

City of Fargo Staff Report			
Title:	Sanders Addition, Adams Fifth Addition, Adams Ninth Addition	Date:	7/2/2026 7/14/2026
Location:	2884, 2890, 2902, 3004, 3060, 3064, 3068, 3075, 3031 and 3005 Thunder Road South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 1, Block 1, Sanders Addition; Lot 1, Block 1, Adams Ninth Addition; All of Lots 1, 2, 5 and portions of Lots 3, 4, Block 1, Adams Fifth Addition		
Petitioners:	Tandeski Enterprises; McCoy Properties, LLC; McCoy Properties I-29, LLC; Humphrey Holdings, LLC; Choice Investments, LLC; TCH; Honeywell Building Technologies	Engineer:	None
Entitlements Requested:	Petition for waiver of requirement to install a public sidewalk in the Thunder Road South right of way along Lot 1, Block 1, Sanders Addition ; Lot 1, Block 1, Adams Ninth Addition ; All of Lots 1, 2, 5 and portion of Lots 3 and 4, Block 1 Adams Fifth Addition		
Status:	City Commission Regular Agenda: July 20 th , 2026		
Existing		Proposed	
Land Use: Commercial and Industrial		Land Use: No change	
Zoning: LI, Limited Industrial and GC, General Commercial		Zoning: No change	
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities. 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, and some telecommunication facilities.		Uses Allowed: No change	
Maximum Lot Coverage: Both LI and GC have a maximum lot coverage of 85%		Maximum Lot Coverage: No change proposed	
Proposal:			
The applicants request one entitlement: Waiver of requirement to install a public sidewalk in the Thunder Road South right of way on along Lot 1, Block 1, Sanders Addition ; Lot 1, Block 1, Adams Ninth Addition ; All of Lots 1, 2, 5 and portion of Lots 3 and 4, Block 1 Adams Fifth Addition			
Surrounding Land Uses and Zoning Districts: • North: GC, General Commercial with corporate headquarters use • East: Interstate 29 right of way (not zoned) • South: LI, Limited Industrial with storage and truck stop uses • West: MR-3, Multi-Dwelling Residential with multi-dwelling residential uses			

Context:

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

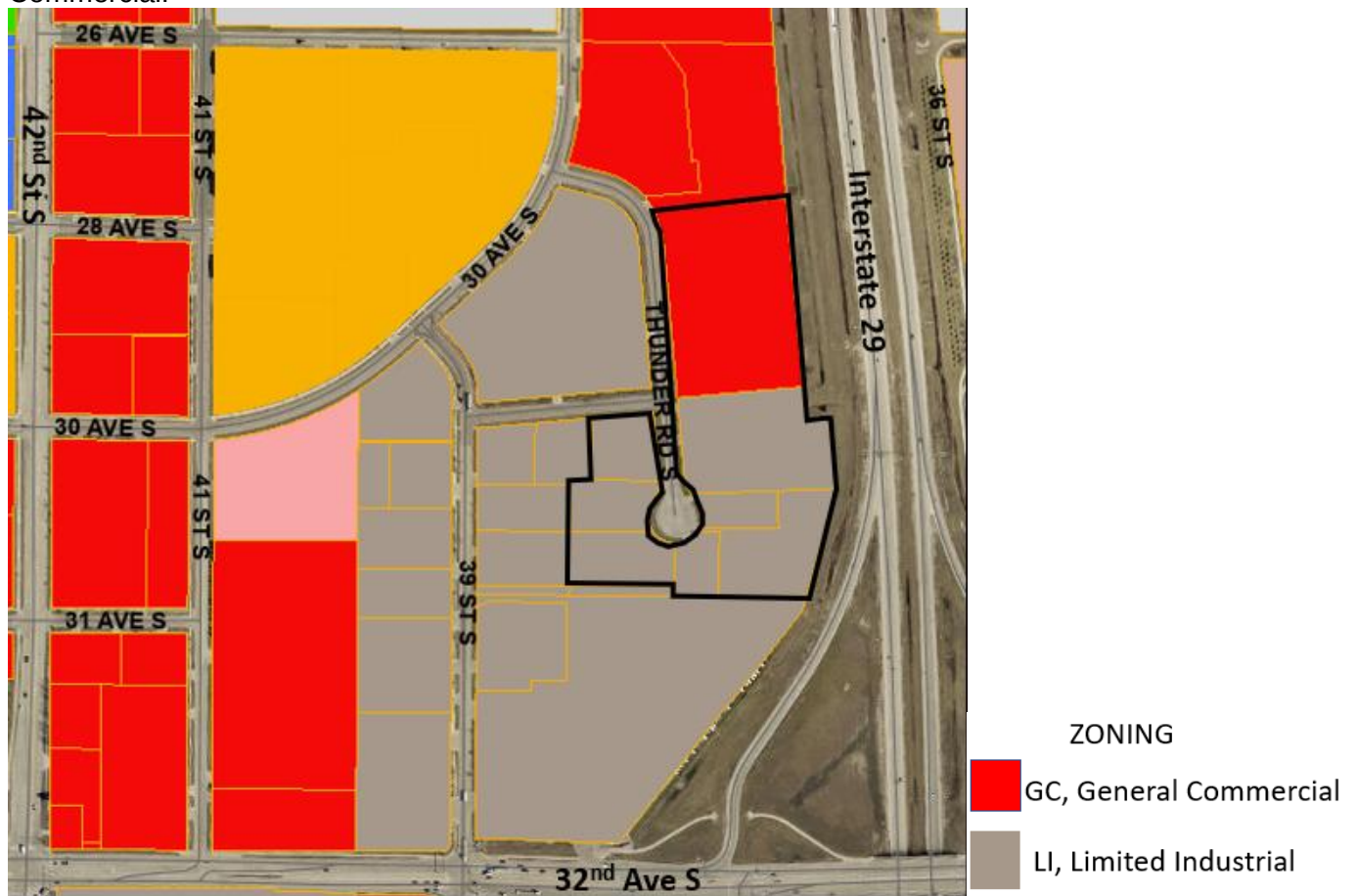
Neighborhood: The subject property is located within the Anderson Park neighborhood.

Parks: The Red River Zoo, 4255 23rd Avenue South, is located approximately 0.45 mile northwest of the subject properties.

Pedestrian / Bicycle: There are no shared use paths along the streets that the subject properties front on.

MATBUS Route: The subject properties are not located along a MATBUS route. Route 14, which connects the downtown Ground Transportation Center with West Acres by way of University Drive South and 32nd Avenue South, has a stop at 32nd Avenue South and 39th Street South, approximately 0.25 mile south of the subject properties.

Zoning: The subject properties are outlined in black on the graphic below. Most of the properties are zoned, LI, Limited Industrial. One property, Thunder Road amusement park, is zoned GC, General Commercial.



Area Plan

The Fargo Growth Plan 2024 designates the place type of the subject properties as “Mixed Commercial, Office, and Residential.” The uses on the subject properties are consistent with the uses the Growth Plan includes in that place type designation: commercial/retail; distribution; warehousing; wholesale; office.

The Growth Plan does not specifically address sidewalks, though it does encourage Fargo to maintain the above average walkability score that is attributable to much of the city (page 39) and to consider safety of bicyclists and pedestrians in commercial areas (page 43).

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Staff Analysis:

The process for waiver being applied in this case is in Fargo Municipal Code Chapter 18.0201.1(E). Though this is not in Chapter 20, the Land Development Code, this section of Chapter 18 refers to the petition for waiver being presented to the Planning Commission. Thus, this project is being brought forward by the Planning Department rather than the City Engineer, who is otherwise responsible for applying Chapter 18.

This petition has been reviewed by the Planning Commission; the Planning Commission has made a recommendation. The petition is now before the City Commission for a final decision.

SITE HISTORY

The subdivisions adjacent to Thunder Road South were recorded between 2000 and 2022. The right of way for Thunder Road South was dedicated by Adams Fifth and Sixth Additions, recorded in 2000 and 2003, respectively. No sidewalk was installed at that time.

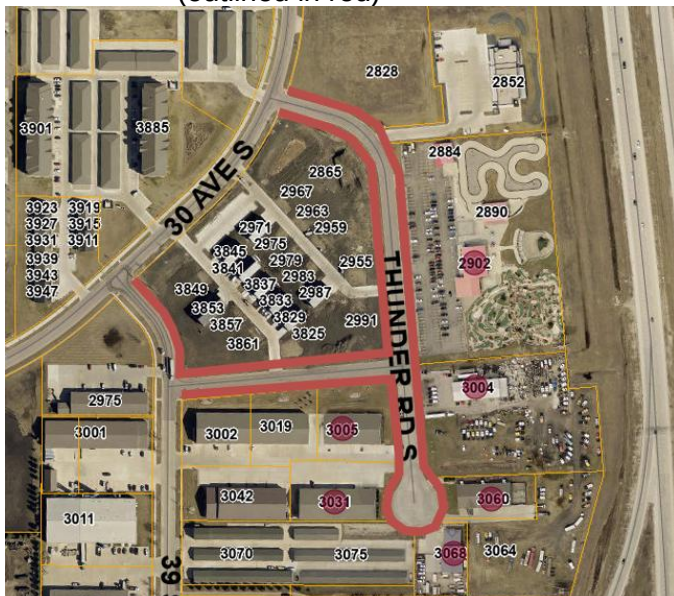
PROPOSAL TO INSTALL SIDEWALKS

It is the City's continued practice to evaluate areas of the city that do not have sidewalk. The City has sidewalk projects each year that construct sidewalks in areas that should have sidewalks per City ordinance. Following the City's typical procedures, this area along Thunder Road South was identified as one where sidewalks should be installed, especially with apartments nearby and Thunder Road being a destination for people. The City Engineer, under his authority, has ordered the sidewalk in. The proposed sidewalk would be installed in the public right of way in front of the individual lots along Thunder Road South and around the cul-de-sac within standard sidewalk alignment, which is two feet outside the property line, and not on the private property of the individual property owners.

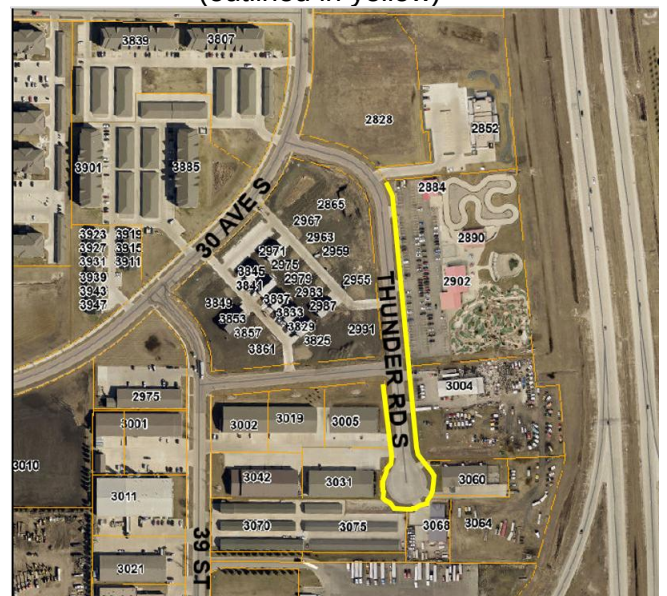
The City Engineer notified the property owners along Thunder Road South of the proposed sidewalk installation. Several property owners and business owners along the cul-de-sac petitioned for waiver of the sidewalk installation.

The two graphics below show the area of the proposed sidewalk installation project (left image), and the portion of the proposed sidewalk petitioned to be waived (right image). If the sidewalk waiver is approved, the "Area of Proposed Waiver" shown below would **not** have sidewalk installed. but the remaining areas would be installed per the project

AREA OF PROPOSED SIDEWALK INSTALLATION
(outlined in red)



AREA OF PROPOSED WAIVER
(outlined in yellow)



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APPLICANTS' STATEMENT

In their petition, the applicants included this statement of their position in opposition to the sidewalk: *This area is a cul-de-sac at the end of a dead-end street and is not residential in nature. As such, the typical need for sidewalks—such as accommodating pedestrian traffic or enhancing residential safety—does not apply to this location.*

Given these factors, we believe the proposed sidewalks are unnecessary and would not provide meaningful public benefit.

PLANNING COMMISSION POLICY ON SIDEWALKS

The Planning Commission's adopted policy on sidewalks is stated in LDC Section 20-0609.A, which codifies Ordinance No. 4700, adopted February 23, 2009 (these were initially codified in 1999 and modified in 2009 to reinstate the clarity in waiver process):

The Planning Commission shall make its recommendation on a sidewalk waiver request based on the guidelines of this subsection and the facts surrounding the waiver request. Based on such factors, the Planning Commission may recommend denial of a sidewalk waiver request even though the request may be technically eligible for such a waiver. The Planning Commission has established the following statement of principles as a foundation for reviewing requests for sidewalk waivers:

1. Sidewalks are a shared amenity and asset of the community. As such, the public interest in sidewalks transcend specific individuals, lots, subdivisions, or periods of time.
2. Sidewalks represent an important element of the transportation system, and as such, they provide an element of safety for both the automobile user and the pedestrian, including children on bikes.
3. Sidewalks are an important element in the inventory of recreational assets of the community.
4. To meet their potential as elements of the transportation and recreational components of the community, accessibility and convenience are factors of real importance.
5. Sidewalks, both as a transportation facility and as a recreational asset, must also consider and assume that vulnerable populations should be and will be found in most areas of the City. Availability and functionality are particularly important to children under 14, persons with disabilities and senior citizens.
6. Sidewalks that are not built can create an uneven or unfair burden of cost, maintenance, and use.
7. Sidewalk plans that offer creative solutions but that are substantially equal substitutes to the traditional sidewalk should be encouraged.

Staff believes that having an incomplete sidewalk along Thunder Road South would be opposed to the principles stated above. Additionally, Fargo's Go2030 comprehensive plan supports sidewalks in all areas:

Comprehensive Plan: The City's adopted GO2030 Comprehensive Plan includes a number of initiatives that relate to this requested waiver, as follows:

<i>Transportation; Initiative 02:</i>	Implement complete streets: to enhance Fargo's roadway network as a <u>continuous and connected network</u> .
<i>Neighborhoods; Vision:</i>	Fargo will promote attractive and welcoming neighborhoods by promoting a diverse and affordable housing stock. Fargo will create neighborhoods where residents can age in place, children can walk to school and essential services are only a short walk away.
<i>Neighborhoods; Initiative 02:</i>	Evaluate, review and improve regulations to <u>create more walkable neighborhoods</u> and commercial districts.
<i>Education, Initiative 01:</i>	Safe Routes to School – Fargo will work with local school officials, neighborhood leaders, parents and children to develop policies and programs that advocate for the safe walking and bicycling to and from schools, and in daily life, to promote a healthy lifestyle of children and their families.

2022 Fargo Moorhead Metropolitan Bicycle and Pedestrian Plan: The Fargo-Moorhead Metropolitan Council of Governments (FM MetroCOG) serves as the transportation policy making organization for the greater Fargo-Moorhead metropolitan area. The 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan “describes a Vision, Guiding Principles, Objectives, and Performance Measure” to “create better bicycle and pedestrian transportation systems, policies, and programs (page 6 and 9).” Guiding Principle 3—Connectivity—includes as one of its objectives “Close missing links in sidewalk and bicycle networks.” This object supports installing the sidewalk as proposed by the City.

ACTION AT THE JULY 7th, 2026 PLANNING COMMISSION MEETING

At the July 7th, 2026 Planning Commission meeting, that Commission reviewed the petition for sidewalk waiver. This was a non-hearing item.

The Commission heard a presentation from staff summarizing the

- history of sidewalks in this area;
- City’s review process for sidewalks;
- proposal to install sidewalks in this area;
- Land Development Code policy on sidewalks; and
- petitioners’ opposition to sidewalks.

The Commission asked staff

- To clarify the area of the proposed waiver; and
- Whether there had been any conversation of installing sidewalk in front of Thunder Road amusement park only. Staff stated there had not been such a conversation.

The Commission then heard comments from the petitioners. Their comments included

- Many other areas of the city do not have sidewalks
- Why is a sidewalk proposed to be installed 26 years after the original development?
- Snow removal for the public sidewalk is a cost that would have to be paid by the property owners.
- One business is only open six months of the year and not in winter.
- Foot traffic was from people who were temporarily living on the vacant properties in the area, but that has been significantly reduced as the area developed further.,
- The businesses are industrial businesses that don’t have walk-in customers.
- There has been a large amount of theft and other illegal activities in the area; having sidewalk may invite more of that type of activity into the area
- Street lighting should be installed as there is none there now.
- More police presence in the area would be appreciated.
- Property owners were not aware at the time they purchased their properties that there was a requirement that sidewalk was to be installed.

Staff clarified that there is no traffic count of foot traffic in an area prior to proposing sidewalks in that area.

Following the comments of the petitioners, the Commission had questions for staff. Staff responded with the following points:

- There have been no waivers of sidewalk in industrial-zoned areas for at least the last 10 years.
- The Land Development Code states that sidewalks should be installed in all areas of the city
- The reason the City Engineer is looking to install sidewalk in this neighborhood is that the site plan that was submitted and approved in 2022 for the shop condos between Thunder Road and 30th Street showed sidewalks getting installed as part of their initial improvements. These sidewalks were not installed. The City Engineer recognized that the surrounding areas along Thunder Road did not have sidewalks either, so that’s why they were added to the project in order to comply with city ordinance.

The Commission discussion included the following points:

- Sidewalks are for public safety and transportation.
- Could sidewalks be required along the Thunder Road amusement park and stop there?

- If this industrial area has a lot of heavy truck traffic, perhaps having sidewalks that would allow foot traffic would defeat the purpose of public safety.
- City of Fargo should be commended for requiring sidewalks on all streets.
- Post-development installation of sidewalks can be very contentious.
- It is an important public policy to have sidewalks. Sidewalks should be installed now rather than to have this contentious discussion later.
- This is not a remote area on the edge of the city. This area around 32nd avenue and I-29 is right in the middle of potentially intense development in the future.
- Some parcels in this area are industrial in nature and probably don't need sidewalks, there's Eddie and Barkus and nearby office building; there is definitely a need for some sidewalks here. Having sidewalks required in some places and then skip a property because it doesn't have foot traffic is a bad policy.
- Having sidewalks in all areas is the policy of the city. We don't want to set a precedent or have a piecemeal sidewalk system.
- It's a good thing to have sidewalks even if it's a low pedestrian area.

After hearing all the presentations and comments and discussing the petition, the Commission moved to deny the petition for waiver of sidewalks, as noted below.

ACTIVITY FOLLOWING THE JULY 7th PLANNING COMMISSION MEETING

Following the July 7th Planning Commission meeting, staff received an e-mail from one of the property owners. A copy of that e-mail is attached.

Recommended Motion:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to deny the proposed Waiver of requirement to install a public sidewalk in the Thunder Road right of way along Lot 1, Block 1, **Sanders Addition**; Lot 1, Block 1, **Adams Ninth Addition**; All of Lots 1, 2, 5 and portion of Lots 3 and 4, Block 1 **Adams Fifth Addition**, as outlined in the staff report, on the basis that the proposal does **not** meet the intent of the Go2030 Comprehensive Plan and related plans, or the intent of the guidelines as set forth within Section 20-0609.A (1-7) of the Land Development Code."

Planning Commission Recommendation: July 7th, 2026

At the July 7th, 2026 Planning Commission meeting, that Commission, by a vote of 9-0 with two Commissioners absent, moved to accept the findings and recommendations of staff and recommended denial to the City Commission of the proposed Waiver of requirement to install a public sidewalk in the Thunder Road right of way along Lot 1, Block 1, **Sanders Addition**; Lot 1, Block 1, **Adams Ninth Addition**; All of Lots 1, 2, 5 and portion of Lots 3 and 4, Block 1 **Adams Fifth Addition**, as outlined in the staff report, on the basis that the proposal does **not** meet the intent of the Go2030 Comprehensive Plan and related plans, or the intent of the guidelines as set forth within Section 20-0609.A (1-7) of the Land Development Code.

Attachments:

1. Property owner comment e-mail

From: Dave Jones
Sent: Wednesday, July 8, 2026 2:35 PM
To: Donald Kress
Cc: Michelle Turnberg ; Nicole Crutchfield
Subject: Your request for sidewalk waiver at the Planning Commission

Good afternoon Donald,
Thanks for your continued coordination with us regarding this subject. I wanted to make a few comments regarding yesterday's meeting:

I can understand the commission's comments regarding the sidewalk in front of the amusement park; the potential for that sidewalk to be used is there. It's unfortunate for them as it could have a large financial impact on his business. Not only the unexpected cost of the new sidewalks, but also the additional cost of relocating sprinklers and landscaping as well as maintaining the sidewalk throughout the winter even when his business is seasonal.

For myself and other business's in the cul-de-sac, this seems ridiculous. I respectfully disagree with the boards comments where they are basing their decision simply from what decisions were made in the past; or worried about establishing a basis for future rulings. As we both know, every situation and site is different. If that wasn't the case, why would the City even have an option for public input? Even in this particular case, sidewalks leading to the amusement park makes sense, sidewalks to the properties in this cul-de-sac do not.

I did a brief walk-through of the cul-de-sac after the meeting yesterday and noticed a lot of interferences with a future sidewalk. Various landscaping, 3 full size trees, a potential manhole cover. Also, Adam's property has quite a grade change; his would require a paver wall or something to accommodate the slope. For myself, our sidewalk is minimal, my frustration lies with a pointless waste of money spent on something that will never get used.

Thanks again for your assistance Donald, it's much appreciated!