

FARGO PLANNING COMMISSION AGENDA
Tuesday, August 4, 2026 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of July 7, 2026

C: Public Hearing Items:

- 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial with a C-O, Conditional Overlay, LC, Limited Commercial with a C-O, Conditional Overlay, MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed **Back 40 Addition**. (Located at 3720 and 3734 64th Avenue South and 6711 and 6801 38th Street South) (Back 40, LLLP/Goldmark Design and Development/City of Fargo) (me): CONTINUED TO SEPTEMBER 1, 2026
- 1b. Continued hearing on an application requesting a Plat of **Back 40 Addition** (Major Subdivision) a replat of a portion of the Northeast Quarter of Section 10, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 3720 and 3734 64th Avenue South and 6711 and 6801 38th Street South) (Back 40, LLLP/Goldmark Design and Development/City of Fargo) (me): CONTINUED TO SEPTEMBER 1, 2026
2. Hearing on an application requesting a Plat of **Schultz and Williams Second Addition** (Minor Subdivision) a replat of Lots 8-10, Block 1, Schultz and Williams Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3314 15th Street South; 3315, 3323, 3329, 3331, and 3343 South University Drive) (Cork Partners/Judy I. Williams Marital Trust B/Glenn T. and Jane Williams/Glenn T. and Jane A. Williams Revocable Living Trust /Moore Engineering (dk)
- 3a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay on the proposed **Urban Plains Retail Second Addition**. (Located at 4525 and 4543 32nd Avenue South; 4552, 4574, 4575, 4561, and 4535 Urban Plains Drive South; 2970, 2888, and 3050 Brandt Drive South) (Urban Plains Land Company, LLC/Goldmark Design) (cl)
- 3b. Hearing on an application requesting a Plat of **Urban Plains Retail Second Addition** (Minor Subdivision) a replat of Lots 4, 6, 7, 8, 10, 11, and 12, Block 1, Urban Plains Retail Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4525 and 4543 32nd Avenue South; 4535, 4552, 4561, 4574, and 4575, Urban Plains Drive South; 2888, 2970, and 3050 Brandt Drive South) (Urban Plains Land Company, LLC/Goldmark Design) (cl)
4. Hearing on an application requesting a Plat of **Eagle Valley Sixth Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Eagle Valley Fifth Addition, to the City of Fargo, Cass County, North

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.

Dakota. (Located at 7475 24th Street South) (EagleRidge Development, LLC/EagleRidge Companies, LLC) (lm)

5. Hearing on an application requesting a Vacation Plat of a portion of public Right-of-Way (alley) within Block 31, **Keeney & Devitts Second Addition**, bounded on the North by the Southerly Right-of-Way line of 6th Avenue North and bounded on the South by that part of said alley previously vacated by Cityside Addition to the City of Fargo. (Located between 214 and 220 6th Avenue North and 202, 208, 210, and 212 6th Avenue North) (202 Flats, LLC; MBA Investments, LLC/Bolton & Menk, Inc.) (dk)
6. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to P/I, Public and Institutional on Lots 1-4 and 9, and a portion of the vacated alley, Block 3, **Woodruff's Addition**. (Located at 424 9th Avenue South) (Vocational Training Center) (dk); WITHDRAWN
7. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to P/I, Public and Institutional on the East Half of Lots 4 and 5, Block W, **Chas A. Roberts Addition**. (Located at 915 5th Street South) (Vocational Training Center) (dk): WITHDRAWN
8. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to P/I, Public and Institutional on Lot 11, Block 3, **Woodruff's Addition**. (Located at 924 5th Street South) (City of Fargo) (dk): WITHDRAWN

D: Other Items:

1. Nominations/Election of Chair and Vice Chair
2. Staff Updates

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, July 7, 2026

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, July 7, 2026.

The Planning Commissioners present or absent were as follows:

Present: Maranda Tasa, Scott Stofferahn, Art Rosenberg, Thomas Schmidt, Amy Hass, Tyler Mohs, Paul Gleye, Michael Betlock, Tracy Jordre

Absent: Brett Shewey, Joseph Cecil

Chair Tasa called the meeting to order. She noted that today will be Member Mohs last meeting and thanked him for his time serving on the Planning Commission.

Business Items:

Item A: Approve Order of Agenda

Chair Tasa noted that Items 4a and 4b have been continued to the August 4, 2026 Planning Commission meeting.

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

Item B: Minutes: Regular Meeting of June 2, 2026

Member Gleye moved the minutes of the June 2, 2026 Planning Commission meeting be approved. Second by Member Hass. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Champions Gate at Prairie Farms Fourth Addition

Hearing on an application requesting a Plat of Champions Gate at Prairie Farms Fourth Addition (Minor Subdivision) a replat of Lots 1-2, Block 1, Champions Gate at Prairie Farms Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5475 and 5505 31st Street South) (Designer Homes of Fargo-Moorhead/Houston Engineering, Inc.): APPROVED

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat

Champions Gate at Prairie Farms Fourth Addition, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the Standards of Article 20-06, Section 20-0907.B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Betlock. On call of the roll Members Gleye, Betlock, Schmidt, Jordre, Stofferahn, Hass, Mohs, and Tasa voted aye. Absent and not voting: Members Rosenberg, Cecil, and Shewey. The motion was declared carried.

Item 2: Berg Addition

Hearing on an application requesting a Plat of Berg Addition (Minor Subdivision) a replat of Lots 1-5, Block 11, Lots 22-26, Block 12, part of the vacated 22nd Street North right-of-way, and part of the vacated alley along the West line of Block 11, Tyler's Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2202 5th Avenue North) (Arnold Berg, Jr./Justin Berg Realty): APPROVED

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

Member Gleye moved the finding and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Berg Addition, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, Core Neighborhoods Plan, the Standards of Article 20-06, Sections 20-0907.B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schmidt. On call of the roll Members Betlock, Hass, Mohs, Gleye, Schmidt, Jordre, Stofferahn, and Tasa voted aye. Absent and not voting: Members Cecil, Rosenberg, and Shewey. The motion was declared carried.

Member Rosenberg present.

Item 3: Christianson 32nd Avenue South Fourth Addition

Hearing on an application requesting a Plat of Christianson 32nd Avenue South Fourth Addition (Minor Subdivision) a replat of Lots 1-2, Block 1, Christianson 32nd Avenue South Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3102 and 3150 36th Street South) (Christianson Properties, LLC/Christianson Companies): APPROVED

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

Member Hass moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Christianson 32nd Avenue South Fourth Addition, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the Standards of Article 20-06, Section 20-0907.B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Jordre. On call of the

roll Members Gleye, Schmidt, Hass, Stofferahn, Mohs, Jordre, Rosenberg, Betlock, and Tasa voted aye. Absent and not voting: Members Shewey and Cecil. The motion was declared carried.

Item 4: Back 40 Addition

4a. Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial with a C-O, Conditional Overlay, LC, Limited Commercial with a C-O, Conditional Overlay, and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on the proposed Back 40 Addition. (Located at 6711 and 6801 38th Street South) (Back 40, LLLP/Goldmark Design and Development): CONTINUED TO AUGUST 4, 2026

4b. Hearing on an application requesting a Plat of Back 40 Addition (Major Subdivision) a plat of a portion of the Northeast Quarter of Section 10, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 6711 and 6801 38th Street South) (Back 40, LLLP/Goldmark Design and Development): CONTINUED TO AUGUST 4, 2026

A Hearing had been set for this date and time, however the applicant has requested this application be continued to August 4, 2026.

Item D: Other Items:

Item 1: Petition for waiver of sidewalk in portions of Adams Fifth and Ninth Additions; Sanders Addition. (Thunder Road South): DENIED

Mr. Kress presented the staff report stating all approval criteria have not been met and staff is recommending denial.

Discussion was held on clarifying the area that is seeking the sidewalk exemption, and history of the properties.

Petitioners Rob Tandeski, Thunder Road, Jody Marohl, J & M Truck Sales, and David Jones, D.L. Jones Construction, spoke in favor of the waiver. They noted the following reasons for allowing the sidewalk waiver: increased cost a sidewalk would incur for snow removal for a business that is only open 6 months of the year, cost of relocating landscaping and sprinklers, safety, and not an area that has foot traffic.

Discussion continued on zoning requirements for sidewalks, and if known why sidewalks weren't originally installed.

Assistant City Engineer Nathan Boerboom spoke on behalf of the Engineering Department.

Further discussion was held on where sidewalks are located in the area, what other types of properties are nearby, consistency, and future use.

Member Stofferahn moved the findings and recommendations of staff be accepted and denial be recommended to the City Commission of the proposal Waiver of requirements to install a public sidewalk in the Thunder Road right-of-way along Lot 1, Block 1, Sanders Addition; Lot 1, Block 1, Adams Ninth Addition; all of Lots 1, 2, 5, and a portion of Lots 3 and 4, Block 1, Adams Fifth Addition, as outlined within the staff report, on the basis that the proposal does not meet in the intent of the GO2030 Fargo Comprehensive Plan, and related plans, of the intent of the guidelines as set forth within Section 20-0609.A (1-7) of the Land Development Code. Second by Member Gleye. On call of the roll Members Schmidt, Betlock, Jordre, Stofferahn, Mohs, Rosenberg, Gleye, Hass, and Tasa voted aye. Absent and not voting: Members Shewey and Cecil. The motion was declared carried.

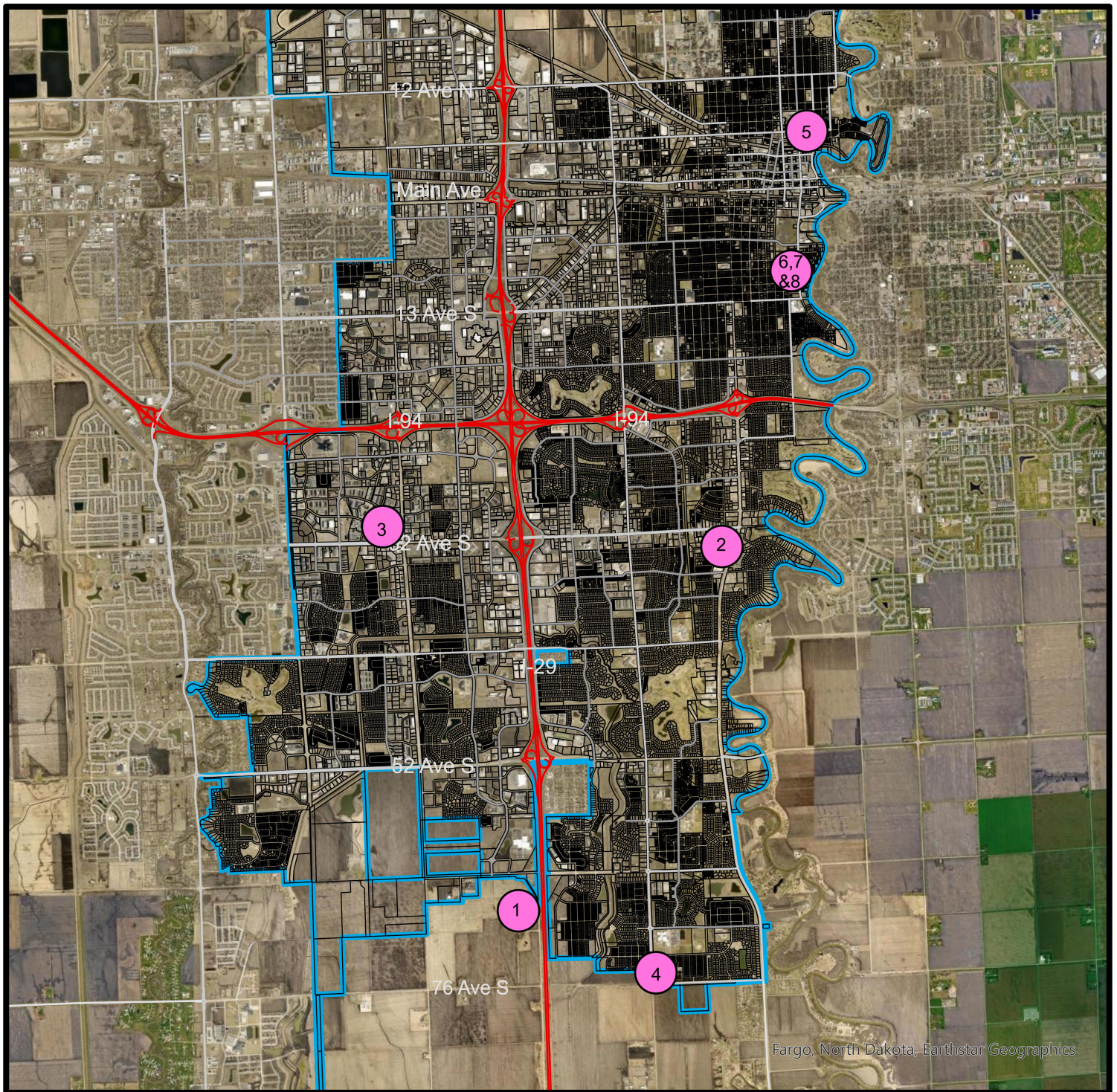
Item 2: Nominating Committee

Chair Tasa noted that an election of new Planning Commission officers will take place at the August meeting, and nominations can be given to her.

Item 3: Staff Updates

Planning and Development Direction Nicole Crutchfield provided the Board with an update that the Lost Creek Addition application was approved at the City Commission with conditions. She noted that the Land Development Code next steps is going through a draft of the code with consultants and a next Code Connect is planned for August.

The time at adjournment was 3:43 p.m.



Agenda Items

Continued:

1 - Back 40 Addition

2 - Schultz and Williams Second Addition

3 - Urban Plains Retail Second Addition

4 - Eagle Valley Sixth Addition

5 - Keeney & Devitts Second Addition

Withdrawn:

6 - Woodruff's Addition

7 - Chas A. Roberts Addition

8 - Woodruff's Addition



Agenda Items Map
Fargo Planning Commission
August 4, 2026



**City of Fargo
Staff Report**

Title:	Schultz and Williams Second Addition	Date:	7/28/2026
Location:	3314 15th Street South; 3315, 3323, 3329, 3331, and 3343 South University Drive	Staff Contact:	Donald Kress, Planning Coordinator
Legal Description:	Lots 8-10, Block 1, Schultz and Williams Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Cork Partners/Judy I. Williams Marital Trust B/Glenn T. and Jane Williams/Glenn T. and Jane A. Williams Revocable Living Trust	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 8-10, Block 1, Schultz and Williams Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: August 4th, 2026		

Existing	Proposed
Land Use: Commercial	Land Use: No change
Zoning: GC, General Commercial	Zoning: No change
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities	Uses Allowed: Unchanged
Maximum Lot Coverage Allowed: Maximum 85% building coverage.	Maximum Lot Coverage Allowed: Unchanged

Proposal:

The applicant requests one entitlement:

1. A minor subdivision, entitled **Schultz and Williams Second Addition**, which is a replat of Lots 8-10, Block 1, Schultz and Williams Addition, to the City of Fargo, Cass County, North Dakota.,

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 and GC with a conditional use permit; commercial, manufacturing, and community service uses

- East: LC, Limited Commercial with office; MR-3, Multi-Dwelling Residential with residential and retirement home uses
- South: GC with retail, commercial, and auto service uses
- West: GC and GC with a conditional use permit; contractor and medical research uses

Area Plans:

The Fargo Growth Plan 2024 designates the place type of the subject property as “Mixed Commercial, Office, and Residential.” The existing GC, General Commercial zoning is consistent with this place type.

Context:

Schools: The subject property is located within the Fargo School District, specifically within the Eagles Elementary, Discovery Middle, and Davies High schools.

Neighborhood: The subject property is in the Southpointe neighborhood.

Parks: Lemke Park (1000 32nd Avenue South), approximately 0.23 mile northeast of the subject property, provides amenities of outdoor skating and hockey rink, a warming house, picnic tables, and indoor shelter space available for rent in the summer, a playground and recreational trails, and is a project of the Urban Woods and Prairie Initiative

Pedestrian / Bicycle: There is a shared use path on the east side of University Drive South. However, there is no marked crosswalk of University Drive near the subject property.

Bus Route: MATbus Route 14 runs along 32nd Avenue North. The nearest stop is approximately 0.13 mile north of the west side of the subject property.

Staff Analysis:

PROPERTY HISTORY

The existing buildings were built between approximately 1963 and 1976. The Schultz and Williams Addition was platted in 1977; the plat was recorded on August 10th of that year. The subdivision was platted around the existing buildings. On August 29th, 1977, the property was rezoned from A, Agricultural to C-2, General Commercial. These were zoning designations under the 1965 zoning ordinance. Side and rear yard setbacks were not required for commercial buildings that did not include residential units in that ordinance (1965 Fargo Municipal Code Secs. 20-0310.C. and D and 20-0308.C and D.) The C-2 zone became the GC, General Commercial zone under the 1998 Land Development Code.

SUBDIVISION

The proposed subdivision replats Lots 8 through 10, Block 1, Schultz and Williams Addition to revise the existing three-platted-lot configuration into a four-platted-lot configuration, for the convenience of the property owners. The overall exterior boundary of the lots will not change.

The proposed lots relate to the existing lots as shown in the chart below.

PROPOSED LOT	PORTIONS OF EXISTING LOTS
1	8, 9,
2	8
3	9
4	9, 10

The north-south lot line between Lots 2 and 3 approximately “splits the difference” of the space between the existing buildings at 3331 15th Street South and 3323/3329 University Drive South.

The east-west lot line between Lot 4 and Lots 2 and 3 relocates the existing lot line so it is not running through the building at 3343 University Drive South.

Staff has determined that no amenities plan or developer agreement is required for this subdivision.

FINDINGS

Minor Subdivision

The LDC stipulates that the following criteria is met before a minor plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

This subdivision is intended to replat three existing lots into a four-lot configuration. The Fargo Growth Plan 2024 designates the place type of the subject property as "Mixed Commercial, Office, and Residential." The existing GC, General Commercial zoning and the current land uses are consistent with this place type. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to two inquiries about the application.. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission the proposed plat of **Schultz and Williams Second Addition**, as outlined in the staff report, as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, Sections 20-0907 B and C of the Land Development Code, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: August 4th, 2026

Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

3314 15th Street South, 3315, 3323, 3329,
3331, and 3343 South University Drive

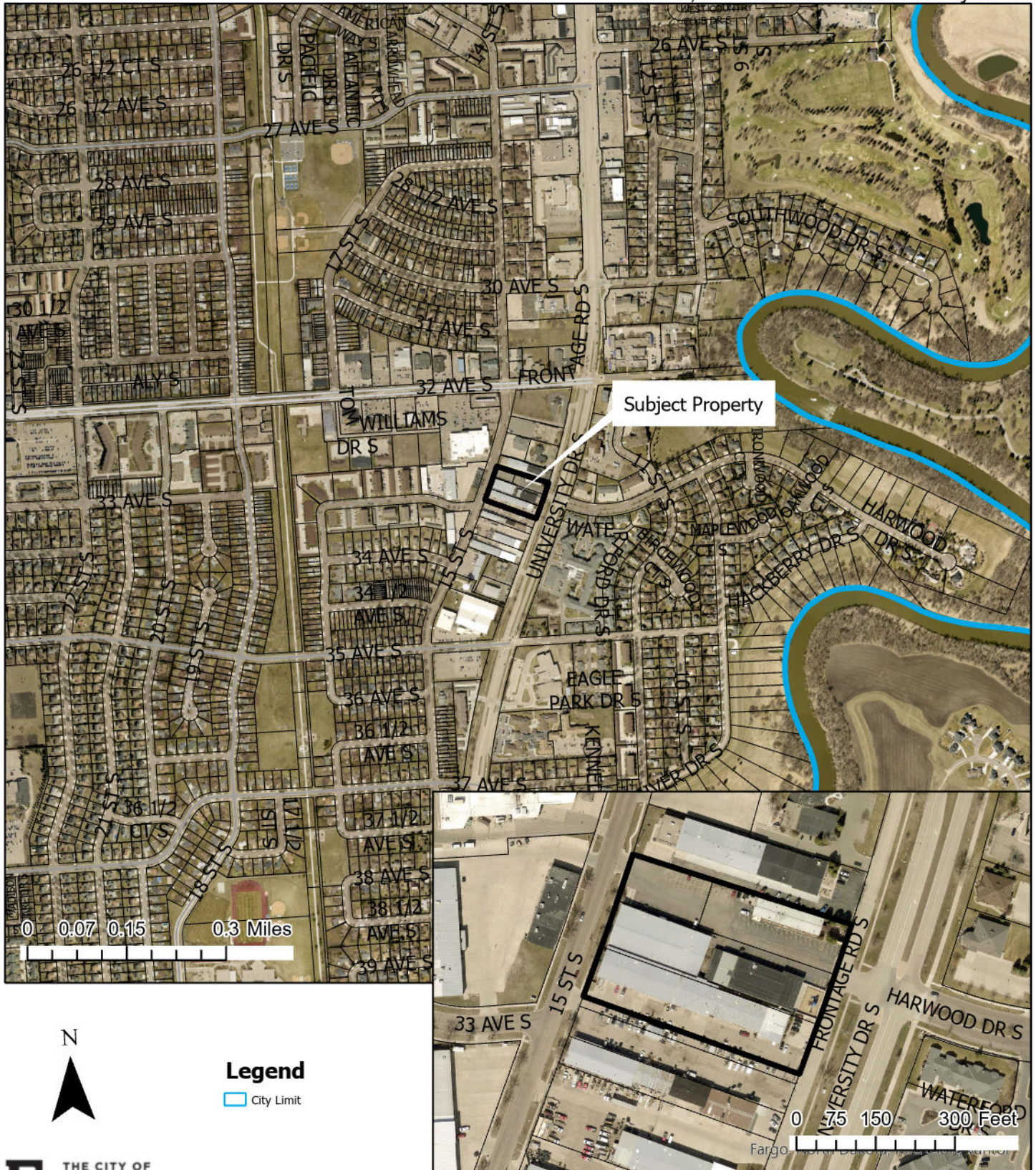


Fargo Planning Commission
August 4, 2026

Minor Subdivision

Schultz and Williams Second Addition

3314 15th Street South, 3315, 3323, 3329, 3331, and 3343 South University Drive

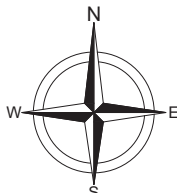
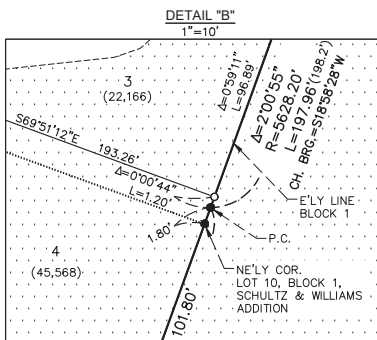
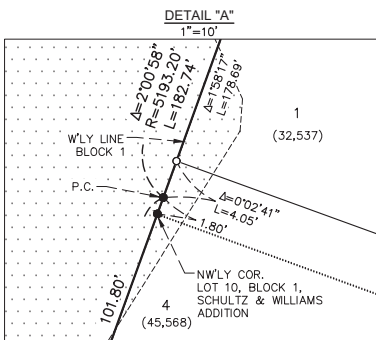


SCHULTZ & WILLIAMS SECOND ADDITION

TO THE CITY OF FARGO, A REPLAT OF LOTS 8-10, BLOCK 1,

SCHULTZ & WILLIAMS ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

(A MINOR SUBDIVISION)



Scale in Feet
0 10 20 30 40 50
Basis of Bearings:
The northerly line of Lot 8,
Block 1, SCHULTZ & WILLIAMS
ADDITION has a bearing of
S72°01'23\"/>

- LEGEND**
- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. LS-6571
 - (182.88') IRON MONUMENT FOUND
 - L RECORD PLAT DIMENSION
 - R ARC LENGTH
 - Δ RADIUS LENGTH
 - Δ CENTRAL ANGLE
 - CH.BRG. CHORD BEARING
 - P.C. POINT OF CURVATURE
 - (32,537) LOT AREAS IN SQ. FT.
 - ◆ BENCHMARK
 - PLAT BOUNDARY LINE
 - LOT LINE
 - EXISTING LOT LINE
 - - - EASEMENT LINE
 - - - EXISTING TRACT LINE
 - - - CONTOUR LINE (NAVD 1988, 2 FOOT INTERVAL)
 - - - ZONE AE: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. FEMA MAP NUMBER 38017C0783S EFFECTIVE JANUARY 16, 2015. BASE FLOOD ELEV. = 905'

CERTIFICATE

Steven W. Holm, being duly sworn, deposes and says that he is the registered land surveyor who prepared and made the attached plat of "SCHULTZ & WILLIAMS SECOND ADDITION" to the City Fargo, a replat of Lots 8-10, Block 1, SCHULTZ & WILLIAMS ADDITION to the City of Fargo, Cass County, North Dakota; that said plat is a true and correct representation of the survey thereof; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

Lots 8 through 10, Block 1, SCHULTZ & WILLIAMS ADDITION to the City of Fargo, according to the recorded plat thereof on file and of record in the office of the Recorder, Cass County, North Dakota.

Said tract contains 2.92 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Steven W. Holm
Registered Land Surveyor
Reg. No. LS-6571

State of North Dakota)
County of Cass)

On this ____ day of ____, 20__, before me, a Notary Public in and for said County and State, personally appeared Steven W. Holm, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public, Cass County, North Dakota

DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "SCHULTZ & WILLIAMS SECOND ADDITION" to the City Fargo, a replat of Lots 8-10, Block 1, SCHULTZ & WILLIAMS ADDITION to the City of Fargo, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certificate of Steven W. Holm, Registered Land Surveyor, and that the description as shown in the Certificate of the Registered Land Surveyor is correct. We hereby dedicate the cross-access easement shown on said plat to the use of the public.

Owner of Lots 1 & 4: Judy I. Williams Marital Trust B

Owner of Lot 2: Cork Partners, a North Dakota Partnership

Owner of Lot 3: The Glenn T. and Jane A. Williams Revocable Living Trust; & Glenn T. Williams and Jane A. Williams

Jane A. Williams, Co-Trustee

Kelly Williams, Co-Trustee

Tom Lavelle, Partner

Jane A. Williams, Co-Trustee:
Jane A. Williams, owner, and Personal Representative of the Estate of Glenn Duffy Williams

State of North Dakota)
County of Cass)

On this ____ day of ____, 20__, before me, a Notary Public in and for said County and State, personally appeared Jane A. Williams, Co-Trustee, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that she executed the same in the name of Judy I. Williams Marital Trust B.

Notary Public, Cass County, North Dakota

State of North Dakota)
County of Cass)

On this ____ day of ____, 20__, before me, a Notary Public in and for said County and State, personally appeared Kelly Williams, Co-Trustee, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same in the name of Judy I. Williams Marital Trust B.

Notary Public, Cass County, North Dakota

State of North Dakota)
County of Cass)

On this ____ day of ____, 20__, before me, a Notary Public in and for said County and State, personally appeared Tom Lavelle, Partner, of Cork Partners, a North Dakota Partnership, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same in the name of Cork Partners, a North Dakota Partnership.

Notary Public, Cass County, North Dakota

State of North Dakota)
County of Cass)

On this ____ day of ____, 20__, before me, a Notary Public in and for said County and State, personally appeared Jane A. Williams, Co-Trustee of the Glenn T. and Jane A. Williams Revocable Living Trust, owner, and Personal Representative of the Estate of Glenn Duffy Williams, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that she executed the same in the name of the Glenn T. and Jane A. Williams Revocable Living Trust, as owner, and as Personal Representative of the Estate of Glenn Duffy Williams.

Notary Public, Cass County, North Dakota

FARGO PLANNING COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this ____ day of ____, 20__

Maranda R. Tasa, Chair

State of North Dakota)
County of Cass)

On this ____ day of ____, 20__, before me, a Notary Public in and for said County and State, personally appeared Maranda R. Tasa, Chair of the Fargo Planning Commission, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that she executed the same in the name of the Fargo Planning Commission.

Notary Public, Cass County, North Dakota

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of ____, 20__

Josh Boschee, Mayor

ATTEST:
Angie Bear, Deputy Auditor on behalf of City Auditor

State of North Dakota)
County of Cass)

On this ____ day of ____, 20__, before me, a notary public within and for said county and state, personally appeared Josh Boschee, and Angie Bear, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed on behalf of the City of Fargo.

Notary Public, Cass County, North Dakota

CITY ENGINEER'S APPROVAL

This plat in the City of Fargo is hereby approved this ____ day of ____, 20__

Tom Knakmuhs, City Engineer
Registered Professional Engineer
Reg No. PE-10059

State of North Dakota)
County of Cass)

On this ____ day of ____, 20__, before me, a Notary Public in and for said County and State, personally appeared Tom Knakmuhs, City Engineer, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public, Cass County, North Dakota

City of Fargo Staff Report			
Title:	Urban Plains Retail Second Addition	Date:	07/28/2026
Location:	4525 & 4543 32 nd Ave. South, 3050, 2970, & 2888 Brandt Dr. South, and 4552, 4574, 4561, & 4535 Urban Plains Dr. South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lots 4, 6, 7, 8, 10, 11, & 12, Block 1, Urban Plains Retail Addition		
Owner(s)/Applicant:	Urban Plains Land Company Nate Vollmuth, Goldmark Design & Development	Engineer:	RJN Survey
Entitlements Requested:	Zone Change (LC, Limited Commercial w/ Conditional Overlay to LC, Limited Commercial w/ Conditional Overlay); Minor Subdivision (Plat of Urban Plains Second Addition , a replat of Lots 4, 6, 7, 8, 10, 11, & 12, Block 1, Urban Plains Retail Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: August 4 th , 2026		
Existing		Proposed	
Land Use: Undeveloped & Multi-family		Land Use:	
Zoning: LC, Limited Commercial w/ C-O's (4978, 5153, & 5103)		Zoning: LC, Limited Commercial w/ C-O	
Uses Allowed: colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities. (C-O's restrict land uses noted above)		Uses Allowed: no change	
Conditional Use Permit (2015-018): to allow residential land use		Conditional Use Permit: no change	
Maximum Building Coverage: 55%		Maximum Density: No Change	
Proposal:			
The applicant requests two entitlements: 1. A Zone Change from LC, Limited Commercial w/ C-O to LC, Limited Commercial w/ C-O 2. A minor subdivision, entitled Urban Plains Retail Second Addition, a replat of Lots 4, 6, 7, 8, 10, 11, & 12, Block 1, Urban Plains Retail Addition, to the City of Fargo, Cass County, North Dakota 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: LC, Limited Commercial with C-O 4978, Commercial uses • East: LC, Limited Commercial, Commercial and office uses • South: LC, Limited Commercial with C-O 5128, Commercial uses • West: LC, Limited Commercial with C-Os 4978 and 5153, Commercial uses / vacant			

Area Plans:

Fargo Growth Plan 2024 designates the subject property as the “Mixed Commercial, Office, and Residential” place type, within a Community Center. The proposed LC, Limited Commercial zoning is consistent with the Growth Plan place type designation.

Context:

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

Parks: Located just beyond a one-third mile from the subject property is Urban Plains Park (5050 30th Avenue South) with amenities including; two playgrounds, recreational trails, restrooms, and reservable shelters. Brandt Crossing Park (5009 33 Avenue South) is located within a quarter-mile, just south of 32nd Avenue South, and provides amenities of a playground, dog park, basketball court, recreational trails and a shelter.

Pedestrian / Bicycle: The subject property is located adjacent to 45th Street South, Brandt Drive South, and 32 Avenue South, which have shared use paths that connect to the metro area bikeway system.

Neighborhood: The subject property is included in the Urban Plains Neighborhood.

MATBUS Route: MATBUS route 14 travels along 45th Street South between 32nd and 30th Avenues south, providing direct service to West Acres and the Ground Transportation Center. MATBUS route 24 stops at the corner of 32nd Avenue and 51st Street South (Scheels Arena) providing service to West Fargo and West Acres.

Staff Analysis:

MINOR SUBDIVISION

Urban Plains Retail Addition was platted in 2007 as a replat of Block 9, Urban Plains First Addition. Since then, lots 11 and 12 have been combined and Lot 10 was split into two lots.

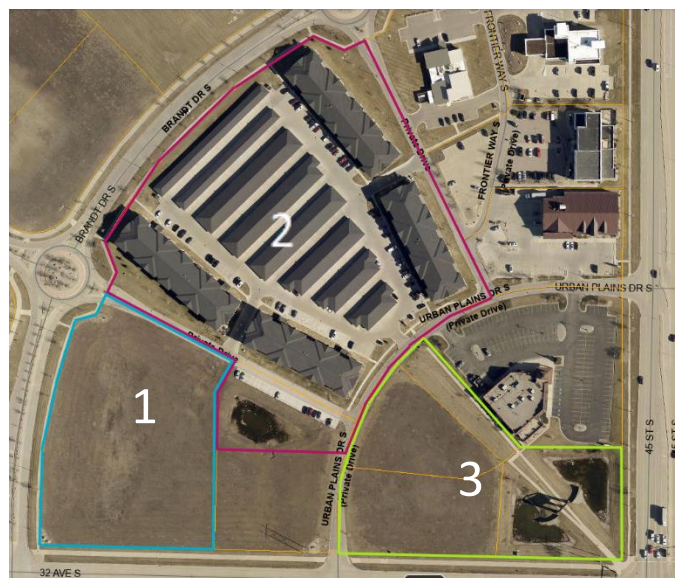
This subdivision will replat seven lots into three lots for commercial development. A graphic showing how the seven lots will combine into three is shown below. Note that the property located at 4737 32nd Avenue South is not part of this subdivision. The proposed lots range in area from 3.87 to 8.91 acres. An updated amenities plan will be required. This plat will also provide a 30-foot break in the negative access easement along Brandt Drive South, providing access to lot 1.

ZONE CHANGE

The subject properties are all zoned LC, Limited Commercial, but there are three separate conditional overlays attached to the zoning. Staff compared the three conditional overlays (CO 4978, CO 5103, & CO 5153) to each other and with the existing development. Overall, the three overlays are similar, all requiring higher design standards, separate vehicle and pedestrian circulation, and restricting certain land uses. Staff used the standards within the existing overlays and combined them into one, cohesive overlay to be applied to all properties. The conditional overlay associated with each property is shown on the next page.

CONDITIONAL USE PERMIT

The conditional use permit for residential land use on Lot 2 (previously Lots 11 and 12) will carry through with this plat.



Address	Current			Proposed	
	Lot #	Zoning	CO #	Lot #	Zoning
4561 & 4535 Urban Plains Drive S 2888 & 2970 Brandt Drive S	11 & 12	LC	4978	2	LC w/ CO
4575 Urban Plains Drive S	10	LC	5103		
3050 Brandt Drive S	10	LC	5153	1	
4543 32 Avenue S	8	LC	5153	3	
4574 Urban Plains Drive S	7	LC	5153		
4552 Urban Plains Drive S	6	LC	4978		
4525 32 Avenue S	4	LC	4978		

Zone Change:

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

Section 20-0906.F (1-4)

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 property is currently zoned LC, Limited Commercial with a Conditional Overlay. The applicant requests a zoning change to LC, Limited Commercial with a Conditional Overlay, combining the existing conditional overlays into one overlay. The Limited Commercial zoning is consistent with the proposed lot sizes and the adjacent zoning. **(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. The subject property fronts on an existing public right-of-way; public utilities are available within this right 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. To date, Planning staff have not received any comments or inquiries. 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." Fargo Growth Plan 2024 designates the place type of the subject property as "Mixed Commercial, Office, and Residential" place type, within a Community Center. The proposed LC, Limited Commercial zoning is consistent with the Growth Plan place type designation. The primary uses for this place type include retail, distribution, office, flex buildings, warehouse, and wholesale. Staff are not aware of any proposed development, but the existing development is consistent with this place type designation. **(Criteria satisfied)**

Minor Subdivision

The LDC stipulates that the following criteria are met before a minor plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The proposed zoning of LC, Limited Commercial will accommodate future commercial development. This zoning is consistent with the "Mixed Commercial, Office, and Residential" place type of the Fargo Growth Plan 2024. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff have not received any inquiries or comments. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.

(Criteria Satisfied)

2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. Staff has determined that an amenities plan is not required. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zoning change from LC, Limited Commercial w/ C-O to LC, Limited Commercial w/ C-O and 2) plat of **Urban Plains Retail Second Addition**, as outlined in the staff report, as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, Section 20-0907.B. and C and Section 20-0906. F (1-4) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 4th, 2026

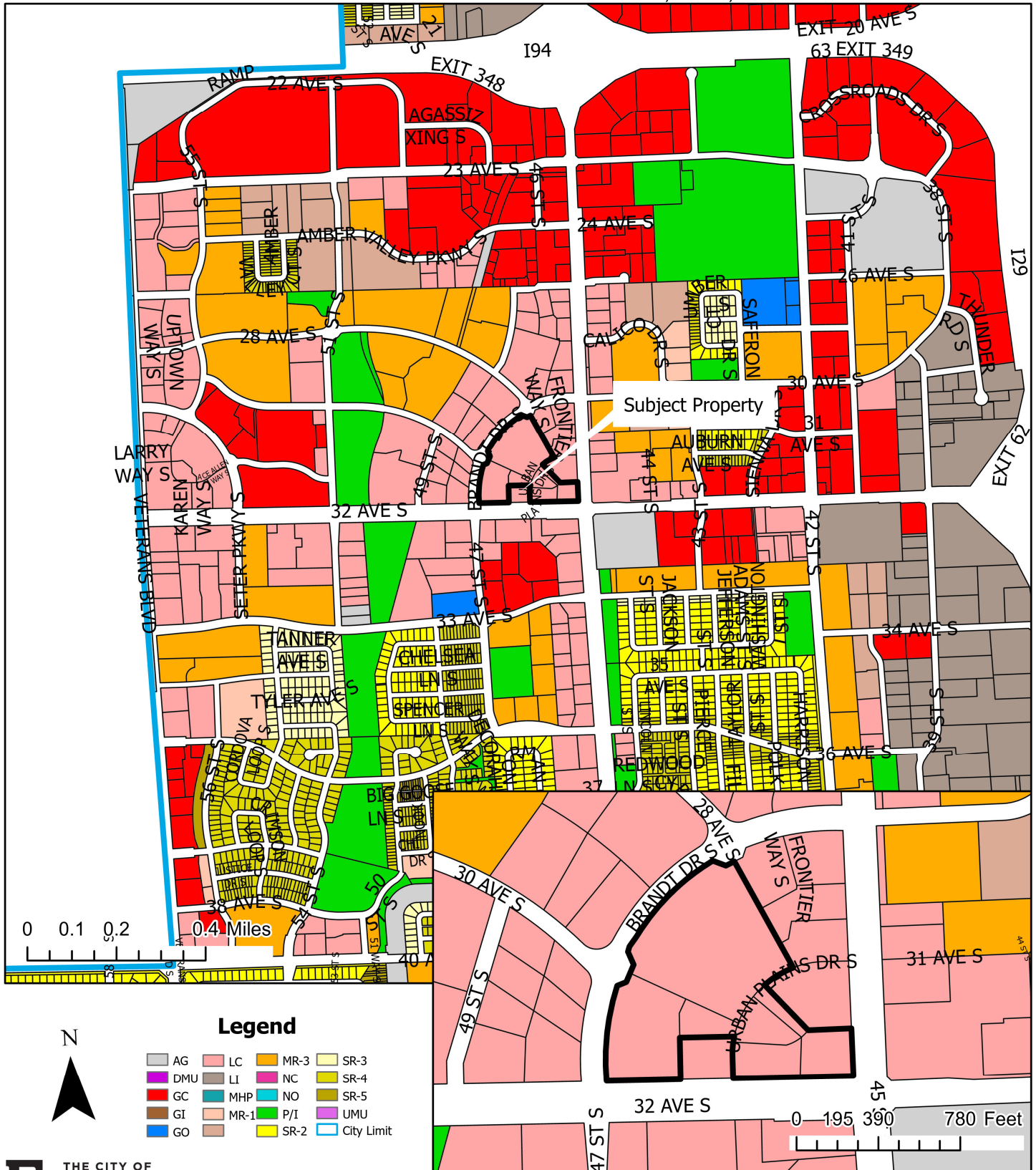
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat
4. Draft Conditional Overlay

Minor Subdivision and Zone Change from LC, Limited Commercial with a conditional overlay to LC, Limited Commercial with a conditional overlay

4525 and 4543 32nd Avenue South; 4552, 4574, 4575, 4561, and 4535 Urban Plains Drive South; 2970, 2888, and 3050 Brandt Drive South

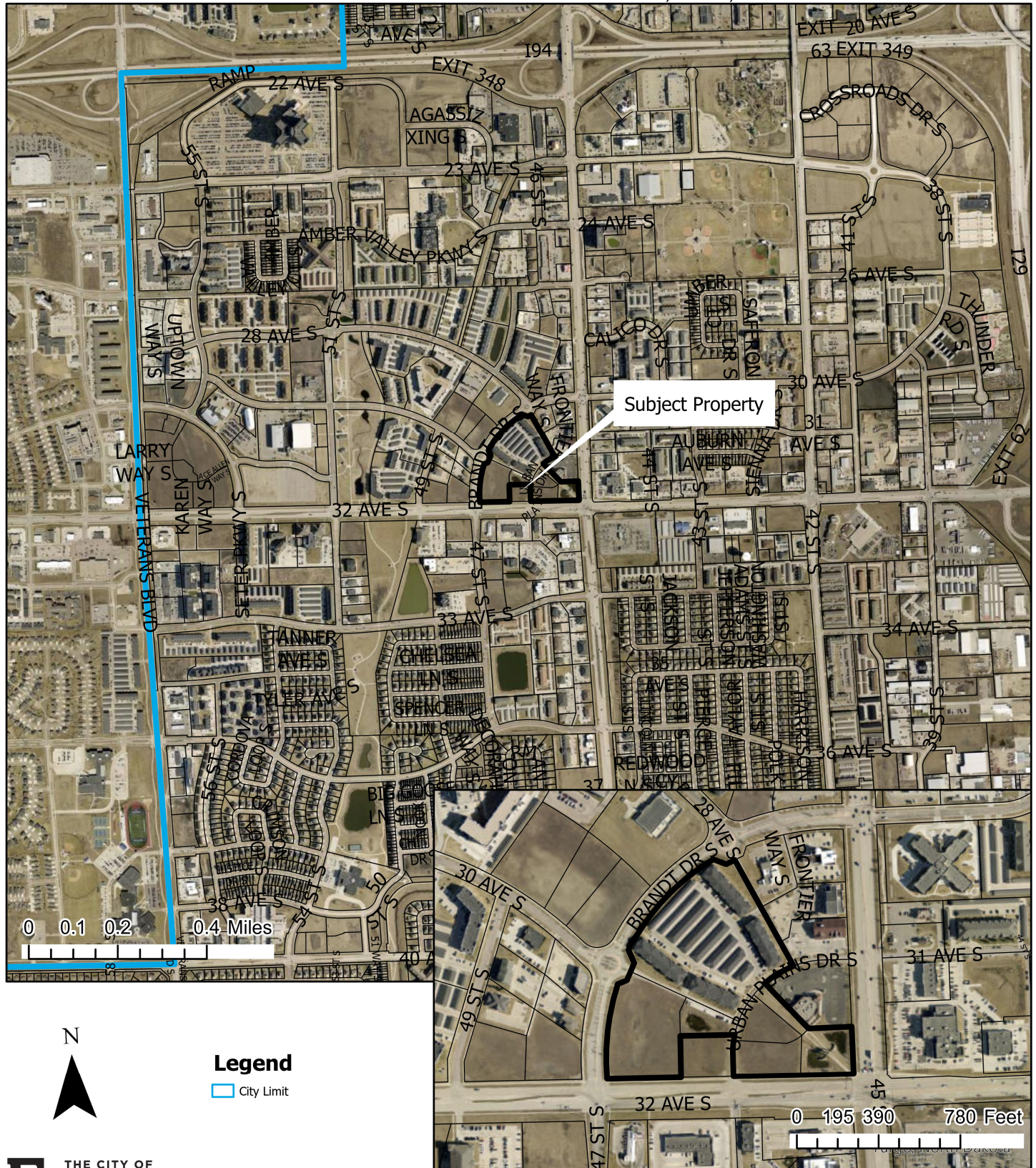
Urban Plains Retail Second Addition



Minor Subdivision and Zone Change from LC, Limited Commercial with a conditional overlay to LC, Limited Commercial with a conditional overlay

4525 and 4543 32nd Avenue South; 4552, 4574, 4575, 4561, and 4535 Urban Plains Drive South; 2970, 2888, and 3050 Brandt Drive South

Urban Plains Retail Second Addition

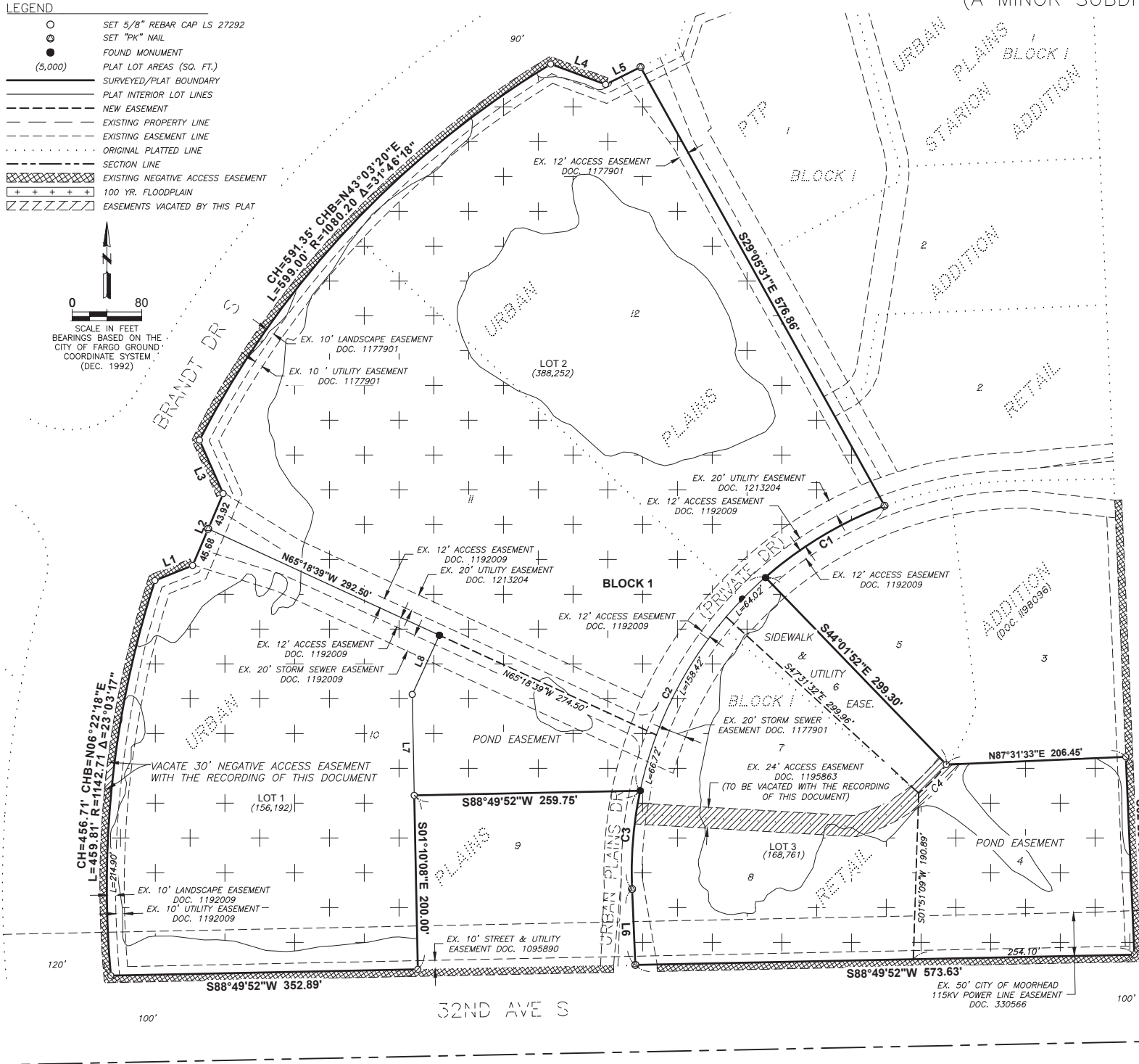
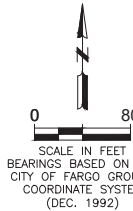


Fargo Planning Commission
August 4, 2026

URBAN PLAINS RETAIL SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF LOTS 4, 6, 7, 8, 10, 11 AND 12 OF BLOCK 1 AND A VACATION OF THE ACCESS EASEMENT ALL IN URBAN PLAINS RETAIL ADDITION
CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

LEGEND	
	SET 5/8" REBAR CAP LS 27292
	SET "PK" NAIL
	FOUND MONUMENT
	PLAT LOT AREAS (SQ. FT.)
	SURVEYED/PLAT BOUNDARY
	PLAT INTERIOR LOT LINES
	NEW EASEMENT
	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	ORIGINAL PLATTED LINE
	SECTION LINE
	EXISTING NEGATIVE ACCESS EASEMENT
	100 YR. FLOODPLAIN
	EASEMENTS VACATED BY THIS PLAT



CURVE TABLE				
#	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	160.62'	450.00'	20°27'04"	S59°01'45"W
C2	289.16'	450.00'	36°49'01"	S30°23'42"W
C3	113.64'	450.00'	14°28'08"	S04°45'08"W
C4	45.79'	200.00'	13°07'09"	N44°06'21"E

LINE TABLE	
#	DISTANCE
L1	46.68'
L2	89.60'
L3	67.23'
L4	67.23'
L5	44.80'
L6	87.29'
L7	115.92'
L8	74.91'

NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
- UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
- PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAP 38017C0778G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 906.0' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM CITY OF FARGO CONTOUR DATA.
- BENCHMARK SEFB HYDRANT LOCATED IN THE NORTHWEST QUADRANT OF URBAN PLAINS DRIVE (PRIVATE DRIVE) AND 32ND AVENUE SOUTH, BM-0138023 PUBLISHED ON SHEET #138 OF THE CITY OF FARGO BENCHMARK BOOK (2021 EDITION) ELEVATION = 908.19 (NAVD88).

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That Urban Plains Land Co LLC, a North Dakota Limited Liability Company, as owner of Lots 4, 6, 7, 8, 10, 11 and 12 of Block 1 of URBAN PLAINS RETAIL ADDITION to the City of Fargo in part of the Southeast Quarter of Section 21, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

All of Lots 4, 6, 7, 8, 10, 11 and 12 of Block 1 of URBAN PLAINS RETAIL ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 16.37 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Said owners of the above described property, have caused the same to be surveyed and platted as "URBAN PLAINS RETAIL SECOND ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public for public use the sidewalk and utility easement shown on said plat.

OWNER - LOT 2

Grayhawk Apartments, LLC

Michael Vannett, President

State of _____ } ss

County of _____ } ss

On this ____ day of _____, 20____, before me personally appeared Michael Vannett, President, Grayhawk Apartments, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said company.

Notary Public: _____

MORTGAGE HOLDER LOT 2

Grandbridge Real Estate Capital LLC, Mortgagee

Name _____ Title _____

State of _____ } ss

County of _____ } ss

On this ____ day of _____, 20____, before me personally appeared _____ (name), _____ (title), Grandbridge Real Estate Capital LLC, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said company.

Notary Public: _____

MORTGAGE HOLDER LOT 2

Fannie Mae, Mortgagee

Name _____ Title _____

State of _____ } ss

County of _____ } ss

On this ____ day of _____, 20____, before me personally appeared _____ (name), _____ (title), Fannie Mae known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of Fannie Mae.

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 20____.

Maranda R. Tasa

Planning Commission Chair

State of North Dakota } ss

County of Cass } ss

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Maranda R. Tasa, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ____ day of _____, 20____.

Tom Knakmuhs, P.E.

City Engineer

State of North Dakota } ss

County of Cass } ss

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Tom Knakmuhs, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

OWNER - LOT 1 & 3

Urban Plains Land Co LLC

, President

State of _____ } ss

County of _____ } ss

On this ____ day of _____, 20____, before me personally appeared Stacy Lepine, President, Urban Plains Land Co LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Joshua J. Nelson, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 20____.

Joshua J. Nelson, PLS

Professional Land Surveyor

Registration No. LS-27292

State of North Dakota } ss

County of Cass } ss

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

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

Joshua A. Boschee

Mayor

Attest: _____

Angie Bear, Deputy Auditor on behalf of City Auditor

State of North Dakota } ss

County of Cass } ss

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Joshua A. Boschee and Angie Bear, known to me to be the persons described in and who executed the foregoing instrument and acknowledge that they executed the same as their free act and deed on behalf of the City of Fargo.

Notary Public: _____



1218 55th Street North
Fargo, ND 58102
Email: josh@rjnsurvey.com

Urban Plains Retail Second Addition Draft Conditional Overlay:

Part A): The following requirements apply to all mixed-use and non-residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

- 2.1 Entrances and pedestrian walkway features leading to entrances shall be provided from both the parking areas and the street right-of-way.
- 2.2 All building elevations/façades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least two (2) feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of twenty (20) percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.
- 2.3 Ground floor façades of non-residential buildings that face public right-of-way shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50 percent of its horizontal length.
- 2.4 All buildings, regardless of size, shall have clearly-defined, highly-visible, public entrances that connect to public spaces, streets, pedestrian paths and plazas with no fewer than two of the following:
 - i. Canopies, awnings or porticos
 - ii. Recesses/projections varying the façade
 - iii. Raised corniced parapets over the door
 - iv. Peaked roof forms
 - v. Arches or arcades
 - vi. Entry courts
 - vii. Raised landscape planters and/or wing walls integrated with the building
- 2.5 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, glass, or architectural

metal panels. All materials shall be commercial grade, durable, and have a multi-generational life span.

2.6 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, commercial grade metal siding, and vinyl. Accent materials shall be applied to no greater than 20 percent of each building façade.

2.7 Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other enclosures

2.8 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way and residentially zoned property by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.

2.9 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

3) Site Design

3.1 A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.

3.2 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- i. Parking lots or parking structures
- ii. Any public sidewalk or multi-use path along the perimeter of the lot
- iii. Entrances of other buildings on the site
- iv. Any public sidewalk system along the perimeter streets adjacent to the development
- v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator
- vi. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator Approval.

4) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

4.1 Portable advertising signs

4.2 Detention facilities

4.3 Self-service storage

4.4 Vehicle repair

4.5 Vehicle service, limited

4.6 Industrial uses

4.7 Adult establishments

5) Conditional Uses

For the purposes of this Conditional Overlay, the following uses require approval of a Conditional Use Permit in accordance with Section 20-0909 of the LDC:

5.1 Off-premise advertising

6) Definitions

For the purposes of this Conditional Overlay, the following terms shall have the meanings ascribed to them:

6.1 *Façade*: Any exterior side of a building as viewed from a single direction. Said direction is typically perpendicular to the exterior side of the building being viewed.

6.2 *Depth*: A horizontal distance that is perpendicular to a building façade.

6.3 *Elevation*: A horizontal orthographic projection of a building on to a vertical plane, the vertical plane being parallel to one side of the building

Part B): The following requirements apply to all residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

2.1 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Horizontal metal lap siding and vertical metal batten shall be allowed on residential structures but should not exceed 75% of the building elevation.

2.2 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than 20 percent of each building façade.

2.3 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

3) Site Design

3.1 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- vii. Parking lots or parking structures
- viii. Any public sidewalk or multi-use path along the perimeter of the lot
- ix. Entrances of other buildings on the site
- x. Any public sidewalk system along the perimeter streets adjacent to the development
- xi. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator.
- xii. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator Approval.

4) Accessory Structures and Parking

The following applies to residential development on lot 1 and Lot 3, Block 1, Urban Plains Retail Second Addition:

4.1 The cumulative total building footprint for all accessory buildings shall be a maximum of 45 percent of the primary building coverage.

4.2 No accessory structures shall be allowed between the primary structure and the front or side street property line or in the front of the building.

4.3 Individual accessory structures shall have a maximum length of 140 feet.

4.4 A minimum of 40 percent of the primary building footprint shall be designed for parking integrated into the structure.

5) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

5.1 Portable advertising signs

5.2 Pylon Signs

5.3 Off-premise advertising

5.4 Detention facilities

5.5 Self-service storage

5.6 Vehicle repair

5.7 Vehicle service, limited

5.8 Industrial uses

5.9 Adult establishments

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

**City of Fargo
Staff Report**

Title:	Eagle Valley Sixth Addition	Date:	7/28/2026
Location:	7475 24 th Street South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lot 1, Block 1, Eagle Valley Fifth Addition		
Owner(s)/Applicant:	EagleRidge Development, LLC	Engineer:	Mead & Hunt
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 1, Eagle Valley Fifth Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: August 4 th , 2026		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential
Zoning: SR-5, Single-dwelling Residential	Zoning: No change
Uses Allowed: Allows detached house, attached house, duplex, day care up to 12 people, parks and open areas, religious institutions, safety services, schools, and certain telecommunication facilities.	Uses Allowed: No change
Maximum Density: 14.5 units per acre	Maximum Density: No change

Proposal:

The applicant requests approval of one entitlement:

1. A minor subdivision to be known as **Eagle Valley Sixth Addition**, a replat of Lot 1, Block 1, Eagle Valley Fifth Addition to the City of Fargo, Cass County, North Dakota

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: Across 75th Avenue South, SR-4, Single-dwelling Residential; detached houses.
- East: Across 24th Street South, SR-4, Single-dwelling Residential; detached houses.
- South: Across 76th Avenue South, AG, Agriculture; undeveloped.
- West: Across 25th Street South, AG, Agriculture; undeveloped.

Area Plans:

The Fargo Growth Plan 2024 designates the area of the subject property as "Suburban Neighborhood" place type. The existing zoning and proposed development are consistent with this land use designation. No zone change is proposed.

Context:

Schools: The subject property is located within the Fargo School District and is served by Bennett Elementary, Discovery Middle, and Davies High schools.

Neighborhood: The subject property is located within the Davies neighborhood.

Parks: Eagle Valley Park, located at 7400 21st Street South, is within a quarter of a mile east of the subject property and provides amenities of basketball courts, grills, picnic tables, playgrounds for ages 2-12, recreational trails, and a shelter. Additionally, Davies High school, located at 7150 25th Street South, is within a quarter of a mile north of the subject property and provides amenities of outdoor pools, tennis courts, and softball/baseball fields.

Pedestrian / Bicycle: Off-road shared-use paths are located along the east side of 23rd Street South, on both sides 73rd Avenue South of 32nd Avenue South, and the east side of 25th Street South. All paths are within a quarter mile of the subject property and components of the metro area bikeways system.

MATBUS Route: There are no MATBUS routes within a quarter of a mile of the subject property.

Staff Analysis:

The proposed plat will subdivide the existing lot into a thirteen-lot minor subdivision entitled Eagle Valley Sixth Addition.

EASEMENTS

On the requested subdivision, a storm sewer easement is proposed to travel primarily north and south along the shared lot lines of Lot 13 and Lots 1-12. A waterline easement is proposed on the south side of Lot 12 to service Lot 13. As seen in other recent subdivisions, there are negative access easements proposed along 24th Street South to limit driveways and increase boulevard area. The existing negative access easement along 74th Avenue South is being adjusted to allow for a 40' driveway for access into Lot 13, lining up with 24th Street South to the north. All other existing easements will carry through with this subdivision. The applicant is coordinating with Staff to create an amenities plan that addresses stormwater management and floodplain requirements.

PROPOSED DEVELOPMENT

The applicant currently proposes Lot 13 as attached housing (townhomes) and Lots 1-12 as single-family detached houses. Staff has had several discussions with the applicant about the proposed site layout. The applicant communicated that the current plan for Lot 13 to be rentals with the possibility of making the units owner occupied in the future through a condominium process. Staff and the applicant are aware that future changes in the ownership may require further coordination to discuss utilities and maintenance of the common areas.

Minor Subdivision

The LDC stipulates that the following criteria are met before a minor subdivision can be approved:

- 1. Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The current zoning is SR-5, Single-dwelling Residential, and no zone change is proposed. This zoning is consistent with the "Suburban Neighborhood" place type of the Fargo Growth Plan 2024. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry about the project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

- 2. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **Eagle Valley Sixth Addition**, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the standards of Article 20-06, Section 20-0907.B.and C of the Land Development Code, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: August 4th, 2026

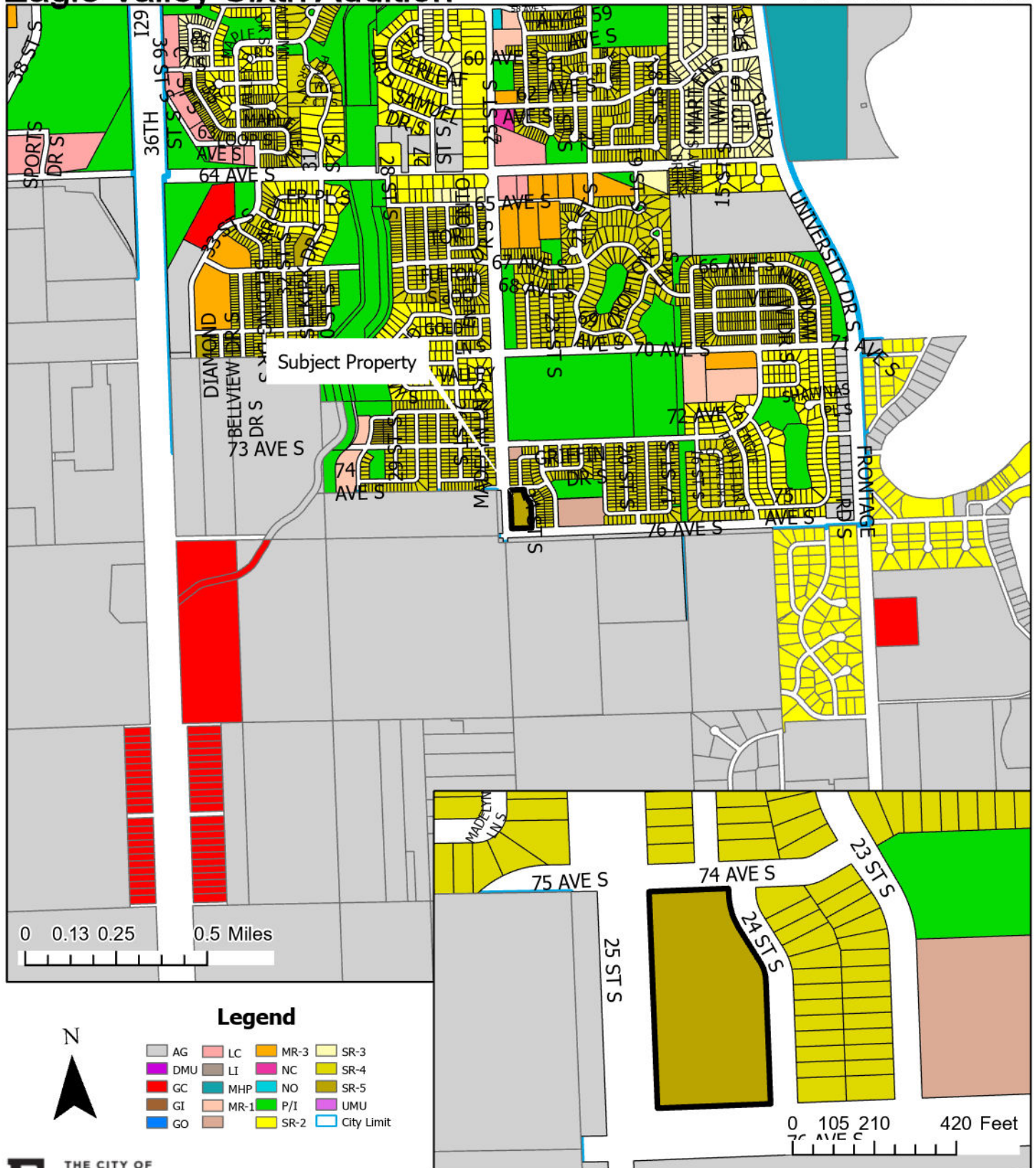
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat

Minor Subdivision

Eagle Valley Sixth Addition

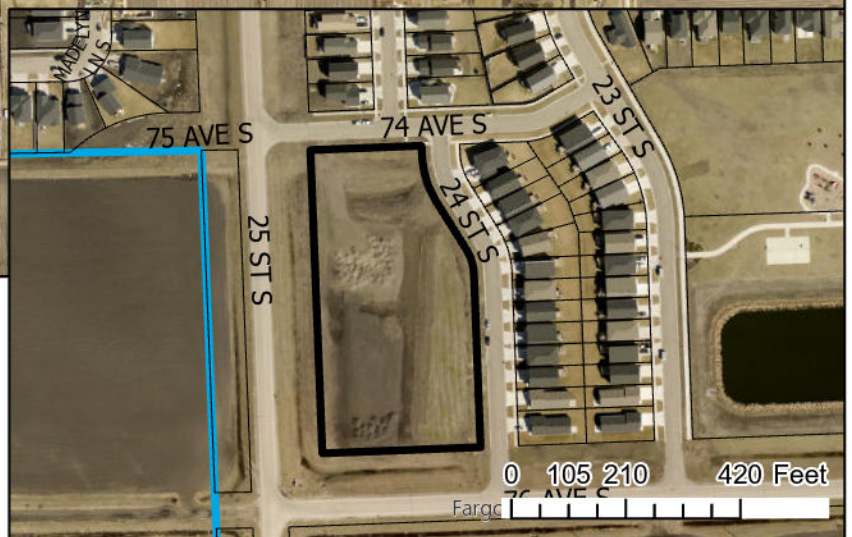
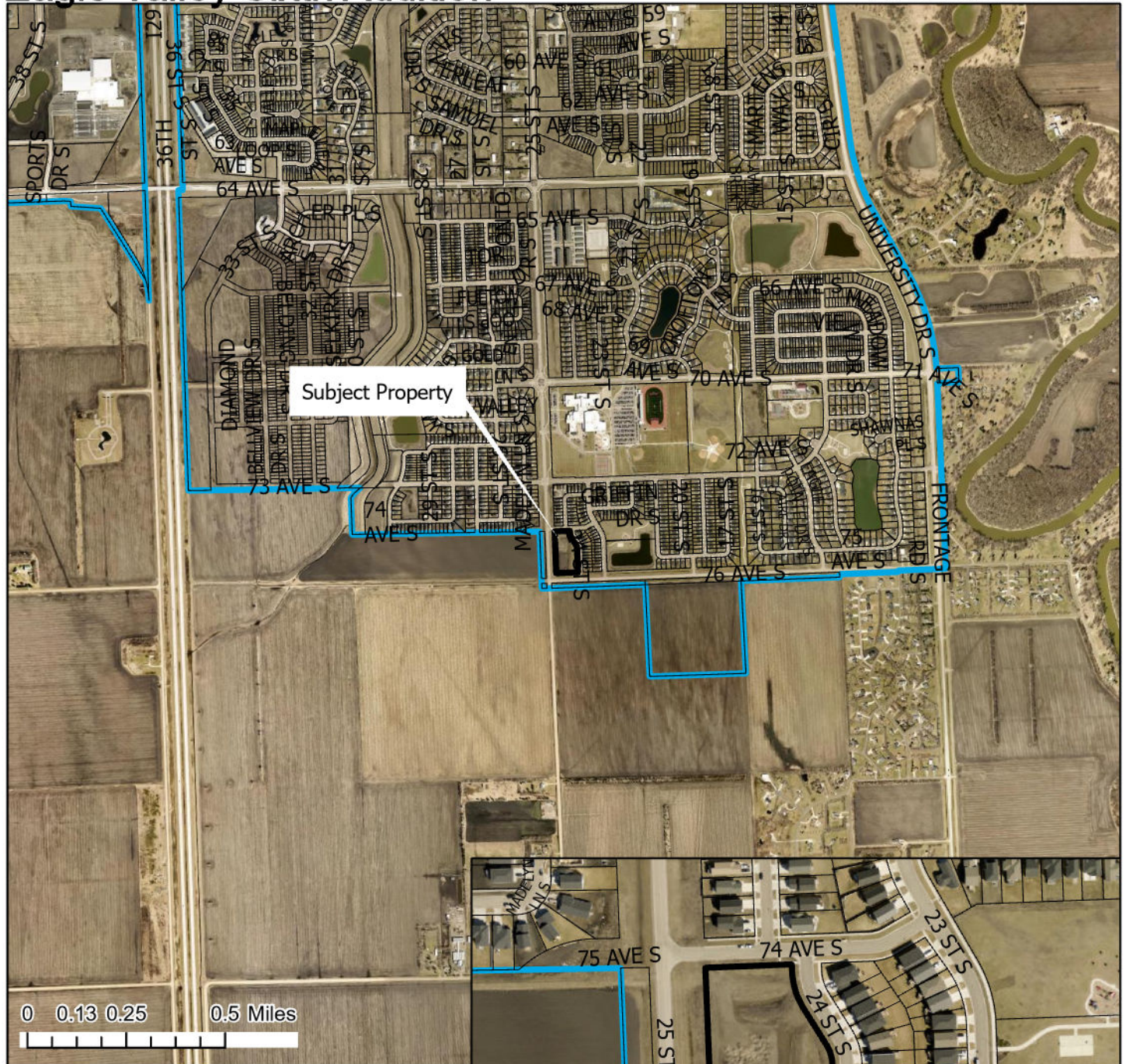
7475 24th Street South



Minor Subdivision

Eagle Valley Sixth Addition

7475 24th Street South



Legend

City Limit

EAGLE VALLEY SIXTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.
A REPLAT OF LOT 1, BLOCK 1, EAGLE VALLEY FIFTH ADDITION
TO THE CITY OF FARGO, NORTH DAKOTA
(A MINOR SUBDIVISION)

PLAT BOUNDARY DESCRIPTION:

Lots 1, Block 1, Eagle Valley Fifth Addition to the City of Fargo, Situate in the County of Cass and the State of North Dakota, according to the record plat on file and of record in the Office of the Recorder, Cass County, North Dakota.

Said plat contains 3.44 acres, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record, if any.

OWNER'S DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "EAGLE VALLEY SIXTH ADDITION" to the City of Fargo, a replat of Lots 1, Block 1, Eagle Valley Fifth Addition to the City of Fargo, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certification of Jason Ness, Professional Land Surveyor, and that the description as shown in the certificate of the Professional Land Surveyor is correct. We hereby vacate the negative access easement as shown for vacation on the plat and does hereby dedicate to the City of Fargo the storm sewer and waterline easements, and does hereby dedicate to the public, for public use, the negative access easements as shown on this plat.

OWNER

EagleRidge Development LLC
By: James R. Bullis, President

State of North Dakota)
County of Cass) SS

On this ____ day of ____, 20__, appeared before me, James R. Bullis, President, EagleRidge LLC, a North Dakota Limited Liability Company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Jason Ness, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of ____, 20__.

Jason Ness, Professional Land Surveyor No. LS-6884

State of North Dakota)
County of Cass) SS

On this ____ day of ____, 20__, before me personally appeared Jason Ness, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

LEGEND

	BENCHMARK
	MONUMENT IN PLACE
	SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
	LOT AREA (SQUARE FEET)
	EXISTING NEGATIVE ACCESS EASEMENT (DOC. 1639594)
	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	NEW LOT LINE
	NEW BLOCK LINE
	PLAT BOUNDARY
	MAJOR CONTOUR
	MINOR CONTOUR
	NEW NEGATIVE ACCESS EASEMENT
	EXISTING NEGATIVE ACCESS EASEMENT (TO BE VACATED WITH THE RECORDING OF THIS DOCUMENT)

NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
- UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AS SHOWN UNLESS OTHERWISE NOTED.
- ACCORDING TO THE FEMA FIRM MAP 38017C0790G WITH AN EFFECTIVE DATE 1/16/2015 ALL OF THIS PLAT FALLS WITHIN FLOOD ZONE "AE" AND HAS A BASE FLOOD ELEVATION THAT VARIES FROM 908.3 ON THE NORTHERLY END TO 908.9 ON THE SOUTHERLY END. CONTOUR INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY CONDUCTED 6/19/2026.
- BENCHMARK TOP NUT HYDRANT IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF 74TH AVE S AND 23RD STREET SOUTH ELEVATION = 911.97 (NAVD88)
- NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this ____ day
of ____, 20__.

Tom Knakmuhs P.E., City Engineer

State of North Dakota)
County of Cass) ss

On this ____ day of ____, 20__, before me personally appeared Tom Knakmuhs P.E., Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this ____ day
of ____, 20__.

Maranda R. Tasa, Chair
Fargo Planning Commission

State of North Dakota)
County of Cass) ss

On this ____ day of ____, 20__, before me personally appeared Maranda R. Tasa, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed
this ____ day of ____, 20__.

Joshua A. Boschee, Mayor

Attest: Angie Bear, Deputy Auditor on behalf of City Auditor

State of North Dakota)
County of Cass) ss

On this ____ day of ____, 20__, before me, a notary public within and for said county and state, personally appeared Joshua A. Boschee and Angie Bear, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed on behalf of the City of Fargo.

Notary Public: _____

Mead & Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4650200-261918.01
SHEET 1 OF 1

City of Fargo Staff Report			
Title:	Keeney & Devitt's Second Addition	Date:	7/28/2026
Location:	214 and 220 6th Avenue North and 202, 208, 210, and 212 6th Avenue North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description	Portion of public Right-of-Way (alley) within Block 31, Keeney & Devitts Second Addition , bounded on the North by the Southerly Right-of-Way line of 6th Avenue North and bounded on the South by that part of said alley previously vacated by Cityside Addition to the City of Fargo		
Owner(s)/Applicant:	202 Flats, LLC; MBA Investments, LLC	Engineer:	Bolton & Menk, Inc.
Reason for Request:	Right of Way Vacation (a vacation plat of a portion of public Right-of-Way (alley) within Block 31, Keeney & Devitts Second Addition , bounded on the North by the Southerly Right-of-Way line of 6th Avenue North and bounded on the South by that part of said alley previously vacated by Cityside Addition to the City of Fargo.)		
Status:	Planning Commission Public Hearing: August 4 th , 2026		
Proposal:			
The applicant is seeking approval of a vacation plat of a portion of public right-of-way (alley) within Block 31, Keeney & Devitts Second Addition, bounded on the North by the Southerly Right-of-Way line of 6th Avenue North and bounded on the South by that part of said alley previously vacated by Cityside Addition to the City of Fargo. It is staff's understanding that the property owners adjacent to the alley to be vacated will have a private easement agreement for access. The City is not part of this agreement. The proposed street vacation encompasses approximately 1,188 square feet (0.027 acre) of public right of way. Upon vacation, the vacated area will become part of the adjacent lots—Lot 1, Block 1, Cityside Addition to the east, and Lot 1, Block 1, 220 Addition to the west. These lots are owned by the owners listed above. HISTORY OF RIGHT OF WAY DEDICATIONS AND PREVIOUS VACATIONS All of the right of way being vacated by the plat was dedicated on the plat of Keeney & Devitt's Second Addition in 1878. Most of this alley within Block 31 of that subdivision was vacated with the Cityside Addition in 2024. The property owners adjacent to the subject alley have agreed to vacate this remaining portion of the north end of the alley. A small area of the south of the alley has not been vacated; that area is not part of this right of way vacation application. 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. Notices of the proposed vacation have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call about the application. (continued on next page)			

Surrounding Land Uses and Zoning Districts:

- North: MR-3 and MR-2, Multi-Dwelling Residential, with residential uses
- East: DMU, Downtown Mixed Use with multi-dwelling residential uses
- South: Vacated alley
- West: DMU, Downtown Mixed Use, vacant—residential structures recently demolished; permit pending for new multi-dwelling development

Area Plans and Zoning

The subject property is covered by two future land use plans. The Downtown in Focus Plan identifies the future land use as “Residential.” The Horace Mann Neighborhood Future Land Use Map of the Core Neighborhoods Plan identifies the future land use as “Mixed Use Neighborhood Commercial.” These plans do not specifically address vacations of public right of way.

The zoning in the adjacent properties is DMU, Downtown Mixed Use. The vacated area will take on this zoning designation. Land Development Code Section 20-0107.B.2 states:

Whenever any street, alley or public way is vacated by official action of the Board of City Commissioners, the zoning districts adjoining each side of such street, alley, or public way will be automatically extended to the center of such vacation and all area included in the vacation will be subject to all regulations of the extended district.

Context:

Neighborhood: The subject property, on the edge of downtown, is a transitional area. It is located in the Downtown neighborhood but is included in the Horace Mann Neighborhood under the Core Neighborhoods Plan.

Schools: The subject property is located within the Fargo Public School District and is served by Horace Mann/Roosevelt Elementary, Ben Franklin Middle, and Fargo North High schools.

Parks: Oak Grove Park, located at 170 Maple Street North, is approximately 0.25 miles from the subject property, and includes amenities of disc golf, horseshoes, picnic table, playground, ages 5-12, recreational trails, restrooms, shelter, and tennis court. Wildflower Grove Park, located at 9 Lower Terrace North, is approximately 0.31 mile from the subject property and allows access to the Red River Trail. Wildflower Grove is a project of the Urban Woods and Prairie Initiative with Audubon Dakota.

Pedestrian / Bicycle: There is an off-street shared use path on the east side of 2nd Street North, which connects to the metro area path system.

Bus Route: The subject property is not along a MATbus. MATbus Route 11 has a stop at Broadway and 6th Avenue North, approximately three and a half blocks west of the subject property.

Staff Analysis:

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacation Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). Notwithstanding the Land Development Code’s (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

It is the applicant's responsibility to contact all potential utility providers and submit documentation that there are no utilities in these easements. City staff reviews the applicant's documentation prior to City Commission approval of the plat. An easement would have to be retained for any existing utility line that must remain. **(Criteria Satisfied)**

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, a petition signed by the adjacent owners has been submitted for review and consideration, along with a plat of such public alley **(Criteria Satisfied)**

N.D.C.C. 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

The vacation plat will be advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

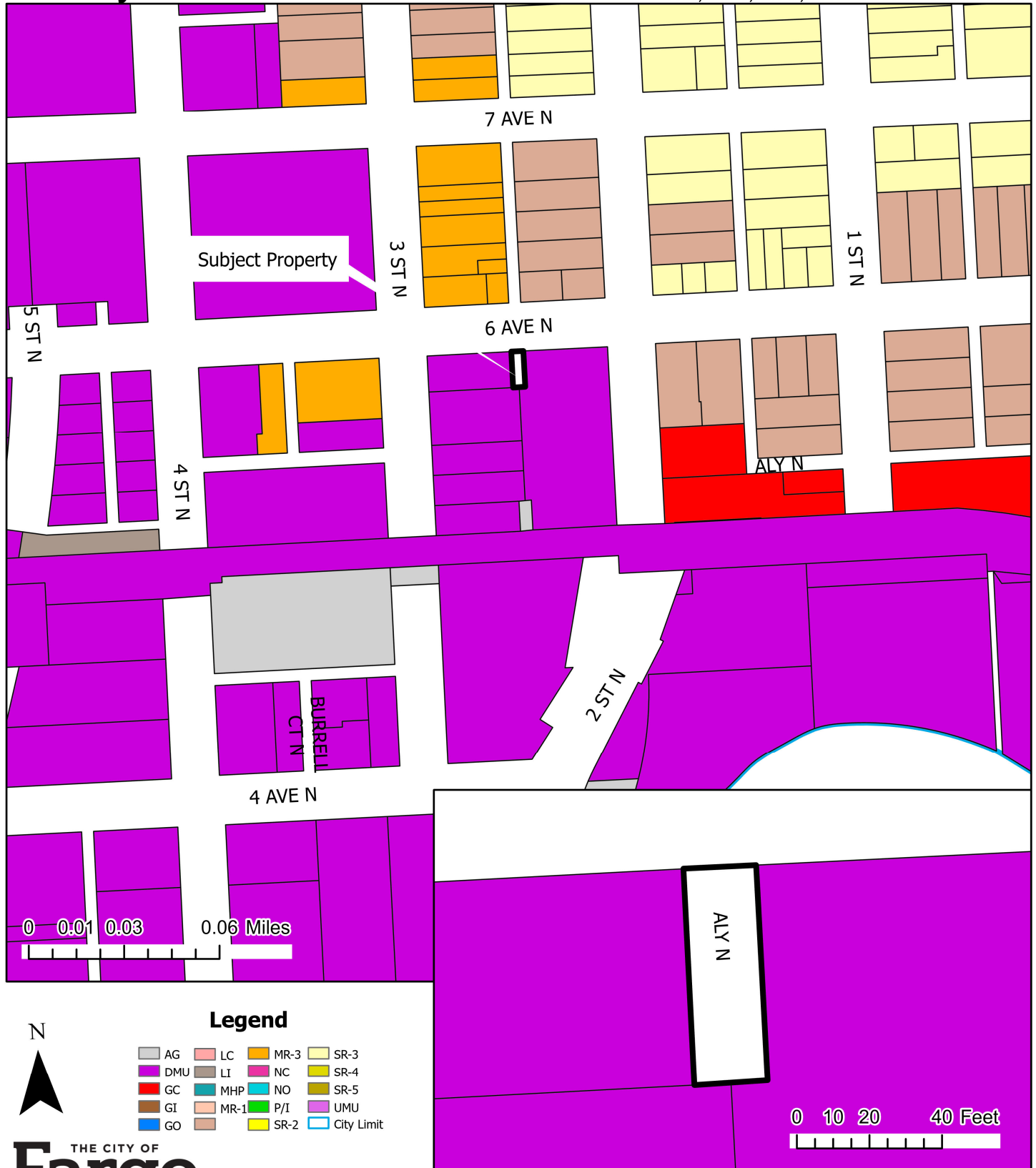
This action will be taken by the City Commission. **(Criteria Satisfied)**

Staff Recommendation:
Suggested Motion: “To accept the findings and recommendations of staff and recommend approval to the City Commission of the Keeney & Devitt’s Second Addition right-of-way vacation plat as presented; as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places.”
Planning Commission Recommendation: August 4 th , 2026
Attachments:
1. Zoning Map 2. Location Map 3. Vacation Plat

Vacation of Right of Way

Keeney & Devitt's Second Addition

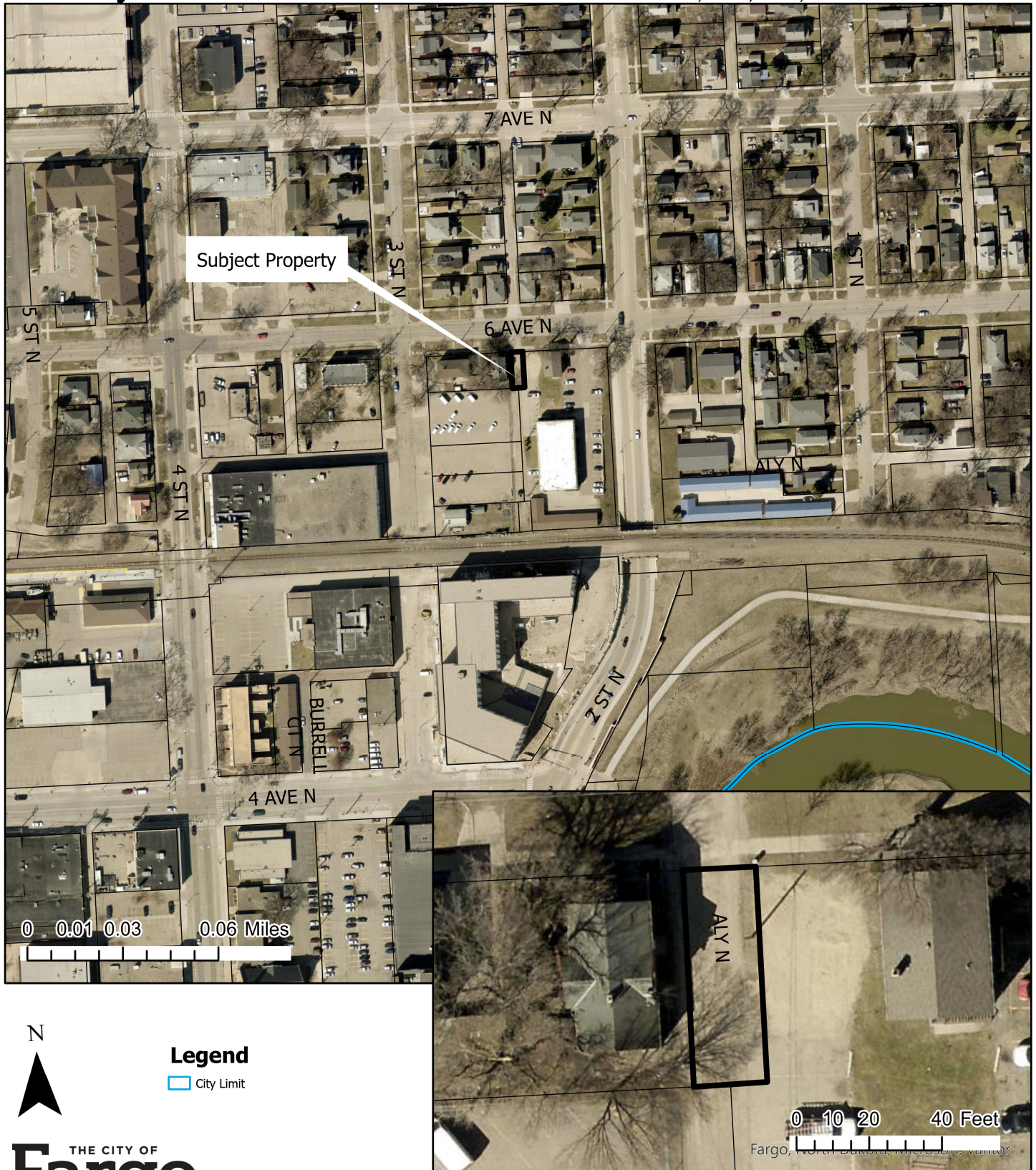
214 & 220 6th Avenue North;
202, 208, 210, 212 6th Avenue North



Vacation of Right of Way

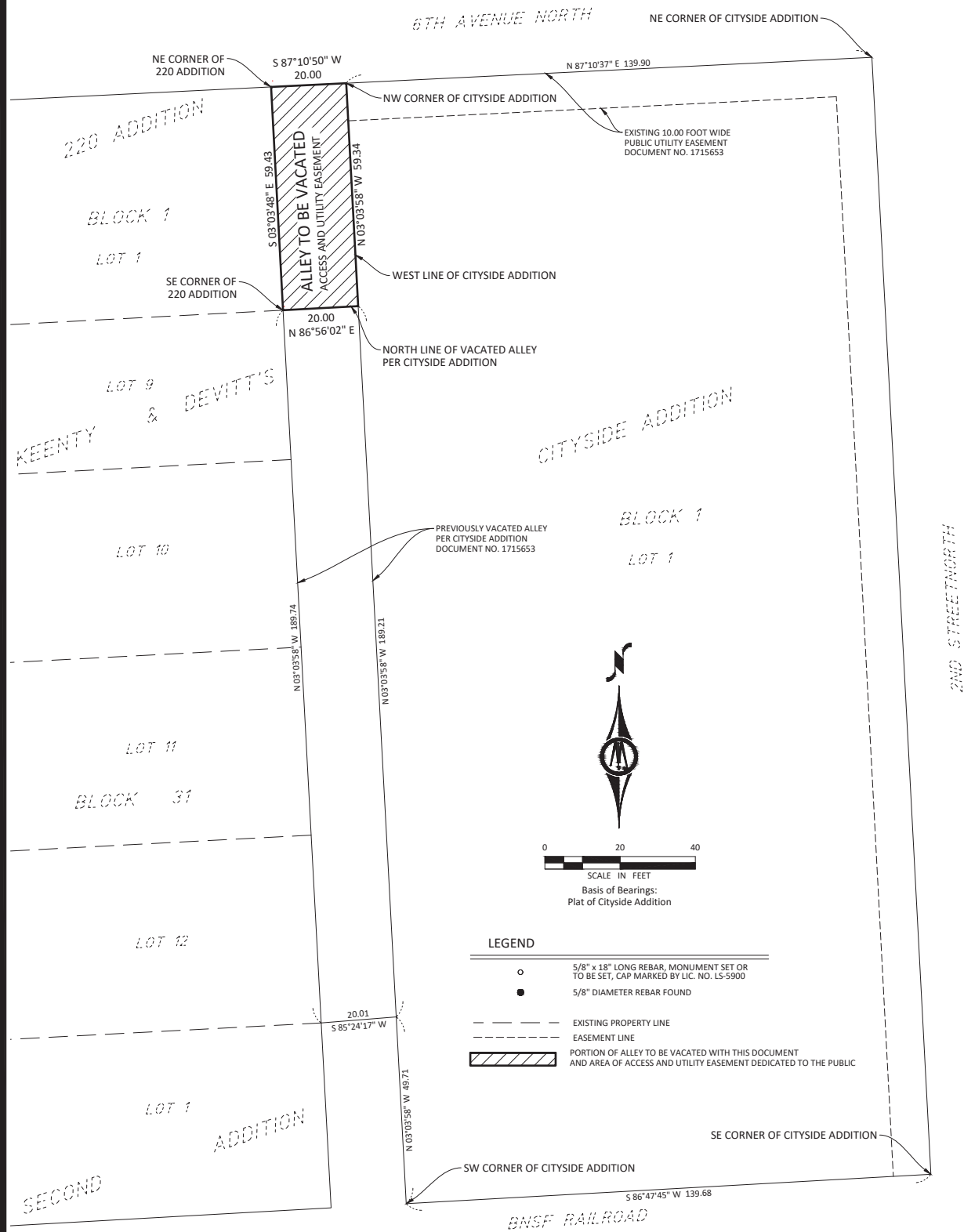
Keeney & Devitt's Second Addition

214 & 220 6th Avenue North;
202, 208, 210, 212 6th Avenue North



VACATION PLAT

A PORTION OF THE ALLEY ORIGINALLY DEDICATED IN BLOCK 31, KEENEY AND DEVITT'S SECOND ADDITION, IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



DESCRIPTION-AREA TO BE VACATED

That part of the alley originally dedicated in Block 31, KEENEY AND DEVITT'S, according to the recorded plat thereof, on file and of record in the office of the Recorder, Cass County, North Dakota, lying north of the alley as vacated in CITYSIDE ADDITION, according to the recorded plat thereof, on file and of record in the office of said Recorder.

Said vacated area contains 1,188 square feet , more or less.

OWNER'S CERTIFICATE

Sterling Properties, LLLP and MBA Investments, LLC, certify that they are the owners of the property adjoining the are to be vacated, that this plat and description are correct, and do hereby dedicate an access and utility easement across the vacated alley to the public.

OWNER: Lot 1, Block 1, CITYSIDE ADDITION
202 Flats, LLC

By: Andrew Hanson, Managing Member

State of North Dakota }
County of Cass }

On this _____ day of _____, in the year 2025, before me, a notary public within and for said County and State, personally appeared Andrew Hanson, Managing Member of 202 Flats, LLC, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of 202 Flats, LLC.

Notary Public

OWNER: Lot 1, Block 1, 220 ADDITION
MBA Investments, LLC

By: Kevin J. Bartram, President

State of North Dakota }
County of Cass }

On this _____ day of _____, in the year 2025, before me, a notary public within and for said County and State, personally appeared Kevin J. Bartram, President of MBA Investments, LLC, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of MBA Investments, LLC.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Shawn M. Thomasson, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.

Shawn M. Thomasson, Professional Land Surveyor
North Dakota License Number LS-5900

State of North Dakota }
County of Cass }

On this _____ day of _____, 2025, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2024.

Tom Knakmuhs, P.E., City Engineer

State of North Dakota }
County of Cass }

On this _____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Tom Knakmuhs, P.E., City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this _____ day of _____, 2024.

Maranda R. Tasa, Planning Commission Chair

State of North Dakota }
County of Cass }

On this _____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Maranda R. Tasa, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2024.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota }
County of Cass }

On this _____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public



PREPARED BY: **BOLTON & MENK**
N:\Proposals\Survey\Fargo\2025\Tim\20240210 (BD-ASAP) Keeney-Devitts-2nd Vacation\XXXXXX_V_PROP_1_PLTP_ALLEY VACATION.dwg 2/20/2025 3:44 PM

preliminary