

**CITY OF MOORHEAD
PLANNING COMMISSION / BOARD OF ADJUSTMENTS
MEETING MINUTES
MARCH 17, 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 March 17, 2009, at 5:00 PM.

I. Agenda Amendments

1. Add to Other Business: Consideration and approval of Wayne Ingersoll as alternate to Brian Gramer on the MetroCOG Policy Board.
2. Add to Other Business: Discussion of zoning for business looking to locate at 12th Street and Main Avenue.

II. Roll Call

Roll call of the members was made as follows:

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

III. Approval of Minutes of the February 3, 2009, meeting.

Motion to approve Minutes of the February 3, 2009, meeting made by Gary Schulz and seconded by Brian Gramer.

Motion Passed: For: 5; Against: 0; Abstain: 0; Absent: 3

IV. Citizens To Be Heard

None.

V. Public Hearing -- Board of Adjustments

1. Request of Trevor and Janelle McCollough for a variance from Section 10-19-5-B-3 to allow a fence to exceed the height limitation at 3114 Rivershore Drive.

Motion to open public hearing made by Wayne Ingersoll and seconded by Gary Schulz.

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

Minutes: Martzahn opened by explaining that the McCollough property was unusual because it is surrounded on three sides by public street. She stated that by code, the shortage frontage is considered the front of the property, which in this case is the west facing frontage. She stated the request is to install a fence to the north of their house, including the front yard area. According to code, front yard fences cannot be more than two feet if they are solid. If they are 75% or more open, they can be up to four feet in height. The McCollough's request is for a taller privacy fence to be installed on all sides of their property.

Martzahn stated that the other zoning requirements for fences would apply, including traffic

visibility standards for corner lots.

Martzahn recommended approval with the following four conditions:

1. The fence must meet the current visibility requirement for corner lots (Section 10-19-16).
2. Except for the posts, which may be up to eight feet, the fence shall be no more than six feet in height in the required front (west) yard.
3. Within the required front (west) yard, the fence shall extend no further south than northwest corner of the house.
4. Any fence install south of the house shall be limited to the code's regulations for front yard fences.

Trevor McCollough, 3114 Rivershore Drive, applicant, asked the commission to recognize that the actual front of the house is not the shortest frontage. He also asked the commission to consider allowing the fence to be installed to the front (southwest) corner of the house rather than the backside of the house. He stated that there is currently a fence along the entire east side of the property, adjoining the neighbor's property to the east.

Gramer asked Martzahn why she suggested the fence be attached to the NW corner of the house rather than the SW corner. Martzahn responded that she felt it was appropriate to maintain a visual connection to the park across the street for supervision purposes. Gramer stated that this was only affecting the property owners who did not want the restriction and not beneficial to other properties. Martzahn disagreed, stating that it benefits everyone to have watchful eyes to the public park and that studies have shown that even if people aren't actually monitoring the public space, the windows visible to the public space have a positive effect on the activities that occur there. Gramer answered that there were other properties facing the park to monitor and recommended that the condition be removed. Martzahn stated that regardless, the fence would have to be stopped at the visibility triangle as marked on the aerial photo.

Discussion included the building materials for the fence and an allowance for height to accommodate possible accent brick work such as arches and posts.

Speaker: Darrell Bauder, 302 Valley Avenue, neighbor to the north, stated that he would prefer that there would not be any fence installed. He stated that he liked the openness of the neighborhood, but also understands that the McColloughs have property rights. He suggested a smaller area fenced rather than the entire back yard.

Motion to close public hearing made by Gary Schulz and seconded by Brian Gramer.

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

Motion to approve request of Trevor and Janelle McCollough for a variance from Section 10-19-5-B-3 to allow a fence to exceed the height limitation at 3114 Rivershore Drive, made by Brian Gramer and seconded by Gary Schulz, including the modification to #3, as below.

1. The fence must meet the current visibility requirement for corner lots (Section 10-19-16).
2. Except for the posts, which may be up to eight feet, the fence shall be no more than six feet in height in the required front (west) year.
3. Within the required front (west) yard, the fence shall extend no further south than southwest corner of the house, not to infringe on visibility restrictions for corner lots.
4. Any fence install south of the house shall be limited to the code's regulations for front yard fences.

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

2. Request of Luther and Tracy Striker for the following actions regarding 1121 12th Street North:
 - A. Variance from Section 10-12C-6-D-2a-2 to allow a new garage to encroach into required street side yard setback - Withdrawn
 - B. Variance from 10-12C-9 to allow impervious surface coverage to exceed 35%.

Motion to open public hearing made by Kim Citrowske and seconded by Gary Schulz.

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

Minutes: Martzahn reviewed the Striker's initial variance request, as heard by the commission at the October 7, 2008, meeting. The request was to allow the garage to encroach into the required 12-foot side yard abutting 12th Avenue and to exceed the impervious surface coverage limit by an estimated 15%. She stated that staff had recommended against the variances because alternatives were available to the applicant that could meet the requirements. At that time, the commission did not take action on the request, asking staff to work with the applicant to come up with alternative plans. At the November meeting, the applicant requested extension of the commission's consideration and waived the time limit for decision on the variances.

Martzahn stated that she has met with the Strikers on several occasions, in person and by telephone to come up with a compromise. She stated that she received a "to scale" drawing just before the packets were distributed. The current plan respects the 12-foot sideyard setback, which is why the sideyard variance request had been withdrawn. The plan still includes an impervious surface coverage of 50% thereby exceeding the requirement for RLD-1.

Tracy Striker, 1121 12 Street North, applicant, stated that the main reason for the request was to expand the garage from two stall to three stalls. The third stall was to be used for the residents of their rental duplex unit. Commissioners requested to know why the Strikers did not consider orienting the garage to the street and not paving over as much property. Ms. Striker responded by stating that it was for safety reasons, so that the garage and its contents were visible from the house. One Commissioner stated that most home owners can not see their garage and because this plan covers more surfaces, he could not see the advantage. Commissioners asked Martzahn to explain her reservation, to the variance to which Martzahn responded by stating that a variance is to meet the minimum requirement necessary and she does not believe this was the minimum necessary. Schulz stated that he still believed the request is convenience versus code compliance. He also stated that he spoke with a builder who said the standard depth for a garage is 24 feet, making the request for a 28 foot garage excessive. Martzahn clarified that the garage size did meet code, if it weren't for the impervious surface coverage.

Motion to close public hearing made by Gary Schulz and seconded by Brian Gramer.

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

Motion to Deny Variance from 10-12C-9 to allow impervious surface coverage to exceed 35% made by Gary Schulz but died for a lack of a second.

Motion to approve Variance from 10-12C-9 to allow impervious surface coverage to exceed 35% made by Brian Gramer and seconded by Kim Citrowske, with the following condition: Impervious surface shall not exceed 45%.

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

VI. Public Hearing -- Planning Commission

1. Request of Michael Domitrovich on behalf of Holoien Development Co., LLC for final plat approval of Community Crossing Addition, a subdivision of Parcel 58.900.2320, approximately 15 acres lying southwest of the intersection of Clay County Highway

No. 52 and 40th Street South (CSAH 7).

Motion to open public hearing made by Kim Citrowske and seconded by Brian Gramer.

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

Minutes: Martzahn summarized the commission's previous actions regarding the Community Crossing Addition. The requested action to be considered was final plat approval. She stated that the proposed use of the two-lot subdivision was for Lot 1 to be developed for neighborhood commercial use and Lot 2 to be medium density housing and / or church or other institution. She commented that it was unusual to approve a final plat without having more information about the property and the streets and utilities that would accompany the project. She stated that the developer's agreement should include specific requirements for utilities and infrastructure and when they would be installed. Martzahn recommended approval of the final plat with the following recommendations:

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

Motion to close public hearing made by Brian Gramer and seconded by Gary Schulz.

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

Motion to approve Request of Michael Domitrovich on behalf of Holoien Development Co., LLC for final plat approval of Community Crossing Addition, a subdivision of Parcel 58.900.2320, approximately 15 acres lying southwest of the intersection of Clay County Highway No. 52 and 40th Street South (CSAH 7) made by Wayne Ingersoll and seconded by Wayne Ingersoll with the above-stated conditions.

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

2. Request of Arista Development for the following actions relating to Parcel 58.900.1062, approximately 32.736 acres southeast of the intersection of 36th Street South and the future 28th Avenue South:
 - A. Rezoning from TZ, Transitional to RC, Regional Commercial.
 - B. Preliminary plat approval of Horizon Shores Sixth Addition.

Motion to open public hearing made by Kim Citrowske and seconded by Brian Gramer.

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

Minutes: Martzahn stated that the plat was for a single-lot, platted with the intention to sell it to one service provider employer. She stated the applicant did not wish to state who that entity was, but described it as a use that would generate considerable traffic and activity. The zoning request does comply with the Growth Area Plan except for the very north part which overlaps with residential. Martzahn stated the Highway Department had a concern that there be no extra drainage onto the highway right-of-way to the southwest and west. The applicant intended to have the stormwater from this subdivision into the ponds directly to the east. Access points to

the subdivision were another area of concern, as 40th Street and 28th Ave S. are both collector streets, which are allowed only limited access. Martzahn said access would be worked out before the final plat.

Jeff Schaumann, Arista Development, 6509 3rd Street N, Moorhead, reiterated that the development was intended for a single user. He stated that an announcement would be made regarding the buyer of the property once the sale was complete, sometime in the summer. He reassured commissioners that he intends to work with staff regarding access issues. He made reference to the first recommendation regarding the installation of infrastructure and landscaping improvements, stating that the developer would not impede the city's construction of roads, etc. Martzahn responded by stating that the item was included, because they were not planning to pave 28th Avenue (now gravel) or extend 40th Street until development actually happened. She stated that the improvements would be assessed according to the standard practice.

Martzahn suggested as a condition that "access issues are resolved before the final plat." Schaumann suggested that the buyer would want to be present at those discussions and that they take place at the time of road improvement. Martzahn stated that the developer's agreement could state that "all accesses must be approved by the city engineer," and Schaumann.

Motion to close public hearing made by Kim Citrowske and seconded by Gary Schulz.

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

Motion to approve preliminary plat approval of Horizon Shores Sixth Addition. made by Brian Gramer and seconded by Kim Citrowske, with the following conditions, as amended:

1. Developer shall enter into a developer's agreement with the City of Moorhead that, in addition to usual requirements, specifies that the developer and any future owner are responsible for installation of all infrastructure and landscaping improvements required by the subdivision ordinance whenever the city deems them necessary to serve development on this lot or in neighboring developments; and, all accesses must be approved by the city engineer.
2. Developer communicates to purchaser the city's responsibility to address specific land uses, access points and other site development characteristics.
3. Developer shall receive all required federal, state and local permits.

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

3. Request of the City of Moorhead to amend Zoning Ordinance Section 10-18-2 regarding auto repair in the LI, Light Industrial zone.

Motion to open public hearing made by Brian Gramer and seconded by Kim Citrowske.

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

Minutes: Martzahn suggested to change the ordinance relating to auto uses in order to allow an auto repair facility to locate in the light industrial zone. She stated that there were already several auto repair businesses located in the industrial park. After discussion regarding orientation of the business, buffering, architectural design, and access, it was decided to amend item number three only and leave the other language as written.

Motion to close public hearing made by Kim Citrowske and seconded by Brian Gramer.

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

Motion to approve request of the City of Moorhead to amend Zoning Ordinance Section 10-18-2-3 regarding auto repair in the LI, Light Industrial zone as follows, made by Wayne Ingersoll and seconded by Brian Gramer:

3. Access: ~~The sites shall have direct access to arterial or collector streets via a frontage road or shared drive as approved by the city engineer.~~ Auto-related uses shall have

access to arterial or collector streets without passing by property zoned for residential or mixed use. In the LI, Light Industrial district, sales and car rental businesses shall locate only on properties adjoining arterial or collector streets.

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

4. Request of the City of Moorhead to amend Section 9-8-3-B of the Moorhead Municipal Code Relating to Recreational Vehicles and Trailers.

Motion to open public hearing made by Gary Schulz and seconded by Wayne Ingersoll.

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

Motion to table public hearing made by Brian Gramer and seconded by Gary Schulz.

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

Minutes: Due to "Township Election Night," the commission was unable to hold a public hearing after 6:00 p.m. Therefore, due to the time, this item was tabled until the next meeting of the Moorhead Planning Commission. No one was in attendance to discuss the item.

VII. Other Business

1. Request to Appoint Wayne Ingersoll as alternate for Brian Gramer on MetroCOG Policy Board.

Motion to appoint Wayne Ingersoll as alternate to Brian Gramer on the MetroCOG Policy Board made by Gary Schulz and seconded by Brian Gramer.

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

VIII. Reports / Information

1. Criteria Attachments
2. Building and Permit Valuation Reports
3. Permits 2008 by Subdivision

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*