



## **HORACE PLANNING and ZONING COMMISSION MEETING MINUTES**

March 14, 2023 | 6 p.m.

Horace Fire Hall Event Center | 413 Main Street, Horace ND 58047

**Present:** Planning and Zoning Commissioners, Amy Beaton (Via Teams), Julie Hochhalter, Russell Sahr and Doug Wendel; Community Development Director Jace Hellman; City Council Member Naomi Burkland

*Due to Chair Beaton calling into the meeting, Vice Chair Hochhalter ran the meeting.*

Vice Chair Hochhalter called the meeting to order at 6:00 p.m.

### **Agenda Item 1: Declare Quorum**

### **Agenda Item 2: Regular Agenda**

Commissioner Wendel moved to approve the Regular Agenda. Seconded by Commissioner Sahr. All in favor, none opposed. Motion carried 4-0.

### **Agenda Item 3: Approve the February 28, 2023, Planning and Zoning Commission Meeting Minutes**

Chair Beaton moved to approve the minutes from February 28, 2023. Seconded by Commissioner Sahr. All in favor, none opposed. Motion carried 4-0.

### **Agenda Item 4: 856 Harvest Circle Variance Request | Jace Hellman, Community Development Director**

Mr. Hellman presented the application for variance request. Mr. Hellman explained that the applicant has requested a variance from Horace City Code section 17.5.6, Subsection 5 (b), which requires the minimum rear yard setback within the R-3 zoning district to be thirty feet. If the request is approved, this would allow the applicant to construct an additional four feet onto a portion of the proposed single-family dwelling to accommodate a wider tv room to allow more maneuverability within the dwelling. Mr. Hellman went on to explain that the applicants representative has stated that the special condition that exists is that the soon-to-be owners of the property are elderly, and the request would allow for additional space in one room to allow for the homeowners to navigate more easily. Mr. Hellman stated that from a technical review of what a variance application is for, he was unable to identify the unnecessary hardship, such as site and topographical constraints, property shape or location, that is specific to this property and that would require a proposed structure to encroach into the required setback. Mr. Hellman went on to say that there unfortunately are no special conditions or circumstances that are peculiar to this property that are not applicable to other lots that are zoned R-3, both in direct vicinity of this property, and throughout the City as well. Mr. Hellman recommended that the Planning and Zoning Commission recommend denial of the proposed application. Lastly, Mr. Hellman noted that Arrowood 3<sup>rd</sup> Addition is currently not constructed and no available to build in or pull permits within.

Vice Chair Hochhalter opened the public hearing for the Variance request at 6:03 PM.

The applicant's representative asked that with the vacating of the Railroad Right-of-Way if the property lines would be affected the property lines as well. Mr. Hellman said it would not impact the current boundary of the development. Commissioner Sahr mentioned that there would most likely be a recreational pathway put in place of the Railroad. Commissioner Sahr mentioned that there are few variances that are granted, and those that have already were properties that were already built upon. Commissioner Wendel asked if the zoning of property under the new ordinance would allow their proposal. Mr. Hellman explained that per the current proposed zoning map, it is unlikely that would. Mr. Hellman also mentioned that the proposed zoning ordinance would not apply to the application that is front of them. Commissioner Sahr explained that the ordinance is specific, that there must be an



undue hardship, and that typically that hardship involves the lot. Commissioner Beaton asked what percentage of the lot the proposed house is going to cover. The applicant's representative stated that is below that standard.

Vice Chair Hochhalter closed the public hearing for the Variance request at 6:12 PM.

Commissioner Sahr moved to recommend denial of the variance request for 856 Harvest Circle. Seconded by Commissioner Wendel. All in favor, none opposed. Motion carried 4-0.

**Agenda Item 5: Horace Elementary School Expansion | Jace Hellman, Community Development Director**

Richard Meier, YHR Partners, discussed the proposed expansion to the elementary school. Mr. Meier explained that the proposed expansion was a 7500 square foot addition that is designed to look the same as the existing building. Commissioner Wendel asked if the mechanical units are on the exterior of the addition. Mr. Meier explained that the existing units were sized to accommodate this addition, and that they are in the interior of the building. Councilmember Burkland asked how much more is the school planning on adding to this location. Mr. Meier stated that this is the biggest that this elementary school will get.

Commissioner Sahr moved to approve the design review request for the Horace Elementary School Expansion. Seconded by Chair Beaton. All in favor, none opposed. Motion Carried 4-0.

**Agenda Item 6: Horace Elementary School Playground Site Modification | Jace Hellman, Community Development Director**

Mr. Hellman explained this site plan modification is a request to add additional basketball courts to the elementary school grounds. Mr. Hellman mentioned that this site plan review is front of the Planning and Zoning Commission as a design review because it was a modification of a previously approved site plan.

Commissioner Wendel moved to approve the site plan modification for Horace Elementary. Seconded by Commissioner Sahr. All in favor, none opposed. Motion carried 4-0.

**Agenda Item 7: 9800 Industrial Drive – Phase 2 | Jace Hellman, Community Development Director**

Mr. Hellman mentioned that the first phase of the building was approved by the Planning and Zoning Commission in the beginning of March in 2022. Mr. Hellman discussed that this proposed building is a direct repeat of the first phase in terms of design. Mr. Hellman did mention that the applicant had inquired about approving the entire site, including the remaining phase which is planned to another copy of the building in front of them now. Vice Chair Hochhalter said that they would prefer to see the design review request with each phase. Commissioner Wendel asked if there was enough parking provided. Mr. Hellman explained that the challenge with shop condo/flex space buildings is that the end user is not identified at this time, so you have to find the right balance, so you don't under park the area or over park it. The Commission discussed screening of the property as a whole from potential different uses to the north. Commissioner Wendel asked if there was a specific number of plants they needed. Mr. Hellman explained that there are required plant units within the City's ordinances, however, an industrially zoned property is exempt from those unit requirements, but they are encouraged to participate.

Commissioner Wendel moved to approve the design review request for 9800 Industrial Drive – phase 2 with the recommendation that the applicant install additional trees along the northern boundary of the property beyond the proposed paving. Seconded by Commissioner Sahr. All in favor, none opposed. Motion carried 4-0.

**Agenda Item 8: Adjournment at 6:43 p.m.**