

FARGO PLANNING COMMISSION AGENDA
Tuesday, March 7, 2023 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of February 7, 2023

C: Public Hearing Items:

1. Continue hearing on an application requesting a Zoning Change to repeal and reestablish a Conditional Overlay on parts of Lots 1-6 and 8, all of the Lot 7, Block SS, **Erskines Addition**. (Located at 1117 and 1155 13th Avenue South) (Steve Stremick) (dk)
2. Hearing on an application requesting a Zoning Change from GC, General Commercial with a CUP, Conditional Use Permit to LI, Limited Industrial with a C-O, Conditional Overlay on Lot 1, Block 2, **Adams Seventh Addition**. (Located at 2865, 2955, 2959, 2963, 2967, 2971, 2975, 2979, 2983, 2987, 2991, 3825, 3829, 3833, 3837, 3841, 3845, 3849, 3853, 3857, and 3861 Thunder Road South) (Essjay Thunder Road, LLC/Josh Benson) (lm)
3. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential, SR-3, Single Dwelling Residential, MR-2, Multi-Dwelling Residential, and AG, Agricultural to P/I, Public and Institutional on portions of Lots 1-4 and all of Lots 5-17 and 19-49, Block 1; portions of Lots 5 and 9, and all of Lots 6-8, Block 3; all of Lots 17-43 and portion of Lot 16, Block 4; all of Lots 1-15 and 17-25, and a portion of Lot 16, Block 5; Lots 1-41, Block 6; Lots 1-35, Block 7; Blocks E, F, G, and H, and vacated portions of North Terrace North; **Amended Plat of Oak Grove Addition**. (Located at 18, 24, 26, 40, 42, 44, 46, 60, 62, 64, 66, 68, 70, 92, 94, 96, 98, 100, 110, 118, and 124 North Terrace North; 723 and 724 North River Road North; 9 Lower Terrace North; 17, 23, 27, 31, 33, 37, 41, 45, 49, 53, 63, 65, 75, 79, 83, 87, 88, 93, 95, 99, 125, 129, 135, 136, 139, 140, 144, and 145 South Terrace North; 101, 150, and 170 Maple Street North; and 1 River Road North) (Oak Grove Lutheran School/Fargo Park District/City of Fargo/Zerr Berg Architects) (me)
4. Hearing on an Institutional Master Plan on Lots 30-43, Block 4; Lots 1-25, Block 5; and vacated portions of North Terrace North, **Amended Plat of Oak Grove Addition**. (Located at 110, 118, and 124 North Terrace North; 88 and 136 South Terrace North) (Oak Grove Lutheran School/Zerr Berg Architects) (me)

D: Other Items:

1. Continued hearing on an application requesting a PUD, Planned Unit Development, Final Plan within the boundaries of **Duane's Pizza Addition**. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live at www.FargoND.gov/streaming. They are rebroadcast each Wednesday at 8:00 a.m. and Sunday at 8:00 a.m.; and are also included in our video archive at www.FargoND.gov/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474. 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 Fargo Web site at www.FargoND.gov/planningcommission.

1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC) (me): CONTINUED TO APRIL 4, 2023

2. Review of proposed annexation of portions of Sections 15 and 22, Township 140 North, Range 49 West.

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, February 7, 2023

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, February 7, 2023.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, John Gunkelman, Jennifer Holtz (via conference call), Dawn Morgan, Thomas Schmidt, Brett Shewey

Absent: Scott Stofferahn, Art Rosenberg

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Schneider noted Items 6 and D.1 have been continued to March 7, 2023.

Member Morgan moved the Order of Agenda be approved as presented. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

Item B: Minutes: Regular Meeting of January 3, 2023

Member Gunkelman moved the minutes of the January 3, 2022 Planning Commission meeting be approved. Second by Member Shewey. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Commerce on 12th Eighth Addition

Hearing on an application requesting a Plat of Commerce on 12th Eighth Addition (Minor Subdivision) a replat of Lots 3-6, Block 2, Commerce on 12th Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5669 and 5627 13th Avenue North; 5600 and 5674 14th Avenue North) (NAP Dakotas, LLC/Houston Engineering): APPROVED

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Commerce on 12th Eighth Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, Section 20-

0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Tasa, Morgan, Schmidt, Shewey, Gunkelman, Holtz, and Schneider voted aye. Absent and not voting: Members Stofferahn and Rosenberg. The motion was declared carried.

Item 2: Golden Valley 7th Addition

Hearing on an application requesting a Plat of Golden Valley 7th Addition (Minor Subdivision) a replat of Lots 1-10, Block 1; Lots 1-20, Block 3; and Lots 1-12 Block 4, Golden Valley Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 6709-6865 26th Street South; 2505-2594 Fulton Loop South) (76th Street Holdings, LLC/EagleRidge Development): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Jon Youness, EagleRidge Development, spoke on behalf of the application.

Discussion was held on the background of application and reason for the change, the proposed size of homes, street layout, and connectivity.

City Engineer Brenda Derrig spoke on behalf of the Engineering Department.

Discussion continued on access to parks, location of recreational trails, and fencing requirements.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Golden Valley Seventh Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Shewey. On call of the roll Members Gunkelman, Holtz, Shewey, Morgan, Schmidt, Tasa, and Schneider voted aye. Absent and not voting: Members Stofferahn and Rosenberg. The motion was declared carried.

Item 3: Valley View Estates Fourth Addition

3a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay on the proposed Valley View Estates Fourth Addition. (Located at 3606-4890 Decorah Way South) (Thomsen Homes, LLC/EagleRidge Development): APPROVED

3b. Hearing on an application requesting a Plat of Valley View Estates Fourth Addition (Minor Subdivision) a replat of Lots 1-11, Block 1, Valley View Estates Third Addition and Lots 1-7, Block 1, Valley View Estates Addition to the City of Fargo, Cass County, North Dakota. (Located at 3606-4890 Decorah Way South) (Thomsen Homes, LLC/EagleRidge Development): APPROVED

Planner Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Jon Youness, EagleRidge Development, spoke on behalf of the application.

Discussion was held on the proposed plan for this area, single-family rentals, and sidewalk requirements.

Ms. Derrig spoke on behalf of the Engineering Department.

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay and 2) Subdivision Plat Valley View Estates Fourth Addition, as outlined within the staff report, as the proposal complies with the 2003 Growth Plan, the Standards of Section 20-0906.F(1-4), Section 20-0907.B&C, and the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code with the following conditions:

1. The maximum density of the district shall be limited to 7.3 dwelling units per acre, rather than the 12.1 dwelling units per acre that would normally be allowed in the SR-4, Single-Dwelling Residential, zone.

Second by Member Schmidt. On call of the roll Members Morgan, Schmidt, Holtz, Gunkelman, Tasa, Shewey, and Schneider voted aye. Absent and not voting: Members Rosenberg and Stofferahn. The motion was declared carried.

Item 4: Christianson 32nd Avenue South Second Addition

Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for reduced parking and shared parking on Lots 1-2, Block 1, Christianson 32nd Avenue South Second Addition. (Located at 3165 and 3187 33rd Street South) (Chris Mack/Christianson Properties, LLC): APPROVED

Mr. Morman presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an additional condition to the Conditional Use Permit, CUP, was provided to board members, and shared parking is no longer being requested as the parking reduction addresses all of staffs concerns.

Applicant representative Chris Mack, spoke on behalf of the application.

Discussion was held on the parking study, and the proposed uses on the site.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an Alternative Access Plan be approved, as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the

Land Development Code, and all other application requirements of the Land Development Code with the following conditions:

1. A minimum of 152 parking spaces are required on site.
2. Any expansion of the restaurant uses shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
3. If a restaurant changes hours of operation from what is outlined in the provided parking study, then an updated narrative from the applicant shall be required to justify parking demand depending on the review and approval from the City of Fargo Traffic Engineer.

Second by Member Tasa. On call of the roll Members Holtz, Tasa, Shewey, Gunkelman, Morgan, Schmidt, and Schneider voted aye. Absent and not voting: Members Rosenberg and Stofferahn. The motion was declared carried.

Item 5: Global Development Addition

Hearing on an application requesting a Plat of Global Development Addition (Minor Subdivision) a plat of an unplatted portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 602, 610, 636, and 650 Northern Pacific Avenue North) (City of Fargo/Global Development, LLC): APPROVED

Planning Coordinator Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the proposed use.

Strategic Planning and Research Director Jim Gilmour spoke on behalf of the application.

Member Shewey moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Global Development Addition, as outlined within the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06, Standards of Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Schmidt, Shewey, Morgan, Tasa, Gunkelman, Holtz, and Schneider voted aye. Absent and not voting: Members Stofferahn and Rosenberg. The motion was declared carried.

Item 6: Erskines Addition

Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on parts of Lots 1-6 and 8, all of the Lot 7, Block SS,

Erskines Addition. (Located at 1117 and 1155 13th Avenue South) (Steve Stremick): CONTINUED TO MARCH 7, 2023

A Hearing had been set for this date and time; however the applicant has requested this application be continued to March 7, 2023.

Item 7: Keeney & Devitts 2nd Addition

Hearing on an application requesting a Vacation Plat of a portion of 5th Avenue North adjacent to Block 24, Keeney & Devitts 2nd Addition. (Located at 419 3rd Street North) (City of Fargo/Great Plains Block 3 Holdings): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the reason for the application.

Ms. Derrig spoke on behalf of the Engineering Department stating this is a clean-up plat of the area.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Vacation Plat of a portion of 5th Avenue North adjacent to Block 24, Keeney & Devitts 2nd Addition, as outlined within the staff report, as the proposal complies with the North Dakota Century Code Section 40-39: Opening and vacating Streets, Alleys, and Public Places. Second by Member Tasa. On call of the roll Members Schmidt, Holtz, Gunkelman, Morgan, Tasa, Shewey, and Schneider voted aye. Absent and not voting: Members Stofferahn and Rosenberg. The motion was declared carried.

Item 8: University South 2nd Addition

Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan to allow for a parking reduction on Lot 1, Block 1, University South 2nd Addition. (Located at 1376 Oak Manor Avenue South) (Enclave/Beyond Shelter, Inc.): APPROVED

Planner Brad Garcia presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Representative Lindsey Janke, Beyond Shelter, spoke on behalf of the application.

Discussion was held on ownership of the area, future development of the adjacent land, funding for Beyond Shelter, and the conducted parking study.

Assistant Planning and Development Director Mark Williams spoke on the proposed process and timeline for the Land Development Code update.

Member Tasa moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow and Alternative Access Plan be approved, as outlined within the staff report, as the proposal complies with Section 20-0909.D(1-6) of the Land

Development Code, and all other applicable requirements of the Land Development Code, with the following conditions:

1. The Conditional Use Permit will cease if the specific land use changes from senior housing.
2. Minimum number of parking spaces are 1.5 spaces per dwelling unit.

Second by Member Morgan. On call of the roll Members Shewey, Tasa, Schmidt, Morgan, Holtz, Gunkelman, and Schneider voted aye. Absent and not voting: Members Stofferahn and Rosenberg. The motion was declared carried.

Item 9: Betlock Addition

Hearing on an application requesting a Plat of Betlock Addition (Major Subdivision) a replat of Lot 1, Block 2, of a replat of McDermott Subdivision, to the City of Fargo, Cass County, North Dakota, including a vacation of a portion of 18th Avenue North right-of-way. (Located at 1722 2nd Street North) (Neset Land Surveys/Michael Betlock): APPROVED

Mr. Garcia presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the history of the site and sidewalk responsibility.

Ms. Derrig spoke on behalf of the Engineering Department.

Applicant Michael Betlock spoke on behalf of the application.

Resident Nancy Aikens, 113 18th Avenue North, inquired about ownership of the land.

Mr. Williams spoke on behalf of the Planning Department regarding property owner responsibilities for right-of-way property.

Ms. Derrig spoke further on the Land Development Code requirements regarding the size of the road.

Member Morgan moved the findings and recommendations of staff be accepted and the approval be recommended to the City Commission of the proposed Subdivision Plat Betlock Addition, including vacation of right-of-way, as outlined within the staff report, as the proposal complies with the Core Neighborhoods Plan, the Standards of Article 20-06, Section 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code, and of the North Dakota Century Code Chapter 40-39. Second by Member Holtz. On call of the roll Members Morgan, Holtz, Shewey, Gunkelman, Tasa, Schmidt, and Schneider voted aye. Absent and not voting: Members Stofferahn and Rosenberg. The motion was declared carried.

At 4:09 p.m., the Board took a five-minute recess.

After recess: All Members present except Members Rosenberg and Stofferahn. Chair Schneider presiding.

Item D: Other Items:

1. Continued hearing on an application requesting a PUD, Planned Unit Development, Final Plan within the boundaries of Duane's Pizza Addition. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC): CONTINUED TO MARCH 7, 2023

A Hearing had been set for January 3, 2023. At the January 3, 2023 meeting, the Hearing was continued to this date and time; however the applicant has requested this application be continued to March 7, 2023.

Item 2: Presentation by MetcoCOG on 2050 Baseline Demographic Forecast and 2022 Metro Profile.

Adam Altenburg and Ari Del Rosario gave an overview presentation of the metro profile and demographic population forecasts.

Discussion was held on the data presented, data sources, the current housing study being conducted, home ownership versus rental, metro demographics, and train transportation options.

Item 3: Planning Commission review of a Renewal Plan for blighted property located in the 1600 Block of University Drive South.

Strategic Planning and Research Director Jim Gilmour provided a brief presentation of the renewal plan and noted the Economic Development and Incentive Committee has recommended approval.

Discussion was held on the evaluation matrix and criteria, and the role of the Planning Commission in this review, and the project timeline.

Member Gunkelman moved to recommend to the City Commission that the proposed Renewal Plan is consistent with the GO2030 Comprehensive Plan of the City of Fargo and the Core Neighborhoods Plan. Second by Member Morgan. On call of the roll Members Morgan, Shewey, Tasa, Schmidt, Holtz, Gunkelman, and Schneider voted aye. Absent and not voting: Members Stofferahn and Rosenberg. The motion was declared carried.

Item 4: City Commission final action on 2022 Planning Commission cases.

Chair Schneider noted a list of the 2022 Planning Commission items and the outcome of the City Commission recommendations is included in the packet. He noted the City Commission followed the recommendations of the Planning Commission for all items in 2022.

Member Morgan moved to adjourn the meeting. Second by Member Shewey. All Members present voted aye and the motion was declared carried.

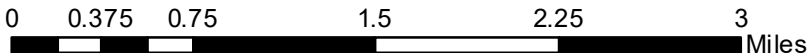
The time at adjournment was 4:49 p.m.



Agenda Item Number

- 1 -- Erskines Addition
- 2 -- Adams Seventh Addition
- 3 & 4 -- Amended Plat of Oak Grove Addition

Other Items:
D1 -- Duane's Pizza Addition - Continued
D2 -- Annexation of portions of Sec. 15 & 22,
T140N, R49W



City of Fargo Staff Report			
Title:	Erskine's Addition	Date:	2/1/2023
		Updated:	3/1/2023
Location:	1155 and 1117 13 th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Parts of Lots 1-6 and 8, all of the Lot 7, Block SS, Erskine's Addition.		
Owner(s)/Applicant:	Steven W. Stremick	Engineer:	None
Entitlements Requested:	Zone Change (repeal and re-establish a conditional overlay in the LC, Limited Commercial zone)		
Status:	Planning Commission Public Hearing: March 7 th , 2022		

Existing	Proposed
Land Use: Office	Land Use: No change
Zoning: LC, Limited Commercial with a C-O, conditional overlay; SR-3, Single-Dwelling Residential	Zoning: Revise the conditional overlay to allow a taller sign
Uses Allowed: The C-O limits the uses on the LC-zone portion of this property to those allowed in the NC, Neighborhood Commercial Zone, which are: detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, parks and open space, religious institutions, safety services, basic utilities, offices, and retail sales and service. SR-3 allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: No change proposed
Maximum Lot Coverage (LC): 55% Maximum Density (SR-3): 8.7 dwelling unit per acre	Maximum Lot Coverage (LC): no change proposed Maximum Density (SR-3): no change proposed

Proposal:
<p><i>PROJECT HISTORY NOTE: This item was originally scheduled for the February 7th, 2023 Planning Commission agenda. It was continued to the March 7th, 2023 agenda at the request of the applicant.</i></p> <p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A zoning change to repeal and re-establish a conditional overlay in the LC, Limited Commercial zone) to allow a taller monument sign (12 ½ feet) than is currently allowed (8 ½ feet). A copy of the C-O noting the applicant's requested change is attached—shown by strike-through/underline on page 1 of the C-O. <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-3, Single-Dwelling Residential with detached single-dwelling residences • East: SR-3, Single-Dwelling Residential with detached single-dwelling residences

- South: across 13th Avenue South GO, General Office with religious institution
- West: across University Drive South is LC, Limited Commercial with commercial

Area Plans:

The subject property is located with the 2021 Core Neighborhoods Plan. The future land use map of the Hawthorne Neighborhood brief designates much the subject property for Neighborhood Mixed Use. The existing use is consistent with this land use designation. The remainder of the subject property is designated as single-family residential. There is no residential use on this portion of the property at this time.



 Single-Family Residential	 Industrial/Warehousing
 Multi-Family Residential	 Park, Open Space and Trails
 Institutional	 Commercial
 Schools with recreational amenities	 Mixed Use Neighborhood

Context:

Schools: The subject property is located within the Fargo School District and is served by Clara Barton/Hawthorne Elementary, Ben Franklin Middle and Fargo North High schools.

Neighborhood: The subject property is located in the Hawthorne neighborhood.

Parks: There are no Fargo Park District parks within one-half mile of the subject property.

Pedestrian / Bicycle: There are no trails adjacent to the subject property.

Public Transit: The subject property is along MATbus routes 14 and 15. Stops are located across University Drive South (route 15) and across 13th Avenue South (route 14) from the subject property.

Staff Analysis:**ZONING HISTORY OF THE SUBJECT PROPERTY**

1998: The R2 and R2-A zoning was reclassified to MR-2 and SR-3 following adoption of the current Land Development Code.

December, 2000, Ordinance 4097: A portion of the property was rezoned from MR-2, Multi-Dwelling Residential to NC, Neighborhood Commercial, and a special use permit that was granted in 1996 allowing the property to be used for a retail store was terminated.

January, 2008, Ordinance 4648: A portion of the property was rezoned from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial.

December, 2008, Ordinance 4692: A portion of the property was rezoned to the current LC, Limited Commercial with C-O. The remainder of the property is zoned SR-3, Single-Dwelling Residential, as shown on the attached zoning map.

ZONING AND CONDITIONAL OVERLAY:

The current zoning, Ordinance 4692, approved December 29th, 2008, is LC, Limited Commercial with a C-O, conditional overlay. The C-O limits development on the property to the uses allowed in the NC, Neighborhood Commercial zone. These uses are noted above. The C-O provides limitations on the sign area, sign type, and sign height that are beyond what would be allowed in the NC zone, but less than would be allowed in the LC zone without the overlay.

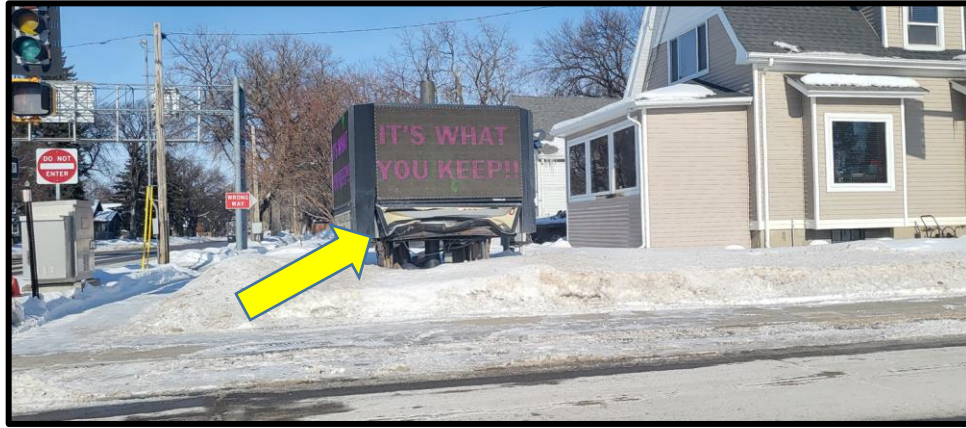
ORDINANCE 4692 AND NEIGHBORHOOD COMPATIBILITY:

The current ordinance zoned the subject property to what was compatible with the neighborhood in terms of land uses. This C-O allows a monument sign with a maximum height of 8 ½ feet, which is a greater sign height than the C-O on the opposite corner across University Drive South, which allows a monument sign height of only 6 feet. As noted in the findings below, the size of sign allowed by this C-O far exceeds what would be allowed in a residential zone or Neighborhood Commercial zone.

APPLICANT'S REQUEST:

The applicant requests a modification of item 1 of the C-O in Ordinance 4692. This item specifies that the only type of sign permitted on the property is a monument sign, and that sign is limited to a height of 8 ½ feet. The applicant requests that the maximum sign height be increased to 12 ½ feet.

The applicant's existing sign, which is an electronic digital messaging sign, was damaged by a recent vehicle impact, indicated by the yellow arrow in the photo below. Additional photos of the damage, which were provided by the applicant, will appear in staff's presentation at the Planning Commission hearing.



The applicant believes that by further elevating the sign, so that the maximum height is four feet higher, the electronic screens part of the sign will be high enough to avoid any damage from future vehicle impacts. A graphic provided by the applicant depicting the proposed sign is attached.

NEIGHBORHOOD COMMENTS: As part of the required notification process, the Hawthorne, Jefferson, and Clara Barton neighborhood associations, as well as the Neighborhood Coalition, were notified of this project. As of the time of this writing, a response has been received by a representative of the Jefferson Neighborhood, who had no objection to the proposed sign height increase. A comment e-mail was received from the president of the Hawthorne Neighborhood Association; a copy of that e-mail is attached.

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

The proposed modification of the C-O is only to allow a greater maximum sign height. Despite the damage to the applicant's existing sign from a vehicle impact, Planning staff believes there has been no change in conditions since the current zoning ---LC, Limited Commercial with a C-O, conditional overlay---was established in December, 2008.

The C-O limits the uses in this zone to the uses allowed in the less intense NC, Neighborhood Commercial zone. The difference between this LC with C-O zone and the NC zone is that this C-O allows greater sign size than the NC zone. It was clearly the intent of this C-O to keep the intensity of use on this property as neighborhood-oriented as possible. The existing C-O makes considerable allowance for a significantly larger sign that allowed in the NC zone. The Fargo sign code that was in effect at the time this C-O was written (2008) would have allowed a sign in the NC zone to be a maximum of 19 square feet in area on this property, with a maximum height of four feet. The C-O, which specifically exempts the property from the NC sign limitations, allows a sign of a maximum of 150 feet in area with a maximum height of 8 ½ feet. This allows a sign almost eight times greater in area and over twice the height that would be allowed in the NC zone.

Note that the sign code was revised in 2010, but the limitations on signs in the NC zone did not change from the 2008 sign code.

Thus, the existing C-O makes considerable allowance for sign size in what is otherwise effectively a Neighborhood Commercial zone. There has been no change in conditions since the 2008 approval of the current C-O to warrant an increase in allowable sign dimensions.

(Criteria NOT Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

Yes. The subject property fronts on existing public rights of way which provide access and utility services. No new development is proposed.

(Criteria Satisfied)

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to three inquiries or comments regarding the proposed zone change.

(Criteria Satisfied)

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo."

Go2030, Fargo's comprehensive plan, identifies both University Drive South and 13th Avenue South as active living streets. As noted above, the Core Neighborhoods Plan (CNP) identifies this property as Mixed Use Neighborhood Commercial. Neither plan addresses signage in these areas.

Nearby residential zones along University Drive South and the north side of 13th Avenue South are zoned SR-3, Single-Dwelling Residential. In this zone, the only signage allowed is that for home occupations. The maximum size of a home occupation sign is one square foot. Thus, the current C-O, which allows a maximum sign area of 150 square feet, means the subject property may have a sign area 150 times greater than the maximum sign sized allowed in the nearby residential areas. Additionally, home occupation signs must be attached to the dwelling unit; under the C-O, a monument sign may be installed in the yard of the subject property.

Thus, the sign dimensions currently allowed on the subject property are clearly well beyond what is allowed in the nearby residential areas; any increase in allowable sign dimensions, such as the requested increase in height, would only make this disparity greater.

(Criteria NOT Satisfied)

NOTE ON THE RECOMMENDED MOTION: Staff's recommendation, as noted below, is for denial. If the applicant's request is denied, it means that the existing conditional overlay will remain in effect. If the Planning Commission recommends denial, this case will still go to the City Commission for a final hearing.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend denial to the City Commission of the proposed repeal and re-establishment of conditional overlay Ordinance no. 4692, as the proposal does not comply with all the standards of Section 20-0906.F (1-4) of the LDC."

Planning Commission Recommendation: March 7th, 2023

Attachments:

1. Location Map
2. Zoning Map
3. Existing Conditional Overlay (Ordinance No. 4692) showing proposed change
4. Graphic of proposed sign
5. Neighborhood comment e-mail

Zone Change--modification to Conditional Overlay

Erskines Addition

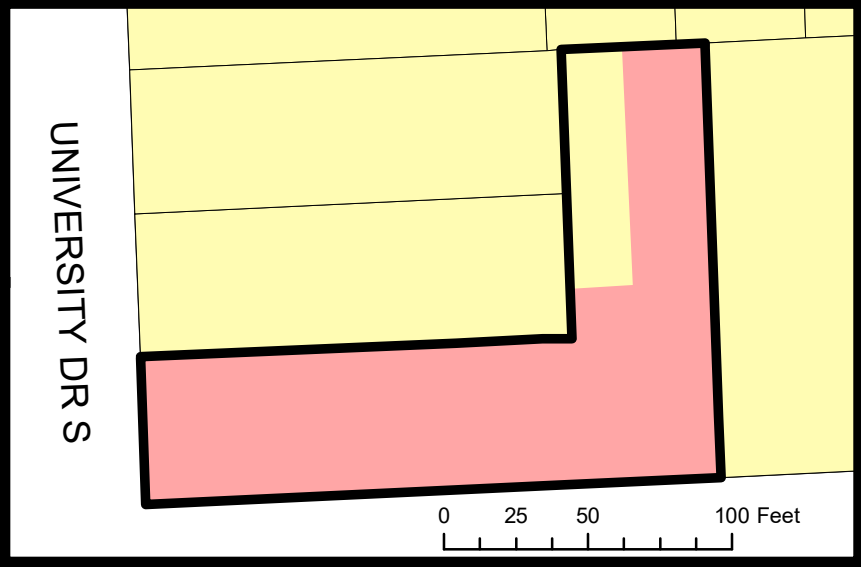
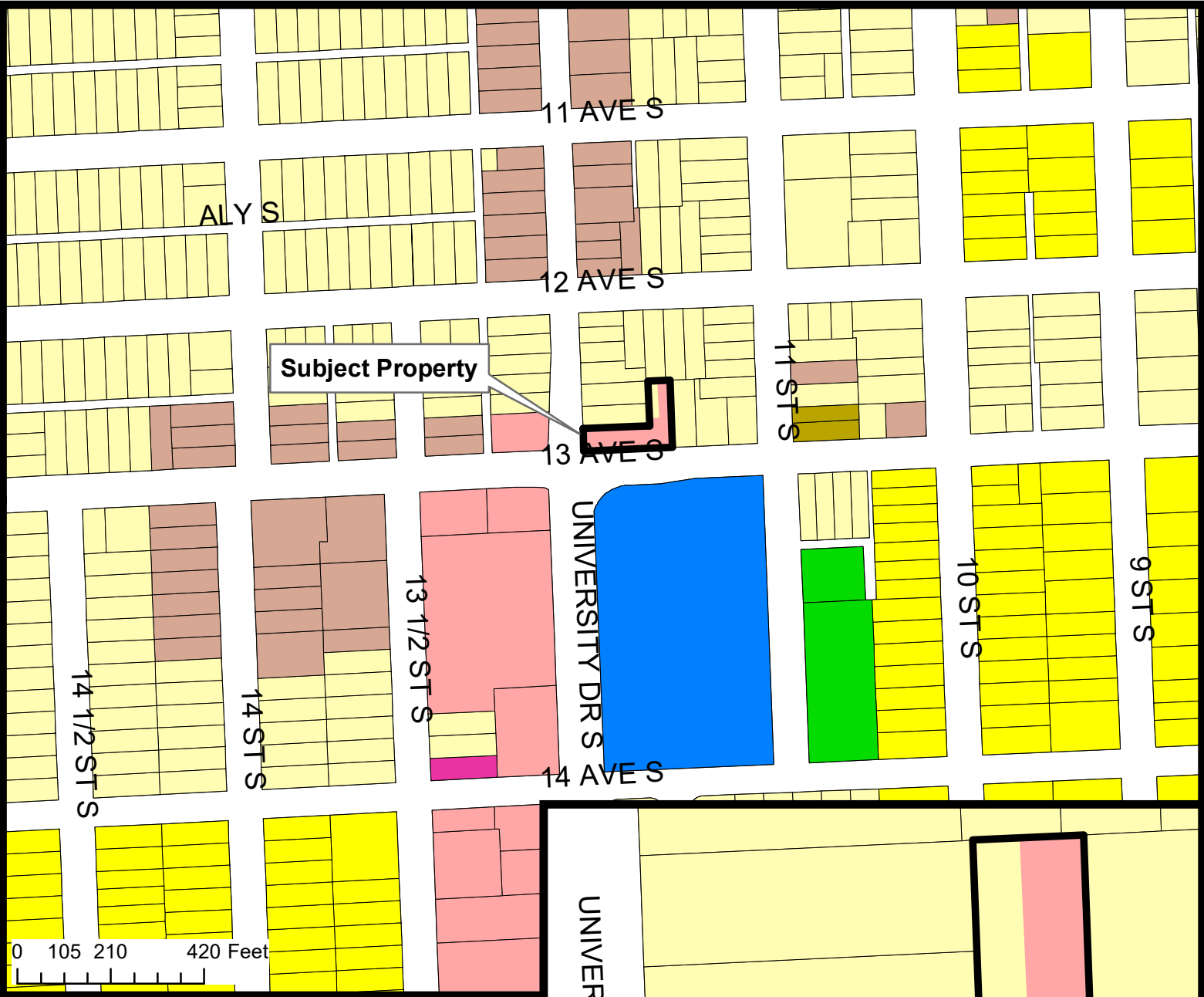
1117 & 1155 13 Avenue South



Zone Change--modification to Conditional Overlay

Erskines Addition

1117 & 1155 13 Avenue South



Legend

AG	LC	MHP	SR-2
DD	MR-1	MNC	SR-3
GG	MR-2	PJ	SR-4
GO	MR-3	UMU	SR-5
			City Limits

THE CITY OF
Fargo
FAR MORE

Fargo Planning Commission
February 7, 2023

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4692

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN ERSKINES ADDITION TO THE CITY OF FARGO

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of certain parcels of land lying in Erskines Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on November 12, 2008; and,

WHEREAS, the rezoning changes were approved by the City Commission on December 1, 2008,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

The South 51 feet of Lots One (1), Two (2), Three (3), Four (4) and Five (5); the South 51 feet of the South 101 feet of the West 8.4 feet of Lot Six (6); the Southern 70 feet of the East 16.6 feet of Lot Six (6); all of Lot Seven (7); and the West 8.4 feet of Lot Eight (8), Block SS, Erskines Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "NC", Neighborhood Commercial, District to "LC", Limited Commercial, District,

subject to a "CO", Conditional Overlay, District as follows:

The uses and standards of this "LC", Limited Commercial, District shall be limited to the Uses, Dimensional Standards and Additional Standards of a "NC", Neighborhood Commercial, District as set forth in Section 20-0209 of the Land Development Code, except subparagraphs D.6 and D.7 thereof, and further subject to the following:

1. Freestanding signs shall be limited to monument signs of a height no greater than ~~8-1/2~~ 12 1/2 feet, measured from the ground level, and of a width no greater than 8 feet. A monument sign is defined as a sign in which the lowest portion of the sign itself, not including any


OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4692

pole or support, has its base at ground level, said ground level being at grade with the rest of the property.

2. The total amount of signage shall not exceed 150 square feet.
3. The provisions of the Fargo Sign Code (as authorized pursuant to Section 25-0307 of the Fargo Municipal Code) for a "LC", Limited Commercial, zoning district shall apply.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.


Dennis R. Walaker, Mayor

(SEAL)

Attest:


Steven Sprague, City Auditor

First Reading: 12-15-2008
Second Reading: 12-29-2008
Final Passage: 12-29-2008



FAIR-PLAY

model no: 01-0906-275-1
(7'10.5" L x 5'10.875" H)

C6821
Design Proposal

Conceptual illustration only. Customer must provide press-ready custom artwork for best results.
www.fair-play.com 800.247.0265 ©copyright 2022

From: Joe Burgum

Sent: Tuesday, February 7, 2023 11:10 AM

To: Donald Kress

Subject: Re: Proposed zoning change item on tomorrow's PC agenda

Dear Donald Kress,

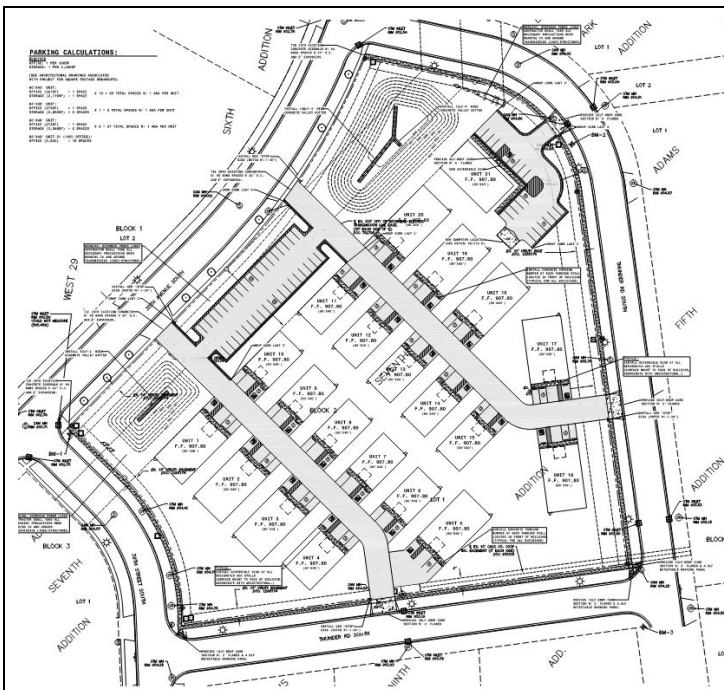
Thank you for the notification and link to the staff report. After reviewing the report, I am writing to express that the Hawthorne Neighborhood is not in support to the increase hight to the proposed sign. We believe that the sign is out of context with in the neighborhood and did not have neighborhood support in the beginning.

Sincerely,
Joe Burgum

City of Fargo Staff Report			
Title:	Adams Seventh Addition	Date:	3/2/2023
Location:	2865, 2955, 2959, 2963, 2967, 2971, 2975, 2979, 2983, 2987, 2991, 3825, 3829, 3833, 3837, 3841, 3845, 3849, 3853, 3857, and 3861 Thunder Road South	Staff Contact:	Luke Morman, Planner
Legal Description	Lot 1, Block 2, Adams Seventh Addition		
Owner(s)/Applicant:	Essjay Thunder Road, LLC	Engineer:	N/A
Entitlements Requested:	Zoning Change from GC, General Commercial to LI, Limited Industrial with a C-O, Conditional Overlay		
Status:	Planning Commission Public Hearing: March 7, 2023		

Existing	Proposed
Land Use: Commercial and Industrial	Land Use: Unchanged
Zoning: GC, General Commercial with a CUP	Zoning: LI, Limited Industrial with a C-O, Conditional Overlay
<p>Uses Allowed: GC allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.</p> <p>Conditional Use Permit No. 2022-001 (doc. #1663375) allows Industrial uses in the GC, General Commercial zone, in addition to the other permitted uses in the GC zone.</p> <p>Maximum Lot Coverage: Maximum 85% building coverage</p>	<p>Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.</p> <p>The C-O, Conditional Overlay adds restrictions to certain industrial uses.</p> <p>Maximum Lot Coverage: Unchanged</p>

Proposal:
<p>The applicant requests one entitlements:</p> <ol style="list-style-type: none"> 1. A Zoning Change from GC, General Commercial to LI, Limited Industrial with a C-O, Conditional Overlay. <p><i>(Continued on next page)</i></p>



Site plan

The subject property is shown on the left and is currently under construction for shop condo shell buildings that may include industrial uses. The existing CUP was originally put in place to protect the surrounding residential properties while allowing industrial uses per Section 20-0402.R. This section has requirements such as restrictions to the location of where an industrial use can be located (i.e. within 300 feet of any residentially zoned property). As the site is being constructed, potential tenants applied for renovation permits to fit-up some buildings that are not allowed under the current zoning and CUP. In seeing how the site was developing, staff determined that this zone change will give the potential tenants flexibility on their proposed uses, and the C-O will include restrictions for the development to continue to protect the surrounding residential properties. As can be seen in the site plan, it is consistent with the plan that was reviewed during the

Planning Commission's review of the Conditional Use Permit to allow Industrial uses here. Section 20-0704, Residential Protection Standards still apply to the subject property.

If the zoning change is approved, Conditional Use Permit 2022-001 (doc. #1663375) is no longer applicable.

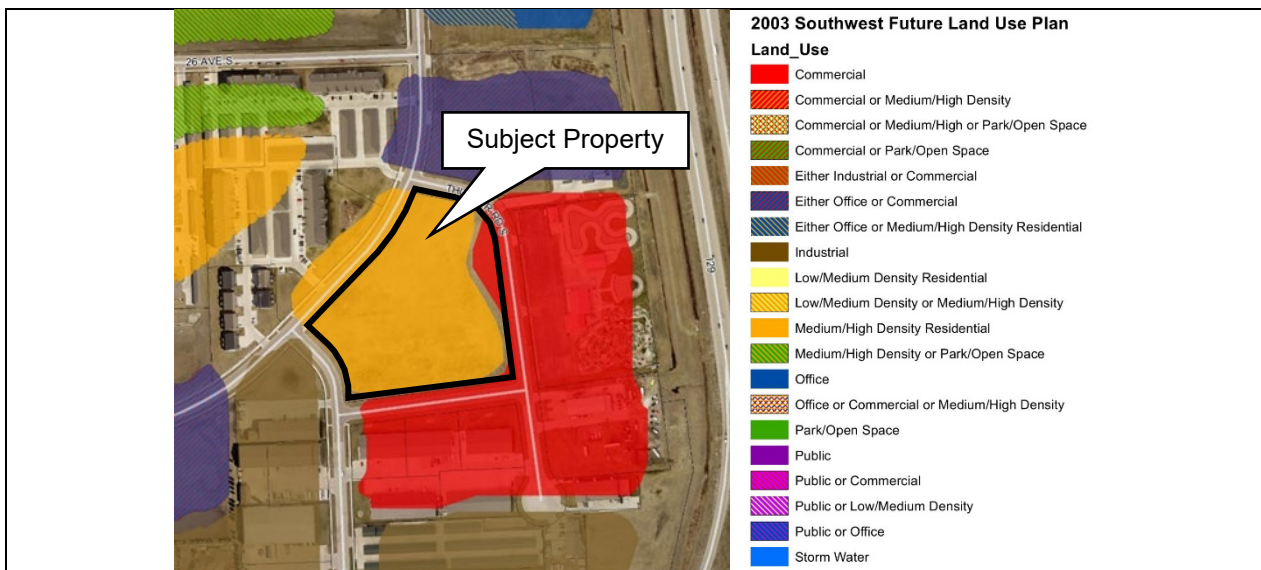
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial, undeveloped.
- Northeast: GC, General Commercial, with office.
- East: GC, General Commercial, with retail sales and service.
- South: LI, Limited Industrial, with warehouse and office.
- West: LI, Limited Industrial, with warehouse and office.
- Northwest: MR-3, Multi-Dwelling Residential, with multi-family dwelling units.

Area Plans:

According to the 2003 Growth Plan, the subject property is designated as "Medium/High Density Residential" and "Commercial." When this property was rezoned from MR-3, Multi-Dwelling Residential to GC, General Commercial in 2007, staff deemed it unnecessary to have a Growth Plan Amendment because it was generally consistent with the 2003 Growth Plan and should be reviewed on larger regional requests. With the current zoning change proposal, staff has determined that a Growth Plan Amendment is still not required due to the general consistency with surrounding zoning and the general consistency with the 2003 Growth Plan.



Context:

Schools: The subject property is located within the West Fargo School District and is served by Freedom Elementary, Liberty Middle, and Sheyenne High schools.

Neighborhood: The subject property is located within the Anderson Park Neighborhood.

Parks: The Tharaldson Baseball Complex is located approximately a third of a mile northwest of the subject property and provides amenities of baseball/softball fields, picnic tables, playgrounds (ages 5-12), restrooms, and shelters.

Pedestrian / Bicycle: There are 10' wide trails along 30th Avenue South, 32nd Avenue South, 38th Street South, and 42nd Street South.

Bus Route: MATBUS Route 14 runs along 32nd Avenue South (bus stop along 39th Street South) and 42nd Street South (bus stop along 30th Avenue South). Additionally, Route 18 runs along 32nd Avenue South (bus stop along 29th Street South). All stops described are approximately within a quarter mile of the subject property.

Staff Analysis:

Zoning Change

Section 20-0906.F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The applicant is requesting to rezone the property to allow the use of all industrial uses anywhere on the property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. Staff has added additional restrictions on the development to protect the nearby residential with the conditional overlay criteria that were based on the previous conditional use permit criteria.

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property is adjacent to existing developed public rights-of-way, which provide access and public utilities to serve the property.

(Criteria Satisfied)

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has not received any comment or inquiry. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, 2003 Southwest Future Land Use Plan, and other adopted policies of the City.

(Criteria Satisfied)

Recommended Conditions:

Planning staff recommends these conditions, stated below, as part of this Conditional Overlay.

Prohibited Uses:

- Detention Facility
 - Adult Establishment
 - Off-Premise Advertising Signs
 - Aviation/Surface Transportation
 - Portable Signs
1. A residential protection buffer per the Residential Protection Standards of Section 20-0704.E is required on sides facing residential use.
 2. Off-street parking, loading, vehicular circulation areas, and outdoor storage shall have an all-weather surface. No gravel, crushed concrete, or similar material is permitted.
 3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.
 4. Loading docks, stacked storage above 6 feet in height, storage yards, outdoor storage, and dumpsters shall have a setback of 50 feet from the right-of-way and include an 8 foot opaque fence.
 5. Dumpsters must contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.
 6. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval of the zoning change from GC, General Commercial zone, to LI, Limited Industrial, with a C-O, Conditional Overlay on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, 2003 Growth Plan, standards of Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC, with the following conditions for the C-O:

Prohibited Uses:

- Detention Facility
 - Adult Establishment
 - Off-Premise Advertising Signs
 - Aviation/Surface Transportation
 - Portable Signs
1. A residential protection buffer per the Residential Protection Standards of Section 20-0704.E is required on sides facing residential use.
 2. Off-street parking, loading, vehicular circulation areas, and outdoor storage shall have an all-weather surface. No gravel, crushed concrete, or similar material is permitted.
 3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.
 4. Loading docks, stacked storage above 6 feet in height, storage yards, outdoor storage, and dumpsters shall have a setback of 50 feet from the right-of-way and include an 8 foot opaque fence.
 5. Dumpsters must contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.
 6. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.

Planning Commission Recommendation: March 7, 2023

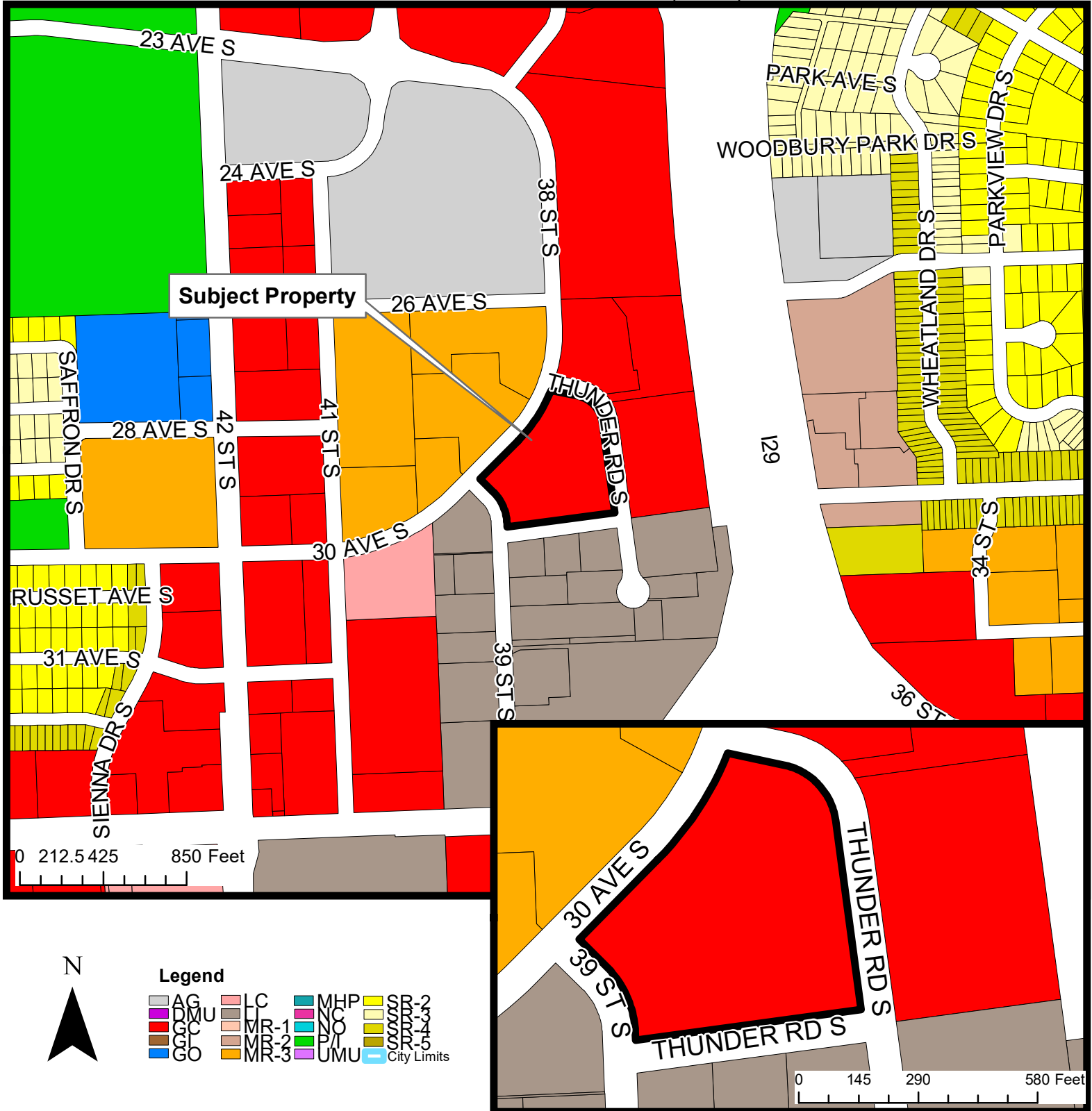
Attachments:

1. Zoning Map
2. Location Map

Zone Change with Conditional Overlay

2865, 2955, 2959, 2963, 2967, 2971, 2975, 2979, 2983,
2987, 2991, 3825, 3829, 3833, 3837, 3841, 3845, 3849,
3853, 3857, and 3861 Thunder Road South

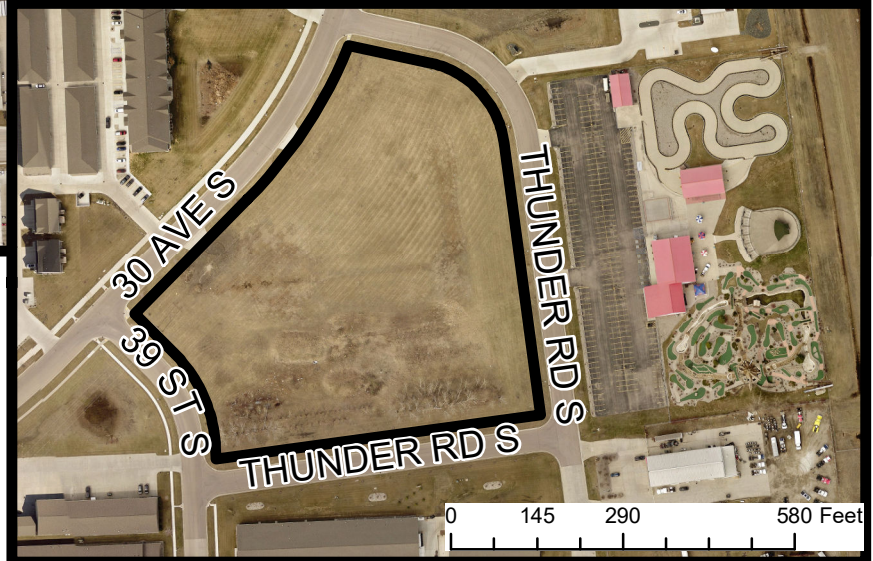
Adams Seventh Addition



Zone Change with Conditional Overlay

2865, 2955, 2959, 2963, 2967, 2971, 2975, 2979, 2983,
2987, 2991, 3825, 3829, 3833, 3837, 3841, 3845, 3849,
3853, 3857, and 3861 Thunder Road South

Adams Seventh Addition



**City of Fargo
Staff Report**

Title:	Amended Plat of Oak Grove Addition	Date:	2/28/2023
Location:	18, 24, 26, 40, 42, 44, 46, 60, 62, 64, 66, 68, 70, 92, 94, 96, 98, and 100 North Terrace North; 723 and 724 North River Road North; 9 Lower Terrance North; 17, 23, 27, 31, 33, 37, 41, 45, 49, 53, 63, 65, 75, 79, 83, 85, 87, 95, 99, 125, 129, 135, and 139 South Terrace North;	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	portions of Lots 1-4 and all of lots 5-17 and 19-29, Block 1; portions of Lots 5 and 9, and all of Lots 6-8, Block 3; a portion of Lot 30 and all of Lots 17-29, Block 4; Amended Plat of Oak Grove Addition		
Owner(s)/Applicant:	Oak Grove Lutheran High School, City of Fargo, and Fargo Park District	Engineer:	N/A
Entitlements Requested:	Zoning Change (from SR-2, Single-Dwelling Residential, SR-3, Single Dwelling Residential, MR-2, Multi-Dwelling Residential, and AG, Agricultural to P/I, Public and Institutional)		
Status:	Planning Commission Public Hearing: March 7, 2023		

Existing	Proposed
Land Use: School, open space and vacant	Land Use: unchanged
Zoning: SR-2, SR-3 and MR-2	Zoning: P/I
<p>Uses Allowed: SR-2 allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities.</p> <p>SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities</p> <p>MR-2 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities</p>	<p>Uses Allowed: P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, major entertainment events, basic utilities and some telecommunications facilities.</p>
Maximum Density Allowed: SR-2 allows 5.4 units per acre; SR-3 allows 8.7 units per acre, and MR-2 allows 20 units per acre	Maximum Lot Coverage Allowed: P/I is based on the dimensional standards of adjacent zoning district

Proposal:

Oak Grove Lutheran High School, the City of Fargo and the Fargo Park District are proposing a zoning map amendment to change from SR-2, Single-Dwelling Residential, SR-3, Single Dwelling Residential, MR-2, Multi-Dwelling Residential, and AG, Agricultural to P/I, Public and Institutional. The Fargo Park District property is Oak Grove Park. The City owned property is from flood buyouts and will not be redeveloped. Since they can no longer be used for their current zoning of residential land use, the City is proposing to rezone them to P/I, the appropriate zoning district for government-owned property. While parks are allowed in residentially zoned districts, Fargo Park District has

been supportive of rezoning their property to P/I, typically when the opportunity comes up, such as when an adjacent property is applying to rezone.

Note that the next item on the Planning Commission agenda is an application for an Institutional Master Plan for the Oak Grove High School, which is located at 110, 118, and 124 North Terrace North; 88 and 136 South Terrace North.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Red River;
- East: Red River;
- South: Red River;
- West: SR-3 with detached homes. West of the subject property is also the Oak Grove Historic Overlay.

Area Plans:

The Future Land Use Map of the Horace Mann neighborhood implementation brief within the Core Neighborhoods Plan identifies Schools with recreational amenities and Park, Open Space and Trails for the subject property. There is a portion of the property that proposes single-family residential, however, the property is owned by the City of Fargo.



Context:

Neighborhood: Horace Mann

Schools: The subject property is located within the Fargo Public School District, specifically Horace Mann Roosevelt elementary, Ben Franklin middle and North High schools.

Parks: Oak Grove Park (170 Maple Street North) is one of the subject properties, providing amenities of disc golf, horseshoes, tennis courts, playgrounds, trails and shelters.

Pedestrian / Bicycle: Shared use paths are located on and nearby several of the subject properties, including those owned by the City of Fargo and the Fargo Park District. This application has prompted discussion for future improvements to trail connectivity in this area.

Transit: There are no MATBus routes nearby the subject property.

Staff Analysis:**Zoning**

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The properties are currently zoned SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential, and MR-2, Multi-Dwelling Residential. The applicants are requesting to rezone the properties to a more appropriate zoning district of P/I for land owned by public agencies, such as the City of Fargo and the Fargo Park District, and also for land owned by schools. **(Criteria Satisfied)**

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property has direct access to several public rights-of-way. **(Criteria Satisfied)**

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property, and staff also notified the Neighborhood Coalition and contact for the neighborhood. A neighborhood open house meeting was held on Thursday, February 23rd for both the zoning change and the institutional master plan applications and had four in attendance. Topics of the meeting included details of the zoning change application, future expansion and institutional master plan of Oak Grove High School, parking on Oak Grove property and the street. To date, Planning staff has received and responded to five inquiries outside of the neighborhood open house, with no noted concern. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The plan that applies to this property is the Horace Mann Future Land Use Plan, which designates the land use as Schools with Recreational Amenities and Park, Open Space and Trails, and Single-Family Residential. P/I, Public & Institutional is an appropriate zoning district for property owned by the schools, and public agencies, like the City of Fargo and the Fargo Park District. P/I is intended to accommodate uses of a governmental, civic, public service, or quasi-public nature, including major public facilities, offering an alternative zoning classification for public and institutional uses, thereby increasing development predictability within residential neighborhoods, as any future private development would need to be rezoned. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from SR-2, Single-Family Residential, SR-3, Single-Family Residential and MR-2, Multi-Dwelling Residential, to P/I, Public & Institutional, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Core Neighborhood Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

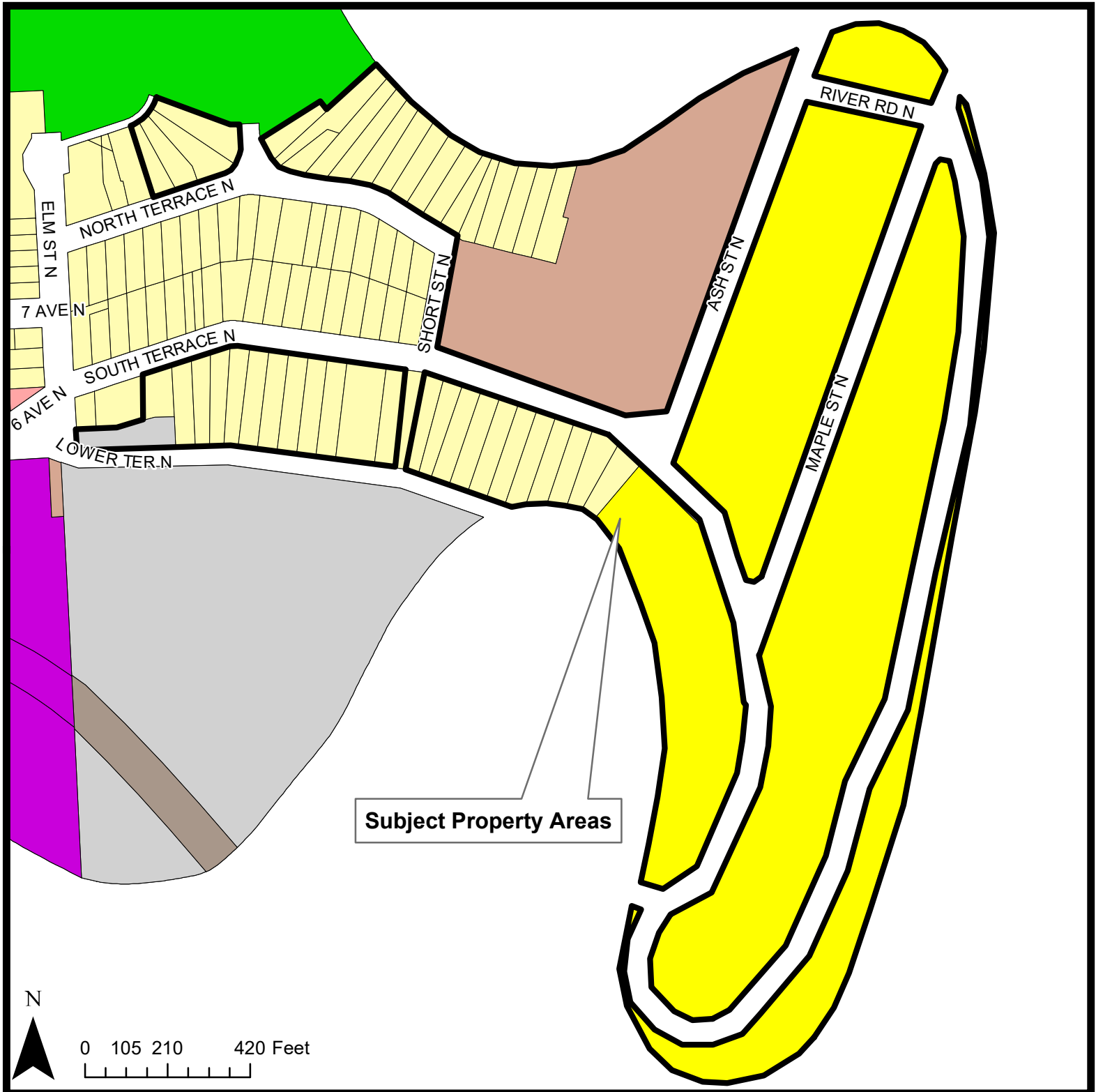
Planning Commission Recommendation: March 7, 2023

Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map

Zone Change

Oak Grove Addition (Amended Plat)

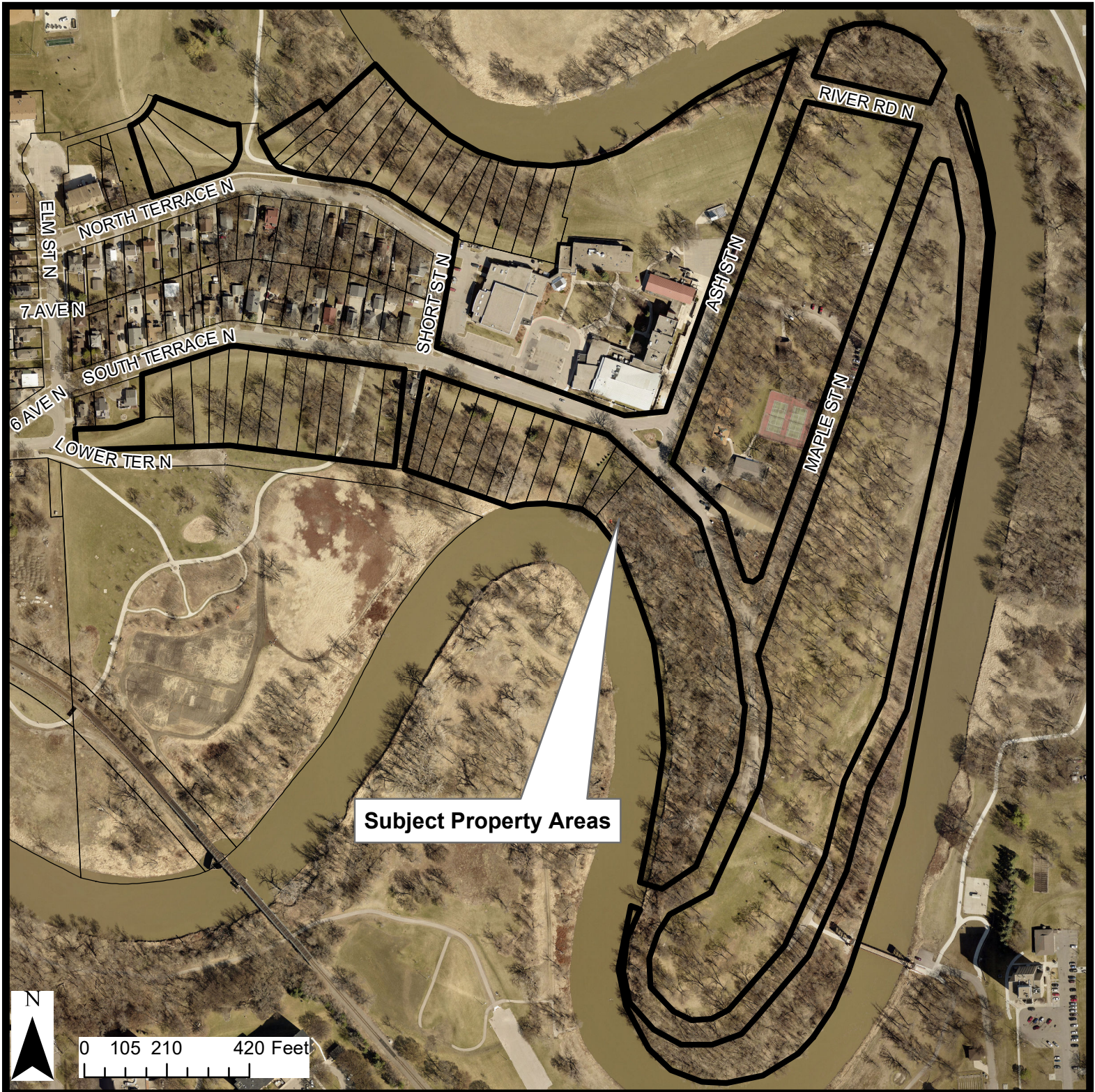
18, 24, 26, 40, 42, 44, 46, 60, 62, 64, 66, 68, 70, 92, 94, 96, 98, 100, 110, 118, 124 North Terrace North; 723 and 724 North River Road North; 9 Lower Terrance North; 17, 23, 27, 31, 33, 37, 41, 45, 49, 53, 63, 65, 75, 79, 83, 87, 88, 93, 95, 99, 125, 129, 135, 136, 139, 140, 144, 145 South Terrace North; 101, 150, 170 Maple Street North; and 1 River Road North



Zone Change

Oak Grove Addition (Amended Plat)

18, 24, 26, 40, 42, 44, 46, 60, 62, 64, 66, 68, 70, 92, 94, 96, 98, 100, 110, 118, 124 North Terrace North; 723 and 724 North River Road North; 9 Lower Terrace North; 17, 23, 27, 31, 33, 37, 41, 45, 49, 53, 63, 65, 75, 79, 83, 87, 88, 93, 95, 99, 125, 129, 135, 136, 139, 140, 144, 145 South Terrace North; 101, 150, 170 Maple Street North; and 1 River Road North



**City of Fargo
Staff Report**

Title:	Amended Plat of Oak Grove Addition	Date:	3/2/2023
Location:	Located at 110, 118, and 124 North Terrace North; 88 and 136 South Terrace North	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	Lots 30-43, Block 4; Lots 1-25, Block 5; and vacated portions of North Terrace North, Amended Plat of Oak Grove Addition		
Owner(s)/Applicant:	Oak Grove Lutheran High School / Zerr Berg Architects	Engineer:	N/A
Entitlements Requested:	Institutional Master Plan (for a school)		
Status:	Planning Commission Public Hearing: March 7, 2023		

Existing	Proposed
Land Use: School, open space and vacant	Land Use: unchanged
Zoning: SR-3 and MR-2	Zoning: P/I
Uses Allowed: SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities MR-2 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, major entertainment events, basic utilities and some telecommunications facilities.
Maximum Density Allowed: SR-3 allows 8.7 units per acre, and MR-2 allows 20 units per acre	Maximum Lot Coverage Allowed: P/I is based on the dimensional standards of adjacent zoning district

Proposal:

The applicant, Zerr Berg Architects, is seeking approval of an Institutional Master Plan on behalf of Oak Grove Lutheran High School, for the purpose of satisfying the project review requirements for development within the P/I, Public & Institutional, zoning district. The planned development is Oak Grove Lutheran High School, and the plan outlines the intended future development over the next 20 years.

Note that earlier on the Planning Commission agenda is an application to rezone this property (and others) from residential zoning to the P/I, Public and Institutional zoning district. Institutional Master Plan are intended for property zoned P/I. The Planning Commission is the decision making body for Institutional Master Plans and the recommendation at the bottom of the staff report includes the contingency that the zoning change is approved.

Project review of development projects within the P/I zoning district can be accommodated in one of two ways. One option is for each project to be reviewed for compliance with the Land Development Code on an individual basis through Site Plan Review, as is typical with most types of building construction within other zoning districts. The other option is to secure approval of an Institutional Master Plan. Once an Institutional Master Plan is established for an institution, individual development projects within that institution are no longer required to undergo Site Plan Review

and are considered to be approved so long as they are consistent with the approved Institutional Master Plan.

The Institutional Master Plan is specific to the P/I zoning district and is intended to accommodate larger public/semi-public institutions that have unique development needs when compared to typical building construction. For example, an office building may undergo Site Plan Review at the time of construction and, once completed, may exist largely unchanged for decades. In contrast, large institutions, such as a university or airport, are generally not “completed” at the time of original construction. These institutions undergo continuous incremental development and change over time, such as an addition to a residence hall or the extension of a taxiway to accommodate a new aircraft hangar. The Institutional Master Plan is intended to better accommodate these unique development characteristics of institutions.

As such, the applicant is seeking approval of an Institutional Master Plan for Oak Grove Lutheran High School in order to accommodate Land Development Code review of the plans for the school over several phases of construction.

This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Red River;
- East: Currently zoned residential with current application to rezone to P/I, location of Oak Grove Park;
- South: Currently zoned residential with current application to rezone to P/I, with City owned property;
- West: SR-3 and Oak Grove Historic Overlay with detached homes and residential zoning with current application to rezone to P/I, with City owned property.

Area Plans:

The Future Land Use Map of the Horace Mann neighborhood implementation brief within the Core Neighborhoods Plan identifies Schools with recreational amenities and Park.



Context:

Neighborhood: Horace Mann

Schools: The subject property is located within the Fargo Public School District, specifically Horace Mann Roosevelt elementary, Ben Franklin middle and North High schools.

Parks: Oak Grove Park (170 Maple Street North) is just east of the subject property, providing amenities of disc golf, horseshoes, tennis courts, playgrounds, trails and shelters.

Pedestrian / Bicycle: Shared use paths are located on and nearby the subject property, including those owned by the City of Fargo and the Fargo Park District. This application has prompted discussion for future improvements to trail connectivity in this area.

Transit: There are no MATBus routes nearby the subject property.

Staff Analysis:

Institutional Master Plan Criteria: Section 20-0911(E) of the LDC states that the Planning Commission shall identify and evaluate all factors relevant to the application, and that the following criteria be met before an Institutional Master Plan can be approved:

1. **Does the plan comply with all applicable provisions of the LDC and does it conform to the general intent and purpose of the LDC?**
Staff finds that the proposed plan complies with the intent and all applicable provisions of the LDC, as outlined within the attached Institutional Master Plan. **(Criteria Satisfied)**
2. **Is the plan consistent with all adopted plans and policies of the City?**
Staff finds the proposed plan to be consistent with the all adopted plans and policies of the City. **(Criteria Satisfied)**
3. **Will the proposed plan not cause substantial injury to the value of the other property in the neighborhood in which is it to be located?**
Staff has no evidence to suggest that the proposed plan will cause substantial injury to the value of the other property in the neighborhood in which it is to be located. Written notice of the proposal was sent to all property owners within 300 feet of the subject property, and staff also notified the Neighborhood Coalition and contact for the neighborhood. A neighborhood open house meeting was held on Thursday, February 23rd for both the zoning change and the institutional master plan applications and had four in attendance. Topics of the meeting included details of the zoning change application, future expansion and intuitional master plan of Oak Grove High School, parking on Oak Grove property and the street. To date, Planning staff has received and responded to five inquiries outside of the neighborhood open house, with no noted concern. Staff finds the proposed plan to be consistent with the P/I, Public & Institutional zoning district and development standards of the Land Development Code. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the Institutional Master Plan as presented, contingent on approval of the zoning change to P/I, Public & Institutional for the subject properties, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0911.E (1-3) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: March 7, 2023

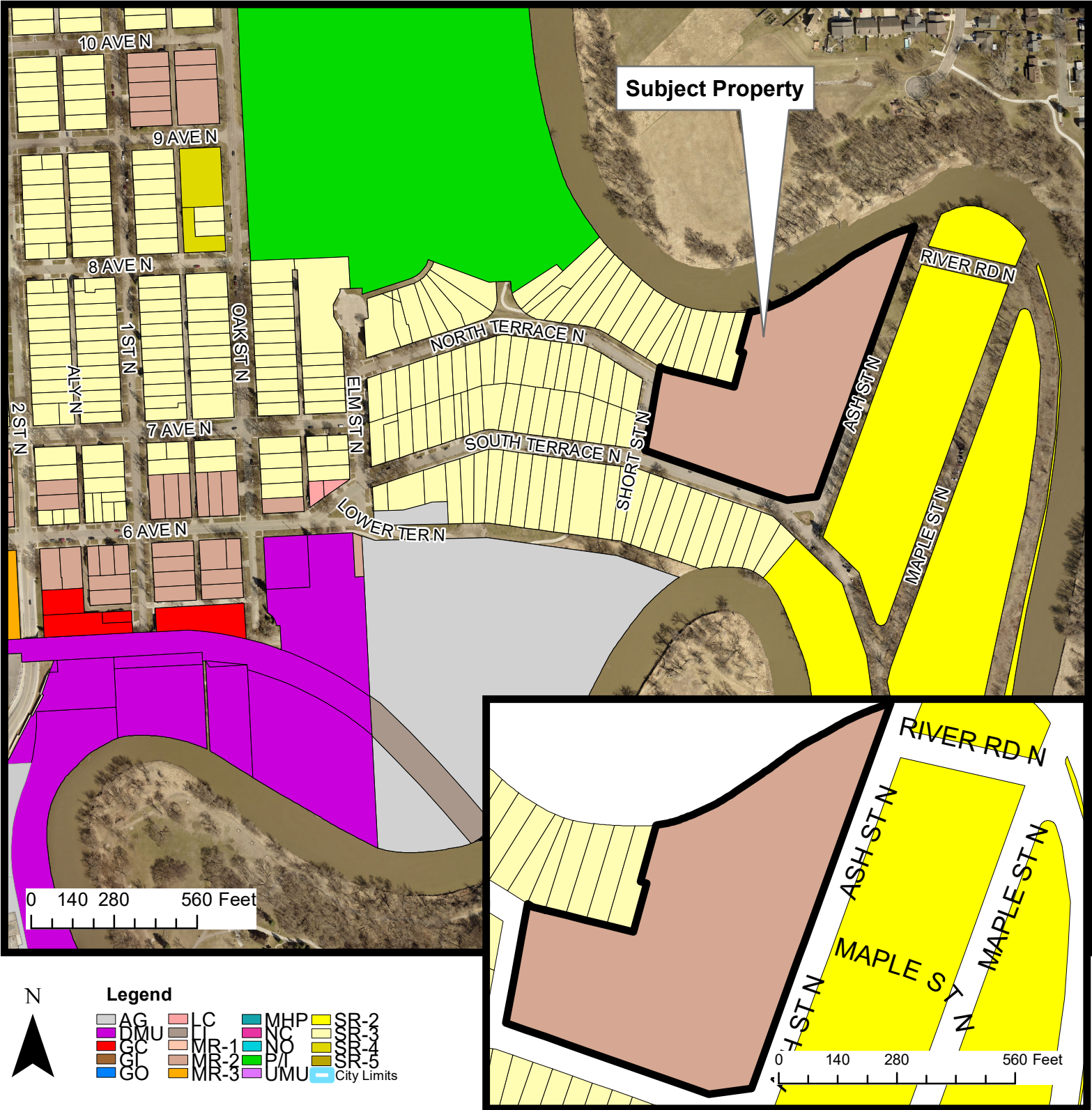
Attachments:

1. Zoning Map
2. Location Map
3. Institutional Master Plan

Institutional Master Plan

Oak Grove Addition (Amended Plat)

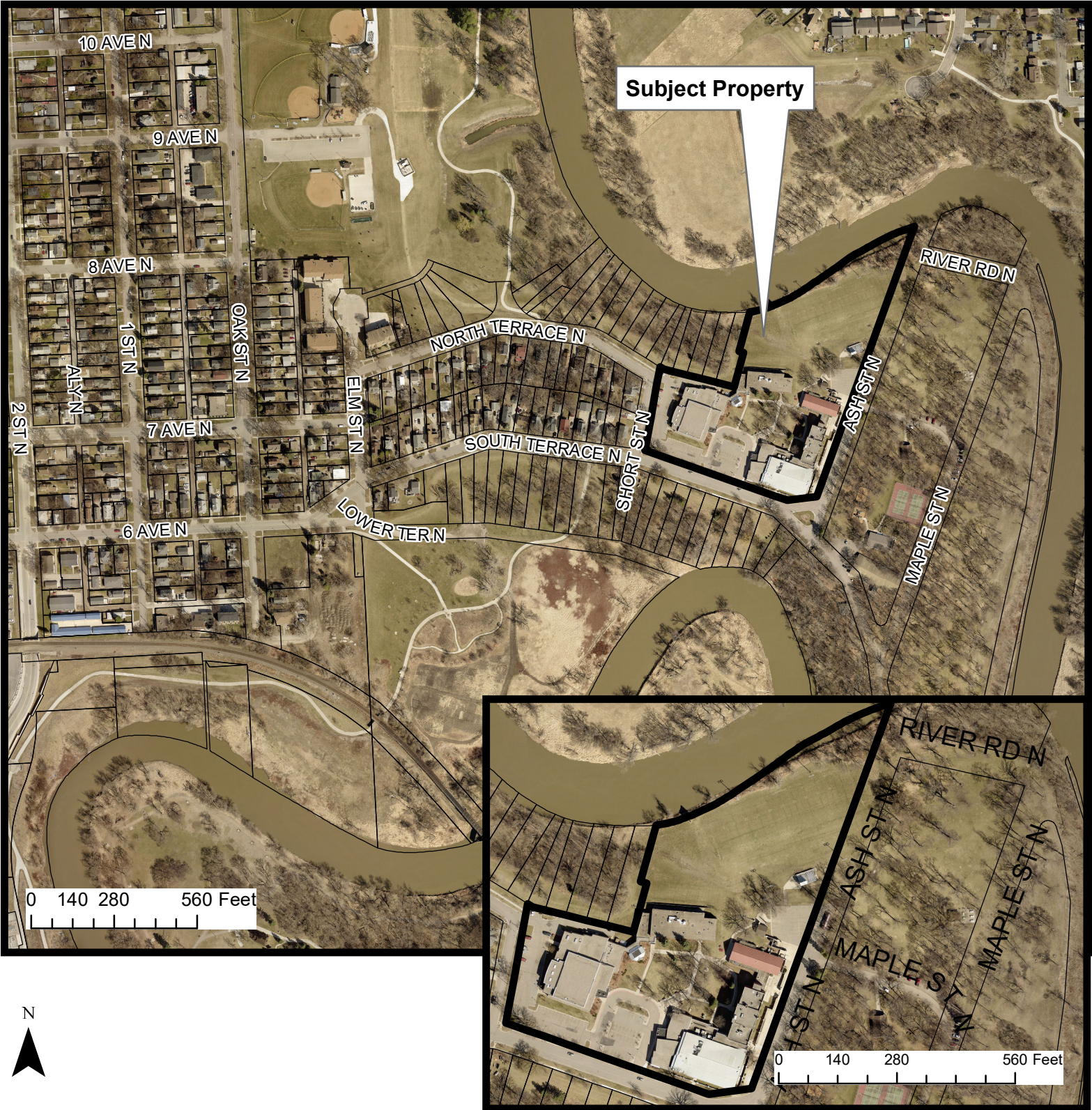
110, 118, 124 North Terrace North;
88 and 136 South Terrace North



Institutional Master Plan

Oak Grove Addition (Amended Plat)

110, 118, 124 North Terrace North;
88 and 136 South Terrace North



OAK GROVE LUTHERAN SCHOOL - NORTH CAMPUS INSTITUTIONAL MASTER PLAN

JANUARY 17, 2023



INSTITUTIONAL MASTER PLAN

OAK GROVE LUTHERAN SCHOOL – NORTH CAMPUS

OVERVIEW

Subject Property: Oak Grove Lutheran School North Campus

- Tract located at 110, 118 and 124 North Terrace N; 88 and 136 South Terrace N – Parcel No 01-220-01191-020
- Legal Description: Lots 30-43, Block 4; Lots 1-25, Block 5 and vacated parts of North Terrace N, Amended Plat of Oak Grove Addition
- Area: 8.82 Acres

Planning Commission Approval Date:

Summary: This institutional Master Plan is intended to satisfy the project review requirements of the Land Development Code for the Oak Grove Lutheran School North Campus property. This Institutional Master Plan outlines multiple phases of development over a twenty-year period. Phases will be pursued as funding allows and the order of implementation could change. The highest priority phase as identified by Oak Grove administration and the Oak Grove Board of Regents is shown as phase I:

- Phase One – Removal of Eid Center kitchen and cafeteria building and replace with new 2 story central commons/cafeteria, administrative office and academic classroom building. Renovations of the existing Benson Hall building as shown on attached plans.
- Future Phase – Additions to Scheels Center for Performing Arts as shown on attached plans.
- Future Phase – Additions to Gorder Gymnasium as shown on attached plans.
- Future Phase – Classroom addition north of Chapel as shown on attached plans.

Planning Commission Approval Date:

This Institutional Master Plan was reviewed and approved in accordance with Section 20-0911 of the Land Development Code.

Mark Williams, Assistant Planning Director

Date

INSTITUTIONAL MASTER PLAN – PLANNING REQUIREMENTS (SECTION 20-0911.J)

PLANNING HORIZON

The institutional Master Plan is intended to cover a 20-year planning horizon, including years 2023-2043.

EXISTING PROPERTY & USES

- 1) Illustrative Site Plans: See attached.
- 2) Land and Building Use: Private Secondary School through the 12th grade.
- 3) Current Zoning: The Oak Grove north campus site is zoned P/I, Public and Institutional.
- 4) The site consists of 5 buildings with a gross floor area of over 150,000 SF as follows:

	Scheels Ctr/Chapel	Benson Hall	Eid Center	Jackson Hall	Gorder Gym	Gross Area by Level
Basement/Lower Level	n/a	4,550	n/a	6,840	n/a	11,390
Ground Floor/Lot Coverage	23,810	11,083	6,950	6,840	25,780	74,463
2nd Floor	1,500	9,340	n/a	6,840	3,500	21,180
3rd Floor	n/a	n/a	n/a	6,840	n/a	6,840
Penthouse	n/a	n/a	n/a	2,325	n/a	2,325
Gross Area By Building	25,310	24,973	6,950	29,685	29,280	116,198

Note: Eid Center Cafeteria and Kitchen (to be demolished as part of Phase I)

- 5) Existing Building Height(s) in Stories and Feet:
 - a) Benson Hall: 2 stories with partial basement. 24'
 - b) Scheels Center for the Performing Arts/Hektner Chapel. 29'
 - c) Eid Center Cafeteria and Kitchen (to be demolished as part of Phase I) 18'
 - d) Jackson Hall: 3 ½ stories with split lower level. 64'
 - e) Gorder Gymnasium: 1 story with partial mezzanine. 27'
- 6) Description of Parking & Loading: Loading area serving the current kitchen is on the northeast corner of the building site north of Jackson Hall.

NEEDS OF THE INSTITUTION

- 1) Replace aging and undersized Eid Center Building on the northeast corner of the building site with new 2 story commons and academic building. This will add additional classroom space to meet the needs of the school within the next 20 years.
- 2) Provide additional storage and support spaces for Gorder Gymnasium and the Scheels Center for Performing Arts through small additions to each building.
- 3) Provide additional on site and adjacent street parking options for students and visitors as outlined in the attached parking study.

DEVELOPMENT ENVELOPE

- 1) Gross Floor Area: See table above. Building lot coverage is approximately 76,000 total SF with an existing gross building area of approximately 117,700 SF. Lot area is approximately 8.82 acres or 384,200 SF. Lot coverage by buildings is approximately 19.8% (this calculation includes the football field lot area to the north that is in the flood plain).
- 2) Average Daily and Peak-Hour Traffic: See attached traffic study prepared by Kimley Horn for current and anticipated parking demand.
- 3) Building Heights; All building heights noted above with the exception of Jackson Hall fall within the 35' maximum height allowed by the adjacent SR zoning single family homes to the west. Jackson Hall and the proposed Eid Center replacement building are both more than 150' removed from the SR zoned property to the west as allowed by Fargo Land Development Code 20-0304. Adjacent Park District property to the east (Oak Grove Park) is zoned P/I.

- 4) Setbacks: In the P/I zoning district, the dimensional standards of the abutting the adjacent SR-3 zoning district apply within 150'. See attached site plan for line indicating the 150' proximity zone. In the event that zone changes occur adjacent to the property, the setback may be reduced from what is identified below. The following setbacks will be maintained from the following lot lines:
- Front – Identified as the south property line along South Terrace.
 - Rear – Identified as the river adjacent property line.
 - Street Side – Identified as the property line on Short Street adjacent to the residential SR-3 property to the west and the Ash Street property line adjacent to the park district property to the east. Setback on the west property line (side setback) will be 12.5' as required for SR-3. Setback on the east property line (side setback) at Ash Street to be 0' as required for P/I.
 - Interior Side – Identified as the interior property lines on the NW corner of the property adjacent to the vacated, buyout property.
- 5) Total Open Space: 384,200 square feet. See attached site plan for additional details.

NEIGHBORHOOD PROTECTION STRATEGY

The Oak Grove School site is within 150 feet of current SR-3 residential lots to the west as identified on the current City of Fargo GIS map. As such, Section 20-0704 Residential Protection Standards (RPS) applies to the property. Unoccupied and unbuildable lots from property buyouts that are located directly south of the school and south of South Terrace N and lots north of North Terrace N are zoned P/I. Section 20-0304 is the application of the P/I zoning district standards.

LAND DEVELOPMENT CODE REVIEW

USE (ARTICLE 20-04)

Oak Grove Lutheran School is well into its second century of existence in the Oak Grove neighborhood just northeast of downtown Fargo. Established 1906 as the Oak Grove Lutheran Ladies Seminary, the school a Pre-K through 5th grade campus in South Fargo and the 6th – 12th grade campus on this site in North Fargo. The North Campus site zoned P/I and is bordered on the east side by Oak Grove Park (P/I), by the Red River and vacant buyout properties to the north and south and occupied SR-3 residential lots to the west. This Institutional Master Plan is in accordance with P/I (Public Institutional) zoning as provided in Fargo LDC Chapter 20-0304.

- Residential Protection Standards apply to P/I where located with 150' of MR or SR.

DIMENSIONAL STANDARDS (ARTICLE 20 – 05)

The dimensional standards for the property have been established as follows:

- 1) Building Heights: All existing buildings as well as proposed additions and new building heights, with the exception of the existing Jackson Hall building, are not expected to exceed 35 feet.
- 2) Maximum Building Coverage: The building coverage for this project site is not anticipated to exceed 25% of the total lot area.
- 3) Setbacks: In the P/I zoning district, the dimensional standards of the abutting zoning district apply within 150'. In the event that zone changes occur adjacent to the property, the setback may be

reduced from what is identified below. The following setbacks will be maintained from the following lot lines:

- a) Front – Identified as the south property line along South Terrace. Adjacent property is P/I.
 - b) Rear – Identified as the river adjacent property line.
 - c) Street Side – Identified as the property line on Short Street adjacent to the residential SR-3 property to the west and the Ash Street property line adjacent to the park district P/I property to the east. Setback on the west property line will be 12.5' as required for SR-3. Setback on the east property line at Ash Street will be 0' as is required for P/I.
 - d) Interior Side – Identified as the interior property lines on the NW corner of the property adjacent to the vacated, buyout property zoned as P/I.
- 4) Watercourse Setbacks: All watercourse restrictions for previously platted and built upon lands will be followed for all proposed buildings located within the MDZ and LDZ setbacks. All enlargements and replacements to existing principal buildings that extend the buildings closer to the river remain no farther into the MDZS and LDZS zones than the farthest points of the existing Scheels Center and Benson Hall, see the attached drawings for watercourse setback locations.

PARKING & LOADING (SECTION 20 – 0701)

Oak Grove Lutheran School commissioned Kimley Horn (KH) to perform a comprehensive parking and traffic analysis as part of this Institutional Master Plan. The completed report dated 6/29/22 is attached to this Institutional Master Plan. Enrollment at the north campus has been capped at approximately 60 students per grade level (3 sections) for a total potential enrollment on site of 420.

Per the Land Development Code Chapter 20-0701, High Schools are required to provide 1 stall per employee/teacher and 1 stall per 5 students. To support the needs of the north campus, Oak Grove anticipates adding up to 5 additional employees for a total of 60 employees, and the high school maximum enrollment (4x60) is 240 with 180 students in middle school.

Total required parking = 60 (employee spaces) + 48 space (HS students) + 10 spaces (visitors) for a total of 118.

There are 119 off street parking stalls on the Oak Grove campus as shown on the attached plans. The school meets the LDC requirements for off street parking.

Note that the KH parking analysis identifies 139 off street stalls; at the time of the completed report, all stalls along Ash Street were considered as off street. For the review of the Institutional Master Plan and LDC requirements, 20 stalls along the north and east of Ash Street are within the ROW and are considered on street parking.

The KH analysis also included an event driven parking demand study that makes recommendations for off and on-street parking based on daily observations and peak event demands. This portion of the study anticipates a need for 237 total parking spaces during those peak demand times. There is currently a total of 165 on-street parking positions within 1000' of the campus. With minor modifications this could be increased to 165 on-street stalls and with geometric modifications this could be further increased to 187 on-street as outlined in the KH analysis report.

ROADWAY ACCESS & DRIVEWAYS (SECTION 20 – 07020)

Access to the Oak Grove site will continue to be from the west. The primary approach is along South Terrace with minor traffic also using North Terrace. Fire department vehicle access and hydrant locations (proposed and existing) are shown on an attached exhibit.

RESIDENTIAL PROTECTION STANDARDS (SECTION 20-0704)

Refer to previous section Neighborhood Protection Strategy for information about the application of this section of the LDC.

TREES & LANDSCAPING (SECTION 20-0705)

The Land Development Code requires the following trees and landscaping for the subject property:

- Street Trees: Trees provided per this requirement are not included in the Open Space Landscaping total; refer to planting quantities table on A1.05.
 - Short Street: Section 20 – 0705.B.1.a (1 per 35 linear feet) – Existing mature trees are located on the east side of Short Street per the requirement. *After further examination by the City Forester, no additional trees will be provided due to space constraints and size of existing trees. Any trees identified during future site surveying will be maintained and replaced should they not survive the course of construction on the campus.*
 - South Terrace N: Section 20 – 0705.B.1.a (1 per 35 linear feet) – Existing mature trees are located on the north side of South Terrace per the requirement. *After further examination by the City Forester, no additional trees will be provided due to space constraints and size of existing trees. Any trees identified during future site surveying will be maintained and replaced should they not survive the course of construction on the campus.*
 - Ash Street: Street tree plantings will not be required per the City Forester.
- Open Space and Open Space Plant Units:
 - 726 Plant Units (3 per 1,000 square feet @ 241,750 net square feet (the existing football field area north of the floodwall will be excluded from the open space sf calculation, see the attached site inventory plan; 20 – 0705.c.5)).
- Parking Lot Perimeter Landscaping/Residential buffers: Plantings and trees provided per this requirement are not included in the Open Space Landscaping total; refer to planting quantities table on A1.05.
 - As required by Section 20-0705.
- Existing Plant Units
 - ~491 existing plant units remain unaffected by the proposed building improvements.
 - The remaining new plant units needed to fulfill the Land Development Code requirements will be provided in stages as the proposed project phases progress:
 - Southwest Lot & Scheels Center – landscaping completed as part of Scheels Center Addition project
 - Gorder Gymnasium & Main Lot – landscaping completed as part of Gorder Gymnasium addition project

- Courtyard + Northeast Lot – landscaping completed as part of the Eid Replacement project
- Refer to the attached site inventory plan and landscaping plan for plant unit distribution. Once an accurate existing plant unit inventory of the site has been conducted, the amount of new plant units required will be finalized.

CORNER VISIBILITY (SECTION 20-0706)

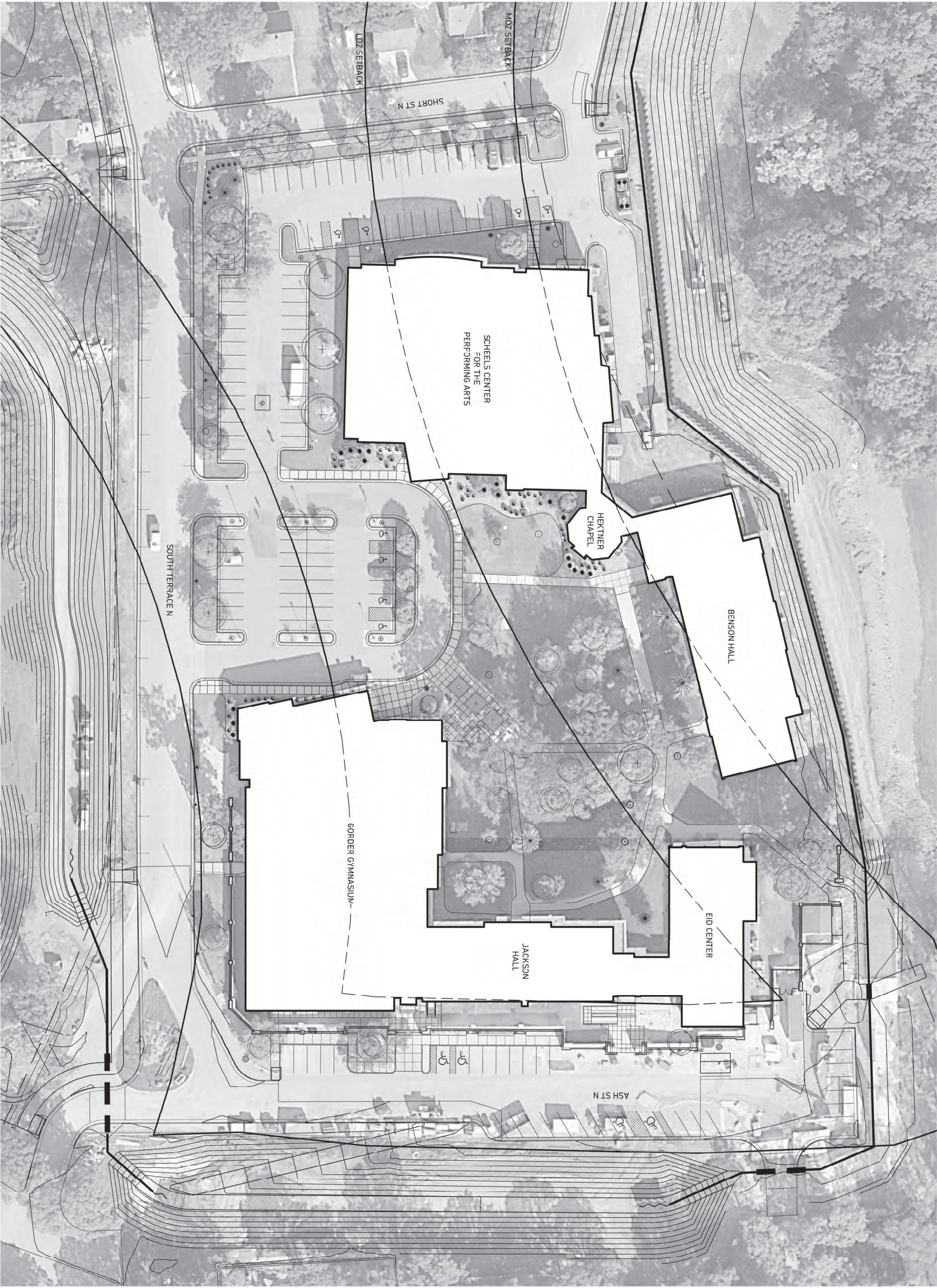
Corner visibility as required by Section 20-0706 will be maintained throughout the planning horizon.



1 SITE AREA PLAN
SCALE 1" = 200'







1 EXISTING SITE PLAN
SCALE 1" = 30'





1 BUILDING IMPROVEMENTS PLAN
SCALE 1" = 30'





1 SITE INVENTORY PLAN
SCALE 1" = 30'



ZERRBERG

510 NORTH 4TH AVENUE, SUITE 200, MINNEAPOLIS, MN 55402-4821 | (763) 526-0000

SITE INVENTORY KEY

EXISTING DECIDUOUS TREE



EXISTING EVERGREEN TREE



EXISTING SHRUB / PERENNIAL



PROPOSED DECIDUOUS TREE



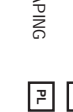
SHRUB / PERENNIAL



PLANT UNIT COUNT



STREET TREE



PERIMETER LOT LANDSCAPING



PLANT UNIT REQUIREMENTS

OPEN SPACE	241,750 SF
REQUIRED PLANT UNITS (3 PER 1,000 SF)	726

SITE AREA OPEN SPACE PLANT UNITS

SOUTHWEST LOT	29
MAIN LOT	75
GOORDER GYMNASIUM	83
COURTYARD	359
SCHUELS CENTER	134
NORTHEAST LOT	77
	757



OAK GROVE LUTHERAN SCHOOL
NORTH CAMPUS
INSTITUTIONAL MASTER PLAN
124 N TERRACE N, FARCO, ND 58102

SITE INVENTORY & LANDSCAPING PLAN

MEMORANDUM

Date: June 29, 2022

To: Brian C. Berg, AIA
Principal Architect
Zerr Berg Architects

From: Brandon Bourdon, P.E.
Jacob Rojer, PTOE

Subject: Oak Grove Lutheran School North Campus – Parking Study
Fargo, North Dakota

Introduction

Oak Grove Lutheran School serves approximately 720 students from age 3 through grade 12 on two campuses in Fargo, North Dakota. The school's enrollment trends show an increased number of students in grades 6-12 on the Oak North Campus. School leaders are looking for ways to add parking capacity in and around a historic campus that is landlocked by the Red River.

Oak Grove lost parking in the last three years due to the FEMA-led flood mitigation project that protects the entire neighborhood along the Oak Grove peninsula from Oak and Elm streets east. The effect on parking was a net decrease of 32 parking spaces from a parking lot removed for levee construction and another 12 spaces along Ash Street to facilitate levee access. The flood wall and levee will have long-term benefits to the school and neighborhood residents by lowering flood-insurance premiums. However, the flood wall and levee have reduced parking options for Oak Grove students, faculty, staff and visitors.

Oak Grove, working in conjunction with Zerr Berg Architects, has engaged Kimley Horn to assess the current parking capacity and document the existing parking conditions for the school, determine parking generation and parking needs, and to outline an event management plan for higher trip-generating school events that attract visitors on days, nights, and weekends.

Existing Conditions

The Oak Grove North Campus is located east of Short Street and originally between South Terrace and North Terrace, two city streets that provided access many years ago to Oak Grove Park. Ash Street, maintained by the city, runs behind the eastern buildings on campus and provides access to the public park that sits between the campus and the river.

Enrollment trends forecast 400 or more students on campus in the upcoming year, increasing the parking demand by 45 to 60 stalls by the 2025-2026 school year.

Existing conditions include recent modifications to the east side of the site due to the 2021 levee construction. This construction removed the 20-stall parking lot on the northeast corner of the Oak Grove Campus and included modifications to parking along Ash Street. **Attachment 2** provides the

existing site layout with the changes made by the 2021 levee construction. All existing parking data accounts for the changes in available parking due to the 2021 levee construction.

On-Street Parking

Existing on-street parking supply was calculated using aerial imagery and existing parking-related signing to measure the number of parking spaces provided on-site and on-public streets in the study area within a quarter mile of the school. **Table 1** documents the length of curb space where existing parking is allowed, along with the estimated number of parking spaces on each street segment. All the distance measurements were rounded to the nearest five feet, and the standard parking space size was assumed to be 20 feet in length.

Table 1: Existing On-Street Parking Supply

Roadway	Location	Parking Capacity (Feet)		Parking Capacity (Passenger Vehicles)	
EAST-WEST STREETS		North	South	North	South
South Terrace	West of Short Street	545	-	27	-
	East of Short Street	360	485	15	24
North Terrace	West of Short Street	1015	-	50	-
NORTH-SOUTH STREETS		West	East	West	East
Short Street	Between North Terrace and South Terrace	145	-	7	-
Total On-Street Parking Supply (Passenger Vehicles)				123	

The existing on-street parking facilities can support approximately 123 vehicles within a quarter of mile of the site. Based on driveway locations, this number could be increased by switching the side of the road parking is available on. Four additional on-street parking stalls could be added by providing parking on the east side of Short Street instead of the west side. Another 18 on-street parking stalls could be added by allowing parking on the south side of South Terrace instead of the north side due to all the residential driveways located on the north side of South Terrace.

Off-Street Parking

Existing off-street parking supply was calculated using aerial imagery and a campus site plan to determine the number of off-street parking stalls provided on the Oak Grove Campus. For this study, parking along Ash Street, on the east side of the Oak Grove Campus, was considered off-street parking due to the characteristics and location of the road.

After construction of the levee around the school, there are a total of 139 off-street parking stalls provided on the Oak Grove Campus – 44 parking stalls are provided in the Ash Street parking lot, 30 parking stalls are provided in the central parking lot, and 65 parking stalls are provided in the southwest parking lot. **Exhibit 1** provides the number and location of off-and-on-street parking stalls.

Parking Requirements

Fargo, ND has parking requirements for various forms of development. For high schools, the requirements state: the minimum number of spaces required is one per teacher/employee plus one per

five students. Therefore, the Oak Grove School is required to provide 135 (400 students and 55 faculty) parking stalls per City of Fargo Municipal Code. The school meets the code requirement.

Off-Street Parking requirements are based on the type of development and are not impacted by the zoning code of the development. Therefore, the potential zoning change from M-2 (multi-dwelling residential) to PI (public institutional) will not impact parking requirements.

Parking Demand

Parking demand was calculated using the *Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition*. Land Use Code (LUC) 530, High School, estimates 110 parking stalls are needed, based on 400 students. LUC 536, Private School K-12, was also evaluated and 140 parking stalls are needed to accommodate estimated parking demand.

However, based on site specific data, it has been observed that on a typical day, the off-street parking facilities fill up and usually an additional 30-35 vehicles park on the street. Over the next four years, it is anticipated that parking demand will increase by an additional 45-60 stalls. This will lead to 75-95 vehicles using on-street parking facilities, based on existing conditions. The total parking demand is anticipated to be 237 parking stalls, based on the more conservative parking estimates.

This study will base the daily parking demand on site specific data because it is more conservative and is a better reflection of real-world conditions.

Parking Modifications

As previously stated, the parking demand currently exceeds the Oak Grove off-street parking capacity. Alternative options for increasing parking capacity on city streets have also been analyzed. Pros and cons are provided in addition to the impact on parking facilities for each potential improvement.

Minor Modifications

These improvements only require modifications to signage or pavement markings and are more cost effective and easier to implement than geometric changes.

Switching the side of the street parking is permitted on for South Terrace and Short Street would provide increased on-street parking facilities. This would increase parking along South Terrace by approximately 18 stalls and by four stalls along Short Street for a total increase of 22 stalls. The biggest benefit of this approach is its simplicity, only the existing signage needs to be modified. While changing the location of on-street parking will complicate the route vehicles take to exit the site, it will also simplify the route vehicles take to enter the site and creates an easier parking environment, as drivers can easily pull into a parallel spot without needing to reverse as parking will fill east to west. Additionally, vehicles parking on North Terrace and South Terrace. would circulate the same direction, leading to a reduced number of conflicts. Vehicles would need to circulate through Short Street and North Terrace before exiting if they are parked on South Terrace. However, this is not anticipated to have significant impacts to site operations.

An option to maximize parking efficiency would be to paint parallel parking lines for the parallel street parking spots. On the site visit, it was noted that vehicles often would have 10 to 15 feet of space between them, making for inefficient use of existing street parking. This could have significant impacts on parking while requiring minimal improvements to the roadway (i.e., minor additional pavement markings).

Exhibit 2 provides the parking capacity with minor modifications.

Geometric Modifications

The next level of improvements will require modifications to the pavement, curb and gutter, striping, and signing. These improvements can be made in addition to many of the minor modifications.

Existing parallel parking along sections of North Terrace and South Terrace could be converted to angled parking. This would require roadway geometry to be updated and additional striping modifications. Adding 45-degree angle parking along South Terrace, between Short Street and Ash Street, would increase parking by approximately 16 vehicles. With angled parking along the south side of South Terrace, the parallel parking on the north side can still be maintained but will require widening of the roadway to the south. Implementing angled parking would require vehicles leaving the site to turnaround at the intersection of South Terrace and Ash Street. It could be beneficial to include a mini roundabout at the turnaround point with a mountable inner island to provide structure for vehicles attempting to turn around at the intersection of South Terrace and Ash Street. Because this route is indirect, vehicles may opt to make multipoint turns and not utilize the turnaround causing safety concerns. Adding angle parking along a 200-foot section of North Terrace west of Short Street will add approximately six additional parking stalls. **Exhibit 3** provides the parking capacity with angle parking modifications to on-street pavement markings and potential geometric modifications. This option would increase the number of parking stalls by 22.

Based on measurements of the CAD files provided, there is approximately 47 feet between the north curb on South Terrace and the existing sidewalk south of South Terrace between Short Street and Ash Street. An 18-foot deep, 90-degree parking area and 28-foot two-way roadway could be accommodated within the existing space. This would require the removal of parallel parking on the north side of South Terrace. Overall, this would add a net 15 parking stalls. Measurements should be made in the field to determine the available width that the roadway can be modified to occupy. This option would require similar geometric changes compared to angled parking along South Terrace and provide a similar number of parking stalls to the angled parking. With 90-degree parking, the potential issue with vehicles not using the turnaround to exit the site would be eliminated as vehicles can enter and exit parking stalls from both directions, although this will result in increased interaction with less experienced drivers with both directions of traffic on South Terrace causing potential safety concerns.

Adding angle parking along a 200-foot section of North Terrace west of Short Street will add approximately six parking stalls. **Exhibit 4** provides the parking capacity for 90-degree parking stalls along South Terrace. This option would increase the number of parking stalls by 21 spots.

With the implementation of geometric modifications, it is anticipated that school parking demand growth until the 2025-2026 school year will be accommodated in parking facilities on South Terrace, east of Short Street, on Short Street itself, and off-street parking lots.

With the addition of 45-60 drivers over the next four years, parking demand was calculated and applied to existing parking facilities and proposed parking facilities. **Exhibit 5** displays the parking demand graphically for existing parking capacity, for parking capacity with minor modifications, and for parking capacity with minor and geometric modifications. The exhibit was based on a daily parking demand of 237 stalls.

If all improvements are implemented, and Oak Grove no longer wanted to utilize parking on North Terrace and South Terrace for on-street parking, a 32-stall parking lot would need to be constructed to accommodate the remaining vehicles.

Events

Oak Grove holds 75 to 80 large events each year on campus. However, only some events attract enough visitors to extend parking west along South Terrance and North Terrace to Elm Street. Many of the largest events are scheduled on nights and weekends, thereby making all off-street parking available to visitors, as well. A few events on weekday afternoons and evenings create overlaps among student vehicles, faculty and staff vehicles, and visitor vehicles. **Table 2** categorizes the event type, frequency, parking demand, and number of weekend events.

Table 2: Annual Event Types

Event Type	Number of Events	Within 500'	Within 1,000' (Greater than 500')	Number of Weekend Events
Fall Sports Events	13	13	0	1
Fall Activities	10	10	0	7
Winter Sporting Events	18	16	2	4
Winter Activities	22	20	2	16
Spring Activities	13	10	3	6
Total	76	69	7	34

As noted earlier, Oak Grove has 139 available off-street parking stalls; this number of parking stalls will not change with potential improvements to the parking facilities. An additional 123 existing, on-street parking stalls are available within a quarter-mile of the school during events. Switching the sides of permitted on-street parking to the south side of South Terrace and the east side of Short Street could add 22 on-street parking stalls. Another 22 parking stalls can be added by implementing additional geometry modifications, for a total of 167 on-street parking stalls.

While the school is anticipating daily parking growth over the next couple years, Oak Grove leaders are not anticipating a significant change in events or event sizes. If both minor and geometric modifications are implemented, parking capacity would increase by approximately 17%. However, if additional event parking is still needed for large events, the school could coordinate the use of Oak Grove Park parking with the city of Fargo and the Fargo Park District. Oak Grove Park is located east of the school campus. As shown in **Exhibit 1**, approximately 121 parking stalls located in the park. The park can be used for fall and spring events; however, the park spaces should not be counted for winter events because the city does not maintain the access points during winter months. If park parking is desired in the winter, the park road and parking stalls would need to be plowed and maintained by the school.

Event Management Strategies

It is anticipated that people who attend events will most often drive and park; therefore, strategies could be implemented to make more efficient use of existing parking in the surrounding area. For fall and spring events parking at the Oak Grove Park could be utilized.

Striping could be added to on-street parking facilities along North Terrace and South Terrace to maximize efficiency by better defining parking stalls and ultimately decreasing the space not utilized between parked vehicles. Additionally, engagement materials (i.e., email, newsletter, website links) could be sent to attendees encouraging carpooling to the site to limit parking demand and denoting the best places to park for events to minimize the impact on the surrounding neighborhood.

Conclusions

Oak Grove Lutheran School North Campus is located at South Terrace and Short Street, adjacent to the Red River in Fargo. The school has limited space on site for parking and is expecting to increase the student body population to 400 students over the next four years. That will increase parking demand by 45-60 vehicles. Overall daily parking demand could rise to approximately 237 stalls; 262 parking stalls are available within a quarter-mile of the Oak Grove campus. This would result in vehicles parking on North Terrace and South Terrace approximately 700 feet west of Short Street.

The current parking capacity includes 139 off-street parking stalls and 123 on-street parking spaces within a quarter-mile of the campus. On-street parking could be increased near the campus by using specific strategies such as angled stalls and shifting parking zones to other sides of streets. These actions will clarify parking on North Terrace and South Terrace and should reduce the parking randomness seen during some events. Parking along South Terrace, west of Short Street, could be shifted from the north curb to the south curb and parking on Short Street could be shifted from the west curb to the east curb to increase parking capacity by a total of 22 stalls. These improvements could be implemented with only minor changes to existing signage.

Parking along the south curb of South Terrace could be converted from parallel parking to angle or 90-degree parking between Short Street and Ash Street. With 90-degree parking, parallel on street parking on the north curb of South Terrace would need to be removed due to roadway width constraints. Adding angled parking would add 16 parking stalls and adding 90-degree parking would add 15 parking stalls. With angled parking along South Terrace, a small roundabout with mountable island could be included at the intersection of South Terrace and Ash Street to give vehicles a more structured turn-around location. Additionally, angle parking could be provided for a section of North Terrace to increase available parking by six stalls. These geometric improvements would provide parking near the Oak Grove Campus and limit the impact to North Terrace and South Terrace. An estimated 22 total parking stalls would be added with 90-degree parking on South Terrace and angle parking along North Terrace, and another 22 total parking stalls would be added with angle parking on both South Terrace and North Terrace.

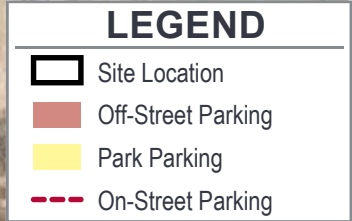
Some events at Oak Grove require additional parking, according to school officials. Visitors currently park along South Terrace and North Terrace west to Elm Street. While the student population is supposed to grow over the next four years, this growth is not anticipated to increase parking demand for these events. To mitigate impacts to the surrounding community, engagement materials (i.e., email, newsletter, website links) should be given to attendees laying out the parking locations and carpooling could be encouraged. School officials also could work in coordinated fashion with City of Fargo and the Fargo Park District to utilize Oak Grove Park parking, east of the Oak Park Campus, for large events.

ATTACHMENTS

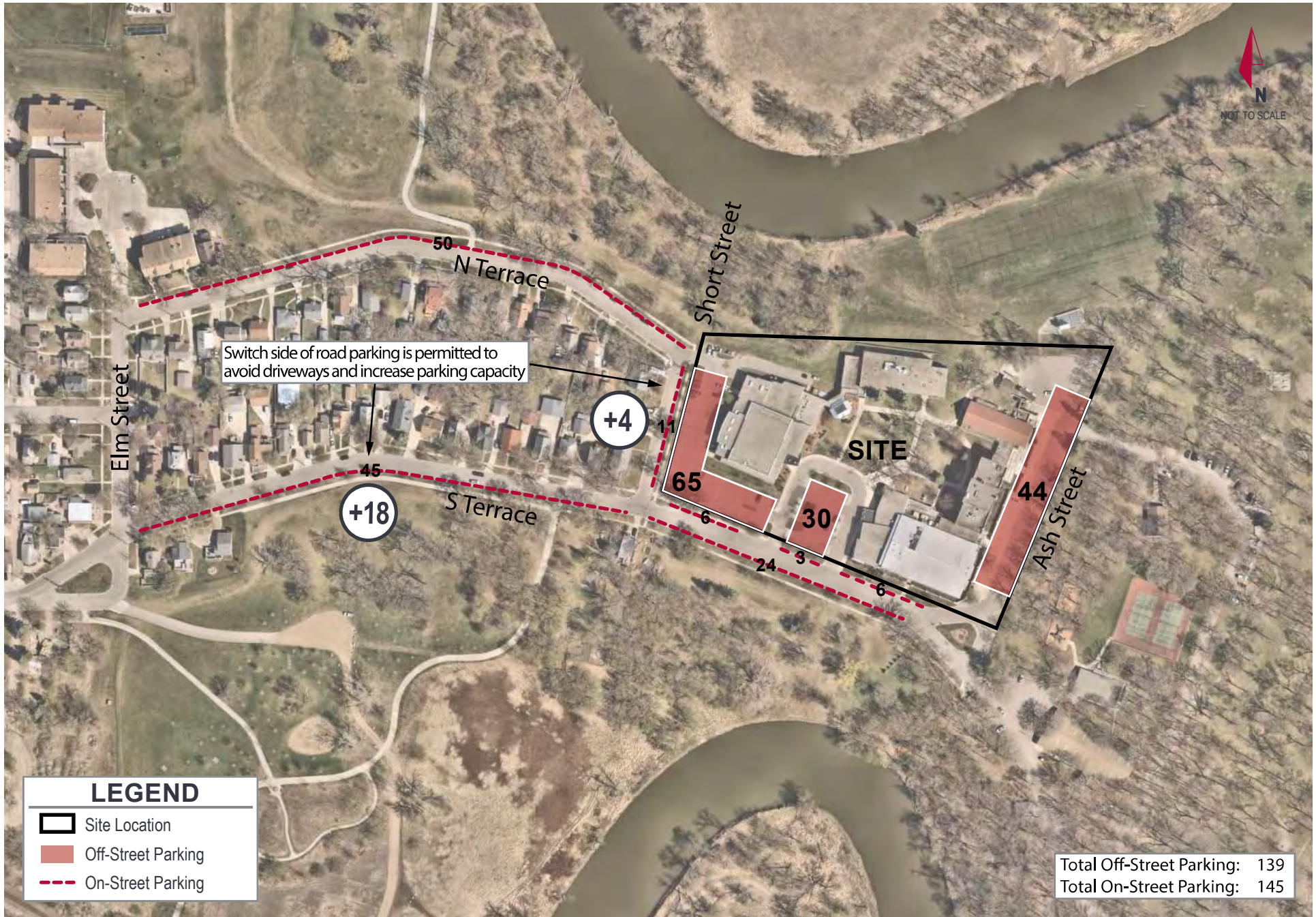
1. Exhibits
2. Site layout

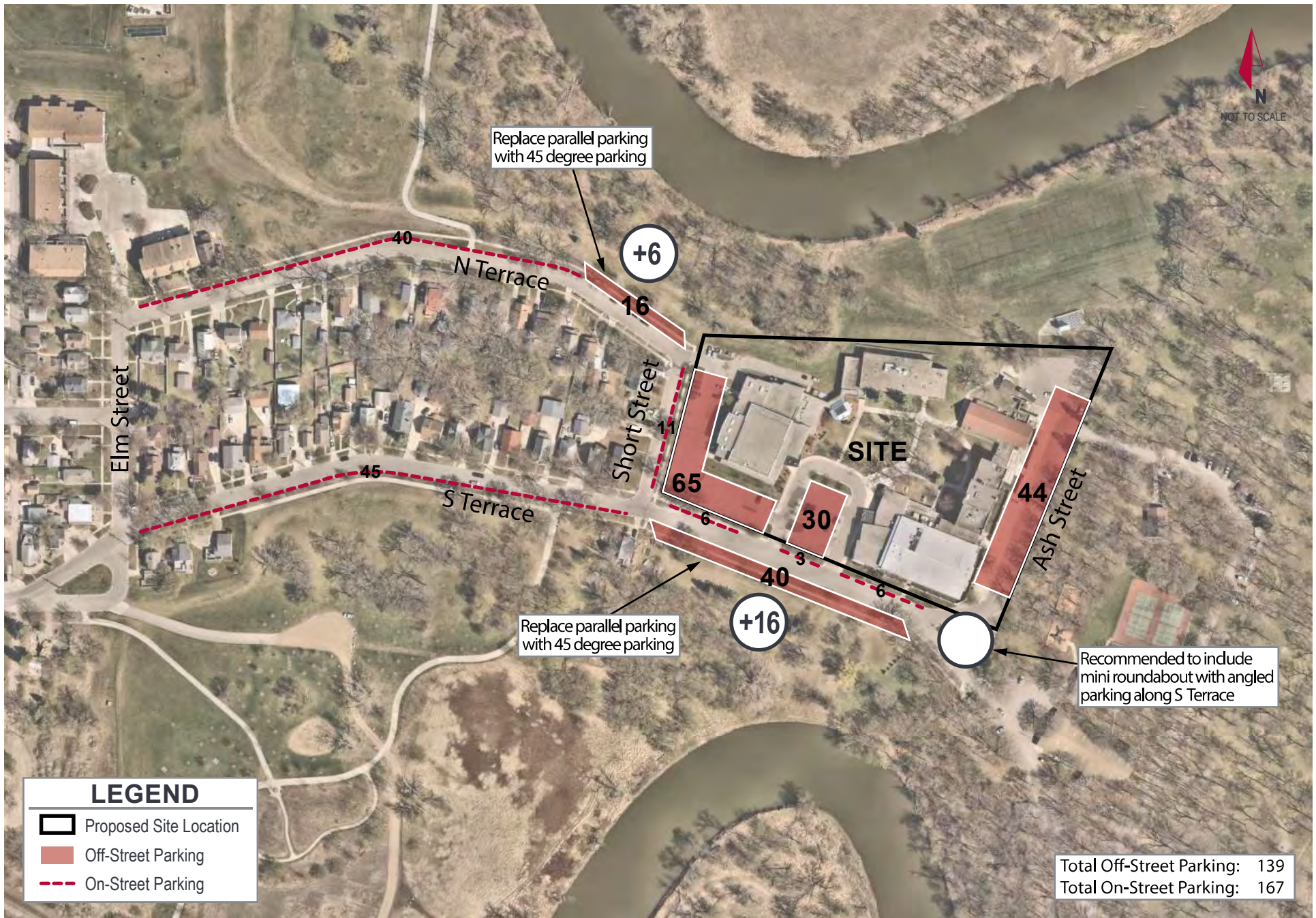


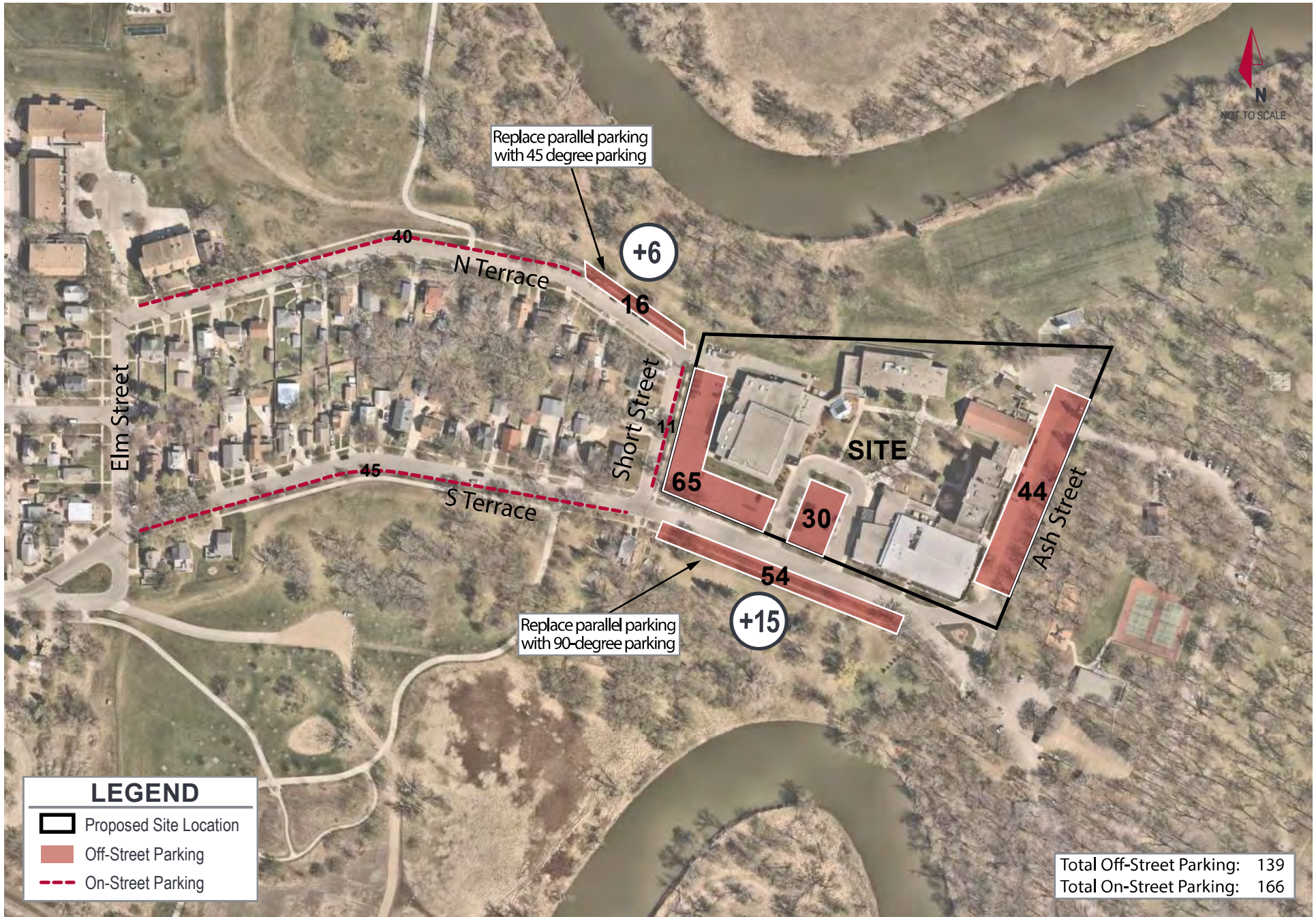
ATTACHMENT 1. EXHIBITS

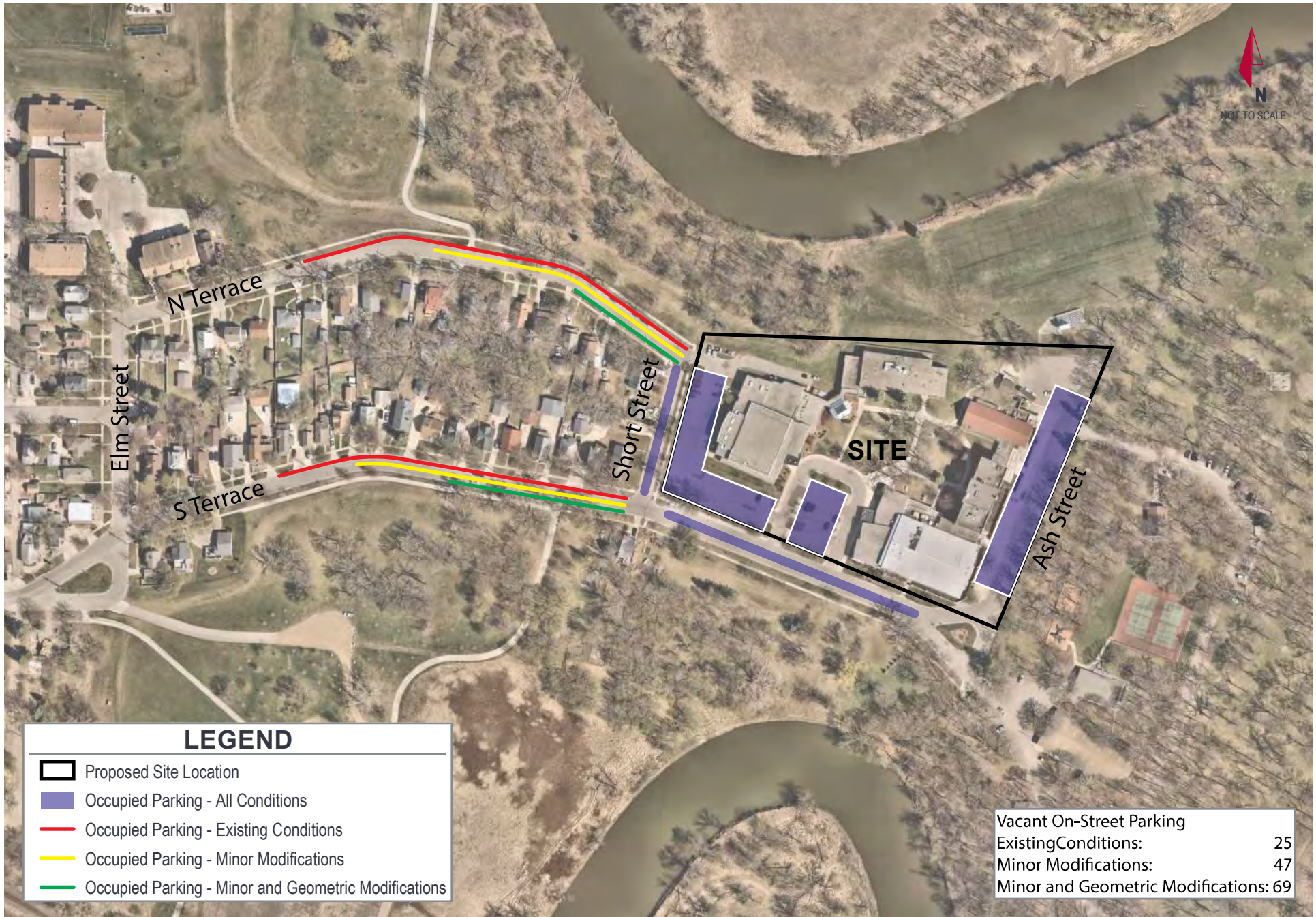


Total Off-Street Parking:	139
Total On-Street Parking:	123







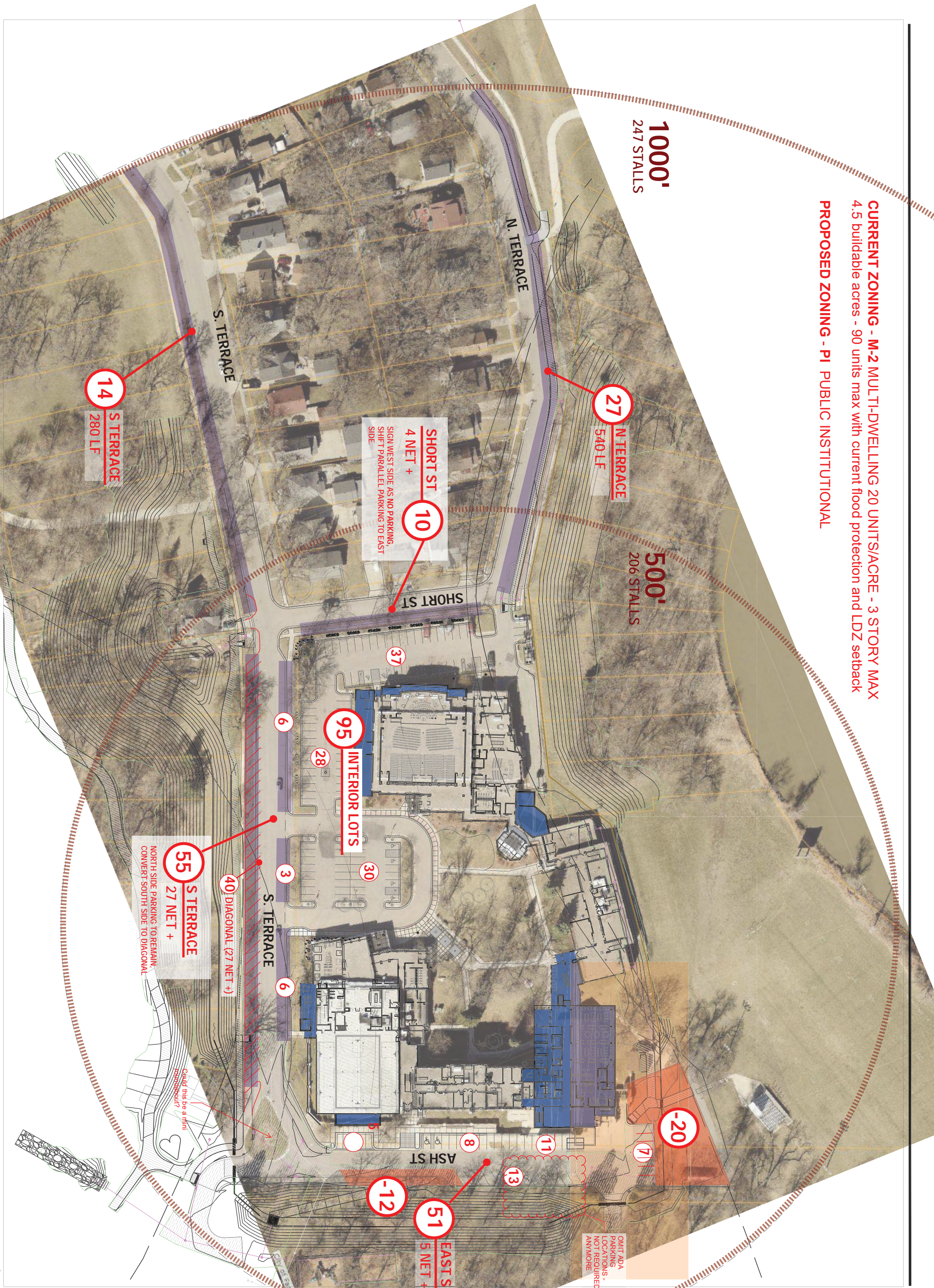




ATTACHMENT 2. SITE LAYOUT

CURRENT ZONING - M-2 MULTI-DWELLING 20 UNITS/ACRE - 3 STORY MAX
4.5 buildable acres - 90 units max with current flood protection and LDZ setback

PROPOSED ZONING - P1 PUBLIC INSTITUTIONAL



OFF STREET 139

EAST SITE	
Existing	33
New	11
Loss	-20
Southwest	-12
TOTAL	44

NET 12

INTERIOR LOTS	
Main	30
South Sheets	28
West Sheets	37
TOTAL	95

ON STREET 108

SOUTH TERRACE	
North II	15
South Diagonal	29
South Conversation II	13
South II 1000R	14
TOTAL	71

NET 29

SHORT STREET	
East II	10
Existing - West	6
TOTAL	16

NET 4

NORTH TERRACE	
North II 1000R	27
TOTAL	27



City of Fargo Staff Report			
Title:	Annexation of portions of the NW ¼, SW ¼, and SE ¼ of Section 15 and of portions of the NE ¼ and NW ¼ of Section 22, all in Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota	Date:	3/1/2023
Location:	North and west of current Fargo city limits; generally north of Cass County 20/40 th Avenue North; east of 45 th Street North; west of Old U.S. Highway 81	Staff Contact:	Mark Williams, Assistant Planning Director
Legal Description:	Annexation of portions of the NW ¼, SW ¼, and SE ¼ of Section 15 and of portions of the NE ¼ and NW ¼ of Section 22, all in Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	City-initiated; see list of owners below	Engineer:	AE2S for City of Fargo
Entitlements Requested:	Review of proposed annexation		
Status:	Planning Commission Review: March 7 th , 2023		
Existing		Proposed	
Land Use: Undeveloped		Land Use: No change proposed with this annexation.	
Zoning: AG: Agricultural: Allows detached houses, parks and open space, safety services, basic utilities, and crop production. LI, Limited Industrial; Ordinance No. 4020 limits uses in the LI-zoned area to the existing uses of Opp Construction and Patio World and limits all other uses to those allowed in the GC, General Commercial Zone: colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, basic utilities, certain telecommunications facilities and major entertainment events		Zoning: No change proposed with this annexation	
Maximum Allowable Density: AG allows 1 dwelling unit per 10 acres Maximum Lot Coverage: LI allows 85% maximum lot coverage.		Maximum Allowable Density: No change proposed with this annexation. Maximum Lot Coverage: No change proposed with this annexation.	

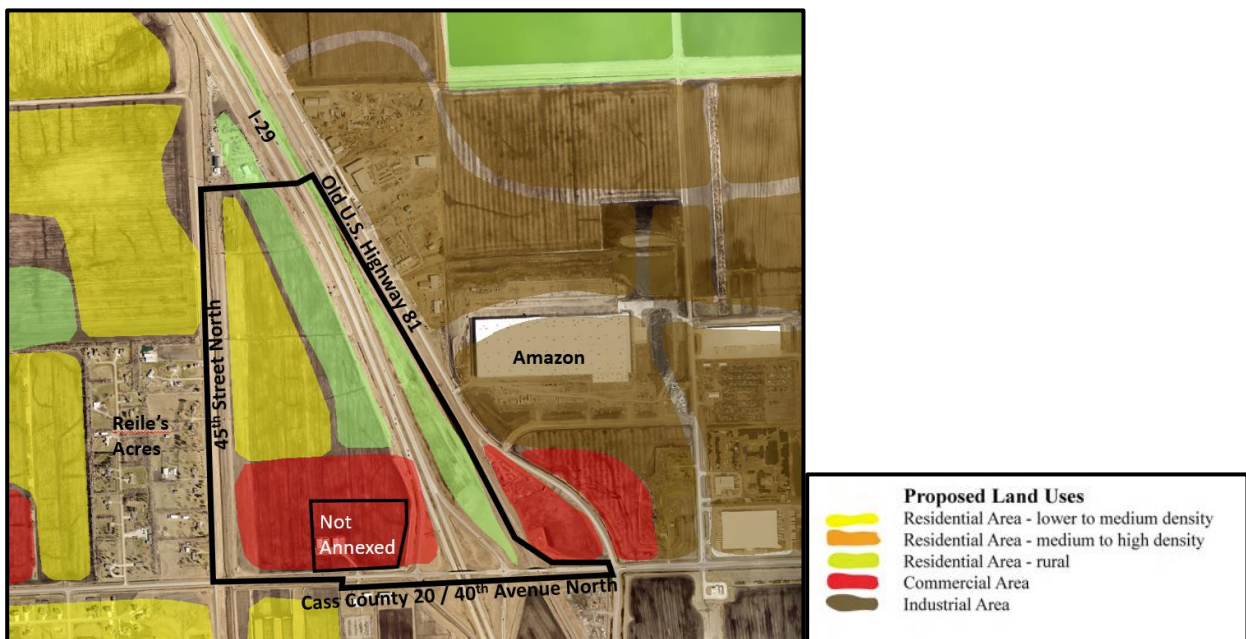
Proposal

The applicant, City of Fargo, proposes to annex approximately 231.70 acres of land within the city's four-mile extra-territorial jurisdiction. The graphic below depicts the annexation area. Surrounding roads are Cass County 20/40th Avenue North (south side); 45th Street North (west side), and Old U.S. Highway 81 (most of east side).



Area Plans:

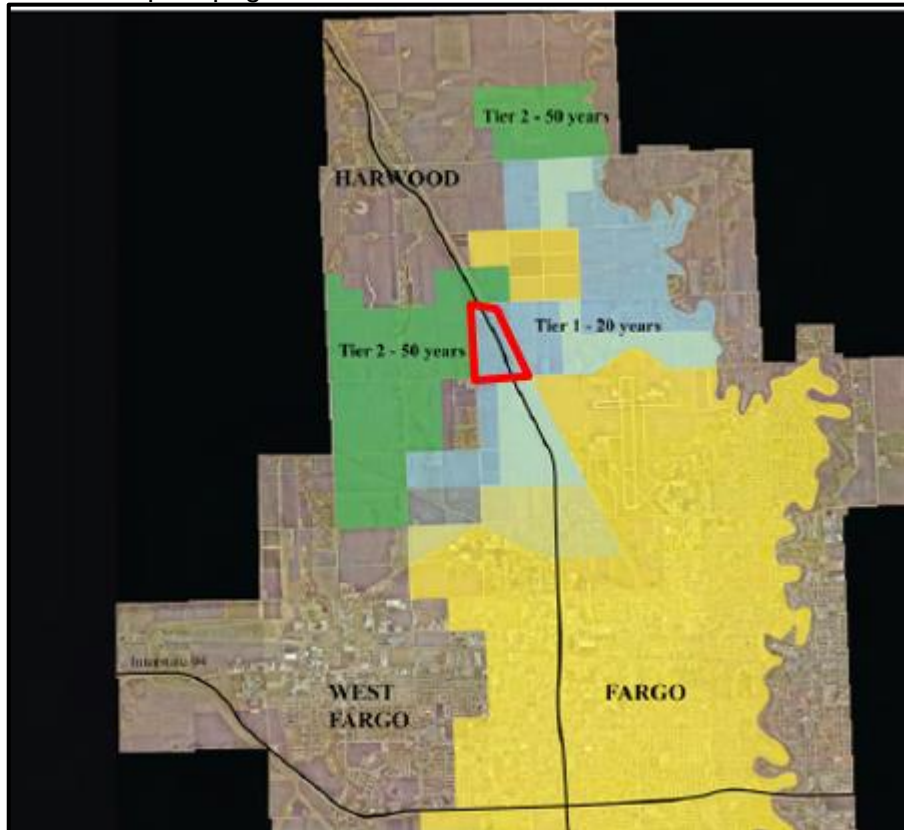
The proposed annexation area is depicted on the North Fargo Tier 1 West map of the 2007 Growth Plan. The area included in the annexation is designated as "Residential Area—Lower to Medium Density (yellow color)," "Commercial (red color)," and "Proposed Park (green color)" on that plan, as shown on the graphic below.



Staff Analysis:

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff") and recommended for approval by the Public Works Project Evaluation Committee (PWPEC).

This proposed annexation area is entirely within Fargo's extra-territorial jurisdiction (ETJ). The proposed annexation area is within the "Tier 1" growth area of the 2007 Growth Plan. That plan describes the "Tier 1" designation as the "Intended Growth Sector" for the city of Fargo within the next 20 years (that is, by the year 2027). The general area of the proposed annexation is outlined in red on the graphic below, an excerpt from the growth tier map on page 54 of the 2007 Growth Plan.



Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that "Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]." The plan encourages "Carefully planned extensions of the city" (page 55, 2007 Growth Plan). One of the strategies for annexation stated in the 2007 plan is to "limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services (page 56, 2007 Growth Plan)"

The proposed annexation area is adjacent to the current Fargo city limits and along the routes designated for the extension of major arterials—45th Street North and Cass County 20 /40th Avenue North—which will provide access and utilities.

Annexation of this area will enable future development near a gateway to Fargo and enable the City to expand the water distribution system by providing another connection point across the interstate to install a robust and redundant water main.

The proposed annexation area is mostly zoned AG, Agricultural. An area of approximately 5.68 acres in the northwest corner of the proposed annexed area is zoned LI, Limited Industrial. This LI zoning dates from 2000 (Ordinance 4020). No change to the existing zoning is proposed at this time.

There are no residences in the proposed annexation area. Much of the area is North Dakota Department of Transportation right of way.

An area of approximately 23.14 acres is being excluded from this annexation, as depicted on the annexation plat. The owner of this property operates a fireworks sales business on this property. At this time, the sale of fireworks is prohibited within Fargo city limits. If this property were included in the annexation, the owner would be required to close his business.

No subdivisions or other entitlements accompany this annexation. However, staff believes that at least one subdivision within this area will be coming forward in the near future.

CITY COMMISSION RESOLUTION AND HEARING

At the February 6th, 2023 City Commission hearing, the Commission adopted a resolution regarding the annexation and set the date for the sufficiency of protests hearing for the March 20, 2023 City Commission agenda.

Staff Recommendation:

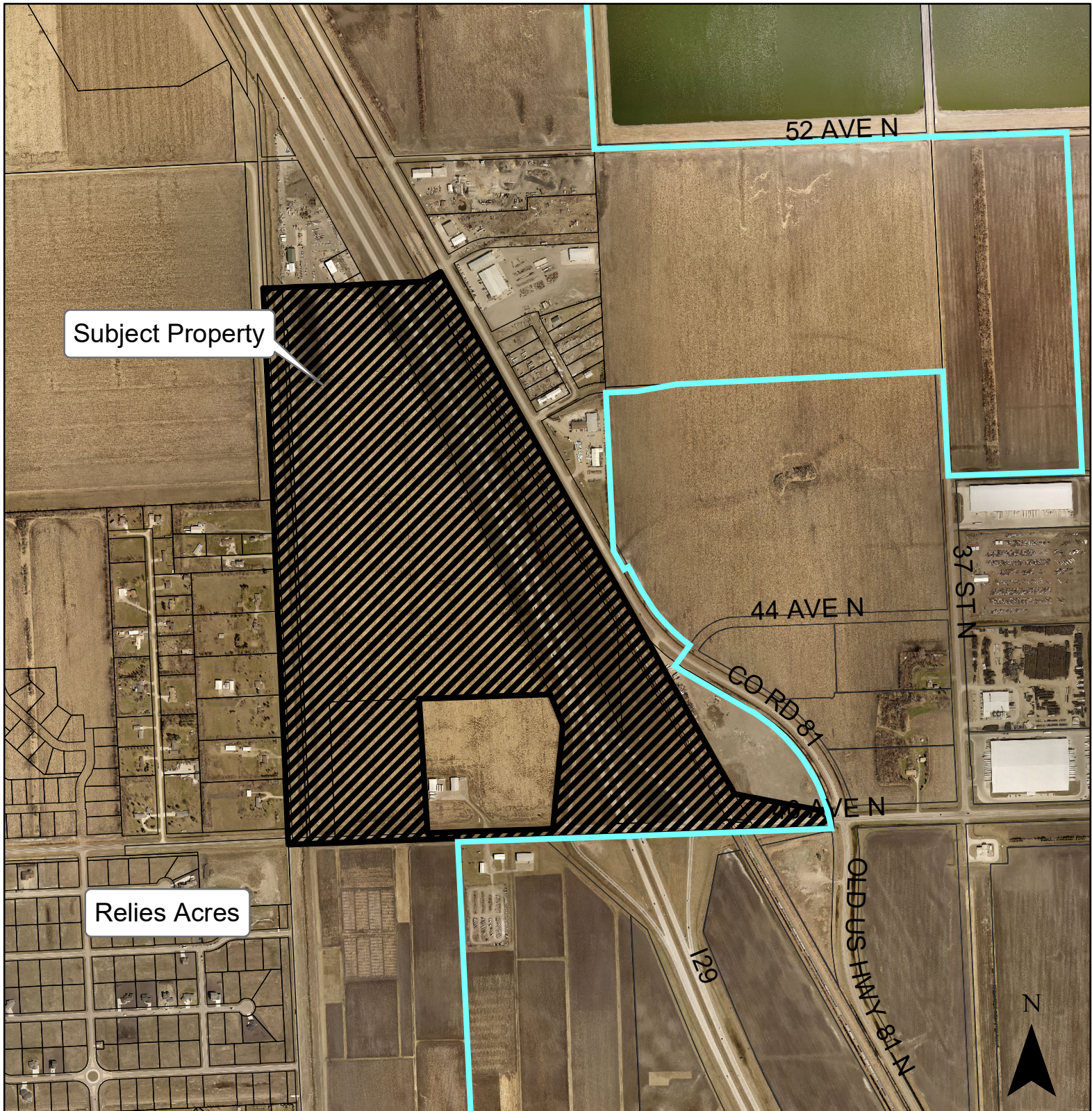
Staff recommends that the Planning Commission find that the proposed annexation consistent with the 2007 Growth plan, as described above.

Attachments:

1. Zoning Map
2. Location Map
3. Plat of proposed annexation area

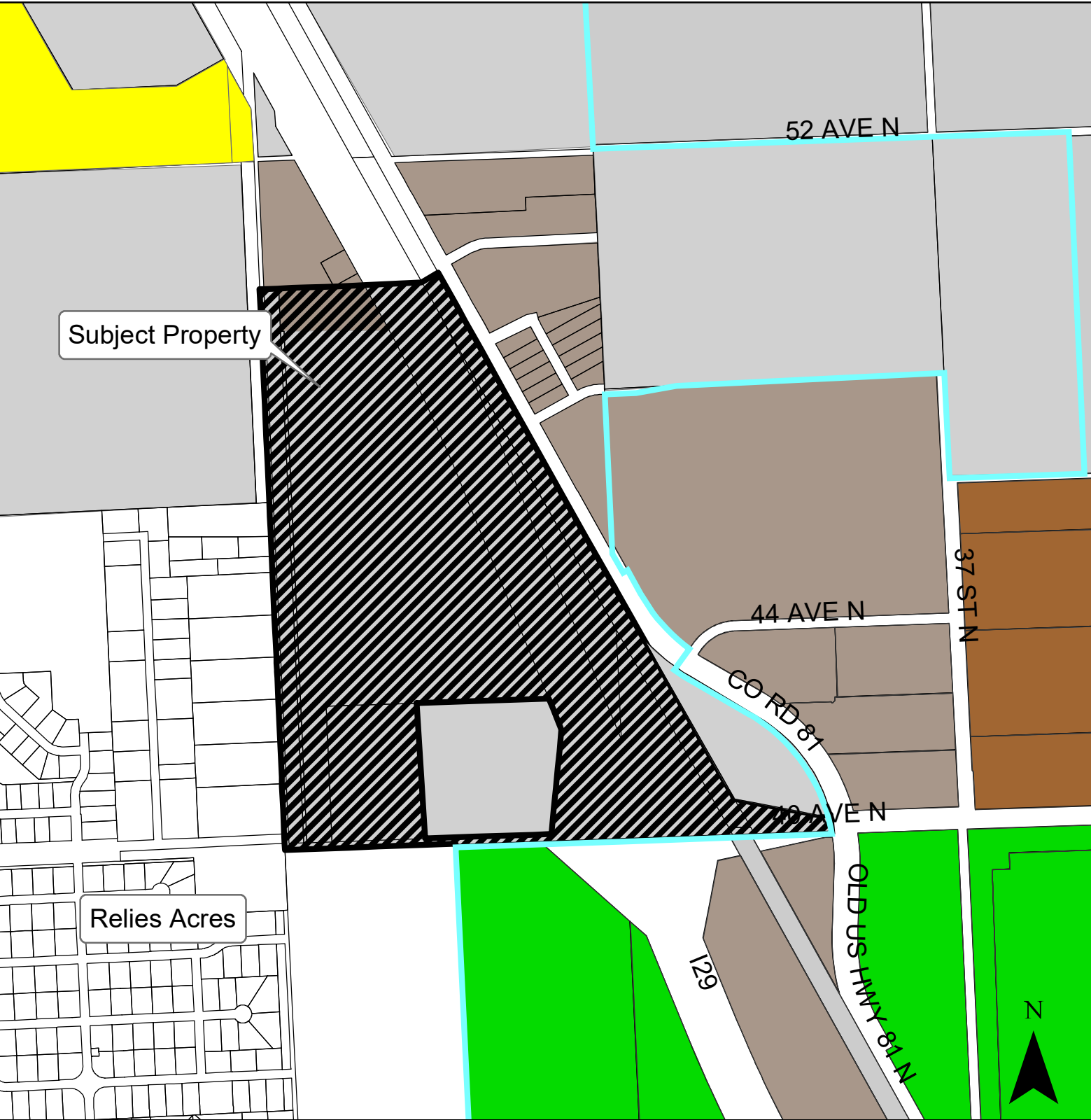
Review of Annexation

Portions of Section 15 & 22, T140N, R49W



Review of Annexation

Portions of Section 15 & 22, T140N, R49W



ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

DESCRIPTION OF PLAT BOUNDARY

That part of the Northwest Quarter, Southwest Quarter, and Southeast Quarter of Section 15 and Northwest Quarter and Northeast Quarter of Section 22, all in Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota being further described as follows:

Beginning at the Southwest Corner of Section 15; thence N2°35'35"W on the west line of the Southwest Quarter (SW1/4) of said Section 15 a distance of 2,645.65 feet to the Northwest Corner of said SW1/4; thence N2°34'38"W on the west line of the Northwest Quarter (NW1/4) of said Section 15 a distance of 1,634.89 feet; thence N87°53'40"E a distance of 148.69 feet to the east right-of-way (ROW) line of Cass County Drain No 40; thence continuing N87°53'40"E on the north line of the South 332 feet of Auditor's Lot 1 a distance of 663.29 feet to the westerly ROW line of Interstate Highway 29; thence continuing N87°53'40"E a distance of 448.82 feet to the easterly ROW line of Interstate Highway 29, said easterly ROW line also being the westerly ROW line of the Burlington Northern Santa Fe Railway; thence N60°54'41"E perpendicular to the easterly ROW line of said Burlington Northern Santa Fe Railway a distance of 149.38 feet to said easterly ROW line of said Burlington Northern Santa Fe Railway; thence S29°05'19"E on said easterly ROW a distance of 4,660.20 feet to the northerly ROW of Interstate Highway 29; thence S79°10'53"E on said northerly ROW a distance of 540.52 feet; thence N87°58'51"E on said northerly ROW a distance of 208.09 feet to the easterly ROW of said Interstate Highway 29, said point being on the westerly line of the City of Fargo Annexation Plat as described in Doc. No. 1637528, Records of Cass County; thence on said westerly Annexation Plat line 102.68 feet on the arc of a non-tangential curve, concave to the west, having a radius of 1,332.69 feet, a central angle of 4°24'52", and long chord length of 102.65 feet bearing S15°04'30"E to the south line of the Southeast Quarter (SE1/4) of said Section 15; thence continuing on said curve and said westerly Annexation Plat line 75.99 feet on the arc of a curve, concave to the west, having a radius of 1,332.69 feet, a central angle of 3°16'01", and long chord length of 75.98 feet bearing S11°14'03"E to the northerly line of the City of Fargo Annexation Plat as described in Doc. No. 916190, Records of Cass County; thence S87°58'51"W on said northerly Annexation Plat line a distance of 1,595.49 feet to the west line of the Northeast Quarter (NE1/4) of Section 22; thence S87°58'19"W on said northerly Annexation Plat line a distance of 1,322.29 feet to the north-south quarter-quarter line in the NW1/4 of said Section 22; thence N2°40'59"W on said quarter-quarter line a distance of 75.00 feet to the south line of said SW1/4 of Section 15; thence S87°58'19"W on said south line a distance of 1,323.75 feet to the Point of Beginning. EXCEPTING therefrom the following described tract:

Commencing at the Southwest Corner of Section 15; thence N87°58'19"E on said south line of the SW1/4 of Section 15 a distance of 1,060.00 feet; thence N2°35'35"W parallel with the west line of said SW1/4 a distance of 100.00 feet to the Point of Beginning; thence continuing N2°35'35"W parallel with said west line of the SW1/4 a distance of 950.02 feet to the parcel line described in Doc. No. 1615949, Records of Cass Co.; thence N87°58'19"E on said parcel line a distance of 1,025.31 feet to said westerly ROW line of Interstate Highway 29; thence S22°01'44"E on said westerly ROW line a distance of 257.99 feet; thence S5°54'16"W on said westerly ROW line a distance of 714.37 feet; thence S87°58'19"W parallel with said south line of the SW1/4 a distance of 1,005.59 feet to the Point of Beginning of said Exception.

Said tract contains 231.70 acres, more or less.

CERTIFICATE OF SURVEYOR

I, Nicholas R. Stattelmann, Registered Professional Land Surveyor in the State of North Dakota, hereby certify that this map is a true and correct representation of a survey performed by me or under my direct supervision on or before January 4, 2023. All distances and measurements are true and correct to the best of my knowledge and belief, and all monuments will be placed in the ground as shown.

Nicholas R. Stattelmann, North Dakota Registered Professional Land Surveyor No. LS-8218

STATE OF NORTH DAKOTA) SS
COUNTY OF _____

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Nicholas R. Stattelmann, known to me to be the person described in the within instrument, and acknowledged to me that he executed the same.

Notary Public: _____
State of North Dakota
My commission expires: _____

CITY ENGINEER APPROVAL

This plat is approved by the Fargo City Engineer on this _____ day of _____, 20____.

Brenda E. Derrig, City Engineer

STATE OF NORTH DAKOTA) SS
COUNTY OF _____

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person described in the within instrument, and acknowledged to me that she executed the same.

State of North Dakota
My commission expires: _____

CITY COMMISSION APPROVAL

This plat is approved by the Fargo City Commission on this _____ day of _____, 20____.

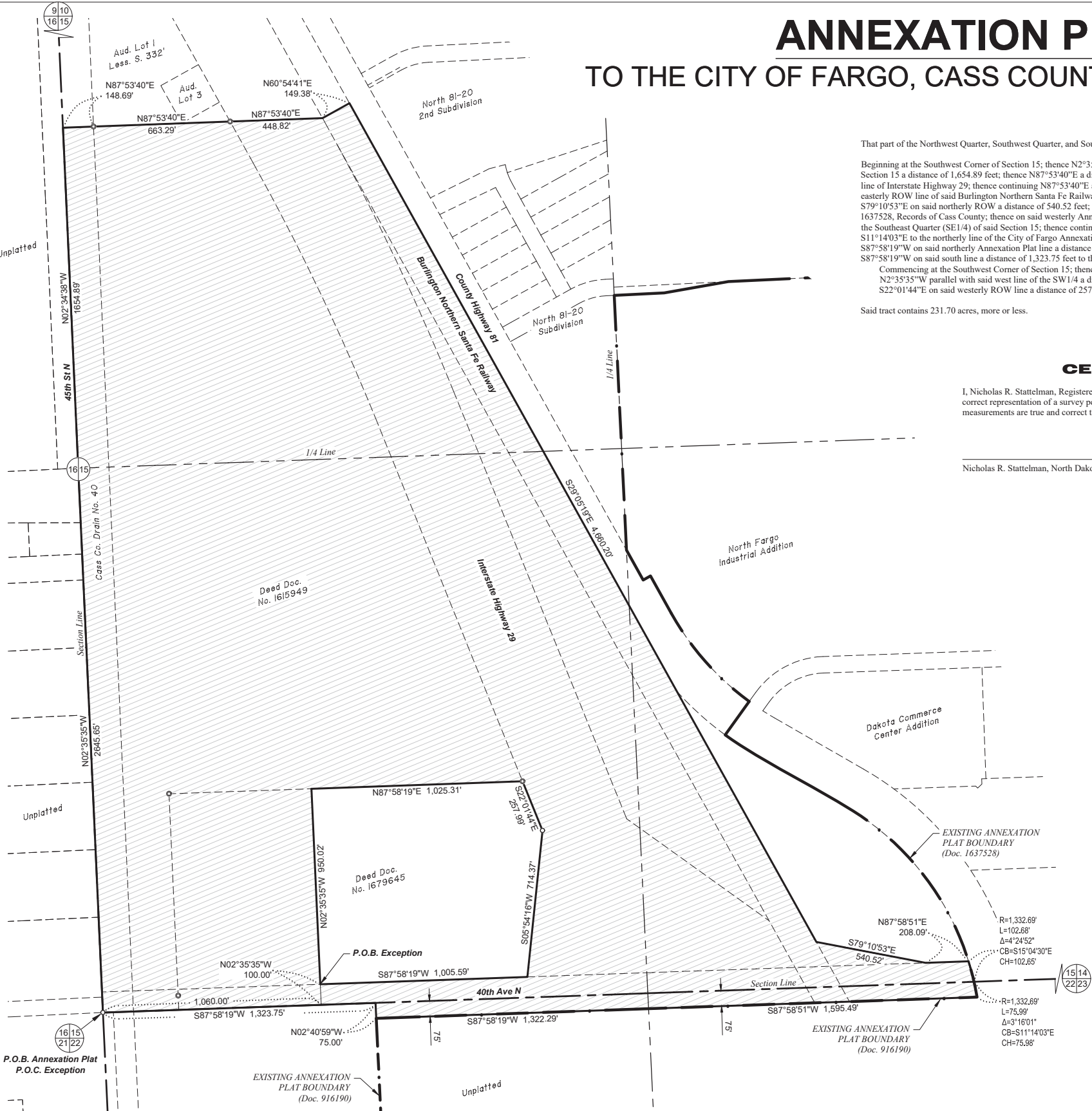
Tim Mahoney, Mayor

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA) SS
COUNTY OF _____

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Tim Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in the within instrument, and acknowledged to me that they executed the same.

State of North Dakota
My commission expires: _____

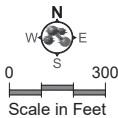


LEGEND

- | | | | |
|--|----------------------------|--|------------------------------------|
| | EXISTING FARGO CITY LIMITS | | SECTION LINE |
| | PROPOSED FARGO CITY LIMITS | | 1/4 SECTION LINE |
| | PROPOSED ANNEXATION PARCEL | | EXISTING PARCEL LINE |
| | | | FOUND IRON MONUMENT w/ PLASTIC CAP |
| | | | FOUND IRON MONUMENT |



SHEET 1 of 1



BASIS OF BEARING
BEARINGS AND DISTANCES BASED ON THE CITY OF FARGO
GROUND COORDINATE SYSTEM, US SURVEY FEET.