

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON SEPTEMBER 16, 2013 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

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

**MEMBERS PRESENT:** Long, Fleck, Aafedt, Maristuen, Boyeff.

**MEMBERS ABSENT:** Haugen  
(Brostuen seat empty, elected to City Commission).

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Staff Planner; Elaine Sinness, Assistant Planner; Nick Vasuthasawat, Code Compliance Coordinator; Christine Edwards (Administrative Assistant); Kelly Aberle, Building Dept.; David Tuan and Scott Molstead, Public Works; Jordan Evert, Assist. City Attorney.

**DISPOSITION OF MINUTES:**

1. Minutes were approved for August 19, 2013 meeting as presented. MOTION BY FLECK, SECOND BY MARISTUEN. MOTION CARRIED ON VOICE VOTE.

**COMMUNICATION:**

1. Recognition of Commissioner Brostuen – Mr. Brostuen could not attend this evening but will plan on attending the October 21, 2013 meeting. Staff will recognize him at that time.
2. Unified Development Code (UDC) Administrative Work Group – Boyeff asked Kress to present. Kress states that one big project underway is the creation of a UDC, a comprehensive revision of zoning and subdivision ordinances and other policies intended to clean them up and get them all together in a unified code. Kress says that part of the process includes an administrative work group that is City Staff, Planning Commissioners and City Commissioners as well as a citizen’s advisory committee. Kress states that that the Planning Commissioner’s involvement is very important to this work group and asks that the Board select, among themselves, at least two commissioners that would be willing to carry through the process that would be meeting once a month (reference the schedule in the agenda packet). This will begin Sept. 30, 2013 and carry through August, 2014, with Public Hearings to begin on Sept. 2014. Kress points out that the advisory committee would not be expected to write the UDC but to give input as to its creation. Kress asked that he be notified in one week of who would be representing the P&Z Commission for the UDC Work Group.

**PUBLIC HEARINGS:**

1. **Proposed Ordinance No. 975, an Ordinance amending Ordinance No. 613, also known as the Zoning Ordinance of the City of Williston, amending Ordinance No. 959 and 965 Section R: Landscaping and Screening; and S: Buffer Yards of Section 25 Supplementary District Regulations**

Boyeff read the purpose of public hearing no. 1 (as above) and asked Nick Vasuathasawat to present. Nick begins that staff has identified issues during the construction stages of developments throughout the City with respect to the lack of installation and oversight of landscaping, screening, and buffer yard requirements identified in Ordinance No. 959 and 965. Nick explains this Ordinance Amendment reiterates the installation timeline of a growing season as identified in Section 31: Definitions- "Growing Season" to 148 days total between the months of May 4<sup>th</sup> to September 28<sup>th</sup> both days inclusive. In addition he adds that the Ordinance requires all landscape, street trees, screening, and buffering to be installed prior to the issuance of a Certificate of Occupancy with the option for the builder to submit a performance bond to assure these items will be installed by the property owner. Nick discusses the Performance Bond Process:

- 1) The builder (developer/contractor/property owner) fills out and turns in a performance bond application form with consent from the property owner to the Building Department.
- 2) The performance bond application is filed in the original permit packet at the Building Department and a copy is routed over to the Planning & Zoning Department.
- 3) A performance bond is acquired by the builder with the consent of the property owner from a duly authorized surety company.
- 4) The surety company provides performance bond copies to all affiliated parties.
- 5) The Planning & Zoning Department monitors completion of the project.
- 6) If property owner has installed all required items, the performance bond becomes null and void; or the Planning & Zoning Department releases consent to surety form.
- 7) If 148 days have expired without the installation of the required landscaping items, the Planning & Zoning Department bids out scope of work to certified state licensed and bonded contractors.
- 8) The City selects a contractor to complete work.
- 9) Upon satisfaction and completion of the required landscaping items, the surety company releases payment to the contractor.

Nick states that at an ad hoc meeting held on September 3, 2013, staff presented why this performance bond is needed in addition to the performance bond process. During this meeting the committee members expressed the overall support of the performance bond concept, however shared some concerns with the practicality of the bond. After further explanation the ad hoc committee members approved this item to be brought before the Planning Commission and City Commission for their approval.

Boyeff asks twice for public comment. Scott Molstead from Public Works states that their department would like to see the requirements for paving is added this to performance bond as there is often trouble with that compliance. Discussion is had concerning nothing being addressed regarding paving when this matter was discussed at ad hoc; Molstead stated it was a discussion that took place in their department just that day. It is further discussed via Boyeff, Jarcik and Vasuathasawat that hard surfaces are addressed separately from landscaping in the ordinance and that this proposed amendment would not be the proper place to address a paving bond, Jarcik suggests that the broader matter be tabled brought back to ad hoc. Commissioner Aafedt suggests that the process for a (property owner) to obtain a bond is lengthy and that it seemed better to have them have to obtain only one bond for all requirements rather than multiple bonds for each issue (i.e, (1) landscaping, and (2) paving). Commissioner Fleck questions growing season and what happens if the landscape process begins near the end of the ordinance time. Nick V. clarifies that the 148 days may be split between two growing seasons but in any event only allowing a total 148 days for completion. Fleck secondly questions the enforcement measure as outlined in the proposed ordinance and whether or not the property owner will have any warning that they are out of compliance before the City takes it upon itself to hire the required work done, Nick V. states that there would be communication beforehand. Fleck worries that the 6b, Enforcement of the proposed ordinance

amendment does not allow any flexibility for that kind of communication as it states only action and suggests that some flexibility written in. Nick V. accepts this comment as an idea to look into an extension process. Commissioner Maristuen questions the Building Department on issues with completion of paving requirements. David Tuan, Public Works, stated that this is now also becoming a public works issue. Boyeff asks Nick V. if this would be a retroactive ordinance or would it only apply from the time of approval forward, it was stated it would not be retroactive.

With no further discussion being brought on this matter, Boyeff calls for the wishes of the board.

MOTION BY FLECK, SECOND BY LONG, to table proposed Ordinance No. 975, an Ordinance amending Ordinance No. 613, also known as the Zoning Ordinance of the City of Williston, amending Ordinance No. 959 and 965 until further discussion with other City departments can be had regarding bonds. AYES: Long, Fleck, Aafedt, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Haugen. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

**2. Proposed Plat to rearrange Lot 1, 6 & 8, Block 2 of Sand Creek Town Centre and Lots 1 & 2, Block 3 of the Skyline Subdivision to create a 19-acre single lot for the future Menards store – Granite Peak**

Boyeff read the purpose of public hearing no. 2 (as above) and asked Kress to present this matter. Kress states that this matter began as an Administrative Review that would normally not come to the commission but as it involves a Plat, it will need to be reviewed by the commission. Kress asked City Attorney Evert to explain the need for this matter to come before the board. Evert explains that this Administrative Review Plat, as a plat, by way of the Century Code must come before the P&Z Commission. Kress adds that this matter will not go to the City Commission but rather will be decided by P&Z Commission. Evert states an initial Plat is brought to the commission for approval but that all other processes within that plat are brought to the commission for review only; therefore this matter is for review. Kress again adds that this matter has gone through the normal internal review. Fleck asks for clarification, "this will only come about on property that has previously been platted?" to which Kress answered affirmatively.

Kress takes the podium and states that this will be called the Menards Subdivision and hands out an addendum to the memo which is the City Engineer's conditions to this plat. (Kress later explains that the engineer for this project, Sanderson Stewart, has already addressed many of these conditions and made corrections as such but had not printed a new plat as yet pending remaining comments of staff) Kress points out that the Menards Subdivision is a rearrangement of the Sand Creek and Skyline Subdivisions. Kress states that this is a request for an administrative review plat to rearrange Lot 1, 6 & 8, Block 2 of Sand Creek Town Centre and Lots 1 & 2, Block 3 of the Skyline Subdivision to create a 19-acre single lot for the future Menards store. The lot will take access from 32<sup>nd</sup> Avenue West by way of a reciprocal access easement. The lot will accommodate the approximately 168,000 square foot Menards store, outdoor lumber/materials yard, 420 parking spaces, and a nine-space truck loading area. Three additional lots result from this re-arrangement, though there is not a net gain of lots.

Kress explained that at the ad hoc on September 3, 2013, the city attorney explained, just what he had prior to Kress' presentation, that pursuant to North Dakota Century Code, all plats must have a hearing before the Planning Commission, even if the plats are administrative reviews. Ad hoc did not have a recommendation to approve or deny but instead suggested that it be brought before the full committee to be explained. Staff would recommend that the board to

approve this. Kress confirms with attorney Evert that there needs only to be a motion to approve the plat and stated that as this is a rearrangement of two existing plats, there is not requirement for a development agreement or other documents as there would be with a new plat. Boyeff questions an easement that exists in the original Skyline and Sand Creek plats. Kress explains that those would have to be vacated. Boyeff called for any further questions and for any public input. Upon hearing none by the third question, the public hearing was closed and Boyeff asked for the recommendation of the board, clarifying that this would be an approval, not a recommendation to City Commission.

MOTION BY MARISTUEN, SECOND BY FLECK, to recommend approval to the City Commission for the Plat to rearrange Lot 1, 6 & 8, Block 2 of Sand Creek Town Centre and Lots 1 & 2, Block 3 of the Skyline Subdivision - City of Williston, subject to all staff comments. AYES: Long, Fleck, Aafedt, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Haugen. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

**3. Proposed Right-of-Way for 32<sup>nd</sup> Avenue West between 11<sup>th</sup> Street West and 26<sup>th</sup> Street West.- Staff**

Boyeff opened the public hearing for this item stating this is part of the annexation and asked City attorney Evert to present. Evert begins with history of how this ROW came to be. Evert explained that the Midway Bar Oil and Gas well that was drilled in several years ago had a flare and the city had to find a way to pipe that in as it was one of the requirements of the SPU at the time. The only route that was found to be feasible was to run it along inside the proposed 32<sup>nd</sup> Avenue ROW. There was no platted road for 32<sup>nd</sup> Ave. but that plat was coming in the foreseeable future. The City suggest that the company acquire the easement that would be needed and another 125/130 foot that would be required for the future road way. It was agreed that when it would be dedicated to the City, the City would take that property subject to the pipeline easement. Evert states now that that this proposal is the formal acceptance/dedication of that easement. Evert points out that that roadway (32<sup>nd</sup> Avenue West between 11<sup>th</sup> Street West and 26<sup>th</sup> Street West) has been constructed and it is now time to get this noted of record. Evert informs the board that his has already been submitted to and approved by the City Commission so that this presentation is to assure that it is in compliance with the century code and statutory requirements.

After a brief discussion at the question of commissioner Fleck about the limited distance of this proposal and an understanding that the remainder of 32<sup>nd</sup> Ave. has already been platted and approved in previous projects, Boyeff called for public comment. After calling for comment 3 times and hearing none, the public hearing was closed and Boyeff called for the wishes of the board.

MOTION BY LONG, SECOND BY AAFEDT, to approve the plat for the Right-of-Way for 32<sup>nd</sup> Avenue West between 11<sup>th</sup> Street West and 26<sup>th</sup> Street West, contingent on any staff comments. AYES: Long, Fleck, Aafedt, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Haugen. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

UNFINISHED BUSINESS:

**1. Final Plat for Grey Wolf Subdivision – Grey Wolf Holdings, LLC**

Boyeff asked Kress to update the board on this item. Kress stated he has had no communication with Grey Wolf Development team and would recommend removing this item until such a time they were ready to move forward.

MOTION BY MARISTUEN, SECOND BY LONG to remove the Grey Wolf Subdivision from the agenda. MOTION CARRIED ON ROLL CALL VOTE.

2. SPU for Vision Oil Tools Lodging House.

Boyeff asked Ressler to update the board on this item. Ressler states that he Fire Chief and Building Official inspected the location and made a list of recommendations. Planning staff recommended to Vision Oil Tools that they come back at a later date with a more complete application and thus Ressler states that staff recommends removal of this item at this time.

MOTION BY AAFEDT, SECOND BY FLECK to remove the Vision Oil Tools SPU Application from the agenda. MOTION CARRIED ON ROLL CALL VOTE

**NEW BUSINESS:**

**1. Application for parking reduction for the future Menards store.**

Boyeff states that the next item is under new business and is a reduced parking request for Menards and asked Kress to present. Kress states that the previously approved plat for the Menards store will allow a large area for the development of that store. Kress turns attentions to a site plan of the proposed parking area of Menards. Kress states this is a request for reduced parking and reminded the board that a few months prior they had approved an amendment to the parking ordinance to lend more clarity. With the application for this reduced parking request there are findings that are required by that new ordinance. Kress formally introduced this application as being received on August 19, 2013, a request for reduction in the number of required parking spaces for the future Menards. Based on the square footage of the store, the number of parking spaces required by ordinance is 458, the Menards parking site plan provides for 420, a reduction of 38 spaces, which is 8% of the required spaces. Over 70% of the 420 spaces provided measure 20' X 10', which exceeds the zoning code requirement of dimensions of 18'6" X 9'6". Additionally, nine delivery staging spaces for trucks are provided. These spaces are not counted in the overall customer/employee parking requirement. Pursuant to Ordinance 968, a modification of required parking shall end upon the change or termination of the use for which the modification was granted. All modifications of the parking requirement shall be memorialized by recording the decision and findings of the Planning and Zoning Commission in the County Recorder's office. Kress notes that Menards is not expected to begin construction until spring of 2014. This parking reduction request is being done ahead of that time so that if any modification were required they could make it now. Kress states that while there is no actual building plan submitted for the store at this time, the store as depicted on this site plan is a standard sized store so the staff and commissioners can be confident that this will be the actual size of the store to determine whether parking reduction will be appropriate. Kress says that the ad hoc committee did request some additional information on what has been submitted. One of the things the ad hoc was concerned about was the lengthy list of stores that were all the same size as the proposed Williston store but the number of parking spaces varied considerably with some stores having as few as the low 300's of spaces while some have well over 500 spaces. Kress stated that in discussion with Mr. Nuttleman from Menards that it was explained this variation largely had to do with the sizes and shape of the parcels that the stores are on, some parcels had more room in the front of the store, some cities have been less willing to allow any reduction in parking space requirements and some stores have angled parking spaces which allow for less useable space. Kress states that there were some staff comments, City Engineer, (1.) The owners to the south of the proposed parking lot are very sensitive to water being drained onto their property, (2.) Pervious pavement or storm water detention needs

to be provided and (3.) The planted buffer strip along the south side of the proposed parking lot would make a good home for a "Rain Garden" type of detention facility. Kress stated that Commissioner Boyeff had asked prior to the meeting whether this would have to be met as a condition of the parking or would it be addressed at the site plan/building plan stage and addressed this matter to David Tuan, senior engineer for the City of Williston. It was confirmed that these comments will be addressed as part of the overall building plan is submitted. Kress states the ad hoc committee recommended approval for request for reduced number of parking spaces for the future Menards store in Sand Creek Town Center, contingent upon: 1. The applicant providing information on store size and parking numbers for the Minot, Bismarck, and Fargo Menards stores for comparison to the future Williston store; 2. The applicant providing an explanation of the difference in parking space numbers for stores of the same size as indicated on the documentation provided by the applicant; and 3. Addressing all staff comments. Kress states that this matter will be approved by the P&Z Commission and is not required to move to the City Commission. Kress states that Tyler Edwards from Menards real estate division is here and would like to make a brief presentation in support of their application.

Mr. Edwards explains that the large size of the Menards stores is due to the full size displays in-store. That a customer has the ability to look at their potential purchases and get a hands on feel for what is available. Edwards explains that while the proposed store is 98,000 sq. ft., without all of the large displays the store would be possibly 60 to 70 thousand sq. ft. Edwards continues by stating that Menards now has 248 stores and has a good handle on the size needs for new stores and parking needs for each. Edwards stated that Menards has done "countless" parking studies during peak times and have determined only 280 – 300 spaces are used. He states that even with that information, Menards over parks to accommodate larger vehicles, trucks with trailers, etc..., to avoid anyone having to park on the streets or in isles. Edwards also states that the change to 90 degree parking allows trucks with trailers to pull through and park comfortably in the lot. Mr. Edwards states that Menards is very comfortable with the number of spaces they have proposed here. Boyeff states that he had a lot of experience with the Minot store, 380 spaces, and that he always had a place to park even on "black Friday", the day after of Thanksgiving. Maristuen asks Mr. Edwards about Menards policy on snow removal. Edwards states that it would all be removed from the lot and not piled up to hinder parking. Maristuen questions whether the ponding and retention that will need to be done would affect any of the parking or not. Edwards states that they do have underground storage and off site ponds and that this site allows for a couple retention pond areas – parking space will not be affected. Kress added that another question brought forth at ad hoc was parking lot security adding that it is common in this area that a large vacant lot can fill up with RV's and such. Kress has that conversation with Mr. Nuttleman and was informed that Menards standard practice to have security to patrol the lot after hours, the lot is lit and anyone not authorized to be on the lot is removed. Kress continues to say that Menards has followed protocol as per the ordinance and states that Menards has maximized the space they have, they have met their handicapped parking requirements and that Staff recommends approval of this parking reduction.

Boyeff calls for the wishes of the board and reminds them that this the final stop for this request.

**MOTION BY AAFEDT, SECOND BY MARISTUEN**, to approve the parking reduction request for the future Menards store. **AYES:** Fleck, Aafedt, Long, Maristuen, Boyeff. **NAYS:** None. **ABSENT/NOT VOTING:** Haugen. **ABSTAINED:** None. **MOTION CARRIED ON ROLL CALL VOTE.**

## **2. Application for Special Permitted Use for parking lot in an R-3 Zone, Lots 29-32, Block 1, Granite Peak Subdivision - JGP Development**

Boyeff indicates the second item under new business (as above) and asks Kress to present. Kress states that the application received August 19, 2013, requests a special permitted use (SPU) for a residential parking lot in the R-3 zone for Lots 29-32, Block 1, Granite Peak Subdivision (west side of 29<sup>th</sup> Avenue West, south of 23<sup>rd</sup> Street West). Pursuant to Williston Zoning Ordinance Section 13 (E), an SPU is required for a residential parking lot in the R-3 zone. The four lots are west across 29<sup>th</sup> Avenue West from five 24-unit apartment buildings in the Granite Peak Subdivision. The applicant has requested this parking lot to accommodate overflow parking from the apartments (owned by Bice Investment), as many residents of the apartments have more than two vehicles or the vehicles they have are large. The four lots each measure 37.5' X 100', are vacant and undeveloped.

Ad hoc had a number of concerns, Kress highlighted that a 5 ft. sidewalk and a 6 ft. boulevard consistent with the surrounding neighborhood be extended there; storage of RV's and boats would not be permitted in this lot, that it be for vehicle parking only; that there be lighting with timers or sensors installed; that there solid buffering on the west and north end to block noise and headlights from the single family homes in those areas; and that the parking lot be clearly demarcated. It is confirmed that the applicant, JGP Development and Bice Investment will retain ownership of the lot as they do apartment complex, they will maintain the lot. Staff has advised that snow be stacked beside the site (pointing out areas in the landscaped/buffer area that it could be stacked) or to remove the snow but in any case not to be piled in the lot. Kress adds that the ad hoc committee recommended approval for a special permitted use (SPU) for a residential parking lot in the R-3 zone for Lots 29-32, Block 1, Granite Peak Subdivision (west side of 29<sup>th</sup> Avenue West, south of 23<sup>rd</sup> Street West) contingent upon (1) addressing all staff comments. Kress makes a pointed discussion on the wall that will be required around the parking lot stating that the staff has been recommending a masonry wall as the best buffer against noise and asks the applicant representative, Jon Harvilesko if they had any further thought on the wall. Mr. Harvilesko asks that the commission consider allowing them to continue the vinyl fencing already in place in that area and suggest that the solid vinyl fence, densely back by landscape would provide adequate sound barrier. Kress stated that he and Jarcik discussed earlier that a solid vinyl fence and dense landscaping would be acceptable and that they would ask the site plan be modified to depict that. Jarcik also suggested that the vinyl fence would require maintenance. Kress states that the staff recommends approval of this SPU with the addition of a 6 ft. vinyl fence backed, on the parking lot side, with dense vegetation and a revised site plan to depict this. Kress secondly asks Mr. Harvilesko to expand on the need for this parking space. Mr. Harvilesko states that when JGP originally built these apartments, 2 parking spaces per apartment were required and subsequently met, 280 spaces of which are 72 single car garages (for the 3 bedroom units). Mr. Harvilesko says that the problem they have run into is that the garages are not large enough for the large trucks that many residents have, therefore the garage space is extra storage for the resident and an alternate parking space is needed. Mr. Harvilesko states that each resident is given a parking sticker to prohibit non-resident parking and there is a patrol of that on site. He adds that there are plans for two hooded lights to be installed in the parking area, (later describes these as lights with four enclosed boxes around the top of the pole which downwashes the light on the parking lot to create the least inconvenience possible to the nearby single family homes) and elaborates on their snow removal plan that would keep the parking stalls free. Boyeff asks for comment by the board, Aafedt questions how they limit residents in each apartment, Harvilesko states that all residents are directed to the city ordinance. Aafedt expresses concern about the parking ordinance as it allows for this situation to occur (i.e., it should have known that their garage stalls were not large enough) Jarcik answers that this will be addressed in the UDC and that

with the current on slot of population influx these problems occur and will be addressed in the future. Kelly Aberle, building dept., reminds that the current ordinance was done in 1983 and the lifestyles from that point have changed wherein there are more vehicles per family, many people have a personal vehicle and a work vehicle, trucks are bigger, etc... Boyeff questions the distance to the further apartments. Harvilesko supposes that the closer units are more likely to use that lot opening up current spaces for the apartments further away, also believing that any person driving a larger truck would choose to use the new lot rather than trying to maneuver through the tight spaces in the current lot. Commissioner Long stated that another consideration at Ad hoc for the approval of this SPU was to eliminate congestion on the street that may present Public Works issues or accessibility of emergency crews.

Boyeff asks if there are any further questions on this matter. Hearing none he asks for the wishes of the board.

MOTION BY LONG, SECOND BY FLECK, to recommend approval of Special Permitted Use for parking lot in an R-3 Zone, Lots 29-32, Block 1, Granite Peak Subdivision contingent upon staff comments. AYES: Fleck, Aafedt, Long, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Haugen ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

**3. Application for Special Permitted Use for a daycare, allowing for 10 children, at 1822 33<sup>rd</sup> St. W., Lot 11 Block 8, Sand Creek Estates, City of Williston - Darlene Wood.**

Boyeff introduces the final item as above and asks Sinness to present. Sinness states that this is the transfer and relocation of a daycare from 1826 33<sup>rd</sup> St. W to 1822 33<sup>rd</sup> St. W within the Sand Creek Estates in the mobile home court. Sinness states that the applicant came before the board in April, 2013, to request approval for an expansion from 7 children to 10 children in the daycare located on Lot 10, Block 8, Sand Creek Estates Mobile Home Court (1826 33<sup>rd</sup> St. W) which was approved. The applicant has made the decision to move to the residence directly next door as it has more room. Sinness states that staff has spoken with the City Attorney and it was determined the previous findings could be withdrawn, or rescinded, and the new residence could be considered provided staff review is completed. Ad hoc discussed the fire dept., building dept., and social services to review this area which has been done and approved by all; there are no comments from neighbors. Commissioner Fleck questions that since a SPU goes with the land and is concerned that it cannot simply be transferred with an application for a new SPU. Sinness explains that the application is for a new SPU at the new location and staff is asking that there be two actions on this matter, (1.) To rescind the SPU at 1826 33<sup>rd</sup> St. W., and (2.) Issue a new SPU for a daycare to accommodate 10 children at 1822 33<sup>rd</sup> St. W.

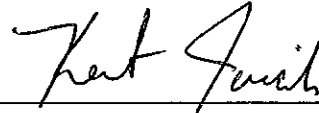
MOTION BY AAFEDT, SECOND BY FLECK, to rescind the SPU for a daycare located at 1826 33<sup>rd</sup> St., Lot 10, Block 8, Sand Creek Estates. AYES: Long, Aafedt, Fleck, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Haugen. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY AAFEDT, SECOND BY LONG, to approve the SPU for a daycare, allowing for 10 children, located at 1822 33<sup>rd</sup> St., Lot 11, Block 8, Sand Creek Estates, contingent upon all staff comments. AYES: Long, Aafedt, Fleck, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Haugen. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.



**DATE OF NEXT MEETING:** October 21, 2013

**MEETING ADJOURNED.**

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

Kent Jarcik, Williston Planning Director

**APPENDIX**  
to the  
**SEPTEMBER 16, 2013 PLANNING  
AND ZONING COMMISSION MINUTES**

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1. Finding for Parking Reduction – Future Menards Store in the C-2: General Commercial Zone to be located on the Lot 1, Block 1 of the Menards Subdivision
  
2. Findings for an SPU to allow a residential parking lot in the R-3 zone for Lots 29-32, Block 1, Granite Peak Subdivision
  
3. Findings for an SPU to allow a group child care facility located at 1822 33<sup>rd</sup> Street West, Sand Creek Estates
  
4. Findings to RECIND an SPU for a group child care facility located at 1826 33<sup>rd</sup> Street West, Sand Creek Estates

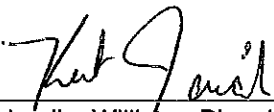
**FINDINGS OF THE PLANNING AND ZONING COMMISSION  
SPECIAL PERMITTED USE (SPU)  
FOR  
GROUP CHILD CARE FACILITY LOCATED ON BLOCK 8 PLUS ADJACENT VACATED STREET,  
LOT 11, SAND CREEK ESTATES (1822 33<sup>rd</sup> STREET WEST)**

Section 15: R-5: Mobile Home Court District of Ordinance 613 of the City of Williston, otherwise known as the zoning ordinance, states that Group Child Care Homes are allowed by Special Permitted Use.

The Planning and Zoning Commission has made the following findings:

1. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. Acceptable.*
2. *Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district. Use is acceptable in an R-5 zone. Surrounding properties are also zoned the same. Parking agreement with trailer park management was provided to allow additional parking spot(s) for homeowner's vehicle which are located directly across street (1829 33<sup>rd</sup> Street West) from residence.*
3. *Refuse and service areas, with particular reference to the items in "1" and "2" above. No additional refuse containers will be required.*
4. *Utilities, with reference to locations, availability, and compatibility. Utilities are compatible with use. Acceptable.*
5. *Screening and buffering with reference to type, dimensions, and character. Yard for children has fencing.*
6. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. No additional signage necessary.*
7. *Required yards and other open spaces. Acceptable.*
8. *General compatibility with adjacent properties and other property in the district. Acceptable*
9. *Use shall not impose a hazard to health or safety. Exterior steps will be required to meet safety requirements and secured fencing required.*

**ADDITIONAL FINDINGS:** Number of Children allowed will be ten (10) with no additional Employee's required.

By   
Kent Jarcik, Williston Planning Director

**(RESCIND) FINDINGS OF THE PLANNING AND ZONING COMMISSION  
SPECIAL PERMITTED USE (SPU)  
FOR  
GROUP CHILD CARE FACILITY LOCATED ON BLOCK 8 PLUS ADJACENT VACATED STREET,  
LOT 10, SAND CREEK ESTATES (1826 33<sup>rd</sup> STREET WEST)**


Section 15: R-5: Mobile Home Court District of Ordinance 613 of the City of Williston, otherwise known as the zoning ordinance, states that Group Child Care Homes are allowed by Special Permitted Use.

The Planning and Zoning Commission has made the following findings:

1. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. Acceptable.*
2. *Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district. Use is acceptable in an R-5 zone. Surrounding properties are also zoned the same. Parking agreement with trailer park management was provided to allow additional parking spot(s) for homeowner's vehicle which are located directly across street (1829 33<sup>rd</sup> Street West) from residence.*
3. *Refuse and service areas, with particular reference to the items in "1" and "2" above. No additional refuse containers will be required.*
4. *Utilities, with reference to locations, availability, and compatibility. Utilities are compatible with use. Acceptable.*
5. *Screening and buffering with reference to type, dimensions, and character. Yard for children has fencing.*
6. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. No additional signage necessary.*
7. *Required yards and other open spaces. Acceptable.*
8. *General compatibility with adjacent properties and other property in the district. Acceptable*
9. *Use shall not impose a hazard to health or safety. Exterior steps will be required to meet safety requirements and secured fencing required.*

ADDITIONAL FINDINGS: Number of Children allowed will be ten (10) with no additional Employee's required.

By

  
\_\_\_\_\_  
Kent Jarcik, Williston Planning Director

**FINDINGS OF THE PLANNING AND ZONING COMMISSION**  
**in approving a**  
**REDUCTION IN REQUIRED PARKING**  
**for**  
**FUTURE MENARDS STORE IN THE C-2: GENERAL COMMERCIAL ZONE**  
**to be located on**  
**LOT 1, BLOCK 1 of the MENARDS SUBDIVISION**

Pursuant to Williston Ordinance 963, a request for a reduction of required parking must be consistent with the following findings:

The Planning and Zoning Commission has made the following findings:

1. *There are restrictions of topography, title, lot design, existing building footprint, or required access on the lot that prohibit the parking requirement from being met. The lot design is limited by the road network already in place and the developer's need to accommodate other commercial uses within the project.*
2. *The applicant has maximized the space available on the lot to accommodate the required. As shown on the site plan, Menards has maximized the area devoted to parking within the confines of the lot after building footprints, access drives and other operational requirements for the use are met. The layout has also been designed so that a vast majority of the spaces have been placed within close proximity to the building entrances and exit to maximize their utility for customers.*
3. *The proposed reduction of required parking meets the handicapped parking requirement. The number of handicapped spaces provided meets the handicapped parking requirement of 11 spaces for the 420 spaces provided.*
4. *The reduction of required parking shall not cause a recognizable impact on traffic or adjacent land uses. As demonstrated in the data from other Menards stores in operation, the proposed number of spaces exceeds the amount of parking needed for the store and Menards' internal guideline of 400 spaces. Because the actual needs of the proposed use will be satisfied, there will be no impact on traffic on surrounding roadways or adjacent land uses.*
5. *The reduced parking shall not adversely affect the public health, safety, and welfare. The proposed parking will exceed the needs of the Menards store based on data from existing store locations which are identical in size to the proposed Williston store. Accordingly, there will be no adverse effect on public health, safety or welfare. Moreover, elimination of unneeded parking spaces has a number of public benefits including reduced storm water runoff, an increase in available landscape area and improved aesthetics.*
6. *Market data provided by the applicant for similar uses in similar situations justifies a parking demand commensurate with the proposed reduction of required parking, including the relationship of the building footprint to the lot size. Data that provides hourly and daily parking numbers for similar sized-stores indicate that 420 would be sufficient for the future Williston store.*

The Planning and Zoning Commission found the request for a reduction in required parking from 458 spaces to 420 spaces to be in compliance with Williston Ordinance 963.

By   
Kent Jarcik, Williston Planning Director