



West Fargo Planning and Zoning Meeting
West Fargo City Hall Commission Chambers
800 4th Ave E, West Fargo, 58078
Tuesday, January 10, 2023 5:30 PM

1. Call to Order
2. Election of Chair and Vice Chair
3. Approval of Minutes – December 13, 2022
4. Brooks Harbor 1st Addition Right-Of-Way Access
5. Public Hearing – A23-1 North Pond at the Preserve 16th Addition, a replat and rezoning from C-OP: Commercial Office Park to R-3: Multiple Dwellings of Lot 2, Block 1 of North Pond at the Preserve 6th Addition (2500 6th Street East), City of West Fargo, North Dakota – Beyond Shelter
6. Public Hearing – A23 -2 Conditional Use Permit for temporary concrete crushing facility and stockpiling of concrete and asphalt located at 2351 8th Avenue NW (Lot 2, Block 1 of West Fargo 12th Addition), City of West Fargo, North Dakota – Dakota Fence/Gowan
7. Public Hearing – A23-3 Saucke Subdivision, a replat of Lots 10-15, Block 1 of Quam's Subdivision and all of vacated Short Street, Cass County, North Dakota and Conditional Use Permit for a private non-commercial recreational building on proposed Lot 2, Block 1 of Saucke Subdivision, Cass County, North Dakota – Saucke
8. Continued to the February 14, 2023 Meeting - A23-4 Sandhills 6th Addition, a Replat and Rezoning from A: Agricultural to LI: Light Industrial and P: Public Facilities of Auditor's Lot 3 and a Replat of all of Block 2, Lots 6-16 of Block 3, Lots 2-7 and 10-22 of Block 4, Lots 10 and 13 of Block 8, Lots 3-10 and 13-22 of Block 9, all of Blocks 10 and 11, all in Meadow Brook Park Subdivision; a Vacation Plat of part of Gress Avenue, all of Second Avenue North, part of First Avenue North, all of Northern Pacific Avenue and part of Park Boulevard all in Meadow Brook Park Subdivision, all in the SE¼ of Section 2, T139N, R50W, City of West Fargo, North Dakota - Ocho Indy, LLC
9. Non-Agenda Items
10. Adjourn



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

West Fargo Planning & Zoning Commission
Tuesday, December 13, 2022 at 5:30pm
West Fargo City Hall

Members Present: Joe Kolb, David Gust, Eric Dodds, Mike Thorstad, Brady Woodard, Aleyna Leibfried

Members Absent: Lana Rakow

Others Present: Aaron Nelson, 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 Leibfried moved and Commissioner Dodds seconded to approve the November 8, 2022 meeting minutes as printed and mailed. No opposition, Motion carried.

Continued - A22-18 – The Wilds 22nd Addition, a subdivision and rezoning from A: Agricultural to R-1: One & Two Family Dwellings and P: Public Facilities, property located in the S½ of Section 31, T139N, R49W, City of West Fargo, North Dakota – Westport Investments. After continued discussion, Commissioner Liebried moved and Commissioner Thorstad seconded to approve the application with the cul-de-sac option. No opposition. Motion carried.

Downtown Master Plan Recommendation Initiative. After continued discussion, Commissioner Dodds moved and Commissioner Gust seconded to forward the recommendation to the City Commission. No opposition. Motion carried.

There were no non agenda items.

Commissioner Gust and Commissioner Leibfried 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

ACCESS REQUEST

Brooks Harbor 1 st Addition	
26 th Ave W (Lot 3, Block 1 of Proposed West Fargo 7th Addition)	
Applicant/Owner: Mike Graham/MM Land Holdings, LLC	Staff Contact: Aaron Nelson
Planning & Zoning Commission:	01-10-2023
City Commission:	

PURPOSE:

Request access onto an Arterial & Collector Street.

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):	C0: Corridor Overlay
Total area size:	6.1 Acres
Adjacent Zoning Districts:	North – C: Light Commercial South – R2: Limited Multiple Dwelling Residential; C: Light Commercial; R-1SM: Mixed One & Two Dwelling Residential East – A: Agricultural West – R2: Limited Multiple Dwelling Residential
Adjacent street(s):	26 th Avenue W (Collector); Sheyenne St (Arterial); 24 th Avenue W (Local); 5 th Street W (Local)
Adjacent Bike/Pedestrian Facilities:	Shared Use Paths – 26 th Ave W & Sheyenne St Sidewalks – 24 th Ave W & 5 th St W
Available Parks/Trail Facilities:	Not applicable
Park Dedication Requirements:	Not applicable

DISCUSSION AND OBSERVATIONS:

- Access control for the subject property has been in place along Sheyenne St and 26th Ave W since the property was originally platted in 2013.
- Section 2-0119 of the City Ordinances requires City Commission approval upon recommendation of the Planning & Zoning Commission for access to arterial and collector roadways.
- The applicant is requesting street access at two locations:
 - A right-in driveway from Sheyenne St, an arterial street.
 - A full access driveway connection to 26th Ave W, a collector street.
- The applicant is making this request in order to provide more-direct access to and from the subject property from Sheyenne St and 26th Ave W.
- Staff has several concerns regarding the proposed access points regarding safety and traffic congestion; some of which can be mitigated through modifications to existing street infrastructure.
- The proposal was evaluated by a third-party traffic engineering firm, Bolton & Menk, whose comments and recommendations helped to inform staff's review and recommendations.

STAFF REPORT

- The proposed right-in access from Sheyenne St would allow for southbound traffic to turn right into the subject property. This right-in access presents several concerns:
 - It creates a high-speed conflict with the existing shared-use path along the west side of Sheyenne St.
 - It would be difficult to prevent illegal right-out turns.
 - It introduces the potential for additional unexpected breaking/deceleration within the southbound travel lane, which is posted at 35 miles per hour.
- Currently, during morning rush-hour, vehicles traveling eastbound on 26th Avenue stack back from the signalized intersection at Sheyenne St for hundreds of yards. During peak AM travel times, this queue of vehicles can stretch back from the Sheyenne St intersection to west of 5th St W on 26th Ave W. This is due to 26th Ave W being the only signalized access point onto Sheyenne Street for a majority of the residential neighborhoods located south of I-94, north of 32nd Avenue, and west of Sheyenne St.
- The proposed full access driveway on 26th Avenue would allow for movement in and out of the subject property in all directions of travel. Due to the relatively high traffic volumes on this section of 26th Ave W (especially during morning rush-hour, as noted above), this access point presents several concerns:
 - During heavy traffic volumes when vehicles are queued along 26th Ave, it will be difficult for traffic pulling out of the subject property onto eastbound 26th Ave as there would be limited openings in traffic queue to do so.
 - Traffic congestion at this location would be exacerbated by the introduction of a full access driveway at this location. For example, vehicles traveling eastbound on 26th Ave waiting to turn north into the subject property would obstruct the flow of eastbound traffic since there is no dedicated left turn lane at this location.
 - The addition of a full access driveway in such proximity to the Sheyenne St intersection can increase the potential for crashes due to the additional turning movements that are introduced. The City recently had to install a raised median at a similarly situated driveway intersection on 23rd Ave E, just to the west of the intersection of Veterans Blvd, due to high crash rates caused by the full access.
- In order to mitigate some of the issues summarized above, and to generally improve the flow of traffic during peak periods, modifications could be made to 26th Avenue and the Sheyenne St intersection. Such modifications could include the addition of turn lanes, signage, extended medians or the combination thereof.
- Given the concerns summarized above:
 - staff would be supportive of an access onto 26th Avenue only under certain conditions, such as a semi-controlled access (e.g., right-in/right-out driveway design) or modifications to the existing right-of-way (e.g., a combination of increased vehicle stacking capacity, added turn lanes, the use of a raised median for access control, and/or similar changes to 26th Avenue and the intersection at Sheyenne St.). The applicant has been in conversations with staff regarding potential modifications to the right-of-way and has petitioned the City to initiate the process for further review of such options.
 - Staff is not supportive of the proposed right-in access from Sheyenne Street. Convenient access into the property from southbound Sheyenne Street can easily be accommodated via 24th Avenue.

STAFF REPORT

RECOMMENDATIONS:

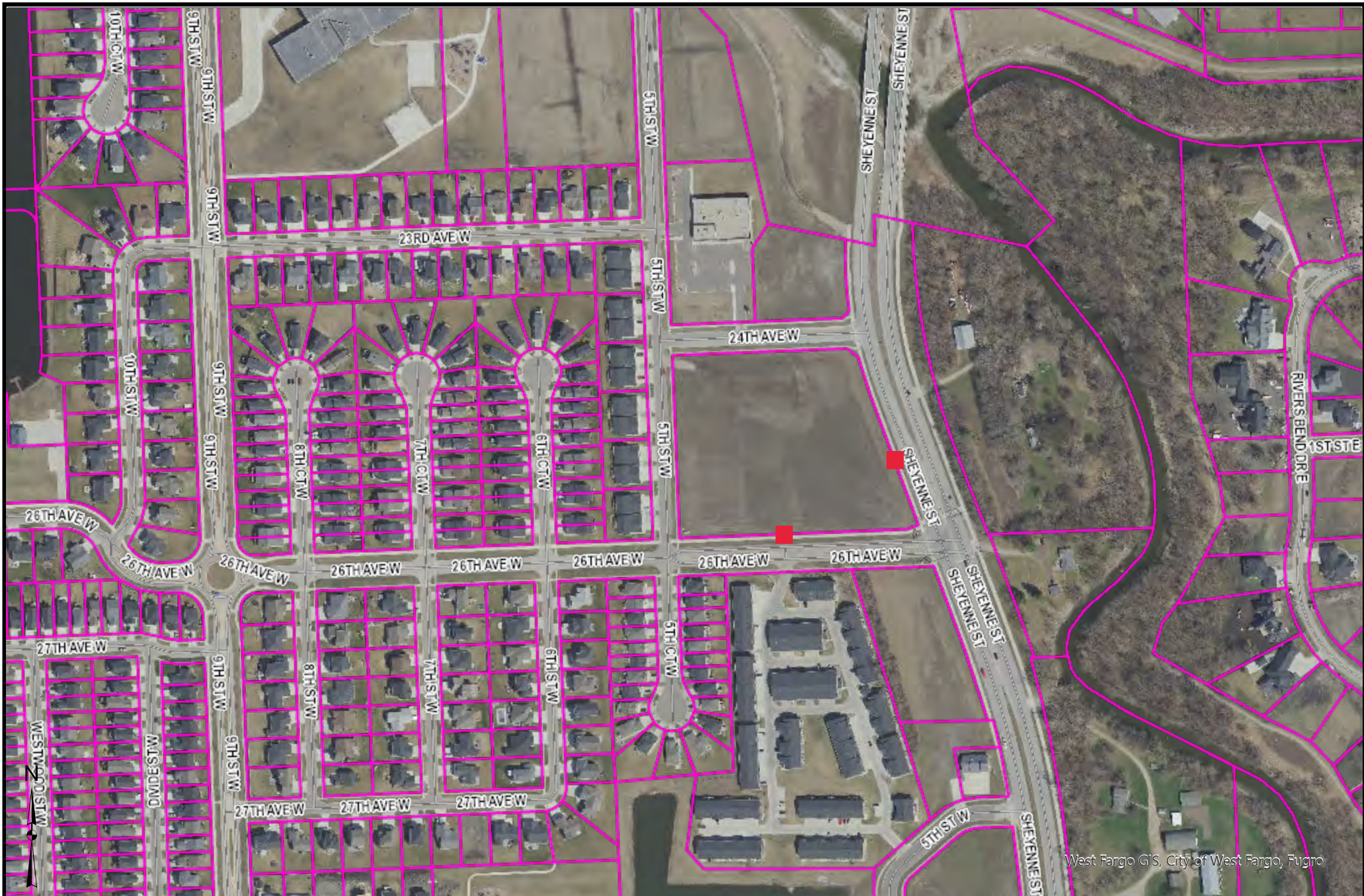
It is recommended that the City approve the proposed access onto 26th Avenue W with the condition that either:

1. the access be right-in/right-out only, controlled by geometric design of a “pork-chop” driveway as approved by the City Engineer; or
2. the access be contingent upon right-of-way modifications to 26th Avenue W that are necessary, as determined by the City Engineer, to mitigate the concerns outlined in this staff report.

It is recommended the City deny the proposed right-in access from Sheyenne Street.

Attachments:

- Aerial Map
- Memo from Bolton & Menk regarding traffic assessment.
- Applicant’s conceptual sight plan, illustrating proposed access locations.



West Fargo GIS, City of West Fargo, Fugro

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.

Access Request

Date: 1/6/2023

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





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.

Access Request	
Date: 1/6/2023	
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	



Real People. Real Solutions.

3168 41st Street South
Suite 2
Fargo, ND 58104

Ph: (701) 566-5339
Fax: (701) 566-5348
Bolton-Menk.com

12/12/2022

West Fargo Engineering Department
Attn: Andrew Wrucke, Assistant City Engineer and Dan Hanson, City Engineer

RE: Brooks Harbor Access Layouts

Greetings,

In early December of 2022, Petro Serve submitted a revised access control layout to/from the Brooks Harbor development with implications to 26th Avenue and Sheyenne Street. The layout is attached to this memorandum. The follow statements summarize my professional review of this concept based on an understanding formed during the development of the traffic impact study, work on Sheyenne Street as project manager of corridor study, and several signal timing endeavors at the intersection of Sheyenne Street and 26th Avenue.

Sheyenne Street and 26th Avenue

The proposed configuration will benefit the operations at Sheyenne Street and 26th Avenue by providing additional storage space for the multiple left-turn lanes while still facilitating the westbound left-turn to the townhomes to the south.

Development Access on 26th Avenue

The primary access east of 5th Avenue south is unnecessarily wide. The Eastbound right-turn lane does not need storage across this intersection. The proximity of this driveway to Sheyenne Street will be challenging during peak periods due to heavy directional traffic flows. Access management may be needed in the future. It is recommended the design of this intersection facilitate conversion to a $\frac{3}{4}$ access in the future without major reconstruction. This will require maintaining the median on the west side of the intersection. The specifics of the design should be studied further. A $\frac{3}{4}$ access will reduce conflict points by 86% and typically will crash rates by 33%. Alternatively, a right-in/right-out-only configuration would reduce crash rate by 67%.

Right-In Only Access Off of Sheyenne Street

We'd recommend eliminating the right-in only access from the plans. Removing traffic from Sheyenne Street as a right-in-only lane will provide negligible benefits to the corridor from a level of service perspective. The SB movement operates well today, and drivers will have two opportunities to get to this area via 24th and 26th

Name: Brooks Harbor

Date: 12/12/2022

Page: 2

Avenues. Some drivers get frustrated when someone blocks them from turning right at a shared thru/right turn lane. From that perspective, far more cars would benefit from a SB Right-Turn lane at 26th Avenue than the proposed location. This improvement wasn't in the Sheyenne Street Corridor plans because the 6-lane section has ample capacity. Furthermore, this right-in only access creates a high-speed conflict with the shared use path, and right-in-only configurations are complicated to design in a manner that doesn't frequently facilitate illegal right-out movements.

Sincerely,

Bolton & Menk, Inc.

Mike Bittner

Mike Bittner, PE, PTOE, PTP, RSP, PMP, IMSA II

Principal Project Manager

Attachment: Petro Serve Proposed Concept

Attachment: Petro Serve Proposed Concept
24TH AVE W

**RIGHT-IN OFF SHEYENNE
2- LEFT TURN+RIGHT TURN**

3.1 CONCEPTUAL ONLY

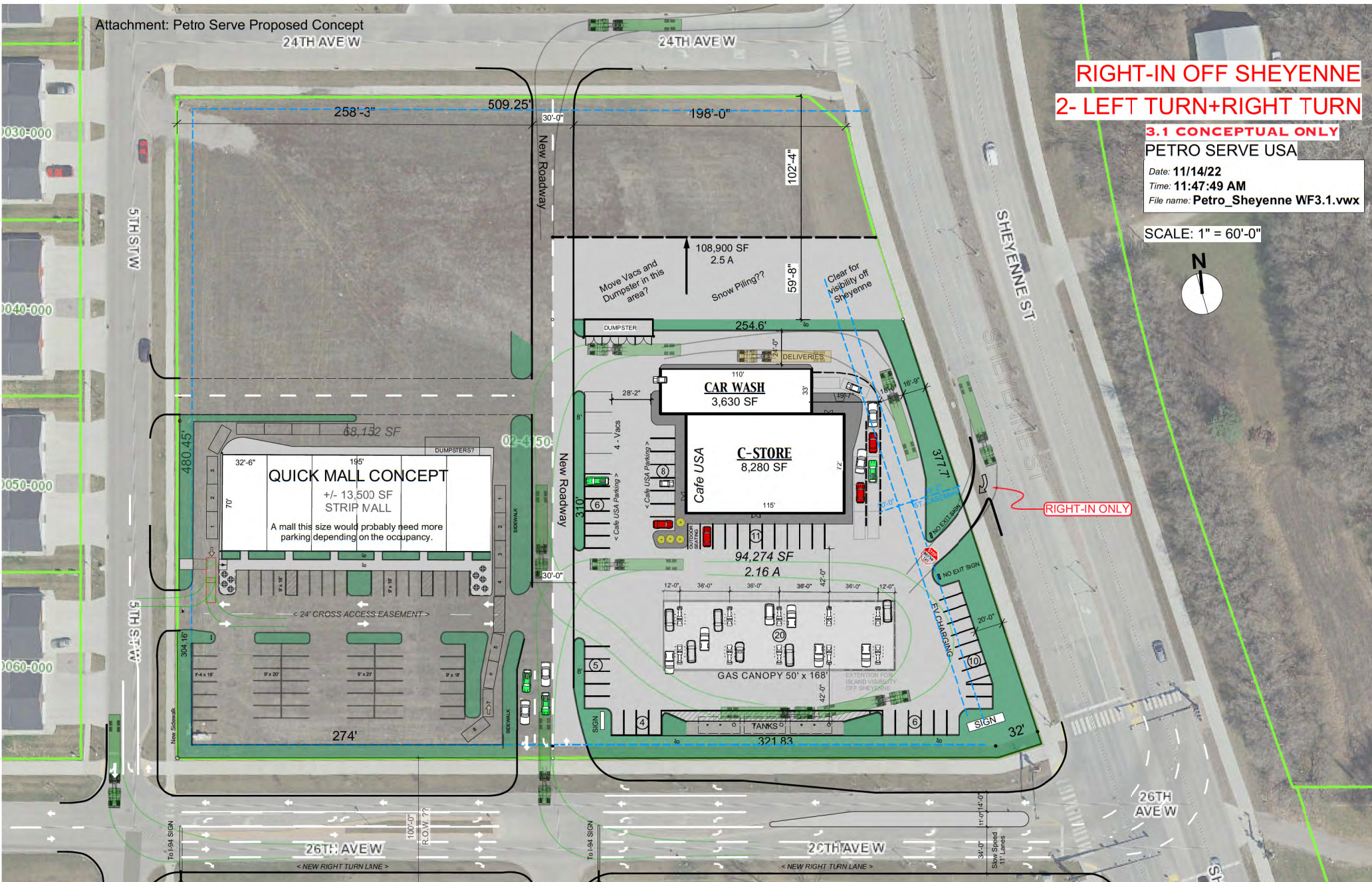
PETRO SERVE USA

Date: 11/14/22

Time: 11:47:49 AM

File name: Petro_Sheyenne WF3.1.vwx

SCALE: 1" = 60'-0"



STAFF REPORT

A23-1 REPLAT AND REZONING	
North Pond at the Preserve 16 th Addition	
Lot 2, Block 1 of North Pond at the Preserve 6 th Addition (2500 6 th Street East)	
Owner: ABM Investments, LLC Applicant: Beyond Shelter	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	01/10/2023
City Commission Public Hearing & 1 st Reading:	
2 nd Reading and Final Plat Approval:	

PURPOSE:

Rezone from C-OP: Commercial Office Park to R-3: Multiple Dwellings, replat, and parking reduction for Senior Affordable Housing project (apartments).

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	C-OP: Commercial Office Park
Zoning Overlay District(s):	n/a
Proposed Zoning District(s):	R-3: Multiple Dwellings & C-OP: Commercial Office Park
Proposed Lot size(s) or range:	Lot 1 - 101,368 ft ² ; Lot 2 – 171,279 ft ²
Total area size:	6.26 Acres
Adjacent Zoning Districts:	North – C: Light Commercial South – P: Public Facilities (Rustad Center Park) East – C-OP: Commercial Office Park West – P: Public Facilities (Retention Pond); R-1A: Single Family Dwellings
Adjacent street(s):	6 th Street East (local); 26 th Ave E (collector)
Adjacent Bike/Pedestrian Facilities:	Path along south side of 23 rd Ave E
Available Parks/Trail Facilities:	River's Bend at the Preserve Park and North Pond Trail and Pond lookout within ½ mile; Rustad Center across 26 th Ave E.
Land Dedication Requirements:	n/a

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a replat and rezoning to R-3: Multiple Dwellings for Lot 2.
- Additionally, the applicant is petitioning for reduced off-street parking requirements. The applicant is proposing to utilize a minimum parking ratio of 1.25 spaces per apartment unit in lieu of the standard residential multi-family ratio, which is typically 1.0 space per efficiency unit and 2.0 spaces per units with one or more bedrooms.
- Under Section 4-451 of the Off-Street Parking and Loading Regulations:
 - If it can be demonstrated by the property owner through market studies or other means that the required off-street parking is excessive and/or a lower parking demand is supported by the*

STAFF REPORT

Institute of Traffic Engineers Parking Generation manual and a lesser requirement justifiable, the City Commission may reduce the number of required spaces by passage of a resolution approved by a majority of the members of the City Commission

- The applicant has submitted a letter in support of their requested parking reduction which describes the parking utilization at two similar senior housing locations that they manage.
- Preliminary site plans show a 71-unit, senior housing project with underground parking on proposed Lot 2, Block 1. Lot 1 to the north will remain C-OP: Commercial Office Park.
- A total of 142 parking spaces are required by the zoning ordinance with 106 spaces provided, so the applicant would either need to provide for the 36 parking spaces on site, arrange for additional parking on an adjacent lot or receive approval from the City Commission for the proposed reduction in parking.

NOTICES:

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

Comments Received:

- An area property owner asked if they would be special assessed for improvements for this project and were opposed if that were the case.
- Engineering reviewed the proposed site plan and indicated concern with the trash enclosure/access onto 6th Street East. Concerns were with sanitation trucks backing onto the road, as well as the access interfering with the functional area of the intersection to the south.
- The Park District indicated they do not intend to maintain the bike path. The easement was dedicated to the public.

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

- The proposed application is consistent with the City plans and ordinances in terms of the need for more affordable senior housing; however, there is a finite amount of commercial property within the City of West Fargo and this would remove that use in favor of additional housing.
- Mixed use is suggested under Economy of West Fargo 2.0, in so much as West Fargo's business development efforts should include working with existing and future business owners to locate retail and destination uses on the street level, with office and residential uses on upper levels. Mixed-use development creates a higher tax base because the "stacked uses" allow for denser development. Moreover, mixed use developments create a "built in" customer base for the uses on the ground floor, allows for a variety of housing options, and encourages a broader range of household types to locate in a community
- Under Strengthen Neighborhoods and Expand Housing Choice in West Fargo 2.0 there is continually a need for more senior housing which is affordable. The city has recognized the increased need for subsidized housing for the elderly and has supported applications, as well as provided tax incentives to stimulate project development. Furthermore, while housing is provided primarily by the private sector, strong public policies are needed to ensure a healthy balance of mixed-income housing that is located in the right place and in conjunction with other types of uses

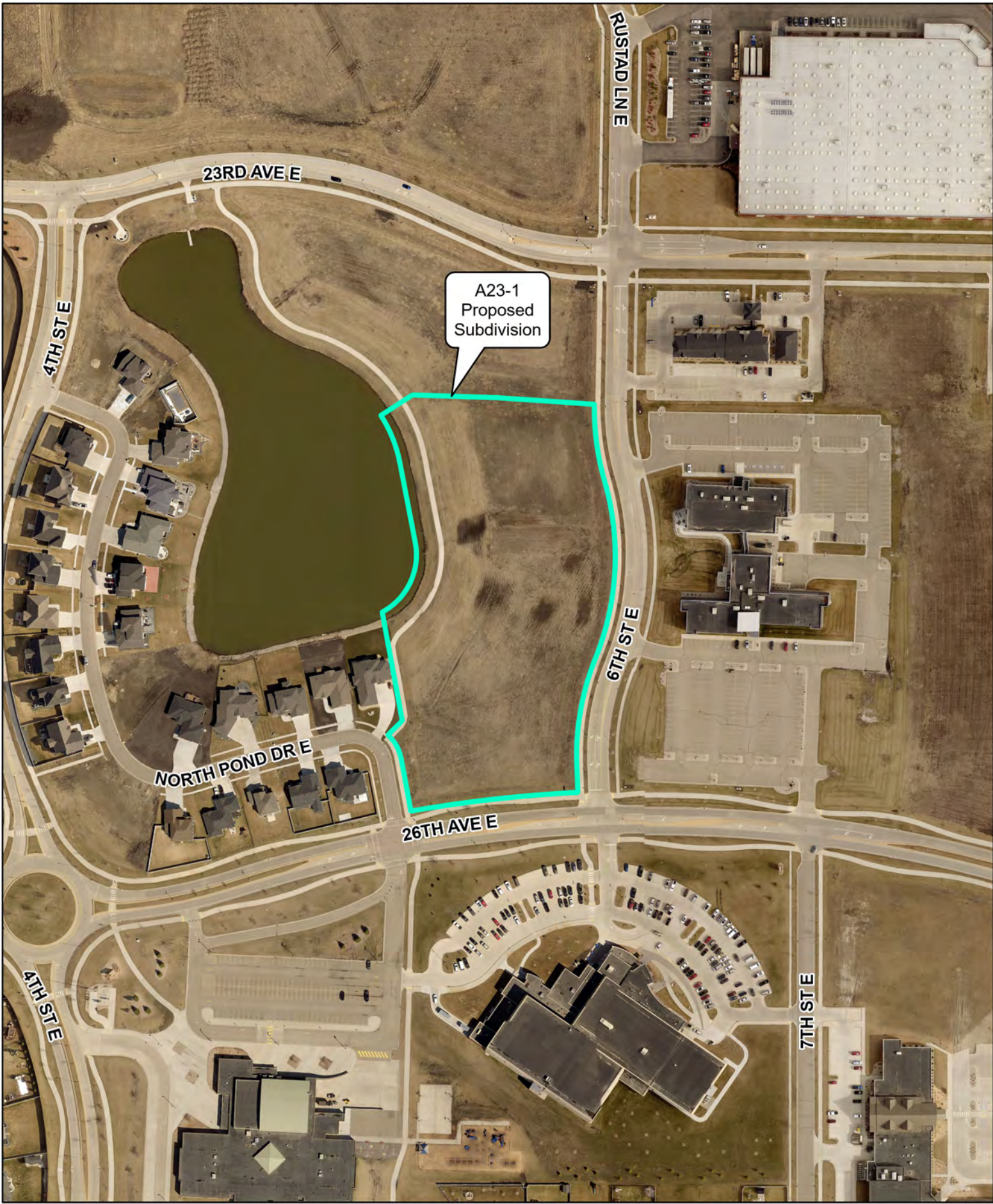
STAFF REPORT

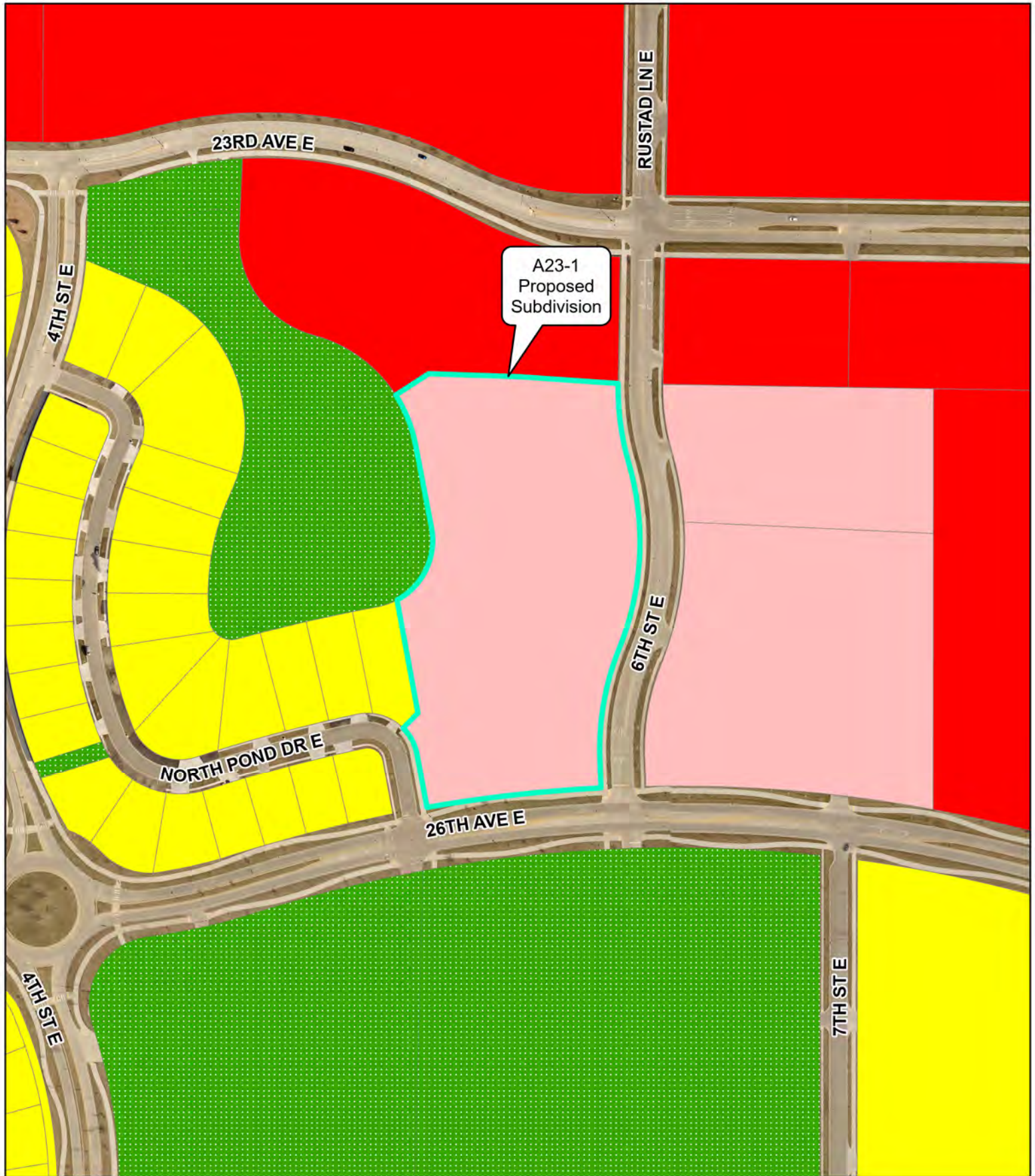
RECOMMENDATIONS REGARDING PRELIMINARY PLAT AND REZONING FOR PLANNING & ZONING COMMISSION:

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

Attachments

1. Aerial map
2. Zoning map
3. Applicant's preliminary plat
4. Site Plan
5. Parking Reduction Letter





West Fargo Zoning

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

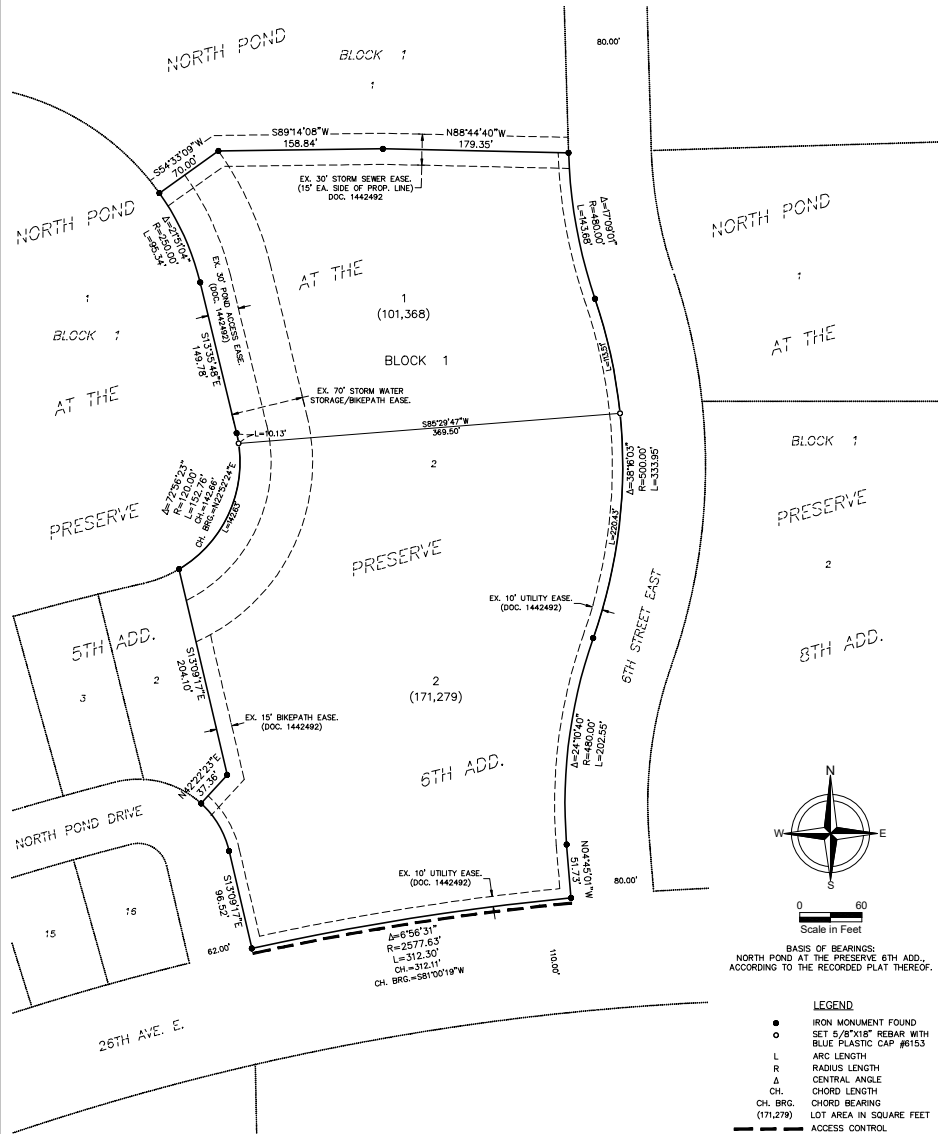
- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- 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



0 150 300 US Feet

PLAT OF
NORTH POND AT THE PRESERVE SIXTEENTH ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF LOT 2, BLOCK 1 OF
NORTH POND AT THE PRESERVE SIXTH ADDITION
TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA



CERTIFICATE

AARON SKATTUM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "NORTH POND AT THE PRESERVE SIXTEENTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 2, BLOCK 1 OF NORTH POND AT THE PRESERVE SIXTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID 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 SUBDIVISION IS DESCRIBED AS FOLLOWS:

ALL OF LOT 2, BLOCK 1 OF NORTH POND AT THE PRESERVE SIXTH ADDITION TO THE CITY OF WEST FARGO, NORTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF.

SAID TRACT CONTAINS 6.26 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

AARON SKATTUM
REGISTERED LAND SURVEYOR
REG. NO. LS-6153

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED AARON SKATTUM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "NORTH POND AT THE PRESERVE SIXTEENTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOT 2, BLOCK 1 OF NORTH POND AT THE PRESERVE SIXTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF AARON SKATTUM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNER: AMB INVESTMENTS, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY

NICOLE A. NELSON, PRESIDENT

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NICOLE A. NELSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF AMB INVESTMENTS, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE: BELL BANK

BY: _____

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF BELL BANK.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 2022.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2022, 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 FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED
THIS _____ DAY OF _____, 2022.

JOSEPH F. KOLB, CHAIRMAN

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED
THIS _____ DAY OF _____, 2022.

BERNIE L. DARDIS, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED
THIS _____ DAY OF _____, 2022.

DANIEL R. HANSON, CITY ENGINEER

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DANIEL R. HANSON, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS CITY ENGINEER.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



PRELIMINARY

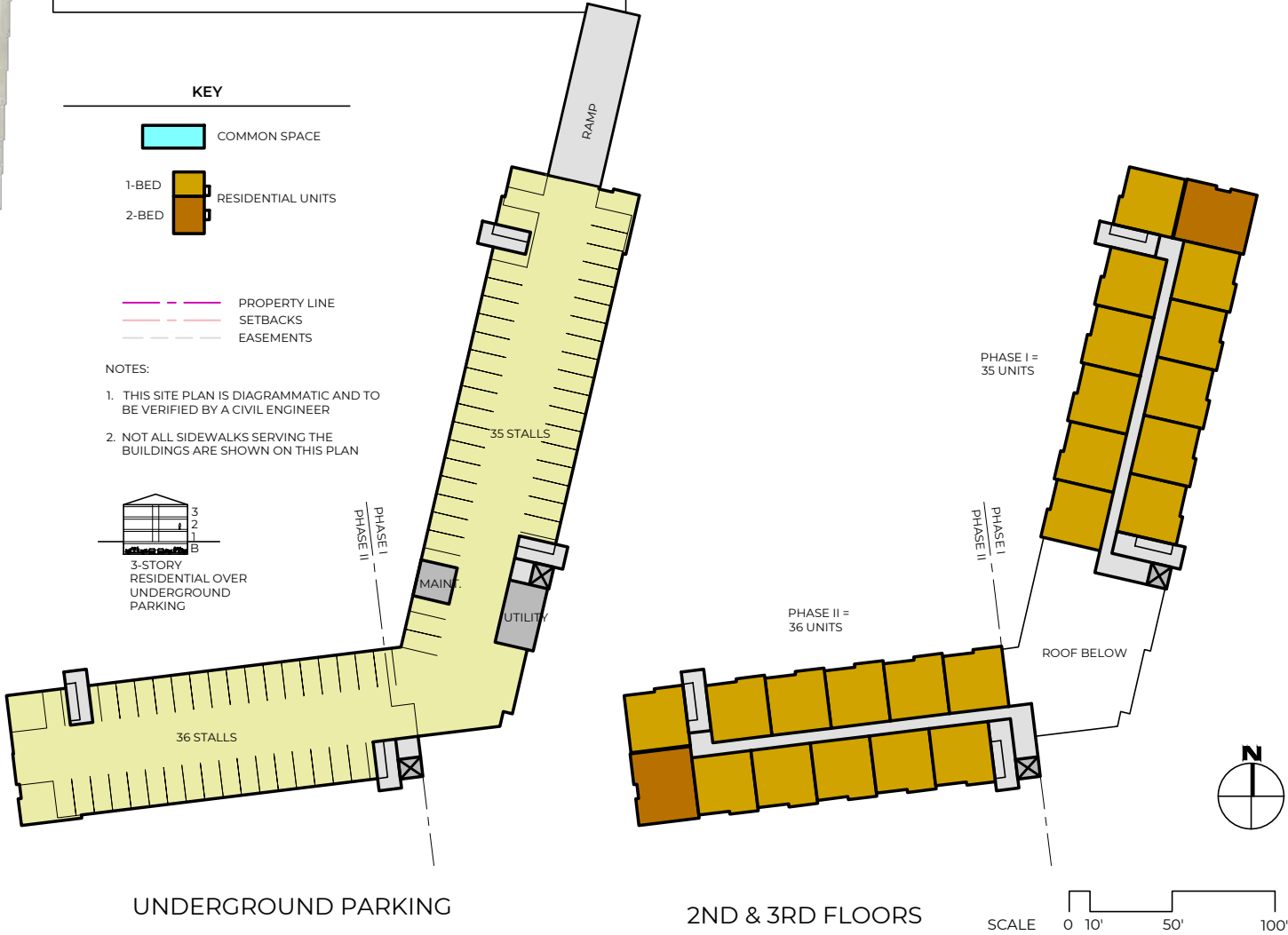


moore
engineering, inc.

SHEET 1 OF 1
PROJ. NO. 22956



PROJECT METRICS	
PARCEL C	
REZONED	R-3 MULTIPLE DWELLING
ZONING	R-3 MULTIPLE DWELLING DISTRICT
MAX. BUILDING COVERAGE	40%
MIN. OPEN SPACE	25% MIN. (75% MAX IMPERVIOUS)
MIN. LOT SIZE	1600 sf per unit + 200 sf for each bedroom. 8000 sf min.
MIN. LOT WIDTH	NONE
FRONT SETBACK	25'
INTERIOR SIDE SETBACK	12' WITH EXCEPTIONS
STREET SIDE SETBACK	12'
REAR SETBACK	25'
MAX. HEIGHT	35'
DENSITY	NONE
MIN. PARKING RESIDENTIAL	1 PER EFFICIENCY 2 PER 1-BED+ OR FLOOR AREA / 440
PROPERTY METRICS	
LOT SIZE	171,000 SF = 3.93 ACRES
MAX. BLDG. FOOTPRINT	40% X 171,000 = 68,400 SF
# UNITS ALLOWED	N/A
MIN. OPEN SPACE	25% X 171,000 = 42,750 SF
DENSITY	
TOTAL UNITS	71 TOTAL UNITS
DENSITY	71 / 3.93 = 18 UNITS PER ACRE
BUILDING FOOTPRINT	31,700 SF (18.5%)
GREEN SPACE	83,000 SF (48.5%)
PARKING MIX PROVIDED	
COVERED PARKING	71 INDOOR PARKING STALLS (1 PER UNIT)
SURFACE PARKING	35 SURFACE STALLS (REDUCTION REQ'D)
TOTAL STALLS	106 TOTAL STALLS PROVIDED



December 16, 2022

City of West Fargo Planning and Zoning
800 Fourth Ave. E.
Suite 1
West Fargo, ND 58078

RE: Parking Variance Request

The Housing Authority of Cass County has two senior apartment complexes that it manages in West Fargo. When compared to the other multi-family properties that HACC manages, our senior apartment residents have far fewer parking needs. A reduction in the parking requirement to 1.25 spaces per apartment is more than adequate for our projected needs with the proposed development at 2500 6 St E, West Fargo, ND 58078. The proposed project is currently 71 units with underground parking.

The first property, Serenity Apartments, is comprised of 18 one-bedroom units reserved for households age 55 and older. The property has a detached garage building with 18 single stall garages, and a parking lot with 7 parking spaces (2 are handicap spaces). Since opening in 2005, there have been no issues with a lack of parking. Attached is a photo taken on a weekday at 2:00 pm, with one space utilized.



The second property, Monterey and Brighton Place Apartments, is comprised of 79 one-bedroom units and 6 two-bedroom units. The property has three enclosed ground level parking garages, with a total of 85 parking spaces. It also has a parking lot with 25 parking spaces. As of 12/01/2022, only 61 of the 85 spaces were assigned to tenants with vehicles. This is in line with what we have seen since opening the building in 2021. Attached is a photo of the parking lot taken on a weekday at 2:00 pm, with 5 spaces utilized.



We appreciate the time and consideration in reviewing this request. Please contact me with any questions at 701-551-0483 or cmiller@beyondshelterinc.com.

Sincerely,

Christopher Miller, Developer
Beyond Shelter, Inc.

STAFF REPORT

A23-2		CONDITIONAL USE PERMIT	
2351 8 TH Ave. NW			
Lot 2, Block 1 of West Fargo 12 th Addition, City of West Fargo, North Dakota			
Owner/Applicant: FS HQ LLC		Staff Contact: Malachi Petersen	
Planning & Zoning Commission Public Hearing:		01-10-2023	
City Commission Final Approval			

PURPOSE:

Conditional Use Permit to allow for the operation of a temporary concrete crushing facility and stockpiling of concrete and asphalt.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban Growth Area
Existing Land Use:	Vacant
Current Zoning District(s):	M: Heavy Industrial
Zoning Overlay District(s):	None
Proposed Zoning District(s):	Unchanged
Proposed Lot size(s) or range:	1,106,946 ft ²
Total area size:	25.41 acres
Adjacent Zoning Districts:	North - A: Agriculture, West and East - M: Heavy Industrial, South - LI: Light Industrial
Adjacent street(s):	8 th Avenue NW (Collector); 26 th Street NW (Collector)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Land Dedication Requirements:	Provided with previous subdivision

DISCUSSION AND OBSERVATIONS:

- The applicant is applying for a CUP to lease out their property to a contractor to do concrete crushing operations and stockpiling of aggregate materials.
- This operation would be temporary. The crushing plant will be on site for about three weeks in May and three weeks in August. Once the contractor is done crushing for three weeks in May, they will load it up and go to their next job/spot. They would then bring it back in at the start of August for three more weeks. If it doesn't get moved it would stay idle for the months of June and July.
- Concrete crushing equipment would be located more than 100ft away from existing property line setbacks.

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- The City of West Fargo Engineering Department would like the applicant's contractor to obtain a construction stormwater permit prior to commencing operations. As part of this permit, the

STAFF REPORT

contractor will need to submit a stormwater pollution prevention plan and erosion control plan to show how sediment debris will be controlled.

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

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

RECOMMENDATIONS:

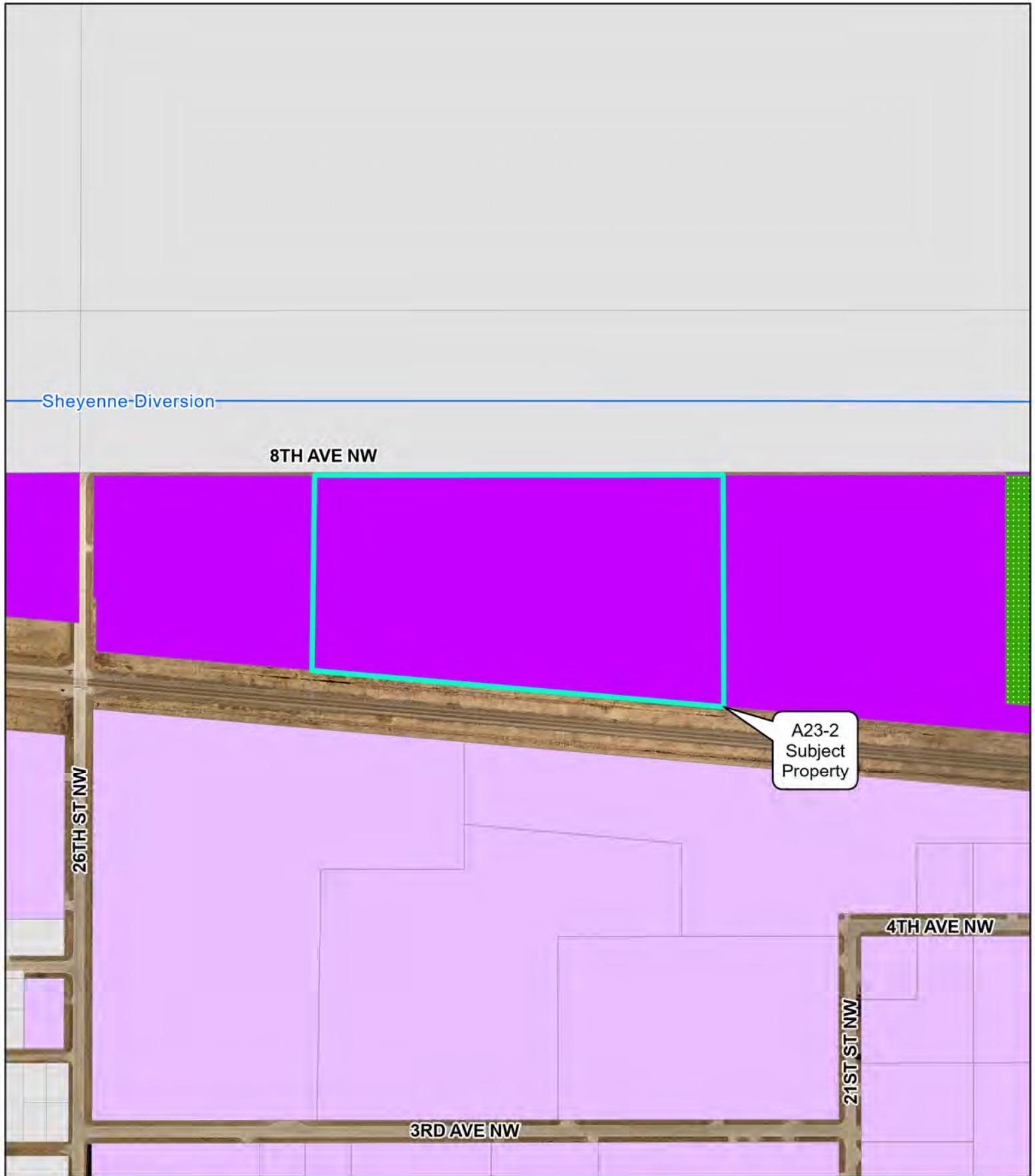
It is recommended that the City approve the proposed application on the basis it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. The applicant's contractor obtains a Construction Stormwater Permit from the City Engineering Department.
2. The applicant complies with all state and local regulations for concrete crushing operations.
3. Hours of operation for concrete crusher are limited to 7am, - 11pm.
4. All concrete crushing operations cease by August 31, 2023.

Attachments

1. Aerial map
2. Zoning map
3. Applicant's letter
4. Site Plan





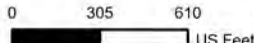


West Fargo Zoning

- 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

December 16, 2022

City of West Fargo – Planning and Zoning and City Commission

Re: Conditional Use Permit for Crushing Concrete and Asphalt at 2351 8th Avenue NW, West Fargo, ND

FS HQ, LLC, a wholly-owned subsidiary of DFC Company (the parent company of Sign Solutions USA, LLC and Dakota Fence Company), is the owner of 2351 8th Avenue Northwest, West Fargo, ND 58078, legally described as Lot 2, Block 1 West Fargo 12th Addition, parcel number 02651100020000 (the "Subject Property"). The Subject Property is zoned Heavy Industrial.

Sign Solutions USA, LLC is the owner of the property directly west of the Subject Property. Dakota Fence Company is the owner of the property directly east of the Subject Property. The City of West Fargo owns the old lagoons directly north of the Subject Property. The Burlington Northern Railroad right-of-way is directly south of the Subject Property.

The North Dakota Department of Transportation ("NDDOT") has a project off the main avenue / I-94 interchange in 2023 where, among other things, Gowan Construction ("Gowan") will remove the concrete and asphalt shoulder on approximately 3 miles of I-94 (the "Project"). Dakota Fence Company and its sister company 3D Specialties will be performing the traffic control, permanent signing, guardrail, high tension cable guardrail and fence on the Project. In connection with the Project, Gowan will need to crush the concrete and asphalt removed from the Project.

FS HQ, LLC would like to allow Gowan to crush the concrete and asphalt removed from the Project on the Subject Property in 2023. In doing so, FS HQ will be able to purchase the crushed concrete and asphalt from Gowan, which will allow it to use that material on the Subject Property to begin preparations for further expanding DFC Company's operations to West Fargo, eventually with another building along the lines of what it built with Sign Solutions USA, LLC, which would further expand the tax base for the City of West Fargo. This would be a great result for DFC Company and the City of West Fargo and given that adjoining property owners of the Subject Property are DFC Company entities, the City of West Fargo for the old lagoons and the Burlington Northern Railroad right-of-way, there should be no disruption to any other property owners quiet use and enjoyment of their property.

The Subject Property is 25 acres in size and the crushing equipment on the Site Plan would be placed far enough back from any property lines (at least 100 feet). The materials being crushed would be concrete, aggregate and asphalt from I-94.

FS HQ is seeking approval of this conditional use permit at the earliest available Planning and Zoning Commission Meeting and City of West Fargo City Commission meeting, as may be required.

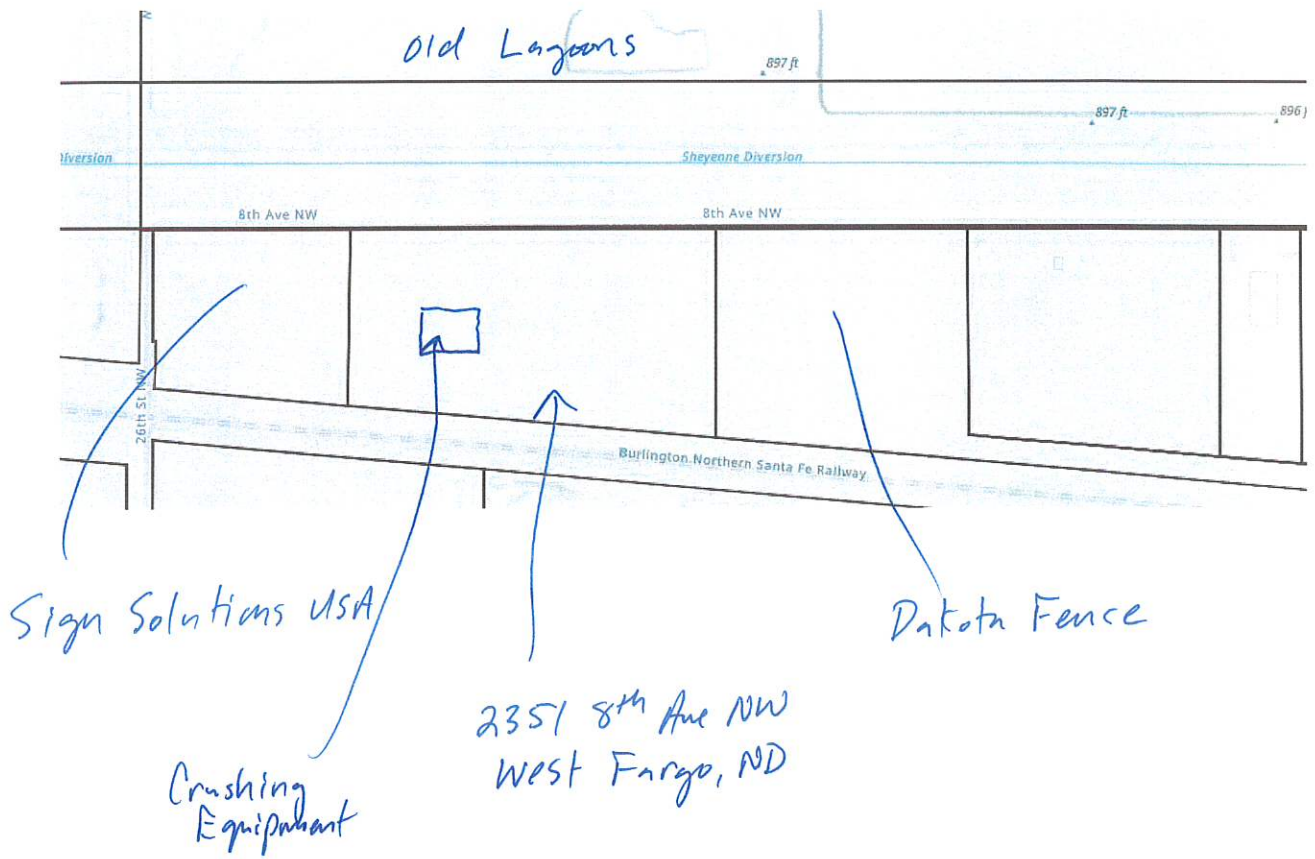
Thank you for your consideration.

Sincerely,



Joseph L. Currier

Site Plan



STAFF REPORT

A23-3 REPLAT & CONDITIONAL USE PERMIT	
Saucke Subdivision	
Lots 10-15, Block 1 of Quam's Subdivision and all of vacated Short Street, Cass County, North Dakota	
Owner/Applicant: Ben Saucke	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	01-10-2023
City Commission Final Plat Approval:	

PURPOSE:

Replat previously subdivided lots into two and vacate right-of-way for development. Construct a 4,000 square foot (80 x 50) building for a private non-commercial recreational building in a rural estate zoned district located in the city's extraterritorial area.

STATEMENTS OF FACT:

Land Use Classification:	G-1 – Sub Urban – Restricted Growth Sector (ETJ)
Existing Land Use:	Vacant
Current Zoning District(s):	R-1E: Rural Estate District
Zoning Overlay District(s):	CO: Corridor Overlay District (County Hwy 17N)
Proposed Lot size(s) or range:	Lot 1 -.67 Acres; Lot 2 – 1.26 Acres
Total area size:	1.93 Acres
Adjacent Zoning Districts:	R-1E: Rural Estate District
Adjacent street(s):	19 th Avenue NW (Township Road); Short Street (Township); Hyde Street (Township)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Park Dedication Requirements:	N/A

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for replat and a preliminary plat for property located in the City's extraterritorial (ET) area about 1 mile north of West Fargo City Limits.
- The applicant owns four lots on the south side of 19th Avenue NW, west of Cass County Highway #17 North and proposes subdividing their property, along with two lots to the west which are owned by Cass County, into two lots for development of proposed Lot 2. Proposed Lot 1 is a Cass County Flood Property and is undevelopable.
- Seventy-five feet of right-of-way is proposed along 19th Avenue NW as part of this plat. Along Hyde Street 35' of right-of-way is in place.
- The area is within a Special Flood Hazard Area (SFHA). Any development will be required to meet all applicable Federal, State, and Local regulations.
- A portion of the plat is within the CO-SR: Sheyenne River Corridor Overlay District, and as such the 100' riverbank control line should be included on the final plat.
- The applicant has also submitted an application for a Conditional Use Permit for the purpose of building a 4,000 square foot building for a private non-commercial recreational building.

STAFF REPORT

- A private noncommercial recreational or cultural facility is defined as being a facility catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain.
- The applicant has submitted a narrative describing the proposed use, indicating he has four young children and would like to utilize the site for youth activities, leisure hobbies and storage of personal items for recreational purposes. He also has indicated he leases several adjacent Cass County Flood properties and maintains (mows) the site and has a right to post the properties.
- The R-1E: Rural Estate zoning district allows for accessory structures greater than 1,000 ft² as a conditional use provided they are in character with the development pattern of the subdivision they are in, the applicant has indicated the proposed structure will be comparable in terms of building materials to other buildings in the area and has submitted photos of similar elevations in the area with his application and indicated the exterior finish would be similar.
- The applicant has provided a site plan which shows the structure will be built setback 80', toward the southern portion of the lot.
- In the past conditional use permits were approved in the Woodland Estates Subdivision north of this area for 2,160 to 2,400 square foot accessory buildings. In recent years there have been two 2,400 ft² accessory buildings approved in the Selberg subdivisions, which is a mile north of this development
- 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.
 - Access is proposed via 19th Avenue NW and has been reviewed initially by Reed Township, who has referred the applicant to Houston Engineering (Township Engineer) for analysis of culvert size, as well as an engineering study be submitted as part of the plans for an access permit.
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
7. Required yards and other open space.
 - No concerns noted.

STAFF REPORT

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 land adjacent to this area is R-1E: Rural Estate District and similar style and sized accessory buildings have been previously approved within the subdivision.

NOTICES:

Sent to:	Property Owners within 350 feet. Applicable Agencies and Departments, including Reed Township officials, Cass County Planning and the Cass County Sanitarian.
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Comments Received:

- An area property owner called asking for more information regarding the proposed use.
- An email was received from a property owner to the north with concerns with development so close to the Cass County Flood Buyout parcels and that it would cause issues with flooding. The property owner was also concerned with the use of the flood buyout properties.

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

- The Sub-Urban - Restricted Growth Sector includes areas between the current and proposed diversion that may have new development potential should the new diversion be built. The G-1 area identifies significant tracts of land that are currently rural, but where directed and well-planned new development could occur around the identified potential Future Mixed-Use and Employment Centers.
- The application is providing a comparable use, similar to residential uses in the area and therefore the application may be considered consistent with the Comprehensive Plan.

RECOMMENDATIONS:

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

1. The building is constructed of materials and colors similar to other structures in the area.
2. A Signed Conditional Use Permit Agreement is received.
3. The applicant is to meet all Federal, State, and Local requirements for improvements to the site and structures.
4. Any concerns from Fargo/Cass Public Health with regard to on-site septic system on the newly proposed lot is addressed and/or reviewed by the applicant prior to consideration of final plat.

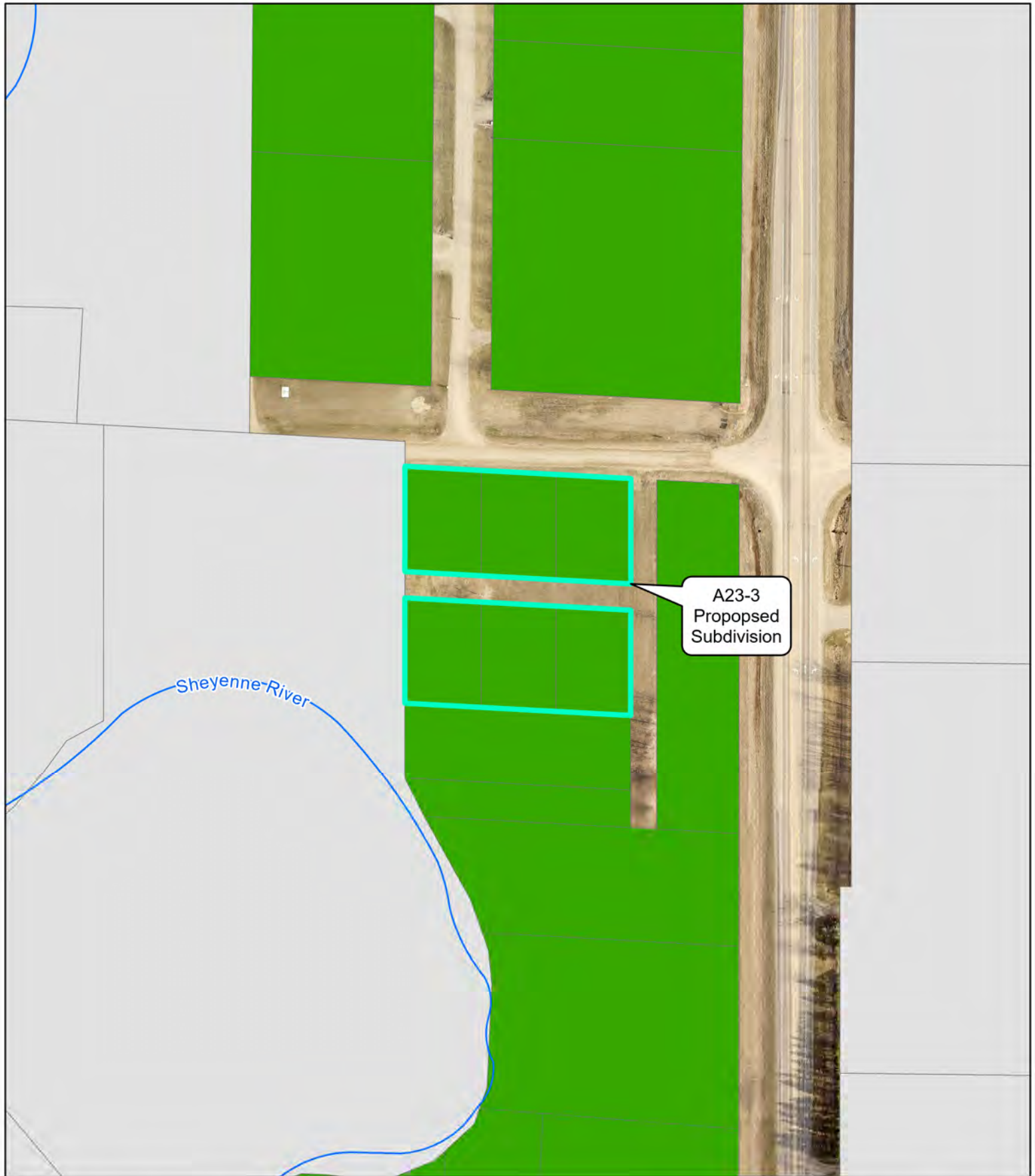
Attachments

1. Aerial map

STAFF REPORT

2. Zoning map
3. Applicant's preliminary plat
4. Site Plan
5. Narrative from applicant describing use
6. Public Comments





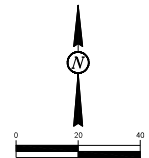
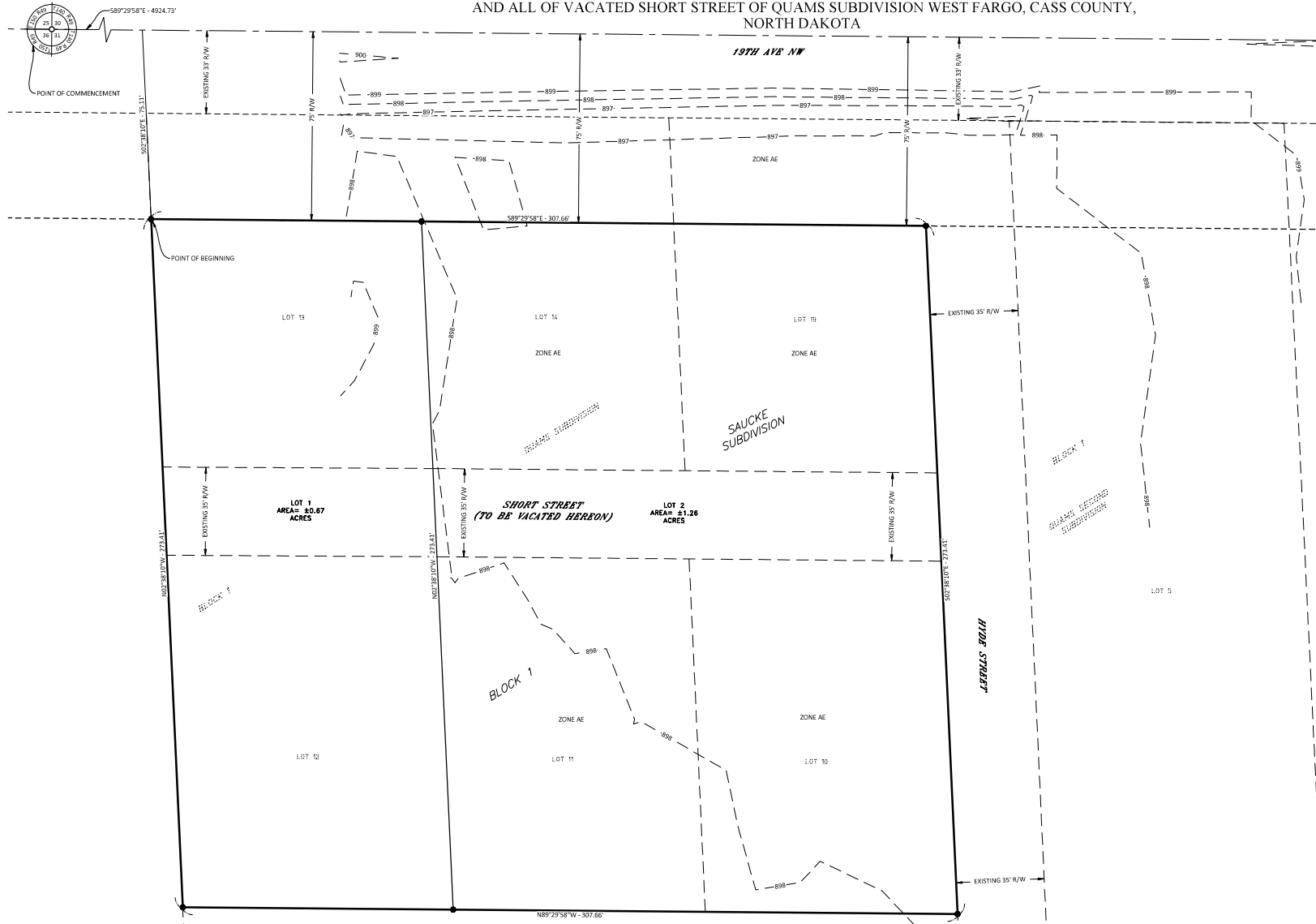
West Fargo Zoning

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



0 115 230 US Feet

A MINOR SUBDIVISION PLAT OF
SAUCKE SUBDIVISION
 A REPLAT OF LOTS 10, 11, 12, 13, 14, 15 OF BLOCK 1 OF QUAMS SUBDIVISION
 AND ALL OF VACATED SHORT STREET OF QUAMS SUBDIVISION WEST FARGO, CASS COUNTY,
 NORTH DAKOTA



LEGEND	
●	MONUMENT SET
○	MONUMENT FOUND
- - - - -	EX. EASEMENT
- - - - -	EX. PROPERTY LINE
- - - - -	EX. SECTION LINE
- - - - -	PROPERTY BOUNDARY LINE
- - - - -	NEW EASEMENT LINE
- - - - -	NEW PROPERTY LINE

SURVEY INFORMATION
 BASIS OF BEARING: ASSUMED
 VERTICAL DATUM: NAVD88

- NOTES**
1. BASE FLOOD ELEVATION FOR ZONE AE 1% ANNUAL FLOOD CHANCE IS 899.70' IN NAVD 88 DATUM BASED ON THE PRELIMINARY FLOOD MAP PROVIDED BY THE CITY OF WEST FARGO.
 2. ALL DISTANCES SHOWN ARE HORIZONTAL DISTANCES.

SHEET 1 OF 3

PROJECT #	22158	
REVISION DATE:	12-05-2022	
DRAWN BY:	GCB	
CHECKED BY:	CAN	
5306 51ST AVENUE SOUTH, SUITE A FARGO, ND 58104 PHONE: 701-235-0199 EX. 114 EMAIL: CNESET@NESETSURVEYS.COM		

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A MINOR SUBDIVISION PLAT OF
SAUCKE SUBDIVISION
A REPLAT OF LOTS 10, 11, 14, 15 OF BLOCK 1 OF QUAMS SUBDIVISION
AND A PART OF VACATED SHORT STREET OF QUAMS SUBDIVISION WEST FARGO, CASS COUNTY,
NORTH DAKOTA

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT BENJAMIN SAUCKE IS THE OWNER OF LOTS 10, 11, 14, AND 15 OF BLOCK 1 OF QUAMS SUBDIVISION TO THE CITY OF WEST FARGO, THAT CASS COUNTY IS THE OWNER OF LOTS 12 AND 13 OF BLOCK 1 OF QUAMS SUBDIVISION TO THE CITY OF WEST FARGO, AND THAT THE CITY OF WEST FARGO IS THE OWNER OF THAT PART OF SHORT STREET ABUTTING LOTS 10, 11, 12, 13, 14 AND 15 OF BLOCK 1 OF QUAMS SUBDIVISION, 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 THAT THE CITY OF WEST FARGO AGREES TO HEREBY VACATE THAT PART OF SHORT STREET AS SHOWN ON PLAT OF SAUCKE SUBDIVISION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, THAT I HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS SHOWN BY SAID PLAT AND CERTIFICATE OF COLE A. NESET, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

SAID SAUCKE SUBDIVISION CONSISTS OF 2 LOTS AND 1 BLOCK, AND CONTAINS ±1.99 ACRES, MORE OR LESS, AND IS SUBJECT TO RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

BY: BENJAMIN SAUCKE

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BENJAMIN SAUCKE, TO ME KNOWN BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

BY: JASON BENSON, CASS COUNTY ENGINEER

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JASON BENSON, CASS COUNTY ENGINEER, TO ME KNOWN BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

BY: _____

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY OF WEST FARGO

BY: BERNIE L. DARDIS

ITS: PRESIDENT, BOARD OF CITY COMMISSIONERS

BY: TINA FISK

ITS: CITY ADMINISTRATOR

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TINA FISK, CITY ADMINISTRATOR OF THE CITY OF WEST FARGO, TO ME KNOWN BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2021.

BERNIE L. DARDIS

PRESIDENT, BOARD OF CITY COMMISSIONERS

TINA FISK

CITY AUDITOR

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TINA FISK, CITY AUDITOR OF THE CITY OF WEST FARGO, TO ME KNOWN BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS "SAUCKE SUBDIVISION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 10, 11, 14, 15, BLOCK 1, QUAMS SUBDIVISION AND THAT PART OF VACATED SHORT STREET OF QUAMS SUBDIVISION, ABUTTING LOTS 10, 11, 14 AND 15, BLOCK 1, OF QUAMS SUBDIVISION, TO THE CITY OF WEST FARGO, COUNTY OF CASS, NORTH DAKOTA, THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2022.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND REG. NO. 7513

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2022.

DAN HANSON

CITY ENGINEER

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAN HANSON, WEST FARGO CITY ENGINEER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS CITY ENGINEER.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME, AND I APPROVE THE PLAT AS TO FORM AND EXECUTION. THIS _____ DAY OF _____, 2022.

JOHN SHOCKLEY

WEST FARGO CITY ATTORNEY

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN SHOCKLEY, WEST FARGO CITY ATTORNEY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS CITY ATTORNEY.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2022.

JOE KOLB

CHAIRMAN PLANNING COMMISSION

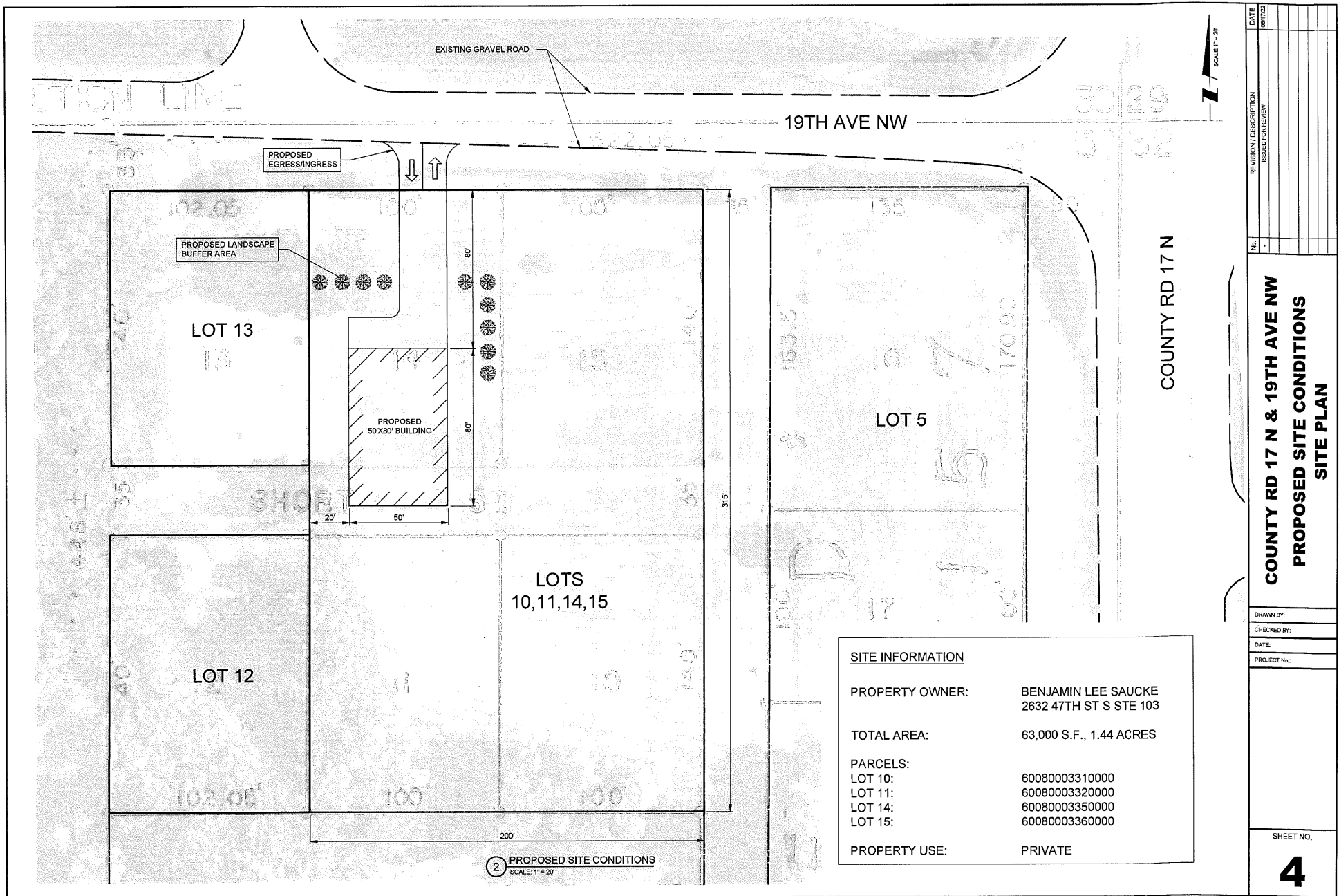
STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOE KOLB, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME ON BEHALF OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

SHEET 3 OF 3

PROJECT #	22158	
REVISION DATE:	12-05-2022	
DRAWN BY:	GCB	
CHECKED BY:	CAN	
5306 51ST AVENUE SOUTH, SUITE A FARGO, ND 58104 PHONE: 701-235-0199 EX. 114 EMAIL: CNESET@NESETSURVEYS.COM		



Project Narrative

The personal hobby building that I am proposing will not have any sort of a commercial element to it. I cannot stress that enough and that is not the line of work I am in. There will not be service vehicles or a yard full of material or clutter. The use of the building will all be related to youth athletics, leisure hobbies and storage of personal items.

I have 4 boys at my house ranging in age from 3 to 13 and all are active in sports to varying degrees. My thoughts are to have a fun place for them to go and be active in a safe environment.

As far as previous uses of the private land and the county parcels in proximity to the site I will state the following observations and facts:

- I currently lease the adjoining 6 parcels from the county and am therefore responsible for its upkeep. As terms of the lease state I am within my rights to restrict access to those parcels.
- I would also like to address the past uses of land in that quadrant. The area in question has long been vacant with absentee owners. People have helped themselves to utilizing the land as they deem appropriate including dumping, riding dirt bikes, atv's and snowmobiles etc. That was one of the motivations for the county to remove the approach so people wouldn't access the parcels as easily and cause mischief.
- I have not spent much time on site yet but I was surprised to see the number of recreational vehicles traveling around the property in all directions and don't believe my project will have an effect on these patterns.

I appreciate the courtesy review and hope this summary provides the additional detail needed to gain a better understanding of the project scope. I look forward to addressing any additional questions that may arise at the planning meeting on January 10th.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Ben Fausch". The signature is written in a cursive, flowing style.

From: [Matthew Heinzen](#)
To: [Lisa A. Sankley](#)
Subject: Conditional permit lot 2 block 1
Date: Tuesday, January 3, 2023 7:40:56 PM
Attachments: [Screenshot 2023-01-03 at 7:27:52 PM.png](#)

Lisa-

I am writing in concern to the recent memorandum if the 4,000 sq foot private non commercial building permit request for lot 2 block 1 of the Saucke Subdivision. The maps appear to be in conflict as you compare the map you provided and the map below. I believe your map is improperly reporting land as owned by the Sauckes when it is in all actuality county flood property.

Further, the land proposed is an area that tends to hold a lot of spring snow melt. The entire area proposed held flood waters through most of the spring 2022. Developing the land would adversely effect the surrounding properties causing flood waters to be dispersed elsewhere. Further the property was once developed and bought out due to flood mitigation efforts. I do not support this as I do not believe the original reason the homes were bought out and subsequently removed has been resolved. That and too include my concern over the map concerns originally listed.

Saucke property line is and should remain what is in line with the east side of Ann Street.

Please contact me if you have any questions.

Cell: 701.306.9386



Sent from my iPhone

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Matthew Heinzen](#)
To: [Lisa A. Sankey](#)
Cc: [Aaron M. Nelson](#)
Subject: Re: Conditional permit lot 2 block 1
Date: Wednesday, January 4, 2023 8:52:08 AM

Thank you Lisa.

I and a number of my neighbors strongly oppose the proposal of development as provided.

To vacate the right of way of short street would further limit walking access of what is public property.

Further a 4,000 square foot building for "personal use" does not seem realistic. I firmly believe in most all cases a building of that size will have some commercial type activity i.e. storage use outside of the Ben Saucke family.

Lastly if the county is to be maintained as county property why would Mr Saucke have posted no trespassing signs on the county property? It appears Me Saucke is already taking liberties with the property that he does not have the authority to impose. I did file a complaint with Sheriff Jesse Jahner and a deputy did look at the property. I do not know if the deputy followed up with Mr Saucke as snowmobilers ignored the signage anyway. However, it was reported. I have photos of the trespassing sign and location if you'd like me to provide.

As always please feel free to contact me with any questions.
Thank you!

Matthew J. Heinzen , PHR, SHRM-CP

From: Lisa A. Sankey <Lisa.Sankey@westfargond.gov>
Sent: Wednesday, January 4, 2023 8:26:14 AM
To: Matthew Heinzen <matthewheinzen@hotmail.com>
Cc: Aaron M. Nelson <Aaron.Nelson@westfargond.gov>
Subject: RE: Conditional permit lot 2 block 1

Thank you for your comments. I will forward them on to the Planning and Zoning Commission, as well as the applicable agencies and departments.

The two parcels owned by Cass County will remain Cass County Flood Buyout lots. Mr. Saucke has been in contact with Cass County Engineering, Public Health, as well as the township regarding access and proposed use of his property.

The county parcels were included in the plat as Mr. Saucke is proposing to vacate the right-of-way of Short Street (east/west road) in order to combine the four parcels which he owns, as well as vacating that portion of Short Street in between the two Cass County parcels. Any development will be required to meet all applicable Federal, State, and Local regulations regarding flood hazard areas.



Lisa Sankey
Planner, City of West Fargo

800 Fourth Ave. E., Suite #1
West Fargo, ND 58078
(701) 515-5376
Visit our website at:
westfargond.gov

From: Matthew Heinzen <matthewheinzen@hotmail.com>
Sent: Tuesday, January 3, 2023 7:41 PM
To: Lisa A. Sankey <Lisa.Sankey@westfargond.gov>
Subject: Conditional permit lot 2 block 1

Lisa-
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Cell: 701.306.9386

From: [Matthew Heinzen](#)
To: [Lisa A. Sankey](#)
Cc: [Aaron M. Nelson](#)
Subject: Re: Conditional permit lot 2 block 1
Date: Wednesday, January 4, 2023 9:58:07 AM

Thank you Lisa.

One last item. Bem Saucke is a commercial realtor building a 4k square foot non-commercial building for personal use. This further solidifies to me the intent for the property is not as proposed.

Thank you again.

Matthew J. Heinzen , PHR, SHRM-CP

From: Lisa A. Sankey <Lisa.Sankey@westfargond.gov>
Sent: Wednesday, January 4, 2023 9:18:28 AM
To: Matthew Heinzen <matthewheinzen@hotmail.com>
Cc: Aaron M. Nelson <Aaron.Nelson@westfargond.gov>
Subject: RE: Conditional permit lot 2 block 1

Thank you. Your comments will be added to the record and to the information sent to the Planning and Zoning Commissioners for their review. Lisa



Lisa Sankey
Planner, City of West Fargo

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