

FARGO PLANNING COMMISSION AGENDA
Tuesday, September 1, 2026 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of August 4, 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, LLP/Goldmark Design and Development/City of Fargo) (me)
- 1b. Continued 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 3720 and 3734 64th Avenue South and 6711 and 6801 38th Street South) (Back 40, LLP/Goldmark Design and Development/City of Fargo) (me)
- 2a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial on Lot 1, Block 1 of the proposed **Village West Fifth Addition**. (4357 13th Avenue South) (Cheyenne Estates ND, LLC/PL&V, LLC/Horizon Real Estate Group. LLC) (dk)
- 2b. Hearing on an application requesting a Plat of **Village West Fifth Addition** (Minor Subdivision) a replat of all of Lots 1-3, 6-8, and a portion of Lots 4 and 5, Block B, Replat of Part of Village West Second Addition, to the City of Fargo, Cass County, North Dakota. (4357 13th Avenue South; 1034, 1104, 1112, 1204 44th Street South; 1011, 1033, 1103, 1203, and 1211 43 ½ Street South) (Cheyenne Estates ND, LLC/PL&V, LLC/Horizon Real Estate Group. LLC) (dk)
3. Hearing on an application requesting a Plat of **South Haven Third Addition** (Minor Subdivision) a replat of Lots 6-9, Block 1, South Haven Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2549, 2581, 2603 and 2641 65th Avenue South) (Stanley L. Ryland and Patricia J. Ryland/Houston Engineering, Inc.) (dk)

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.

- 4a. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on the proposed **Urban Plains Medical Park Third Addition**. (Located at 4767 and 4845 30th Avenue South) (Urban Plains Land Company, LLC/Houston Engineering) (cl)
- 4b. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on the proposed **Urban Plains Medical Park Third Addition**. (Located at 4767 and 4845 30th Avenue South) (Urban Plains Land Company, LLC/Houston Engineering) (cl)
- 4c. Hearing on an application requesting a Plat of **Urban Plains Medical Park Third Addition** (Minor Subdivision) a replat of Lot 5, Block 1, Urban Plains Medical Park Addition, and Lot 1, Block 1, Urban Plains Medical Park Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4767 and 4845 30th Avenue South) (Urban Plains Land Company, LLC/Houston Engineering) (cl)
- 5. Hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay, to GC, General Commercial with a C-O, Conditional Overlay on **Christianson 32nd Avenue South Fourth Addition**. (Located at 3102 and 3150 36th Street South) (Christianson Properties, LLC) (lm)

D: Other Items:

- 1. Annexation of approximately 49.78 acres 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. (me)
- 2. Land Development Code Update
- 3. Staff Updates

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.

BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, August 4, 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, August 4, 2026.

The Planning Commissioners present or absent were as follows:

Present: Maranda Tasa, Scott Stofferahn, Thomas Schmidt, Brett Shewey, Joseph Cecil, Amy Hass, Daniel Sundberg, Paul Gleye, Michael Betlock, Tracy Jordre

Absent: Art Rosenberg

Chair Tasa called the meeting to order. She introduced and welcomed new Planning Commissioner Daniel Sundberg.

Business Items:

Item A: Approve Order of Agenda

Chair Tasa noted that Items 1a and 1b have been continued to the September 1, 2026 Planning Commission meeting and Items 6, 7, and 8 have been withdrawn.

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 July 7, 2026

Member Hass moved the minutes of the July 7, 2026 Planning Commission meeting be approved. Second by Member Betlock. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Back 40 Addition

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): CONTINUED TO SEPTEMBER 1, 2026

1b. Continued 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 3720 and 3734 64th Avenue South and 6711 and 6801 38th Street South) (Back 40, LLLP/Goldmark Design and Development/City of Fargo): CONTINUED TO SEPTEMBER 1, 2026

A Hearing had been set for July 7, 2026. At the July 7, 2026 meeting, the Hearing was continued to this date and time, however the applicant has requested this application be continued to September 1, 2026.

Item 2: Schultz and Williams Second Addition

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): APPROVED

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

Member Shewey moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Schultz and Williams Second Addition, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the Standards of Article 20-06, Sections 20-9007.B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gleye. On call of the roll Members Betlock, Hass, Cecil, Shewey, Sundberg, Gleye, Schmidt, Jordre, Stofferahn, and Tasa voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item 3: Urban Plains Retail Second Addition

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): APPROVED

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): APPROVED

Planner Chelsea Levorsen 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 1) Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay, to LC, Limited Commercial, with a C-O, Conditional Overlay, and 2) Subdivision Plat Urban Plains by Brandt Retail Second 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, and Section 20-0906.F (1-4) 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, Sundberg, Jordre, Betlock, Cecil, Shewey, and Tasa voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item 4: Eagle Valley Sixth Addition

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

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

Discussion was held on the proposed use of Lot 13.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat 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. Second by Member Stofferahn. On call of the roll Members Schmidt, Betlock, Jordre, Cecil, Stofferahn, Sundberg, Gleye, Shewey, Hass, and Tasa voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item 5: Keeney & Devitts Second Addition

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.): APPROVED

Mr. Kress 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 Right-of-Way Vacation Plat Keeney & Devitts Second 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 Gleye. On call of the roll Members Jordre, Hass, Sundberg, Shewey, Gleye, Cecil, Schmidt, Betlock, Stofferahn, and Tasa voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item 6: Woodruff's Addition

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

A Hearing had been set for this date and time, however the applicant has requested this application be withdrawn.

Item 7: Chas A. Roberts Addition

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

A Hearing had been set for this date and time, however the applicant has requested this application be withdrawn.

Item 8: Woodruff's Addition

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

A Hearing had been set for this date and time, however the applicant has requested this application be withdrawn.

Item D: Other Items:

Item 1: Nominations/Election of Chair and Vice Chair

Chair Tasa shared that the nominating committee is recommending Member Rosenberg to serve as Chair and Member Schmidt to serve as Vice Chair of the Planning Commission.

Member Gleye moved to appoint Member Rosenberg as Chair and Member Schmidt as Vice Chair. Second by Member Shewey. On call of the roll Members Betlock, Gleye, Jordre, Shewey, Stofferahn, Hass, Sundberg, Cecil and Tasa voted aye. Abstaining

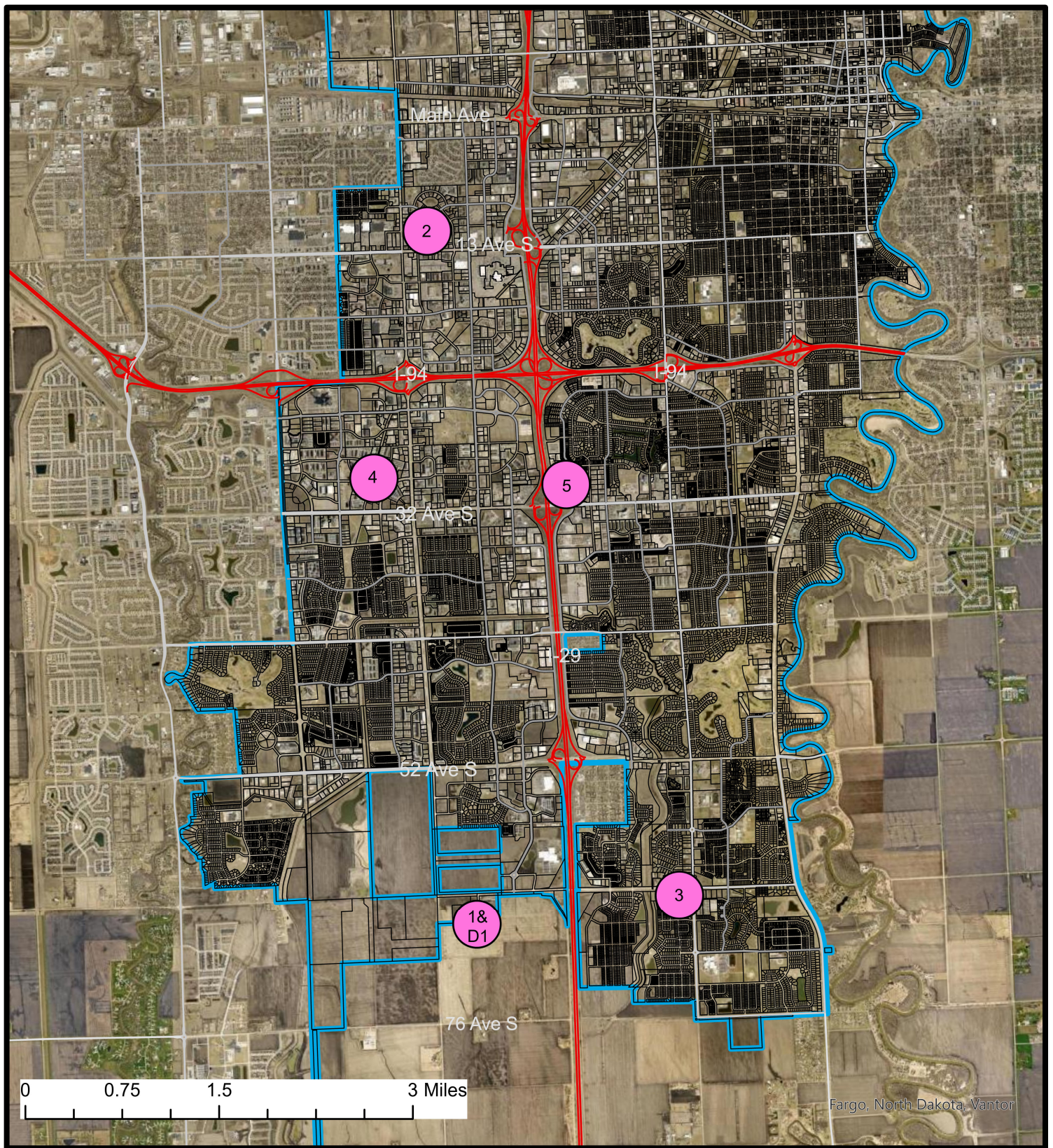
from voting: Member Schmidt. Absent and not voting: Member Rosenberg. The motion was declared carried.

Thanks was extended to Chair Tasa for her service as Chair.

Item 2: Staff Updates

Planning Coordinator Kim Citrowske provided a brief update on the Land Development Code rewrite. She noted the next draft will be available August 14 at www.FargoLDC.org, and that a Brown Bag workshop will be held on August 25 from 11:30 a.m. to 1:00 p.m.

The time at adjournment was 3:25 p.m.



Agenda Items

- 1 - Back 40 Addition
- 2 - Village West Fifth Addition
- 3 - South Haven Third Addition
- 4 - Urban Plains Medical Park Third Addition
- 5 - Christianson 32nd Avenue South Fourth Addition
- Other Items:
- D1 - NE Qtr. of Sec. 10, T138N, R49W



Agenda Items Map
 Fargo Planning Commission
 September 1, 2026



City of Fargo Staff Report			
Title:	Back 40 Addition	Date:	08/27/2025
Location:	3720 and 3734 64th Avenue South and 6711 and 6801 38th Street South	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	Portion of the Northeast Quarter of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Back 40, LLP / Goldmark Design and Development / City of Fargo	Engineer:	Lowry Engineering, Inc
Entitlements Requested:	Zone 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) and 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, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: September 1 st , 2026		

Existing	Proposed
Land Use: agricultural	Land Use: Commercial, Residential, and Public & Institutional
Zoning: AG, Agricultural	Zoning: 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
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production and certain telecommunication facilities.	Uses Allowed: GC – General Commercial. Allows 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, some telecommunication facilities, and portable signs LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage , vehicle repair, limited vehicle service, certain telecommunications facilities, and portable signs MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, basic utilities, certain telecommunication facilities, off premise

	signs/advertising, portable signs, and pylon signs P/I – Public and Institutional. 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, certain telecommunication facilities, and portable signs A C-O, Conditional Overlay will be applied to property zoned GC, General Commercial, LC, Limited Commercial, and MR-3, Multi-Dwelling Residential and LC, Limited Commercial that requires site and building design standards.
Maximum Lot Coverage Allowed: AG – 1 dwelling unit per 10 acres	Maximum Density Allowed: MR-3 allows a maximum of 24 units per acre
	Maximum Lot Coverage Allowed: GC allows a maximum 85% building coverage LC allows a maximum 55% building coverage P/I dimensional standards of adjacent zoning districts

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Back 40 Addition**, a plat of a portion of the Northeast Quarter of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota
2. 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

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 from 64th Avenue South is LC, Limited Commercial with C-O, and P/I with vacant property;
- East: Interstate 29
- South: AG with agricultural and cemetery uses;
- West: Currently AG with agricultural uses, however this is the area of the proposed Covey Ranch Third Addition with proposed zoning of LC with C-O, MR-3 with C-O, and SR-4, Single-Family Dwelling zoning districts.

Area Plans:

The Fargo Growth Plan 2024 designates the placetypes for the subject property are designated as “Mixed Commercial, Office and Residential” and “Urban Neighborhood”. Primary uses within the “Mixed Commercial, Office and Residential” placetype include commercial/retail, distribution, warehousing, wholesaling, offices, and flex buildings. Secondary uses include flex warehouse and multi-family residential. Primary uses within the “Urban Neighborhood” placetype include small lot single-family detached housing and duplexes. Secondary uses include triplex, quadplex, townhomes up to 10 units per building, pockets of multi-family structures, places of worship, schools, daycare centers, home offices, and neighborhood-scale retail and services.

The proposed zoning and development for this subdivision are consistent with this placetype designation.

Context:

Neighborhood: A portion that is already annexed is part of The District currently, and it is anticipated once the remainder is annexed, The District neighborhood will be expanded.

Schools: The subject property is located within the Fargo School District, specifically Kennedy Elementary, Discovery Middle and Davies High schools. Additionally, the Capstone Academy (6565 43rd Street South) and North Dakota State College of Science (4230 64th Avenue South) have facilities located directly adjacent to the plat.

Parks: The proposed Covey Ranch Third Addition dedicates a 6.3 acre park and users will be able to access the path along the storm water channel.

Pedestrian / Bicycle: See “PEDESTRIAN/PATH CONNECTIVITY” below.

Transit: The subject property is not on a MATBUS route at this time.

Staff Analysis:

SUBDIVISION AND ZONE CHANGE

The plat is approximately 61.88 acres and will create a total of 7 lots and 3 blocks. Attached is a zoning exhibit showing the proposed zoning. The chart below details the lots, blocks and base zoning districts.

Block	Lot	Base Zoning District	Owner
1	1	P/I	City of Fargo
1	2-5	GC	Back Forty, LLP
2	1	MR-3	Back Forty, LLP
3	1	LC	Back Forty, LLP

GC and LC Zone Lots

There are five lots intended for commercial development. Lots 2-5, Block 2 will be zoned GC and Lot 1, Block 3 will be zoned LC. The GC and LC lots will have a conditional overlay that provides site and building design standards. More information on this in the “Conditional Overlay” section below.

MR-3 Zoned Lot

Lot 1, Block 3 is intended for multi-dwelling development. The MR-3 lot will have a conditional overlay

that provides site and building design standards. More information on this in the “Conditional Overlay” section below.

P/I Zoned Lot

The plat dedicates right-of-way for 64th Avenue South and creates Lot 1, Block 1 for the remainder of the City owned property. This are will be the future interstate ramps, which are intended to begin construction in 2028. These may become part of the DOT right-of-way in the future.

Conditional Overlay

A conditional overlay will be included on all CG, LC and MR-3 zoned properties, which includes design and building standards on the site. The draft conditional overlay is attached and includes requirements related to building materials, façade treatment, color scheme, screening of nuisances (such as rooftop equipment, loading spaces, and dumpsters), on-site pedestrian circulation, and prohibiting certain uses. It is generally consistent with other conditional overlays along and nearby arterial roads in south Fargo, with some additional provisions relating to limited vehicle service and signage.

ROADWAYS, CONNECTIVITY AND ACCESS

The lots will be accessed by way of dedicated public streets, and the necessary right-of-way will be dedicated with the plat. The plat dedicates the remaining half of Sports Drive South on the east. The proposed Covey Ranch Third Addition plat dedicates the west portion of Sports Drive South.

Traffic Study

As part of the 64th Avenue South interchange study, the City completed a Traffic Growth Analysis for the 64th Avenue corridor to assess planning-level roadway capacity needs between 33rd Street South and Veterans Boulevard. The study determined that the intersection at Sports Drive South can operate as a three-quarter access intersection at 64th Avenue South, which would allow left turns from westbound 64th Avenue South onto Sports Drive South. This intersection was initially intended to have right-in, right-out access only. With the revised configuration, traffic volumes on Sports Drive South are projected to be significantly higher than previously anticipated. As a result, and to support the three-quarter access intersection, the location of the first access driveway south of 64th Avenue South into the development must be 300 feet to the south, and the next allowable westbound access from Sports Drive South will need to be at 65th Avenue South.

Access Restrictions and Turnaround

Access from 64th Avenue South on to Sports Drive South will be a three-quarter access. This access will allow left turns from 64th Avenue South onto Sports Drive South, as well as right turns into and out of Sports Drive South. These access modifications will occur prior to or concurrently with interchange improvements at I-29, which are programmed for 2028.

A temporary turnaround will be constructed at the south end of Sports Drive South within the right-of-way and a temporary street and utility easement, which will go in tandem with the plat. The turnaround will be 96-foot in diameter and be constructed to City standards. In the future, a separate plat will dedicate the right-of-way necessary to continue the road and at the time of construction, the turnaround will be removed. The benefitting properties will be responsible for the cost of the turnaround.

Negative Access Easements

The plat depicts negative access easements (NAEs) along 64th Avenue South, Sports Drive South, and 67th Avenue South, which restrict or prohibit access to the lots.

AMENITIES PLAN AND DEVELOPERS AGREEMENT

Staff drafting an amenities plan and a developers agreement, which will include items specific to design and construction of improvements, utility specifics, access management, storm water management, flood protection requirements, and special assessments. A draft amenities plan is attached.

PEDESTRIAN/PATH CONNECTIVITY

At the request of the Park District, the development will include a 10-foot, off-street shared used path within a pedestrian access easement dedicated on the plat, connecting from 64th Avenue South to the storm water channel. The path will connect from the storm water channel, cross Sports Drive South continuing east to the boundary of the plat, and turn north to connect with the shared use path and pedestrian underpass at 64th Avenue South. Management, maintenance, and future reconstruction will be coordinated between the developer and the Fargo Park District. The shared use paths will be installed as necessary as part of the infrastructure project.

STORM WATER MANAGEMENT

Back 40 Addition is located within the service area of the Southwest Metro Regional Storm Water Pond (SW Metro Pond). The system will be designed to direct all storm water runoff to the storm water channel, planned to be constructed as part of the proposed Covey Ranch Third Addition, through a storm sewer easement located at the south side of Lot 1, Block 2. This storm water runoff will ultimately discharge into SE Cass Drain 27 through the SW Metro Pond, located west of 45th Street South.

TIMING OF INFRASTRUCTURE

It is anticipated the developer will make an infrastructure request to the Engineering department prior to the plat being brought to City Commission for consideration. This infrastructure request is anticipated to be considered by City Commission at the same meeting as the plat. At the time of the infrastructure project, the frontage road on the east side of the development will be removed

DEPENDENCY OF ADJACENT DEVELOPMENT

The development is dependent on the adjacent proposed Covey Ranch Third Addition for access, connectivity, utilities, and subsequent construction permitting. This is detailed in the criteria below. Covey Ranch Third Addition is nearing the final step of review and is anticipated to be scheduled for the September 14, 2026 City Commission hearing.

CONCURRENT ANNEXATION

A portion of the subject property is already within City limits (Lot 1, Block 1), while most of the subject property is currently in Fargo's four-mile extra-territorial jurisdiction (ETJ). The portion in the ETJ is the subject of an owner-initiated annexation. This annexation follows a different review path than the subdivision, but both the annexation and subdivision are intended to appear on the same City Commission agenda for final hearing. Planning Commission review of the proposed annexation is item D.1 on the September 1st, 2026 Planning Commission agenda.

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. The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;

The proposed zoning designations for the development are 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. The GC and LC zones will accommodate commercial development. The MR zone will accommodate residential development. The City owned property where the interchange ramps will be located will be zoned P/I. The proposed development is consistent with the Fargo Growth Plan 2024, including the placetype designations of "Mixed Commercial, Office and Residential" and "Urban Neighborhood". 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 no comments or inquiries about the project. **(Criteria Satisfied)**

2. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification at the time the property is developed;

City staff and other applicable review agencies have reviewed this proposal. The proposed Back 40 Addition plat, and subsequent infrastructure and construction permitting, is dependent on the adjacent Covey Ranch development in terms of roadway access, connectivity, and utility needs, which are outlined below.

Access and Connectivity

- The proposed Covey Ranch Third Addition plat dedicates the west half of Sports Drive South, and the infrastructure within Sports Drive South will only be constructed if the full 80-foot right of way has been dedicated.
- The proposed Covey Ranch Third Addition and infrastructure provides a secondary route out of the development through 65th Avenue South (and 67th Avenue South) and also access to the first full access intersection from Interstate 29 at 40th Street South and 64th Avenue South. Due to the adjacency of the intersection of 64th Avenue South and Sports Drive South to the Interstate 29 interchange ramps, DOT requirements do not allow a full access intersection. The full access intersection is necessary for egress of vehicular traffic out of the development.
- Not all proposed lots may be buildable without a secondary access. The Fire Department notes that for permitting, depending on the size and type of buildings and number of dwelling units, a second access point for the development may be required, in accordance with the Fire Code.

Utilities

- Storm water requirements will be addressed by directing all storm water runoff to the storm water channel through a storm sewer easement located at the south side of Lot 1, Block 2. The storm water channel is planned to be constructed as part of the proposed Covey Ranch Third Addition infrastructure.

Without the Covey Ranch development, there are no other viable means to address connectivity and access requirements or to provide utilities to service this proposed development. At this point, all of the items noted are accommodated, so long as the proposed Covey Ranch Third Addition is approved and recorded as currently proposed, and with construction of all the infrastructure (utilities, roadways, and storm water channel) as scheduled with the improvements of Covey Ranch Third Addition. The proposed Covey Ranch Third Addition is nearing the final step of review and is

anticipated to be scheduled for the September 14, 2026 City Commission hearing.

Separate from the dependence of the adjacent development, lots in the Back 40 subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. A temporary turnaround will be provided at the south end of Sports Drive South until a separate, future plat dedicates the right-of-way necessary and the road is constructed. **(Criteria Satisfied)**

3. The approval will not adversely affect the condition or value of 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 no comments or inquiries about the project. 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. The proposed amendment is consistent with the purpose of this LDC, the applicable 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 proposed development is consistent with the Fargo Growth Plan 2024, so long as the Covey Ranch Third Addition is approved and recorded as currently proposed, and with construction of all the infrastructure. **(Criteria Satisfied)**

Major Subdivision

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

1. Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The proposed zoning designations for the development are 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. The GC and LC zones will accommodate commercial development. The MR will accommodate residential development. The City owned property where the interchange ramps will be located will be zoned P/I. The proposed development is consistent with the Fargo Growth Plan 2024. As noted in the zone change criteria, this development is dependent on the adjacent development for roadway access, connectivity and utility needs. These items are accommodated with the current proposals, so long as the proposed Covey Ranch Third Addition is approved and recorded as currently proposed, and with construction of all the infrastructure. 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 no comments or inquiries about the project. **(Criteria Satisfied)**

2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, 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 designations for the development on this property of 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 are consistent with the Fargo Growth Plan 2024. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. As noted in the zone change criteria, this development is dependent on the adjacent development for roadway access, connectivity and utility needs. These items are accommodated with the current proposals, so long as the proposed Covey Ranch Third Addition is approved and recorded as currently proposed, and with construction of all the infrastructure. **(Criteria Satisfied)**

3. Section 20-907.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.

Any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City's Infrastructure Funding Policy, which may include the use of special assessments. City staff has developed an amenities plan to define certain aspects of the development, including design and construction of improvements, utility specifics, access management, storm water management, flood protection requirements, and special assessments. This amenities plan will be reviewed and signed by the applicants and reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final City Commission hearing for this subdivision. The draft amenities plan is attached. **(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) zone 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; and 2) a plat of **Back 40 Addition**, subdivision plat as outlined in the staff report; as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907 of the LDC, and all other applicable requirements of the LDC, contingent on the approval of the proposed Covey Ranch Third Addition zone change, subdivision and annexation, recordation of the plats, and securing of the necessary development infrastructure."

Planning Commission Recommendation:

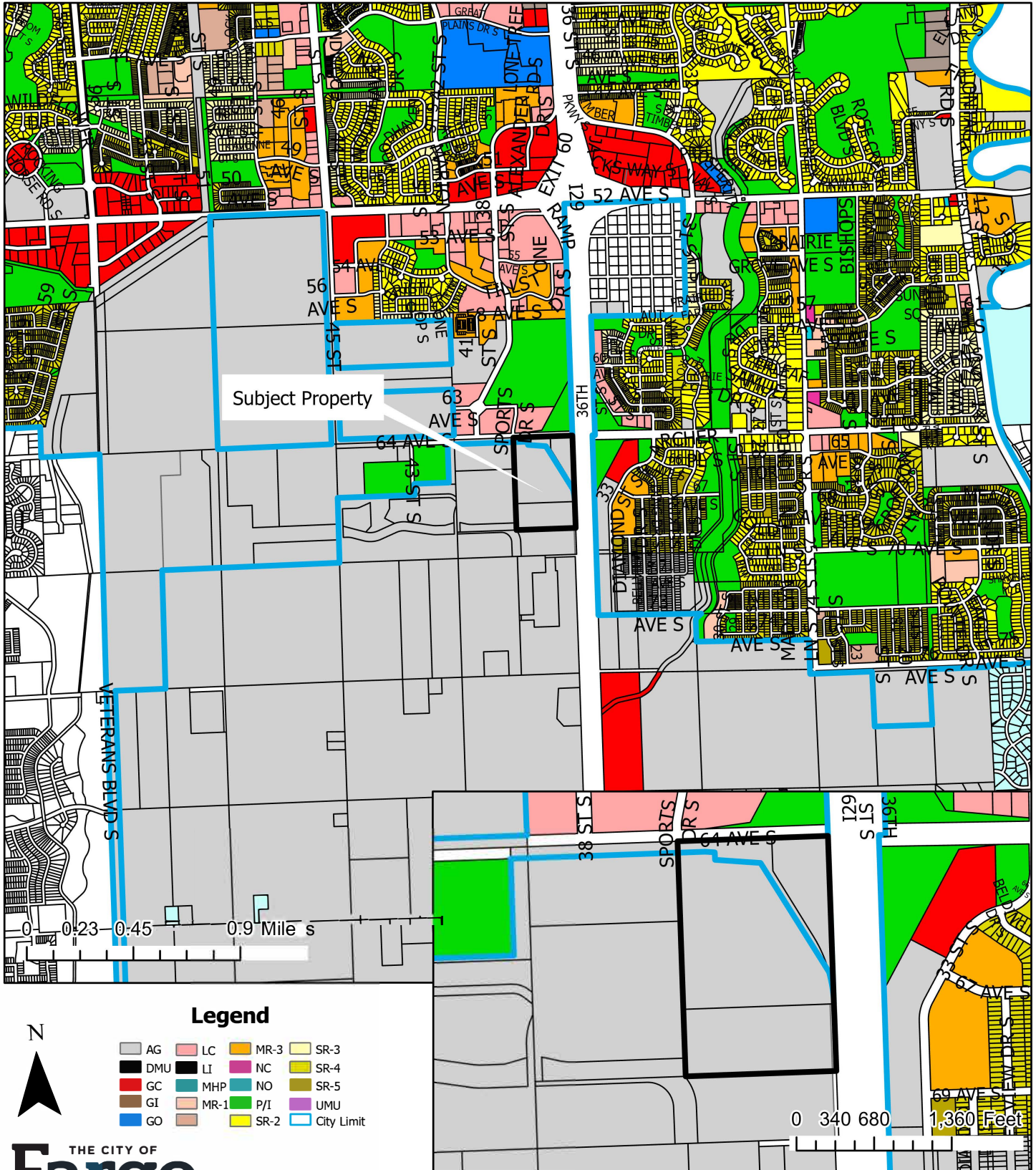
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Zoning Exhibit from applicant
5. Draft Conditional Overlay
6. Amenities Plan

Zoning Change from AG, Agricultural to GC, General Commercial with Conditional Overlay, LC, Limited Commercial with Conditional Overlay, MR-3, Multi-Dwelling Residential with Conditional Overlay and P/I Public and Institutional; and Major Subdivision

Back 40 Addition

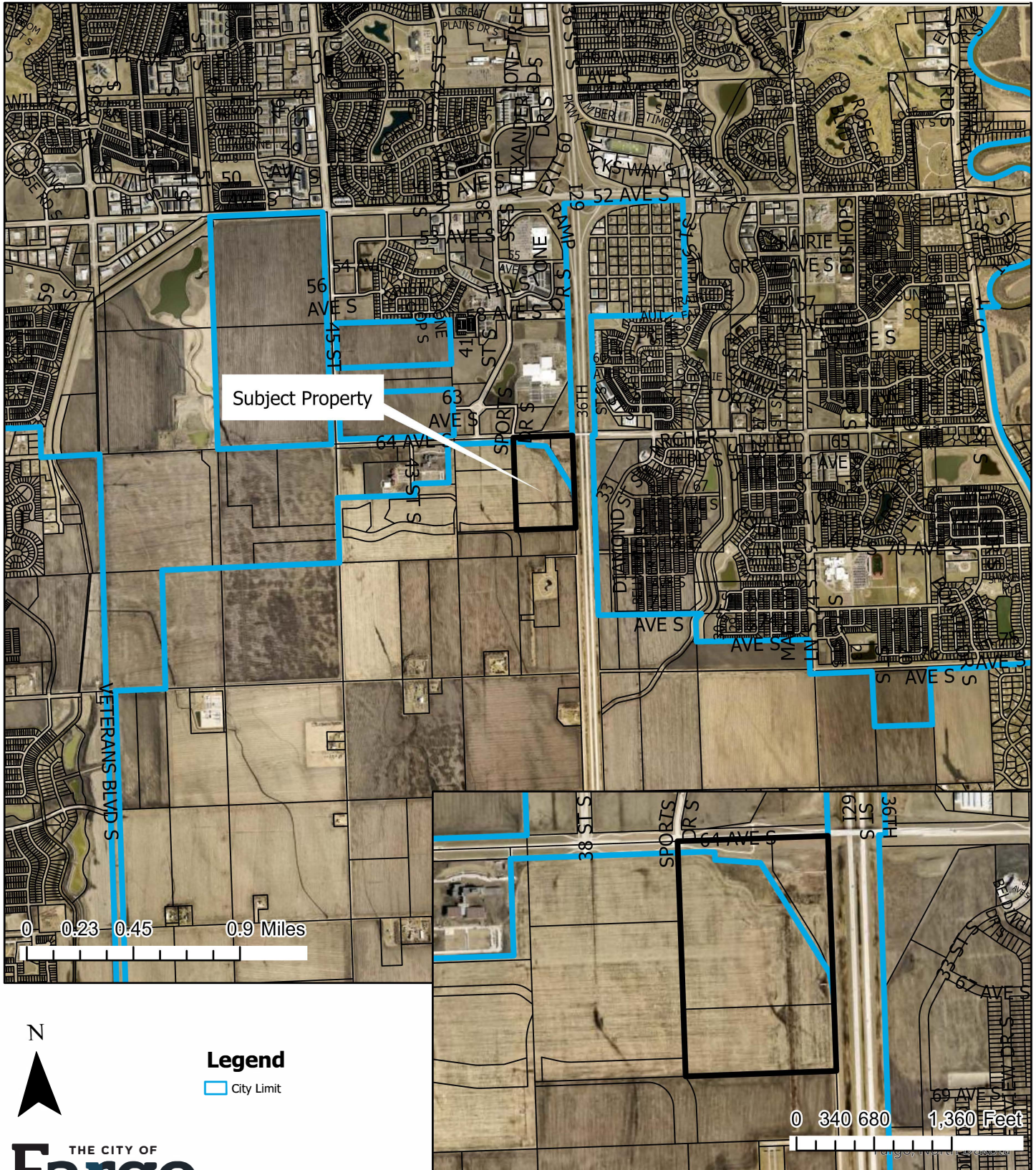
6711 & 6801 38th Street South;
3720 & 3734 64th Avenue South



Zoning Change from AG, Agricultural to GC, General Commercial with Conditional Overlay, LC, Limited Commercial with Conditional Overlay, MR-3, Multi-Dwelling Residential with Conditional Overlay and P/I Public and Institutional; and Major Subdivision

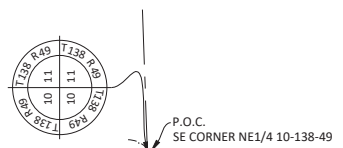
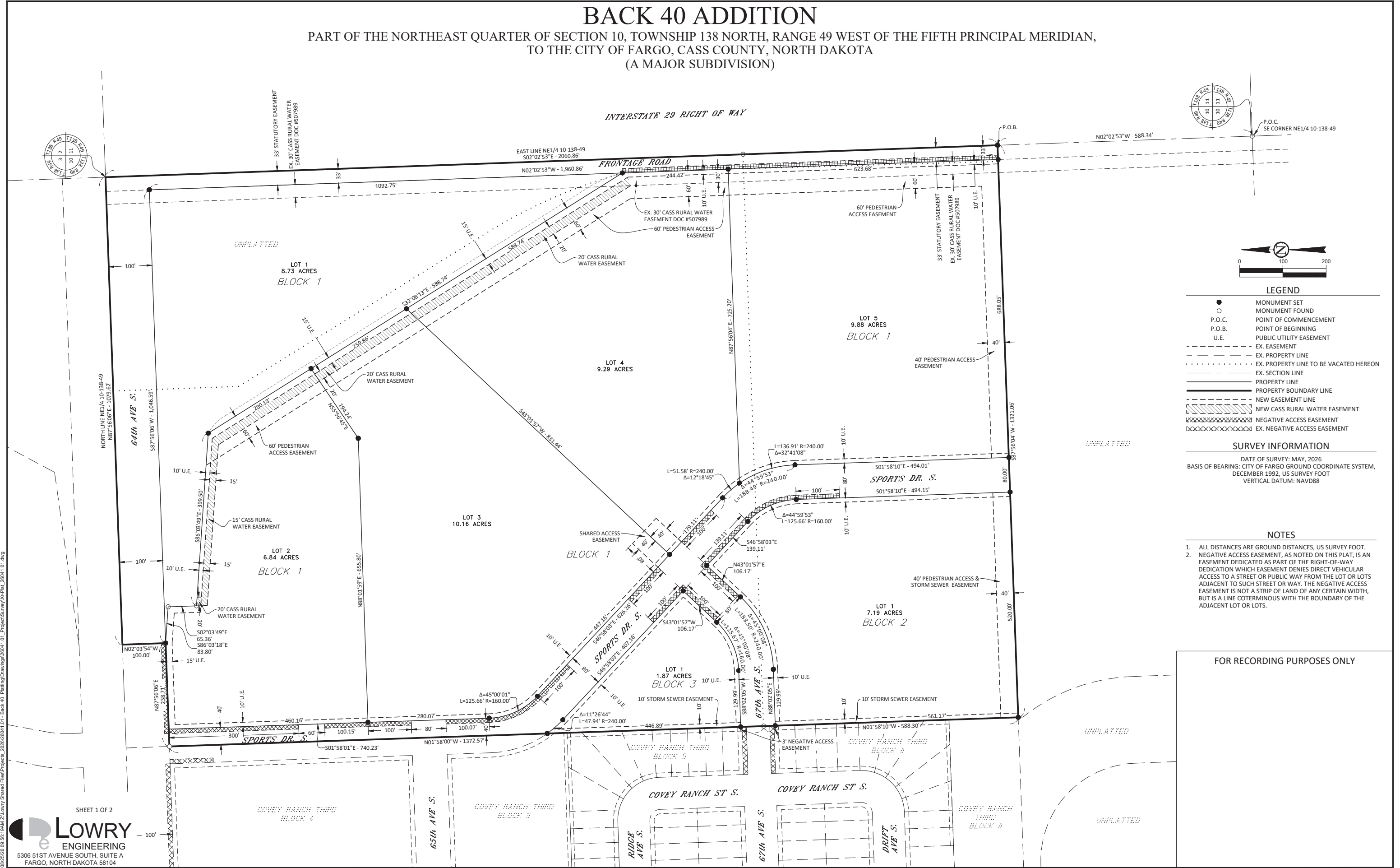
Back 40 Addition

6711 & 6801 38th Street South;
3720 & 3734 64th Avenue South



BACK 40 ADDITION

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- U.E. PUBLIC UTILITY EASEMENT
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- - - EX. PROPERTY LINE TO BE VACATED HEREON
- - - EX. SECTION LINE
- - - PROPERTY LINE
- - - PROPERTY BOUNDARY LINE
- - - NEW EASEMENT LINE
- - - NEW CASS RURAL WATER EASEMENT
- - - NEGATIVE ACCESS EASEMENT
- - - EX. NEGATIVE ACCESS EASEMENT

SURVEY INFORMATION

DATE OF SURVEY: MAY, 2026
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM,
DECEMBER 1992, US SURVEY FOOT
VERTICAL DATUM: NAVD88

NOTES

- ALL DISTANCES ARE GROUND DISTANCES, US SURVEY FOOT.
- 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 OR 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.

FOR RECORDING PURPOSES ONLY

08/25/20 09:56:19AM Z:\Lowry Shared Files\Projects\2026\8604.01 - Back 40 Platting\Drawings\2604.01 - Project\Survey\X-Plat_2604.01.dwg

SHEET 1 OF 2

BACK 40 ADDITION
PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT BACK FOURTY, LLP, AND THE CITY OF FARGO ARE THE OWNERS OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST; THENCE N02°02'53"W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 588.34 FEET TO THE POINT OF BEGINNING; THENCE S87°56'04"W A DISTANCE OF 1321.06 FEET; THENCE N01°58'10"W A DISTANCE OF 588.30 FEET; THENCE N01°58'00"W A DISTANCE OF 1372.57 FEET TO THE SOUTH LINE OF 64TH AVENUE RIGHT OF WAY; THENCE N87°56'06"E A DISTANCE OF 238.71 FEET; THENCE N02°03'54"W A DISTANCE OF 100.00 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE N87°56'06"E ALONG SAID NORTH LINE A DISTANCE OF 1079.62 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S02°02'53"E ALONG SAID EAST LINE A DISTANCE OF 2060.86 FEET TO THE POINT OF BEGINNING.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS BACK 40 ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. SAID OWNERS HEREBY DEDICATE AND CONVEY TO THE PUBLIC, FOR PUBLIC USE, ALL STREETS AND RIGHTS OF WAY, PEDESTRIAN ACCESS EASEMENT, 15' STORM SEWER EASEMENT, AND ALL UTILITY EASEMENTS AS SHOWN ON SAID PLAT. SAID OWNERS ALSO HEREBY DEDICATE AN EASEMENT FOR THE BENEFIT OF CASS RURAL WATER AND A SHARED ACCESS EASEMENT FOR THE BENEFIT OF LOTS 2 AND 3, BLOCK 1. SAID OWNERS ALSO HEREBY DEDICATE LOT 1, BLOCK 1 TO THE CITY OF FARGO. SAID BACK 40 ADDITION, CONSISTS OF 7 LOTS AND 3 BLOCKS, AND CONTAINS 61.88 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BACK FOURTY, LLP
OWNER: ALL OF BLOCKS 2 & 3

BY: _____
BRENT DIETRICH, MANAGING PARTNER

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENT DIETRICH, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

CITY OF FARGO
OWNER: LOT 1, BLOCK 1

JOSHUA A. BOSCHEE, MAYOR _____

STATE OF _____)
)SS
COUNTY OF _____)

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, COUNTY: _____ STATE: _____

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS BACK 40 ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED.
DATED THIS _____ DAY OF _____, 20____.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS-7513

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

TOM KNAKMUHS, P.E.
CITY ENGINEER

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

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 _____)
)SS
COUNTY OF _____)

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, COUNTY: _____ STATE: _____

CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

ARTHUR S. ROSENBERG, CHAIR
FARGO PLANNING COMMISSION

STATE OF _____)
)SS
COUNTY OF _____)

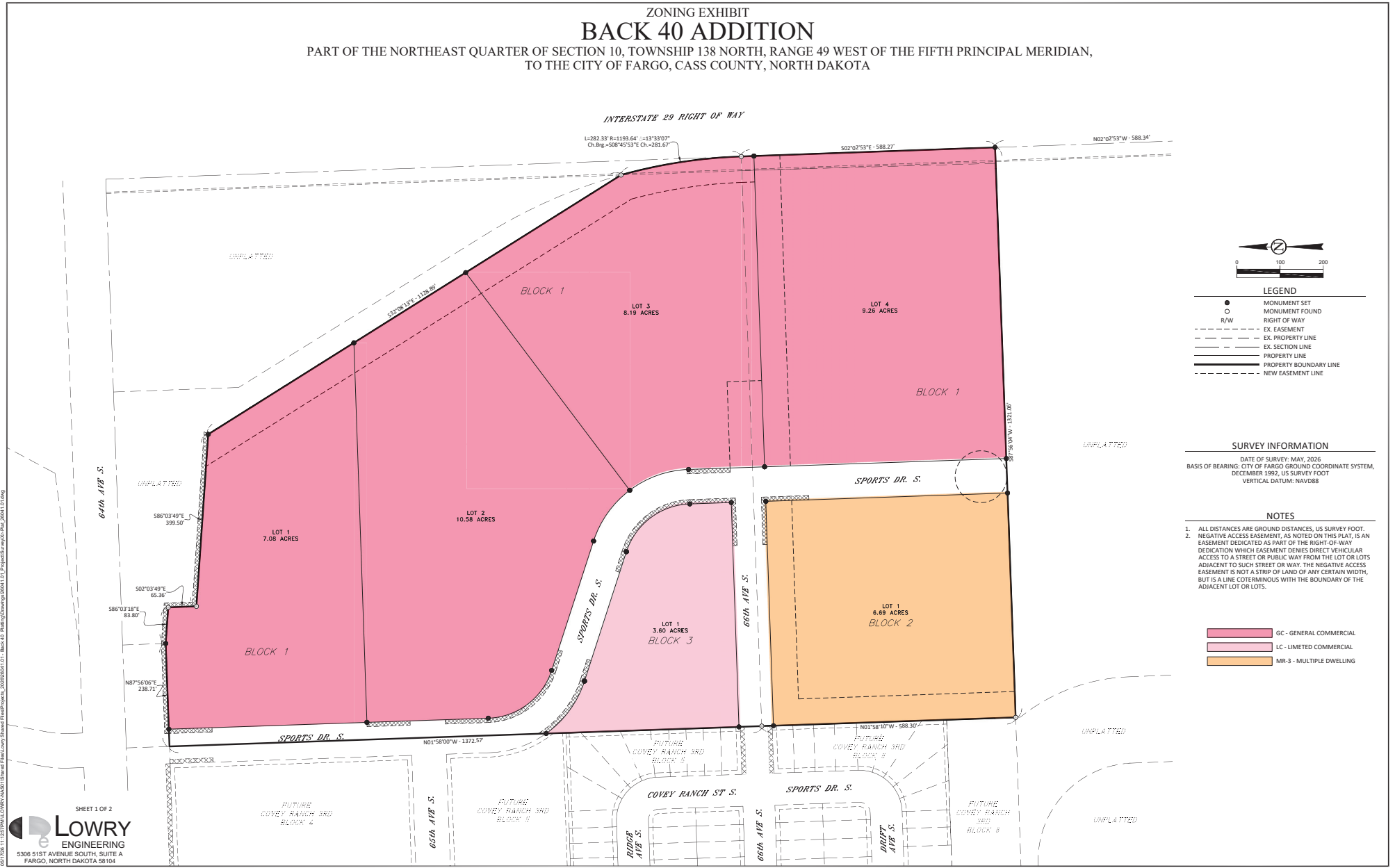
ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ARTHUR S. ROSENBERG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

FOR RECORDING PURPOSES ONLY

08/25/20 09:56:19AM Z:\Lowry Shared Files\Projects_2020\2604.01 - Back 40 Platting Drawings\2604.01 - Project\Survey\X-Plat_2604.01.dwg

ZONING EXHIBIT
BACK 40 ADDITION
PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



051709 111037PM L:\Lowry\448012\Draw\Plan\Lowry\Draw\Zoning\20250504 01 - Back 40 - Planning\Drawings\20250410 - Proposed\Survey\Map_2025 01.dwg

Back 40 Addition - DRAFT Conditional Overlay

A. Commercial and Mixed Use Developments

1. Building Form and Style.

1.1. All building elevations/facades 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 facade shall equate to at least an accumulated total of twenty (20) percent of the overall horizontal length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet

1.2. Ground floor facades that face public right of way (Not including DOT ROW), shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of its horizontal length. Ground floor facades that face public right of way that are not the front can use such features in conjunction with plantings.

1.3. Principal 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, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.

1.4. Accent Materials. In conjunction with the principal materials listed above in Section 1.3, finished wood and vinyl accent materials may also be used to construct or clad exterior walls. Accent materials shall be applied to no greater than twenty (20) percent of each building facade.

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

1.6. Loading/unloading areas, building service entrances, loading docks, overhead doors, utility areas, and ground level HVAC units shall be visually screened from view with a wall, berm, plantings, or combination. All structures used for visual screening shall be constructed or clad with the same materials or compatible with the same materials used for the primary building.

1.7. Dumpster and refuse container 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 or compatible with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three (3) 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.

1.8. For Mixed Use Development, a minimum of 40% percent of the footprint of the building shall be used for parking. No accessory buildings for residential use shall be allowed.

1.9. Outdoor storage areas should be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way and DOT Row with permanent walls or opaque fencing in combination with plantings. All areas must have all-weather surface paving. Outdoor storage areas should not be more than 25% of the open space of the lot.

1.10. Certain limited vehicle services that are a primary use that include internal bays or working areas, such as but not limited to quick lube and tire service, shall be permitted to have one overhead entry door and one overhead exit door. Overhead doors shall not face public right of way or residentially zoned property, except for Lot 1, Block 4, where landscaping must be provided to screened doors from view. Overhead doors shall match the color of the building or be transparent.

1.11. Certain limited vehicle services that are accessory to a primary use (i.e. Tire Store at Costco), that include internal bays or working areas, such as but not limited to quick lube and tire service, shall be permitted. Overhead doors shall not face residentially zoned property. Overhead doors shall match the color of the building or be transparent. Overhead doors located within 400 feet from public right-of-way and residential use shall be screened by landscaping.

1.12. Vehicle repair uses are not permitted to have outdoor storage of vehicles that are waiting or are in process of being repaired. Buildings shall be permitted to have one overhead entry door and one overhead exit door. Overhead doors shall not face public right of way or residentially zoned property, except for Lot 1, Block 4, where landscaping must be provided to screened doors from view. Overhead doors shall match the color of the building or be transparent.

2. Site Design.

2.1. A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped with plantings within planter islands and peninsulas.

2.2. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- 2.1.1. Parking lots or parking structures;
- 2.1.2. Any public sidewalk or multi-use path along the perimeter of the lot;
- 2.1.3. Entrances of other buildings on the site;
- 2.1.4. Any public sidewalk system along the perimeter streets adjacent to the development; and
- 2.1.5. 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.

- 2.1.6. Upon approval of the Zoning Administrator, adjacent properties may share pedestrian circulation systems that connect to public sidewalks.

3. Signage.

3.1. One on-premise, static, multi-tenant monument or pylon sign, positioned to be visible from I29, up to 45' is permitted. Sign posts or base will be clad with exterior building materials consistent with the development.

4. Prohibited Uses. The following uses are prohibited:

- 3.1. Detention facilities;
- 3.2. Self-service Storage
- 3.3. Off premises signage/off premises advertising, unless otherwise noted
- 3.4. Portable Signs
- 3.5. Industrial uses, unless approved via CUP; and
- 3.6. Adult establishment.

4. Illegal Splits: Illegal splits will not be considered separate lots as part of the original plat.

B. Multi-Family Residential Developments

1. Building Form and Style.

1.1. Principal 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, commercial metal lap siding, and rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Metal panel, finished wood and vinyl shall be allowed on residential structures but should not exceed 75% of the building elevation.

1.2. 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 or compatible with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three (3) 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.

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

1.4. No accessory buildings shall be allowed between the primary building(s) and the front or street side along public right-of-way or between building front and private road.

1.5. Individual accessory buildings shall have a maximum length of 140 ft.

1.6. A minimum of 40% percent of the footprint of the primary building shall be used for parking.

2. Site Design

2.1. A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped with plantings within planter islands and peninsulas.

2.2. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- 2.2.1. Parking lots;
- 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot;
- 2.2.3. Entrances of other buildings on the site;
- 2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development;
- 2.2.5. 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; and
- 2.2.6. Upon approval of the Zoning Administrator, adjacent properties may share pedestrian circulation systems that connect to public sidewalks.

3. Prohibited Uses. The following uses are prohibited:

- 3.1. Off premises signage/off premises advertising
- 3.2. Portable Signs
- 3.3. Pylon Signs

4. Illegal Splits: Illegal splits will not be considered separate lots as part of the original plat.

**Site Amenities and Project Plan
Back 40 Addition
August 2026**

Location: The subject property is legally referenced to as Back 40 Addition including Lots 1-5, Block 1; Lot 1, Block 2; and Lot 1, Block 3; a plat in the North Half of Section 10, Township 138 North, Range 49 West, Cass County, North Dakota.

Details: The project includes four GC, General Commercial, with C-O, Conditional Overlay, lots; one LC, Limited Commercial with C-O, Conditional Overlay lot; one MR-3, Multi-Dwelling Residential, with C-O, Conditional Overlay lot; and one P/I, Public and Institutional lot, for a total of seven lots on three blocks. As approved, the project is intended to be developed as a commercial and residential development, pursuant to the LDC.

Right of Way (ROW): The project accommodates right of way dedications for public roadways and utilities, with specific details outlined below:

64th Avenue South: This segment of roadway has been designated as a *mixed-use arterial* roadway.

- ROW dedication shall be 100 feet;
 - o Full ROW dedication for 64th Avenue South will be 200 feet, which the additional 100 feet of dedication is not required as part of this subdivision.
- 64th Avenue South is currently a three-lane urban concrete section.
 - o Intersection improvements at Sports Drive South are planned to be completed under a similar timeline to the Interstate 29 and 64th Avenue South interchange improvements. At the City's discretion, other improvements on 64th Avenue South may occur under a similar timeframe of these intersection improvements.
 - o The City may also add lanes to 64th Avenue South, at its discretion, as required by future traffic volumes;
- Within the plat, the only access point to 64th Avenue South shall be Sports Drive South. No other access points from this plat to 64th Avenue South will be allowed.
- 10-foot paths shall be incorporated into the boulevard on the north and south sides, as required by §20.0611.

Sports Drive South: This segment of roadway has been designated as a *mixed-use neighborhood* roadway.

- ROW dedication shall be 40 feet for approximately 880 feet and transition to dedicate 80 feet for the full section;
 - o The additional 40 feet of dedication of the approximately 880 feet is not required as part of this subdivision;
- Street width shall be 40 feet with no parking allowed;
- Access to 64th Avenue South will be limited to left turns from 64th Avenue South onto Sports Drive South, and right turns in and out of Sports Drive South;
- The roadway design of Sports Drive South from 64th Avenue South to 65th Avenue South shall be based on a Mixed-use/Commercial Collector roadway designation even though the entire segment of Sports Drive South within the plat is designated as a Mixed-use Neighborhood roadway;
- 4.5-foot sidewalks shall be incorporated into the boulevards as required by §20.0611.

67th Avenue South: This segment of roadway has been designated as a *mixed-use neighborhood* roadway.

- ROW dedication shall be 80 feet;
- Street width shall be 32 feet with no parking allowed;
- 4.5-foot sidewalks shall be incorporated into the boulevard on the north and south side, as required by §20.0611.

Other:

- The 33-foot ROW dedication associated with the Frontage Road ROW is for future use of the North Dakota Department of Transportation and will not be improved to a local street. No access to this ROW or private use of it will be permitted at any point in the future. Any existing access points must be removed as part of any site plan improvements within a lot;
- Street lighting shall be determined by the City Engineering Department and installed per City standards.

Storm Water Management: Back 40 Addition is located within the service area of the Southwest Metro Regional Storm Water Pond (SW Metro Pond). As such, the SW Metro Pond has been designed to meet the current City of Fargo's Policy on Storm Water Discharge and Treatment requirements and provides the required storm water quantity and quality for Back 40 Addition. No further on-site storm water facilities will be required if land uses stay consistent with the proposed zoning of Back 40 Addition.

Stormwater runoff from Back 40 Addition will be routed into the stormwater conveyance channel, which will be constructed as part of the public improvements for Covey Ranch Third.

Lot 1, Block 2 of Back 40 Addition will be required to direct all storm water runoff to the storm water channel located immediately to the southwest of the lot, within Lot 1, Block 8 of Covey Ranch Third Addition. The Developer will be allowed one storm water outfall from Lot 1, Block 2. No storm water runoff from Lot 1, Block 2 will be allowed to discharge into the Sports Drive system. Prior to any site plan approval and any connection from Lot 1, Block 2, to the storm sewer channel, the Developer and City must enter into a separate storm sewer easement.

Floodplain Management: Back 40 Addition is not located within the FEMA Special Flood Hazard Area (SFHA). The Developer acknowledges building elevations will need to follow the requirements for structures located outside of the SFHA, as specified within the current City of Fargo's Floodproofing Construction Requirements.

Water Supply: Potable water shall be provided by Cass Rural Water District.

Engineering and Construction Improvements: The Developer shall rely upon and collaborate with the City of Fargo Engineering Department on the design and construction of all public improvements.

The Developer acknowledges that the initial infrastructure project will not provide adequate depth to serve Lot 5, Block 1 with sanitary sewer service. Sanitary sewer service may be available to Lot 5, Block 1 if the Developer elevates the site or utilizes a sanitary sewer conveyance system that does not rely on gravity flow.

Funding of Improvements: The following shall apply respective to the public improvements to serve Back 40 Addition:

- Public improvements shall be funded per the City's Infrastructure Funding Policy, which may include assessment to the benefitting properties or funding by the Developer.
- Developer shall submit an infrastructure request indicating the preferred funding method, which will be presented to the Fargo City Commission for consideration and determination of the funding to be utilized.

Shared Use Path Connectivity: A 10-foot shared use path will be located within the pedestrian access easement, which is located on the east sides of Lots 2-4, Block 1, the east and south side of Lot 5, Block 1, and the south side of Lot 1, Block 2. The path will create a continuous path that will connect the stormwater channel to the shared use path along 64th Avenue South. The path is in lieu of Park Dedication required by the Fargo Park District.

- The Developer and Fargo Park District have a separate agreement in place covering long term operation, maintenance and ownership responsibilities of this shared use path. The City has no future operation, maintenance, and ownership responsibilities of this shared use path.

This Amenities Plan is hereby approved.

Brent Dietrich, Managing Partner
Back Forty, LLP
Owner:
Lots 2-5, Block 1
Lot 1, Block 2
Lot 1, Block 3

date

Tom Knakmuhs, City Engineer

date

City of Fargo Staff Report			
Title:	Village West Fifth Addition	Date:	8/25/2026
Location:	4357 13th Avenue South; 1034, 1104, 1112, and 1204 44th Street South; 1011, 1033, 1103, 1203, and 1211 43 ½ Street South.	Staff Contact:	Donald Kress, Planning Coordinator
Legal Description:	All of Lots 1-3, 6-8, and a portion of Lots 4 and 5, Block B, Replat of Part of Village West Second Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Cheyenne Estates ND, LLC/PL&V, LLC/Horizon Real Estate Group. LLC	Engineer:	Neset Land Surveys
Entitlements Requested:	Zoning Change (from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial on Lot 1, Block 1 of the proposed Village West Fifth Addition) and Minor Subdivision (Replat of all of Lots 1-3, 6-8, and a portion of Lots 4 and 5, Block B, Replat of Part of Village West Second Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: September 1 st , 2026		

Existing	Proposed
Land Use: Office; multi-dwelling residential	Land Use: No change
Zoning: GC, General Commercial; MR-3, Multi-Dwelling Residential	Zoning: From MR-3 and GC to GC on Lot 1, Block 1
Uses Allowed: General Commercial allows 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 MR-3 allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, basic utilities and certain telecommunication facilities.	Uses Allowed: Unchanged
Maximum Lot Coverage Allowed--GC: 85%. Maximum Density Allowed--MR-3 24 dwelling units per acre	Maximum Lot Coverage Allowed: Unchanged

Proposal:
The applicant requests two entitlements: 1. Zoning change from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial on Lot 1, Block 1 of the proposed Village West Fifth Addition

2. A minor subdivision, entitled **Village West Fifth Addition**, which is a replat of all of Lots 1-3, 6-8, and a portion of Lots 4 and 5, Block B, Replat of Part of Village West Second 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: MR-3 with multi-dwelling residential uses
- East: GC, General Commercial with auto service, restaurant, and retail uses; MR-3 with multi-dwelling residential uses
- South: GC with retail and restaurant uses
- West: GC with retail uses; MR-3 with multi-dwelling residential uses

Area Plans:

The Fargo Growth Plan 2024 designates the place type of the subject property as "Urban Neighborhood." It is surrounded on the east, west, and south by the place type designation of "Mixed Office, Commercial, and Residential" and to the north by the "Transitional Industrial / Commercial" place type designation. Though the primary use in the "Urban Neighborhood" place type—detached single-family housing---would probably not be built along an arterial like 13th Avenue South, secondary uses including "pockets of multi-family structures" for that place type fit along this arterial. The intent of the "Urban Neighborhood" place type designation recognizes that this block is developed to a lesser intensity than the surrounding commercial and industrial areas.

Context:

Schools: The subject property is located within the West Fargo School District, specifically within the Eastwood Elementary, Cheney Middle, and West Fargo High Schools attendance areas.

Neighborhood: The subject property is in the Village West neighborhood.

Parks: Village West Park (4415 9th Avenue Circle South), approximately 0.22 mile north of the subject property, provides amenities of basketball court, multipurpose field, picnic tables, skate park, warming houses, restrooms, and a playground for ages 5-12. The dog park is open daily from dawn to dusk year round, weather and turf conditions permitting.

Pedestrian / Bicycle: There is a 10-foot wide shared use path on the south side of 13th Avenue South. that is part of the metro area trail system.

Bus Route: MATbus Route 15, which connects the West Acres area with the downtown Transportation Center, has a stop in front of proposed Lot 1, along 13th Avenue South.

Staff Analysis:

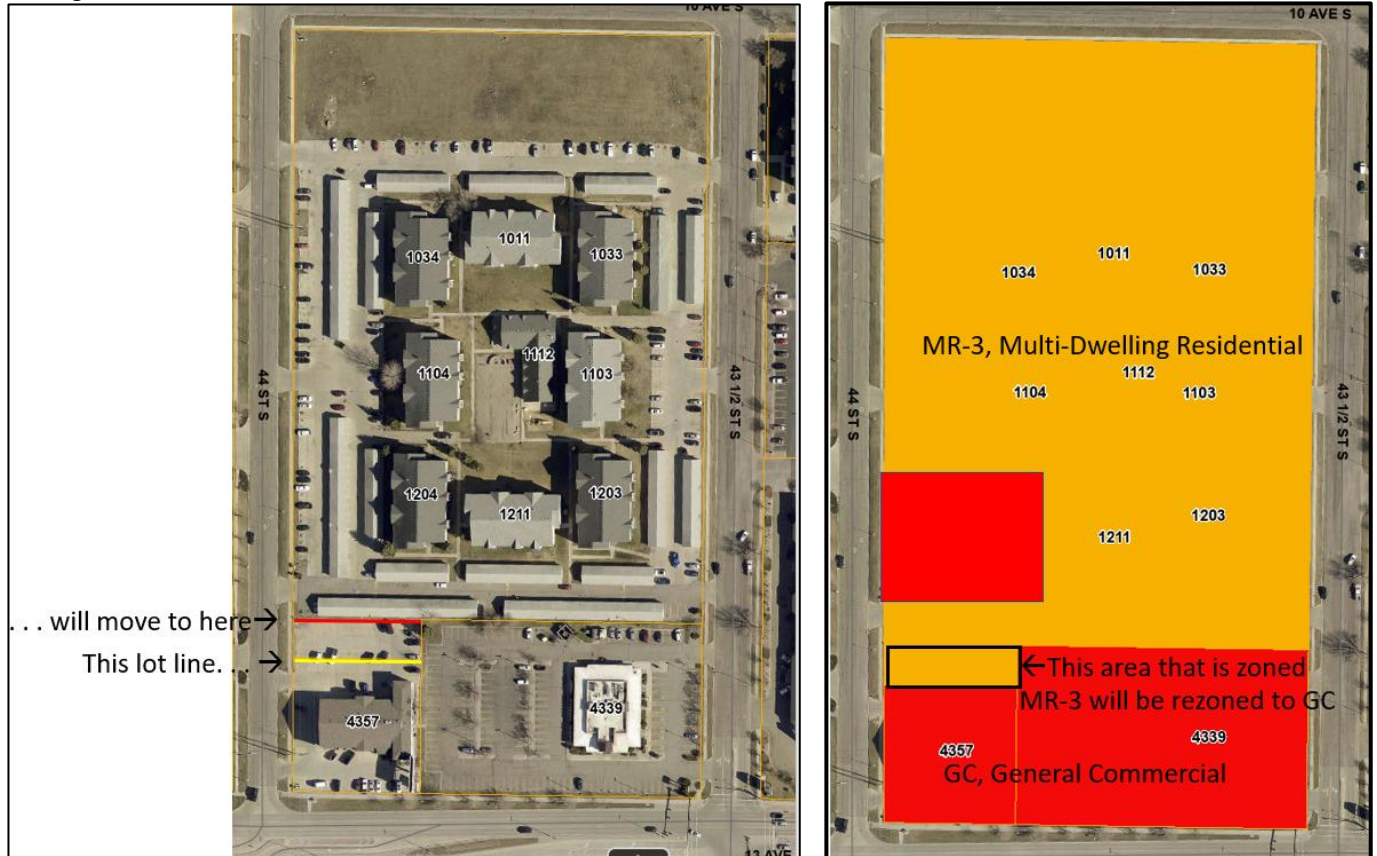
SUBDIVISION and ZONE CHANGE

The property at 4357 13th Avenue South is an office building and former health club. This property is zoned GC, General Commercial. Part of the parking lot for this property is on the adjacent lot to the north, which is developed with eight multi-dwelling residential buildings and one clubhouse/office building and is mostly zoned MR-3, Multi-Dwelling Residential, with a small area of GC, General Commercial zoning that remains from a rezone in 1989.

The applicant's request is to move the current north property line on the 4357 13th Avenue South property to the north, to align it with the south property line of the multi-dwelling property adjacent to the north. The result of this would be that the parking lot for the 4357 property would be entirely on that property. An added benefit of this subdivision is that it will create a single platted lot for each of the land uses—the

multi-dwelling lot and the office building lot. These properties are currently combinations and splits of all or parts of eight underlying lots.

Since the subject properties are in two different zones, a zone change is required to zone the portion of MR-3 zoned property, which will become part of Lot 1, to GC, General Commercial, in order to match the existing GC zoning on that lot. No new zoning is being introduced. The graphics below illustrate these changes.



Lot 2 will retain the current zoning of MR-3 and GC. The area of Lot 2 will be 9.89 acres. This area will be sufficient to accommodate the 168 units on the property to still be consistent with the 24 units per acre maximum density of the MR-3 zone.

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

FINDINGS

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?**

Staff is unaware of any error in the zoning map as it relates to the proposed zone change. The rezoning of a portion of proposed Lot 1 from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial is necessary to have just one zoning designation on this lot. **(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. The lot is already developed and no new development is proposed at this time. **(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 two 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 "Urban Neighborhood," which recognizes that this block is developed to a lesser intensity than the surrounding blocks which have primarily commercial and industrial uses. **(Criteria satisfied)**

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 change the configuration of the boundary between the two existing lots of the subject properties. The Fargo Growth Plan 2024 designates the place type of the subject property as "Urban Neighborhood," which recognizes that this block is developed to a lesser intensity than the surrounding blocks which have primarily commercial and industrial uses. 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 1) zoning change from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial on Lot 1, Block 1 of the proposed Village West Fifth Addition and 2) plat of **Village West Fifth 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."

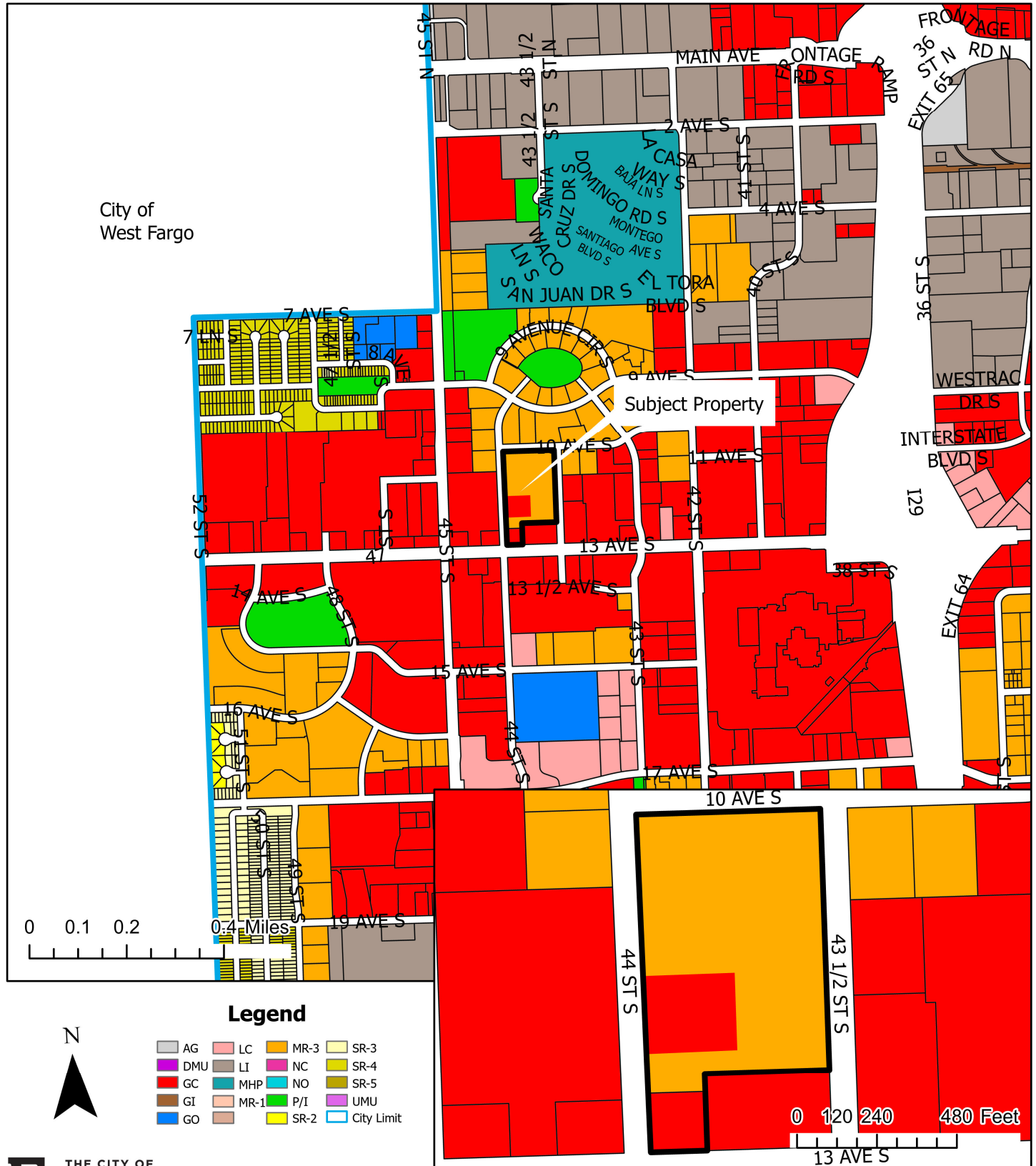
Planning Commission Recommendation: September 1st, 2026

Attachments:

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

Minor Subdivision and Zone Change from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial on Lot 1, Block 1

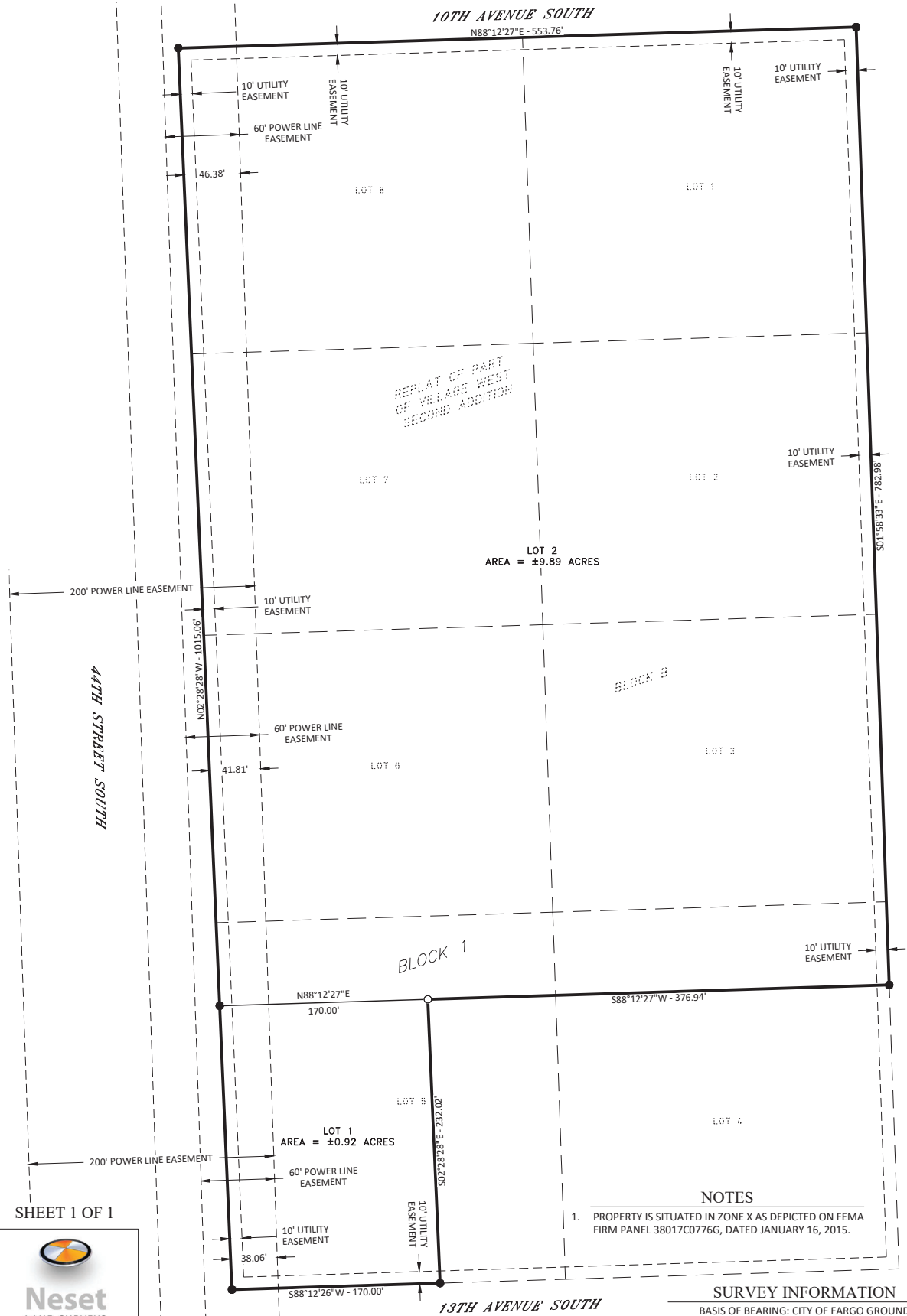
Village West Fifth Addition 4357 13th Avenue South; 1034, 1104, 1112, 1204 44th Street South; 1011, 1033, 1103, 1203, and 1211 43 ½ Street South



07/09/25 01:49:54PM Z:\Neset Shared Files\Cole Projects\2025 Projects\250606_4357 13th Ave S Fargo ALTA\Village West Fifth Addition.dwg

VILLAGE WEST FIFTH ADDITION

A REPLAT OF PART OF LOTS 4 AND 5, AND ALL OF LOTS 1 THROUGH 3, AND ALL OF LOTS 6 THROUGH 8,
BLOCK B, OF THE REPLAT OF PART OF VILLAGE WEST SECOND ADDITION
CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA



SHEET 1 OF 1



Neset
LAND SURVEYS

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT C.A.N. INVESTMENTS LLC, IS THE OWNER OF PART OF LOT FIVE, BLOCK B, OF THE REPLAT OF PART OF VILLAGE WEST SECOND ADDITION, AND THAT CHEYENNE ESTATES ND, LLC, IS THE OWNER OF LOTS ONE THROUGH THREE, AND ALL OF LOTS SIX THROUGH EIGHT, AND PART OF LOTS FOUR AND FIVE, BLOCK B, OF THE REPLAT OF PART OF VILLAGE WEST SECOND ADDITION, TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF LOT FIVE, IN BLOCK B, OF THE REPLAT OF PART OF VILLAGE WEST SECOND ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHWEST CORNER OF LOT FIVE, BLOCK B; THENCE ONE HUNDRED SEVENTY FEET EAST; THENCE NORTH ONE HUNDRED SEVENTY-EIGHT FEET; THENCE WEST ONE HUNDRED SEVENTY FEET; THENCE SOUTH ONE HUNDRED SEVENTY-EIGHT FEET TO THE POINT OF BEGINNING

AND

LOTS ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, AND EIGHT, IN BLOCK B, OF THE REPLAT OF VILLAGE WEST SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, EXCEPTING THE FOLLOWING DESCRIBED TRACTS: (1) THE SOUTH TWO HUNDRED THIRTY-TWO FEET OF LOT FOUR, IN BLOCK B, OF THE REPLAT OF VILLAGE WEST SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; (2) THE SOUTH ONE HUNDRED SEVENTY-EIGHT FEET OF THE WEST ON HUNDRED SEVENTY FEET OF LOT FIVE, IN BLOCK B, OF THE REPLAT OF VILLAGE WEST SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; AND (3) THE SOUTH TWO HUNDRED THIRTY-TWO FEET OF THE EAST ONE HUNDRED TWO AND FORTY TWO HUNDREDTHS FEET OF LOT LOVE, IN BLOCK B, OF THE REPLAT OF VILLAGE WEST SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS "VILLAGE WEST FIFTH ADDITION" TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA. SAID TRACT OF LAND CONSISTS OF 2 LOTS AND 1 BLOCK, AND CONTAINS 10.81 ACRES OR 470,354 SQUARE FEET, MORE OR LESS, TOGETHER WITH EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

C.A.N. INVESTMENTS
OWNER OF LOT 1, BLOCK 1, OF VILLAGE WEST FIFTH ADDITION

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

CHEYENNE ESTATES ND, LLC
OWNER OF LOT 2, BLOCK 1, OF VILLAGE WEST FIFTH ADDITION

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS "VILLAGE WEST FIFTH ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 20____.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS-7513

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 20____.

TOM KNAKMUHS, P.E., CITY ENGINEER

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 20____.

JOSHUA A. BOSCHKE, MAYOR

ATTEST: _____
ANGIE BEAR, DEPUTY AUDITOR ON BEHALF OF CITY AUDITOR

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSHUA A. BOSCHKE & ANGIE BEAR, TO ME KNOWN 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, COUNTY: _____ CASS _____ STATE: _____ NORTH DAKOTA _____

MY COMMISSION EXPIRES: _____

CITY PLANNING COMMISSION APPROVAL

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

MARANDA R. TASA, CHAIR
FARGO PLANNING COMMISSION

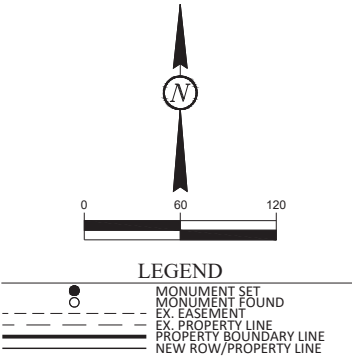
STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARANDA R. TASA, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

FOR RECORDING PURPOSES ONLY



City of Fargo Staff Report			
Title:	South Haven Third Addition	Date:	8/25/2026
Location:	2549, 2581, 2603 and 2641 65th Avenue South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description	Lots 6 through 9, Block 1, South Haven Second Addition, to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Stanley L. Ryland and Patricia J. Ryland/ Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (plat of South Haven Third Addition , a replat of Lots 6 through 9, Block 1, South Haven Second Addition, City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: September 1 st , 2026		

Existing	Proposed
Land Use: Platted, not developed	Land Use: Residential
Zoning: SR-3, Single Dwelling Residential	Zoning: No change
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	Uses Allowed: No change
Maximum Density SR-3 allows 8.7 dwelling units per acre	Maximum Lot Coverage No change

Proposal:
The applicant requests one entitlement: 1. A minor subdivision, entitled South Haven Third Addition, which is a replat of Lots 6 through 9, Block 1, South Haven Second Addition, City of Fargo, Cass County, North Dakota The existing lots are zoned SR-3. No zone change is proposed along with this plat. 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: Detached single-dwelling residential; SR-2 • East: Multi-dwelling residences; SR-3 • South: Detached single-dwelling residences; SR-4 • West: Detached single-dwelling residence; SR-2 (platted; residences under construction) Area Plans: The Fargo Growth Plan 2024 designates the area of the subject property as “Suburban Neighborhood” place type. The primary use in this place type is small to medium lot single family detached housing. The SR-3 zoning is consistent with this place type designation. (continued on next page)

Context:

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

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

Parks: Golden Valley Park (6977 Golden Valley Parkway), Legacy Park (6297 22nd Street South) and Davies Second Addition Park (2207 67th Avenue South) are all located within one-half mile of the subject property. These parks provide basketball courts, playground equipment, recreational trails, and picnic shelters.

Pedestrian / Bicycle: A bike lane exists along 25th Street South, a short distance east of the proposed development.

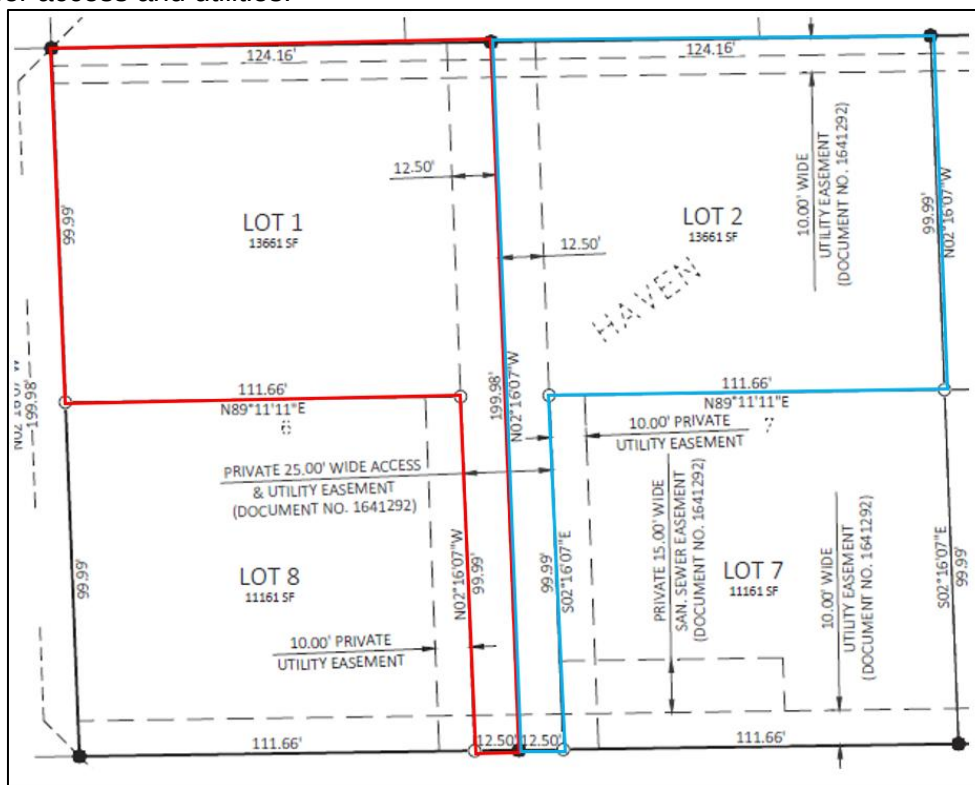
Bus Route: The subject properties are not along a MATbus route.

Staff Analysis:

The original South Haven Subdivision was platted in 1964, before this area was within the Fargo city limits. The platting history is shown in the chart below.

ADDITION	YEAR	NUMBER OF BLOCKS	NUMBER OF LOTS	COMMENT
South Haven	1964	1	32	
South Haven Second	2021	1	11	Replatted Lots 21-32 of South Haven
South Haven Third	Proposed	1	8	Replats Lots 6-9, Block 1 of South Haven Second

The proposed plat will replat Lots 6 through 9, Block 1 of the South Haven Second Addition into eight lots, using the “flag lot” configuration to create a total of eight lots. This configuration is illustrated below. Staff rarely recommends this configuration, but it is effective for the proposed plat as it allows the rear lots to have a direct connection to the public right of way, which would not have been the case if just the existing easement were used for access and utilities.



Lots 1 and 2 are flag lots. The “poles” of the flag lots provide connection to the public street, but there is an easement over both of them to provide access for all four lots. Each “pole” is 12 ½ feet wide.

The lots are currently zoned SR-3, Single-Dwelling Residential. The proposed lots meet the dimensional standards of the SR-3 zone. The developer intends to build one detached single-family residence on each lot.

SEWER AGREEMENT

The applicant will create an agreement for City staff review that provides that the existing 8” sewer main can be extended northward within the access and utility easement and be used to serve the adjacent lots, but the adjacent lot owners are entirely responsible for ownership, maintenance, and replacement of this sewer line and that the City of Fargo has no responsibility for this sewer pipe once it leaves the City’s manhole in 65th Avenue South.

FINDINGS

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.**

This subdivision is intended to replat four existing lots into an eight-lot configuration. The Fargo Growth Plan 2024 designates the place type of the subject property as “Suburban Neighborhood.” The existing SR-3, Single-Dwelling Residential zoning and the proposed 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:

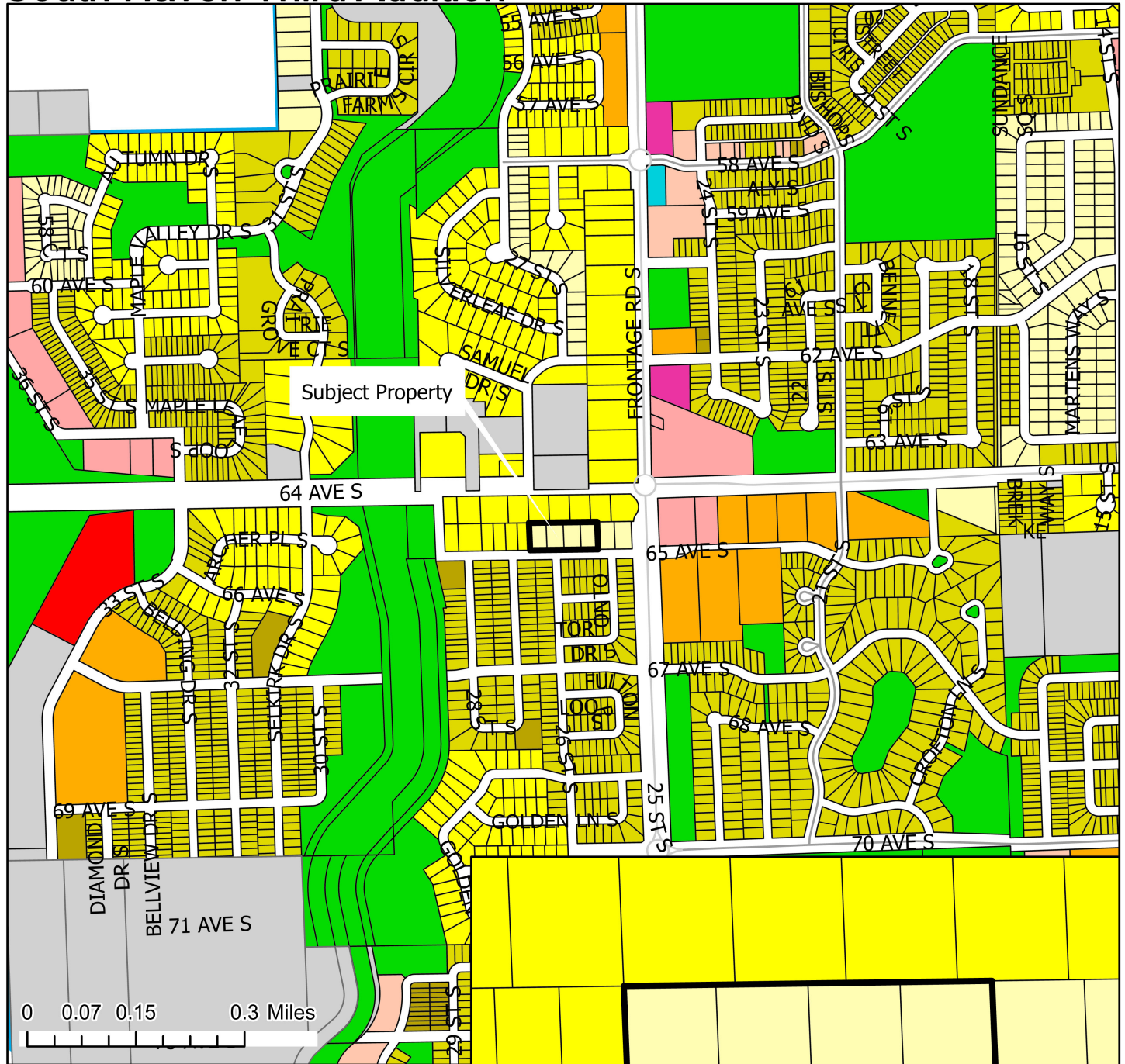
Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission the proposed plat of **South Haven Third Addition**, as outlined in the staff report ,as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, Sections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

Planning Commission Recommendation: September 1st, 2026
Attachments:
1. Zoning Map 2. Location Map 3. Preliminary Plat

Minor Subdivision

South Haven Third Addition

2549, 2581, 2603, and 2641 65th Avenue South

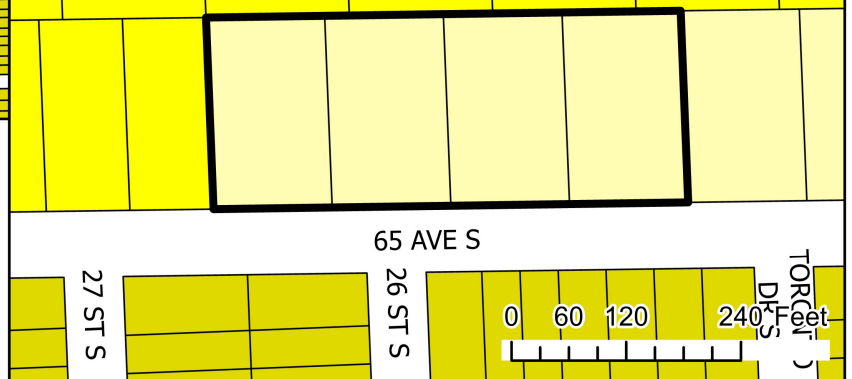


0 0.07 0.15 0.3 Miles



Legend

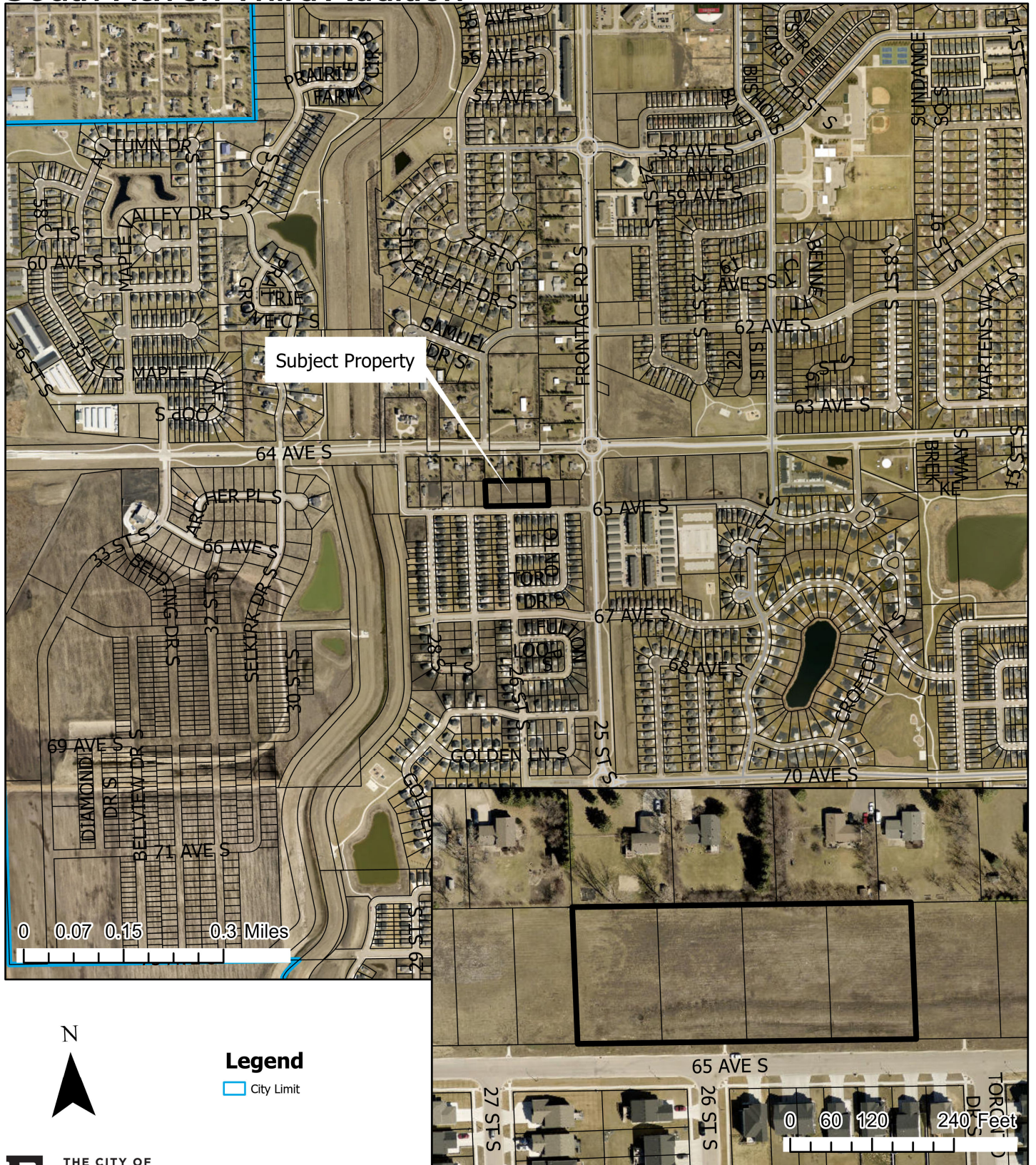
AG	LC	MR-3	SR-3
DMU	LI	NC	SR-4
GC	MHP	NO	SR-5
GI	MR-1	P/I	UMU
GO		SR-2	City Limit



Minor Subdivision

South Haven Third Addition

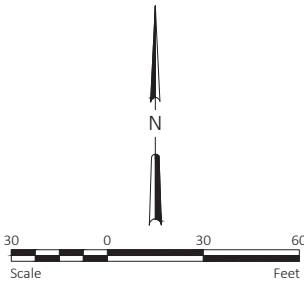
2549, 2581, 2603, and 2641 65th Avenue South



SOUTH HAVEN THIRD ADDITION
BEING A REPLAT OF LOTS 6, 7, 8 & 9, SOUTH HAVEN SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

64th AVENUE S.

SECTION LINE



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
NEW LOT LINE	—————
NEW UTILITY EASEMENT	-----
EXISTING LOT LINE	- - - - -
EXISTING UTILITY EASEMENT	- - - - -

BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992.

70.00'

65th AVENUE S.

70.00'

PRELIMINARY PLAT



Sheet 1 of 2
Project No. 10047-0022

H:\BNA\10000\10047\10047_0022\CAD\plat\10047-0022 South Haven Third Addition.dwg

SOUTH HAVEN THIRD ADDITION
BEING A REPLAT OF LOTS 6, 7, 8 & 9, SOUTH HAVEN SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Stanley L. Ryland and Patricia J. Ryland, husband and wife are the owners and proprietors of the following described tract of land:

Lots 6, 7, 8 and 9 Block 1, South Haven Second Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 2.279 acres, more or less.

And that said party has caused the above described tract of land to be surveyed and replatted as **SOUTH HAVEN THIRD ADDITION** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the current and future owners of Lots 1, 2, 3 and 4, the private utility easements as shown on this plat.

OWNERS:

Stanley L. Ryland and Patricia J. Ryland

Stanley L. Ryland

Patricia J. Ryland

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Stanley L. Ryland and Patricia J. Ryland, husband and wife, 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 as their free act and deed.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Trent R. Karel, 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____.

Trent R. Karel, Professional Land Surveyor No. 40583

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Trent R. Karel, 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: _____

CITY ENGINEER'S APPROVAL:

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

Tom Knakmuhs, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Tom Knakmuhs, PE, 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 he executed the same as Fargo City Engineer.

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)
) ss
County of Cass)

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 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 _____, 20____.

Joshua A. Boschee, Mayor

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

State of North Dakota)
) ss
County of Cass)

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 _____

PRELIMINARY PLAT



City of Fargo Staff Report			
Title:	Urban Plains Medical Park Third Addition	Date:	08/26/2026
Location:	4767 & 4845 30 Avenue South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lot 5, Block 1, Urban Plains Medical Park Addition and Lot 1, Block 1, Urban Plains Medical Park Second Addition		
Owner(s)/Applicant:	Urban Plains Land Company	Engineer:	Brian Pattengale, Houston Engineering
Entitlements Requested:	Zone Change (LC, Limited Commercial with C-O, Conditional Overlay to MR3, Multi-Dwelling Residential with C-O, Conditional Overlay); Minor Subdivision (Plat of Urban Plains Medical Park Third Addition , a replat of Lot 5, Block 1, Urban Plains Medical Park Addition and Lot 1, Block 1, Urban Plains Medical Park Second Addition, to the City of Fargo, Cass County, North Dakota); Conditional Use Permit (Alternate Access Plan for reduced parking)		
Status:	Planning Commission Public Hearing: September 1, 2026		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Multi-family Residential	
Zoning: LC, Limited Commercial with C-O, Conditional Overlay		Zoning: MR3, Multi-Dwelling Residential with C-O, Conditional Overlay	
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, Conditional Overlay 5153 prohibits the land uses noted above)		Uses Allowed: detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, basic utilities and certain telecommunication facilities. The C-O, Conditional Overlay will require design standards and prohibit some uses otherwise permitted via Conditional Use Permit.	
Maximum Building Coverage: 55%		Maximum Density: 24 units per acre (103.8 units)	
Proposal:			
The applicant requests three entitlements: 1. A Zone Change from LC, Limited Commercial with C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with C-O, Conditional Overlay 2. A minor subdivision, entitled Urban Plains Medical Park Third Addition, a replat of Lot 5, Block 1, Urban Plains Medical Park Addition and Lot 1, Block 1, Urban Plains Medical Park Second Addition, to the City of Fargo, Cass County, North Dakota 3. A Conditional Use Permit for an alternate access plan for reduced parking. 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 with C-O 5153, Daycare Center • South: LC, Limited Commercial with C-O 4978 and CUP, Multi-family residential • West: MR-3, Multi-Dwelling Residential with C-O 4978, Multi-family residential			

Area Plans:

Fargo Growth Plan 2024 designates the subject property as the “Mixed Commercial, Office, and Residential” place type, within a Community Center. Primary uses within this place type designation include commercial/retail, office, and flex buildings. Secondary uses include flex warehouse and multi-family residential. The proposed MR-3, multi-dwelling residential 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 approximately 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 a multi-use path along 30th Avenue South connects to the metro area bikeway system. Additional multi-use paths along 45th Street South, Brandt Drive South, and 32 Avenue South are nearby.

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:

HISTORY

Urban Plains Retail Addition was platted in 2006 as a 6 lot, 1 block subdivision. In 2025, Lot 6 was subdivided into two lots as Urban Plains Medical Park Second Addition, to accommodate development for a daycare center. The current proposal, Urban Plains Medical Park Third Addition, combines a portion of the original (Urban Plains Medical Park Addition) Lot 6 with Lot 5.

PROPOSAL

The applicant is proposing a 103-unit apartment building, similar to the apartments adjacent to the west. The apartment building will provide tuck-under garage parking, detached accessory garages, and surface parking. The tuck-under parking will have individual exterior garage doors with private access into the apartment building within each garage unit. Outdoor amenities are planned for this site, as shown on the preliminary site plan, but the details have not yet been decided. The preliminary site plan is attached to this packet. Approval of the above entitlements does not approve the attached site plan. The applicant will be required to go through the official permitting process.

MINOR SUBDIVISION

This subdivision will replat two lots into one, 4.3-acre lot for development of a multi-family apartment building with amenities. Existing easements, including; a 10-foot utility easement, a 10-foot landscape easement, and private access easements, will remain. No new easements will be added.

The site can be accessed from the south by two driveways along 30th Avenue South; one adjacent to 49th Street South and the other via a shared driveway with the property to the east.

The applicant is working with City staff to update the amenities plan to address stormwater management.

ZONE CHANGE

The subject property is currently zoned LC, Limited Commercial, with a C-O. The Conditional Overlay (5153) requires higher design standards, limits some uses, and requires separate vehicle and pedestrian circulation. The applicant is proposing a zone change to MR-3, Multi-Dwelling Residential with a C-O to accommodate the development of an apartment building. The proposed MR-3 zoning allows for 24 apartment units per acre. The property is approximately 4.326 acres, therefor, 103 units would be the maximum number of apartment units permitted.

The draft conditional overlay is attached and includes requirements related to building materials, façade treatment, color scheme, screening of nuisances (such as rooftop equipment, loading spaces, and dumpsters), on-site pedestrian circulation, and prohibiting certain uses. It is generally consistent with other conditional overlays along and nearby arterial roads in south Fargo, with some additional provisions relating to Accessory detached structures. To reduce the amount of detached accessory structures it has become practice within the last couple of years to include the following requirements for detached accessory structures:

1. The cumulative total building footprint for all accessory buildings shall be a maximum of 45 percent of the primary building coverage.
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.
3. Individual accessory structures shall have a maximum length of 140 feet.
4. A minimum of 40 percent of the primary building footprint shall be designed for parking integrated into the structure.

Additionally, the updated Conditional Overlay changes the types of allowable signage. The previous C-O permitted off-premise signage with the use of a Conditional Use Permit. This was established to permit an off-premise sign to be constructed on a different property within the original development. Since the proposed development is residential, to be consistent with previous Conditional Overlays, off-premise signage will not be permitted.

CONDITIONAL USE PERMIT

The applicant is requesting a Conditional Use Permit for an alternate Access Plan for a parking reduction. Section 20-0701, subsection e.1.b.(1) of the Land Development Code requires that a minimum of 2 parking spaces per 1-bedroom unit plus 0.25 guest parking spaces be provided for each unit for structures containing 7 or more units. Therefore, 103 units would require 232 off-street parking spaces. The applicant's preliminary site plan provides 46 tuck-under spaces, 20 detached accessory garage spaces, and 140 exterior surface spaces, for a total of 206 parking spaces. The applicant is requesting a reduction of 26 spaces (11.2%). The parking reduction provides 2 parking spaces per dwelling unit.

A breakdown of the Land Development Code requirements and the proposed parking reduction is below:

	proposal	LDC requirement
Number of units	103	103
parking spaces	206	232
Reduction Qty.	26	0
Reduction %	11.2%	0%
Parking Ratio	2 / unit	2.25 / unit

Planning staff are recommending the following conditions for approval of the parking reduction:

1. A minimum parking ratio of 2 parking spaces per unit shall be provided
2. Detached accessory garage structures shall not provide more than 20 parking spaces
3. Bicycle storage facilities shall be provided
4. Future permits are generally consistent with the site plan provided in September, 2026 Planning Commission packet.

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 MR-3, Multi-Dwelling Residential will accommodate future multi-family housing 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. The existing amenities plan will be updated. **(Criteria Satisfied)**

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 C-O, Conditional Overlay. The applicant requests a zoning change to MR-3, Multi-Dwelling Residential with C-O, Conditional Overlay. The Multi-Dwelling Residential zoning is consistent with the proposed lot sizes and the west 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 MR-3, Multi-dwelling Residential 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. Secondary uses include flex warehouse and multi-family residential. The proposed development of a 103-unit multi-family apartment building is consistent with this place type designation. **(Criteria satisfied)**

Conditional Use Permit Approval Criteria (Section 20-0909.D)

The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:

1. Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?

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 believes this proposal is consistent with adopted plans and policies of the City. Promoting infill development and exploring reductions in minimum parking standards is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the 2024 Fargo Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?

Staff believes that the proposed conditional use will contribute and promote the welfare and convenience of the public. The Conditional Use Permit will allow a parking reduction for a multi-dwelling residential project to be developed on the subject property. Such projects offer housing opportunities, convenient access to commercial uses, and more effective/efficient use of land. **(Criteria Satisfied)**

3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?

Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the CUP were sent out to property owners within 300 feet of the subject property. To date, staff have not received any inquiries regarding the project. **(Criteria Satisfied)**

4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.

The area already has multiple multi-family residential buildings and townhomes. The proposed residential building will fit into the surrounding neighborhood. The Conditional Overlay on the property will require higher quality building design and materials and additional pedestrian connectivity.

Staff does not believe that the parking reduction will prevent development and use of neighboring properties in accordance with applicable zoning districts. The proposed parking reduction provides two parking spaces per residential unit, which is comparable to previously approved parking reductions. A parking study, provided by the applicant, provides supporting data from the Institute of Transportation Engineers (ITE) manual and comparable parking ratios of other multi-family development in the area. The City’s Traffic Engineer noted that no street parking is

permitted along 30th Avenue, therefor parking should be accommodated on site. He has reviewed the provided narrative and preliminary site plan and he is in support the applicant's proposal of 2 parking spaces per unit.

(Criteria Satisfied)

5. Is adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?

Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

6. Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?

The site can be accessed from the south by two driveways along 30th Avenue South; one adjacent to 49th Street South and the other via a shared driveway with the property to the east. The Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. The City's Traffic Engineer has reviewed and approved the proposed parking reduction. To that end, staff finds that the proposed conditional uses will not create traffic hazards or traffic congestion in the public streets.

(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 with C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with C-O, Conditional Overlay and 2) plat of **Urban Plains Medical Park Third 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"

and

"To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit for an alternative access plan for a parking reduction as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. A minimum parking ratio of 2 parking spaces per unit shall be provided
2. Accessory garage structures shall not provide more than 20 parking spaces
3. Bicycle storage facilities shall be provided
4. Future permits are generally consistent with the site plan provided in September, 2026 Planning Commission packet.

Planning Commission Recommendation: September 1, 2026

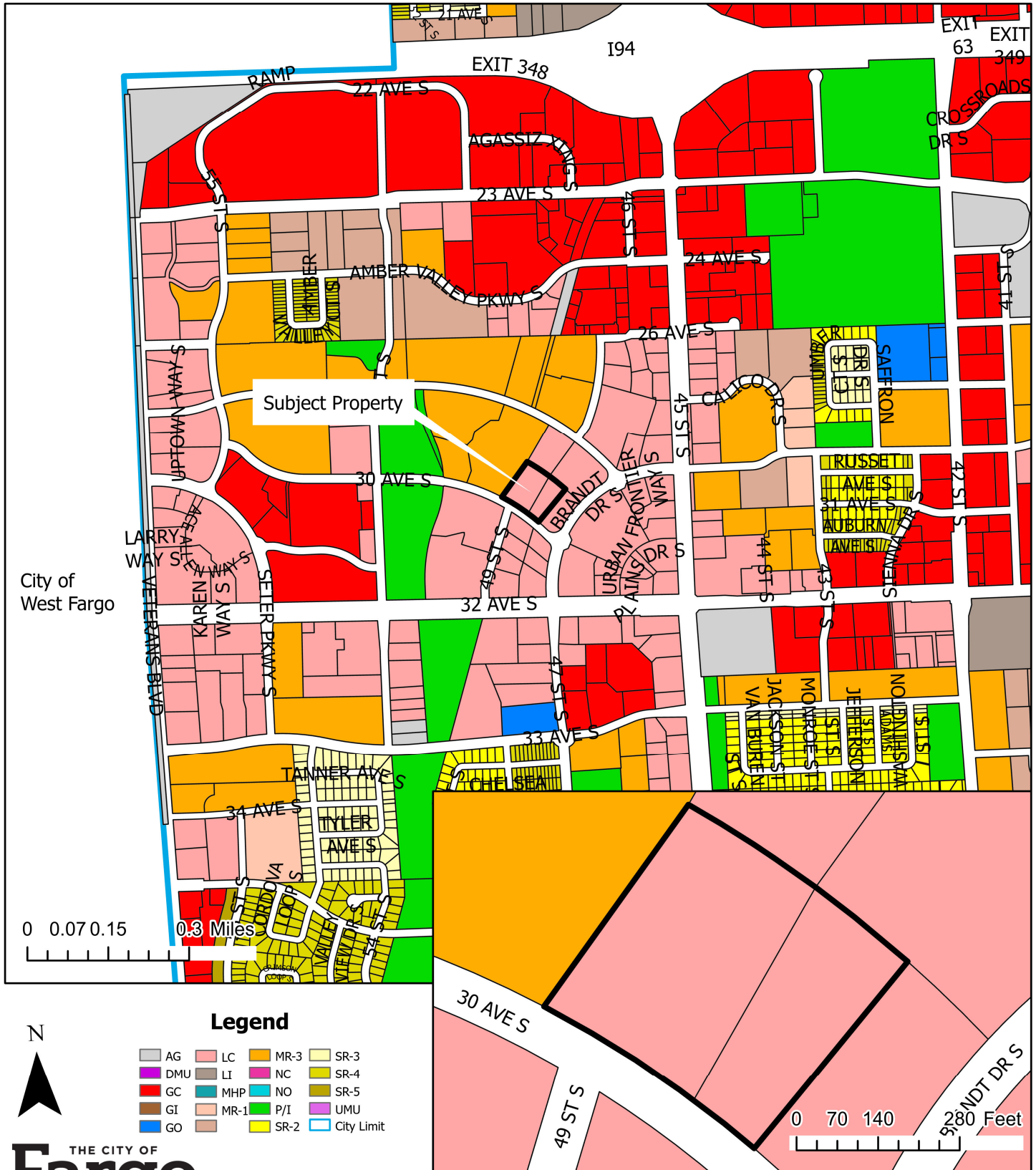
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat
4. Draft Conditional Overlay
5. Parking Narrative
6. Preliminary Site Plan

Minor Subdivision; Zone Change from LC, Limited Commercial with a conditional overlay to MR-3, Multi-Dwelling Residential with a conditional overlay; and a CUP, Conditional Use Permit for an alternative access plan

Urban Plains Medical Park Third Addition

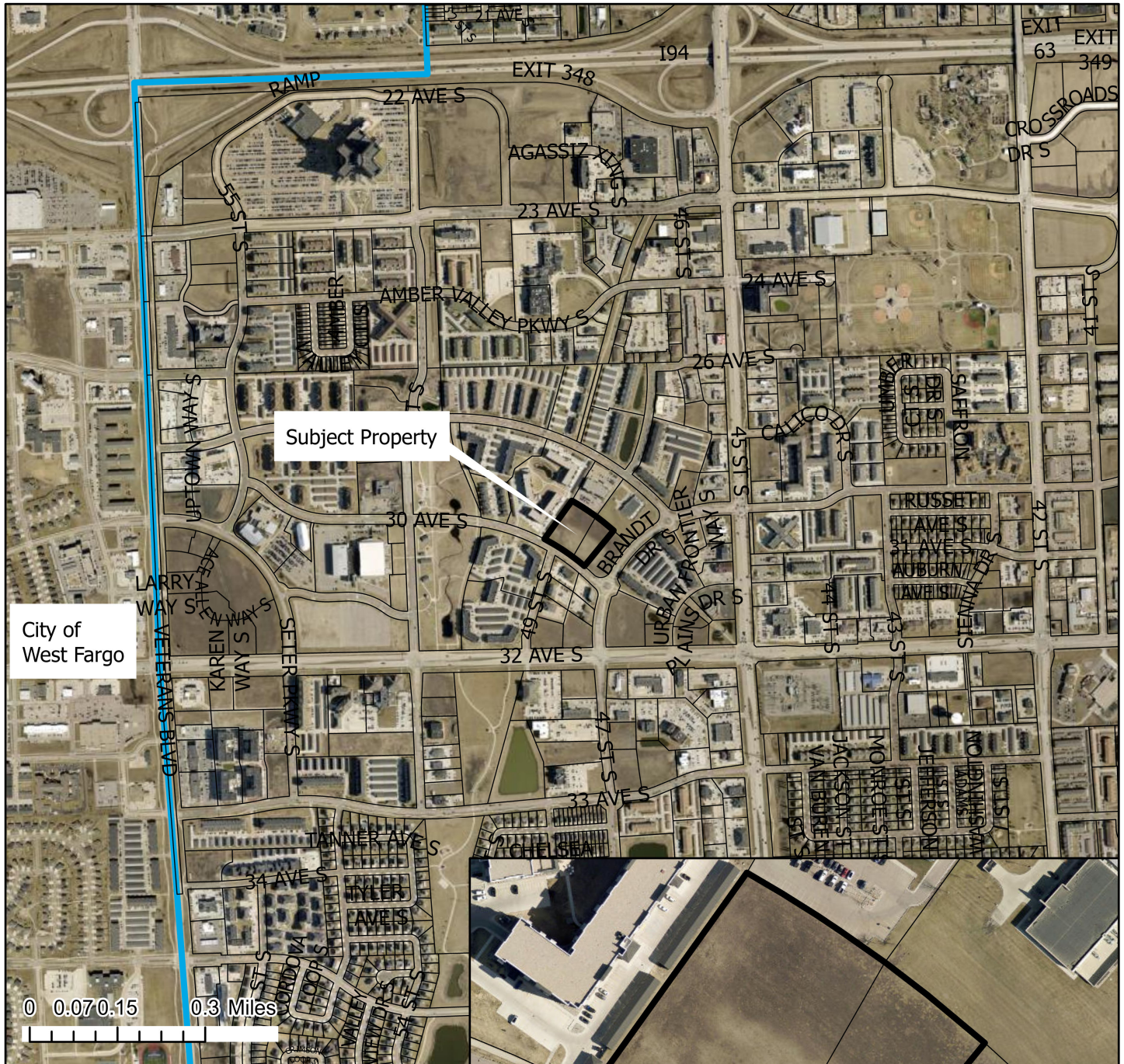
4767 & 4845
30th Avenue South



Minor Subdivision; Zone Change from LC, Limited Commercial with a conditional overlay to MR-3, Multi-Dwelling Residential with a conditional overlay; and a CUP, Conditional Use Permit for an alternative access plan

Urban Plains Medical Park Third Addition

4767 & 4845
30th Avenue South

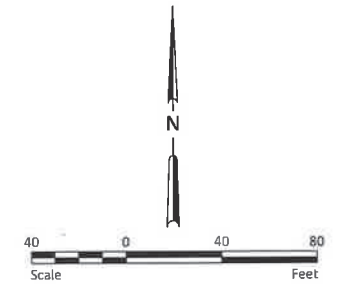


Legend
City Limit

Fargo Planning Commission
September 1, 2026

URBAN PLAINS MEDICAL PARK THIRD ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOT 5, BLOCK 1, URBAN PLAINS MEDICAL PARK ADDITION &
LOT 1, BLOCK 1, URBAN PLAINS MEDICAL PARK SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
NEW LOT LINE	—————
NEW UTILITY EASEMENT	- - - - -
EXISTING LOT LINE	—————
EXISTING UTILITY EASEMENT	- - - - -

BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992.

URBAN PLAINS MEDICAL PARK THIRD ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOT 5, BLOCK 1, URBAN PLAINS MEDICAL PARK ADDITION &
LOT 1, BLOCK 1, URBAN PLAINS MEDICAL PARK SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Urban Plains Land Company, LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

Lot 5, Block 1, Urban Plains Medical Park Addition and Lot 1, Block 1, Urban Plains Medical Park Second Addition, to the City of Fargo, Cass County, North Dakota.

Said tract contains 4.326 acres, more or less.

And that said party has caused the same to be surveyed and platted as **URBAN PLAINS MEDICAL PARK THIRD ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:

Urban Plains Land Company, LLC, a North Dakota limited liability company

Michael R. Vannett, President

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 2025 before me personally appeared Michael R. Vannett, President of Urban Plains Land Company, 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 limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Trent R. Karel, 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____.

Trent R. Karel, Professional Land Surveyor No. 40583

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 20____ before me personally appeared Trent R. Karel, 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: _____

CITY ENGINEER'S APPROVAL:

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

Tom Knakmuhs, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 20____ before me personally appeared Tom Knakmuhs, PE, 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 he executed the same as Fargo City Engineer.

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)
) ss
County of Cass)

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 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 _____, 20____.

Joshua A. Boschee, Mayor

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

State of North Dakota)
) ss
County of Cass)

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 _____

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 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 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, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational 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, architectural metal panels, 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. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall.

2.8 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units shall be visually screened from adjacent public right-of-way 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. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. 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

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 entertainment center
- 4.8 Off-premise Advertising

5) ~~Conditional Uses~~

~~For 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, rainscreen systems 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:

- 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. Upon approval of the Zoning Administrator, adjacent properties may share pedestrian circulation systems that connect to public sidewalks.

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:

- i. Portable advertising signs
- ii. Pylon Signs
- iii. Pylon Sign
- iv. Off-premise advertising

Technical Memorandum

To: Mark Williams
City of Fargo

From: Brian T. Pattengale
Houston Engineering, Inc.

Subject: Retreat East Parking Demand

Date: August 26, 2026

Project: 7489-0143



INTRODUCTION

This Technical Memorandum is a review of the parking demand for the proposed development at 4845 30th Avenue South. The proposed development is a multi-family apartment building with 103 apartment units. Building is anticipated to be three stories and the proposed parking would be a combination of tuck-under garage stalls on the interior of the building, detached garages, and surface parking on the lot. A conceptual layout of the proposed site is attached.

City of Fargo Parking Requirements

City of Fargo land development code requires 2.25 stalls per one bedroom and larger units as the building contains more than 7 units.

The proposed building contains 103 one bedroom and larger units, the maximum unit count allowed by density, and would require 231.75 (232) parking stalls. This is maximum parking demand possible under current Code. Based on other properties owned and managed by the developer the parking required by the land development code is over what would be required by the site and its use.

PARKING DEMAND ESTIMATES

The Owner and Developer of the proposed property owns and manages 4 other buildings of a similar target demographic and rent range located in the City of Fargo. The residents of the various properties are required to register their vehicles with the property management company. This data provides accurate information on the average vehicles per unit for the various properties and is specific to the Fargo Area. Table 1 lists the various properties, total units, and the vehicles per unit for each property.

Table 1 – Existing Facility Parking Demand			
Property	Units	Vehicles	Vehicles per Unit
The Retreat*	156	208	1.24
Uptown and Main	67	93	1.29
300 Lime	94	117	1.38
Mosaic	92	119	1.33

*Existing Retreat buildings located at 5000 and 4906 28th Ave S, Fargo ND west of the proposed project site.

As shown in Table 1 the existing parking demand for properties ranges from 1.24 to 1.38 vehicles per unit. The Institute of Transportation Engineers (ITE) *Parking Generation Manual* 5th Edition provides parking demand estimates for various uses. Use #221 “Mid Rise Apartments” defined as units located in rental buildings that have between 3-10 levels and most likely have one or more elevators is comparable to the proposed project. The ITE parking demand rate for Mid Rise apartments is 1.70 vehicles per dwelling unit (Note this is the General Urban/Suburban setting and not the City Center/Dense Urban location demand). The local parking demand rates are similar to the larger data set of the ITE. The Owner’s metrics for their properties is a target parking ratio of 1.75 stalls per unit. The parking ratio proposed for the residential units within the proposed project is 2.0 Stalls per unit. At a ratio of 2 stalls per unit, this site would require 206 parking stalls. Current preliminary plans call for 206 parking stalls between the garages & surface stalls. If approved the alternate parking requirements would be a reduction of 26 stalls or approximately 11.2% in the required number of stalls.

CONCLUSION

The proposed parking ratio of 2.0 stalls per residential unit for the project provides adequate parking stalls for the project demands. As shown by comparable properties in the Fargo area and ITE numbers the proposed ratios exceed the expected demand for the residential units. Based on the provided information the proposed parking ratios will provide adequate parking for the development and can be used in place of the City of Fargo Land Development Code requirements.

City of Fargo Staff Report			
Title:	Christianson 32 nd Avenue South Fourth Addition	Date:	8/26/2026
Location:	3102 and 3150 36 th Street South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lots 1-3, Block 1, Christianson 32 nd Avenue South Fourth Addition		
Owner(s)/Applicant:	Chris Mack / Christianson Companies	Engineer:	None
Entitlements Requested:	Zoning Change (from GC, General Commercial with a C-O, Conditional Overlay, to GC, General Commercial with a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: September 1 st , 2026		

Existing	Proposed
Land Use: Undeveloped	Land Use: Vehicle repair and undeveloped
Zoning: GC, General Commercial with Conditional Overlay Ord. No. 5385	Zoning: GC, General Commercial with an updated Conditional Overlay
Uses Allowed: 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 establishments, office, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunication facilities. <i>Conditional Overlay Ord. No. 5358 provides building and site design standards and restricts group living, aviation/surface transportation, major entertainment events, mining, industrial uses, and portable signs in addition to the uses with a strike-through above.</i> <i>Residential Protection Standards Waiver No. 2023-RPSW3 reduces the number of plantings in the landscape buffer between commercial and residential zoned properties.</i>	Uses Allowed: No change <i>Conditional Overlay Ord. No. 5358 is unchanged except for removing pedestrian connectivity requirements to all public right-of-way. See the Staff Analysis section below for more information.</i> <i>Residential Protection Standards Waiver No. 2023-RPSW3 will carry through to this subdivision.</i>
Maximum Building Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant requests approval of one entitlement:

1. A zoning change from GC, General Commercial with a C-O, Conditional Overlay, to GC, General Commercial with a C-O, Conditional Overlay on Christianson 32nd Avenue South Fourth Addition.

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; self-service storage and MR-3, Multi-Dwelling Residential
- East: MR-3, Multi-Dwelling Residential; multi-dwelling structures and GC, General Commercial, with a C-O, Conditional Overlay; retail sales and service
- South: GC, General Commercial, with a C-O, Conditional Overlay; retail sales and service
- West: 36th Street South and Interstate 29 right-of-way.

Area Plans:

The Fargo Growth Plan 2024 designates the area of the subject property as "Mixed Commercial Office and Residential" place type. Primary uses include commercial/retail, distribution, warehousing, wholesaling, offices, and flex buildings. Secondary uses include flex warehouse and multi-family residential. The existing zoning and proposed development are consistent with this land use designation as the base zoning and most C-O verbiage is remaining the same.

Context:

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

Neighborhood: The subject property is located within the Bluemont Lakes neighborhood.

Parks: Ed Clapp Park, located at 2802 32nd Avenue South, is approximately a quarter of a mile east of the subject property and provides amenities of soccer fields and a playground for ages 5-12.

Pedestrian / Bicycle: Off-road shared-use paths are located along the west side of 36th Street South and the north side of 32nd Avenue South which is within a quarter mile of the subject property. Both paths are components of the metro area bikeways system.

MATBUS Route: MATBUS Routes 14 and 18 run along 33rd Street South and 32nd Avenue South with stops within a quarter of a mile of the subject property.

Staff Analysis:

The proposed zoning change will adjust the C-O, Conditional Overlay to remove the requirements to provide pedestrian connections to 31st Avenue South. Apart from a correction in terminology for "Adult Establishments," all other C-O requirements shall remain. This zoning change entitlement was advertised for "the proposed Christianson 32nd Avenue South Fourth Addition," but that subdivision has since been approved and recorded.

Site History:

In 2022, the subject properties began redevelopment with a plat and zone change to change from LI, Limited Industrial, and a C-O, Conditional Overlay, to GC, General Commercial, with a C-O, Conditional Overlay. The C-O included verbiage to require design standards for the buildings, parking lots, and pedestrian connectivity, similar to other areas in south Fargo along arterial corridors. In 2022 and 2023, portions of the original subdivision were developed along 33rd Street South and 32nd Avenue South, and a shared stormwater pond was built along 31st Avenue South to accommodate stormwater requirements. As the applicant began subdividing and applying for building permits on some of the remaining lots in 2026, the prospective buyers and applicant indicated safety concerns and other challenges when trying to provide pedestrian connections from the proposed developments and the existing context of the site, specifically by the pond along 31st Avenue South. The C-O was created before redevelopment occurred

and this area has been developed lot by lot over the years without an overall master plan, which has led to the current zoning change request.

Current Application:

After several discussions with staff about the proposed site layouts, the applicant applied to modify the ordinance to address their concerns related to pedestrian connectivity and safety. In order to protect the pond area from unsafe pedestrian circulation, the applicant proposes a fence and landscaping to screen the area along 31st Avenue South. The applicant has applied for building permits for two vehicle service or repair businesses, which are allowed by-right in the GC, General Commercial, zone. With the auto-centric users, Residential Protection Standards (RPS) landscape buffer to the east, and limited space between the pond slope, the adjacent properties, and adjacent buildings, the applicant contends proposed layouts are difficult to account for the pedestrian connectivity and safety.

The applicant has provided the attached narrative to summarize the discussion and concerns with this development.

C-O, Conditional Overlay Changes:

The existing C-O requires pedestrian circulation to connect to all sidewalks along adjacent public right-of-way. The proposed C-O updates the verbiage of item 2.3 and 2.3.3. under the Site Design section. This clarifies that pedestrian circulation will need to connect to 36th Street South, but not 31st Avenue South which is adjacent to the pond. Item 2.4 was added to clarify the applicant's proposed fencing in addition to the vegetative buffer required in item 2.2 of the existing C-O. Lastly, the "Adult Entertainment" use was changed to "Adult Establishment" under item 3: Prohibited Uses to match the correct terminology in the LDC.

Zone Change

Section 20-0906. F (1-4) of the LDC stipulates that the following criteria are met before a minor subdivision 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 the subject properties. The properties are currently zoned GC, General Commercial, with a C-O, Conditional Overlay and the applicant is requesting modifications to the existing C-O to account for pedestrian circulation and safety concerns as it pertains to the existing stormwater pond along 31st Avenue South. The proposed C-O is generally consistent with other overlays along arterial roadways that has design standards and restricts some uses.

(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. Lots in the subdivision front on existing dedicated public streets. These streets will provide access and public utilities to serve the development.

(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. To date, Planning staff has

received no comments or inquiries about the project. 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 describes the Mixed Commercial, Office, and Residential place type as having larger sites with multiple buildings and an internal network of streets, sidewalks/trails, bike routes, and landscape screening and buffers. The Go2030 Comprehensive Plan promotes infill, walkable communities, and safety through the design of neighborhoods. The lots along 36th Street South have or are intended to be constructed as auto-centric uses, including vehicle service and repair, and a gas station. These uses can be difficult from a site design aspect to incorporate safe connectivity for pedestrians. Further, the existing space around the pond and proximity of the pond slope is not conducive to providing a welcoming, safe passageway. Through coordination with the applicant, conflict exists between these City policies of infill, walkability, and safety for the proposed development. A vegetative buffer and decorative fence will be provided along the right-of-way of 31st Avenue South to provide a visual buffer and to discourage pedestrian use. Pedestrian connectivity will still be required within the development and will still connect the existing and proposed buildings to 33rd Street South, 36th Street South, and 32nd Avenue South. Taking these aspects into consideration, staff finds the proposed zone change is consistent with the purposes of the LDC, Fargo Growth Plan 2024, and other adopted policies of the City.

(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 zoning change from GC, General Commercial with a C-O, Conditional Overlay, to GC, General Commercial with a C-O, Conditional Overlay, as the proposal complies with the Fargo Growth Plan 2024, Section 20-0906.F. (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code.”

Planning Commission Recommendation: September 1st, 2026

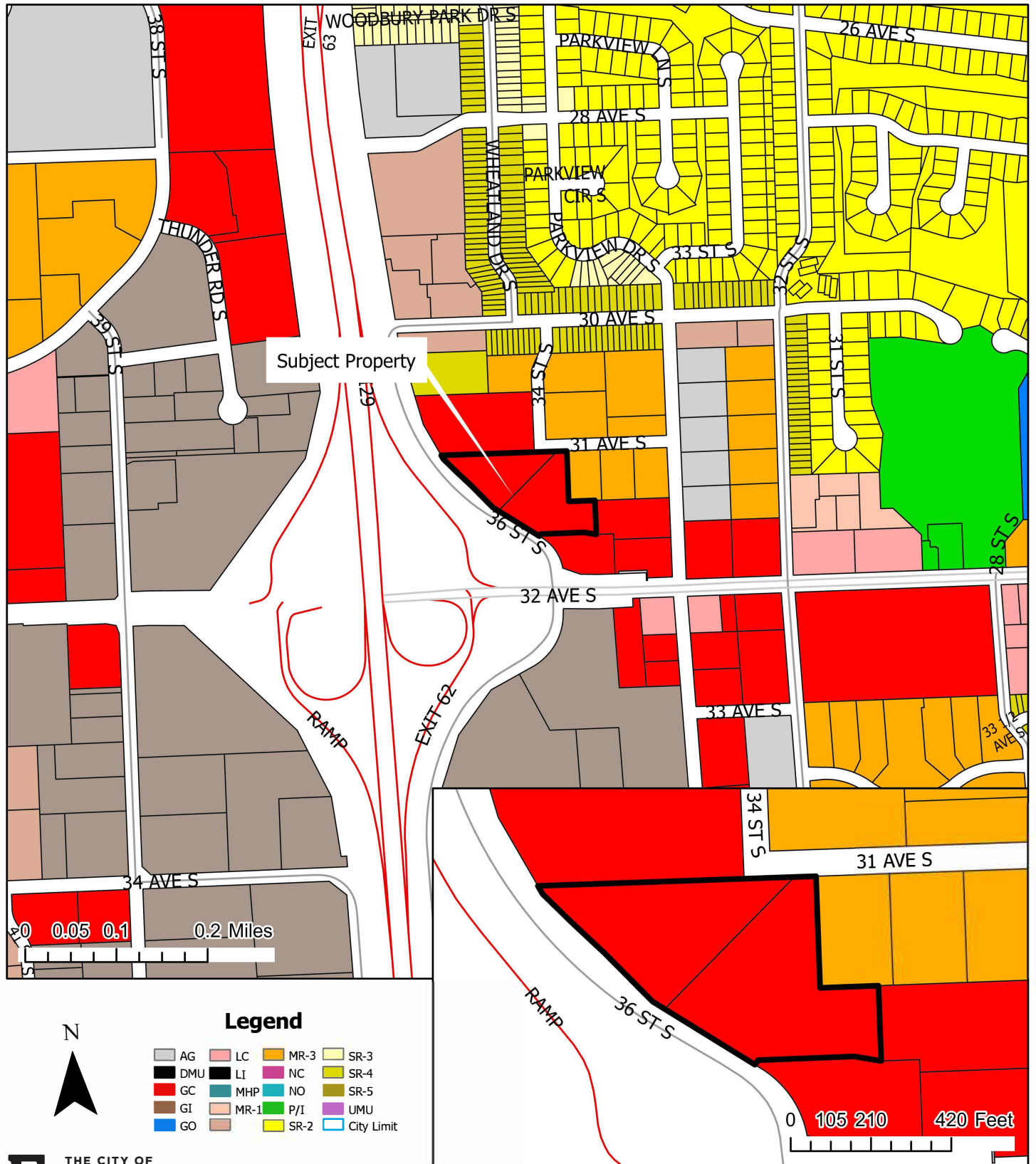
Attachments:

1. Zoning Map
2. Location Map
3. Christianson Companies CO Amendment Letter
4. Draft Conditional Overlay

Zone Change from GC, General Commercial with a Conditional Overlay to GC, General Commercial with a Conditional Overlay

Christianson 32nd Avenue South Fourth Addition

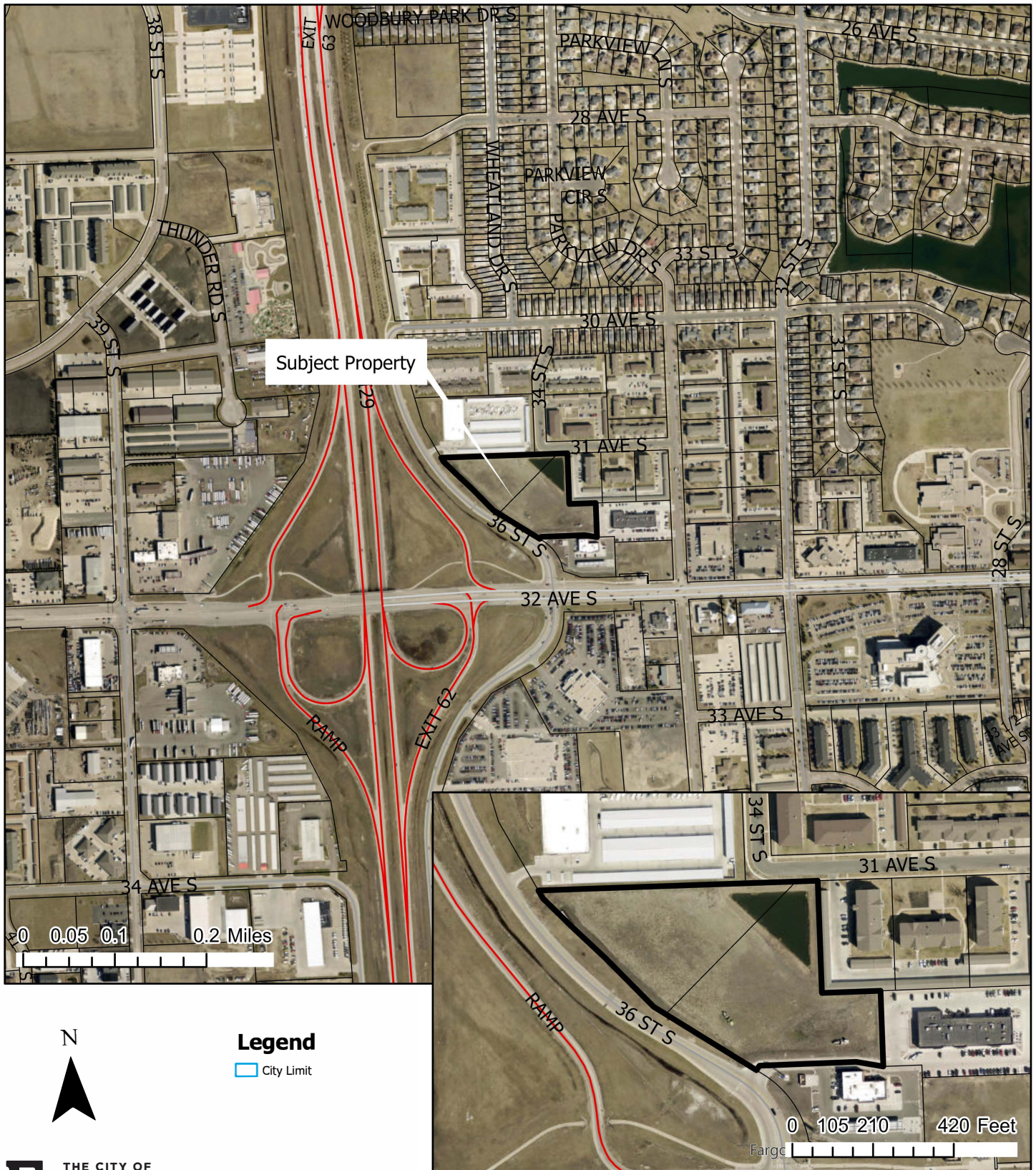
3102 and 3150
36th Street South



Zone Change from GC, General Commercial with a Conditional Overlay to GC, General Commercial with a Conditional Overlay

Christianson 32nd Avenue South Fourth Addition

3102 and 3150
36th Street South



Christianson Companies
Land development | Construction Management

Christianson Properties LLC. requests approval of a Conditional Overlay Amendment to adjust the current CO and allow a protective fence along the rear of the commercial properties in lieu of the previously required pedestrian connection which would go right next to the adjacent storm water pond. While pedestrian connectivity is generally encouraged as an important component of site planning, requiring a pedestrian connection in this particular location would create an unnecessary safety concern. The pond is located immediately adjacent to the rear yards/garages of residential properties, and providing a direct pedestrian connection to the pond would increase the potential for unintended access by residents, children, and other pedestrians.

The applicant believes that public safety should take precedence over providing a pedestrian connection to an area that is not intended to function as a recreational amenity. A protective fence would establish a clear physical barrier between the residential areas and the pond, reducing the potential for accidental falls, drowning hazards, and other safety concerns associated with unrestricted access to the water. The proposed fence would provide a practical and effective means of protecting residents while allowing the commercial properties to function as intended. The amendment would maintain appropriate pedestrian circulation through designated sidewalks and pathways while eliminating a connection that could create an unnecessary safety risk.

This request is intended to balance the City's goals for pedestrian connectivity with the equally important consideration of public health and safety. Given the specific location and proximity of the pond to residential areas, the proposed fence is a reasonable alternative to the required pedestrian connection and provides a safer site design.

For these reasons, Christianson Properties LLC. respectfully requests approval of the Conditional Overlay Amendment to remove the required pedestrian connection to 31st Ave S. and allow a fence to prevent pedestrian access to the storm water pond. The proposed amendment will enhance resident safety while preserving appropriate pedestrian circulation and maintaining the overall intent of the Conditional Overlay.

Respectfully submitted,

Chris Mack
Design Resources Group | Christianson Companies
Formerly PACES Lodging Corporation
4609 - 33rd Ave S, St. 400, Fargo, ND 58104
Phone: 701-281-9500 ext. 3877
Direct: 701-499-3877
Cell: 701-740-8263

Draft Conditional Overlay

1. Building Form and Style

- 1.1. All front building elevations/façades greater than 200 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 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 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet. Requirements in this subsection shall apply only for views from 32nd Avenue South, 33rd Street South, and 36th Street South.
- 1.2. Ground floor façades that are within 200 feet of the right of way, measured from the exterior wall shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 60% of its horizontal length. Requirements in this subsection shall apply only for views from 32nd Avenue South, 33rd Street South, and 36th Street South.
- 1.3. Principal 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, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.
- 1.4. Accent Materials. In conjunction with the principal materials listed above, finished wood may also be used to construct or clad exterior walls. Accent materials shall be applied to no greater than twenty (20) percent of each building façade.
- 1.5. Loading/unloading areas, building service entrances, loading docks and overhead doors used for shipping/receiving areas, and ground level HVAC units within 150 feet of public right of way shall be visually screened from adjacent public right-of-way and residentially-zoned property by structures and/or landscaping equal to landscaping prescribed in City of Fargo Residential Protection Standards. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.
- 1.6. Dumpsters and refuse containers shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when located within 150 feet of public right of way, by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. When dumpsters and refuse containers are located in the rear of the building, the enclosure may be constructed of a metal frame and cladding that is complementary to the primary building materials. 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.
- 1.7. Screening of Outdoor Storage Areas
 - 1.7.1. Outdoor storage areas shall not be located within the front setback area of the development.

- 1.7.2. Outdoor storage areas shall not cover more than 50 percent of the open space of the development. For the purposes of determining allowable outdoor storage area, open space shall be defined as outdoor, unenclosed area located on the ground, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

2. Site Design

- 2.1. A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 2.2. A vegetative buffer equal to landscaping prescribed in City of Fargo Residential Protection Standards shall be installed along the 31st Avenue South right-of-way.
- 2.3. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks along 36th Street South with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
 - 2.3.1. Parking lots or parking structures;
 - 2.3.2. Entrances of other buildings on the site;
 - 2.3.3. Any public sidewalk or multi-use path system along 36th Street South ~~the perimeter streets adjacent to the development, or along the perimeter of the lot~~; and
 - 2.3.4. 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.
- 2.4. A decorative fence shall be placed along 31st Avenue South.

3. Prohibited Uses

- 3.1. Group Living
- 3.2. Adult Establishment ~~Entertainment~~
- 3.3. Detention facilities
- 3.4. Self-service storage
 - 3.4.1. Climate controlled indoor storage facilities are permitted
- 3.5. Aviation/Surface Transportation
- 3.6. Entertainment Event, Major
- 3.7. Mining
- 3.8. Off-Premise Advertising
- 3.9. Industrial uses

4. Prohibited Signage

- 4.1. Billboards – a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.
- 4.2. Off Premise Sign – a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located.
- 4.3. Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

**City of Fargo
Staff Report**

Title:	Annexation of a portion of the Northeast Quarter of Section 10, Township 138 North, Range 49 West	Date:	8/27/2026
Location:	6711 and 6801 38 th Street South	Staff Contact:	Maegin Elshaug, Planning Coordinator
Legal Description:	Portion of the Northeast Quarter of Section 10, Township 138 North, Range 49 West, of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Back Forty, LLP	Engineer:	Lowry Engineering, Inc
Entitlements Requested:	Planning Commission review of consistency with Fargo Growth Plan 2024		
Status:	Planning Commission review September 1, 2026		

Proposal:

The applicant requests one entitlement:

1. Annexation of an approximately 49.78 acre portion of the Northeast Quarter of Section 10, Township 138 North, Range 49 West, of the 5th Principal Meridian, 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 64th Avenue South is AG, Agricultural and LC, Limited Commercial with C-O, Conditional Overlay with agricultural use;
- East: Interstate 29;
- South: AG with agricultural uses;
- West: AG, Agricultural, however platting and zoning of the proposed Covey Ranch Third Addition is pending, which proposes LC with C-O, MR-3, Multi-Dwelling Residential with C-O and SR-4, Single-Family Residential zoning.

Staff Analysis:

This 49.78 acre property, located just west of Interstate 29, is proposed to be annexed as part of a larger proposed subdivision, Back 40 Addition, described in "Concurrent Subdivision And Zone Change" below. The boundary of the annexation plat and the subdivision plat are not exact, as portions within the subdivision plat have previously been annexed.

This is an owner-initiated annexation. This annexation is by ordinance, pursuant to the process described in North Dakota Century Code Section 40-51.2 (the Municipal Annexation Act of 1969).

OWNERSHIP

The entire property involved in the annexation is owned by the applicant, Back Forty, LLP. There are no existing residences or businesses in the annexation area. A large part of the annexation area is used for agriculture at this time.

CONCURRENT SUBDIVISION AND ZONE CHANGE

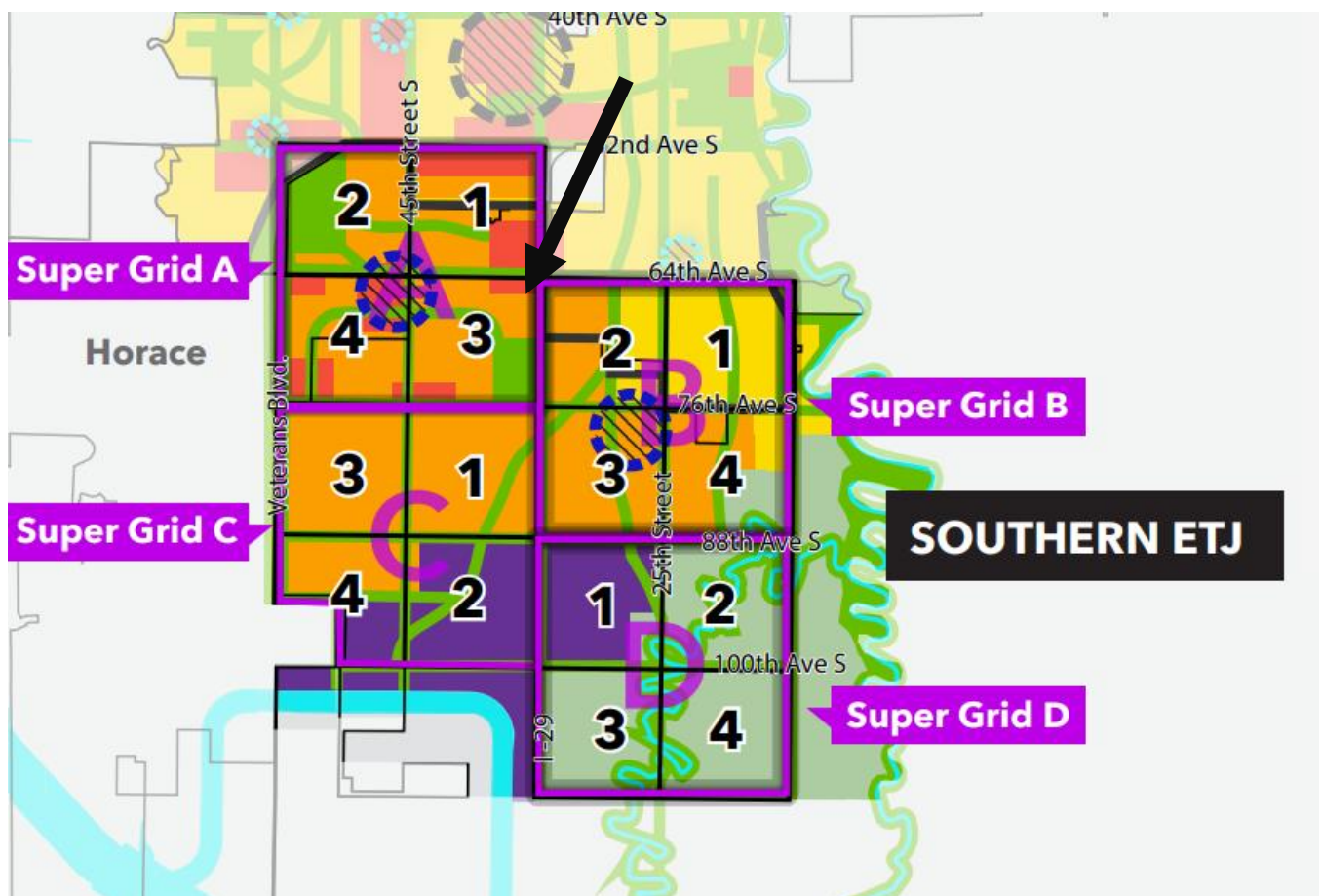
The entire annexation area will be incorporated into the proposed Back 40 Addition, which includes a subdivision and zone change. The subdivision will create 7 lots in 3 blocks; five lots for commercial development; one lot for multi-dwelling residences; and one lot which is owned by the City of Fargo for future interstate ramps. The staff report for Back 40 Addition provides details of these applications. The Back 40 Addition is going through the review and hearing process concurrently with this annexation, and appears as items 1.a and 1.b on the September 1, 2026 Planning Commission agenda.

PLAN CONSISTENCY & DEPENDENCY OF ADJACENT DEVELOPMENT

The proposed annexation area is adjacent to city limits and is depicted within Super Grid Number A3 of the Southern ETJ of the Fargo Growth Plan 2024, as shown on the graphic below, which puts it in line with orderly development.

The Back 40 Addition plat, and subsequent infrastructure and construction permitting, is dependent on the adjacent Covey Ranch development in terms of roadway access, connectivity, and utility needs. This is further detailed in the Back 40 staff report. Covey Ranch Third Addition is nearing the final step of review and is anticipated to be scheduled for the September 14, 2026 City Commission hearing.

Streets and city utilities that will be developed within the proposed annexation area will be contiguous with existing and proposed (such as the adjacent proposed Covey Ranch Third Addition) streets and city utilities.



The future place type designation is “Mixed Commercial, Office and Residential” and “Urban Neighborhood.” Primary uses within the “Mixed Commercial, Office and Residential” placetype include commercial/retail, distribution, warehousing, wholesaling, offices, and flex buildings. Secondary uses include flex warehouse and multi-family residential. Primary uses within the “Urban Neighborhood” placetype include small lot single-family detached housing and duplexes. Secondary uses include triplex, quadplex, townhomes up to 10 units per building, pockets of multi-family structures, places of worship, schools, daycare centers, home offices, and neighborhood-scale retail and services.

The development proposed by the Back 40 Addition is consistent with this place type.

PROCESS

The Planning Commission will evaluate this proposed annexation for consistency with Fargo Growth Plan 2024. A hearing will be scheduled for this annexation at the City Commission concurrently with the subdivision and zone change hearing for the Back 40 Addition.

Staff Recommendation:

Staff recommends the Planning Commission find that the proposed annexation of a Portion of the Northeast Quarter of Section 10, Township 138 North, Range 49 West, of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the Fargo Growth Plan 2024, contingent on the approval of the proposed Covey Ranch Third Addition zone change, subdivision and annexation, recordation of the plats, and securing of the necessary development infrastructure.”

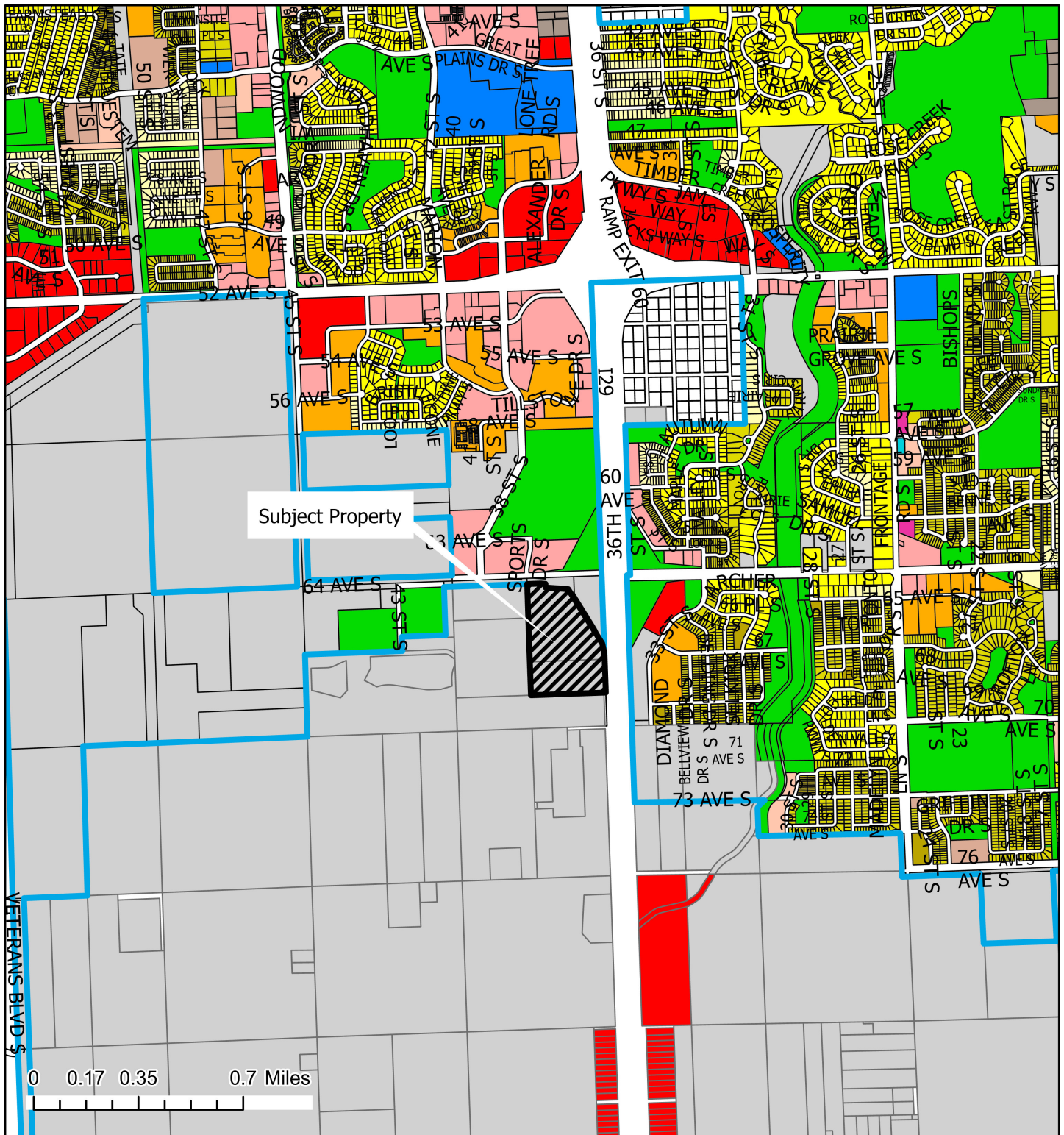
Attachments:

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

Annexation

Portion of the NE Quarter of
Section 10, T138N, R49W

6711 & 6801 38th Street South



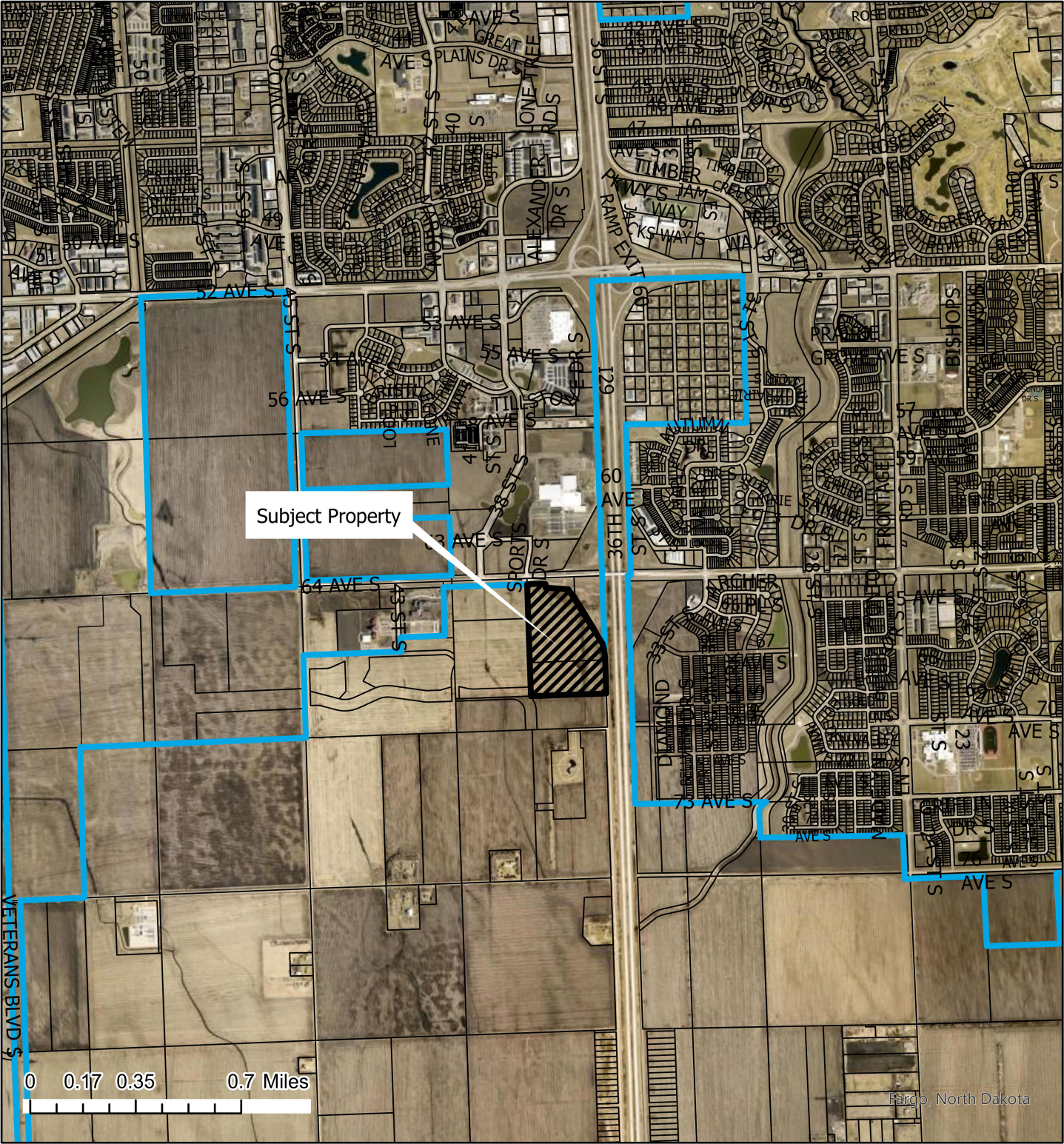
Legend

AG	LC	MR-3	SR-3
DMU	LI	NC	SR-4
GC	MHP	NO	SR-5
GI	MR-1	P/I	UMU
GO		SR-2	

Annexation

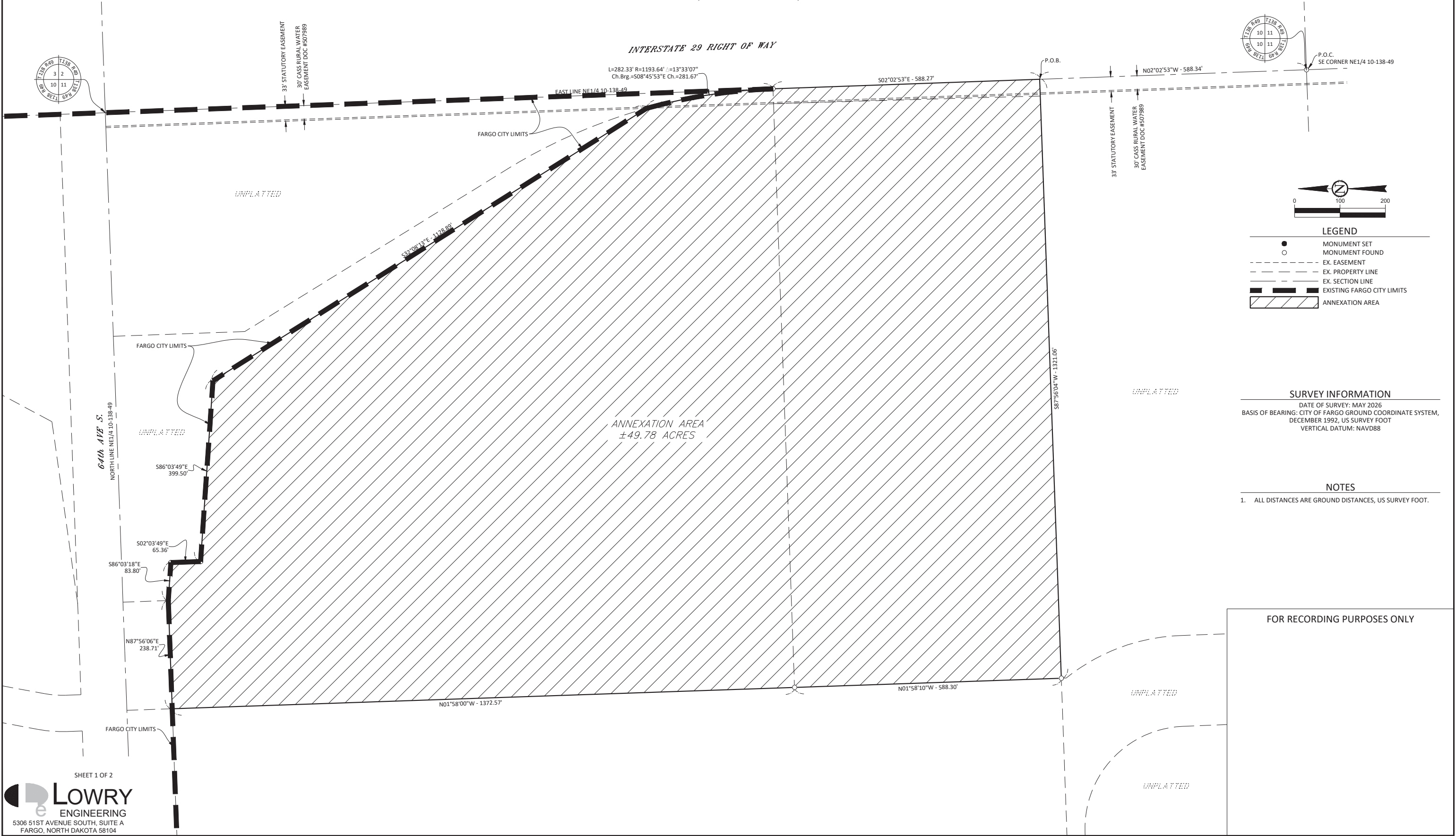
Portion of the NE Quarter of
Section 10, T138N, R49W

6711 & 6801 38th Street South



ANNEXATION PLAT

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH,
RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



05/18/25 10:59:39AM Z:\Lowry Shared Files\Projects 2026\2604 01 - Back 40 Paving\Drawings\2604 01 - Project\Survey\2604 01 - AnnexationPlat.dwg

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH
RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

COLE A. NESET, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED ANNEXATION PLAT TO THE CITY OF FARGO; THAT THE PROPERTY REPRESENTED IN THE PLAT IS A PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT THE ATTACHED PLAT IS A CORRECT REPRESENTATION OF THE PROPERTY ANNEXED TO THE CITY OF FARGO; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT AND THE EXTERIOR BOUNDARY LINES OF SAID LAND ANNEXED TO THE CITY OF FARGO ARE AS FOLLOWS, TO WIT:

COMMENCING FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER; THENCE N02°02'53"W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 588.34 FEET TO THE POINT OF BEGINNING; THENCE S87°56'04"W A DISTANCE OF 1321.06 FEET; THENCE N01°58'10"W A DISTANCE OF 588.30 FEET; THENCE N01°58'00"W A DISTANCE OF 1372.57 FEET TO THE EXISTING FARGO CITY LIMITS; THENCE N87°56'06"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 238.71 FEET; THENCE S86°03'18"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 83.80 FEET; THENCE S02°03'49"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 65.36 FEET; THENCE S86°03'49"E ALONG SAID CITY LIMITS A DISTANCE OF 399.50 FEET; THENCE S32°08'13"E ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 1128.89 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE WEST AND THE EXISTING CITY LIMITS WITH A LENGTH OF 282.33 FEET, A RADIUS OF 1193.64 FEET, A DELTA ANGLE OF 13°33'07", WITH A CHORD BEARING OF S08°45'53"E, AND A CHORD LENGTH OF 281.67 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER; THENCE S02°02'53"E ALONG SAID EAST LINE A DISTANCE OF 588.27 FEET TO THE POINT OF BEGINNING.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

05/18/26 10:59:41AM Z:\Lowry Shared Files\Projects_2026\26041.01 - Back 40 Platting\Drawings\26041.01_Annexation\Plat.dwg