

**CITY OF MOORHEAD
PLANNING COMMISSION/BOARD OF ADJUSTMENT
MEETING MINUTES
TUESDAY, JUNE 3, 2008 - 5:00 P.M.
FIRST FLOOR COUNCIL CHAMBERS - CITY HALL**

I. ROLL CALL

Members Present: (6) McCarthy, Schulz, Rowell, Dahle, Ingersoll, Gramer.

Members Absent: Stabenow.

Others Present: See attached attendance record.
Debra Martzahn Planning and Zoning Administrator
Amy Thorpe Community Services Program Assistant

II. AGENDA AMENDMENTS

There were no agenda amendments.

III. APPROVAL OF MAY 6, 2008 REGULAR MEETING MINUTES

Schultz moved, seconded by Rowell, to approve the May 6, 2008 meeting minutes. Motion carried by unanimous voice vote.

IV. CITIZENS TO BE HEARD

No citizens requested to be heard.

V. PUBLIC HEARING – BOARD OF ADJUSTMENTS - None

VI. PUBLIC HEARING – PLANNING COMMISSION

1. Request of Mike Kowalski for a minor subdivision of 1603 23rd Street South in the Moorhead Industrial Park.

Action Taken: McCarthy moved, seconded by Schulz, to open the public hearing. Motion carried by unanimous voice vote.

Martzahn explained that Mike Kowalski has asked for a minor subdivision of his lot. The minor subdivision can be approved by city council; it has the authority to waive plat requirements in certain cases and this meets those criteria. By bringing it first to the commission, it can go on the consent at the council if the commission votes unanimously.

Martzahn continued that currently, there are two buildings on one lot, one in front of the other. Should the lot be split, there is enough room between both to meet setback requirements. The

certificate of survey shows 24 feet at the south property line providing direct access and required frontage to the back lot. She spelled out conditions and recommended approval.

Action Taken: McCarthy moved, seconded by Rowell, to close the public hearing. Motion carried by unanimous voice vote.

Action Taken: Rowell moved, seconded by Schulz, to recommend approve with the following conditions:

1. Applicant obtains all necessary federal, state and local permits.
2. Applicant agrees to install sidewalks in the right-of-way adjoining 23rd Street, if and when the City determines they are needed.
3. Applicant agrees to provide three boulevard trees in the right-of-way adjoining 23rd Street, as approved by the City Forester, to be planted by December 1, 2008.

Motion carried by unanimous voice vote.

2. Request of Scott Carey for preliminary and final plat approval of Tessa Terrace Circle Addition, a re-plat of the Tessa Terrace 3rd Addition cul-de-sac, approximately 5 acres lying between the Red River and 50th Avenue South.

Action Taken: McCarthy moved, seconded by Schultz, to open the public hearing. Motion carried by unanimous voice vote.

Martzahn described the request as a re-plat of the cul-de-sac at the west end of Tessa Terrace Drive, originally platted as Tessa Terrace Third. She explained that Scott Carey, the developer, would like to shift the lot lines to accommodate the wishes of potential buyers and to allow more on-street parking space in front of each of these lots. She noted that parking can be a problem in a cul-de-sac. The utilities are already in so shifting the proposed changes make necessary cutting off a couple of the utilities and putting in new services to Lots 2 and 7. Martzahn has requested that the developer enter into a developer's agreement that states he will make these changes and repair the street as his expense. Martzahn asks commissioners to consider the approval of the preliminary and final plat at this meeting because it is fairly simple and straight forward and no new lots are being created or new utility services required. Martzahn recommends approval.

Commissioner McCarthy asked Scott Carey if he agrees with the three conditions set forth. Carey responded saying he doesn't have a problem with the three conditions.

Action Taken: Schulz moved, seconded by Ingersoll, to close the public hearing. Motion carried by unanimous voice vote.

Action Taken: McCarthy moved, seconded by Rowell, to approve the preliminary and final plat with the following conditions:

1. Applicant enters into an addendum to the Tessa Terrace 3rd Developer's Agreement with the City to cover changes in lot lines, utilities and sidewalks.
2. Utilities shall be relocated for Lots 2 and 7, so that water and sewer services connect directly from the public mains to the individual lots.
3. Applicant obtains all necessary federal, state and local permits.

Motion carried by unanimous voice vote.

3. Request of the City of Moorhead to amend Moorhead Zoning Ordinance Section 10-18-1 Use Tables, Section 10-18-2 Provisional and Conditional Use Requirements, and Section 10-16-8 INS Institutional District pertaining to fraternities and sororities.

Action Taken: Schultz moved, seconded by Rowell, to open the public hearing. Motion carried by unanimous voice vote.

Martzahn briefed the commission that a year ago, staff was reviewing the city's institutional district regulations about the time that a college student drowned in the Red River after drinking at a frat party. Added to the fact they the City only allows four (4) unrelated adults in a dwelling unit, the incident seemed to be the end of fraternities and sororities in Moorhead. Martzahn related a recent call regarding a sorority located on the MSUM campus that is losing its home and needs to find another place to locate. The realtor asked where they might locate and currently the answer is the City does not provide for fraternities and sororities off campus. MSUM is exempt, so on-campus houses are not regulated by city zoning.

Martzahn said other staff feel very strongly about the limit of four unrelated persons per dwelling unit. She outlined the suggestions for changes.

- Fraternities and sororities, as defined, fall with our assembly halls and auditoriums and also community clubs, already allowed in the commercial district except for MU-2, which is along 8th Street. Martzahn suggested that if we are going to continue to allowing in MU-2 as well.
- Martzahn suggested allowing sororities and fraternities as a conditional use in the higher density zones, with conditions including buffering parking areas and outdoor activity areas. She noted that fraternities or sororities that contained more than one dwelling unit conceivably could have more people than four living there.

McCarthy asked why limit to four and asked if we made it six for fraternities and sororities only. Martzahn explains that Neighborhood Services set the "four unrelated persons per

dwelling” limit and the staff was not interested in trying to increase that in any way because if they did, come landlords and students would take advantage of any loophole.

Ingersoll asked how amending the zoning would effect the frat across the street. Martzahn responded that the frat house should already be registered with Neighborhood Services Program and have the proper number of people.

One commission made the statement that the four-unrelated persons per dwelling limit was not this issue being discussed. Martzahn spoke of other citizen requests for exceptions to this rule that were denied. Martzahn emphasized that this rule currently does apply to fraternities and sororities as it does to the general population and it does allow for circumstance that if the building has more than one dwelling, it allows for more than four to live in the building. Commissioners discuss the possibilities of multiple units per building as a solution. Schultz suggested that this rule will effectively kill frat houses.

Rowell asked if staff had communicated with the frat houses and sororities about the proposed changes in the ordinance. He added that sororities and frats should be allowed to voice their opinion and because school was not in session, that opportunity was not available to them. In regard to location, Rowell suggested that they should be allowed close to the university campus.

Action Taken: McCarthy moved, seconded by Schultz, to close the public hearing. Motion carried by unanimous voice vote.

No Action Taken: Rowell moved to remand to staff the proposed amendment of Moorhead Zoning Ordinance pertaining to fraternities and sororities, seconded by Gramer. Commissioners recommended that this matter not be brought back to them until they can hear input from fraternities and sororities in the fall. Motion carried by unanimous voice vote.

VII. OTHER BUSINESS

VIII. REPORTS/INFORMATION

- **Update on Studies**
 - o **GAP/AUAR North Moorhead/Oakport** – Bob Zimmerman presented a summary of the proposed changes to the draft Growth Area Plan regarding services to Oakport.
 - o **Active Living** – Martzahn announced that Moorhead had been offered a contract with Blue Cross/Blue Shield to plan for Active Living.
 - o **1st Avenue North** – Martzahn gave a brief update on the planning process.

IX. ADJOURNMENT