

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON August 15, 2016 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

Chairman Aafedt called the meeting to order at 5:30pm. Roll Call was taken. A quorum was present.

MEMBERS PRESENT: Boyeff, Hansen, Long, Aafedt

MEMBERS ABSENT: Christensen, Bauer, Maristuen

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Jordon Evert, Assist. City Attorney, Bob Hanson, City Engineer.

DISPOSITION OF MINUTES:

- Minutes were approved for July 18, 2016 regular meeting.

MOTION BY BOYEFF, SECOND BY HANSEN to approve minutes as presented. CARRIED ON VOICE CALL. (unanimous)

- Minutes were approved for July 29, 2016 special meeting.

MOTION BY LONG, SECOND BY HANSEN to approve minutes as presented. CARRIED ON VOICE CALL. (unanimous)

COMMUNICATION:

A. Planning article of the month; no discussion.

B. Proposed Campus Sign Policy

Aafedt stated that it was determined that this item should be a New Business item so would be moved to become New Business item E; item E will become item F, if needed.

PUBLIC HEARINGS:

A. Short plat to facilitate land swap for a Rural Fire Department Building, Block 4, Municipal Park Subdivision, City of Williston – Williston Rural Fire Department

Aafedt introduced Item A of Public Hearings (as above) and asked Ching to introduce. Ching stated that this is a request for a short plat to create 3 lots from 1 lot in Block 4 of the Municipal Park Addition. This is a city-directed short plat and is part of a land swap agreement between the City and the County. Ching explained that the lot is on 11th St. East and east of Davidson Dr.

Currently there is a youth center on Lot 1 and a City water depot on Lot 3. Lot 2 is currently undeveloped. The Rural Fire Department is proposing to build a new fire station on Lot 2. All lots are zoned P: Parks & Open Space.

Ching said that Lot 1 takes existing access from the alley to the west. Lot 2 would take access on 11th Street West and from the alley to the west. Lot 3 takes existing access on 11th Street West.

Currently, the plat shows Lot 3 as a flag lot, in which Trandahl Field (part of Parks operations) is partially contained. Ching stated that the City Engineer has suggested extending the east line of Lot 2 to the north subdivision line to eliminate the flag lot for Lot 3. Rural Fire would then provide an easement for the part of the baseball field in Lot 2. At ad hoc on August 1, 2016, the City Engineer suggested another approach would be to incorporate the lot to the north into the plat to add Trandahl Field to the lot to the north. Planning staff noted that that would be considered a subdivision plat because it would create more than 3 lots, and would require the full subdivision process.

The ad hoc committee directed the applicant to talk to the Parks & Recreation District regarding the easement. Planning staff has received an email from the Parks Director, who has no objection to the easement, and will be asking for formal approval at their August 23, 2016, board meeting.

Ching said the ad hoc committee and the applicant discussed the department's plans for parking and access to the property. The plans discussed were preliminary in nature and are still being discussed with staff. Engineering and Planning staff has provided comments with concerns about utilizing the alley for access to the property and has discussed that based on the travel demand model, parking will most likely not be available on 11th Street in the future. More demand will be placed on 11th Street as the City grows and the capacity of this facility will be challenged. These concerns will be resolved during the building permit process.

CONDITIONS REQUIRED FOR APPROVAL:

1. Revision of the plat to extend the east line of Lot 2 to the north subdivision line, eliminating the flag lot
2. Parks and Recreation approval of proposed easement
3. Recordation of the Parks easement

Ching concluded her present. Aafedt opened the public hearing and called for public input. After a third call for public comment and hearing none she closed the public hearing and asked for any discussion or a motion from the Commission.

Aafedt asked which Commissioners were at the August ad hoc. Commissioner Long stated that she and Commissioner Hansen were in attendance. Long then asked City Engineer Hanson if the issues he had at ad hoc had been addressed. Hanson replied that all of his items have been discussed.

Long stated that the concern at ad hoc was parking and that the lot seemed too small to accommodate the building and a parking. A site plat was provided at this time for the Commissioners to review.

Commissioner Hansen stated that it appeared there was going to be 28 parking spots plus two handicapped parking spots available. Dave Benth, representing the rural fire department stated that was accurate. Hansen asked about the possibility of acquiring the Lot 1 in the future for more parking as discussed at ad hoc. Benth stated that was something suggested by City Commission President Klug after the current lease of that lot was up; Benth said it was his understanding that the lease had recently been renewed for a period of five years but at the end of that time it could be a possibility.

MOTION BY LONG, SECOND BY HANSEN, to approve the Short Plat for a Rural Fire Department Building, Block 4, Municipal Park Subdivision, City of Williston, contingent on addressing all staff comments. AYES: Hansen, Long, Boyeff, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen, Bauer, Maristuen. ABSTAINED: None.

COMMITTEE REPORT:

- NONE

UNFINISHED BUSINESS:

- A. Short plat for rearrangement of an 11.91 acre parcel in the SW1/4NW1/4 of Section 22, T154N, R101W, into two sublots, north of Hwy 2/85 and east of 27th Ave W and a zone change for the entire property from A: Agricultural to C-2: General Commercial - Martin Reiger/Jeff Ames

No updated information or resolutions have been made to this item; it will remain tabled.

NEW BUSINESS:

- A. Special Permitted Use request to allow RV parking for the purpose of residence in an R-5: Mobile Home Court district – Glen Villa Mobile Home Park

Aafedt introduced Item A of New Business (as above) and states that Items A and B both ask for Special Use Permits (SPU's) to allow RV parking within R-5:Mobile Home Parks. They will be presented together but will require two individual motions. Aafedt asked Laqua to present.

Laqua stated this applicant requests an SPU (special permitted use) to allow RV's to be parked in an R-5 zone for Glen Villa Mobile Home Park and FM Park Way. She stated that Glen Villa is along the north side of 26th St. W across from New Hope Church and F-M Parkway is located north of 18th St. and south-east of Hwy. 2/85.

An RV Park is allowed to be considered as a special permitted use in the R-5 zone.

This application (as well as the application for F-M Parkway) was brought to the Planning Department by the applicant following code enforcement action based on several complaints to Code Enforcement and the Police Department regarding the appearance of RVs within the FM Parkway Court. The applicant attended a meeting with Code Enforcement and Planning, which resulted in the applicant turning in these two SPU applications. The applicant informed Code Enforcement and Planning that he had received RV certification from the state and was not aware that further permits were required. Planning (at both the original meeting and in ad hoc) noted that staff had concerns with the layout of the RVs in the Court; staff interprets the ordinance to mean that a separate RV area is required. The applicant stated that he was unable to create an RV area and would prefer to apply for the SPU to allow RVs to be placed throughout the property. This is what both applications reflect. Laqua said there are eight spaces in Glen Villa and ten spaces in FM Parkway requested.

Planning staff noted then and reiterates here that staff would recommend denial of the FM and Glen Villa Manufactured Home Court's SPU requests for an RV park, on the grounds that they do not meet the intention of the ordinance nor the standards for an SPU.

The surrounding uses are single family residences in manufactured homes. While a separate RV park can be considered a compatible use to a mobile home park, RVs which are placed between manufactured homes would not be considered as such. RVs are transient in nature, which is not

generally considered to be compatible with a single family neighborhood. Neighbors have called to file complaints with Code Enforcement and the Police Department.

At the August 1, 2016, ad hoc meeting there was discussion regarding the application and the above analysis. The committee asked if the applicant would consider revising the application to show a separate RV area – for example, a block set aside for RVs. The applicant, who was present by phone, stated that he would prefer to leave the application as is, as he would prefer to be able to use those scattered spaces for RVs. He stated that the RVs are not permanent and are intended to be utilized on a temporary basis as people request RV spots.

The ad hoc committee expressed their agreement with staff that the intention of the allowance of RVs as a special permitted use in R-5 was intended to be for a designated area due to the single family nature of the manufactured home park.

Laqua concluded her presentation and stated that the applicant was present in the audience.

Commissioner Boyeff asked Laqua if staff had actually seen the State RV permit. Laqua said that the staff does have copies of the State permits but adds that the State considers different things in issuing the permits such as access to sewer and water, general health issues and not land uses. It is up to the municipalities to look at best land uses in considering granting local permits for RV sites.

Rick Nice, a former owner of the F-M Parkway stated that in the late 90's they had wanted to allow some RV parking and said they had to "jump through all kinds of hoops" to get permission to allow them in only in one contained area and would not be allowed to have them scattered throughout the park. They never ended up doing that but Mr. Nice wanted to note that he didn't believe the current owner and SPU applicant should be allowed to just allow RV's in any manner he wishes and without having to follow regulations. Nice added he would not like to see RV's now in what is a well-established single family neighborhood.

Tom Hartley, a stick-built home owner neighboring the F-M Parkway addressed the Commission first stating he knows people living in the F-M Parkway were not notified of this application for a special use and as people that would be most affected by this decision they should have been informed. Mr. Hartley also stated that with RV's being transient, he believes that opens up the neighborhood to more traffic and general disruption to an established comfortable living area.

As to the mail/noticing, Laqua had explained that notices are sent to land owners within 300 ft. of the subject property. In the case of both F-M and Glen Villa the property owner of those Mobile Home Parks is also the applicant. Although individuals that live in the parks may own their mobile home their lot is rented, not owned. Staff can only provide property owner addresses.

Jim Cotton, another stick-built home neighbor said his concerns were that RV residents are short-term and do not care about the integrity of a neighborhood they have no connection to and will not be living in long.

Commissioner Boyeff stated his feelings that if the applicant doesn't want to set aside a specific area for RV's but would prefer they be sporadic, his proposal does not meet code.

MOTION BY HANSEN, SECOND BY BOYEFF, to deny the Special Permitted Use request to allow RV parking in and R-5 zone, for the purpose of residence, in Glenn Villa Mobile Home Park. AYES: Hansen, Long, Boyeff, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen, Bauer, Maristuen. ABSTAINED: None.

- B. Special Permitted Use request to allow to allow RV parking for the purpose of residence in an R-5: Mobile Home Court district – FM Parkway

Presented with Item C above.

MOTION BY LONG, SECOND BY HANSEN, to deny the Special Permitted Use request to allow RV parking in an R-5 zone, for the purpose of residence, in F-M Parkway. AYES: Hansen, Long, Boyeff, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen, Bauer, Maristuen. ABSTAINED: None

After Commission decisions, the applicant, Rick Carriger, approached the Commission to express his unhappiness at the Commission allowing people from the audience to speak when the SPU is not a public hearing; Aafedt told him that allowing comment from the audience was up to the Commission. Carriger stated he felt it was unfair that others were allowed to speak but he was not (Carriger did not come forward to speak until this point) and he would like to appeal the Commission's decision. Laqua told Carriger that she would be in contact with him to explain the appeal process.

- C. Vacation of Public Right-of-Way being 50th Rd. NW between Hwy 1804 and the west lot line of Sublots 6 and 7, Section 20, T154N, R100W, City of Williston – Vestal Properties, LLC

Aafedt introduced Item C of New Business (as above) and asked Laqua to introduce. Laqua stated this item was a request to vacate a 90' wide right of way known as 50th Road NW. This right of way had previously been a public access to the Little Muddy River but has been closed at the Corps of Engineers property line from the public for several years.

Laqua said the remainder of the right of way runs between two pieces of Vestal Properties property used for their business, Red River Supply. The road is not used for public purposes, as there is no location at the east since the Corps closed access to the Little Muddy River. The road is used solely by the property owners, who would like to use the area to more efficiently utilize their properties. There is no development potential to the west of the property as it is Corps of Engineer land.

This application has been supported by the local Corps of Engineers district (email communication from the local Corps was included in Commission packets). The national Corps, local Corps, Williams County, and Stony Creek Township were all notified of this proposed vacation. Staff has received no comment beyond the local responses provided in Commissioner's packets.

Laqua said that the City Engineer has noted that this proposal will land lock Sublot 6 and the tract owned by Vestal properties south of the western portion of the proposed vacation. This vacation should be contingent on a reciprocal access easement between the properties. Such reciprocal access easements are allowed to provide access to landlocked parcels on commercial and industrial properties.

This vacation will also need to be contingent on appropriate easements for the Corps of Engineers, water, sewer, and any franchise utilities which are in the ground being filed with the vacation document.

At the August 1st, 2016, ad hoc meeting there was discussion regarding the notification of the County, Township and both Corps of Engineers offices. There was also discussion regarding requirements of easements and possible platting of the property.

CONDITIONS REQUIRED FOR APPROVAL:

1. Public hearing and approval at City Commission on September 13, 2016.
2. Reciprocal access easement across remainder Vestal LLC properties in order to avoid landlocked parcels, which should be recorded with the vacation.
3. Recordation and approval of easements for water, sewer, franchise utilities, and Corps of Engineers access.

City Engineer Hanson stated that there would need to also be sewer, water and utility easements to the parcels and said they could be all in one document with the reciprocal access easements.

MOTION BY BOYEFF, SECOND BY HANSEN, to approve Vacation of Public Right-of-Way being 50th Rd. NW between Hwy 1804 and the west lot line of Sublots 6 and 7, Section 20, T154N, R100W, City of Williston, contingent upon a reciprocal access easement as outlined above being recorded. AYES: Long, Boyeff, Hansen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen, Maristuen, Bauer. ABSTAINED: None.

D. Vacation of Public Right-of-Way being the alley way of Block 2, West Hill Addition, City of Williston – Our Redeemer’s Lutheran Church

Aafedt introduced Item D of New Business (as above) and asked Laqua to introduce. Laqua stated this item was a request to vacate a 20’x 390’ alley which runs north south in Block 2 of the West Hill Addition.

The Our Redeemers Lutheran Church is built on top of the alley.

There are no utilities in the alley. Currently, the alley is not able to be used due to the Church being built over the alley right of way. If the property were to be redeveloped, the alley would not be required for a single family neighborhood, or it could be reinstated at that time.

At the ad hoc committee meeting held on August 1st, 2016, there were no concerns with this application.

CONDITIONS REQUIRED FOR APPROVAL:

1. Public hearing and approval at City Commission on September 13, 2016.

Commissioner Boyeff asked what prompted this vacation request. Laqua stated that she didn’t know what the immediate reasoning was but she did know at one time the Church as wanted to build a small garage on the property and with it being split by the alley there was not enough space on one lot to allow the garage.

City Engineer Hanson stated that there are a number of unrecorded vacations such as this one in town.

MOTION BY BAUER, SECOND BY MARISTUEN, recommend to the City Commission Vacation of Public Right-of-Way being the 20’x 390’ alley way of Block 2, West Hill Addition, City of Williston. AYES: Long, Boyeff, Hansen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen, Maristuen, Bauer. ABSTAINED: None.

E. Proposed Campus Sign Policy - Staff

Aafedt introduced Item E of New Business (as above) and asked Laqua to introduce. Laqua stated the Planning staff has identified a need to create a policy for regulating campus signage in zones that may be zoned residential or without sufficient signage.

Laqua said that there is an oversize sign policy currently in place which allows for oversized multi-tenant signage in commercial centers. The campus sign policy would be an additional policy put in place until the proposed Ordinance 1028 would eradicate both policies. Laqua explained this is intended to be an interim measure to provide a solution to campus needs, which will be resolved more permanently through the proposed Ordinance 1028.

Laqua said that there appear to be two types of needs for campuses, which are defined by the UDC as "Institutional primary uses with secondary accessory uses that are not intended to attract off-campus clientele".

1. Addition of signage to a single building on the campus, or addition of a single sign to a campus. (In this case the old High School switching over to Bakken Elementary and replacing signage)
2. A full sign package for a campus, which is more closely aligned with modern business center style signage (Mercy Medical, n/k/a Catholic Health Initiatives or CHI campus)

Since ad hoc, staff has added the proposal that the addition of a single sign added to a campus would be evaluated administratively and would not need to come before the Commission. New Business Item 8F is an example of this type of signage. Laqua said that Item 8F could be removed from the agenda if the Commission is in agreement with this proposal.

At the ad hoc committee meeting held on August 1, 2016, discussion was that there may be businesses on a campus which wish to advertise on signage, and how those should be handled. Staff's contention would be that a campus business would not be intended to advertise to the public through signage, as secondary uses would be intended to serve the campus only. Laqua gave for example that Starbuck's would not be able to advertise their presence at the hospital through the CHI campus sign package. The committee also asked for an intent clause that this policy would be considered an interim solution until the proposed ordinance 1028 is approved. Laqua stated that intent clause has been added to the proposed policy.

Commission Boyeff asked if this is coming forward now because of the high school? Laqua said that basically the high school and Bakken Elementary are in need of signage now that is not in the current sign policy and this policy would be an interim way to deal with it. She stated that Planning staff has been working with CHI for the last year on a sign package for the medical campus so this policy and the proposed new sign ordinance have developed partly due to that. Laqua hopes that the full, new sign ordinance will be ready for Commission presentation and approval next month that will encompass off of this policy but until that has been presented and passed this policy will allow the staff to move forward with some of the immediate campus needs.

MOTION BY LONG, SECOND BY HANSEN, to approve the Campus Sign Policy as presented. AYES: Long, Boyeff, Hansen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen, Maristuen, Bauer. ABSTAINED: None.

F. Bakken Elementary Campus Signs – Staff

It was decided by discussion among Commissioners that staff could handle this item administratively following the Campus Sign Policy that was adopted as the previous item and there was no need for any presentation on Item F.

DATE OF NEXT REGULAR MEETING: September 19, 2016

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director

APPENDIX TO THE
CITY OF WILLISTON PLANNING & ZONING COMMISSION MEETING
AUGUST 15, 2016

- A.** Special Permitted Use request to allow RV parking for the purpose of residence in an R-5: Mobile Home Court district – Glen Villa Mobile Home Park

DENIED, no Findings created or recorded

- B.** Special Permitted Use request to allow to allow RV parking for the purpose of residence in an R-5: Mobile Home Court district – FM Parkway

DENIED, no Findings created or recorded