



**CITY OF MOORHEAD
PLANNING COMMISSION / BOARD OF ADJUSTMENTS**

**MEETING AGENDA
JULY 09, 2019 AT 5:00 PM
1ST FLOOR COUNCIL CHAMBERS, MOORHEAD CITY HALL**

	<u>REMARKS</u>
I. Roll Call	_____
II. Agenda	_____
III. Approval of Minutes	_____
1. June 5, 2019	_____
IV. Citizens To Be Heard	_____
V. Public Hearing -- Planning Commission	_____
1. Request of Key Contracting, LLC to rezone 1401-1403 28th Avenue N from RLD-0a: Residential Low Density 0a to HI: Heavy Industrial	_____
VI. Other Business	_____
VII. Reports / Information	_____
VIII. Adjournment	_____

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**CITY OF MOORHEAD
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MEETING MINUTES
JUNE 05, 2019 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 June 05, 2019, at 5:00 PM.

Roll call of the members was made as follows:

3rd Ward Council Member:	Joel Paulsen	Present
Board Member:	Paul Krabbenhoft	Absent
Board Member:	Ben Hammer	Absent
Board Member:	Jim Haney	Present
Board Member:	Matt Leiseth	Absent
Board Member:	Nicole Mattson	Present
Board Member:	Timothy Stone	Present

I. Roll Call

II. Agenda

Motion made to Approve made by Timothy Stone and seconded by Joel Paulsen

Motion None: For: 4; Against: 0; Abstain: 0; Absent: 3

III. Approval of Minutes

1. May 1, 2019

Motion made to Approve made by Jim Haney and seconded by Timothy Stone

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

IV. Citizens To Be Heard

V. Public Hearing -- Board of Adjustments

1. Request of R. Peterson for a Variance to exceed Maximum Impervious Surface Coverage at 2213 6th Street S (RLD-1)

Motion made to Open Public Hearing made by Jim Haney and seconded by Joel Paulsen

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

Staff briefed commissioners on request of the applicant. Applicant is requesting variance for construction of larger one car garage after existing garage was destroyed by fire. Staff mentioned there was a correction needed to table 4 in the memo: overage for proposed impervious surface lists 843 and it should be 943. The surface overage between the existing and proposed garage being 156, not 56. Staff stated due the nature of the destruction, the applicant could rebuild the garage in the existing location as long as it is built the same size. With this request, it does enlarge the garage slightly but will correct the side yard setback encroachment.

Staff recommends approval contingent upon the following conditions:

1. The accessory building shall be limited to 540 sf or 18' x 30'.
2. The accessory building shall be setback a minimum of 3 feet from the property line.
3. Owner shall obtain all required permits. .

Motion made to Close Public Hearing made by Jim Haney and seconded by Joel Paulsen

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

Motion made to Approve made by Joel Paulsen and seconded by Timothy Stone

Motion to Approve Request of R. Peterson for a Variance to exceed Maximum Impervious Surface Coverage at 2213 6th Street S. contingent upon the following conditions:

1. The accessory building shall be limited to 540 sf or 18' x 30'.
2. The accessory building shall be setback a minimum of 3 feet from the property line.
3. Owner shall obtain all required permits.

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

VI. Public Hearing -- Planning Commission

1. Request of J.V. Hough and J. Hohenstein for vacation of easements within Prairie Meadows 6th Addition

Motion made to Open Public Hearing made by Timothy Stone and seconded by Joel Paulsen

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

Staff briefed commissioners on request of the applicants. Applicants are requesting the vacations in order to change the type of homes being built on the various lots from single-family detached to attached. Staff recommends approval to the City Council contingent upon the following conditions:

1. The owner/applicant is responsible for all rerouting and reestablishing easements for existing public and private utilities.
2. Owner/applicant receives all required federal, state and local permits.

Paulsen asked for clarification of what the easements are for. Staff indicated they are vacant utility easements.

Motion made to Close Public Hearing made by Joel Paulsen and seconded by Timothy Stone

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

Motion made to Approve made by Jim Haney and seconded by Timothy Stone

Motion to Approve Request of J.V. Hough and J. Hohenstein for vacation of easements within Prairie Meadows 6th Addition contingent upon the following conditions:

1. The owner/applicant is responsible for all rerouting and reestablishing easements for existing public and private utilities.
2. Owner/applicant receives all required federal, state and local permits.

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

2. Request of Key Contracting, LLC to rezone 1401-1403 28th Avenue N from RLD-0a: Residential Low Density 0a to HI: Heavy Industrial

Motion made to Open Public Hearing made by Joel Paulsen and seconded by Timothy Stone

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

Staff briefed commissioners on the request of the applicant. Applicant is requesting the rezoning to make the zoning of the two parcels reflective of the area and to use the site for a construction business. Staff indicated there are currently two buildings on the site and because it is not feasible at this time to extend sewer to the site, the applicant would have to provide an onsite sewer system, if needed. Staff recommends approval based on the recommendation of the 2004 Comprehensive Plan/2009 Update and that the parcels are surrounded by other Heavy Industrial zoning and uses.

Swede Stelzer, 2314 14 St S, representing St Joseph's Cemetery, stated in addition to being the former location of Oakport Township Hall, it was also a former gun club and that he has concerns about possible erosion and pollution of Snaky Creek if they would be storing heavy equipment and other construction materials on site. He stated because Snaky Creek feeds into the Red River to the North of the site and because the site shares a property line with the American Sugar ponds, he was concerned and stated he felt a commercial zoning designation would be more appropriate.

Motion made to Close Public Hearing made by Jim Haney and seconded by Timothy Stone

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

The commissioners had a lengthy discussion and because the applicant was not able to attend the meeting, they would like to table the item until the applicant could answer some questions of the commissioners.

Motion made to table item made by Timothy Stone and seconded by Jim Haney.

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

VII. Other Business

VIII. Reports / Information

1. New Public Hearing Notice – Staff shared a copy of the new format for the public hearing notice and mentioned this was an effort to engage more public involvement.

IX. Adjournment

Motion made to Adjourn at 5:43 p.m. made by Timothy Stone and seconded by Joel Paulsen

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

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

*Respectfully submitted by:
Mary Schmitt, Office Specialist*



To: Moorhead Planning Commission
Subject: Rezoning 1401 and 1403 28th Ave N
Date: July 9, 2019
Prepared By: Robin Huston, City Planner/Zoning Administrator

PLANNING COMMISSION REPORT

GENERAL INFORMATION

APPLICANT	Key Contracting, LLC
REQUESTED ACTION	Rezoning from RLD-0a: Low Density Residential-0a to HI: Heavy Industrial
LEGAL DESCRIPTION, ADDRESS & PARCEL NUMBERS	58.893.2201 - 1403 28TH AVE N – 286' E & W BY 456.9' N & S IN NW COR NW1/4 Section 33 Township 140 Range 048 58.892.1101 - 1401 28TH AVE N - 1.62 ACRES OF NE1/4 NE1/4 LYING N & E OF COULEE Section 32 Township 140 Range 048
COMPREHENSIVE PLAN/ GROWTH AREA PLAN	Parks/Open Space (near coulee) and Heavy Industrial (other)
PROPOSED ZONING	HI: Heavy Industrial
EXISTING LAND USE	Previous location of Oakport Town Hall
SURROUNDING LAND USE	North: Institutional (Cemetery & Gas Transmission Site) West: Heavy Industrial (Sugar Processing) South: Heavy Industrial (Sugar Processing) East: Heavy Industrial (Sugar Processing)
PUBLICATION DATE	May 23, 2019
APPLICATION DATE/60-DAY DEADLINE FOR ACTION	April 26, 2019/June 24, 2019
WAIVER GRANTED/NEW DEADLINE FOR ACTION	June 19, 2019/August 23, 2019

SUGGESTED ACTION

Recommend Approval. Based on the criteria for consideration, staff suggests that the Planning Commission recommend approval of the rezoning from RLD-0a: Low Density Residential-0a to HI: Heavy Industrial.

BACKGROUND & POLICY CONSIDERATIONS

These properties are part of the 2015 Oakport annexation area and was previously the site of the Oakport Township Hall. These lots abut American Crystal Sugar and Snaky Creek, and have a current residential zoning of RLD-0a.

The applicant's request requires that the Planning Commission consider if the rezoning request meets the conditions set forth in Title 10, Chapter 3 of the Moorhead City Code and also conforms to the 2004 Comprehensive Land Use/2009 Update.

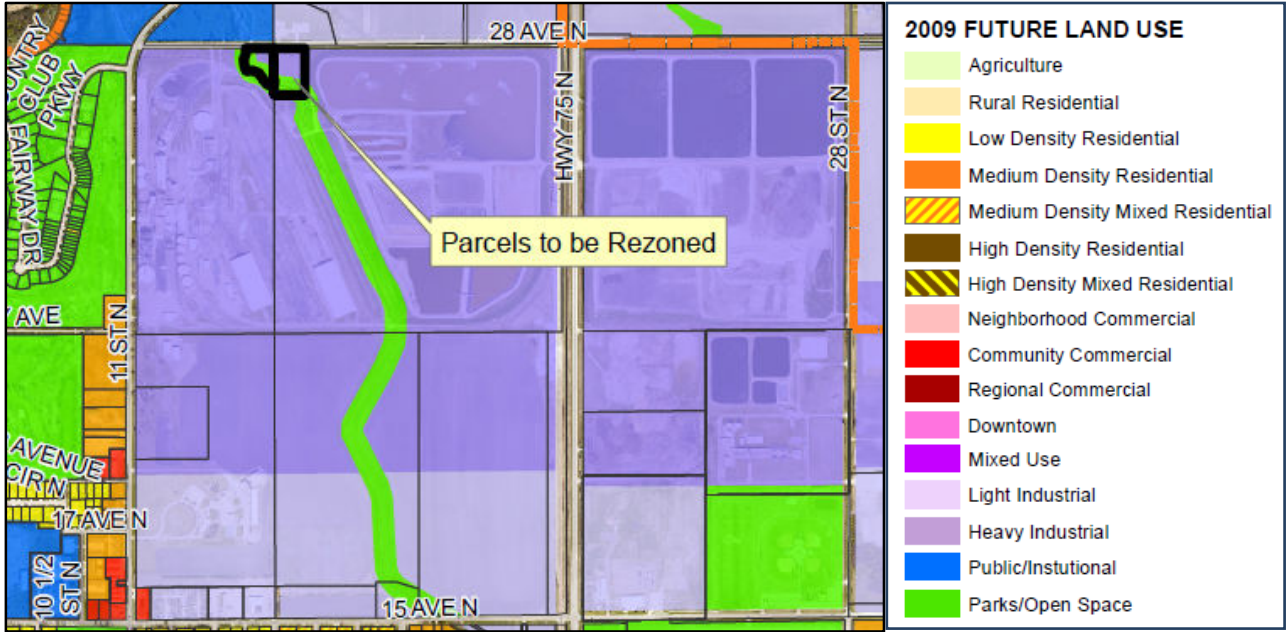
As discussed at the June 5, 2019 Planning Commission Meeting, this area is suitable for a HI: Heavy Industrial rezoning and land use per the Comprehensive Plan. Staff asks the Commission to consider

the appropriateness of the rezoning from a zoning and comprehensive plan perspective versus a planned use perspective, as uses can change over time.

PROPOSAL REVIEW

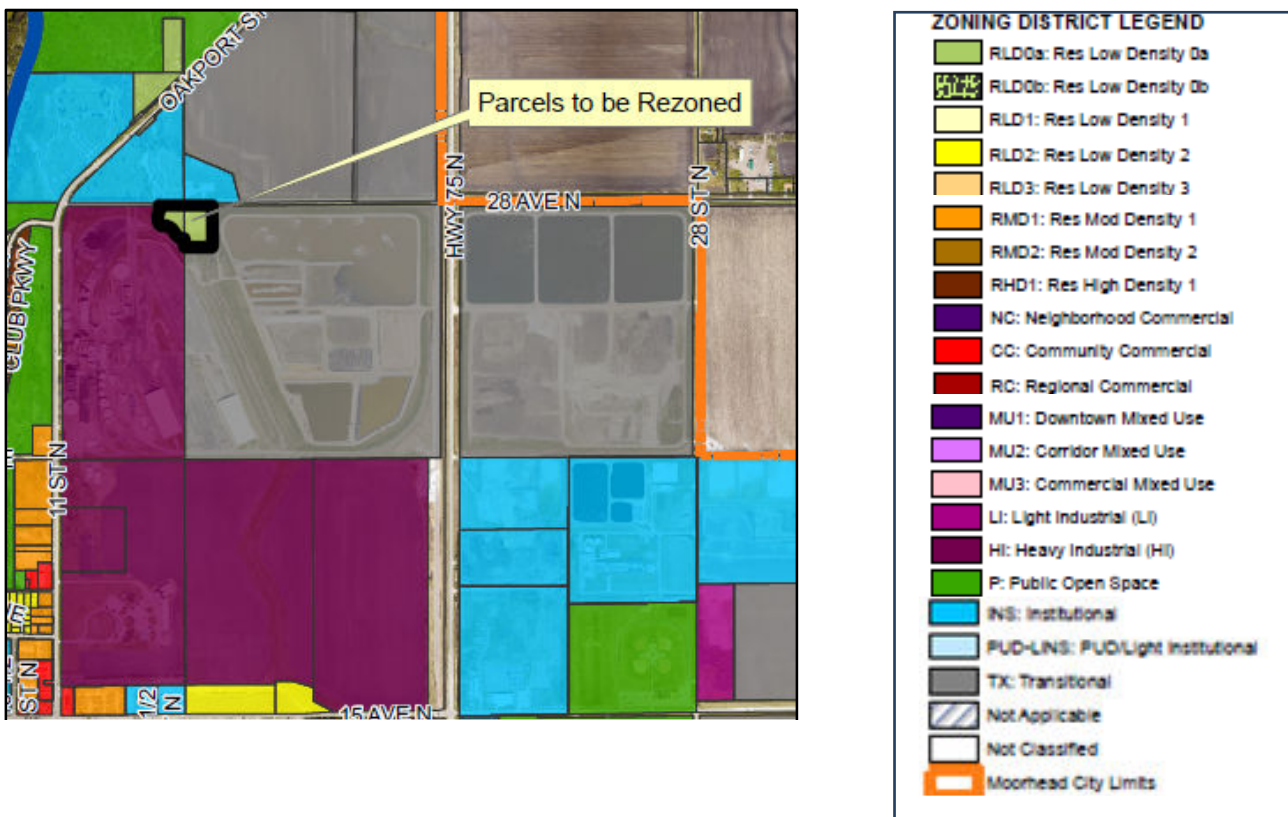
Comprehensive Plan/Growth Plan Conformity – The Comprehensive Plan Future Land Use Map guides this area to Heavy Industrial.

Comprehensive Plan (future land use) Map



Zoning – The proposed Heavy Industrial zoning district will provide opportunities for industrial uses, which is compatible to the area.

Zoning Map



Context – These parcels are surrounded by sugar processing land and the adjacent to Snaky Creek.

Uses/Density– The proposed rezoning includes two (2) parcels for industrial use. The owner may wish to consider a lot combination or lot line adjustment as one of the buildings is currently split between the two parcels and the other building is nonconforming for side yard setbacks.

The applicant states they wish to use the site for a construction business. If applicant plans to pursue this use, all changes to the property will be required to meet current zoning requirements (e.g. exterior storage, screening, parking, gravel improvements, etc.).

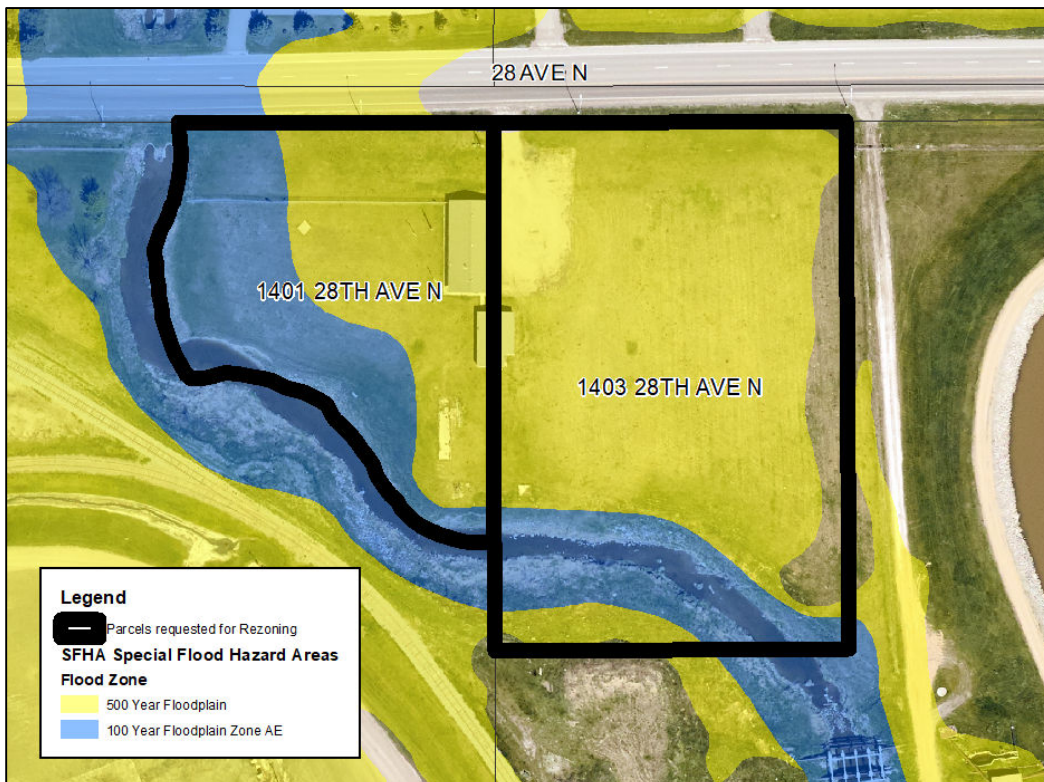
Access – Access to the site will be from 28th Avenue N.

Sewer – The site is not currently serviced by a sanitary sewer connection. If needed, at this time, this site will have to be serviced by a private on-site system due to the cost-prohibitive likelihood of extending service to these parcels. Any sanitary sewer extensions or on-site systems shall be approved by the City Engineer.

Stormwater –Any site modifications will be required to meet applicable stormwater standards.

If users choose to store loose materials onsite, Best Management Practices (BMPs) will be recommended because the site is within one-mile of an impaired waterway (Red River of the North). MPCA has guidance on BMPs for a variety of stormwater/use considerations at <https://www.pca.state.mn.us/water/stormwater-best-management-practices-manual>

Floodplain – A portion of the site is located within the 100 year floodplain therefore, if any building or site modifications are to be made, floodplain development standards will apply. Storage of materials and/or equipment shall be outside the 100-year floodplain.



CONSIDERATION OF CRITERIA

ZONING AMENDMENT

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;
 - This request is consistent with the 2009 Future Land Use Map and Growth Area Plan.
2. The proposed use is or will be compatible with present and future land uses of the area;
 - Yes
3. The proposed use conforms with all performance standards contained herein (i.e., parking, loading, noise, etc.);
 - Yes. Specific zoning standards will be reviewed when the site plan is submitted.
4. The proposed use will not have an adverse effect upon the area in which it is proposed;
 - The proposed use will not adversely impact the area.
5. The proposed use will not depreciate the property value of the area in which it is proposed;
 - The proposed use will not depreciate property values of the area.
6. Traffic generation by the proposed use is within the capabilities of streets serving the property; and
 - Yes
7. The proposed use can be accommodated with existing or future public services and facilities including parks, streets, and utilities, and will not overburden the City's service capacity.
 - Generally, yes. This site does not currently have access to sanitary sewer.

PUBLIC NOTIFICATION & COMMENTS

Notification:

Required notification was published in The Extra on May 23, 2019

Comments:

At the June 5, 2019 Public Hearing, Swede Stelzer, 2314 14 St S, representing St Joseph's Cemetery, stated in addition to being the former location of Oakport Township Hall, this was also a former gun club and that he has concerns about possible erosion and pollution of Snaky Creek if they would be storing heavy equipment and other construction materials on site. He stated because Snaky Creek feeds into the Red River to the North of the site and because the site shares a property line with the American Sugar ponds, he was concerned and stated he felt a commercial zoning designation would be more appropriate.