



Planning & Zoning Commission Minutes

June 4, 2025, 5:30pm – City Council Chambers

3rd Floor City Hall, 255 N 4th Street

1. **Roll Call**

X Arel X Budke X Klava Kuhn X Holt X Matson X Reichert Sande X Wasvick

2. **Reading and Approval of Minutes for May 7, 2025, meeting.**

Motion by Reichert, second by Matson to approve minutes as submitted. Motion carried unanimously.

• **Agenda Item Map**

3. **Public Hearings, Final Approvals, Petitions, and Minor Changes**

3-1 Plat of 47th Avenue South Addition, located at 3000-3400 47th Avenue South with Street & Highway ordinance dedication.

Mrs. Grasser provided background of the plat, the right of way is needed to be dedicated in order to begin connections towards the future 47th Ave interchange.

Mr. Reichert asked if the roads are expected to go south and can the roads be straight going south? Mr. Brooks indicated that the land south is of the same property owner and there would be future discussion on what those roads will look like when the plat comes through.

Public hearing opened. No comments. Public hearing closed.

Motion by Reichert, second by Sande for approval of request. Motion carried unanimously.

3-2 Plat of Birkholz Eighth Addition, located at 1800 Block of S 42nd Street with Street & Highway ordinance dedication.

(Item has been requested to be postponed by applicant until July 9th meeting).

Public hearing opened. No comments. Public hearing closed.

Motion by Arel, second by Sande for approval of request. Motion carried unanimously with Reichert abstaining.

3-3 Ordinance to amend the zoning map to rezone from A-1 Agricultural Preservation District to Birkholz Eighth PUD, located at 1800 Block of S 42nd Street. *(Item has been requested to be postponed by applicant until July 9th meeting).*

Public hearing opened. No comments. Public hearing closed.

Motion by Sande, second by Matson for approval of request. Motion carried unanimously with Reichert abstaining.

- 3-4 Ordinance to Amend Section 18-1001 (4) of Grand Forks City Code, to require a simple majority for zoning amendment approvals. *(Item was postponed until September by City Council on May 19, 2025).*

Public hearing opened. No comments. Public hearing closed.

Motion by Sande, second by Matson for approval of request. Motion carried unanimously with Reichert abstaining.

- 3-5 Ordinance to Amend the zoning map to rezone from I-1 Light Industrial District to B-3 General Commercial District, properties located at 2009, 2013, 2019, & 2105 Gateway Drive.

Ms. Johnson presented the request to rezone current owned properties and properties pending sale from the existing non-conforming industrial district to conforming B-3 general business district. This rezone better aligns the permitted uses and the business of Grand Forks Growth and Support Center. At this time, staff is talking with the adjacent properties as well.

Public hearing opened. No comments. Public hearing closed.

Motion by Reichert, second by Sande for approval of request. Motion carried unanimously.

- 3-6 Ordinance to Amend Chapter XVIII Land Development Code, Article 4 (18-04) Nonconforming Uses of the Grand Forks City Code.

Mrs. Edwardson presented an overview of that ordinance change and changes made to the individual sections of Article 4.

Public hearing opened. No comments. Public hearing closed.

Budke recognized staff considerations and the practical implications for property owners.

Motion by Arel, second by Sande for approval of request. Motion carried unanimously.

- 3-7 Replat of South ½ Lots 1 & 3, and Lots 5 & 7, Block L, Budge & Eshelman's Second Addition, located at 1006 2nd Ave N.

Mrs. Grasser provided background of the project, the owner is seeking to combine lots in order to build an additional garage. Mr. Budke asked about accessory dwelling units and if this property would be able to build one. Mrs. Grasser stated the owner is not interested in pursuing it at this time. Mrs. Edwardson indicated the zoning district is R-2 or R-4, and those districts would permit an additional unit, but R-1 single family would not be permitted to have additional units.

Public hearing opened. No comments. Public hearing closed.

Motion by Reichert, second by Budke for approval of request. Motion carried unanimously.

3-8 Vacation of two Bikeway & Pedestrian Easements & two Sidewalk Easements, located at 2200-2400 block of Bethesda Circle.

Mr. Brooks provided background of the area, existing connection opportunities as well as the historical easement acquisition. The exhibit has a few elements described and are depicted in different colors for ease of discussion. Mr. Brooks provided a description of each easement and proximity to the current structures for each.

Mr. Brooks provided that city offices have received calls wondering if the path was public or private, signs have been installed indicated private property, however the path is a public easement. Ownership turnover may have resulted in new individuals not understanding it is public.

Mrs. Sande stated she does own a property and asked if she should recuse herself from the vote. Reichert moved to recuse, Budke seconded. Motion carried.

Mr. Budke asked about the path and its condition and Mr. Brooks stated the City required the developer to install the gravel path at the time of development.

Mr. Matson asked if MPO has weighed in on bike lanes as they typically advocate for these paths. Kim Greendahl, City Greenway specialist, manages the shared use system. She states the MPO has not been notified as far as she's aware, but they typically encourage these paths to connect and remain.

Tony Hollingsworth, 2275 S 34th St apt 7, attended a previous neighborhood meeting where there would be a possible connection to the north. He's supportive of a connection and the health and wellness opportunities it would provide.

Terry Dullum, 2225 Bethesda Circle, stated the Association is comprised of many single, older women, who expressed security concerns. He also stated the path is very near some homes and goes nowhere today. This means the folks would have to back track or they would be connecting through private property in any direction. The north end neighbor is experiencing folks walking close to her house and window and coming back out on Bethesda circle. Many association members did not know the easement was there. Mr. Reichert asked what they thought the path was. Mr. Dullum indicated he did not know it was public. Mr. Klava asked if everyone in the association was in favor of getting rid of it.

Mr. Dullum commented not everyone was polled but majority are in favor and the board is in favor of vacating it as well.

Mr. Wasvick expressed being in favor of vacating the easement and it being so close.

Mrs. Sande indicated when they asked about the path, they were told it was for maintenance. She stated it does dead end, and two different property owners to the north would have to sell for it to ever connect to the development. There is another Valley 4000 lot and Rieger's lot in between this and the proposed Birkholz 8th. Mrs. Sande stated that the Birkholz development has no intention of bringing a connection through. It's a safety issue for the residents and a safety issue for kids on bikes by the coulee. If a park goes in the Birkholz development the existing bike path map indicates paths along S 42nd St. S 42nd would be the safest and best route.

Mr. Brooks showed the area map and pointed out the two other properties that Mrs. Sande mentioned. He also states an alternative is to have it more prominently loop around to the existing sidewalk in front.

Mr. Budke cited the staff report and the land use plan goals for bike and ped goals and how this easement meets those goals.

Mr. Wasvick stated there are concerns about where it is and what has happened around it. He's of the opinion that it wasn't completed 20 years ago when it started.

Mr. Budke indicated it's been planned, platted and installed. Connection is incomplete and its redundant, the closest path is west of 42nd St, that would be across a 3 or 4 lane road, 40 mph, with no signal. So, to say that is an easy connection, there are gaps and concerns. Mr. Budke and Mrs. Sande discussed the sidewalk along 42nd. It may be connected to the north now that those properties are annexed.

Mr. Budke expressed a desire for recreational aspects of the path. He described the various connections and easements in the area and spoke to how the pieces are assembled over decades to finally get the last pieces.

Mr. Wasvick stated that if the path had been paved and maintained this whole time he would agree with Mr. Budke but paving and maintaining it now is a large cost.

Mr. Reichert expressed concern with how close it is to the homes and if there should be a minimum distance from the home. If it was today, Mr. Reichert would be hesitant that close to a house. The path behind is a clear indication and the owners should have been aware. The plats and the easement provide the public record and notice, but in this case the closeness is a concern.

Mr. Budke stated to look at what's working well in town for how close to get. Park and trail system have paths in backyards, probably a little farther with plantings and elevation changes to learn from.

Mr. Brooks expressed similar concerns about the distance to the homes. Looking to the north for connections doesn't mean we will for sure get them. Adding a coulee crossing are costly, bike paths might not be possible, but a sidewalk connection be made in front of Bethesda to suit the need. Mr. Brooks stated it's a private road and some coordination with the properties to the north and the association for Bethesda would need to happen. Mr. Brooks stated that the front sidewalk is the same distance but gives a more public feeling being in front of the homes.

Mr. Wasvick encouraged staff to coordinate with Bethesda Association and the Birkholz developers.

Mr. Holt asked what would happen if the area was vacated. Brooks stated the public piece to access it would be removed, city would retain any easements for utilities that are present.

Mr. Dullum stated that Bethesda Road is private and only 4 streetlights grouped together on one end, making it very dark and would still have security concern even in front of the properties.

Mr. Hollingsworth commented that it seems like the Bethesda Association would not be interested in any opportunity so the loss of this easement would be a loss of any opportunity for a future connection.

Mrs. Sande stated that any repairs to the path are not billed to the city. She also brought up the point of who's insurance responsibility in the case someone falls on the road. Mrs. Sande also asked if Bethesda is a critical access to connect it to Birkholz Development. Mr. Opp stated no its not.

Arel expressed concerns over the private property and closeness to the path.

Mr. Budke stated he doesn't think it should be vacated and finds it frustrating when the framework and the skeleton is in place but that the final piece is not perfectly lining up, so that we would start to dismantle it. He is disappointed in the idea that a new development would be used as a lever as this.

Mr. Matson asked about the MPO and their plan and stated since it's not in their plan it has a different feel.

Motion by Arel, second by Reichert for approval of request. Motion carried with Budke dissenting and with Sande recused.

4. Communications and Preliminary Approvals

- 4-1 Ordinance to amend zoning map to rezone from U-D University District to R-4 Multiple-Family Residence, High Density District, located at 2920 5th Avenue North.

Mr. Brooks described the project, the UD District would permit duplexes, the applicant could replat into 3 lots and do 3 duplexes for 6 units, but they are asking for a 5 unit row home and R-4 would be the best district.

Mr. Budke asked for clarification as to what could be built in UD district. Mr. Brooks stated one and two families in the current UD district, so the 5 units attached pushes it to need a rezoning. Mrs. Sande stated the previous request in the area about a year was slightly similar but didn't have enough parking. Mr. Brooks stated that the previous request was hoping to utilize UND parking, but UND does not permit overnight parking. This new location and concept would meet parking requirements.

Mr. Wasvick asked if it would be for sale or rent. Mr. Opp stated that it would be rental.

Mrs. Sande stated that she is in favor of the project, that the area could utilize a revitalization.

Motion by Sande, second by Reichert for preliminary approval of applicant request.
Motion carried unanimously.

Budke stated this is a gentler proposal than last year, he commented that it would be stronger concept if the garage was off the alley.

- 4-2 Ordinance to amend zoning map to rezone from Meadow Ridge PUD Amendment 3 to Meadow Ridge Amendment 4 – density increase and allowance of first floor residential, located at 1065 47th Avenue South.

Ms. Johnson provided a background where the property is seeking first floor residential and an increase in density from 14 units per acre with a max of 72, up to 30 unit per acre to a max of 160 units as well as a height increase of 65 ft.

The neighborhood meeting was held Tuesday May 27th, Ms. Johnson showed the phasing of the development map that was shared with neighbors as well as rendering of the building and schematics. Neighbors expressed concerns with traffic on Dorothy Drive.

Mrs. Sande asked for clarification regarding the first floor residential. Craig Tweten, developer, clarified that commercial market isn't strong enough to fill the first floor so asking for residential units on the first floor made the most sense. Mrs. Sande asked about patios for the units and how close they would be to 47th Ave S. Mr. Tweten stated there would be three units on the first floor that would have patios on 47th side.

Mr. Matson asked if Dorothy Drive was a private drive. Mrs. Arel asked if the properties on Curt Circle are mostly rentals and expressed a desire to know if owners had concerns with the height increases.

Mr. Tweten and Mr. Brooks indicated that the previous design was 4 stories and height was not a concern brought up at the neighborhood meeting.

**Motion by Sande, second by Arel for preliminary approval of applicant request.
Motion carried unanimously.**

5. Reports from the Planning Department

5-1 Monthly Update

6. Other Business

7. Adjournment

Motion by Sande, second by Klava for adjournment at 6:40pm.