



**CITY OF MOORHEAD
PLANNING COMMISSION / BOARD OF ADJUSTMENTS
MEETING MINUTES
NOVEMBER 06, 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 November 06, 2019, at 5:00 PM.

Roll call of the members was made as follows:

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

I. Roll Call

II. Agenda

Motion made to Approve made by Jim Haney and seconded by Ben Hammer

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

III. Approval of Minutes

1. September 4, 2019

Motion made to Approve made by Matt Leiseth and seconded by Ben Hammer

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

2. October 2, 2019

Motion made to Approve made by Ben Hammer and seconded by Jim Haney

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

IV. Citizens To Be Heard

V. Public Hearing -- Planning Commission

1. Request of 82 and Sunny, LLC to rezone 1705 10th St N from INS: Institutional to RLD-2: Residential Low Density 2.

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

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

Staff briefed commissioners on the request. Property has been in current configuration since 1998 and has been zoned Institutional since at least 2005. City was contacted to purchase the property in 2012 but declined. Current owner would like to have it rezoned for single or two family development. Staff recommends approval and to date, several public comments were received prior to the hearing:

Ryan Forde, 995 18th Ave Cir N, stated he opposes the rezoning because he was concerned about disturbance to wildlife and parking issues on 10th St N.

Dennis Jensen, 989 18th Ave Cir N, stated he enjoys the country-feel setting and would hate to lose the trees. He said if the lot were developed, he would prefer single-family detached.

Curt Jorschumb, 977 18th Ave Cir N, stated he would prefer parking to be permitted only on the west side of 10 St N.

Maris O'Connell, 959 18th Ave Cir N, stated she felt that 10th St N between 17th and 18th Ave N is not wide enough to support parking on both sides of the street and that the snow removal on that section was terrible last winter due to parking on both sides.

Tom Twedt, 1002 17th Ave N, stated he opposed to the rezoning because he was concerned about adding more density to the area, losing open space/trees and adding more cars/parking issues onto 10th St N.

Chair Mattson asked for other public comments and when there were none, questioned the on-street parking issue. Staff stated the parking issue is not pertinent to this application but has forwarded the concerns to the Engineering Department.

Motion made to Close Public Hearing made by Matt Leiseth and seconded by Ben Hammer

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

Motion to Recommend Approval made by Ben Hammer and seconded by Jim Haney

Motion to recommend approval of the request from 82 and Sunny, LLC to rezone 1705 10th St N from INS: Institutional to RLD-2: Residential Low Density 2.

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

2. [Request of EPIC Companies for a Conditional Use Permit to exceed maximum building height in MU3: Commercial Mixed Use at 1530 1st Ave N.](#)

Motion made to Open Public Hearing made by Timothy Stone and seconded by Matt Leiseth

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

Staff briefed commissioners on the request and noted two corrections to the report – a recommended condition of approval on page 12 should state that 65 feet would be maximum height permitted and the table on page 13 table should show 61 feet for the proposed building and not 62. Staff recommends approval and to date, one public comment was received prior to the hearing:

Robert & Brittany Myers, 1502 2nd Ave N, stated they do not approve of this building, that there are too many buildings going up or already built that are vacant

and they are also concerned about increased traffic due to the proximity of the other businesses and their use of on-street parking.

Chair Mattson asked for other public comments.

Anna Pierce, 4553 13th St S, stated she was against the request and that there should be a community benefit if this height is allowed. She said the excessive height could cause issues for the single-family neighborhood nearby and that this height far exceeds other recent project approvals.

Dawn Barrera, 218 15th St N, stated that she was not for or against but just concerned about parking.

Jerry Barrera, 218 15th St N, stated there are already enough tall buildings along 1st Avenue (referring to The Grove) and they are empty. Also stated there are already parking problems in this area due to Junkyard & Sol Avenue since they were approved with no parking requirements. In addition, he stated that when there is parking on both sides of 15th St N, there seems to be room for only one lane of traffic and also problems with pedestrian crossings.

Aaron Juhnke, 1416 1st Ave N - Junkyard Brewing, questioned if the height would shadow the residential neighbors.

Brian Kounovsky, EPIC Companies, replied that they did look at that and the shadow would not reach that far.

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

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

Commissioner Haney welcomes development along 1st Ave N and applauds the investors.

Commissioner Hammer thanked everyone for coming and thanked Brian Kounovsky for researching the shadow issue. He also questioned if EPIC planned to build to the maximum height permitted.

Brian Kounovsky stated they plan on building to the maximum height to allow for the 2-story apartments.

Chair Matson has concerns with traffic volumes and needed clarification of how traffic volume will be studied.

Staff stated traffic cannot be studied until a final design is submitted but draft uses appear to work within existing street system.

Chair Matson also verified that the CUP is permitting the extra height and not the building uses.

Staff replied that that was correct as the uses are permitted whether or not the extra height is approved.

Chair Matson thanked everyone for coming and stated that we should encourage infill development. She also stated she would be willing to meet with people after the meeting to speak about the parking and traffic issues.

Motion made to Recommend Approval made by Matt Leiseth and seconded by Jim Haney

Motion to recommend approval of the request of EPIC Companies for a Conditional Use

Permit to exceed maximum building height in MU3: Commercial Mixed Use at 1530 1st Ave N and related Findings of Fact, contingent upon the following conditions:

1. Maximum height permitted shall be 65 feet.
2. All required permits shall be obtained.

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

3. [Request of City of Moorhead for a Conditional Use Permit to allow excavation in the Floodway \(FW\) for the North Moorhead Project \(multiple locations\)](#)

Motion made to Open Public Hearing made by Matt Leiseth and seconded by Ben Hammer

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

Staff briefed the commissioners on the City's request and stated the project has started with trees and homes being removed. Staff recommends approval and to date, no public comments were received prior to the hearing.

Chair Mattson asked for other public comments.

Katie Myrom, 1508 52 1/2 Ave N, questioned what the plan was for access to the project, if heavy machinery would be going down her road and who would be responsible for any repairs, if damaged. She also wanted to know how excess water will be removed once the levee is in place.

Mike Love, Houston Engineering, stated that, by agreement, heavy equipment is not allowed on private roads and that drainage will be addressed with this project.

Commissioner Hammer questioned if this project could actually take 5 years.

Mr. Love stated the completion date is anticipated to be September 2020 but the standard window for completion is 5 years.

Motion made to Close Public Hearing made by Ben Hammer and seconded by Matt Leiseth

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

Motion made to Recommend Approval made by Ben Hammer and seconded by Matt Leiseth

Motion to recommend approval of the request of City of Moorhead for a Conditional Use Permit to excavate material in the Floodway Overlay District at multiple locations and related Findings of Fact, contingent upon the following conditions:

1. Proposed project must be completed within five years from final approval date.
2. No excavated material may be permanently stored in the Floodway.
3. All required permits shall be obtained.

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

VI. Other Business

VII. Reports / Information

1. [Cul-de-sac ordinance discussion](#)

Staff briefed the Commissioners that based on a request from the Public Works

Department, they are taking a look at the existing subdivision ordinance as it relates to cul-de-sacs.

Steve Moore, Public Works Director, spoke about how cul-de-sacs affect snow removal, including information that approximately 80% of snow complaints come from cul-de-sacs. He also stated he would like to work together on a solution that continues to promote residential growth while also allowing Public Works to provide excellent customer service for snow removal.

Commissioner Hammer stated he lives on a cul-de-sac and that it was a consideration when purchasing his home. He also thanked Director Moore for clarifying the City's snow removal policies and questioned if the City needed to address this or leave it up to development trends.

Director Moore stated that he would like to set up future developments for successful living.

Commissioner Leiseth stated that he also lives on a cul-de-sac and has never had a problem getting out of his development but that he would be supportive of starting the conversation on how to make City services more responsive.

Chair Mattson questioned what additional costs would be involved to continue service of cul-de-sacs as the ordinance is currently written.

Director Moore stated they would need more people and more money as more cul-de-sacs are added, which is unsustainable.

Chair Mattson stated she would be supportive of Public Works recommendations.

Commissioner Stone stated cul-de-sacs are still popular with homeowners but we need to look at these design implications and costs just like we do for commercial and multi-family developments.

Staff mentioned they had reached out to the Fargo-Moorhead Homebuilders Association and is waiting for their comments before proceeding to the next step for any proposed changes.

VIII. Adjournment

Motion made to Adjourn at 6:00 pm made by Ben Hammer and seconded by Matt Leiseth

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

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

APPROVED BY:

ATTEST:



Nicole Mattson
Chair

Robin Huston
City Planner

*Respectfully submitted by:
Mary Schmitt, Planning and Neighborhood Services*