

PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
**MONDAY, FEBRUARY 25, 2013**  
COMMISSION ROOM – CITY HALL  
**5:30 PM**

- A. CALL TO ORDER
- B. ROLL CALL AND DETERMINATION OF A QUORUM
  - Absences
- C. DISPOSITION OF MINUTES FROM REGULAR MEETING: January 28, 2013
- D. COMMUNICATION
- E. PUBLIC HEARINGS
  - 1. Proposed Zone Change from A: Agricultural to R-1: Single Family Residential, R-3: Lowrise, Multifamily & Townhouse Residential and C-2: General Commercial, located in the SW1/4, Section 10, T154 N,R101W and Preliminary Plat for Fairhills Subdivision (containing 152+ acres)- Roers Development/Roers Williston LLC
  - 2. Proposed Zone Change from A: Agricultural to R-4: Highrise, Multifamily Residential, and C-2: General Commercial, located in the NE 1/4 Section 21, T154N,R101W and Preliminary Plat for Skyline Subdivision (containing 79+ acres)- Granite Peak Development / Hagan Family Partnership LLC
  - 3. Proposed Zone Change from R-1: Single Family Residential to R-3: Lowrise, Multifamily & Townhouse Residential, located in the NE 1/4 Section 13, T154N,R101W and Preliminary Plat for Jonathan's Landing Subdivision (containing 19+ acres)- Redland LLC--Jon McCreary/Redland LLC
  - 4. Proposed Zone Change from A: Agricultural to C-2: General Commercial, located in the SW 1/4 Section 22, T154N, R101W (Sublot 14) (containing 7+ acres)- Granite Peak Development—ND, LLC/Hagan Family Partnership, LLP
  - 5. Amendment to Future Land Use from Industrial to Commercial and Proposed Zone Change from R-3: Lowrise, Multifamily & Townhouse Residential to C-3: Restricted Commercial, located in Lot 1, Block 1, Roseland Subdivision (containing 5+ acres)- Petra Inc./
  - 6. Proposed Zone Change from M-1: Light Industrial to C-2: General Commercial, located in the NW ¼ Section 1, T154N, R101W (5606 2<sup>nd</sup> Ave. W.) (containing 9+ acres)- Wright Investments, LLC
- F. COMMITTEE REPORTS
- G. UNFINISHED BUSINESS
  - 1. Proposed Zone Change from M-1: Light Industrial to C-2: General Commercial for two (2) unplatted properties located in the SW1/4SW1/4 Section 1, T154N, R100W, and Block 1 & 2, Sawvell Subdivision (containing 2 +acres)- Christianson/Bradley
- H. NEW BUSINESS
  - 1. Request to reduce parking requirements – Home of Economy/Innes Construction
  - 2. Request to allow shared parking – Mark Miller/Ankrom Moisan Architects
  - 3. Special Permitted Use for telecommunications tower—Bakken Communications.
- I. DATE OF NEXT MEETING - March 18, 2013
- J. ADJOURNMENT

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, FEBRUARY 25, 2013 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA**

President Glenn Boyeff called the meeting to order at 5:30pm. Roll Call was taken. A Quorum was present.

**MEMBERS PRESENT:** Glenn Boyeff, Deeann Long, Cynthia Aafedt, Jerry Fleck, Chris Brostuen, Jon Maristuen.

**MEMBERS ABSENT:** Nick Haugen

**OTHERS PRESENT:** Kent Jarcik, City Planner; Rachel Ressler, Staff Planner; Elaine Sinness, Assistant Planner; Donald Kress, Principal Planner; Cheyenne Pottridge, Administrative Assistant; Bill Tracey, Building Official; Monte Meiers, City Engineer; Jordan Evert, City Attorney; Howard Klug, City Commission.

**DISPOSITION OF MINUTES:** Minutes were approved for January 28, 2013 meeting as presented. MOTION BY MARISTUEN, SECOND BY LONG. MOTION CARRIED ON VOICE VOTE.

**PUBLIC HEARING:**

1) **Proposed Zone Change from A: Agricultural to R-1: Single Family Residential, R-3: Lowrise, Multifamily and Townhouse Residential and C-2: General Commercial Located in the SW1/4, Section 10, T154N, R101W. Preliminary Plat for Fair Hills Subdivisions (containing 152+ acres) – Roers Development/Roers Williston LLC**

Boyeff opened the public hearing and asked Kress to present. Kress said the application was received January 25, 2013, and requests a subdivision of approximately 152.46 acres located within the SW1/4 of Sec.10, T 154N., R101W., City of Williston, and a zone change from A: Agricultural to C-2: General Commercial (13.6 acres); R-1: Single Family residential (22.9 acres); and R-3: Lowrise Multi-Family and Townhouse Residential (53.61 acres). This project will be known as the Fair Hills Subdivision. The project site will take access from 26<sup>th</sup> Street West, 32<sup>nd</sup> Avenue West, 32<sup>nd</sup> Street West, 27<sup>th</sup> Avenue West, and 29<sup>th</sup> Avenue West. All streets within the project will be dedicated to the public.

Kress noted that the ad hoc committee recommended approval of the preliminary plat and zone change for Fair Hills Subdivision, contingent upon staff comments being addressed, standard development agreement, and the following additional items being included in the development agreement:

- Dedication of right of way for 32<sup>nd</sup> Street West and 29<sup>th</sup> Avenue West through the lot retained by the owners.
- A method for ownership and maintenance of the detention basins.
- Screening of the detention basins with shrubbery or attractive fencing.

- Fencing or buffering along the rear yards of the lots along the east side of the project site, adjacent to existing apartments and mobile home court.
- The "Alley" identified in the SE corner of Sheet 2 of the preliminary plat must be an easement granted to the adjacent property to the east for access.
- Future buildings shall not be built across lot lines.
- Site design standards based on planning comments.

Ressler also commented that this area has been developing to a high standard, so this development should continue the trend. Staff does not want to see the buildings in straight lines or seas of parking lots. Staff would like to see something more attractive, with urban street frontages, parking islands, attractive buffering, and pedestrian relationships between C-2 and R-3 zones. Staff would like to recommend that signs be monument signs, and not pole signs, and this should be placed in the development agreement.

Ressler requested fencing along east and west edges of development, and fencing or significant buffering along R-3 on west side.

Mr. Sigi, the developer for Roers, commented that for the past two months they had been talking to Staff. The only requirement he was concerned with was that he does not think the fence is needed. He did indicate that the product on east side will have a 50' backyard, and there would be large garages on the West side of the property to shut out some of the view. Mr. Sigi wanted to note he didn't really want to put up fences, because fences are a maintenance issue. Mr. Sigi indicated that Roers had no problem meeting the city's other requirements.

Boyeff called three times for public comments. Hearing none, he closed the hearing and asked for board action. Long asked about the alleyway along the east side of the property. Meiers said there never was an actual alleyway in this area.

MOTION BY AAFEDT, SECOND BY BROSTUEN, to recommend approval to the City Commission for the proposed Zone Change from A: Agricultural to R-1: Single Family Residential, R-3: Lowrise, Multifamily and Townhouse Residential and C-2: General Commercial located in the SW1/4, Section 10, T154N, R101W.(152+acres)

AYES: Maristuen, Brostuen, Fleck, Aafedt, Boyeff.

NAYS: None.

ABSTAINED: Long.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY BROSTUEN, SECOND BY MARISTUEN, to recommend approval to the City Commission for the Preliminary Plat for FairHills Subdivision contingent on staff comments, a development agreement and the additional items as listed in the fact sheet.

AYES: Brostuen, Fleck, Aafedt, Maristuen, Boyeff.

NAYS: None.

ABSTAINED: Long.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

2) **Proposed Zone Change from A: Agricultural to R-4 Highrise, Multifamily Residential, and C-2: General Commercial, located in the NE1/4 Section 13, T154, R101W and Preliminary Plat for Skyline Subdivision (containing 79+ acres)- Granite Peak Development/ Hagan Family Partnership LLC**

Boyeff opened the public hearing. Rick Leuthold with Sanderson Stewart, joined the meeting via a conference call. Ressler presented the application for Granite Peak Development/Hagan Family Partnership LLC, for the Skyline Subdivision. This application requests to plat 85.68 acres in the NE1/4 of Section 21 into 3 blocks. The blocks consist of one 44.64 acre parcel, one 35.00 acre parcels, and one 6.04 acre parcel. The two larger blocks are requesting a zone change to R-4: High Rise Multifamily Residential.

The smaller block is applying for a zone change to C-2: General Commercial, and is intended to serve as part of an expansion to the Sand Creek Town Centre to the east.

The plat shows the continuation of 7th and 11th Streets West. The R-4 and C-2 uses are consistent with the future land use plan.

In addition to the standard requirements, the development agreement will require:

- 50-foot right of way dedication for the extension of the existing 11th Street along the northern boundary of the Block 2;
- 66-foot right of way dedication for the extension of the existing 7th Street between Block 1 and Block 2/Block3;
- 33-foot right of way dedication along the northern boundary of Block 1 west of the edge of Block 2;
- Sewer easement to allow sewer to be extended across all three lots; and
- North-south connectivity within and along Blocks 1 and 2 must be established prior to any development on those blocks.

Ressler added that Lot 1 of Block 3 must have access to a public street—currently shown is a 20' emergency access easement from 7th Street south to Lot 1. This should be widened to 40' in order to serve as an actual access to the lot.

Ressler noted that because the R-4 blocks are intended to be large lots, they will be re-platted for smaller plats at a later date. Based on acreage, the maximum density allowed on these lots will be 1065 units on Block 1, and 985 units on Block 2. This plat shows a slightly different lot configuration in Block 3 than the plat shown at ad hoc.

Ressler noted that ad hoc discussion included the need to extend easements for 7th Street further to the west, along all of Block 1. A zone change for Sublot 14 was also originally included in the application; ad hoc discussions resulted in it being created as separate application. Proper right of way dedications also need to be shown on the plat. Also discussed was the necessity for north-south connectivity in Blocks 1 and 2 to be determined now, before further development takes place on these blocks.

Mr. Leuthold commented that this plat will have access (Reciprocal Easement) to Sand Creek. Also, he noted that item number four requiring a sewer easement should be recognized as sewer and storm drainage.

Boyeff called three times for public comments. Hearing none, he closed the hearing and asked for board action.

MOTION BY FLECK, SECONDED BY AAFEDT, to recommend approval to the City Commission for the proposed Zone Change from A: Agriculture to R-4: Highrise, Multifamily and C-2: General Commercial, contingent on addressing staff comments and a development agreement for ( the future) Skyline Subdivision.

AYES: Brostuen, Fleck, Aafedt, Maristuen, Long, Boyeff.

NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY AAFEDT, SECONDED BY FLECK, to recommend approval to the City Commission of the Preliminary Plat for Skyline Subdivision contingent on addressing staff comments, a development agreement and contingencies so noted.

AYES: Brostuen, Fleck, Aafedt, Maristuen, Long, Boyeff.

NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

**3) Proposed Zone Change from R-1: Single Family Residential to R-3: Lowrise, Multifamily & Townhouse Residential, located in the NE 1/4 Section 13,T154N,R101W and Preliminary Plat for Jonathan's Landing Subdivision (containing 19+ acres)-Redland LLC--Jon McCreary/Redland LLC**

Boyeff opened the public hearing. Kress presented the application for preliminary plat and zone change, for applicant Redland LLC-John McCreary. The application received requests a subdivision of approximately 19.96 acres located within the NE1/4NE1/4 Sec. 13, T 154 N, R 101 W, City of Williston, and a zone change from R-1: Single Family Residential to R-3: Lowrise Multi Family and Townhouse Residential. This project will be known as the Jonathon's Landing Subdivision.

A version of this project was before the Planning and Zoning Commission in October, 2012. That version was denied by the City Commission on November 13, 2012, in part due to the inability to resolve drainage issues. This version of the subdivision provides a drainage easement dedicated to the city that is intended to resolve those drainage issues. The design of this drainage facility has been approved by the city engineer. The general configuration and lot sizes are mostly unchanged from the previous version of this plat. The lot size changes and configurations resulting from the dedication of the drainage channel are acceptable.

The subdivision provides:

- 57 single-family lots
- 40 twin-home lots
- 13 townhouse lots
- 1 condominium lot with five residential units

plus two detention basins.

The total proposed density is 5.8 dwelling units per acre. Kress noted a reasonable density for a residential project. No commercial development is proposed for this project; the project does not include any apartments.

The project site will take access from 26<sup>th</sup> Street East and East Dakota Parkway. All streets within the project will be dedicated public streets.

In addition to the standard requirements of the development agreement, the development agreement will require:

- Dedication of the drainage easement as depicted on the preliminary plat.
- A method for ownership and maintenance of the detention basins.
- Screening of the detention basins with shrubbery or attractive fencing.
- Vinyl fencing along the backyards of residences along East Dakota Parkway and 26<sup>th</sup> Street East.
- Future buildings shall not be built across lot lines as platted on the recorded final plat.

Kress noted discussion at the ad hoc meeting included:

- Snow plowing along 14<sup>th</sup> Avenue East in front of the townhouses—will there be adequate space to pile the snow along the east side of this street considering the limited space between driveways of the townhouses?
- Accessibility to the manhole in the southwest corner of the property.
- Entry monumentation along East Dakota Parkway.

Kress noted that the ad hoc committee recommended approval for the preliminary plat and zone change with contingent upon staff comments being addressed, standard development agreement, and the following items being added to the standard development agreement:

- Dedication of the drainage easement as depicted on the preliminary plat.
- A method for ownership and maintenance of the detention basins.
- Screening of the detention basins with shrubbery or attractive fencing.
- Vinyl fencing along the backyards of residences along East Dakota Parkway and 26<sup>th</sup> Street East.
- Future buildings shall not be built across lot lines as platted on the recorded final plat.

Planning staff will provide the applicant with the standard development agreement plus all wording for any additional items.

Raymond Melendez, representing John McCreary, spoke. Mr. Melendez indicated that the Army Corps of Engineers had a problem with the drainage issue on the south side, since this is

proposed in a flood plain. Mr. Melendez said, "The Corps looked at the existing flow and determined they didn't have the adequate area for our parcel and the upstream drainage that currently flows through the area." Redland LLC went back to the drawing board and revised the Southwest corner of the development. Mr. Melendez indicated that they had lost 6 lots total and an additional 2 Lots were given up for the detention area. Mr. Melendez stated that they were not opposed to any requirements that staff brought up. Meiers indicated that 22<sup>nd</sup> Street was on a flood plain, and they are trying to channel the drainage down the 22<sup>nd</sup> Street. There is a sizable difference in what they are saying and what Meiers has projected the drainage to be. Alliance Engineering, Airport, Engineering, and Corps of Engineers need to reconcile why there is a difference. The issue with trying to build an access for 22<sup>nd</sup> Street is that four culverts would be needed to access the drainage. Mr. Melendez indicated that they couldn't move it any further south, due to a guard rail that was only 116' away on East Dakota Parkway.

Mr. Rick Tofte commented on the issue with access on 24<sup>th</sup> Street. Mr. Tofte stated that Arlan Arnson was out of town, but he was there to represent him on the issue as well. Mr. Arnson's home is right in front of the 24<sup>th</sup> Street access, and headlights will be shining into his house at all hours of the night. Mr. Tofte was opposing this project for all the same reasons as before, and with the new Rec Center going in, traffic will double. Mr. Tofte asked if it is possible to move the entrance? He was not opposed to the new development going in; Tofte has some concern on the south side because of the flood plain area especially without doing soil samples. Tofte also suggested that the commission require some R1, with some 8,000 square foot lots, instead of 6,000.

John Broschat commented that he lived at 916 Spring Creek Drive to the west of this proposed Subdivision. He would like to see an access to 22<sup>nd</sup> Street. First reason was because the proposed access was too close to 26 St. It is approximately 450', and traffic is often backed up at peak times. With this current housing density of Jonathon's Landing, he would expect traffic to back up within the subdivision. Traffic flow to Mr. Broschat would be more efficient off the 22<sup>nd</sup> Street access, even at peak times. He also thinks it would be safer at 22<sup>nd</sup> Street because that's a flatter place to pull out, and you can see both ways better. He thinks 22<sup>nd</sup> St is a doable project, with a simple box culvert, and that it would not be an engineering problem. Cost would be the issue.

V.F. Peterson commented on the issue. Mr. Peterson had traffic concerns, about the new rec center and new subdivision. "Something is bound to happen," Mr. Peterson stated.

Mr. Melendez concluded the public comments. He indicated that the plan is to have 22<sup>nd</sup> St as the main access was their first option. They worked very hard with Monte to try to work it out, but it couldn't work, so it had to be moved. Discussion took place regarding the status of the East Bypass, relating to the need for stop lights, future building out to the south regarding the watershed for the area. Aafedt said she would like to see less density and to provide larger lots. She said it appears the drainage issue is still a problem. Fleck was not comfortable with the egress & egress into the project (in line w/Arnson's residence) he felt it would be wise to move the access down to 22<sup>nd</sup>.

Boyeff called three times for any additional public comments. Hearing none, he closed the hearing and asked for board action.

MOTION BY BROSTUEN SECONDED BY MARISTUEN, to recommend approval to the City Commission for the proposed Zone Change for Jonathon's Landing Subdivision from R-1: Single Family Residential to R-3: Lowrise, Multifamily & Townhouse Residential.

AYES: Maristuen, Long, Brostuen, Boyeff.

NAYS: Aafedt, Fleck.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY LONG, SECONDED BY MARISTUEN to recommend approval to the City Commission for the Preliminary Plat for Jonathan's Landing Subdivision, contingent on ad hoc recommendations, staff comments and a development agreement.

AYES: Maristuen, Long, Boyeff.

NAYS: Aafedt, Brostuen, Fleck.

ABSENT NOT VOTING: Haugen.

TIED VOTE, NON- RECOMMEDATION, ROLL CALL VOTE.

**4) Proposed Zone Change from A: Agricultural to C-2: General Commercial, located in the SW 1/4 Section 22, T154N, R101W (Sublot 14) (containing 7+ acres)- Granite Peak Development—ND, LLC/Hagan Family Partnership, LLP**

Boyeff opened the Public Hearing. Kress presented the application that requests a zone change from A: Agricultural to C-2: General Commercial for approximately 7.36 acres located within the S1/2NW1/4 and a portion of NW1/4SW1/4 Section 22, T 154 N, R 101 W, City of Williston. This area is adjacent to the south of the existing Sand Creek Town Center; a retail area also zoned C-2. This area takes access from 32nd Avenue West, a dedicated public street.

The applicant has submitted a plat to create a subplot, to be known as Sublot 14, for this area. This subplot is currently in the administrative approval process. The zone change, if approved, would only become effective upon approval and recordation of Sublot 14. Kress noted that the Planning and Zoning Commission is not involved in the process to approve the subplot.

At the January, 2013 Planning and Zoning Commission meeting, the commission approved a special permitted use (SPU) for an oversize sign for the Sand Creek Town Center on this property. Kress noted this SPU will carry over into the C-2 zoning without further action.

Kress said Ad Hoc discussion included the process for creating the subplot, and that this area is contiguous to the Sand Creek Town Center and so the C-2 zone is appropriate for this property. The ad hoc committee recommended approval of the zone change to C-2: General Commercial contingent upon that area being approved and recorded as Sublot 14.

Christina Kitzenberg had a couple of comments about the construction in this area, which is located next to her property. Ms. Kitzenberg was having an issue with the ditch work and draining. Kitzenberg noted that the construction crews were piling dirt into the ditches, which will cause the drainage to come into her property. She was also concerned that the neighbors will have the same issues if this construction continues. At this time Rick Leuthold with Sanderson Stewart, was called back on a conference call. Mr. Leuthold explained he had no idea of the issue and would get to the bottom of it as soon as he returned to Williston. He explained that he had been communicating with the neighbor, Bobby Erickson about the drainage near his property. Mr. Leuthold wanted to assure the Kitzenberg family that they are not filling in anything they are not supposed to. He requested the staff to get names and phone numbers so he could



be in contact with the family. Boyeff called three times for public comments. Hearing none, he closed the hearing and asked for board action.

Aafedt asked about meeting the buffering requirement. Kress said the landscaping ordinance would be in effect, once the development of the area begins. Kress further explained the administrative process for sublots which requires staff review before finalized.

AMENDED MOTION BY FLECK, SECOND BY BROSTUEN, to recommend approval to the City Commission for the proposed Zone Change from A: Agricultural to C-2: General Commercial located in the SW 1/4 Section 22, T154N,R101W, contingent on final approval of Sublot 14.  
AYES: Maristuen, Long, Brostuen, Fleck, Aafedt, Boyeff.

NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

**5) Amendment to Future Land Use from Industrial to Commercial and Proposed Zone Change from R-3: Lowrise, Multifamily & Townhouse Residential to C-3: Restricted Commercial, located in Lot 1, Block 1, Roseland Subdivision (containing 5+ acres)- Petra Inc.**

Boyeff opened the public hearing. Ressler presented the application for the applicant, Dale Branson is requesting a zone change from R-3: Low Rise Multifamily and Townhouse Residential to C-3: Restricted Commercial for Lot 1, Block 1 of Roseland Subdivision. The exhibit shows one larger building at the northwest corner of the lot, which would be phase one, and five smaller buildings on the rest of the lot. The smaller buildings will run along the north side of 42nd St. Ideally, the developer's goal is to develop the entire lot at once.

The developer has provided an exhibit of the elevations and materials planned. The parking shown is 291 spaces, including 10 handicap spaces. The required spaces are 226, with 6 handicap spaces. These requirements are based on use of space as retail. Depending on what the buildings become, the parking requirements could change (if, for example, a restaurant is planned). However, the extra spaces should allow that flexibility.

According to the new landscaping requirements in Section 25, planning is requiring landscaping on all the parking islands, etc. Buffering requirements also require a 5'-8' masonry (decorative, NOT cinderblock) wall between the C-3 and R-3 zones. Planning is also asking for a pedestrian walkway between the R-3 and C-3 zones at the gap between Building 1 and Building 2, and for one on the east side of Building 1, east of where the wall would be set back 20 feet from the property line.

Ressler stated that ad hoc, the discussion included the need to provide pedestrian access from the surrounding R-3 and R-4 areas. The developer also needs to provide an exhibit of surrounding zonings. Discussion at the ad hoc also included the availability of sewer to all of the smaller buildings. Mr. Meiers stated that he would need to re-check the plans for the area.

Discussion also included signage for the area and that there would be one monument sign of appropriate size most likely at the corner of 42nd St W and 9th Ave W.

Ressler noted the ad hoc recommendation was to recommend approval of a zone change from R-3: Lowrise, Multifamily and Townhouse to C-3: Restricted Commercial for Lot 1, Block 1, of the Roseland Subdivision, contingent on staff comments being addressed. She said the future land use will also need to be amended. Boyeff called three times for public comments, hearing none, closed the hearing and asked for board action.

MOTION BY BROSTUEN, SECOND BY LONG, to recommend approval to the City Commission for the Amendment to Future Land Use from Industrial to commercial located in Lot 1, Block 1, Roseland Subdivision.

AYES: Maristuen, Long, Brostuen, Fleck, Aafedt, Boyeff.

NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY MARISTUEN, SECOND BY FLECK, to recommend approval to the City Commission for the proposed zone change from R-3: Lowrise, Multifamily & Townhouse Residential to C-3: Restricted Commercial, located in Lot 1, Block 1, Roseland Subdivision, contingent upon staff comments.

AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff.

NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON VOICE VOTE.

**6) Proposed Zone Change from M-1: Light Industrial to C-2: General Commercial, located in the NW ¼ Section 1, T154N, R101W (5606 2<sup>nd</sup> Ave. W.) (containing 9+ acres)-Wright Investments, LLC**

Boyeff opened the public hearing. Ressler presented the application that requests a zone change from M-1: Light Industrial to C-2: General Commercial for the 8.956 acre property that used to be the drive in theater along U.S. Highway 2/85. The change to C-2: General Commercial is in line with the City's future land use plan and a current project to look at development guidelines and zone changes along the City's northern gateway. The property is currently described by a metes and bounds description, and a plat will be required at time of development.

Ressler stated that at ad hoc the discussion included the consistency of the change with the City's future land use plan. It also included the need to determine necessary frontage road right of way for later platting.

Planning will require the development to comply with standards for landscaping and buffering. C-2: General Commercial is an ideal zoning for this property. A plat will be required before development.

Ms. Lori Lingenfelter, whose property is next door to the proposed zone change, spoke. Ms. Lingenfelter was curious about what would be built next door to her, she didn't want a hotel. She said that was her only concern. She also stated she would want a buffer of some kind, so people wouldn't be driving across her yard. Boyeff said the plan for this corridor to change from industrial type uses to commercial along the highway.

Gerald Ramsey, adjoining owner, spoke regarding his concerns about the new building project. Ramsey wanted to know when the staff would know for sure what was going to be built. Ressler commented that it would have to go through the building department first. First, though a plat will be drawn up to be approved through the commission. Staff made a note to notify the property owners around this area when a plat was being presented. Kress said there is no specific use identified yet but by requiring a plat further review will be necessary dealing with buffering and public right of ways, etc.

Boyeff called three times for public comments. Hearing none, he closed the hearing and asked for board action.

MOTION BY LONG, SECOND BY BROSTUEN, to make a recommendation to the City Commission to approve the proposed Zone Change from M-1: Light Industrial to C-2: General Commercial, for property located along Hwy 2 and 85, south of 57<sup>th</sup> street, known as the old Lake Park Drive-In, subject to a future plat and the need to contact adjoining land owners. AYES: Long, Brostuen, Fleck, Aafedt, Maristuen, Boyeff.

NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

## UNFINISHED BUSINESS

- 1) Proposed Zone Change from M-1: Light Industrial to C-2: General Commercial for two (2) unplatted properties located in the SW1/4SW1/4 Section 1, T154N, R100W, and Block 1 & 2, Sawvell Subdivision (containing 2 +acres)-Christianson/Bradley

Jarcik indicated that this item was still on hold, and would have verification next month. He asked the commission to table this item one more time. MOTION BY BROSTUEN, SECOND BY FLECK to table this item again.

MOTION CARRIED ON VOICE VOTE.

## NEW BUSINESS:

- 1) Request to reduce parking requirements – Home of Economy/Innes Construction

Ressler presented the application requesting a parking reduction for the Home of Economy store. The owners are proposing removal of all outbuildings on the lot, and adding a two-story addition to the south east corner of the lot, connecting the two current main buildings. The addition of a second story requires a need to come into compliance with the code, as according to Section 6 of Ordinance 613, the nonconformities statute.

Currently, there are about 75 spaces on the lot. With two stories and an all-retail designation, the building would need approximately 225 parking spaces. The square footage of the added building is approximately 25,000 sq.ft. between the first and second floor. If part of the building is designated a warehouse and is allowed 1 parking space per 1,000 square feet, the lot requires approximately 199 spaces.

The proposed parking format shows 138 spaces, and is an update from the format shown at ad hoc. Ressler noted that at ad hoc concerns were raised about the fit of Williston-sized trucks into the minimally designed spaces shown. Concerns were also raised about parking being utilized as a loading facility occasionally and parking being shown along the east side of the building, which will disappear with snow.

Boyeff indicated this is not a public hearing but asked if there were any public comments at this time.

The applicant, Home of Economy's President, Wade Pearson spoke. Also, present were Williston's Store Manager, Barb Forsberg, Wade's brother Scott; as well as their architect and contractor. Wade Pearson indicated they were the same team that worked on the new building for the building in Minot. He stated the new Williston Home of Economy will be a big upgrade for the Williston Community. He understands that it's the old part of town, but they can only work with what they have. Since they have had the building they have acquired a number of additional parcels, but they have maxed out. Fleck suggested having it contingent on, no outside buildings.

They are going to take out all the out-buildings to help with more parking for the new projected building. They are trying to phase out all the outside things, so there will be only indoor sales. Also, the second floor of the building will only be storage for the store. Ms. Forsberg commented that snow removal will always be done before 7:30am. She also agreed with the Commissioners that the trash will not become an issue for the City. Wade Pearson said the commissioners discussed the trash being picked up at the back of the store and the trucks unloading for the store. The issue was the time, if the store trucks were there at the store unloading and the trash trucks were to arrive at the same time, there wouldn't be enough room for both. Wade Pearson and Ms. Forsberg both agreed that unloading would take place well before 7:30am.

MOTION BY AAFEDT, SECOND BY BROSTUEN, to approve 138 spots for the parking reduction request for Home of Economy. Discussion among the commissioners said, that the motion needed to be contingent upon snow removal any kiosks and the garbage. Klug suggested removing a couple of spaces to accommodate garbage and snow removal as discussed. Maristuen was concerned about traffic congestion relating to delivery trucks coming and going.

AMENDED MOTION BY AAFEDT, SECOND BY BROSTUEN, for Lot 9, Block 1, Wise 1<sup>st</sup> Addition, to allow a parking reduction for Home of Economy from 138 spaces to 130 operational spaces; contingent upon snow removal and trash pick-up.

AYES: Brostuen, Fleck, Aafedt, Maristuen, Long, Boyeff.

NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

## **2) Request For Shared Parking—First International Bank And Outlaws Restaurant**

Kress presented the application from Ankrom Moisan Architects/ First International Bank, for parking request for shared parking between First International Bank and Outlaws Restaurant.

The application requests a shared parking arrangement between Lot 2 and Lot 3 of the First International Bank Subdivision. Lot 2 is developed with First International Bank, a two-story building with a bank and offices. Lot 3 is proposed as Outlaws Bar and Grill, a restaurant. The

lots are separated by a private street that provides access to 9<sup>th</sup> Avenue West, a dedicated public street.

The applicant proposes that a shared parking arrangement that would allow the restaurant to use spaces on the bank parking lot. Pursuant to Williston Zoning Ordinance Section 25(H), a shared parking arrangement can be approved by the Planning and Zoning Commission. That code section states, "When sufficient off-street parking cannot be provided on the same lot or a lot contiguous to the principal use because of unique circumstances, an arrangement can be made to provide off-street parking on a noncontiguous lot. Such parking arrangements shall be considered by the Planning and Zoning Commission on a case-by-case basis. The Planning and Zoning Commission may grant permission to provide parking on a noncontiguous lot provided traffic or land use problems are not created, and a long-term agreement can be negotiated so the required off street parking is maintained as long as the principal use exists."

Kress noted the ad hoc committee did not support the original request for shared parking. The ad hoc committee did not have an opportunity to review the revised plan. Planning recommends that, as the revised plan requires eight shared spaces, the Planning Commission approve the request for shared parking of eight spaces only, contingent on the applicant meeting the requirements for shared parking stated in Section 25 (H) of the Williston Zoning Ordinance and documenting that the bank is over parked by the requested number of spaces to be shared.

The bank currently provides 76 parking spaces (including four handicapped-accessible spaces). The original proposal reviewed by the ad hoc committee on February 11, 2013, indicated the restaurant would require 92 parking spaces, of which only 55 could be provided on Lot 3 and 37 of which would have to be shared with the bank.

Aafedt asked if staff was requiring them to have oversized spaces for trucks. Kress responded they have not. Maristuen indicated that she's not looking at a light parking lot. This one will not be just driving lanes. It will have easy access in and out. Mr. Gunner with Outlaws responded to the parking issue. This parking lot is designed for normal size trucks. The trucks will find it easy to get in and out of the parking lot. The store Manager at Watford City, Angie Pelton, referred to her situations in Watford City. She stated that they have a theater, bank and restaurant, but they never have any problems with parking. Maristuen said he was in the ad hoc meeting, and the applicant has come a long way from reducing the parking and has done a great job on complying with everything that was requested and should be approved with what was shown on the plan, reducing the parking to 66 spaces and removing the shared agreement.

MOTION BY MARISTUEN, SECOND BY FLECK, to grant the parking reduction, contingent with the blueprint. The restaurant would be 6100 sq. ft, and the parking lot would have 66 spaces total. The restaurant would not need to share parking with the bank.

AYES: Fleck, Aafedt, Maristuen, Long, Brostuen, Boyeff.

NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION APPROVED ON ROLL CALL VOTE.

### **3) Special Permitted Use For Telecommunications Tower—Bakken Communications at 310 Airport Road, Williston**

Kress presented the application for the applicant Tim Quigg for Bakken Communications for special use permit for a telecommunications tower. The application received January 25, 2013,

requests a special permitted use (SPU) for a telecommunications tower pursuant to Section 32—Wireless Telecommunication Towers and Antennas, of the Williston Zoning Ordinance. Section 32 was created by Ordinance 912, an amendment to the Williston Zoning Ordinance adopted November 12, 2008.

The applicant, Bakken Communications, proposes a 50-foot tall self-supporting tower and associated ground equipment as an accessory use to their business, which provides wireless internet service. The tower is proposed at this location as the required fiber optic hookup is available only at their adjacent place of business, so co-location on any existing tower is not possible. The applicant proposes to hang the cable between the building and the tower; trenching will not be necessary.

The tower and associated equipment will be located in the parking lot. It will take up six existing parking spaces. This will not diminish the required parking for the commercial building on that site at 310 Airport Road. The parking requirement for this 21,600 square foot building is approximately 110 spaces and the parking lot provides 204 spaces.

Williston airport manager Steven Kjergaard has reviewed the application. The application must be approved by the Airport Board of Adjustment in addition to approval by the Planning and Zoning Commission.

The applicant has supplied the declarations and other information required by Sections 4 and 6 of Section 32 of the Zoning Ordinance.

The applicant's team appeared in person and by phone. Discussion at the ad hoc meeting included:

- The presence of a city storm sewer easement; no part of the tower or its ground support equipment can be built over this easement.
- Possibility of interference with airport communications. The applicant explained that the frequencies used by the wireless internet and those use for airport communication and navigation do not overlap.
- The city attorney stated he was not aware of any issues with existing telecommunications franchises if this proposed tower was approved.
- It does not take away any spaces, and they are not adding any spaces.
- As of right now the airport board has not reviewed yet, but is going to.

Kress noted that the ad hoc committee recommended approval of the proposed telecommunications tower for wireless internet at 310 Airport Road, contingent upon approval of the airport board of adjustment and addressing staff comments. Planning concurs with this recommendation.

Aadeft and Boyeff asked if the airport had any issues with a 50' tower. The answer was no, not at this time, said Chayne King.

Aafedt asked if the tower was for commercial use or office use. Chayne King stated the tower would be used as a launch pad, to get their data out. It would be used to send signals to relay towers. It is not a cellular tower.

MOTION BY BROSTUEN, SECONDED BY MARISTUEN, to approve the SPU for the proposed telecommunications tower, wireless internet, contingent upon the approval of the Airport Board of Adjustment and addressing any other staff comments.

AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff.


NAYS: None.

ABSENT NOT VOTING: Haugen.

MOTION CARRIED ON ROLL CALL VOTE.

Boyeff stated the next meeting will be March 18, 2013 at 5:30 PM CDT.

Meeting adjourned.

A handwritten signature in black ink, appearing to read "Kent Jarcik", written over a horizontal line.

Kent Jarcik, City Planner