



**CITY OF MOORHEAD
PLANNING COMMISSION / BOARD OF ADJUSTMENT
MEETING MINUTES
July 7, 2021 AT 5:00 PM**

Pursuant to due call and notice thereof, a regular meeting of the Planning Commission was held from the Hjemkomst Center Auditorium on July 7, 2021 at 5:00 PM.

Roll call of members was made as follows:

Board Member, Ward 1:	Nicole Mattson	Present
Board Member, Ward 2:	Steve Moore	Absent
Board Member, Ward 3:	Brent Behm	Present
Board Member, Ward 4:	Ezzat Haider	Present
Board Member, At-Large:	Tim Stone	Present - Virtual
Board Member, City Council:	Steve Lindaas	Absent
Board Member, County Board:	Jenna Kahly	Present

I. Agenda

Motion to Approve by Nicole Mattson and seconded by Jenna Kahly.

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

II. Approval of Minutes

1. May 5, 2021

Motion to Approve by Nicole Mattson and seconded by Brent Behm.

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

III. Citizens to be Heard

None

IV. Public Hearing – Planning Commission

1. Request of C. Tepley for Rezone from CC: Community Commercial to MU-1: Downtown Mixed Use at 815 Main Avenue

Motion to Open Public Hearing by Brent Behm and seconded by Nicole Mattson.

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

Staff briefed Commission on the request for the rezoning in order to facilitate an additional retail/office space which is currently being used as a warehouse.

Public comments received prior to the public hearing were as follows:

The property manager at Block E was concerned this site does not have any legal parking because current spaces cannot be entered or exited without entering the Block E parking lot and no cross-access easements have been or will be granted.

A tenant/owner at Block E was concerned that the lack of existing parking will be a problem with expanded commercial or other use at 815 Main because they cannot access parking or the building given the current configuration. They said they wanted to be on record that this rezoning will make an already questionable parking issue for 815 Main worse and see no way that this won't have an impact on pedestrian, auto, and delivery traffic through the already congested Block E parking lot.

A public hearing comment was made by a neighbor on 2nd Ave S with concerns about more construction and how the proposed rezoning would affect their property.

Staff relayed that the rezoning was not for redevelopment at this time and her property should not be impacted by increased on-street parking because it would most likely be too far for customers to walk.

Staff recommended approval of the rezone because it conforms to future plans for Downtown Moorhead.

Motion to Close Public Hearing by Nicole Mattson and seconded by Brent Behm.

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

Motion to recommend denial of the Rezoning from CC: Community Commercial to MU-1: Downtown Mixed Use by Nicole Mattson and seconded by Brent Behm.

Motion Passed: For: 4; Against: 0; Abstain: 1; Absent: 2

2. **Request of PROffutt Limited Partnership for a Preliminary & Final Plat for Horizon Shores Bank Addition.**

Motion to Open Public Hearing by Nicole Mattson and seconded by Jenna Kahly.

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

Staff briefed Commission on the request for a preliminary and final plat for a one lot commercial subdivision for a credit union.

No public comments were received regarding this request.

Staff recommended approval of the preliminary and final plat contingent upon the following conditions:

1. Utility and drainage easements be provided, as required.
2. The existing access on 34th Street may not be widened and no additional access points to 34th Street will be permitted. The City will be modifying the current full access to a ¾-access (i.e. prohibiting exiting left turns). If warranted by future traffic

operations and safety, the City may further restrict the access to a conditional right-in/right-out access.

3. Owner shall enter into a developer's agreement with the City of Moorhead.
4. Owner shall receive all required federal, state and local permits.

Motion to Close Public Hearing by Nicole Mattson and seconded by Jenna Kahly.

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

Motion to recommend approval of a Preliminary & Final Plat for Horizon Shores Bank Addition by Brent Behm and seconded by Nicole Mattson, contingent upon the following conditions:

1. Utility and drainage easements be provided, as required.
2. The existing access on 34th Street may not be widened and no additional access points to 34th Street will be permitted. The City will be modifying the current full access to a ¾-access (i.e. prohibiting exiting left turns). If warranted by future traffic operations and safety, the City may further restrict the access to a conditional right-in/right-out access.
3. Owner shall enter into a developer's agreement with the City of Moorhead.
4. Owner shall receive all required federal, state and local permits.

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

3. Request of P. & L. Woyan for a Conditional Use Permit to exceed the square footage limit for accessory structures in RLD-0a: Residential Low Density-0a at 812 63rd Avenue North.

Motion to Open Public Hearing by Nicole Mattson and seconded by Brent Behm.

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

Staff briefed Commission on the request for a Conditional Use Permit to exceed the square footage limit in order to construct a 1,500 square foot garage on the western side of this property.

Public comments were received from two 63rd Ave N residents indicating concerns regarding the size, location and use of the proposed structure. They stated the proposed size is too big for the ~21,000 sq. ft. lot. They also stated they were concerned about drainage onto the adjacent property and possible fumes and noise coming from said new structure as they were aware that applicants refurbish classic cars, which includes painting. In addition, they were concerned about their property value and the ability to sell their property being affected.

Staff recommended approval of the Conditional Use Permit and related Findings of Fact to exceed the square footage limit for accessory structures in RLD-0a: Residential Low Density-0a at 812 63rd Avenue North, contingent upon the following conditions:

1. Maximum structure size shall be 30' x 50'.
2. Maximum height shall be no higher than principal structure

3. Existing 224 sq. ft. shed and corresponding concrete to be removed prior to construction of new structure.
4. Structure to be placed up to the flood easement line (i.e., ~30 ft setback from rear property line).
5. An additional street approach shall not be permitted for new structure.
6. Gutters and drain tile shall be installed on western side of new structure to prevent water run-off from new structure onto adjacent property.
7. Use of said structure shall adhere to all local regulations including nuisance regulations regarding fumes and noise. Commercial business, service or industry are prohibited.
8. The exterior of the structure shall be of materials similar to those on the principal structure and attached garage.
9. Proposed 5-foot interior side yard setback shall require a variance from Section 10-17B-5-1 for structures built on fill in the Flood Fringe Overlay District.
10. Applicant shall receive an approved Floodplain Development Permit and construct the garage to the regulatory flood protection elevation (897.1).
11. All required permits shall be obtained.

Motion to Close Public Hearing by Nicole Mattson and seconded by Brent Behm.

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

Motion to recommend approval of a Conditional Use Permit and related Findings of Fact to exceed the square footage limit for accessory structures in RLD-0a: Residential Low Density-0a at 812 63rd Avenue North by Nicole Mattson and seconded by Jenna Kahly, contingent upon the following conditions:

1. Maximum structure size shall be 30' x 50'.
2. Maximum height shall be no higher than principal structure.
3. Existing 224 sq. ft. shed and corresponding concrete to be removed prior to construction of new structure.
4. Structure to be placed up to the flood easement line (i.e., ~30 ft setback from rear property line).
5. An additional street approach shall not be permitted for new structure.
6. Gutters and drain tile shall be installed on western side of new structure to prevent water run-off from new structure onto adjacent property.
7. Use of said structure shall adhere to all local regulations including nuisance regulations regarding fumes and noise. Commercial business, service or industry are prohibited.
8. The exterior of the structure shall be of materials similar to those on the principal structure and attached garage.
9. Proposed 5-foot interior side yard setback shall require a variance from Section 10-17B-5-1 for structures built on fill in the Flood Fringe Overlay District.
10. Applicant shall receive an approved Floodplain Development Permit and construct the garage to the regulatory flood protection elevation (897.1).
11. All required permits shall be obtained.

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

4. **Request of N. Gustafson for the following considerations at 1817 11th Street North:**
 1. **Amend the Comprehensive Plan from Medium Density Residential to Community Commercial; and**
 2. **Rezone from RMD-1: Residential Moderate Density-1 to CC: Community Commercial**

Motion to Open Public Hearing by Ezzat Haider and seconded by Brent Behm.

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

Staff briefed Commission on the request for the rezoning to facilitate the construction of a new building for business shops or storage.

No public comments were received regarding this request.

Staff recommended approval of the following for 1817 11th Street N:

1. Amend the Comprehensive Plan from Medium Density Residential to Community Commercial; and
2. Rezone from RMD-1: Residential Moderate Density-1 to CC: Community Commercial

Motion to Close Public Hearing by Jenna Kahly and seconded by Nicole Mattson.

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

Motion to recommend approval of the Comprehensive Plan Amendment from Medium Density Residential to Community Commercial by Nicole Mattson and seconded by Jenna Kahly.

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

Motion to recommend approval of the Rezoning from RMD-1: Residential Moderate Density-1 to CC: Community Commercial by Nicole Mattson and seconded by Brent Behm.

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

5. **Request of J.V. Hough, Inc. for the following considerations at 4401 20th Street South:**
 1. **Rezone from RHD-1: Residential High Density-1 to RLD-3: Residential Low Density-3 and;**
 2. **Preliminary and Final Plat for Prairie Meadows 7th Addition**

Motion to Open Public Hearing by Nicole Mattson and seconded by Brent Behm.

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

Staff briefed Commission on the request for the rezoning and preliminary and final plat for a 20-lot residential subdivision.

One public comment from 4509 18th St S was received stating they were 100-percent behind the rezoning to build on the 20 lots, that the developer has been great to work with, and they would like to see some houses on this parcel.

Staff recommended approval of the following for 4401 20th Street S:

1. Rezone from RHD-1: Residential High Density-1 to RLD-3: Residential Low Density-3
2. Preliminary & Final Plat of Prairie Meadows 7th Addition, contingent upon the following conditions:
 1. Utility and drainage easements shall be provided, as needed.
 - a. A five-foot interior side yard utility easement is required along all interior lot lines except those lot lines that are planned to be shared for twin homes.
 2. Owner shall enter into a developer's agreement with the City of Moorhead.
 3. Owner shall receive all required federal, state and local permits.

Motion to Close Public Hearing by Nicole Mattson and seconded by Brent Behm.

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

Motion to recommend approval of the Rezoning from RHD-1: Residential High Density-1 to RLD-3: Residential Low Density-3 by Nicole Mattson and seconded by Jenna Kahly.

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

3. **Motion to recommend approval of the Preliminary and Final Plat for Prairie Meadows 7th Addition by Nicole Mattson and seconded by Brent Behm, contingent upon the following conditions:**
 1. Utility and drainage easements shall be provided, as needed.
 - a. A five-foot interior side yard utility easement is required along all interior lot lines except those lot lines that are planned to be shared for twin homes.
 2. Owner shall enter into a developer's agreement with the City of Moorhead.
 3. Owner shall receive all required federal, state and local permits.

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

V. Other Business

None

VI. Reports / Information

1. Staff invited the Planning Commission to the **Onward Moorhead Comprehensive Plan Update Community Workshops** on July 19th and 20th and stated consultant Stantec will be here for the first in-person public engagement for the update.
2. Staff, on behalf of **Harvest Hope Farm and Audubon Dakota**, invited the Planning Commission to an informational meeting about using sheep to manage Oakport Prairie grasslands on Tuesday, July 20th at 7:00 PM at the Oakport Prairie near 17th St N

VII. Adjournment

Motion to Adjourn at 6:16 pm by Nicole Mattson and seconded by Brent Behm.

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

APPROVED BY:

ATTEST:



Timothy Stone
Chair



Robin Huston
City Planner / Zoning Administrator

Respectfully submitted by:
Forrest Steinhoff, Assistant City Planner