



City of Grand Forks

Staff Report

Planning & Zoning Commission – December 3, 2025

City Council – December 15, 2025

Item 3-1 (Final) - Rezone Request	
Title: Ordinance to amend zoning map to rezone from Greenberg PUD Amendment 5 to Greenberg PUD Amendment 6 to rezone from PUD Commercial (B-3) uses to PUD Light Commercial (B-1) Uses	
Location: 3909 South 38 th Street	
Current Legal Description: Lot 1, Block 1, Kiwanis Park Resubdivision	
Proposed Legal Description: No change	
Applicant: Houston Engineering	Owner: Guy Useldinger LLLP
Prepared By: Sierra Johnson, Planner	Submitted By: Ryan Brooks, Director of Planning & Community Development
Purpose: Rezone from PUD Commercial (B-3) uses to PUD Light Commercial (B-1) uses in order to develop as multi-family residential.	

Staff Recommendation
Staff recommends approval of the ordinance to amend the zoning map to rezone from Greenberg PUD (Planned Unit Development) Amendment 5 to Greenberg PUD PUD Amendment 6, subject to conditions as shown on PUD map, located at 3909 South 38th Street. Recommend City Council hold a public hearing and grant approval on December 15, 2025.

Application Status
November 5, 2025 – Planning and Zoning Commission Recommended Action: Motion by Reichert, second by Holt for approval of request. Motion carried unanimously.
November 17, 2025 – City Council Action: Motion by Berg, second by Sande for approval of request. Motion carried unanimously.
December 3, 2025 (Public Hearing) - Planning and Zoning Commission Recommended Action: Motion by Sande, second by Reichert for approval of request. Motion carried unanimously.
December 15, 2025 (Public Hearing) – City Council Action:

Existing	Proposed
Land Use: Vacant, undeveloped land	Land Use: Multi-family residential
Zoning: Greenberg PUD Amend. 5 – B-3 uses	Zoning: Greenberg PUD Amend 6 – B-1 uses
Uses Permitted: All uses permitted in B-3 district	Uses Permitted: All uses permitted in B-1 district, including R-4 uses

Context

Adjacent Zoning Districts: Greenberg PUD – multi-family R-4 (north & east), Limited Business B-1 (west); JR’s PUD – Ag uses (south),

Adjacent Streets: S 38th St, 40th Ave S, Ruemmele Rd

Adjacent Bike/Ped Facilities: Off-road shared use path along S 38th St & 40th Ave S

Adjacent CAT Routes: None.

Consistency with 2050 Land Use Plan

Request and proposed land use aligns with the following:

- Housing Goal 1, Objective A: “Increase a well-maintained mix of housing opportunities to provide for the full spectrum of existing and potential residents.”

Background and Discussion

- This request is to rezone the currently vacant, undeveloped lot located west of Latitude apartments at 3909 S 38th St. The proposed development will be phase II of Latitude.
- The PUD amendment proposes to change the allowable uses from PUD Commercial (B-3) type uses to PUD Light Commercial (B-1) type uses. The intent is to develop the property as multi-family residential, while allowing the possibility to include B-1 uses (limited commercial or offices) if desired.
- Light Commercial or B-1 underlying zoning district allows both multi-family residential uses and limited commercial uses that are primarily office in nature with retail prohibited. If the area were to remain B-3, any residential development would be required to be pushed up upper floors only, with a wider range of commercial uses on main floor. Limiting the commercial opportunities and permitting multi-family throughout a whole complex aligns with the recent rezonings of the lots across S 38th St to the west of this property as well as the existing multi-family properties directly east of the property.
- The PUD also features requests to modify allowable impervious surface area & required setbacks:
 - Increase to allowable impervious surface area up to 75% where a B-1 would normally be 65%. The current zoning allows for 85% so overall, this would still be a reduction.
 - Remove requirement of 1-foot additional setback for each foot in building height exceeding 25 feet for front yard setback. Also remove requirement of 35-foot front yard setback along minor arterial streets. Twenty-five (25)-foot front yard setback requested. 25ft setback matches the prevailing yard patterns of adjacent multi-family properties.



- Staff is recommending approval of the rezoning request.

Notices

Grand Forks Herald Public Hearing Notice Published: November 19, 2025

Letters Sent to Neighbors within 800 feet: November 18, 2025

Comments Received: None at time of posting.

Findings of Fact

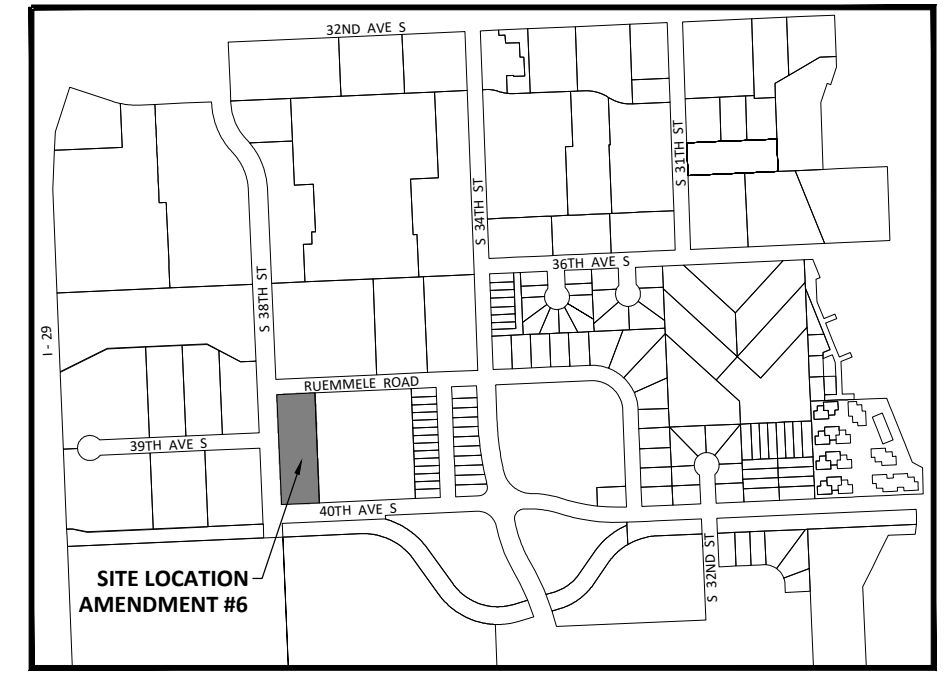
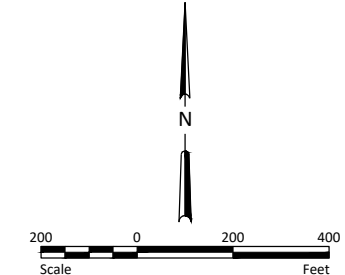
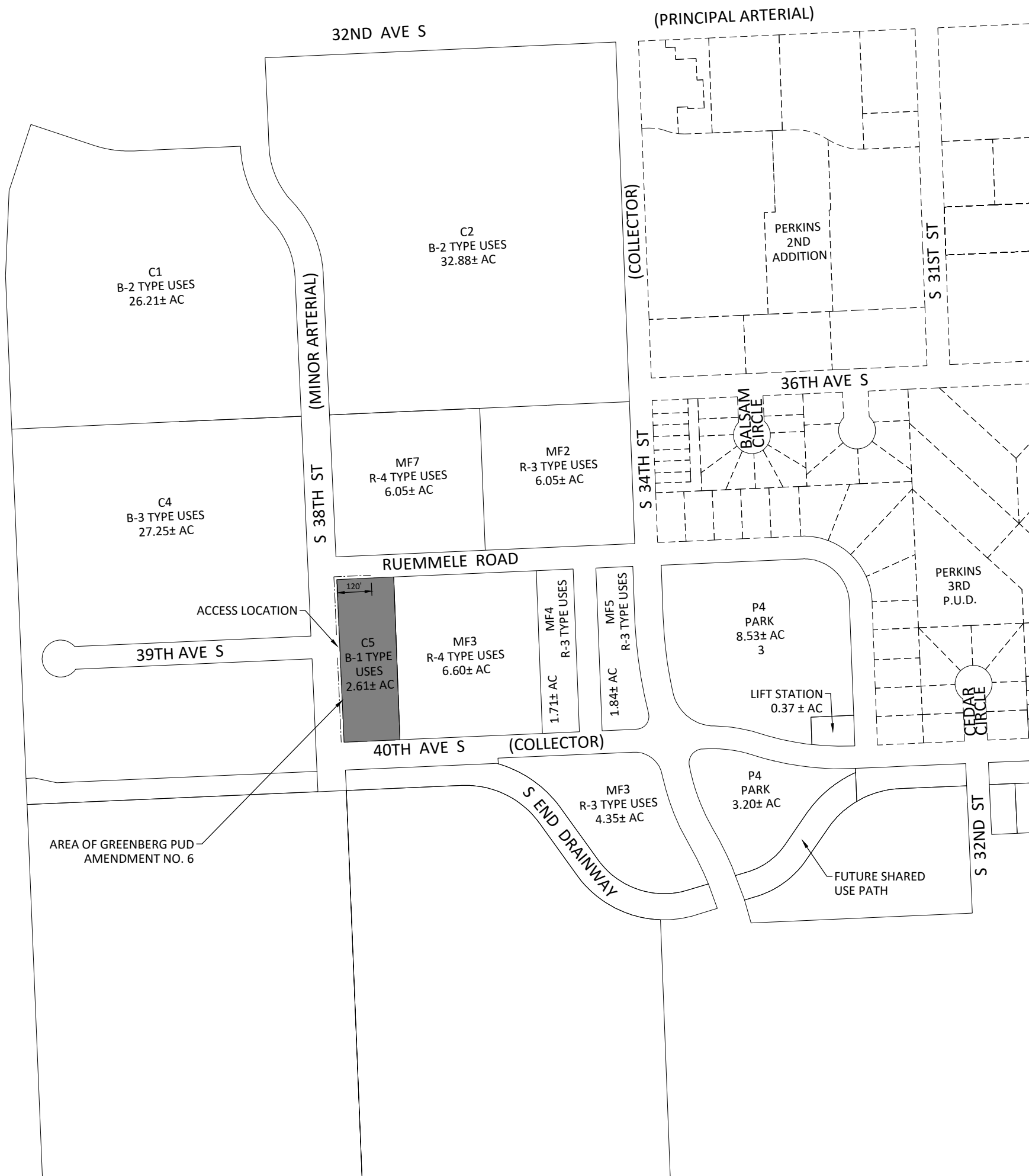
- Rezone is requested to change allowable uses from PUD Commercial (B-3) type uses to PUD Light Commercial (B-1) type uses, which permits multi-family residential as well as limited commercial uses.
- Increase in allowable impervious surface area and decrease in front yard setback requirement requested.
- Rezoning requires two actions by both the Planning and Zoning Commission and the City Council.
- Final Action by City Council requires super majority approval.

Attachments

- Greenberg PUD Amendment No. 6 Map
- Rezoning Ordinance

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INTERSTATE HIGHWAY NO. 29



VICINITY MAP
NOT TO SCALE

PUD AMENDMENTS FOR SUB AREA C5:

1. ALLOWED USES CHANGED FROM B-3 TYPE TO B-1 TYPE USE
2. ALLOWED IMPERVIOUS AREA INCREASED TO 75%
3. FRONT SETBACK ALONG 38TH STREET TO BE 25'. REMOVE REQUIREMENT OF 1' ADDITIONAL FOR EACH FOOT IN BUILDING HEIGHT EXCEEDING 25'. REMOVE REQUIREMENT OF 35' FRONT SETBACK ALONG MINOR AND PRINCIPAL ARTERIAL STREETS.

NOTES:

1. ALL OF THE BUFFER YARDS IN THE GREENBERG PUD SHALL BE THE STANDARD BUFFER YARDS FOUND IN THE GRAND FORKS LAND DEVELOPMENT CODE, UNLESS OTHERWISE NOTED ON THE CONCEPT DEVELOPMENT PLAN.
2. ZONING REGULATIONS SHALL BE CONSISTENT WITH ZONING CLASSIFICATIONS CORRESPONDING TO THE NEAREST CONVENTIONAL ZONE FOUND IN THE GRAND FORKS LAND DEVELOPMENT CODE, UNLESS STATED OTHERWISE.
3. FUTURE LAND AND BLOCK DESIGNATIONS SHALL CONFORM TO SUB-AREA NUMBERS WHEN PRACTICAL.
4. FINAL APPROVAL OF A PLANNED UNIT DEVELOPMENT PROJECT - AS PER GRAND FORKS CODE SECTION 18-0223.
5. SIGN REGULATIONS, PARKING REGULATIONS AND ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS SHALL GENERALLY CONFORM TO ARTICLE 3, OF THE LAND DEVELOPMENT CODE.

BUFER YARD "TYPE 1" - 20' WIDE
REQUIREMENTS PER 100 FEET

SHADE TREES	3 (2"-2.5" CALIPER)
	2 (1.5"-2" CALIPER)
	5 (5'-6" HEIGHT)
ORNAMENTAL TREES	10 (18"-24" HEIGHT)
EVERGREEN TREES	NONE
DECIDUOUS SHRUBS	NONE
EVERGREEN SHRUBS	3' EARTHEN BERM
FENCING	ENTIRE LENGTH OF THE BUFFER YARD
MOUNDING	OTHER
OTHER	NONE

BUFER YARD "TYPE 2" - 15' WIDE
REQUIREMENTS PER 100 FEET

SHADE TREES	2 (2"-2.5" CALIPER)
ORNAMENTAL TREES	4 (1.5"-2" CALIPER)
EVERGREEN TREES	3 (5'-6" HEIGHT)
DECIDUOUS SHRUBS	12 (18"-24" HEIGHT)
EVERGREEN SHRUBS	NONE
FENCING	NONE
MOUNDING	NONE
OTHER	NONE

PRELIMINARY
NOT FOR CONSTRUCTION

By	
Date	
Revision	
No.	
GREENBERG P.U.D. CONCEPT DEVELOPMENT PLAN - AMENDMENT NO. 6 GRAND FORKS, NORTH DAKOTA P.U.D.	
Drawn By	RLA
Checked By	BTP
Date	10-22-25
Scale	As Shown
Project No.	7489-0141
SHEET	1



ORDINANCE NO. _____

An ordinance to amend the zoning map to rezone and exclude from the Greenberg PUD (Planned Unit Development), Concept Development Plan, Amendment No. 5, and to **include within the Greenberg PUD (Planned Unit Development), Concept Plan, Amendment No. 6**, All of Columbia Park 27th Addition, Columbia Park 32nd Addition, and Kiwanis Park Resubdivision 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 Greenberg PUD (Planned Unit Development), Concept Development Plan, Amendment No. 5, and to **include within the Greenberg PUD (Planned Unit Development), Concept Plan, Amendment No. 6**, All of Columbia Park 27th Addition, Columbia Park 32nd Addition, and Kiwanis Park Resubdivision.

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 **Greenberg PUD (Planned Unit Development), Concept Development Plan, Amendment No. 6** 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.

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.