Members Absent: April Walker

Others Present: Aaron Nelson, Lisa Sankey, John Shockley, Chanda Erickson, Malachi Petersen, Barb Erbstoesser

Minutes Submitted by: Chanda Erickson, Office Manager

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

Commissioner Gust moved and Commissioner Thorstad seconded to approve the January 11, 2022 meeting minutes as printed and mailed. No opposition, Motion carried.

Commissioner Kolb opened a 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. There was no public comment. The Public Hearing was closed. After continued discussion, Commissioner Gust moved and Commissioner Lebahn seconded to approve the application with the two conditions listed in the staff report. No opposition. Motion carried.

Commissioner Kolb opened a 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. There was no public comment. The Public Hearing was closed. After discussion, Commissioner Gust moved and Commissioner Lebahn seconded to approve the application with the four conditions listed in the staff report. Commissioner Rakow opposed. Motion carried.

Michael Knudsen, applicant, was available for questions.

Commissioner Kolb opened a 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. The Public Hearing was closed. After discussion, Commissioner Dodds moved and Commissioner Rakow seconded to approve the application with the nine conditions listed in the staff report. No opposition. Motion carried.



Jon Youness, applicant, was available for questions.

Commissioner Kolb opened a Public Hearing – A22-5 Zoning Ordinance Amendment to Section 4-449 allowing for Telecommunications Towers within the P: Public Facilities District. The Public Hearing was closed. After discussion, Commissioner Thorstad moved and Commissioner Rakow seconded to approve the application. No opposition. Motion carried.

Commissioner Kolb opened a 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. After discussion, Commissioner Dodds moved and Commissioner Rakow seconded to approve the application with the two conditions listed in the staff report. No opposition. Motion carried.

Curtis Walter, applicant, was available for questions.

Commissioner Kolb opened a 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. There was no public comment. The Public Hearing was closed. After continued discussion, Commissioner Gust moved and Commissioner Thorstad seconded to approve the application with the conditions listed in the staff report. No opposition. Motion carried. Commissioner Rakow motioned to amend the motion, to remove the recommendation that the Park Board would accept fee-in-lieu of park land dedication. The amendment to the motion failed to receive a second.

Joel Fremstad, attorney for the applicant, was available to answer questions.

Alec Worwa, of 1198 Albert Ct W, spoke in opposition of the application. He was concerned about removal of the trees and his property values decreasing.

Non-hearing – Recommendation for Planning Commission chair to serve as City of West Fargo's alternate member on MetroCOG Policy Board. Commissioner Rakow moved and Commissioner Dodds seconded to have Chair Joe Kolb serve as the alternate member on MetroCOG policy board, pending Aaron Nelson clarifying if an appointed member is acceptable.

Non-hearing – Options for future Commission discussion & informational meetings. Commission was agreeable to brown bag meetings.

Commissioner Thorstad and Commissioner Rakow seconded to adjourn. No opposition. Meeting adjourned.

Planning and Zoning Commission meetings are published on YouTube City of West Fargo Channel; and are also included in our video archive at <https://www.westfargond.gov/1202/Agendas-Minutes>

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.515.5370. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of West Fargo Web site at <https://www.westfargond.gov/1202/Agendas-Minutes>

STAFF REPORT

A22-8 REPLAT AND SUBDIVISION VARIANCE	
DMF Health Innovations Park First Addition	
450 23 rd Avenue East (Lot 1, Block 1 of North Pond at the Preserve 14 th Addition)	
Owner/Applicant: Dakota Medical Foundation	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	03-08-2022
City Commission Final Plat Approval:	

PURPOSE:

Replat one lot into three for development and to dedicate right-of-way.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	C: Light Commercial
Zoning Overlay District(s):	CO-I: Interstate Corridor Overlay
Proposed Lot size(s) or range:	3.99 – 10 Acres
Total area size:	21.14 Acres
Adjacent Zoning Districts:	North – Interstate 94 Corridor South – C: Light Commercial & P: Public Utilities (Park) East – C: Light Commercial West – C: Light Commercial (rezoning pending)
Adjacent street(s):	23 rd Avenue East (Collector Street); Rustad Lane (Local)
Adjacent Bike/Pedestrian Facilities:	Path along south side of 23 rd Ave E; Sidewalk along 6 th St E
Available Parks/Trail Facilities:	River's Bend at the Preserve Park and North Pond Trail and Pond lookout within ½ mile
Land Dedication Requirements:	Developer provided land dedication by way of an agreement which was dated March 15, 2015 to cover all future dedication requirements within the North Pond developments. The land dedication is therefore provided for from this previous agreement in place.

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a subdivision replat to create new lots and dedicate right-of-way, west of Costco along the north side of 23rd Avenue East.
- The preliminary plat consists of three lots with 70' of right-of-way along Rustad Lane East.
- The City Subdivision ordinance specifies a minimum 80' of right-of-way for Non-residential, Commercial/Industrial local 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.
- Currently along Rustad Lane East, 80' of right-of-way is provided to the south, which was part of North Pond at the Preserve 1st Addition (Costco Site).
- When North Pond at the Preserve 10th (Duluth Trading) was platted to the east, a condition for approval included:

STAFF REPORT

- o Adequate road widths to accommodate development were provided with future intentions also provided for proposed “half street” with right of way width of 60’ initially intended to adequately provide for the street improvement while still allowing the developer and City the ability to determine adequate right of way width for the commercial development if necessary in the future by expanding on the currently undeveloped property to the southwest.
- A meeting was held with Engineering and the applicant to discussion access, as well as roadway widths and right-of-way needs. A consensus was reached regarding decreasing the roadway and right-of-way by 10’ provided no on-street parking was allowed.
- Discussion regarding access included a condition of negative access easements for the properties along 23rd Avenue East.
- The Interstate Corridor Overlay District building and site requirements would remain in place on the property, meaning any development/subsequent building permits shall be subject to site and building plan review and approval by the Planning & Zoning and City Commissions.

CRITERIA FOR GRANTING SUBDIVISION VARIANCE:

Where the subdivider proves that extraordinary hardship would result from the strict interpretation of this ordinance, the Planning Commission may grant a variance from these regulations. A response from the applicant is included in the agenda packet. The Planning Commission shall not approve variances unless it can be shown by the subdivider that the following conditions apply:

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.
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.
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.
4. The variance is consistent with the proper development of the area.

NOTICES:

Sent to:	Hearing notice published in official newspaper and information sent to applicable agencies and departments
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Comments Received:

- Cass County Electric indicated a preference for a 10’ public utility easement platted around the outside of each lot.
- Comments were received from Engineering regarding right-of-way and access, and were addressed by the applicant

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

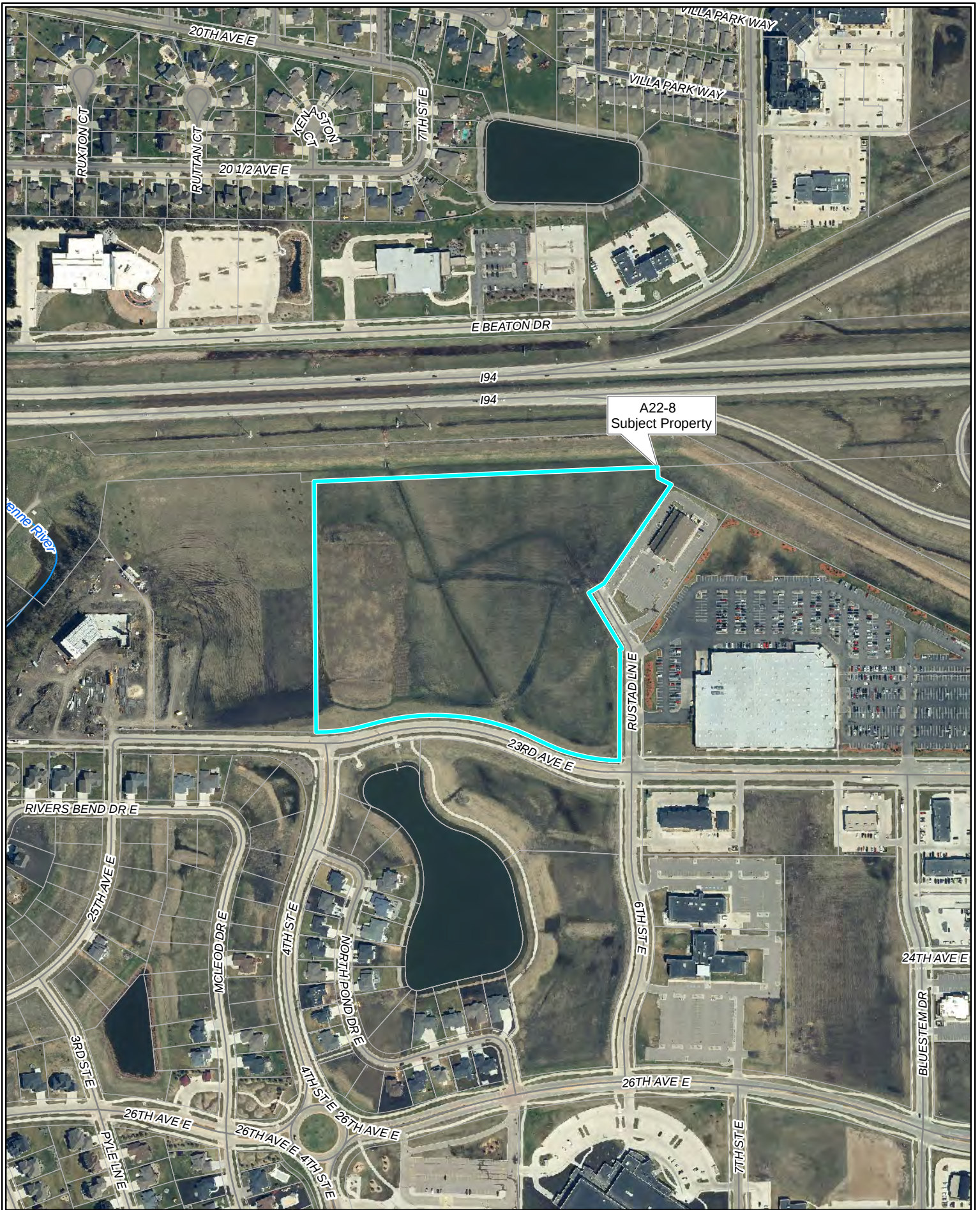
- The proposed application is consistent with the City plans and ordinances.

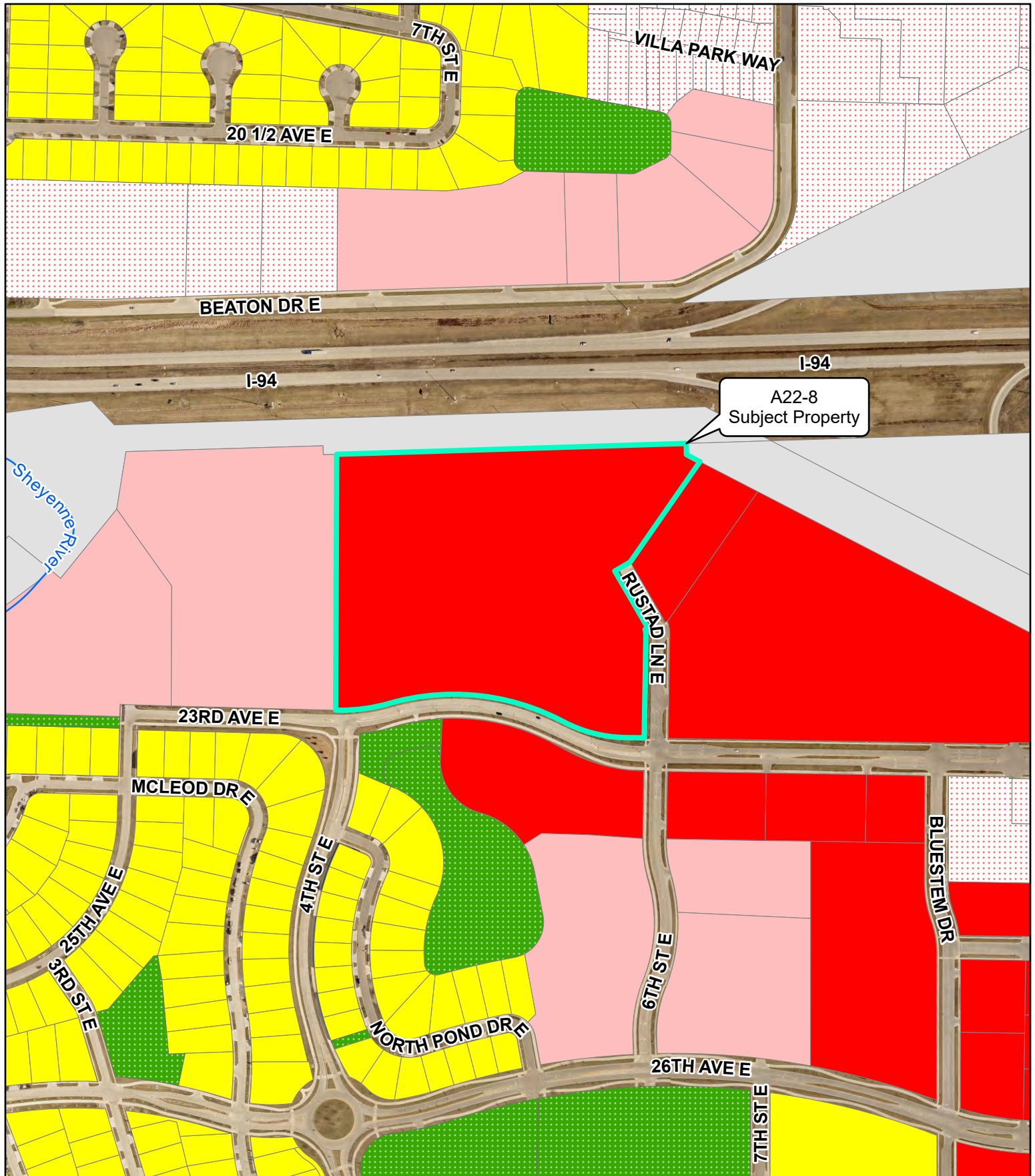
STAFF REPORT

RECOMMENDATIONS:

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

1. A signed subdivision improvement agreement is received.
2. Subdivision variance for reduction of right-of-way from 80' to 70' and roadway width reduced from 40' to 30' conditioned upon no on-street parking.





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

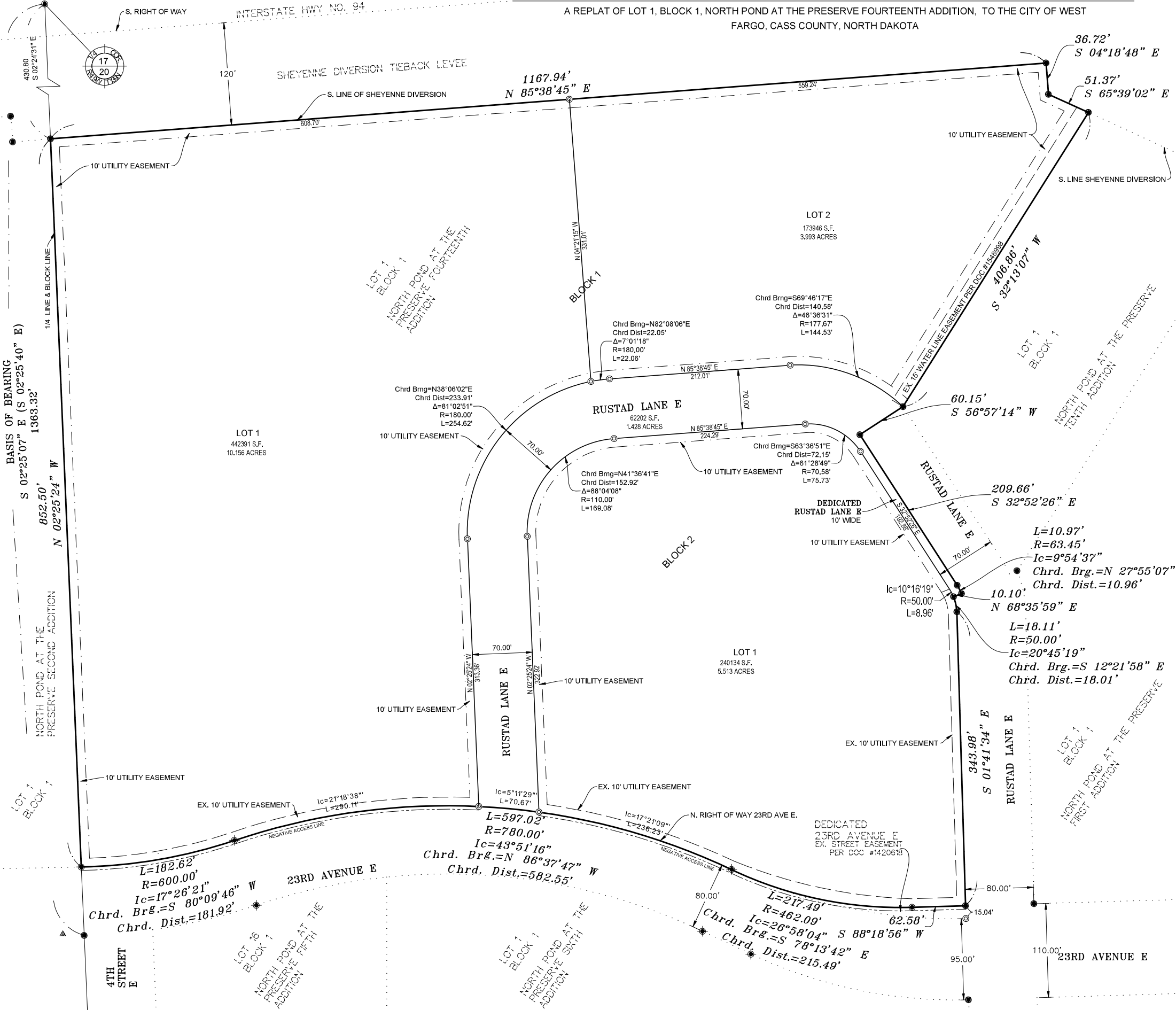


PRELIMINARY PLAT OF
DMF HEALTH INNOVATIONS PARK FIRST ADDITION

A REPLAT OF LOT 1, BLOCK 1, NORTH POND AT THE PRESERVE FOURTEENTH ADDITION, TO THE CITY OF WEST
FARGO, CASS COUNTY, NORTH DAKOTA

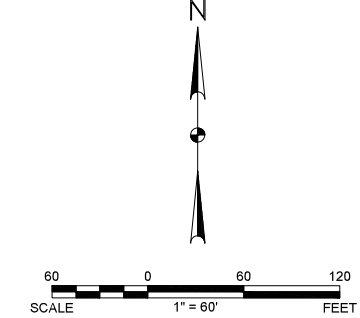
OWNER
DAKOTA MEDICAL FOUNDATION
4141 28TH AVE. S.
FARGO, ND 58104
PH: 701.271.0263

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



LEGEND	
●	REBAR AND CAP FOUND
○	REBAR FOUND
⊙	5/8" REBAR AND LS 4887 CAP SET
---	NEW EASEMENT LINE
- - -	EXISTING EASEMENT LINE
---	ADJACENT LOT LINE
---	PROPERTY BOUNDARY
---	LOT LINE
---	RIGHT OF WAY LINE
---	NEGATIVE ACCESS LINE
(60')	RECORD DISTANCE
300.40'	MEASURED DISTANCE
(N 87°02'05" E)	RECORD BEARING
N 87°02'05" E	MEASURED BEARING

BASIS OF BEARING:
SURVEY IS BASED ON FARGO GIS HORIZONTAL DATUM, US
SURVEY FEET. DISTANCES SHOWN ARE GROUND DISTANCES.
SURVEY PERFORMED APRIL 2021.



SHEET 1 OF 2
3/4/2022



Mar 04, 2022 - 10:16am - K:\Projects\Bsn\hst\NorthDakotaMedicalFoundation\2214_00208_DMFFlat\CAD\2214-00208_DMFFlat-Plat.dwg (SIGNATURES)

PLAT OF
DMF HEALTH INNOVATIONS 1ST ADDITION
A REPLAT OF LOT 1, BLOCK 1, NORTH POND AT THE PRESERVE FOURTEENTH ADDITION, TO THE CITY OF WEST
FARGO, CASS COUNTY, NORTH DAKOTA

OWNER'S DESCRIPTION, ACCEPTANCE AND DEDICATION:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "DMF HEALTH INNOVATIONS 1ST ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF:

LOT 1, BLOCK 1 OF NORTH POND AT THE PRESERVE FOURTEENTH 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 ON SAID PLAT. WE HEREBY DEDICATE THE STREET AND UTILITY EASEMENTS AND SHARED ACCESS EASEMENTS TO THE USE OF THE PUBLIC AS SHOWN ON SAID PLAT. PRIVATE UTILITY EASEMENTS ARE DEDICATED TO THE BENEFIT OF THE PROPERTIES AS SHOWN ON SAID PLAT.

SAID PLAT CONTAINS 21.126 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

OWNER: DAKOTA MEDICAL FOUNDATION

(NAME, TITLE)

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20_____,
BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED JED LOPLANTE, TO ME KNOWN TO BE THE
ADMINISTRATOR OF OPORO LLC THAT IS DESCRIBED IN AND WHO
EXECUTED THE SAME ON BEHALF OF OPORO LLC.

NOTARY PUBLIC

OWNER: BELL BANK

(NAME, TITLE)

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20_____,
BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE,

PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE

_____ OF FIRST INTERNATIONAL BANK AND TRUST THAT IS
DESCRIBED IN AND WHO EXECUTED THE SAME ON BEHALF OF FIRST
INTERNATIONAL BANK AND TRUST.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

CARL P. OLSON, PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA LICENSE # LS-4687

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED CARL P. OLSON, TO
ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

CITY OF WEST FARGO ENGINEERING DEPARTMENT APPROVAL

APPROVED BY THE CITY ENGINEER 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 WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT,
TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE SAME AS ALLOWED BY THEIR TITLE.

NOTARY PUBLIC

CITY OF WEST FARGO ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN
EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND
EXECUTION THIS _____ DAY OF _____, 20_____.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY,
CITY ATTORNEY, KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE SAME AS ALLOWED BY THEIR TITLE.

NOTARY PUBLIC

CITY OF WEST FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF WEST FARGO PLANNING COMMISSION
THIS _____ DAY OF _____, 20_____.

JOSEPH F. KOLB, CHAIR
WEST FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB,
WEST FARGO PLANNING COMMISSION CHAIR, TO ME KNOWN TO BE
THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS
ALLOWED BY THEIR TITLE.

NOTARY PUBLIC

CITY OF WEST FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED
FILED THIS _____ DAY OF _____, 20_____.

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

ATTEST:

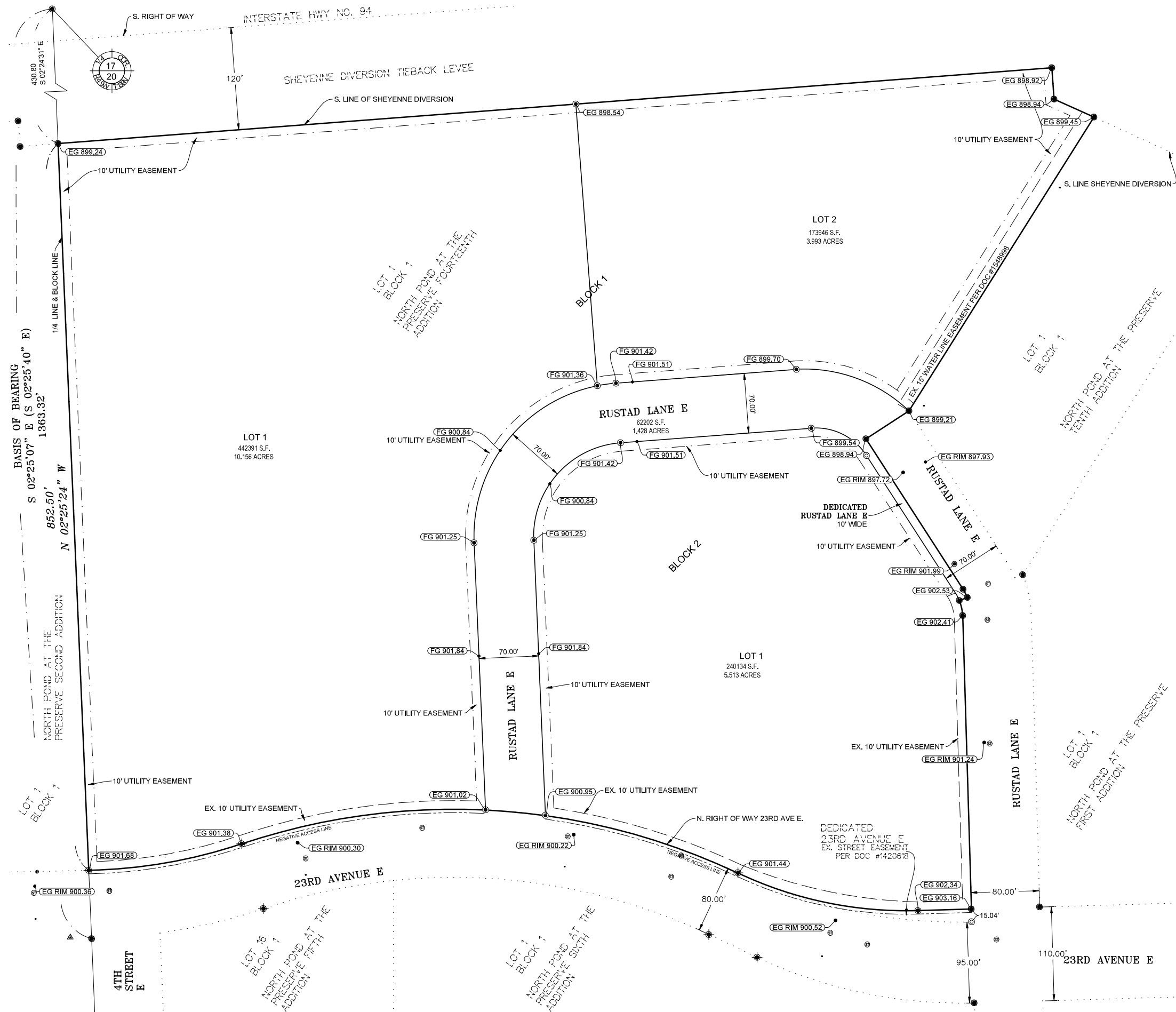
TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____,
20_____, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS,
PRESIDENT OF THE BOARD OF CITY COMMISSIONERS, CITY OF WEST
FARGO, AND TINA FISK, CITY AUDITOR, CITY OF WEST FARGO, TO ME
KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE
SAME AS ALLOWED BY THEIR TITLE.

NOTARY PUBLIC





LEGEND

EXISTING	ITEM
	PROPERTY CORNERS
	STORM SEWER MANHOLE
	SQUARE CATCH BASIN
	ROUND CATCH BASIN
	PLAT BOUNDARY
	PROPOSED RIGHT OF WAY
	PROPOSED LOT LINE
	EXISTING LOT LINE
	EXISTING EASEMENT
	PROPOSED EASEMENT
	RIGHT-OF-WAY DISTANCES
	EXISTING GRADE LABEL
	FINISHED GRADE LABEL

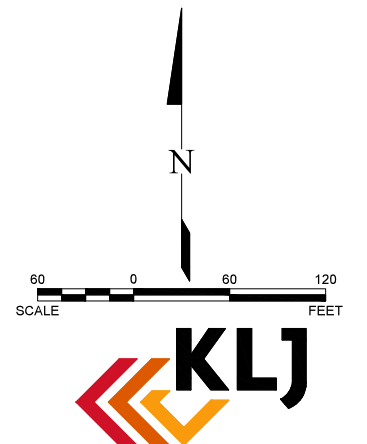
NOTES:

1. LOT AREAS ANTICIPATED TO DISCHARGE INTO THE RIGHT OF WAY VIA OVERLAND FLOW OR STORM SEWER, RUNOFF TO BE DETAINED WITHIN THE REGIONAL DETENTION POND SOUTH OF 23RD AVENUE E. IF DEVELOPMENT EXPANDS BEYOND THE IMPERVIOUSNESS ASSUMED, THE ADDITIONAL SHOULD BE DETAINED ON SITE.

	ASSUMED IMPERVIOUS AREA (ACRES)	TOTAL AREA (ACRES)	ASSUMED % IMPERVIOUS
LOT 1, BLOCK 1	7.972	10.156	78.5%
LOT 2, BLOCK 1	3.135	3.993	78.5%
LOT 1, BLOCK 2	4.328	5.513	78.5%
RIGHT OF WAY	1.428	1.428	100.0%
TOTAL	16.863	21.090	80.0%

HORIZONTAL DATUM:

FARGO GIS HORIZONTAL DATUM
UNITS: US SURVEY FEET
NGVD 29 VERTICAL DATUM





300 23rd Ave E, Suite 100
West Fargo, ND 58078-7820
701 232 5353
KLJENG.COM

2/21/2022

Lisa Sankey

Planning & Zoning Department

City of West Fargo

800 4th Ave E, Ste. 1

West Fargo, ND 58078

Re: DMF Health Innovations Park First Addition - Variance

Dear Ms. Sankey

The above mentioned plat is requesting a variance for the right of way width for the development.

The majority of the property has existing roadways that were previously constructed. This project would extend the right of way of Rustad Lane from the current terminus at Duluth Trading Company and loop it back toward 23rd Avenue E. The project would expand the existing 60' right of way as dedicated by North Pond at the Preserve 10th Addition to 70' and continue that 70' width to 23rd Avenue E. Below is an explanation of the hardships of the right of way width.

1. This is unique to the property as there is already a reduced width right of way that we are extending.
2. Expanding the right of way would be difficult along Duluth Trading Company as their lot frontage is already built out and landscaped. Additionally, acquiring the added 10' would bring them into the platting process which is currently only one property owner. This would delay the platting process and subsequent review processes for the development and construction of the new Dakota Medical Foundation facility.
3. The right of way width reduction would not harm the surrounding area as the looped portion of the roadway is limited in length and unless you are coming to a facility accessing off Rustad Lane, there would not be a reason to travel on this section of roadway.
4. As the right of way is a continuation of the existing it would be a consistent width through the area. The existing roadway width is adequate for traveling through the development and suitable for all necessary public infrastructure and landscaping.

Sincerely,

KLJ

A handwritten signature in blue ink that reads 'Scott Kolbinger'.

Scott Kolbinger, PE

Project manager

Enclosure(s): None

Project #: 2211-00208

cc: File

INTERSTATE 94

