



Planning & Zoning Commission | Meeting Agenda

Tuesday, June 23, 2020 - 6:00 pm

Horace City Council Chambers

(Due to COVID-19 and social distancing, this meeting will be held via Zoom Webinar, with access information posted on the City's Facebook page.)

A. Declare Quorum

B. Review of Previous Meeting Minutes

C. Regular Agenda

D. Public Hearing Items:

1. Hearing on an application requesting a **City Ordinance Text Amendment** to amend Section 17.5.9 of Title IV, of the revised ordinances of 2003 of the City of Horace, North Dakota, to modify permitted uses in the C-1 Neighborhood Commercial District zoning district (City of Horace)

E. Other Items

1. Accessory Uses Text Amendment Proposal Discussion
2. Discussion of parking requirements

F. Adjournment



Horace Planning Commission Meeting Minutes – June 9, 2020

The Regular Meeting of the Board of Planning Commissioners of the City of Horace, North Dakota, was held via Zoom software at 6:00 p.m., Tuesday, June 9, 2020.

The Horace Planning Commissioner present and absent were as follows:

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

Chair Sahr called the meeting to order.

Business Items:

Item B: Minutes: Regular Meeting of May 26, 2020

Commissioner May moved the minutes of the May 26, 2020 Planning Commission meeting be approved. Second by Commissioner Beaton. All Commissioners present voted aye and the motion was declared carried.

Item C: Approve Order of Agenda

Barrett Voigt, Community Development Director, requested to remove the first agenda item because of concerns that the application lacked information that would be valuable for evaluation by the Commission. Commissioner Hochhalter moved that the amended Order of Agenda be approved as presented. Second by Commissioner Beaton. All Commissioners present voted aye and the motion was declared carried.

Item D: Public Hearing Items

Item 2: Sahr Second Addition – Final Plat and Zoning Change

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

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

Commissioner Beaton moved to approve of the final plat and the zoning change from R-1 Single Family Residential to S-R Suburban Residential. Seconded by Commissioner Hochhalter. All Commissioners present voted aye and the application was approved 4-0.

Item 3: Lost River Sixth Addition – Preliminary Plat

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



Commissioner Stokes moved to approve of the preliminary plat. Seconded by Commissioner Beaton. All Commissioners present voted aye and the application was approved 5-0.

Item 4: Lost River Addition – Zoning Change

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

Commissioner May moved to approve of the zoning change from R-2 Single Family Residential to R-6 High Density Residential. Seconded by Commissioner Stokes. All Commissioners present voted aye and the application was approved 5-0.

Item 5: City Ordinance Text Amendment – Accessory Use Requirements

Barrett Voigt, Community Development Director, requested that the item be table because he thought the text amendment proposal needed further modification to address open space and setback issues.

Chairman Sahr tabled the item. Discussion was held on how the text amendment to accessory use requirements could be further modified.

Item 6: City Ordinance Text Amendment – Plat Requirements

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

Commissioner Stokes moved to approve of the text amendment application to modify plat requirements. Seconded by Commissioner Beaton. All Commissioners present voted aye and the application was approved 5-0.

Item E: Other Items

A. Shoppes at Brookstone Design Review

Barrett Voigt, Community Development Director, provided an overview of the building permit application.

Discussion was held on various aspects of the development proposal.

Commissioner Beaton moved to approve of the building permit application. Seconded by Commissioner May. All Commissioners present voted aye and the application was approved 5-0.



B. Post Office Commercial Lease Building Design Review

Barrett Voigt, Community Development Director, provided an overview of the building permit application. Mr. Voigt noted that the Community Development Department approved of the building permit application, however as a condition of approval the applicant would need to install a sidewalk in accordance with the requirements of the City Engineer.

Discussion was held on various aspects of the development proposal.

Commissioner May moved to approve of the building permit application on condition that the applicant work with Commissioner Stokes. Seconded by Commissioner Beaton. All Commissioners present voted aye and the application was approved 5-0.

C. Mini-storage Development Building Design Review

Barrett Voigt, Community Development Director, provided an overview of the building permit application.

Discussion was held on various aspects of the development proposal.

Commissioner Stokes moved to approve of the building permit application with the following conditions:

- a. The west façade of buildings A1, B1, B2, and A2 shall have 20% glazing. Glazing can be opaque and non-functional
- b. The roof near the west façade of buildings A1, B1, B2, and A2 shall have cupolas
- c. A couple of units in buildings A1 and A2 shall have higher heights to provide height variation and break up the façade of the buildings

Seconded by Commissioner May. All Commissioners present voted aye and the application was approved 5-0.

Adjournment



City of Horace Planning Commission Staff Report

Entitlements Requested:	City Ordinance Text Amendment (Amending Section 17.5.9 of the City of Horace Land Use Ordinance to allow child care facilities, and salon & barber shop land uses in the C-1 Neighborhood Commercial zoning district)		
Title:	City Ordinance Text Amendment	Date:	06-10-2020
Location:	N/A	Staff Contact:	Barrett Voigt
Owner(s)/Applicant:	Enno Enterprises LLC	Engineer/Surveyor:	N/A
Status:	Planning Commission Hearing: June 23, 2020		

Proposed Text Amendment

Enno Enterprises LLC is seeking approval of a text amendment of Section 17.5.9 to allow child care facilities, and salon & barber shop land uses in the C-1 Neighborhood Commercial zoning district

During the building permit process for the property located at 574 Main St N, the applicant requested land uses that were not permitted or not permitted by right in the C-1 Neighborhood Commercial zoning district. After several discussions with the applicant, the applicant submitted an application to be proactive and allow for the future anticipated land uses that would accommodate future tenants of the proposed commercial building.

Therefore, the applicant recommends the following text amendments in underlined red font to Section 17.5.9:

17.5.9 C-1 Neighborhood Commercial District

- (2) **Permitted Uses**
 - (a) Accessory buildings and uses.
 - (b) Amusement places including bowling alleys, athletic clubs and health clubs.
 - (c) Banks and financial institutions and real estate offices.

- (d) Bed and breakfast establishments.
- (e) Fraternal and philanthropic organizations.
- (f) Multiple family dwelling units and residential units of 5-14 units.
- (g) Professional offices for businesses and services without limitation.
- (h) Public buildings and facilities.
- (i) Retail stores of all types including food, drug, clothing, and the like.
- (j) ~~Other: Uses not listed, but similar to the permitted uses above and consistent with the stated purpose of this district.~~
- (j) Child care facilities.
- (k) Salons and barber shops.
- (l) ~~Other: Uses not listed, but similar to the permitted uses above and consistent with the stated purpose of this district.~~

Staff Analysis

Comprehensive

Section 17.3 of the Land Use Ordinance states that the ordinance is to be administered and enforced to implement development in conformance with the Horace 2028 Comprehensive Plan for the following:

(1) To preserve and enhance the taxable value of land and buildings, and to avoid land uses which pose negative impacts on one another.

The proposed addition of language to allow for additional land uses in the C-1 Neighborhood Commercial zoning district will allow for more appropriate land uses with the anticipation of avoiding land uses that would pose negative impacts on one another more effectively than the language that is currently in place.

(criteria satisfied)

(2) To encourage the most appropriate use of land in the city.

The proposed addition of language to allow for additional land uses in the C-1 Neighborhood Commercial zoning district will provide a more realistic option for development proposals in the future so that land will be used more appropriately.

(criteria satisfied)

(3) To regulate and restrict the location and intensity of use of buildings and lands.

The proposed addition of language to allow for additional land uses in the C-1 Neighborhood Commercial zoning district will better define where land uses are permitted so that the regulation and restriction of the location and intensity of use of buildings and lands may be managed more effectively.

(criteria satisfied)

(4) To separate and control unavoidable nuisance producing uses to minimize the adverse impacts on the surrounding areas or uses.

The proposed addition of language to allow for additional land uses in the C-1 Neighborhood Commercial zoning district will allow for more appropriate land uses with the anticipation of

avoiding land uses that would pose negative impacts on one another more effectively than the language that is currently in place.

(criteria satisfied)

(5) To facilitate traffic movement and promote development of compatible uses.

The proposed addition of language to allow for additional land uses in the C-1 Neighborhood Commercial zoning district will provide a more realistic option for development proposals in the future so that land will be used more appropriately and will promote development of compatible uses.

(criteria satisfied)

(6) To guide placement and types of streets, water, sanitary and storm sewers.

NA

(criteria satisfied)

(7) To guide placement and development of public facilities, parks and other municipal facilities such as library, community center, indoor and outdoor recreational facilities.

NA

(criteria satisfied)

Comments:

Staff feels that the proposed additional land uses comply with the intent of the C-1 Neighborhood Commercial zoning district in that child care facilities, salons, and barber shops are commercial land uses that serve neighborhoods and small areas of Horace that would not negatively affect adjoining properties.

Staff Recommendation

Suggested Motion: “To accept the findings and recommendations of staff and hereby recommend approval to the City Council of the proposed text amendment to Section 17.5.9 of the City of Horace Land Use Ordinance, to allow child care facilities, and salon & barber shop land uses in the C-1 Neighborhood Commercial zoning district, as outlined within the staff report, as the proposal complies with the 2028 Horace Comprehensive Plan, Standards of Sections 17.10 and all other applicable requirements of the City Ordinance.”

Planning Commission Recommendation: June 23, 2020

ORDINANCE NO. 2020-15

AN ORDINANCE TO AMEND AND REENACT SUBSECTION 17.5.9(2) OF TITLE IV, OF THE REVISED ORDINANCES OF 2003 OF THE CITY OF HORACE, NORTH DAKOTA, RELATING TO THE ADDITION OF PERMITTED USES IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORACE, NORTH DAKOTA:

SECTION 1. Subsection 17.5.9(2) of Title IV of the Revised Ordinances of 2003 of the City of Horace, North Dakota, is hereby amended and reenacted to read as follows:

(2) Permitted Uses

- (a)** Accessory buildings and uses.
- (b)** Amusement places including bowling alleys, athletic clubs and health clubs.
- (c)** Banks and financial institutions and real estate offices.
- (d)** Bed and breakfast establishments.
- (e)** Fraternal and philanthropic organizations.
- (f)** Multiple family dwelling units and residential units of 5-14 units.
- (g)** Professional offices for businesses and services without limitation.
- (h)** Public buildings and facilities.
- (i)** Retail stores of all types including food, drug, clothing, and the like.
- (j)** ~~Other: Uses not listed, but similar to the permitted uses above and consistent with the stated purpose of this district.~~
- (k)** Child care facilities.
- (l)** Salons and barber shops.
- (m)** Other: Uses not listed, but similar to the permitted uses above and consistent with the stated purpose of this district.

SECTION 2. Effective Date. This ordinance shall be in full force and effect from and after the date of its second reading and final passage.

Kory Peterson, Mayor

ATTEST:

Brenton Holper, Interim City Auditor

Date of First Reading: _____, 2020

Date of Second Reading
and Final Passage: _____, 2020



City of Horace Planning Commission Staff Report

Entitlements Requested:	City Ordinance Text Amendment (To amend Section 17.3.8 of Title IV, of the revised ordinances of 2003 of the City of Horace, North Dakota, to modify accessory uses requirements)		
Title:	City Ordinance Text Amendment	Date:	06-16-2020
Location:	N/A	Staff Contact:	Barrett Voigt
Owner(s)/Applicant:	City of Horace	Engineer/Surveyor:	N/A
Status:	Planning Commission Hearing: June 23, 2020		

Proposed Text Amendment

City staff is seeking approval of a text amendment of Sections 17.3.8 of the City of Horace Land Use Ordinance to modify accessory uses requirements.

Staff discovered during the building permit application review process that there were no clear specifications on which accessory structures were counted towards lot coverage requirements. Under the current language of the zoning ordinance, accessory structures such as pools, driveways, and decks are included in the lot coverage requirement evaluation. Staff feels that it is not the intent of the ordinance to count these structures for lot coverage. Therefore, staff proposes language to the accessory structure requirements to stipulate that only accessory uses with a roof will be evaluated for lot coverage requirements.

Staff recommends the following text amendment to Section 17.3.8:

17.3.8 Accessory Uses

- (1) Accessory uses and structures are subject to the same use regulations of the underlying as the principal uses and structures in each zoning district with the exception of home occupation uses.
- (2) Accessory structures shall be constructed in conjunction with or after the principal building.
- (3) No accessory structure other than fence or wall shall be located in the front or street side setback.

- (4) No accessory structure shall be located within any recorded public or utility easement.
- (5) No accessory structure shall be taller than the principal structure. In R-1 to R-6 and MH residential districts, the accessory structure shall not be higher than fifteen (15) feet from the ground to the eve.
- (6) ~~All a~~ Accessory structures shall have a minimum setback from the rear or side property line ~~of eight (8) feet as provided in the following table:~~

<u>Zone</u>	<u>Building Size</u>	<u>Setback</u>
<u>S-R</u>	<u>840 square feet ("sf") or less</u>	<u>5'</u>
	<u>For each 100 sf increase over 840 sf</u>	<u>+1'</u>
<u>RE</u>	<u>840 sf or less</u>	<u>5'</u>
	<u>For each 100 sf increase over 840 sf</u>	<u>+1'</u>
<u>R-1</u>	<u>840 sf or less</u>	<u>5'</u>
<u>R-2</u>	<u>840 sf or less</u>	<u>5'</u>
<u>R-3</u>	<u>840 sf or less</u>	<u>5'</u>
<u>R-4</u>	<u>840 sf or less</u>	<u>5'</u>
<u>R-5</u>	<u>All sizes</u>	<u>5'</u>
<u>R-6</u>	<u>500 sf or less</u>	<u>5'</u>
<u>Mixed Use</u>	<u>No limit</u>	<u>0'</u>
<u>Non-Residential Zones</u>	<u>No limit</u>	<u>5'</u>

- (7) Accessory structures over twelve (12) feet in height require an additional one (1) foot of setback for each foot over twelve (12) feet.
- (8) Accessory structures shall have a minimum setback of ten (10) feet from all public and private streets.
- (9) A detached accessory structure that results as the only structure on the lot from a subdivision and/or property line adjustment, must be demolished at the cost of the property owner if a primary structure is not built within two (2) years. The two (2) year time line commences on the date that the plat and/or property line adjustment is recorded with the Cass County Recorder's Office.

Staff Analysis

Comprehensive Plan:

Section 17.3 of the Land Use Ordinance states that the ordinance is to be administered and enforced to implement development in conformance with the Comprehensive Plan for the following:

- (1) To preserve and enhance the taxable value of land and buildings, and to avoid land uses which pose negative impacts on one another.**

The proposed text amendment revisions would preserve the value of land and building by providing more clarification for building permit application review and maintain appropriate setbacks.

(criteria satisfied)

- (2) To encourage the most appropriate use of land in the city.**
The proposed text amendment revisions would alter side yard setbacks and would allow for a more appropriate land use by allowing for accessory buildings to match primary building setbacks. In addition, lot coverage can be evaluated more accurately and in line with the intent of the ordinance.
(criteria satisfied)
- (3) To regulate and restrict the location and intensity of use of buildings and lands.**
The proposed text amendment revisions would regulate and restrict setbacks and lot coverage more accurately with the intention of the requirements.
(criteria satisfied)
- (4) To separate and control unavoidable nuisance producing uses to minimize the adverse impacts on the surrounding areas or uses.**
The proposed text amendment revisions would separate and control adverse impacts more accurately.
(criteria satisfied)
- (5) To facilitate traffic movement and promote development of compatible uses.**
The proposed text amendment revisions would facilitate regulations that would control for more compatible uses.
(criteria satisfied)
- (6) To guide placement and types of streets, water, sanitary and storm sewers.**
N/A
(criteria satisfied)
- (7) To guide placement and development of public facilities, parks and other municipal facilities such as library, community center, indoor and outdoor recreational facilities.**
N/A
(criteria satisfied)

Staff Recommendation

Suggested Motion: “To accept the findings and recommendations of staff and hereby recommend approval to the City Council of the proposed text amendment to Section 17.6.5 of the City of Horace Land Use Ordinance, to enact off-street parking requirements for mini storage land uses and stacking space requirements, as outlined within the staff report, as the proposal complies with the Comprehensive Plan, Standards of Sections 17.10 and all other applicable requirements of the City Ordinance.”

Planning Commission Recommendation: June 23, 2020
