



City of Grand Forks
Staff Report

Planning & Zoning Commission - May 7, 2025
City Council - May 19 AND ~~June 16~~ July 21, 2025

APPROVED & ACCEPTED
by City Council
Maureen Storstad
05/19/2025
Maureen Storstad
City Auditor

Item 4-3 (Preliminary) - Plat Request	
Title: Plat of Birkholz Eighth Addition with Street & Highway Ordinance	
Location: 1800 Block of South 42 nd Street	
Current Legal Description: Unplatted; W823.35' OF N1280' & W OF NW1/4, EX.5A DR, EX1.54A TO AUD SUB #26, EX3.36 TO CITY 17-151-50	
Proposed Legal Description: Birkholz Eighth Addition	
Applicant: CPS, Ltd.	Owner: Oxford Seventeen, LLC
Prepared By: Sierra Johnson, Planner	Submitted By: Ryan Brooks, Director of Planning & Community Development
Purpose: Plat, annex, and rezone the current parcel in order to develop the area in to residential and commercial lots.	

Staff Recommendation
Recommending preliminary approval of the Plat of Birkholz Eighth Addition with Street & Highway ordinance, located at 1800 Block of South 42nd Street, subject to conditions shown on attached review copy. Recommend city council set and hold a public hearing for June 16, 2025.

Application Status
May 7, 2025 - Planning and Zoning Commission Recommended Action: Motion by Matson, second by Klava for preliminary approval of applicant request. Motion carried unanimously with Reichert recused.
May 19, 2025 - City Council Action: Motion by Vein, second by Berg to approve agenda item. Motion carried unanimously.
June 4, 2025 (Public Hearing)- Planning and Zoning Commission Recommended Action: THIS ITEM WAS RESCHEDULED TO JULY 9, 2025
June 16, 2025 (Public Hearing) - City Council Action: Motion by Osowski, second by Berg to postpone to July 21, 2025. Motion passed unanimously.

Existing	Proposed
Land Use: Vacant; former farmstead	Land Use: Commercial & residential development

Zoning: A-1	Zoning: Birkholz 8 th PUD (Commercial, R-4, and R-2 areas)
Uses Permitted: All uses permitted in A-1 district	Uses Permitted: All uses permitted in the designated district.

Context
Adjacent Zoning Districts: Johnson’s PUD (Commercial uses), Black Gold PUD (Commercial uses), Park West PUD (single family residential uses), Valley Memorial Homes PUD (Multiple family residential uses)
Adjacent Streets: 17 th Ave S & S 42 nd St
Adjacent Bike/Ped Facilities: Off road shared-use path along S 42 nd St
Adjacent CAT Routes: Routes 8 & 9

Consistency with 2050 Land Use Plan
<p>This request and coinciding requests align with the following Land Use goals and objectives:</p> <ul style="list-style-type: none"> • General Development Goal 2, Objective B: “Accommodate innovative mixed and shared use development opportunities.” • General Development Goal #14 states that the city prioritizes the annexation of county islands. Since this area is surrounded by city limits, it is an island and is given priority to be annexed. • General Development Goal 3, Objective C: “Annexation will be used as a tool for equity, providing a system where all residents and landowners share in the benefits and costs of municipal services.” • General Development Goal 3, Objective D: “The City will make a concerted effort to ensure growth is directed toward areas where full public services may be provided as cost effectively as possible, relying upon infill opportunities and the growth tier system.” • The proposed uses align with those prescribed in the Land Use Plan.

Background and Discussion
<ul style="list-style-type: none"> • This request is to plat a currently undeveloped, unannexed, and unplatted property. This property is considered a County island since it is completely surrounded by city limits and/or City right-of-way. County islands are priorities for annexation and platting. • The proposed development was presented last month as an information-only item. The development is about 30 acres and features multi-family residential, single-family attached residential, and commercial uses. The commercial and multi-family residential lots would face S 42nd St, and the single-family attached uses would abut the coulee. <p>Right of way dedication & Utility Easements</p> <ul style="list-style-type: none"> • The plat features the dedication of a street which runs through the entire development as well as utility easements.

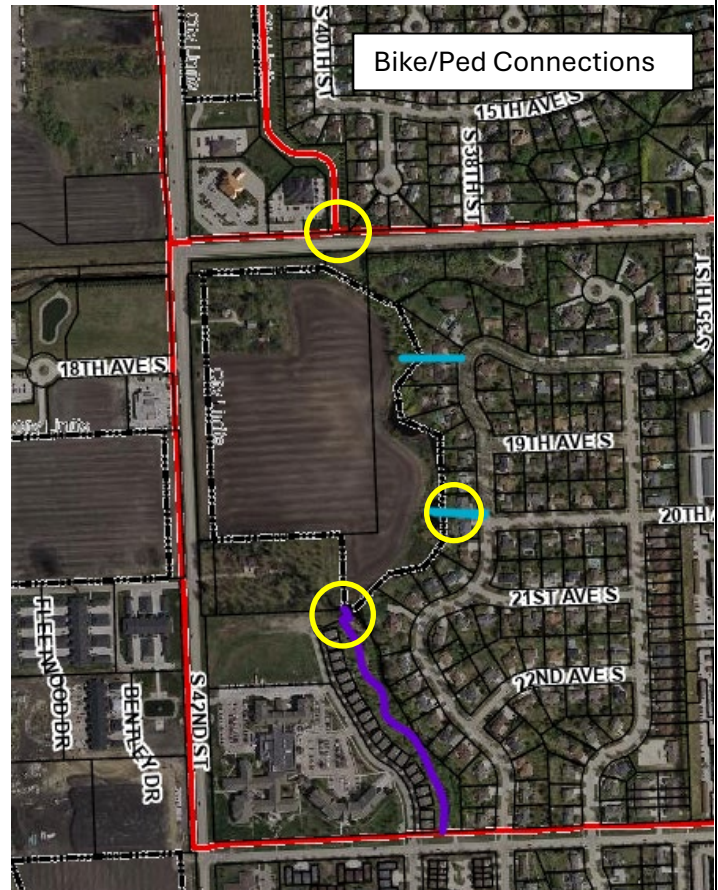
Access for the Development

- The location of this development to high traffic roads and where the coulee restricts connections results in unique challenges to work through to ensure the success of the development while maintain safety for roadway users.
- Access points to the development from both S 42nd St and 17th Ave S are under review and pending final locations as potential conflicts exist given the proximity to the intersection of 42nd & 17th. Engineering Dept has consultants Bolton & Menk conducting an amendment to a recent traffic study that was completed in the area, to determine if the proposed accesses need to be relocated. Results of the traffic study are expected to be received mid-May.

Bike/Ped Connections

- Existing and planned Bike and Pedestrian accesses dead end into this development currently and final connecting pieces throughout the development are needed to complete the system.

1. The paved multi-use path located north of 17th Ave S, (red lines)
2. 2 Planned coulee crossings (blue lines)
 - Connection behind lot 9 on proposed plat and lots 6&7 on other side of the coulee
 - Connection between lots 19 & 20 on proposed plat and between lots 13 & 1 on the east side of the coulee. Last year the property owners of Lots 13 & 1 requested to vacate their sidewalk connect but P&Z and City Council denied the vacation, wanting to see an eventual coulee crossing here as planned.
 - Staff does not recommend two crossings for cost reasons and is prioritizing the southern coulee crossing for better distributed connections and access for surrounding neighborhoods.
3. Existing gravel multi-use path to the south of Birkholz that runs behind the lots on Bethesda circle. It was intended that this path would eventually connect to the paved path north of 17th Ave S. (purple path)



4. Pedestrian access is not provided in the current preliminary plat and is a noted tech change staff seeks to come to an agreement with the developer on.

Park Dedication

- Staff will coordinate a park dedication meeting between the developer, city and park district between preliminary and final approvals.
- 8% of residential land, or payment in lieu of land, is to be dedicated for park uses for the neighborhood’s benefit. In the past, a portion of storm pond area has be used to meet the requirement.

Floodplain management

- The coulee and its outlet into 17th Ave S and behind Bethesda circle to the south (outside of current plat boundaries) are part of the City’s floodplain and additional restrictions are placed on the plat/lots. When structures are built on the floodplain lots (the single family attached lots directly connected to the coulee) they are required to have first floor elevations built to be one foot higher in elevation then the 100 year flood plain elevation in order to meet federal requirements and be built.

Developers are setting up a neighborhood meeting that will be held at a later date, prior to final action.

The list above provides for thoughtful considerations and compromises but overall staff is encouraged to see the request for additional housing in the multiple forms this development is proposing as well to see a county island being developed. This development will continue the momentum S 42nd St is seeing with the Altru Sports Complex kitty corner and the potential Children’s Museum as well.

Staff is recommending preliminary approval while recognizing there are many tech changes needing a resolution before future final approvals are pursued.

Findings of Fact

- Plats, and street and highway ordinances dedicating right of way, require two approvals from Planning & Zoning Commission and City Council
- Multiple Tech Changes and concerns are needed to be resolved in order to meet Subdivision Regulations. These will occur between preliminary and final approvals.

Attachments

- Proposed replat with Tech Changes noted.
- Street & Highway Ordinance Dedication

BIRKHOLZ'S EIGHTH ADDITION TO THE CITY OF GRAND FORKS, NORTH DAKOTA

OWNERS CONSENT & DEDICATION:

We the undersigned, being all the owners and lien holders of the land replatted herein as 'Birkholz's Eighth Addition' to the City of Grand Forks, do hereby voluntarily consent to the execution of said plat and do dedicate the streets, alleys, park, open spaces, fire lane easements, bikeways and pedestrian walkways, drainage ditches and public grounds, as shown thereon, including all sewers, culverts, bridges, water distribution lines, and public grounds, whether such improvements are shown or not to the public use forever. We agree not to vacate any portion of this plat without the consent of the Planning and Zoning Commission and the City of Grand Forks. We also hereby dedicate easements to run with the land for water, sewer, gas, electric, telephone, sidewalk, drainage or other public utility lines or services under, on or over these certain strips of land designated herein as "Drainage & Utility Easements", "Sidewalk and Utility Easements", "Bikepath and Pedestrian Easements" and "Utility Easements". We consent to any access control to the property designated on said plat and further agree to prohibit any and all ingress or egress across those lot lines designated herein as having "Access Control".

Legal Description:

That part of the West Half of the Northwest Quarter of Section 17, Township 151 North, Range 50 West of the Fifth Principal Meridian, lying westerly of Block 6, of Birkholz's 1st Addition, Block 1 of Birkholz's Second Addition, and southerly of Lot 1, Block 1 of Birkholz's 7th Addition all to the City of Grand Forks, North Dakota according to the plats thereon on file and of record in the office of the County Recorder, Grand Forks County, North Dakota and northerly of a parcel of land transferred to Terry L. Rieger by Quit Claim Deed Document Number 594708 on file and of record in the office of the County Recorder, Grand Forks County, North Dakota, described as follows:

Commencing at the northwest corner of said Northwest Quarter of said Section 17; thence southerly along the west line of said Northwest Quarter having a plat bearing of South 00 degrees 14 minutes 01 seconds East a distance of 105.00 feet to the point of beginning; thence continuing along the west line of said Northwest Quarter South 00 degrees 14 minutes 01 seconds East a distance of 1175.00 feet to a line being 1280.00 feet southerly and parallel with the north line of said Section 17; thence north along said parcel of land transferred to Terry L. Rieger by Quit Claim Deed Document Number 594708; thence easterly along the north line of said parcel of land North 89 degrees 31 minutes 12 seconds East a distance of 664.65 feet to a line being 1280.00 feet southerly and parallel with the north line of said Section 17 and the northeast corner of said parcel of land; thence South 00 degrees 14 minutes 01 seconds East along said parallel line a distance of 320.98 feet; thence South 83 degrees 58 minutes 34 seconds East a distance of 48.13 feet to the westerly boundary line of said Birkholz's 2nd Addition; thence North 46 degrees 49 minutes 11 seconds East along said westerly boundary line a distance of 211.39 feet; thence North 79 degrees 52 minutes 37 seconds East continuing along said westerly boundary line a distance of 162.81 feet; thence North 39 degrees 59 minutes 58 seconds East continuing along said westerly boundary line a distance of 73.15 feet; thence North 35 degrees 14 minutes 55 seconds East continuing along said westerly boundary line a distance of 68.60 feet; thence North 00 degrees 07 minutes 23 seconds West continuing along said westerly boundary line and the westerly boundary line of said Birkholz's 1st Addition a distance of 460.00 feet; thence North 65 degrees 07 minutes 23 seconds West continuing along said westerly boundary line a distance of 180.00 feet; thence North 10 degrees 07 minutes 23 seconds West continuing along said westerly boundary line a distance of 150.00 feet; thence North 43 degrees 52 minutes 37 seconds East continuing along said westerly boundary line a distance of 171.02 feet; thence North 21 degrees 31 minutes 30 seconds West continuing along said westerly boundary line a distance of 259.30 feet to the south line of said Lot 1, Block 1 Birkholz's 7th Addition; thence North 89 degrees 59 minutes 37 seconds West along said south line a distance of 35.00 feet; thence North 57 degrees 40 minutes 06 seconds West continuing along said south line a distance of 110.59 feet; thence North 00 degrees 14 minutes 01 seconds West a distance of 215.00 feet to the north line of said Northwest Quarter of said Section 17; thence South 89 degrees 31 minutes 12 seconds West along said north line a distance of 185.35 feet to the northeast corner of said Auditors Subdivision No. 26; thence southerly along the east line of said Auditors Subdivision No. 26 South 00 degrees 14 minutes 01 seconds East a distance of 105.00 feet to the southeast corner of said Auditors Subdivision No. 26; thence South 89 degrees 31 minutes 12 seconds West along the south line of said Auditors Subdivision No. 26 a distance of 638.00 feet to the point of beginning. Containing 29.79 acres more or less.

Oxford Seventeen LLC

Mike Opp, President

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

On this _____ day of _____, 2025, before me, a Notary Public in and for said County and State, personally appeared _____, to be the person described in and that executed the within instrument, and acknowledged to me that such Company executed the same.

Notary Public, Grand Forks County
State of North Dakota
My Commission Expires: _____

Dean R. Wieland Trust D/UT

Dean R. Wieland, Trustee

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

On this _____ day of _____, 2025, before me, a Notary Public in and for said County and State, personally appeared Dean R. Wieland, to be the person described in and who executed the foregoing instrument to me, known and acknowledged that they executed the same as their free act and deed.

Notary Public, Grand Forks County
State of North Dakota
My Commission Expires: _____

CITY ENGINEER APPROVAL:

On this _____ day of _____, 2025, I Allen R. Grasser, City Engineer for Grand Forks, North Dakota, hereby certify that I have reviewed the attached subdivision and find that it meets applicable design criteria as specified by City Ordinance and the North Dakota Century Code.

Allen R. Grasser, City Engineer

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

Be it known on this _____ day of _____, 2025, before me a Notary Public, personally appeared Patrick M. Krug, City Engineer of the City of Grand Forks, North Dakota, and acknowledged the execution and signing of the above certificate.

Notary Public, Grand Forks County
State of North Dakota
My Commission Expires: _____

PARK DISTRICT OF THE CITY OF GRAND FORKS:

The Park District of the City of Grand Forks hereby approved the attached plat on the _____ day of _____, 2025

President: Tim Skarperud
Clerk/Executive Director: George Hellyer

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

On this _____ day of _____, 2025, before me, a Notary Public in and for said County and State, personally appeared Tim Skarperud and George Hellyer, known to me to be President and Clerk/ Executive Director, respectively, of the Park District of the City of Grand Forks, who are described in and who executed the within instrument and acknowledged to me they executed the same as their free act and deed.

Notary Public, Grand Forks County
State of North Dakota
My Commission Expires: _____

CITY COUNCIL APPROVAL:

The City of Grand Forks, North Dakota has approved the subdivision of land shown hereon on this _____ day of _____, 2025; has accepted the dedication of all streets, alleys and other public ways shown hereon, has accepted the dedication of all parks and other public areas shown hereon. Further, said City Council has approved the streets, alleys, and other public ways and grounds as shown hereon as an amendment of the Master Street and Highway Plan and any other appropriate portion of the Master Plan of the City of Grand Forks by Ordinance No. _____ passed this _____ day of _____, 2025.

Attest:
Maureen Storstad, City Auditor

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

Be it known on this _____ day of _____, 2025, before me personally appeared Maureen Storstad, City Auditor of the City of Grand Forks, and acknowledged the execution and signing of the above certificate.

Notary Public, Grand Forks County
State of North Dakota
My Commission Expires: _____

PLANNING AND ZONING COMMISSION APPROVAL:

The subdivision of land shown hereon has been approved by the Planning and Zoning Commission of the City of Grand Forks on _____, 2025, in accordance with the laws of the State of North Dakota, ordinances of the City of Grand Forks, and regulations of said Planning and Zoning Commission. In witness thereof are set the hands and seals of the President and the Secretary of the said Planning and Zoning Commission of the City of Grand Forks.

President: Steve Wasvick
Secretary: Meggen Sande

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

Be it known on this _____ day of _____, 2025, before me personally appeared Steve Wasvick, President and Meggen Sande, Secretary of the Grand Forks Planning and Zoning Commission and acknowledged consent and dedication to have been executed by the direction and on behalf of the Grand Forks Planning and Zoning Commission.

Notary Public, Grand Forks County
State of North Dakota
My Commission Expires: _____

SURVEYOR'S CERTIFICATE:

I hereby certify that this map is a true and complete survey made by me or under my direct supervision on _____, 2025, and that all dimensions, angles and bearings are correct as shown, and that all monuments will be set as shown.

Patrick M. Krug, North Dakota Registered
Professional Land Surveyor No. 3289

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

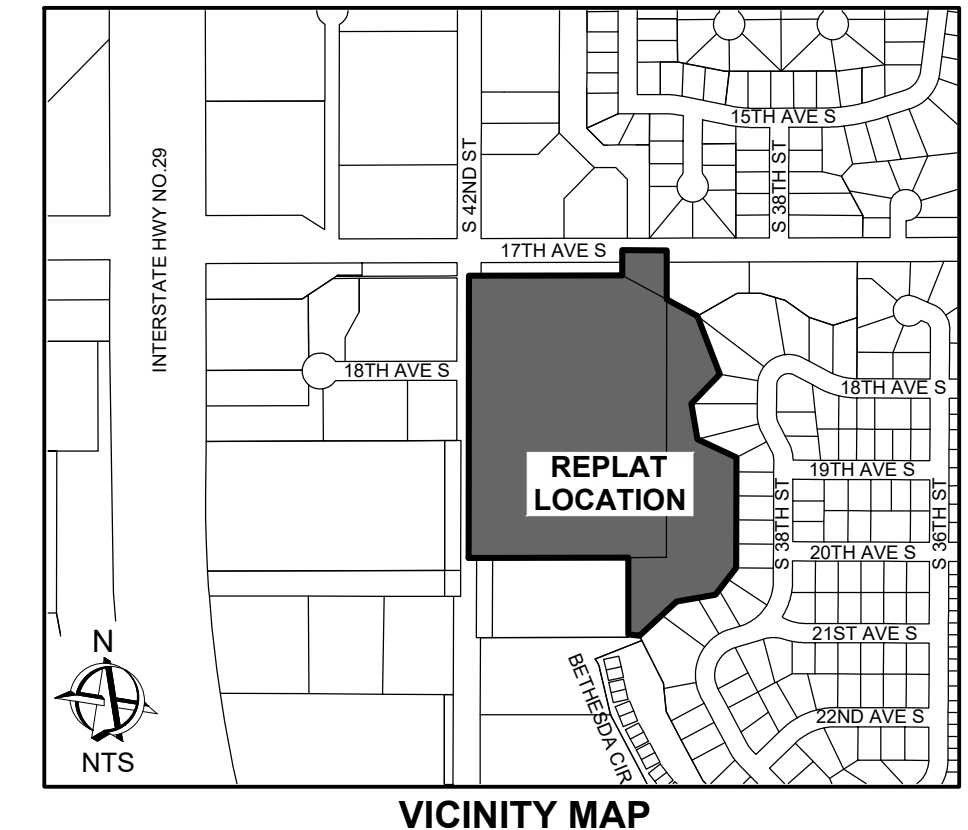
On this _____ day of _____, 2025, before me a Notary Public, personally appeared Patrick M. Krug, and acknowledged the execution and signing of the above certificate of Registered Professional Surveyor to be his voluntary act and deed.

Notary Public, Grand Forks County
State of North Dakota
My Commission Expires: _____

Tech Notes 4-28-2025
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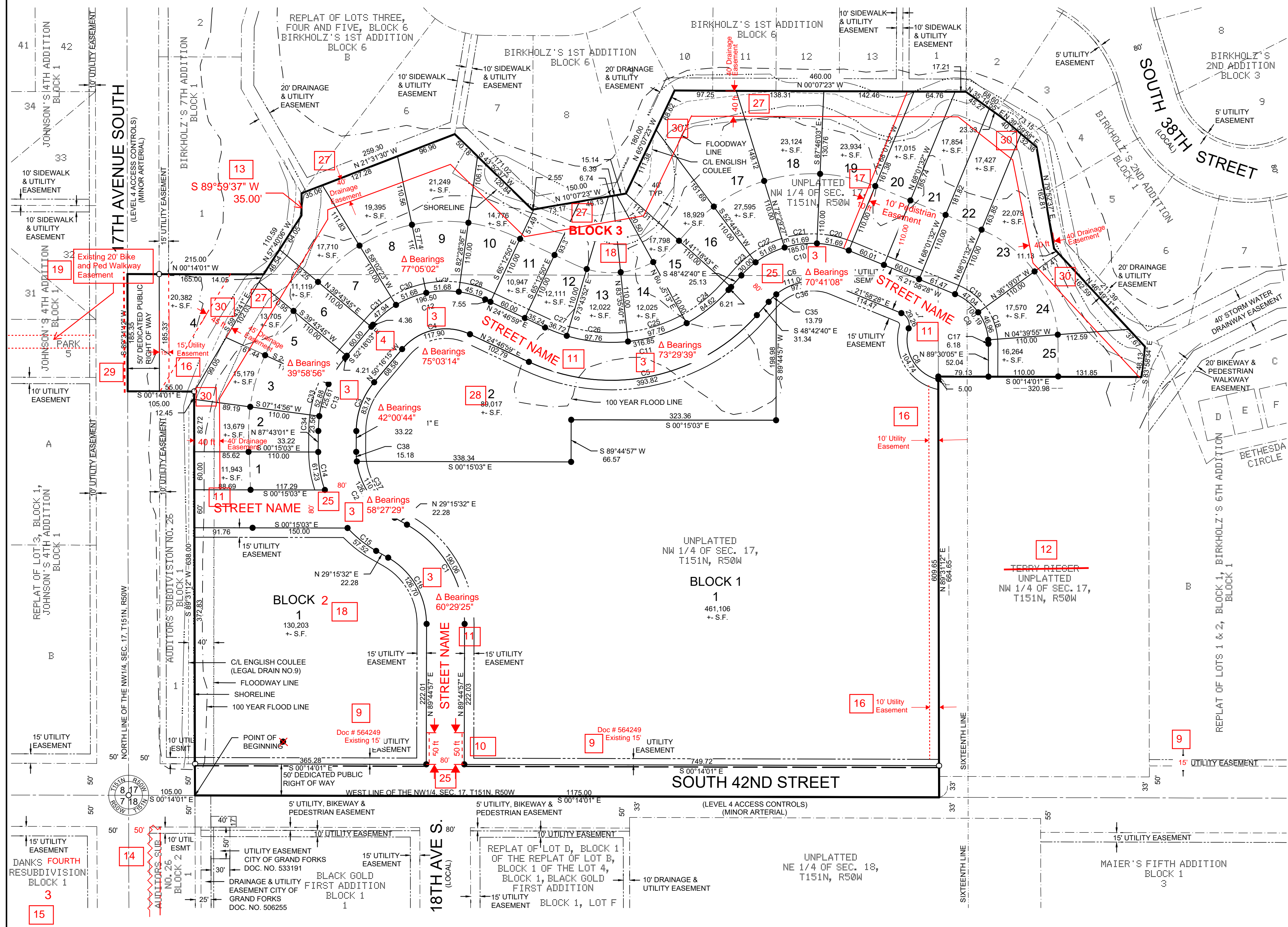
CURVE DATA

CURVE	PTI TA	ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	68°27'29"	120.00	190.06	S 89°30'15" W	181.35	
C2	42°00'44"	120.00	83.74	S 70°15'39" E	82.05	
C3	75°03'14"	90.00	117.90	S 12°44'32" E	109.65	
C4	73°29'39"	307.00	393.82	N 11°57'34" W	367.37	
C5	70°41'08"	90.00	111.04	S 13°22'12" E	104.13	
C6	63°49'18"	20.00	29.26	N 63°53'07" E	26.72	
C7	92°19'18"	85.00	104.74	N 69°38'07" E	93.77	
C8	67°32'09"	85.00	100.19	S 55°44'19" W	94.49	
C9	70°41'08"	150.00	185.07	S 13°22'06" E	173.55	
C10	73°29'39"	247.00	316.85	S 11°57'34" E	295.57	
C11	77°05'02"	150.00	196.50	N 12°44'32" W	182.75	
C12	39°58'56"	180.00	125.61	N 70°15'39" W	123.08	
C13	18°18'31"	180.00	57.52	S 38°24'45" W	57.27	
C14	60°29'25"	120.00	126.70	N 59°30'15" E	120.90	
C15	4°10'00"	85.00	6.18	N 87°25'20" E	6.18	
C16	31°39'24"	85.00	46.96	S 69°30'34" W	46.37	
C17	31°42'38"	85.00	47.04	S 37°49'34" W	46.45	
C18	19°44'34"	150.00	51.69	N 12°08'11" E	51.43	
C19	19°44'34"	150.00	51.69	S 07°38'23" E	51.43	
C20	19°44'34"	150.00	51.69	S 27°22'57" E	51.43	
C21	11°27'38"	150.00	30.00	S 42°59'02" E	29.95	
C22	19°37'42"	247.00	84.62	S 38°53'42" E	84.20	
C23	22°40'38"	247.00	97.76	S 17°44'32" E	97.12	
C24	22°40'38"	247.00	97.76	S 04°56'05" W	97.12	
C25	8°31'02"	247.00	36.72	S 20°31'55" W	36.68	
C26	17°15'46"	150.00	45.19	S 16°09'17" W	45.02	
C27	19°44'30"	150.00	51.68	S 02°20'51" E	51.43	
C28	19°44'30"	150.00	51.68	N 22°05'22" W	51.43	
C29	18°18'38"	150.00	47.94	S 41°06'56" E	47.73	
C30	15°39'01"	180.00	49.17	N 58°05'45" W	49.02	
C31	16°49'48"	180.00	52.88	N 74°20'10" W	52.69	
C32	7°29'59"	180.00	23.56	S 86°30'03" E	23.55	
C33	8°46'37"	90.00	13.79	S 44°19'33" E	13.77	
C34	61°54'42"	90.00	97.25	N 08°58'53" W	92.58	
C35	52°58'16"	120.00	110.94	N 65°44'26" E	107.03	
C36	7°14'54"	120.00	15.18	N 85°51'04" E	15.17	



- ### LEGEND
- PLAT BOUNDARY LINE
 - PROPERTY LINE
 - EXISTING LOT LINE
 - EXISTING DEED LINE
 - EXISTING EASEMENT LINE
 - EASEMENT BY PLAT LINE
 - SECTION LINE
 - SIXTEENTH LINE
 - SURVEY LINE
 - MONUMENT FOUND
 - MONUMENT SET
 - ACCESS CONTROL LINE
 - 100 YEAR FLOOD LINE
 - ENGLISH COULEE CENTERLINE
 - FLOODWAY LINE
 - SHORELINE
 - SPOT GROUND ELEVATION (NAVD '88) +835.1

- ### NOTES:
- ALL BEARINGS ARE PLATTED BASED ON THE SOUTH LINE OF LOT 1, BLOCK 1, OF THE PLAT OF AUDITOR'S SUBDIVISION NO. 26. (South 89°31'12" West)
 - 100 YEAR FLOOD LINE FROM MAP 38035C0589E EFFECTIVE DATE DECEMBER 17, 2010. ELEV. 832.00 (NAVD88 DATUM) CONVERTED TO NAVD 83 DATUM = 831.00.
 - Minimum ground elevation of Base Flood Elevation (BFE) + 2.00' (NAVD88 Datum) shall be established at all building lines.



- 1) Provide Title Report and confirm owners names in consent and Dedication statement.
- 2) Provide for consent of others holding interest in plat property.
- 3) Make ROW curves tangent to lines between curves.
(Delta Angles do not match differences between bearings)
- 4) Make ROW lines parallel.
- 5) Check Boundary closure (Currently does not close by 0.15').
- 6) Correct Owners Dedication.
- 7) Revise Owner's Notary Acknowledgements.
- 8) State bearing in Basis of Bearing statement.
- 9) Correct Easement width.
- 10) Extend Access Control 50' up Subdivision street.
- 11) Add Name Streets.
- 12) Remove owners name.
- 13) Add Bearing and distance to plat boundary.
- 14) Correct ROW width on 17th Avenue (See Auditor's Sub # 26).
- 15) Correct Plat Name and Lot #.
- 16) Dedicate 10' Utility Easement along south side of Lot 1, Block 1.
- 17) Dedicate 10' Pedestrian Easement along south side of Lot 19, Block 3
- 18) Correct Block Number.
- 19) Show existing 20' Bike and Pedestrian walkway easement north of Lot 4, Block 3.
- 20) Provide connection between Bike and Pedistrian Walkway in Lot 5, Block 1, Johnson's 4th Addition and Bike and Pedistrian Walkway in Lot C, Block 1, Replat of Lots 1 &2, Block 1, Birkholz 6th Addition
- 21) Follow recommendations of CityTraffic Study.
- 22) Address conflicts in Left Turn Lanes and movements at S 42nd St - 17th Ave So and new development entrance on South 42nd Street.
- 23) Obtain necessary FEMA/USACE approvals and permits required for construction within 100 year flood zone.
- 24) Add note for Minimal Ground elevation requirement of BFE +2' (NAVD '88) at all proposed building lines in new lots.
- 25) Dedicate 80' Right of Way for roadways with 10' Utility Easements each side of ROW.
- 26) Provide Development/Master Utility Plan prior to final approval.
- 27) Provide 40' Drainage Easement along back of lots in Block 3 adjacent to the English Coulee.
- 28) Deliver Warranty Deed to City for Lot 2, Block 1.
- 29) Provide Access Control along 17th Ave So along Lot 4, Block 3.
- 30) Provide 45' Drainage Easement along south side of Lot 4, Block 3.
- 31) Provide for Park dedication @ 8% Residential lots.
- 32) Show locations of Base Flood Elevations from FEMA FIRM map on Plat.
- 33) Show Flood Elevations in NAVD '88 Datum only.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE STREET AND HIGHWAY PLAN OF THE CITY OF GRAND FORKS, NORTH DAKOTA, TO INCLUDE THE PUBLIC RIGHTS-OF-WAY SHOWN AS DEDICATED ON THE **PLAT OF BIRKHOLZ EIGHTH ADDITION** TO THE CITY OF GRAND FORKS, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO ITS HOME RULE CHARTER THAT:

Section 1. Amending Clause

The Street and Highway Plan of the City of Grand Forks, as established by Section 18-0802, Subsection 2 of the Grand Forks City Code of 1987, as amended, is hereby amended to include the public rights-of-way, shown as dedicated on the **PLAT OF BIRKHOLZ EIGHTH ADDITION** to the city of Grand Forks, North Dakota.

Section 2. Effectivity

This ordinance shall be in full force and effect after its passage and approval as provided by law.

Brandon Bochenski, Mayor

ATTEST:

Maureen Storstad, City Auditor

Introduction and first reading:

Public Hearing:

Second reading and final passage:

Approved:

Published: Not required by law.