



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 4-4 (Preliminary) – Rezone Request	
<b>Title:</b> Ordinance to amend the zoning map to rezone from A-1 Agricultural Preservation District to Birkholz Eighth PUD Concept Development Plan.	
<b>Location:</b> 1800 Block of South 42 <sup>nd</sup> Street	
<b>Current Legal Description:</b> 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	
<b>Proposed Legal Description:</b> Birkholz Eighth Addition	
<b>Applicant:</b> CPS, Ltd.	<b>Owner:</b> Oxford Seventeen, LLC
<b>Prepared By:</b> Sierra Johnson, Planner	<b>Submitted By:</b> Ryan Brooks, Director of Planning & Community Development
<b>Purpose:</b> Plat, annex, and rezone the current parcels in order to develop the area for residential and commercial use.	

Staff Recommendation
Staff recommends approval of the ordinance to amend the zoning map to rezone from A-1 Agricultural Preservation District to Birkholz Eighth PUD Concept Development Plan to include all of Birkholz Eighth Addition, subject to conditions as shown on PUD map which include 30 units per acre density limit and 75% impervious surface allowance, located at the 1800 Block of South 42 <sup>nd</sup> Street. Recommend City Council grant approval and set public hearing for June 16, 2025.

Application Status
<b>May 7, 2025 – Planning and Zoning Commission Recommended Action:</b> Motion by Matson, second by Holt for preliminary approval of applicant request to increase density to 50 units per acre with 85% impervious allowance, pending compliance with all necessary feasibility studies as determined by city staff. Motion carried unanimously with Reichert recused.
<b>May 19, 2025 – City Council Action:</b> Motion by Vein, second by Fridolfs to approve . Motion carried unanimously.
<b>June 4, 2025 (Public Hearing)- Planning and Zoning Commission Recommended Action:</b> THIS ITEM WAS RESCHEDULED TO JULY 9
<b>June 16, 2025 (Public Hearing) – City Council Action:</b> Motion by Osowski, second by Berg to postpone to July 21, 2025. Motion passed unanimously. TO BE POSTPONED TO JULY 21, 2025

Existing	Proposed
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<b>Land Use:</b> Vacant; former farmstead	<b>Land Use:</b> Commercial & residential (multi-family & single-family attached) development
<b>Zoning:</b> A-1	<b>Zoning:</b> Birkholz Eighth PUD – Commercial and Residential
<b>Uses Permitted:</b> All uses permitted in A-1 district	<b>Uses Permitted:</b> All uses permitted in the designated B-3, R-4, and R-2 districts.

<b>Context</b>
<b>Adjacent Zoning Districts:</b> 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)
<b>Adjacent Streets:</b> 17 <sup>th</sup> Ave S & S 42 <sup>nd</sup> St
<b>Adjacent Bike/Ped Facilities:</b> Off road shared-use path along S 42 <sup>nd</sup> St
<b>Adjacent CAT Routes:</b> Routes 8 & 9

<b>Consistency with 2050 Land Use Plan</b>
<p>This request and coinciding requests align with the following Land Use goals and objectives:</p> <ul style="list-style-type: none"> <li>• General Development Goal 2, Objective B: “Accommodate innovative mixed and shared use development opportunities.”</li> <li>• 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.</li> <li>• 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.”</li> <li>• 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.”</li> <li>• The proposed uses align with those prescribed in the Land Use Plan.</li> </ul>

<b>Background and Discussion</b>
<p><b>Update for 5/19/25 City Council Meeting:</b></p> <p>At the P&amp;Z Meeting, developers requested additional increases to density and impervious than what the submitted PUD map indicated. Map indicates 30 units/acre and 65% impervious allowance for the R-4 multi-family residential areas. At the P&amp;Z meeting, developers requested increase to 50 units/acre and 85% impervious. Staff expressed a desire to review sanitary sewer capacity to determine if the increased density was possible from a service standpoint. Since the P&amp;Z meeting, Engineering staff have engaged with WFW, City’s consultant for sanitary sewer analysis, and have determined preliminarily there is not adequate capacity to support 50 units per acre, but 30 units per acre is possible. Staff has shared these preliminary findings with the developer and discussions and approvals are once again for the initial 30 units per acre for density limits with 75% impervious surface allowance. Sanitary Sewer capacity is limited to existing pipe sizes, anything above capacity requires an expensive up-sizing of pipes and/or lift station improvement. Storm water is required to be attenuated and addressed on site or within a regional pond, making it much easier to accommodate and plan for increases on a project basis.</p> <p>Staff is supportive and recommends approval of the 30 units per acre, 75% impervious allowance.</p> <p>A more in-depth analysis of the service area for sanitary capacity is also underway to determine future capacity limits for the remaining vacant properties along S 42<sup>nd</sup> St.</p>

**P&Z Background**

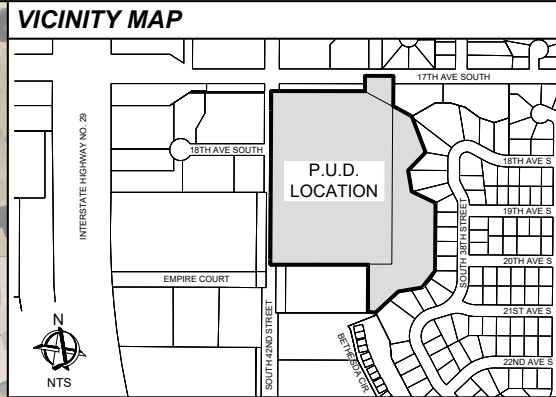
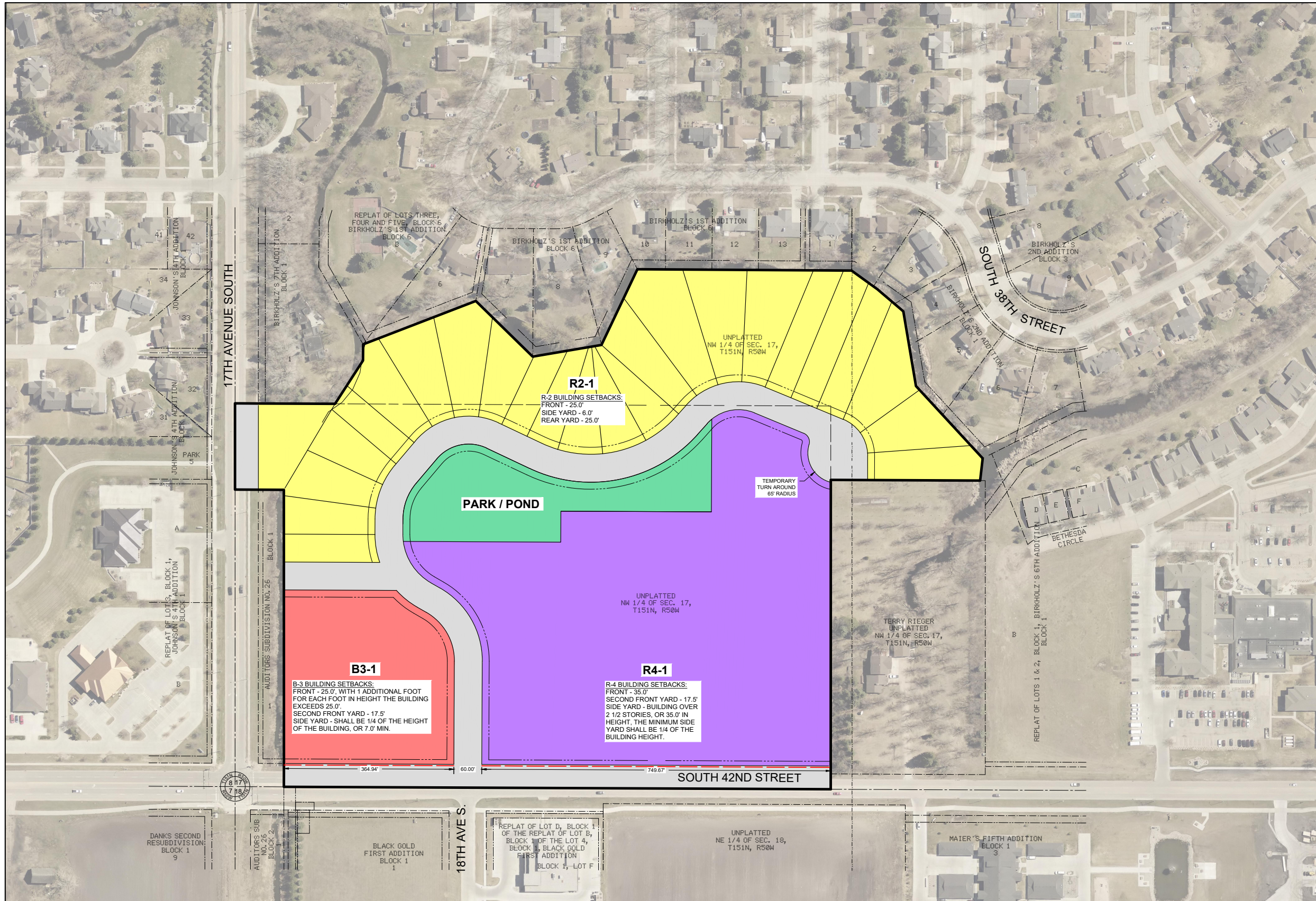
- This request is to rezone a currently undeveloped, unannexed, and unplatted property. This property is considered a County island since it is completely surrounded by city limits and/or City right-of-way. County islands are priorities for annexation and platting.
- The proposed development was presented 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 42<sup>nd</sup> St, and the single-family attached uses would abut the coulee.
- Currently, the zoning on site is A-1: Agricultural Preservation. In order to develop the site to align with the 2050 Land Use Plan, a rezoning is required. The request is to rezone the site to Birkholz Eighth PUD which includes R-2, R-4, and B-3 uses as shown on the PUD document. There is also a lot which will be zoned as park/pond uses for the required park dedication with the residential part of the development.
- Staff is recommending approval.

**Findings of Fact**

- Rezone is requested to develop the area into residential and commercial uses.
- PUD prescribes developer requested setbacks which generally follow conventional districts. Slight variances to setbacks for R-2 lots are requested due to floodplain impacts on those lots and the odd curvature the lots due to the coulee configuration. B-3 and R-4 setbacks proposed follow conventional zone requirements.
- PUD restricts number of units possible for the R-4 area to 325 units.
- PUD General Notes provides notice to developer to install development signs to convey approved zoning and road network, should the rezoning be approved.
- Rezoning Ordinances require two actions by both the Planning and Zoning Commission and the City Council and subsequent public hearings.

**Attachments**

- Birkholz Eighth PUD Map
- Rezoning Ordinance



**LEGEND**

P.U.D. BOUNDARY	
PROPERTY LINE	
EXISTING LOT LINE	
SECTION LINE	
QUARTER LINE	
ACCESS CONTROL	

**ZONING LEGEND**

R-2 SINGLE FAMILY RESIDENCE DISTRICT	
R-4 MULTI FAMILY RESIDENCE DISTRICT	
B-3 TYPE USES	
RIGHT OF WAY	
PARK/POND	

- GENERAL NOTES**
- Birkholz's Eighth Addition P.U.D. changes the current zoning from A-2 agricultural urban reserve district to R-2 one and two-family residence district, R-4 multiple-family residence, high density district and B-3 general business district.
  - Final Approval of Planned Unit Development Project - as per Grand Forks City Code Section 18-0223.
  - Approval subject to submission to and Approval by the Grand Forks City Engineering Department of Detailed Construction Plans for watermain, sanitary sewer, storm sewermain, street lighting, ect. that will be Prepared by Others.
  - All underground utility work within the City Right of Way shall be done in accordance with the City of Grand Forks Standard Construction Specifications. The Detailed Development Plan is subject to Approval by the Grand Forks Planning Department.
  - It shall be the responsibility of the developer to display signs within the P.U.D. that depict the overall intent of the development, to include the Approved Future Land Uses and Road Networks.

**LEGAL DESCRIPTION**

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 thereof 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.

**AMENDMENT NOTES**

**Preliminary**  
05/01/2025 3:23:25 PM

**APPROVAL**

AMENDMENT NUMBER	ORDINANCE NUMBER	APPROVAL P & Z	APPROVAL COUNCIL
ORIGINAL			

Scale in Feet: 0' 100' 200'

**DATA SUMMARY CHART**

PARCEL NUMBER	URBAN LAND USE	ACREAGE NET	RESIDENCE UNIT / ACRE	MAX. NO. OF RES. UNITS	MAX. IMPERVIOUS	COMMENTS
R2-1	R-2 TYPE USES	9.77	3	29	40%	
R4-1	R-4 TYPE USES	10.85	30	325	85% 75%	
B3-1	B-3 TYPE USES	2.98	-	-	85%	
	PARK / POND	2.04	-	-	25%	
	RIGHT OF WAY	4.15	-	-	75%	
	TOTAL	29.79	-	354		

**BIRKHOLZ'S EIGHTH ADDITION P.U.D.  
GRAND FORKS, NORTH DAKOTA**

Designed By: MKK	 CIVIL ENGINEERING   PLANNING   SURVEYING 308 2nd Avenue North   Grand Forks, ND 58203 P: 701.746.7459   F: 701.746.8948 www.cpsengineering.net	SHEET
Drawn By: MPS		<b>1 of 1</b>
Checked By: MKK		
Date: 05/01/2025		
File: As Shown		
Scale: As Shown		

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend the zoning map to rezone and exclude from the A-1 Agricultural Preservation District and to **include within the Birkholz Eighth PUD (Planned Unit Development), Concept Development Plan**, All 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 Zoning Map of the City of Grand Forks, established by Section 18-0205(2), of the Grand Forks City Code of 1987, as amended, is hereby amended as follows:

To rezone and exclude from the A-1 Agricultural Preservation District and **to include within the Birkholz Eighth PUD (Planned Unit Development), Concept Development Plan**, All of Birkholz Eighth Addition to the City of Grand Forks, North Dakota.

ALL CONDITIONS AND REGULATIONS RELATING THERETO ARE PRESCRIBED IN 18-0223 OF THE GRAND FORKS CITY CODE AND FUTURE AMENDMENTS THERETO, TOGETHER WITH THE ATTACHED/APPROVED MAP AND CONDITIONS **Birkholz Eighth PUD (Planned Unit Development), Concept Development Plan**, OF THE DESCRIBED DISTRICT AREA.

Section 2. Effectivity

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

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Brandon Bochenski, Mayor

ATTEST:

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Maureen Storstad, City Auditor

Introduction and first reading:

Public Hearing:

Second Reading and final passage:

Approved:

Published: Not required by law.