



**PLANNING COMMISSION/BOARD OF ADJUSTMENT  
MEETING MINUTES  
MAY 06, 2024 AT 5:30 PM  
HJEMKOMST CENTER AUDITORIUM - 202 1ST AVE N**

1. Call to Order/Roll Call

Roll call of the members was made as follows:

Present: Member: Jana Kasper

Member: Nicole Mattson

Member: Lindsie Schoenack

Member: Amber Gustafson

Member: Paul Krabbenhoft

Absent: Member: Brent Behm

Member: Sebastian McDougall

Chair Nicole Mattson called the meeting to order and attendance was noted.

2. Agenda Amendments

Staff requested item 6A be moved to follow item 4.

**Motion to Approve Amendment made by Jana Kasper and seconded by Lindsie Schoenack**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

**Motion to Approve Amended Agenda made by Amber Gustafson and seconded by Lindsie Schoenack**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

3. Approval of Minutes

A. March 4, 2024

**Motion to Approve March 4, 2024 made by Jana Kasper and seconded by Amber Gustafson**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

4. Citizens To Be Heard

None

5. Public Hearing -- Planning Commission

- A. Request of Buffalo Red River Watershed District for a Conditional Use Permit (CUP) to allow excavation and development in the Floodway and Flood Fringe at Snakey Creek

**Motion to Open Public Hearing made by Jana Kasper and seconded by Lindsie Schoenack**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

Staff briefed the Commission on the request. The work will address erosion of County Ditch 41 also known as Snakey Creek.

No public comments received prior to the meeting.

Staff recommended approval contingent upon the following conditions:

1. All excavated material must be removed/not be permanently stored in the Floodway or Flood Fringe.
2. No Rise Certification relating to excavation and/or fill in the FEMA Floodway required prior to the issuance of the Floodplain Development Permit.
3. The applicant shall receive all applicable required federal, state and local permits including a Floodplain Development Permit.

Resident R. Nymark stated interest related to project details and access to project area. Staff recognized no representation of the Buffalo Red River Watershed District (BRRWD) was present but contact information was available on the public hearing notice mailed out prior to meeting. Staff addressed questions, provided a brief project summary and referred My. Nymark to BRRWD.

**Motion to Close Public Hearing made by Jana Kasper and seconded by Lindsie Schoenack**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

**Motion to Recommend Approval to the City Council for the Conditional Use Permit and related Findings of Fact for excavation and development in the Floodway and Flood Fringe for Clay County Ditch No. 41 improvements made by Amber Gustafson and seconded by Lindsie Schoenack contingent on the following conditions:**

1. All excavated material must be removed/not be permanently stored in the Floodway or Flood Fringe.
2. No Rise Certification relating to excavation and/or fill in the FEMA Floodway required prior to the issuance of the Floodplain Development Permit.
3. The applicant shall receive all applicable required federal, state and local permits including a Floodplain Development Permit.

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

- B. Request of City of Moorhead for Vacation of a portion of 1st Avenue S Right-of-Way in Schreiber's Addition

**Motion to Open Public Hearing made by Lindsie Schoenack and seconded by Paul Krabbenhoft**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

Staff briefed the Commission on the request which is in conjunction with selling the inaccessible parcel to the south to BNSF Railroad. Public and private utilities were contacted, and some utilities will remain in this vacated area. A utility easement will be placed over the area for future maintenance.

No public comments have been received to date, but utility comments were received and addressed.

Staff recommended approval contingent on the following conditions:

1. Utility easement to be retained over vacated area.
2. Owner will be responsible for rerouting of existing utilities/reestablishing easements or must provide additional easements, if needed.
3. Owner to receive all required federal, state and local permits.

**Motion to Close Public Hearing made by Paul Krabbenhoft and seconded by Amber Gustafson**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

**Motion to Recommend Approval to the City Council for the Vacation and related Findings of Fact for a portion of 1st Avenue S made by Lindsie Schoenack and seconded by Paul Krabbenhoft, contingent on the following conditions:**

1. Utility easement to be retained over vacated area.
2. Owner will be responsible for rerouting of existing utilities/reestablishing easements or must provide additional easements, if needed.
3. Owner to receive all required federal, state and local permits.

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

- C. Request of City of Moorhead for Preliminary and Final Plat relating to Moorhead Downtown Addition (Moorhead Center Mall)

**Motion to Open Public Hearing made by Jana Kasper and seconded by Amber Gustafson**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

Staff briefed the Commission on the request for a preliminary and final plat for Moorhead Downtown Addition for redevelopment of the Moorhead Center Mall area. The plat includes 13 new parcels, 4th, 5<sup>th</sup> and 6th Streets will be re-extended north through the development and two new east-west streets will be created. Upon completion of the title work, the plat will be finalized and recorded later.

A public comment was received from the bookstore located at 40 4<sup>th</sup> St N about current accessible parking spaces on the east side of their building, located on a City parcel to the east. Staff notified them of the existing of an access easement in this parking area and possible future redevelopment but there would be no changes to the parking area for the time-being.

Staff recommended approval contingent on the following:

1. Property abstracts and Title Opinions to be finalized along with any required plat updates as directed by the City Attorney or City Engineer.
2. Signature page with the following to be provided once Title Opinions finalized:
  - a. all owner names
  - b. legal descriptions
  - c. statements dedicating easements and streets.
3. Vacation of alleys, streets and easements as required by Title Opinions.
4. Corrections to the plat as follows:
  - a. Lot 1 & 2, Block 4 missing west property line dimensions.
  - b. Lot 1, Block 7 missing north property line dimensions.
  - c. Lot 2, Block 5 missing north and east property line dimensions.
  - d. Location of plat monuments and distances once legal description finalized.
5. Applicant to receive all required federal, state and local permits.

Commission inquired about parking availability for users of the small strip center and business notification of redevelopment. Staff responded with that there is existing parking on the strip center parcel but that the bookstore customers were not using that parking, but parking along the eastern property line of the strip center, which is off-property. Staff also indicated that the owners of this strip center were aware of the MCM redevelopment that has begun.

**Motion to Close Public Hearing made by Jana Kasper and seconded by Paul Krabbenhoft**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

**Motion to Recommend Approval to the City Council for Preliminary and Final Plat relating to Moorhead Downtown Addition made by Amber Gustafson and seconded by Jana Kasper, contingent on the following conditions:**

1. Property abstracts and Title Opinions to be finalized along with any required plat updates as directed by the City Attorney or City Engineer.
2. Signature page with the following to be provided once Title Opinions finalized:
  - a. all owner names
  - b. legal descriptions
  - c. statements dedicating easements and streets.
3. Vacation of alleys, streets and easements as required by Title Opinions.

4. Corrections to the plat as follows:
  - a. Lot 1 & 2, Block 4 missing west property line dimensions.
  - b. Lot 1, Block 7 missing north property line dimensions.
  - c. Lot 2, Block 5 missing north and east property line dimensions.
  - d. Location of plat monuments and distances once legal description finalized.
5. Applicant to receive all required federal, state and local permits.

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft  
Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

- D. Request of City of Moorhead for text amendments related to Moorhead City Code, Chapter 15, Mixed Use Zones and Title 10, Chapter 13, Article A, Neighborhood Commercial, with related Zoning Map Amendments

**Motion to Open Public Hearing made by Lindsie Schoenack and seconded by Jana Kasper**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft  
Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

Staff briefed the Commission on the request for amendments to the mixed use and neighborhood commercial zoning districts related to the 2022 Onward Moorhead Comprehensive Plan, stating there were 8 main changes including a repeal of the neighborhood commercial district, clarification of code language and make corresponding changes to the recent text amendments made for the residential districts.

No public comments were received.

**Motion to Close Public Hearing made by Paul Krabbenhoft and seconded by Amber Gustafson**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft  
Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

**Motion to Recommend Approval to the City Council for text amendments related to Moorhead City Code, Chapter 15, Mixed Use Zones and Title 10, Chapter 13, Article A, Neighborhood Commercial, with related Zoning Map Amendments made by Lindsie Schoenack and seconded by Amber Gustafson**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft  
Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

- E. Request of City of Moorhead for text amendments related to Moorhead City Code, Title 10, Chapter 18, Accessory Buildings, Uses and Equipment

**Motion to Open Public Hearing made by Jana Kasper and seconded by Lindsie Schoenack**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft  
Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

Staff briefed the Commission on the request for additional text amendments for Accessory Buildings, Uses and Equipment related to recent changes made to the residential district codes, stating there were 3 main changes including new size limits and exceptions in the Oakport and Americana Estates annexation areas, simplification of how we measure accessory structure heights and clarification of new residential setbacks. Krabbenhoft inquired how existing accessory structures would be impacted by proposed changes. Staff explained these structures would become legal non-conforming structures.

No public comments were received.

**Motion to Close Public Hearing made by Jana Kasper and seconded by Lindsie Schoenack**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

**Motion to Recommend Approval to the City Council for text amendments related to Moorhead City Code, Title 10, Chapter 18, Accessory Buildings, Uses and Equipment made by Lindsie Schoenack and seconded by Amber Gustafson**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

6. Other Business

A. Downtown Moorhead Redevelopment Tax Increment Financing (TIF) Plan No 31

Derrick LaPoint of Downtown Moorhead Inc. presented details of the Downtown Moorhead Redevelopment Tax Increment Financing Plan No 31 and its connection with the Downtown Master Plan and Onward Moorhead Comprehensive Plan.

**Motion to Approve that the Moorhead Planning Commission finds that the Downtown Moorhead Redevelopment Tax Increment Financing (TIF) Plan No 31 conforms to the general plans for development and redevelopment of the City as a whole and is consistent with the 2022 Comprehensive Plan made by Paul Krabbenhoft and seconded by Jana Kasper**

Motion Passed

For: 5; Kasper, Mattson, Schoenack, Gustafson, Krabbenhoft

Against: 0; Abstain/Recuse: 0; Absent: 2; Behm, McDougall

7. Reports / Information

Staff announced Amber Gustafson has submitted her resignation.

8. Adjournment

**Motion to Adjourn at 6:02 pm made by Jana Kasper and seconded by Lindsie Schoenack**

APPROVED BY:

ATTEST:

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Nicole Mattson  
Chair

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Robin Huston  
City Planner / Zoning Administrator

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

DRAFT