

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON JUNE 17th, 2019, AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.

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

MEMBERS PRESENT: Gjovig, Bondy, Bauer, Hansen, Eynon, Christensen, Aafedt

MEMBERS ABSENT: None

OTHERS PRESENT: Rachel Laqua, Principal Planner; Jeremy Miller, Staff Planner; Bob Hanson and David Wicke, City Engineering; Kelly Soto, Planning & Zoning Administrative Assistant.

DISPOSITION OF MINUTES:

A. Approval of minutes of the May 20th, 2019, Planning Commission Meeting.

MOTION BY GJOVIG, SECOND BY HANSEN to approve the May 20th, 2019 minutes, as presented. **CARRIED ON VOICE CALL.**

COMMUNICATIONS:

A. Planning Article of the Month

Chairman Aafedt summarized the Planning Article of the Month, stating it was about the safety regarding traffic on streets. The article explains that there are more dimensions to streets and the efficiency of moving cars. She asked that the Committee take a chance to review it.

PUBLIC HEARING:

A. None

COMMITTEE REPORTS:

A. None

UNFINISHED BUSINESS:

A. Proposed Subdivision to rearrange Lots 1-10 of Block 2, Lots 1-10 of Block 3, and Lots 1-25 of Block 4 of the Hawkeye Subdivision, T154N, R101W into one large lot.
- Hawkeye Village LLC

Chairman Aafedt stated that the developer for Hawkeye Village LLC requested that the Planning & Zoning Commission table this item.

MOTION BY EYNON, SECOND BY GJOVIG, to table this item per Hawkeye Village LLC developer's request. **UNANIMOUS BY VOICE VOTE**

- B. Proposed Special Permit Use, rearrange Lots 1-10 of Block 2, Lots 1-10 of Block 3, Lots 1-25 of Block 4, Hawkeye Village Subdivision, T154N, R101W for District 1 School Site. - Hawkeye Village LLC

Chairman Aafedt stated that the developer of Hawkeye Village LLC requested that the Planning & Zoning Commission table this item.

MOTION BY EYNON, SECOND BY GJOVIG, to table this item per Hawkeye Village LLC developer's request. **UNANIMOUS BY VOICE VOTE**

NEW BUSINESS:

- A. Proposed Special Use Permit for Doggy Day Care and Kennel, Lot 5, Block 1, 1/16 C.E. Unit 10, Saddle Ridge Office/Warehouse Condo, T157N, R100W-Waggin Around Playground

Jeremy Miller presented the applicant, Sarah Gibson, requesting a special permitted use (SPU) to operate a kennel on an M-1: Light Industrial zoned property located in Unit 10 on Lot 5, Block 1 of the Saddle Ridge Subdivision. This use is a non-enumerated use meaning that it is a use not described as permitted in the M-1: Light Industrial zoning district but can be considered by the Planning & Zoning Commission.

As this is a non-enumerated use, the City does not have specific requirements for this use. Staff looked at the requirements of surrounding cities to determine what requirements would be appropriate and how they could be applied to this use.

The proposed kennel will occupy the western 4,936 square foot unit in the north building. He explained it was not the eastern unit as specified in their fact sheet. There was confusion with the property owner as to which unit would be used. There will be a turf area inside the unit, and a 3,600 square foot fenced in area east of the building for the dogs to play. The outside play area will also be turf, placed over gravel to allow for drainage and to prevent tracking mud and dirt inside of the building. The area will be enclosed by an eight-foot-tall chain link fence with privacy slats. There will be no additional landscaping required as this play area is located away from the public right-of-way.

Other cities such as Bismarck and Fargo require kennels to be located further than 1,000 feet from a residential property. There are no residential properties within 1,000 feet of this location.

The applicant had stated at the Development Review Committee meeting they could have between 25 to 35 dogs at the business during the day. It was determined that the minimum area for kennels will need to be 30 square feet for dogs over 30 pounds and 15 square feet for dogs under 30 pounds. This kennel size is what Grand Forks requires and was deemed appropriate. This would require between 750 square feet to 1,050 square feet of area designated for kennels to board 25 to 35 dogs over 30 pounds. These are the maximum areas need to board 25 to 35 dogs with one dog per kennel over 30 pounds. Their unit will be

4,936 square feet, which is large enough to accommodate the required space for boarding 25 to 35 dogs. The applicant also stated that staff will be present 20 hours of the day.

Disposal of waste for the 25 to 35 dogs was a concern at the June 3rd, 2019 Development Review Committee. Members present were not sure if Public Works has the ability to perform daily pick-up for this business and was concerned that the cost could be over burdensome to this small business.

For disposal of waste, they will need to comply with Chapter 4, Section 4-8 of the Code of Ordinances of the City of Williston. This Section states, "Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste material shall be allowed to remain thereon for more than twenty-four (24) hours".

Staff spoke with Public Works and was informed that this business could receive a 300-gallon trash container that would be picked up daily Monday through Friday, for \$104 per month. Public Works confirmed that they would be able to perform Monday through Friday pick-up as they already provide this pick-up schedule to several properties. Staff informed the applicant about the price for waste removal and they felt that this was a reasonable price.

At the Development Review Committee, there was a comment regarding whether the building needed to meet requirements for fire separation. Staff consulted with the Building Department and was informed that this use would require a two-hour or one-hour fire separation wall, depending on whether the building has a sprinkler system.

Staff contacted the property owner and they stated there is a two-hour fire separation wall. The property owner has provided staff with plans showing the fire separation wall and has been inspected by one of our Building Inspectors and confirmed that there is a two-hour fire separation wall.

Jeremy Miller explained that there have been letters sent to the surrounding property owners notifying them of the new business. There have been no comments received.

Please note the Special Use Permit Considerations listed below were attached in the Packet provided to the Planning and Zoning Commissioners and not stated aloud by Jeremy Miller.

SPECIAL USE PERMIT CONSIDERATIONS

As part of the review for a special use permit, the following items are required to be considered:

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.* There are access points to the property located along Saddle Ridge Circle and 50th St W.
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.* This use will require the installation of one paved and striped parking space per employee. The

applicant had stated that the plan is to have five employees. This would require the installation of five paved and striped off-street parking spaces.

3. *Refuse and service areas, with particular reference to the items in "1" and "2" above.* This use will not affect the current refuse and service areas.
4. *Utilities, with reference to locations, availability, and compatibility.* This property utilizes City water and has a septic system. This property will utilize City trash removal and it will need to occur per Ordinance.
5. *Screening and buffering with reference to type, dimensions, and character.* No screening or buffering will be required.
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 signs are proposed at this time.
7. *Required yards and other open spaces.* No yards or open spaces are required by the zoning ordinance.
8. *General compatibility with adjacent properties and other property in the district.* All the abutting properties are zoned M-1: Light Industrial and are used for industrial purposes.
9. *Use shall not impose a hazard to health or property.* This SPU will not impose and hazards to health or property.

The Development Review Committee recommendation was to approve the special use permit to operate a kennel located in Unit 10 on Lot 5, Block 1 of the Saddle Ridge Subdivision, as presented, contingent on recordation of the suggested findings.

DEVELOPMENT REVIEW COMMITTEE

An ad hoc meeting was held on June 3rd, 2019, attended by:

City Staff: David Wicke, Kent Jarcik, Bob Hanson, David Tuan, Rachel Laqua, Jeremy Miller, Shawn Wenko, Jordon Evert, Kelly Soto, Rayce Vergets, and Sarah Dobler
Planning and Zoning Commissioners: Paul Bauer, Cindy Aafedt, and Luke Gjovig
City Commissioners: Howard Klug

Jeremy Miller concluded his presentation. Commissioner Eynon stated that in the fact sheet it mentioned they will not need to pave the access because the property takes access from an unpaved road, but we are still requiring five paved parking spots. He asked what the reasoning for this is.

Jeremy Miller explained the reasoning was based on the development standards requirement for parking for vehicles to be paved. If the property takes access from an unpaved road we do not require them to pave the access just the parking area.

Commissioner Bauer asked if the trash container was sealed. Jeremy Miller stated that he did not get the specifics of the trash container from Public Works. Commissioner Bauer stated

that if it was not sealed, it could be a problem. Bob Hanson stated that the 300-gallon containers were the large black ones that have a lid. Commissioner Bauer stated those were not sealed. Commission Aafedt stated they were going to be picked up every day. Commissioner Bauer added they would not be picked up during the weekends when it was 85 degrees outside.

Commissioner Christensen asked if there would a time of day when the dogs would not be outside, such as, after 5:00pm. The applicant, Sarah Gibson, stated the dogs would not be outside after 9:00pm as that would be the last time they would go to the rest room for the day. They would then go to sleep and then about 5:00 am they would be brought outside to go to the restroom again. She explained the purpose of this kennel is for it to be more of an indoor dog park, so the extreme weather conditions do not interfere with their play. They can be inside playing where it is climate controlled. The outside area would be utilized for the restroom and fresh air, but the play area will mainly be inside of the building.

MOTION BY GJOVIG, SECOND BY HANSEN, to approve the special use permit to operate a kennel located in Unit 10 on Lot 5, Block 1 of the Saddle Ridge Subdivision, as presented, contingent on recordation of the suggested findings.

AYES: Christensen, Hansen, Bauer, Eynon, Gjovig, Bondy and Aafedt

NAYS: None.

ABSENT/NOT VOTING: None.

ABSTAINED: None

CARRIES: 7-0

B. Proposed Special Use Permit located at Lots 9, 10, 11, 12 PLUS AREA W TO MAIN ST VAC IN 1974 of the 1946 RR OF HARMON FIELD GARDEN LOT- AE2S

Jeremy Miller presented the next applicant, Dustin Schultz, requests an amendment to a previously approve parking reduction and special permitted use (SPU) to allow for sub leasing excess office space on Lots 9-12 of the 1946 Rearrangement of Lots 5, 6 and 7 of Harmon Field Garden Lots. This use is an enumerated use in the R-1: Single Family Residential zoning district.

The property was previously granted a parking reduction from 60 spaces to 40 spaces in a SPU for a professional office building in January 2013. The previously approved SPU and Parking Reduction had a contingency that any subleasing would need to be approved by the City.

AE2S is wanting to sublease excess office space to possibly two tenants totaling approximately 4,500 square feet of the 15,000 square foot office building. AE2S will continue to occupy the remaining 11,500 square feet. This subleased area would require AE2S to forego the use of 12 of the 40 off-street parking spaces and allocate them to the new tenants.

At the June 3rd, 2019 Development Review Committee, the applicant had stated that there was interest from insurance agencies in using the excess office space, but they did not have specific tenants lined up to lease. The Development Review Committee didn't have concerns with AE2S subleasing to similar uses that had similar parking requirements. The Development Review Committee's concerns came from subleasing to uses that would generate a greater amount of traffic flow because members of the Development Review Committee recalled surrounding residents having concerns with subleasing to more intense office uses.

At the Development Review Committee, the applicant also mentioned that AE2S may be also looking to sell the building and sublease from the new owner. There was a question asked if the new owner would need to follow the requirements of the parking reduction and SPU. It was explained that these entitlements are not tied to the property owner but the property itself. So, if this property was sold, the new owners would need to follow the requirements of the parking reduction and SPU.

The Development Review Committee expressed concerns with AE2S, and possible future tenants, using the parking lot to store trailers and ATVs. It was determined that AE2S would need to have these trailers and ATVs stored somewhere else and any tenants would need to do the same. The reasoning for this is because this property was granted a parking reduction and the parking needs to be used for parking automobiles. This discussion was provided in the letter that was given to the Commissioners. There was a recollection from the original SPU that AE2S was not going to be storing the trailers or four-wheelers in the parking lot. However, there was not a mention if the storing of trailers or four-wheelers were permitted or not in the minutes, SPU findings or the fact sheet in the previously approved SPU or parking reductions.

Staff asked that the Commission decides whether they are allowed to store their trailers or four-wheelers on the property.

Letters were sent to the surrounding property owners informing them of this amendment. Staff received a few calls that were mainly to get clarification as to what was proposed with this SPU. Miller explained that he personally spoke with one neighbor that said AE2S has been a great neighbor and has been accommodating with anything they have asked of them. This neighbor holds them in high regards.

Chairman Aafedt asked for clarification that if there were 4,500 square feet of office building how many parking spaces would normally be required, is there a reduction on the 4,500 square feet as well? Rachel Laqua explained that originally the SPU included a reduction from 60 parking spaces to 40 parking spaces.

Commissioner Eynon wanted to make a few comments on this matter. He stated he was one of the neighbors that received the certified letter that was sent. When the original SPU was granted in 2013, he was one of the citizens that spoke and asked that this requirement be reviewed if there were other tenants. He explained that back in that time the city had a

shortage of office space and had parking problems. On the south half of first avenue east, those residents do not have driveways, so they rely on the on-street parking for their vehicles.

He stated that when the Trinity Clinic owned the building; before there was a parking reduction, they rented space from Harmon Park in the winter when the pool was not operating. In the summer when it was operating, they rented parking from First Lutheran Church. There was a time when there were cross ways with the park district because there were problems with parking on 1st avenue east.

Commissioner Eynon stated he echoes the sentiments of the neighbor that was outspoken about their high regards, AE2S has been an excellent neighbor. One time shortly after they moved in, a neighbor had trouble getting out of their driveway to get to work. AE2S was in the middle of a conference call but they still accommodated what was needed for that neighbor. There have been absolutely no problems at all with parking or anything else.

He reviewed the original SPU and explained there were a couple of things that staff had missed. There was a requirement in the SPU that they put a buffering in the parking lot between the residents to the north of them. However, this has never been done because shortly after the meeting in 2013, he mentioned to Mr. Noonan that it would be difficult to accomplish as there is a MDU gas line that runs along the north end of that property. He remembers when this was installed and saw that the gas line was marked for the construction project. That buffer has never been installed, MDU would need an easement to service their gas line. Commissioner Eynon asks that they consider removing that from the original SPU.

The original SPU also asked that there be no trespassing signage put onto the lot. He spoke with Dustin Schultz with AE2S and confirmed that has not been completed and Commissioner Eynon stated that was not noticeable in the neighborhood. Dustin Schultz explained to him that they did not install that signage because they wanted to be accommodating in order to allow the community to park there during community events. AE2S has assumed the liability in doing that. Commissioner Eynon is suggesting that a no trespassing sign is put up with limited hours, 9:30pm to 6:00 am as the park adjacent to them allows. This will give the police department some ability that if there are people congregated to site them for trespassing and ask them to move.

Commissioner Eynon stated that years ago he and Mayor Klug were driving past AE2S and noticed the ATV's and trailers in the parking lot. He told Mayor Klug that he was aware that they should not be there but there has not been a parking problem.

Commissioner Eynon proposes that AE2S to be able to put two ATV's on trailers on their lot and that if there ever gets to be a problem, it would be subject to be revoked. He feels that since they use that equipment everyday and that the parking lot is lit, it would be handy for them to have it on site rather than storing them somewhere else.

Chairman Aafedt said that during the Development Review Committee meeting, she got the impression that AE2S did not use them that often.

Dustin Schultz, Operations Manager for AE2S, explained that they use the equipment relatively frequently during the construction season, such as now. During the winter months they are stored there and not used as often. That is when they are doing their design work and not in the field as much.

Chairman Aafedt asked Dustin Schultz where they move the ATV's when they do their snow removal. He stated that they usually store the snow in the northeast corner of their lot and is removed relatively quickly, as that was a condition in the original SPU. There are a few open spots in the parking lot so there might be times when the snow is not removed for a week but that does not happen very often. If it comes to needing the snow removed immediately, they accommodate that.

Commissioner Eynon stated they did have a time this last winter, where a neighbor commented to him saying, "Did you see that big pile of snow they have back there?" and AE2S had it hauled off soon shortly.

Commissioner Eynon reminded the Commissioners that the SPU requirements are tied to the property and not the owner. He feels they can trust the Development Review Committee to have the final say of what tenant goes into that building. If we get into a situation where if there is a parking problem, the current owner will have to look at leasing additional property for parking. He explained that there has also been a change since 2013, Harmon Park Pool is not operating anymore so there is a great reduction in parking for that area. He does not know the future plans of that property but that is the current situation. Commissioner Gjovig stated that was discussed at the Development Review Committee meeting, there are options for them if parking becomes a problem.

Chairman Aafedt asked if there are businesses allowed to store their trailers and equipment in their parking lot, like AE2S is currently doing. Rachel Laqua explained that generally storage is not allowed. Commissioner Christensen stated he shared that concern and stated this is a parking lot not storage lot.

Rachel Laqua stated that there are individuals around town, generally in the M-1: Light Industrial areas, that do store their equipment in their parking lot, but is not generally sitting there for long period of time. However, that is not permitted and is a Code Enforcement issue.

Commissioner Eynon commented that there are rail road type storage containers stored in parking lots and adjoining private businesses all over town. Rachel Laqua stated that technically those would be code violations. We generally do not allow trailers to be stored on a commercial lot.

Chairman Aafedt said that we can look at it more in a way that the SPU is expanded to allow someone to park something that no one else can. Rachel Laqua said that is something a SPU could technically allow.

Chairman Aafedt asked if this is something we could consider seasonally. Rachel Laqua stated that would be something we would be careful of doing. If you have someone in a C-2: General Commercial district asking for outdoor storage, generally that is not something you would consider in a C-2: General Commercial district but could be considered with a SPU. It is something she is not sure should be encouraged.

Kent Jarcik said if you look at this request in a way that technically if they are not using all of their parking maybe it can stay to the point they are filling up their parking spaces and becomes an issue. Chairman Aafedt replied that you would still be expanding your SPU to allow for something that is not allowed in parking lots.

Kent Jarcik said that you would be giving it an exception, where you would let them use the parking for storage until it was full and became a problem. Technically it would be a code violation that could be enforced when the city wanted to say that this is not appropriate and remove the storage trailers from those parking spaces.

Commissioner Christensen commented that we would technically be approving a code violation. Kent Jarcik said the SPU would be approving the storage in parking spaces. Commissioner Christensen said there will also be potentially two more tenants that will be using that parking lot.

Please note the Special Use Permit Considerations listed below were attached in the Packet provided to the Planning and Zoning Commissioners.

SPECIAL USE PERMIT CONSIDERATIONS

As part of the review for a special use permit, the following items are required to be considered:

- 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.* This property takes access from Main Street and may not use the alley as ingress or egress.
- 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.* This use will not require the addition of any parking spaces. They will need to maintain the 40 off-street parking spaces that was granted in a previously approved parking reduction.
- 3. Refuse and service areas, with particular reference to the items in "1" and "2" above.* This use will not affect the current refuse and service areas.

4. *Utilities, with reference to locations, availability, and compatibility.* This property utilizes City water and sewer services.
5. *Screening and buffering with reference to type, dimensions, and character.* No screening or buffering will be required.
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 trespassing signs from 9:30PM until 6:00AM are to be installed on the property.
7. *Required yards and other open spaces.* No yards or open spaces are required by the zoning ordinance.
8. *General compatibility with adjacent properties and other property in the district.* This office has been in operation at this location since 2013. Professional offices are a special permitted use in the R-1: Single Family Residential zoning district.
9. *Use shall not impose a hazard to health or property.* This SPU will not impose and hazards to health or property.

The Development Review Committee recommendation was to approve the amendment to the previously approved Parking Reduction and SPU to allow for the sub leasing of excess office space to similar uses with similar parking requirements with the Development Review Committee to review any proposed sub leases, contingent on the completion of the above requirements.

DEVELOPMENT REVIEW COMMITTEE

An ad hoc meeting was held on June 3rd, 2019, attended by:

City Staff: David Wicke, Kent Jarcik, Bob Hanson, David Tuan, Rachel Laqua, Jeremy Miller, Shawn Wenko, Jordon Evert, Kelly Soto, Rayce Vergets, and Sarah Dobler
Planning and Zoning Commissioners: Paul Bauer, Cindy Aafedt, and Luke Gjovig
City Commissioners: Howard Klug
Applicant: Dustin Schultz

MOTION BY EYNON, SECOND BY BAUER, to approve the amendment to the previously approved Parking Reduction and SPU to allow for the sub leasing of excess office space to similar uses with similar parking requirements with the Development Review Committee to review any proposed sub leases located on Lots 9-12 of the 1946 Rearrangement of Lots 5, 6 and 7 of Harmon Field Garden Lots, as presented, contingent on recordation of the suggested findings and removal of the requirement for buffering between the lot and residents to the north, clarify that no trespassing signage be posted that's states no trespassing between the hours of 9:30 p.m. to 6:00 a.m., and to allow the parking of two ATV or four-wheeler type vehicles on respective trailers. This permission would be subject to review and possible

revocation based on parking lot demands, said to be reviewed by the Development Review Committee.

AYES: Bauer, Eynon and Gjovig

NAYS: Hansen, Christensen and Aafedt

ABSENT/NOT VOTING: None.

ABSTAINED: Bondy

CARRIES: 3-3, MOTION FAILED

Since the Motion failed, there were more discussion. Commissioner Bauer stated that because the storage in question is attached to a vehicle as needed, that is part of a vehicular process. Chairman Aafedt stated we would need to change the ordinance for the entire city. Commissioner Bauer stated we have an opportunity to make exceptions. Chairman Aafedt agreed.

Commissioner Eynon said it could have permitted use and that he understands what the other Commissioners are saying. He asked if it was fair to say the motion failed contingent upon the storage of the ATV's. Commissioner Christensen and Chairman Aafedt stated that was their reasoning for voting against the motion.

Chairman Aafedt also explained that her problem from the beginning was that the tenant is still unknown at this point. For example, what if the tenant was the DMV and there were a lot of traffic on the property. She stated she realizes the motion clearly states there must be similar use, but the parking lot is already small and has been granted a reduction. She would like to have the tenant be presented and approved before granting this SPU amendment.

Commissioner Gjovig wanted clarification that the Development Review Committee would review all subleases. Commissioner Bauer stated yes, that was his understanding. Commissioner Hansen stated that there is not only subleases but there is potential of AE2S selling the building and leasing from the new owners.

Commissioner Eynon said that his concern, as stated from the 2013 minutes, an office building would be subleasing from three or four different tenants and all of a sudden there was not any parking requirements needed there. We had done a parking reduction from 60 spaces when Trinity Health was renting off site to 40 spaces. They had stated at that time, it would just be their business in that building. This is why we asked that if they subleased, we reevaluate the SPU and revisit the parking requirements.

He believes things have changed with their business and over the last six years. They have existing space that they are not using and still falls in the 40-space parking requirement. He has full faith in the Development Review Committee to approve the new tenant. If a parking problem develops we can require them to make the changes to accommodate the parking requirements, such as leasing the space from First Lutheran Church.

Commissioner Christensen stated we can prevent the problem before a problem starts.

Commissioner Gjovig stated that it is not up to them to enforce. If they do not include that provision, it is just status quo. There is nothing to make them take that equipment out unless

the City starts enforcing this issue city wide. He is not saying that what they say here does not matter, because he thinks it does. But explained, there is a particular reality to it. You can leave this provision there, but the trailers will still be there until somebody writes a fine for them.

Commissioner Eynon stated that the way he looked at it was that they have been operating under these provisions for six years and they have not had a problem yet and does not anticipate that there will be a problem.

Chairman Aafedt stated unless you are one of the people that does not like looking at it. Mayor Klug was against it during the Development Review Committee Meeting. Now that it was brought to her attention she stated it bugs her when she drives by it.

Commissioner Eynon stated that in the 2013 minutes, Mayor Klug did not say it bothered him. Chairman Aafedt said that during the Development Review Committee meeting, he brought it up and stated he was bothered by it. But he was wrong, in that he thought AE2S were told not to do it so maybe it only bothered him because he thought they were not complying with the requirements. But they have been in compliance other than the fact the ordinance tells them are not allowed to do so.

Commissioner Eynon stated it was discussed at the Planning and Zoning meeting as part of the SPU that with the snow removal there would also be no storage. It just did not make it in the minutes or final findings.

Chairman Aafedt stated so it did happen and for the record, Dustin Schultz was not part of it at that time. She asked for clarification of what can be done when there is a tie in the voting. Rachel Laqua stated that the motion fails so you can make another motion.

Bob Hanson agreed and said they can remake a new motion, leaving out the storage of ATVs. This will be a Code enforcement issue and would fine them. Commissioner Eynon said they have not done it in six years but maybe if it were brought to their attention AE2S would be fined.

MOTION BY GJOVIG, SECOND BY EYNON, to approve the amendment to the previously approved Parking Reduction and SPU to allow for the sub leasing of excess office space to similar uses with similar parking requirements with the Development Review Committee to review any proposed sub leases located on Lots 9-12 of the 1946 Rearrangement of Lots 5, 6 and 7 of Harmon Field Garden Lots, as presented, contingent on recordation of the suggested findings and removal of the requirement for buffering between the lot and residents to the north and clarify that no trespassing signage be posted that's states no trespassing between the hours of 9:30 p.m. to 6:00 a.m.

AYES: Bauer, Eynon, Gjovig, Bondy, Christensen, Hansen and Aafedt

NAYS: None

ABSENT/NOT VOTING: None

ABSTAINED: None

CARRIES: 7-0

C. Proposed Special Use Permit located at Lots 1R & 3R, Block 1, Highway 7 Industrial Park, T155N, R101W- Creedence Properties LLC

Rachel Laqua presented the application by Creedence properties. This is for an expansion of an existing SPU for storage of hazardous materials on the current Lot 3R, Block 1, Highway 7 Industrial Park, located at 5930 16TH Ave west. Which is currently being rearranged to Lot 4R, Block 1, Highway 7 Industrial Park. It will be 5.5 acres after the rearrangement is complete.

They currently have a SPU for storage of hazardous materials on their current lot. Their business is expanding, and they are buying additional two acres to the east of their current property. This application would allow them to expand the SPU into that area as well.

Creedence currently has two bermed storage areas which were approved by the fire and building department under their original approval.

The application did not include specific locations or amounts of hazardous materials to be stored at this time. She explained this is unusual from how we normally do our SPU's for hazardous material storage. In this case, they will have to meet the approval of the Building, Engineering, Development Services and Fire Departments. Development Review agreed that the SPU should be conditional on the applicant requiring the needed approvals for any additional storage. Staff will review all site plans. If the applicant does not get the plans approved, this will become a serious code violation and risk \$1500 per day per violation day.

Because they are coming in for the expansion of the property, it was determined to come in at the same time to come forward for the expansion of the SPU.

She explained that the only question that came up during the Development Review Committee Meeting regarding a drainage area and the water and sewer lines. These are things that will not be impacting the SPU and will be part of the review process through our departments.

Please note the Special Use Permit Considerations listed below were attached in the packet provided to the Planning and Zoning Commissioners and not spoken aloud by Rachel Laqua.

SPECIAL USE PERMIT CONSIDERATIONS

As part of the review for a special use permit, the following items are required to be considered:

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. *The property will continue to take access from 16th Avenue W.*
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. *This SPU*

requires no additional parking.

3. Refuse and service areas, with particular reference to the items in "1" and "2" above. *This use will not affect the current refuse and service areas.*
4. Utilities, with reference to locations, availability, and compatibility. *There are city water and sewer lines available along 16th Avenue W.*
5. Screening and buffering with reference to type, dimensions, and character. *Buffering is not required between industrial lots.*
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 signs are proposed.*
7. Required yards and other open spaces. *No yards or open spaces are required by Zoning Ordinance.*
8. General compatibility with adjacent properties and other property in the district. *Adjacent land uses to the north, east, west are heavy industrial and heavy industrial to the south.*
9. Use shall not impose a hazard to health or safety. *The expansion of storage of hazardous materials must be approved by the Fire Marshal and Engineering, Building and Development Services Departments. All site plans must be reviewed and approved by all departments.*

The Development Review Committee recommendation was to approve the expansion of the Special Use Permit for Hazardous Materials Storage onto the new Lot 4R, Block 1, of the Highway 7 Industrial Park, contingent on all plans being approved by the Fire, Engineering, Building and Development Services Departments and on recordation of the suggested findings.

DEVELOPMENT REVIEW COMMITTEE

An ad hoc meeting was held on June 3rd, 2019, attended by:


City Staff: David Wicke, Kent Jarcik, Bob Hanson, David Tuan, Rachel Laqua, Jeremy Miller, Shawn Wenko, Jordon Evert, Kelly Soto, Rayce Vergets, and Sarah Dobler
Planning and Zoning Commissioners: Paul Bauer, Cindy Aafedt, and Luke Gjovig
City Commissioners: Howard Klug
Applicant: Wyatt Black

MOTION BY CHRISTENSEN, SECOND BY HANSEN, to approve the expansion of the Special Use Permit for Hazardous Materials Storage onto the new Lot 4R, Block 1, of the Highway 7 Industrial Park, contingent on all plans being approved by the Fire, Engineering, Building and Development Services Departments and on recordation of the suggested findings.

AYES: Eynon, Gjovig, Bondy, Christensen, Hansen, Bauer and Aafedt
NAYS: None
ABSENT/NOT VOTING: None
ABSTAINED: None

**MOTION BY EYNON, SECONDED BY GJOVIG to make a motion to adjourn
UNANIMOUS BY VOICE VOTE**

DATE OF NEXT REGULAR MEETING: Monday, July 15th, 2019.



Kent Jarcik

Williston Planning and Zoning Director

APPENDIX TO THE JUNE 17TH, 2019, PLANNING AND ZONING COMMISSION MEETING

- A. Proposed Special Use Permit for Doggy Day Care and Kennel, Lot 5, Block 1, 1/16 C.E. Unit 10, Saddle Ridge Office/Warehouse Condo, T157N, R100W- Waggin Around Playground
- B. Proposed Special Use Permit located at Lots 9, 10, 11, 12 PLUS AREA W TO MAIN ST VAC IN 1974 of the 1946 RR OF HARMON FIELD GARDEN LOT- AE2S
- C. Proposed Special Use Permit located at Lots 1R & 3R, Block 1, Highway 7 Industrial Park, T155N, R101W- Creedence Properties LLC