

**CITY OF MOORHEAD
PLANNING COMMISSION / BOARD OF ADJUSTMENTS
MEETING MINUTES
OCTOBER 07, 2008 AT 5:00 PM
1ST FLOOR COUNCIL CHAMBERS, MOORHEAD CITY HALL**

Pursuant to due call and notice thereof, a regular meeting of the Planning Commission was held in the 1st Floor Council Chambers, Moorhead City Hall, on October 07, 2008, at 5:00 PM.

I. Roll Call

Roll call of the members was made as follows:

2nd Ward Council Member:	John Rowell	Present
Board Member:	Brian Gramer	Present
Board Member:	Gary Schulz	Present
Board Member:	Liz Stabenow	Present
Board Member:	Mike McCarthy	Present
Board Member:	Tod Dahle	Absent
Board Member:	Wayne Ingersoll	Present

Also present:

Deb Martzahn, Planning and Zoning Administrator
John Shockley, Assistant City Attorney
Brad Scheib, Hoisinton-Koegler Group, Inc.
Amy Thorpe, Community Services Program Assistant

II. Agenda Amendments

There were no amendments to the agenda.

III. Approval of August 6, 2008, Minutes

Motion to Approve made by Mike McCarthy and seconded by Gary Schulz

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

IV. Citizens To Be Heard

None.

V. Public Hearing -- Board of Adjustments

1. Request of Luther and Tracy Striker for the following actions regarding 1121 12th Street N:

- A. Variance from Section 10-12C-6-D-2a-2 to allow a new garage to encroach into required street side yard setback.

- B. Variance from 10-12C-9 to allow impervious surface coverage to exceed 35%.

Motion to Open Public Hearing made by Mike McCarthy and seconded by Brian Gramer

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

MINUTES:

Martzahn briefed the board regarding the request of Luther and Tracy Striker's to take down their old garage and construct a new three stall garage on their property located at 1121 12th Street North. She explained requested to situate the new garage on the west corner of the

property facing east in the hopes of saving mature trees that are located near the south property line. Their plan used existing concrete but placed the garage eight feet from the right of way line, encroaching on the 12 foot setback. The plan also exceeded the impervious surface limit.

Martzahn compared a sketch of the Striker proposal on an aerial photo to an alternative design that would eliminate the existing garage and concrete, meet the setback requirement, and use less impervious surface. Martzahn acknowledged that there may be other alternatives but used this example to show a solution meeting requirements. Martzahn stated that she does not support the approval of the variance request as currently presented.

SPEAKER: Tracy Striker, residing at 1121 12th Avenue North, Applicant, clarified that in the drawing supplied with their application, the crossed out areas show removal of concrete. Striker explained that security and ice buildup were reasons for the 90 degree rotation of the garage in their plan. She reiterated her concern for the mature trees located close to the property line.

Commissioner Ingersoll noted to applicant that while Martzahn could not recommend the variance as requested, she could support a variance to exceed the impervious limit to a lesser extent. He questioned the applicant as to her willingness to work with City Staff to come up with an agreeable solution and project timeline. Applicant agreed that there would be room for negotiation and stated that there is no set timeline. Martzahn responded with a willingness to work with applicant.

Commissioner McCarthy asked the applicant if there would be a reason she could not live with the City Staff's suggested configuration, facing the garage to the street rather than rotated ninety degrees. Applicant stated that she wished to protect the trees and make the best use of the lot, and welcomed meeting with City Staff to work out a solution.

SPEAKER: Robert Kennedy, residing at 510 Appletree Lane, questioned City Staff as to the zoning of the property and whether or not a three stall garage was allowed. Martzahn clarified that the current code addresses the size of the accessory building in relation to the principal building.

Motion to Close Public Hearing made by Brian Gramer and seconded by Liz Stabenow

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

Motion to Deny made by Wayne Ingersoll and seconded by Brian Gramer

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

Motion to Table made by Mike McCarthy and seconded by Brian Gramer

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

VI. Public Hearing -- Planning Commission

1. Request of Ross Solwold on behalf of Black Mountain Investment, LLC for a rezoning from RLD-3 (Residential Low Density-3) to RMD-1 (Residential Medium Density-1) to allow a single family dwelling at 315 17th Street South to be converted to a duplex.

Motion to Open Public Hearing made by Wayne Ingersoll and seconded by Brian Gramer

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

MINUTES:

Martzahn opened by summarizing the recent historical use of the property which had necessitated the application for rezoning. Recently, the property had been used as a single family dwelling or had been vacant and therefore was no longer "grandfathered." The applicant requested the property be rezoned from RLD-3 to RMD-1 to allow the single family dwelling to be converted to a duplex. Martzahn pointed out that RMD-1 property located immediately across the street and a non-conforming 4-plex adjoining the applicant's property.

SPEAKER: Ross Solwold of Black Mountain Investment, residing at 4821 3rd Street South,

applicant. Applicant addressed the board summarizing his purchase and intention for the property.

SPEAKER: Jim Rogge, 303 17th St. S., neighbor, voiced his concern for the condition and upkeep of the property. Items stored along the property line often encroached on his property. In addition, the garage was located on or possibly over the property line. He also voiced concern for parking space available for tenants at that property and suggested a privacy fence to buffer the properties.

Commissioner Gramer asked for clarification that the applicant was not requesting to build an addition but to renovate the existing structure. Martzahn stated that building on to the structure was not part of the application but that if it were rezoned, it would not prohibit the applicant from adding garages for the tenants.

Applicant provided further clarification for his intention to use the property for a duplex. He stated that the garage would be re-sided or removed if it was found to encroach the adjacent property.

At Chair Person Rowell's request, Martzahn read for the record a letter received from property owner Jim Rogge.

Motion to Close Public Hearing made by Mike McCarthy and seconded by Brian Gramer

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

Motion to Approve made by Brian Gramer and seconded by Liz Stabenow

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

2. Request of Arista Development for the following actions regarding Horizon Shores Fifth Addition, 13.822 acres located east of 36th Street South and directly south of Horizon Shores Fourth Addition:

- A. Growth Area Plan amendment to change designation of approximately one acre from commercial to 12+ dwelling units per acre.
- B. Rezoning from TZ, Transitional to a combination of RMD-2: Residential Medium Density 2, and P: Public.
- C. Preliminary plat approval.

Motion to Open Public Hearing made by Mike McCarthy and seconded by Brian Gramer

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

MINUTES:

Martzahn briefed board members on applicant's requests to change one acre plan from commercial use to a residential (high density) use to build a multi-family housing development. That would require a change to the Growth Area Plan, rezoning, and approval of the preliminary plat. Martzahn summarized the considerations for approval of the changes and how it would affect the development of the surrounding area in relation to the master plan. Martzahn stated that her main concern was not for the zoning change but the accessibility for the public to the walking path and to maintain a public feel for the pathway.

Staff suggests that the Planning Commission recommend approval of the applicant's requests with the following conditions on the preliminary plat of Horizon Shores Fifth Addition:

- 1. Developer shall provide city engineers with an Engineering Service Agreement for the preparation of the Horizon Shores Utility Master Plan to be completed and submitted within the next six months.
- 2. The developer shall petition for the necessary water main improvement connecting SE Main connecting to the existing main at the Minnesota School of Business and provides the necessary utility path and easements for said improvement.

3. Developer shall enter into a developer's agreement with the City of Moorhead.
4. Developer shall receive all required federal, state and local permits.
5. On the plat, 28th Ave. S. must be changed to 40th Street South.
6. Plat shows a 10-foot utility easement centered on the line between Lots 2 and 3.

Commissioners questioned Martzahn regarding various aspects of the application such as public space versus private space, connectivity, and access for the fire department.

SPEAKER: Jeff Schaumann, Arista Development, Applicant, briefed the Commissioners regarding the change of market conditions and development strategy. Applicant's said that his plans provided an appropriate transition and feel adjoining the open space. The Applicant did not have concerns for the conditions set forth in Staff's report but too exception to the mention of building design in the Developer's Agreement.

SPEAKER: Nancy Otto, City Council member, expressed concern that the areas for public access are clearly marked. She stated that citizens have paid for the access to the park area and bike paths and that the area must be accessible to the public. CC Otto suggests building a bike path from the street to the park area and labeling it as a public access.

Applicant responded with assurance that bike paths will ring the lake and connect to the commercial areas for residents and visitors. He pointed out that the addition of the parking area nearby would provide access to the broader community.

John Shockley and Deb Martzahn clarified the standard procedure for the approval of the Developer's Agreement and board involvement in the process.

Motion to Close Public Hearing made by Mike McCarthy and seconded by Brian Gramer

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

Motion to Approve made by Mike McCarthy and seconded by Brian Gramer

Growth Area Plan amendment to change designation of approximately one acre from commercial to 12+ dwelling units per acre.

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

Motion to Approve made by Mike McCarthy and seconded by Brian Gramer

Rezoning from TZ, Transitional to a combination of RMD-2: Residential Medium Density 2, and P: Public.

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

Motion to Approve made by Brian Gramer and seconded by Mike McCarthy

Preliminary plat approval with conditions as set forth by staff.

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

3. Request of City of Moorhead for approval of the North Moorhead Growth Area Plan/AUAR.

Motion to Open Public Hearing made by Liz Stabenow and seconded by Brian Gramer

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

MINUTES:

Martzahn opened by summarizing the City's history with the North Moorhead Growth Area Plan/AUAR and the current status. Martzahn introduced Brad Scheib of the Hoisinton-Koegler Group, consultant for the plan, who made a presentation of the first complete draft of the GAP/AUAR. (Complete report is available on at www.cityofmoorhead.com)

At the conclusion of the presentation, Chairperson Rowell asked for citizen comments. Several citizens had a variety of questions regarding the plans and timelines, as follows:

SPEAKERS:

Diane Hasse, 5705 North Broadway. Moorhead
Vaughan McLaughlin, 1516 35th Street, Fargo
Ruth Stensland, 3945 10th Street N., Fargo
Eunice Stensland, Oakport
Cheryl Hoff, 2605 Fairway Dr., Moorhead

Each concern or question was addressed by Scheib, Martzahn, and/or city attorney, John Shockley.

Motion to Close Public Hearing made by Mike McCarthy and seconded by Liz Stabenow

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

Motion to Recommend that the City Council continue the process of adopting the North Moorhead GAP/AUAR made by Brian Gramer and seconded by Liz Stabenow

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

4. Request of City of Moorhead for text amendments of Sections 10-18-1, Use Chart and 10-18-2, Provisional and Conditional Use Requirements to allow for fraternities and sororities to exceed the limit of four unrelated persons per dwelling unit and to locate in the following zoning districts: RLD-3, RMD-1, RMD-2 and RHD-1.

Motion to Open Public Hearing made by Mike McCarthy and seconded by Liz Stabenow

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

MINUTES:

Martzahn provided a background regarding the treatment of fraternities and sororities in the City's zoning ordinances. The issue was brought before the board last spring with the recommendation that the sorority be allowed a meeting room but not more than four unrelated residents. Martzahn recalled that Commissioners felt that was not the point of a sorority or fraternity and asked that the issue be reviewed and brought back to them at a later date. She told Commissioners that the Delta Zeta Sorority has found a home for relocation off-campus.

Martzahn offered a proposal to allow fraternities and sororities through a conditional use permit. Martzahn suggested possible conditions that may be included in the ordinance to ensure that the use is compatible with the neighborhood. Martzahn suggested that the issue be continued until next month so residents of the affected neighborhood could be notified of the proposed changes. Commissioners agreed to continue the public hearing next month after notification of residents.

City Attorney, John Shockley, noted that from his perspective, one of the more important issues in this matter was to be certain that the definition of a fraternity or sorority was clear so that there was no opportunity to abuse that definition.

Motion to Continue made by Mike McCarthy and seconded by Gary Schulz

Continue Public Hearing to the Next Regular Meeting

Motion Passed: For: 6; Against: 0; Abstain: 0; Absent: 1

VII. Other Business

None.

VIII. Reports / Information

1. 2008 Building and Permit Valuation Summary
2. Census Report
3. Housing Report - Status Update: July 2008

Items included in the packet but not discussed.

IX. Adjournment

Adjourned

The proceedings of this meeting are digitally recorded and are available for public review.

*Respectfully submitted by:
Amy Thorpe, Community Services Program Assistant*