

**CITY OF MOORHEAD
PLANNING COMMISSION / BOARD OF ADJUSTMENTS
MEETING MINUTES
JANUARY 06, 2009 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 January 06, 2009, 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 – entered @ 5:09 pm
Board Member:	Gary Schulz	Present
Board Member:	Liz Stabenow	Present
Board Member:	Mike McCarthy	Absent
Board Member:	Tod Dahle	Absent
Board Member:	Wayne Ingersoll	Present

Staff present:

Deb Martzahn, Planning and Zoning Administrator
Tom Trowbridge, City Engineer
Amy Thorpe, Community Services Program Assistant

II. Agenda Amendments

None.

III. Approval of December 2, 2008, Meeting Minutes

Motion to Approve made by Gary Schulz and seconded by Liz Stabenow
Motion Passed: For: 4; Against: 0; Abstain: 0; Absent: 3

IV. Citizens To Be Heard

None.

V. Public Hearing -- Board of Adjustments

None.

VI. Public Hearing -- Planning Commission

1. Request of Michael Domitrovich on behalf of Holoien Development Co., LLC for the following actions relating to Parcel 58.900.2320, approximately 15 acres southeast of the intersection of Clay County Highway No. 52 and 40th Street South (CSAH 7):
 - A. Growth Area Plan amendment for the north 2.5 acres (approximately) from 6-12 dwelling units per acre to Commercial;
 - B. Rezoning of the north 2.5 acres (approximately) from TZ, Transitional to NC,

Neighborhood Commercial;

C. Preliminary plat approval of Community Crossing Addition

Motion to Open Public Hearing made by Gary Schulz and seconded by Liz Stabenow

Motion Passed: For: 4; Against: 0; Abstain: 0; Absent: 3

MINUTES:

Martzahn opened discussion with a summary of the proposal, referencing packet materials. She explained that the owners want to subdivide the lot and rezone the proposed north lot (Lot 1) to allow for NC, Neighborhood Commercial development, which would require an amendment to the Growth Area Plan. Martzahn said the final plat would need to show a separate lot for storm water retention, if it is to be dedicated to the city. She continued that residential development on Lot 2 would require parkland dedication. Martzahn stated that Lot 2 would remain TZ, Transitional for the present. Martzahn recommended the growth area plan change, rezoning, and preliminary plat with the following conditions:

1. Developer shall enter into a developer's agreement with the City of Moorhead that specifically includes:
 - a. a requirement to provide parkland dedication or fees in lieu of dedication if and when Lot 2 is developed with housing;
 - b. a commitment to future bikepaths shown in the Bikeway Master Plan, when needed;
 - c. sidewalk to be installed along 40th Street South with Lot 1 and commitment to continue sidewalk south with development of Lot 2 and adjoining any interior public streets to be developed in the future.
2. Developer shall receive all required federal, state and local permits.
3. Final plat shall show allowed access points, as approved by city engineer.
4. Plat must show a separate lot for storm water detention, if it is to be dedicated to the city.

Commissioner Schulz asked if the gateway requirements would apply. Martzahn stated that she would check the gateway wording to see how far south it extends. She mentioned that the NC zoning district has architecture standards similar to those required by the Gateway Overlay district.

Motion made to Close Public Hearing made by Gary Schulz and seconded by Liz Stabenow

Motion Passed: For: 5; Against: 0; Abstain: 0; Absent: 2

QUESTION: Stabenow asked Martzahn if the answer to the gateway question had an effect on the request. Martzahn stated that unless the applicant had a concern and needed to know at this time, the answer would have no bearing. Martzahn asked the applicant who was sitting in the gallery and he stated that it was fine.

Motion to Approve made by Wayne Ingersoll and seconded by Gary Schulz

Motion Passed: For: 5; Against: 0; Abstain: 0; Absent: 2

VII. Other Business

1. Request of Pinnacle Development, LLC on behalf of Monge Family Limited Partnership to re-use 402 21st Street South for a non-conforming use.

Motion to Recommend made by Brian Gramer and seconded by Gary Schulz

Motion Failed: For: 5; Against: 0; Abstain: 0; Absent: 2

MINUTES:

Martzahn stated that the applicant wanted to establish a small engineering office in the former Jiffy Lube building, and both uses are non-conforming in the NC, Neighborhood Commercial district. She stated that the applicant has plans to remodel the building that would conform to the NC, Neighborhood Commercial standards. She explained that city council has the authority to allow for a reuse or a change of a lawful non-conforming use to another nonconforming use that is equally or more appropriate to the site. Martzahn stated that this was a good reuse of the property and recommended the request for approval with the following conditions:

1. Non-conforming use shall be limited to corporate offices.
2. Improvements may exceed 50% of the current valuation, if the project is designed to meet the special provisions of the NC, Neighborhood Commercial district.
3. Required buffering (Section 10-19-18), as approved by the city planner and city forester, shall be installed by October 1, 2009. Other required plant units and boulevard trees (Section 10-19-17) for the lot do not have to be installed until after the 21st Street project has been completed.

2. Commission's 2008 Report to the City Council

MINUTE: Martzahn asked commissioners for any additions or corrections to the 2008 Commissioner's Report to City Council. Commissioners made no additions or corrections to the report, and Martzahn stated that she would submit the report as written.

3. Appointment to MetroCOG Policy Board

MINUTE: Martzahn asked Commissioner Rowell to describe the MetroCOG Policy Board to the other members. Rowell said he has sat on that board for the past twelve years and recommended it. Rowell asked for a volunteer from the commission. Gramer replied that he was interested and would let the commission know at the next meeting.

VIII. Reports / Information

1. Red River Protection – no discussion.
2. Comprehensive Plan / Active Living Neighborhood Meeting Schedule

MINUTE: Martzahn referred commissioners to her memo outlining times and dates and encouraged commissioners to participate in the upcoming neighborhood meetings.

3. 1st Avenue North – no discussion.
4. Attachments: Zoning & Subdivision Criteria – for information only
5. 2009 Planning Commission Meeting Dates – for information only.
6. November 2008 Building Reports – no discussion.

IX. Adjournment

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

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