



## **Horace Planning Commission Meeting Minutes – September 22, 2020**

The Regular Meeting of the Board of Planning Commissioners of the City of Horace, North Dakota, was held in the City Council Room at City Hall at 6:00 p.m., Wednesday, September 22, 2020.

### **The Horace Planning Commissioner present and absent were as follows:**

Present: Russell Sahr, Kim Stokes, Amy Beaton, Julie Hochhalter, and Todd May.

Chair Sahr called the meeting to order.

### **Business Items:**

#### **Item B: Minutes: Regular Meeting of September 9, 2020**

Commissioner Beaton moved the minutes of the September 9, 2020 Planning Commission meeting be approved. Second by Commissioner Hochhalter. All Commissioners present voted aye and the motion was declared carried.

#### **Item C: Approve Order of Agenda**

Barrett Voigt, Community Development Director, requested that Order of Agenda modified to table Item 1 Deer Creek Estates Addition Plat and Zoning Change to the October 13, 2020 Planning Commission Meeting. Commissioner Hochhalter moved to approve of the amended Order of Agenda. Seconded by Commissioner May. All Commissioners present voted aye and the motion was declared carried.

#### **Item D: Public Hearing Items**

##### **Item 3: Lakeview Heights Third Addition – Zoning Change**

Barrett Voigt, Community Development Director, presented the staff report for a zone change from C-1 Neighborhood Commercial to C-3 General Commercial for Lots 1-2, and 4, Block 1, Lakeview Heights Third Addition. Mr. Voigt recommended approval as stated in the staff report.

Commissioner May stated that he had concerns with some of the uses permitted under the C-3 General Commercial zoning district. Chris Mack, the applicant, stated that he anticipated future development of offices and restaurants for the subject properties and wanted to change the zoning before the request for these types of development occurred.

Commissioner Stokes moved to approve of the proposed Zoning Change. No motion for a Second was made. Commissioner May moved to deny the proposed zoning change. Seconded by Commissioner Hochhalter. Commissioners May, Hochhalter, and Beaton



voted aye. Commissioners Stokes and Sahr voted nay. The application was denied with a vote of 3-2.

**Item 4: City Ordinance Amendment – Sections 17.5.10 and 17.5.11 of Title IV, of the revised ordinances of 2003 of the City of Horace**

Barrett Voigt, Community Development Director, presented the staff report recommending approval as stated in the staff report.

Discussion was held on the various proposals for requirements regarding how language would be used to allow for office use and lot size minimums.

Commissioners Beaton, Sahr, and May stated that they supported the ordinance amendment request but would like to see further modifications. Commissioners Beaton, Sahr, and May requested staff to allow for office land use in the C-2 and C-3 zoning districts by incorporating ordinance language used in Section 17.59(2)(g) of the C-1 zoning district, reduce lot size minimums and remove parking lots from lot coverage calculations in the C-2 zoning district as recommended in the staff report, and allow for restaurant use by right rather than as a conditional use and in the C-1 zoning district.

Commissioner Stokes moved to approve of the proposed ordinance amendment with proposed modifications by the Planning Commission. Seconded by Commissioner May. All Commissioners present voted aye and the motion was declared carried by a vote of 5-0.

**Item 5: Sahr Second Addition – Conditional Use Permit**

Chairman Sahr stated that he would abstain from the application because he was the applicant.

Barrett Voigt, Community Development Director, presented the staff report for a conditional use permit to allow 60-foot wind turbine tower at 6705 76<sup>th</sup> Avenue south. Mr. Voigt stated that the development proposal was not directly addressed by the zoning ordinance and that the applicant was provided a choice of moving forward by submitting an application for an ordinance amendment to address the issue or to have staff interpret the ordinance to evaluate the proposal. Mr. Voigt stated that the applicant requested staff to interpret the city ordinance to evaluate his application proposal.

Mr. Voigt stated that the development proposal fell under the special provisions communication tower section of the zoning ordinance and that the proposed tower fell under the “and the like” tower category. Because the tower type was determined to be categorized as “and the like” there was no language in the communication tower section of the zoning ordinance that would prohibit the location or require a conditional use permit for the proposed tower. Mr. Voigt stated that it appeared that the communication tower ordinance had the intent to limit tower height in residential zoning



districts to 40 feet because amateur and ham radio tower types required a conditional use permit and were limited to 40 feet in height in all residential zoning districts. Mr. Voigt stated that city staff had agreed with the Code Administrator interpretation of the zoning ordinance and would like the applicant to limit the height tower to 40 feet.

Mr. Voigt stated that when the applicant was provided city staff comments that staff would support a wind tower limited to 40 feet in height that the applicant was not interested and wanted to continue forward with an application proposal for a 60-foot tower.

Mr. Voigt stated that if the Planning Commission were to view the applicant's proposal as being similar to a amateur/ham radio tower that the application was provided public notice as a conditional use permit and that it could be evaluated by the conditional use permit criteria.

Mr. Voigt explained how the zoning ordinance required all tower applications to be reviewed by the Planning Commission for recommendation to the City Council. Mr. Voigt provided staff analysis of zoning ordinance criteria and stated that 5 out of 7 criteria were not met and therefore application was recommended for denial.

Mr. Sahr stated that he requested approval of his application because he would anticipate that the tower would only be erected temporarily.

Commissioner May stated that he had concerns that if the application were granted approval that the Planning Commission would need to be consistent and allow 60-foot towers for other residential properties in the city and that the tower proposal would not contribute to future vision of development in the area.

Commissioner May moved to deny the tower. Seconded by Commissioner Beaton. Commissioners May, Stokes, Beaton, and Hochhalter voted aye. Commissioner Sahr abstained from voting. The application was denied with a vote of 4-0.

## **Item E: Other Items**

### **A. Planning Commission Chair and Vice Chair Confirmation**

Commissioner Stokes nominated Commissioner Sahr for Chairman. Commissioner Beaton moved to appoint Commissioner Sahr as Chairman. Seconded by Commissioner Stokes. Commissioner Sahr abstained from voting. All Commissioners present voted aye and the motion was declared carried by a vote of 4-0.

Commissioner May nominated Commissioner Beaton for Vice Chair. Commissioner May moved to appoint Commissioner Beaton as Vice Chair. Seconded by Commissioner Sahr. Commissioner Beaton abstained from voting. All



Commissioners present voted aye and the motion was declared carried by a vote of 4-0.

**B. City Ordinance Amendment – Parking Lot Buffer Requirements Discussion**

Barrett Voigt, Community Development Director, provided an overview of an upcoming application for a city ordinance amendment to modify parking lot buffer requirements. General discussion was held and comments were provided to staff.

**Adjournment**