

**City of Fargo
Staff Report**

Title:	Simonson Companies Fifth Addition	Date:	03-31-2026
		Update:	05-21-2026
Location:	5237 38 Street South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lot 2, Block 1, Simonson Companies Fourth Addition		
Owner(s)/Applicant:	Simonson Companies, LLC	Engineer:	Lowry Engineering, Inc.
Entitlements Requested:	Minor Subdivision (replat of Lot 2, Block 1 Simonson Companies Fourth Addition)		
Status:	City Commission Consent Agenda: May 26, 2026		

Existing	Proposed
Land Use: Undeveloped	Land Use: No Change / Future Commercial
Zoning: LC, Limited Commercial with a CO, Conditional Overlay	Zoning: No Change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, off-premise advertising , commercial parking, retail sales and service, self-storage, vehicle repair , limited vehicle service, and certain telecommunication facilities. Conditional Overlay No. 5370 prohibits certain uses as indicated above, and provides design and pedestrian connectivity standards.	Uses Allowed: No Change
Maximum Lot Coverage Allowed: Maximum 55% building coverage	Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant requests one entitlement:

1. A minor subdivision, to be known as Simonson Companies Fifth Addition, a replat of Lot 2, Block 1, Simonson Companies Fourth Addition to the City of Fargo, Cass County, North Dakota

The subject property is located at 5237 38 Street South, and encompasses approximately 2.08 acres. 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: 52 Avenue South / Town & Country Credit Union, with zoning of GC, General Commercial with C-O
- East: 38 Street South / Starbucks with zoning of LC, Limited Commercial with C-O
- South: Undeveloped, with zoning of LC, Limited Commercial with C-O
- West: Undeveloped, with zoning of LC, Limited Commercial with C-O

Area Plans:

Fargo's Growth Plan 2024 was adopted on August 19th, 2024. The property is located within the Mixed Commercial, Office, and Residential place type. Primary uses include commercial, retail, distribution, cultural, government, civic, light manufacturing, and multi-family residential housing. This project is consistent with the future land use designation for this property.

Context:

Neighborhood: The District

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

Parks: The Pines Park, located at 5371 42 Avenue South, is within a quarter mile to the southwest of the property. Park Amenities include a basketball court, grills, picnic tables, two playgrounds, recreational trails, and a shelter.

Pedestrian / Bicycle: Shared-use paths border the subject property on 52nd Avenue South, 38th Street South, and 53rd Avenue South. These shared-use paths connect directly to The Pines Park and the metro area path system.

Transit: MATBUS Route 18 runs along 38th Street South on the east side of the subject property, and has a stop at Walmart, approximately 0.20 miles east of the subject property. Walmart connects to the downtown GTC, Ground Transportation Center by way of 40th avenue South, 42nd Street South, 25th Street South, and University Drive.

Staff Analysis:**Minor Subdivision:**

The subdivision plat vacates a 20' utility easement and creates a new 10' utility easement. The re-routing of the utilities will allow for the proposed development of a gas station. The property lines are not changing.

Zoning and C-O, Conditional Overlay:

The property is zoned LC, Limited Commercial with a C-O, Conditional Overlay Ordinance No. 5370, which prohibits certain uses and provides design and pedestrian connectivity standards. This Conditional Overlay was created with Simonson Companies Second Addition and it will carry through with this subdivision. No zone changes or modification to the C-O is proposed.

Access & Amenities:

Access to the lots is provided by access easements which connect to 38th Street South and 53rd Avenue South. These easements were created with the Simonson Companies Second Addition Plat in 2020. There is no direct access to 52nd Avenue South.

Staff will update the amenities plan to specify developer considerations related to public improvements and storm water.

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.**

The current zoning for the property is LC, Limited Commercial with C-O, Conditional Overlay. No zone change or C-O modification is proposed. This zoning is consistent with the 2024 Fargo Growth Plan and the property is within the Mixed Commercial, Office, and Residential place type. The current LC zoning is consistent with these land use designations. 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 not received any inquiries about the application. 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 principals. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed subdivision plat, **Simonson Companies Fifth Addition** as outlined within the staff report, as the proposal complies with the adopted area plans, the standards of Article 20-06, Section 20-0907 B and C, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: April 27th, 2026

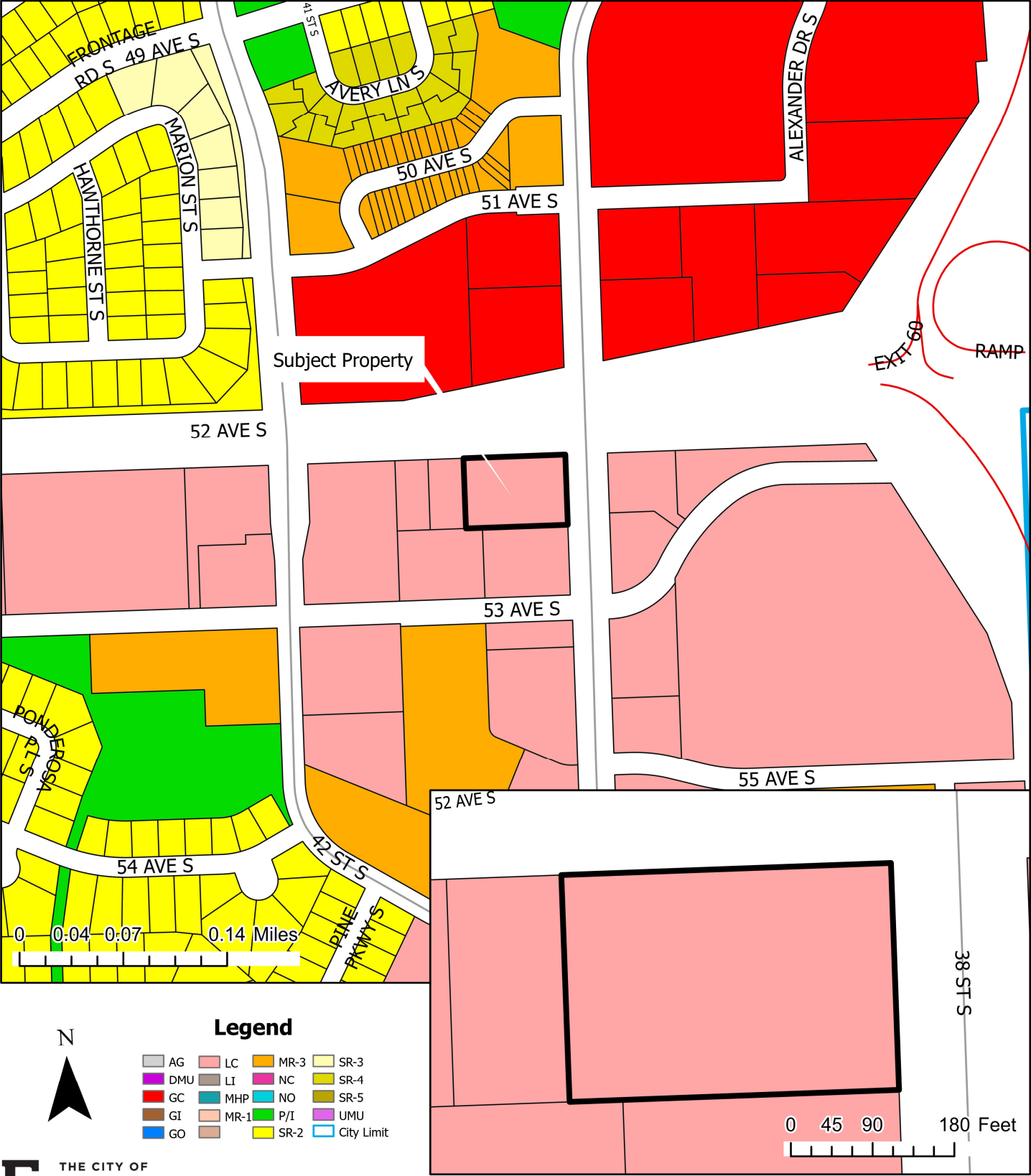
At the April 27th, 2026 Planning Commission hearing, that Commission, by a vote of 7-0 with four commissioners absent, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed subdivision plat, **Simonson Companies Fifth Addition** as outlined within the staff report, as the as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06, Section 20-0907.B and C of the Land Development Code".

Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Amenities Plan

Minor Subdivision

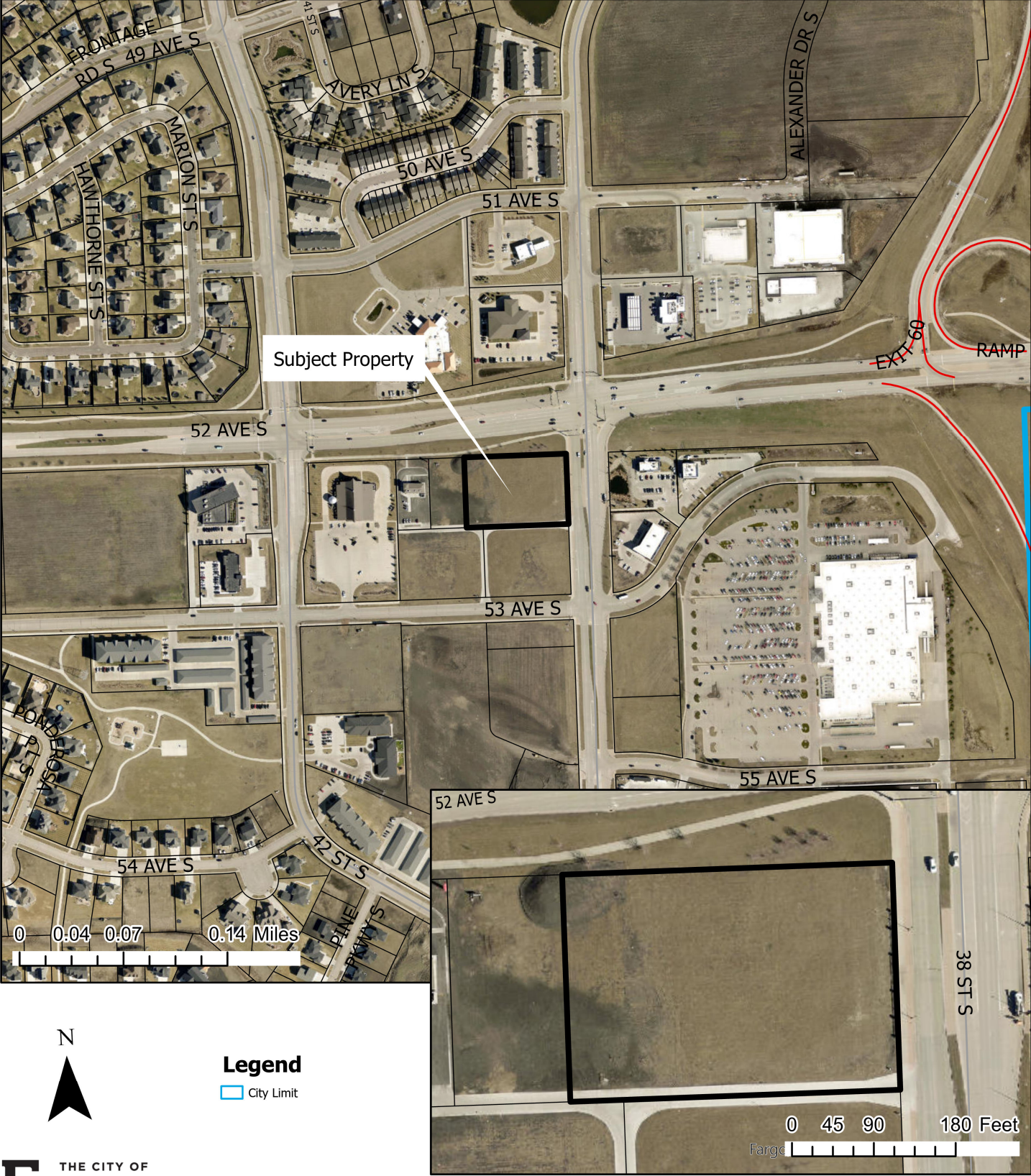
Simonson Companies Fifth Addition



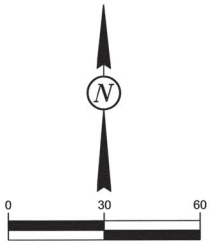
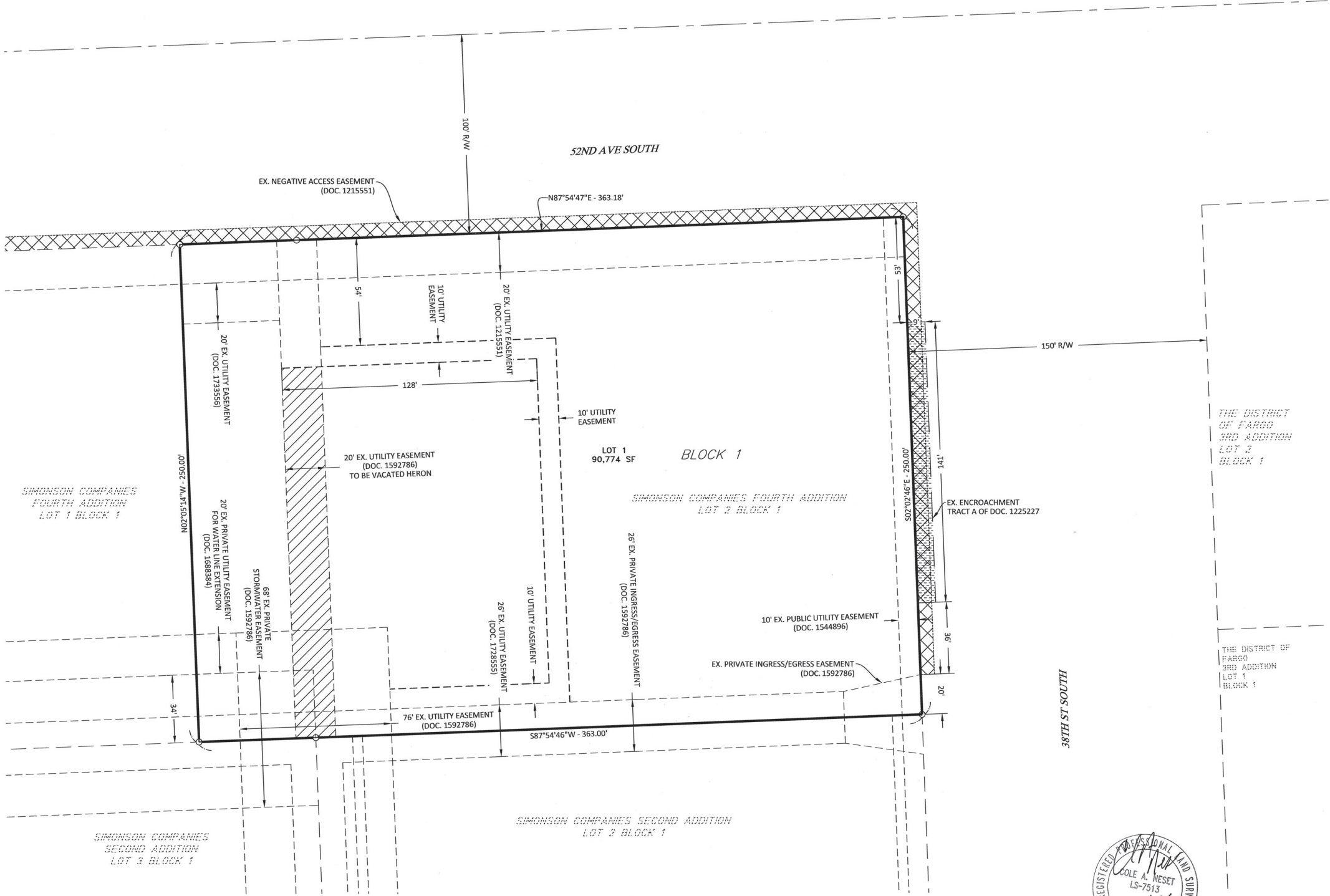
Minor Subdivision

Simonson Companies Fifth Addition

5237 38th Street South



A MINOR SUBDIVISION PLAT OF
SIMONSON COMPANIES FIFTH ADDITION
A REPLAT OF LOT 2, BLOCK 1, SIMONSON COMPANIES FOURTH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



LEGEND	
●	MONUMENT SET
○	MONUMENT FOUND
- - -	EX. EASEMENT
- - -	EX. PROPERTY LINE
- - -	EX. SECTION LINE
—	PROPERTY BOUNDARY LINE
—	NEW ROW/PROPERTY LINE
—	NEW EASEMENT LINE
XXXXXX	EX. NEGATIVE ACCESS EASEMENT
XXXXXX	EX. ENCROACHMENT
XXXXXX	EX. EASEMENT TO BE VACATED HERON

SURVEY INFORMATION
DATE OF SURVEY: 05-13-2022
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992
BENCHMARK USED: TOP NUT OF HYDRANT ON SOUTH SIDE OF LOT 2 BLOCK 1 OF SIMONSON SECOND ADDITION, ELEVATION = 910.51

NOTES
1. A NEGATIVE ACCESS EASEMENT IS AN EASEMENT WHICH 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



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A MINOR SUBDIVISION PLAT OF
SIMONSON COMPANIES FIFTH ADDITION
A REPLAT OF LOT 2, BLOCK 1, SIMONSON COMPANIES FOURTH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT SIMONSON COMPANIES, LLC, IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND:

LOT 2, BLOCK 1, SIMONSON COMPANIES FOURTH 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 SIMONSON COMPANIES FIFTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 1 LOT AND 1 BLOCK, AND CONTAINS 90,774 SF, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

SIMONSON COMPANIES, LLC
BY: ARCH M. SIMONSON
ITS: SECRETARY

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ARCH M. SIMONSON, SECRETARY, SIMONSON COMPANIES, LLC, 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: _____

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 SIMONSON COMPANIES 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 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 ORDED FILED THIS _____ DAY OF _____ 20____.

TIMOTHY J. MAHONEY
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 TIMOTHY J. MAHONEY & ANGIE BEAR, 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 PLANNING COMMISSION APPROVAL

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

MARANDA R. TASA, 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 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: _____

FOR RECORDING PURPOSES ONLY

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Site Amenities and Project Plan
Simonson Companies Fifth Addition
April 10, 2026

Location: The subject property is legally referred to as Lot 1, Block 1, Simonson Companies Fifth Addition to the City of Fargo, Cass County, North Dakota, a replat of Lot 2, Block 1, Simonson Companies Fourth Addition.

Details: The project includes one (1) LC, Limited Commercial zoned lot. As approved, the project is intended to be developed as a limited commercial development, pursuant to the LDC.

Right of Way (ROW): No public right of way dedications are required as part of Simonson Companies Fifth Addition.

All applicable requirements of the Simonson Companies Fourth Addition Amenities Plan carry through to the Simonson Companies Fifth Addition.

This Amenities Plan is hereby approved.

	5/19/2026 10:13 AM CDT
_____ Arch Simonson, President Simonson Companies, LLC Owner: Lot 1, Block 1 of Simonson Companies Fifth Addition	_____ date

_____ Tom Knakmuhs, City Engineer	_____ date
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