

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON December 19, 2015 AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.
(Meeting location changed for this meeting to accommodate remodeling work at the City Hall)

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

MEMBERS PRESENT: Boyeff, Hansen, Long, Bauer, Christensen, Maristuen

MEMBERS ABSENT: Aafedt

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Christine Edwards, P&Z Office Manager; Bob Hanson, City Engineer; Jordon Evert, Assistant City Attorney.

DISPOSITION OF MINUTES:

- Minutes were approved for November 21, 2016 regular meeting.

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

COMMUNICATION:

- Proposed 2017, Planning & Zoning Commission meeting calendar was approved.

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

PUBLIC HEARINGS:

- A. Zone Change from M-1:Light Industrial to C-2:General Commercial for Lot 3, ex the W 10' and Lot 4 ex the W 10', Block 3, Wright Subdivision (5208 2nd Ave. W) City of Williston – Tammy Dickerson/Dark Acres Halloween Store

Vice-chairman Maristuen introduced this item (as above) and asked Ching to present. Ching said that this applicant requests to rezone Lot 3 except W 10', Lot 4 except W 10', Block 3 of Wright Subdivision from M-1: Light Industrial to C-2: General Commercial. This zone change is consistent with the Comprehensive Plan goal of having a commercial corridor along Highway 2/85.

Ching explained that there is no minimum lot size in C-2. The lot meets the district size requirements for C-2: General Commercial based on Ordinance 1016, which eliminated the district size requirement for C-2 in the intended area along the Highway 2/85 corridor.

There are currently three buildings on the property Ching said that the north building is being utilized as retail which is allowed under C-2. The east and south buildings are currently used for storage for the retail business and would need updates to be utilized for any retail purposes.

Ching stated that the north building would need to meet the parking space requirement for general retail. The parking space requirement for general retail is 1 parking space per 250 square feet. Based

on the square footage of 1,102 for the north building, the applicant will need to provide 4 parking spaces. All required parking space will need to be striped and paved. There is currently a paved area in front of the north building which should have sufficient paved area to meet the 4 parking space requirement.

At the December 5, 2016, ad hoc meeting, it was discussed that if the applicant wants to utilize the east and south building as retail in the future, the buildings will need to come into compliance to building standards in addition to meeting the parking space requirement for retail use.

The property is currently served by a septic system and has access to rural water. The property takes access off the Frontage Road.

Conditions Required for Approval:

1. The north building will need to meet the parking space requirement for general retail, which is 1 parking space per 250 square feet. The applicant will need to provide 4 parking spaces at this time based on the size of the north building. All required parking spaces will need to be paved and striped.
2. If the applicant wants to utilize the east and south building as retail in the future, the buildings will need to come into compliance to building standards as well as meeting the parking space requirement for retail use.
3. Public Hearing and Approval of the Zone Change by the City Commission, to be scheduled for January 10th, 2017.

MOTION BY LONG, SECOND BY CHRISTENSEN to approve Zone Change from M-1:Light Industrial to C-2:General Commercial for Lot 3, ex the W 10' and Lot 4 ex the W 10', Block 3, Wright Subdivision (5208 2nd Ave. W) City of Williston, contingent on meeting all conditions for approval and addressing all staff comments. AYES: Hansen, Long, Boyeff, Christensen, Bauer, Maristuen. NAYS: None. ABSENT/NOT VOTING: Aafedt ABSTAINED: None.

- B. Zone Change from M-1:Light Industrial to C-2:General Commercial for Target Logistics/Bear Paw Lodge, MS14-0129 and MS14-0130, SW Section 13, T155N R101W, (13 104 St. E) City of Williston – Target Logistics/Lodging Solutions

Vice-chairman Maristuen introduced this item (as above) and asked Laqua to present. Laqua stated that this application requests to rezone MS14-0129 in SW1/4 Sec 13, T155N R101W and MS14-0130 in SW1/4 Sec 13, T155N R101W from M-1: Light Industrial to C-2: General Commercial in order to repurpose the existing crew camp to a hotel. This would be an allowable use in the C-2 zone, though, as discussed below, some modifications to the property would be needed. Laqua explained those as follows:

1. Access
 - a. The access onto 57th/104th St will be the only access onto this road for both properties; the transportation plan does not support further entrances onto either 57th/104th or Hwy 2/85.
 - b. All presented plans should reflect these access concerns.
 - c. The NDDOT and County Highway Department were asked to review these plans. Laqua added that the NDDOT and County Hwy Dept. are in agreement with the plans.
 - d. The Transportation plan shows a backage road scenario which involves right of way to the east of this property; however, it should be noted that backage road access may be rearranged when the property to the north develops. This plan is attached. Target did

note that they would reconfigure their parking area if necessary, and the current plan reflects how parking could be arranged to accommodate that.

2. Building Standards

- a. The buildings on the property are IBC standard modular units, which are attached via hurricane straps. The water and septic systems will be inspected along with all requirements for the fire marshal, including sprinkler plans, ingress and egress, and floor plans.
- b. The applicant will need to submit a full set of drawings to the Building Department; any zone change would be contingent on these drawings and the buildings on site being approved. This means that the remodel will essentially be evaluated as a new-build project, similar to how other crew camp repurposing has been done.
- c. Water may be able to be switched to a rural water line that is capped near Fendee Estates; the applicant will look into this possibility as their water currently comes from rural water but is held in a tank and distributed via pumps.

3. Land Development Standards

- a. Development standards as required by Ordinance will need to be met on this site as a contingency of the zone change. This will require a paved (concrete or hot mix asphalt) access and paved (concrete or hot mix asphalt) required parking. In addition, the property must be landscaped according to standards set forth in Ordinance 1007. All areas not used for parking or access must be landscaped.
- b. These development plans are shown on the site plan.
- c. Parking on the site plan appears to be sufficient for planned hotel rooms.

Laqua showed the proposed building and parking lay out to the Commission and explained there are existing cabins in the SE quarter of the lot, which will need to be removed in order to be in compliance with the C-2 zone. She stated that the owner has agreed to this.

The lodge is currently empty, and, similar to other re-purposed crew camps, will only be able to be occupied as Certificate of Occupancies are granted for buildings, including provision of parking and access.

At the ad hoc meeting held on December 5th, 2016, discussion included:

- Requirement that repurposed buildings will only be able to be occupied as Certificate of Occupancies are granted for buildings, including provision of parking and access
- Need for an access easement between the two lots.
- Future Land Use Plan and Updated Comprehensive Plan; "Within the grey shaded area of the Land Use Plan east of Hwy 2 and north of the truck reliever route, there are a few properties that are not re-zoned within the surrounding development. The future of the area in grey with frontage along Hwy2/85 should develop as commercial under the City Zoning Ordinance". Laqua said that the area of Target Logistics does meet that intent and qualifies for re-zone to C-2:General Commercial because it is located along Hwy 2/85 in this specified area.

Conditions Required for Approval:

1. Removal of cabins
2. Repurposed buildings will only be able to be occupied as Certificate of Occupancies are granted for buildings, including provision of parking and access and meeting development standards as addressed.
3. Recordation of an access easement between the two properties

Laqua concluded her presentation. Commissioner Maristuen called three times for public input; hearing none he closed the public hearing and asked for the discussion or comment from the Commission.

Commissioner Boyeff asked what would happen if the zone change is granted but the applicant decided not to move forward with their proposal of re-purposing the existing structures but instead wanted to remove it all and start something brand new. Laqua stated that the applicant would be allowed to make that decision as long as the new use meets the zoning and building codes. Boyeff was concerned that the applicant wouldn't be tied to the current proposal with this zone change. Attorney Evert stated that additional wording could be added that clarified the applicant could make other decisions about use on the property as long as it was compliant with the zoning. City Attorney Evert stated that staff could add wording in the City Commission proposal, or the Planning Commission could add in their motion, to clarify that the contingencies for this proposal would not prohibit the applicant from opting to place a different C-2 compliant use on the property.

Maristuen asked Travis Kelley, in the audience representing Target, if they had given any thought to the aesthetics of the building and specifically about the roof. Kelly stated that they had not gotten quite that far in the process yet because their biggest efforts have been understanding what would need to be done to meet ADA standards, parking, building standards and this zone change and once they get that approval they can look into the aesthetics of the re-model.

MOTION BY BOYEFF, SECOND BY HANSEN to approve the rezone of MS14-0129 and MS14-0130 in SW1/4 Sec 13, T155N R101W from M-1: Light Industrial to C-2: General Commercial contingent on meeting all conditions required for approval and addressing future development if they should not develop the way they intend to at this time. AYES: Hansen, Long, Boyeff, Christensen, Maristuen. NAYS: Bauer. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None.

COMMITTEE REPORT:

- NONE

UNFINISHED BUSINESS:

- NONE

NEW BUSINESS:

- A. Vacation of a portion of 2nd Ave. W, along Spring Lake Park containing 1.56 acres in the SW1/4, Sec. 36, T155N, R101W

Vice-chairman Maristuen introduced this item (as above) and asked Laqua to present. Laqua stated that the City Engineer Hanson, on behalf of the Williston Park Board, submitted this application to

vacate an 80' wide right of way known as 2nd Ave W. The road has been removed and reconstructed directly to the east in order to create a more appropriate stacking distance on 58th St between 2nd Ave W and Hwy 2/85, and to align 2nd Ave W with the reconstructed frontage road to the south, east of the new Holiday gas station.

There was no discussion on this item at the December 7, 2016, ad hoc meeting.

CONDITIONS REQUIRED FOR APPROVAL:

1. Public hearing and approval at City Commission on January 24, 2017.

MOTION BY LONG, SECOND BY HANSEN to recommend approval the vacation of an 80' wide right of way known as 2nd Ave. W. AYES: Hansen, Long, Boyeff, Christensen, Bauer, Maristuen. NAYS: None. ABSENT/NOT VOTING: Affedt. ABSTAINED: None.

Discussion was had about issues at the entrance/exit at the Holiday Station with cars turning right out, making a U-turn and coming back toward the highway, concerns of accidents happening. Further discussion was about semi-trucks parking overnight on the lot behind (east) of the store and whether or not that was to be an allowable use. Staff will review the file and minutes for the Holiday-Wright Subdivision and SPU for the store and address the concerns or get answers to the Commission.

DATE OF NEXT REGULAR MEETING: January 17, 2017

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director