

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MAY 20, 2013 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA**

President Boyeff called the meeting to order at 5:30 p.m. Roll Call was taken. A quorum was present.

**MEMBERS PRESENT:** Maristuen, Long, Brostuen, Fleck, Haugen, and Boyeff

**MEMBERS ABSENT:** Aafedt

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Donald Kress Principal Planner; Rachel Ressler, Staff Planner; Elaine Sinness, Assistant Planner; Cheyenne Pottridge, Administrative Assistant; Monte Meiers, City Engineer; Bill Tracy, Building Official; Jordan Evert, City Attorney; Ward Koeser, City Commissioner

**Agenda Amendment:** Remove unfinished business from the May 20, 2013 agenda. MOTION BY HAUGEN, SECOND BY MARISTUEN. MOTION CARRIED ON VOICE VOTE.

**DISPOSITION OF MINUTES:** Minutes were approved for April 15, 2013 meeting as presented. MOTION BY MARISTUEN, SECOND BY BROSTUEN. MOTION CARRIED ON VOICE VOTE.

**PUBLIC HEARING:**

- 1. Proposed Amendment to the Harvest Hills Planned Unit Development(PUD) for the Rezoning of Lot(s) 1-4, Block 2 and Lot(s) 1-4, Block 4, Harvest Hills Subdivision from C-3: Restricted Commercial to R-4: Highrise, Multifamily Residential, City of Williston (containing 4.83 acres) – Granite Peak Development**

Boyeff opened the public hearing and asked Kress to present the application for Harvest Hills. Kress began to state that the application received April 19, 2013, requested a zone change from C-3: Restricted Commercial to R-4: Highrise Multifamily Residential for approximately 4.83 acres within Lots 1-4, Block 3 and Lots 1-4, Block 4 of Harvest Hills Phase 1, City of Williston. As this property is within the Harvest Hills Planned Unit Development (PUD), this zone change is an amendment to the PUD. Kress commented the applicant has submitted a PUD narrative describing the requested changes in relation to the existing PUD documents.

The project site takes access from:

- Harvest Hills Avenue to the west
- Butterfly Avenue to the east
- 27<sup>th</sup> Street West to the south
- 29 Street West to the north

Kress stated that the project site has access to public sewer and water. It will also provide apartments on these two blocks instead of structures having commercial development on the first floor with apartments above. In addition, the C-3 development on the two blocks adjacent to the east, which faces 32<sup>nd</sup> Avenue West, will be limited to one story; there will be no apartments above the commercial first floor. These two factors will reduce the original number of apartments by over 100 units. An ad hoc meeting was held on May 6, 2013 to discuss the proposal. Discussion at the ad hoc meeting included:

- Angled parking only on 28<sup>th</sup> Street by apartments
- Apartments face 28<sup>th</sup> Street.
- Additional park space; entrances on 28th Street; significant landscaping along garages.

Kress concluded that the ad hoc committee recommended approval for the zone change from C-3: Restricted Commercial to R-4: Highrise Multifamily Residential for approximately 4.83 acres within Lots 1-4, Block 2 and Lots 1-4, Block 4 of Harvest Hills Phase 1, City of Williston.

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

Discussion between the board and the staff was to clarify certain phrasing. Mr. Haugen was curious about the 100 ft height restrictions in the C-3 area. He was concerned it would add more density and cause a towering look. Mrs. Long was also curious if Lot 1-3 would remain C-3. Mr. Kress confirmed that Lots 1 and 3 would remain C-3 and would only be single story units. Lots 1 and 3 would be C-3 100 Ft restrictions on height.

MOTION BY BROSTUEN, SECOND BY FLECK, to recommend approval to the City Commission Proposed Amendment to the Harvest Hills Planned Unit Development (PUD) for the Rezoning of Lot(s) 1-4, Block 2 and Lot(s) 1-4, Block 4, Harvest Hills Subdivision from C-3: Restricted Commercial to R-4: High-rise Multifamily Residential, City of Williston (containing 4.83 acres) as requested by Granite Peak Development, contingent upon C-3 restriction to one level construction.

AYES: Maristuen, Long, Brostuen, Fleck, Haugen, and Boyeff.

NAYS: None. ABSTAINED: None ABSENT NOT VOTING: Aafedt MOTION CARRIED ON ROLL CALL VOTE.

**2. Proposed Zone Change from A: Agricultural to R-1: Single-Family Residential for property in the N1/2, Section 36, T 154N, R101W, City of Williston and Preliminary Plat for the Rearrangement of Block 1, Block 3, The Meadows Subdivision and Sublot 4 (containing 43.9 acres) – The Meadows Development, LLC**

Kress presented the application received April 19, 2013, requesting a rearrangement of the existing The Meadows Subdivision (41.53 acres) and the addition of 2.45 acres area to the southeast corner of the this subdivision, and a rezone of that additional 2.45 acres from A: Agricultural to R-1: Single Family Residential. The existing The Meadows Subdivision is zoned R-1. Kress stated that the rearrangement of the existing subdivision and addition of area will result in a total of 116 lots, including 112 single-family lots and four detention basin lots, instead of the originally approved 106 single-family residential lots.

The project site will take access from 70<sup>th</sup> Street East, a dedicated public street. The project site has access to public sewer and water.

Kress commented that an ad hoc meeting was held on May 6, 2013 to discuss the proposal. Discussion at the ad hoc meeting included:

- The city engineer is comfortable with the drainage concept.
- That a developer will set up HOA with a budget of \$30,000 to maintain HOA-owned property.
- All easements will be along the fronts of lots outside of the ROW instead of the existing rear of lots.
- As well as access to the south is emergency only.

Kress stated that the Planning department requires the streets to be numbered according to the city's overall street numbering plan. Planning Department wants to follow up on Engineering's comment about some lots in the added area being un-buildable due to topography. Also wants the developer to provide an exhibit that depicts a building pad, if necessary, on these lots. The following lots do not have the 60-foot street frontage required for lots in the R-1 zone: Lots 2, 3, and 4 Block 6; Lot 19 Block 2; Lot 26 and 29 Block 1; Lot 13 and 14 Block 4. The developer will also need to provide an exhibit that indicates at what point these lots are 60 feet wide.

City Engineer says there are a lot of topography issues in the area of the extended cul-de-sac. Contours of the plat should be shown and reviewed to make sure each lot can be built upon. The developer spoke of preparing a "Building Fit" plan showing how houses could be built upon each lot. This should also be reviewed.

The proposed Storm Water Detention Pond in 23, 24, and 27 of Block 1 will have a pipe discharge into the adjacent property to the south. A drainage easement for this discharge needs to be provided. The developer has agreed to provide this easement.

The developer proposes to create a Home Owners Association for the operation and maintenance of the Storm Water Detention Ponds among other things. The documents creating the Home Owner Association should be reviewed.

Mr. Kress stated that Parks and Recreation commented it would be nice to have a bike trail coming out of this development to Spring Lake Park.

Building Department is concerned as well regarding Engineering's comment #2 regarding topography and concurs that a "Building Fit" plan should be reviewed by the city.

Mr. Kress concluded that the ad hoc committee recommended approval for the rearrangement of the existing The Meadows Subdivision (41.53 acres) and the addition of 2.45 acres area to the southeast corner of the this subdivision, and a rezone of that additional 2.45 acres from A: Agricultural to R-1: Single Family Residential contingent on staff comments being addressed. Staff recommends this approval also be made contingent on staff's evaluation of the existing development agreement.

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

MOTION BROSTUEN, SECOND BY MARISTUEN, to recommend approval to the City Commission to approve the Preliminary Plat for the Rearrangement of Block 1, Block 3, The Meadows Subdivision and Sublot 4 (containing 43.9 acres) – The Meadows Development, LLC

AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff NAYS: None.

ABSTAINED: None ABSENT NOT VOTING: Aafedt

MOTION CARRIED ON ROLL CALL VOTE.

MOTION FLECK, SECOND BY BROSTUEN, to recommend approval to the City Commission to approve the Proposed Zone Change from A: Agricultural to R-1: Single- Family Residential for property in the N1/2, Section 36, T 154N,R101W, City of Williston.

AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff . NAYS: None.  
ABSTAINED: None ABSENT NOT VOTING: Aafedt  
MOTION CARRIED ON ROLL CALL VOTE.

**3. Proposed Zone Change from R-1A: Rural Residential to R-3: Lowrise, Multifamily Residential for property in the SE1/4 NE1/2, Section 3, T154N, R101W, City of Williston and Preliminary Plat for Grey Wolf Subdivision (containing 13.4 acres) – Grey Wolf Holdings, LLC.**

Boyeff opened the public hearing and asked Mr. Kress to present.

Mr. Kress stated that the application received April 19, 2013, requests a subdivision to combine three existing lots into a single 13.35 lot located within the SE1/4NE1/4 Section 3, T154N, R101W, City of Williston. This property is currently zone R-1A: Rural Residential, and is proposed to be rezoned to R-3: Lowrise Multifamily Residential. The project site will take access from 16<sup>th</sup> Avenue West and 50<sup>th</sup> Street West, and the preliminary plat includes dedications of land for both of these public roads. The project site is proposed to be developed with ten 24-unit apartment buildings. The density would be approximately 18 dwelling units per acre, which is consistent with the density allowed by the R-3 zone. Mr. Kress said an ad hoc meeting was held on May 6, 2013 to discuss the proposal. The applicant's representatives were in attendance. Discussion at the ad hoc meeting included; access on 16th Avenue West and 50<sup>th</sup> Street West. The development will be ten 24-unit buildings constructed in two phases, with five buildings per phase. Improvements required to 50th Street West and 16<sup>th</sup> Avenue West.

The Planning Department asked that prior to issuance of building permits, developer to provide a plan showing building layout (including required parking) and access to all buildings from 16th Avenue West (and 50th Street, if there is one) as well as internal connectivity.

Applicant to work with staff to determine buffering requirement in relation to the industrial areas to the west and the R-1A and Ag areas to the north. Note that the developer was advised prior to application that if he intended to sell the buildings or groups of buildings separately in the future, he should provide for that subdivision now, but he opted to develop this as just one lot. Future subdivision of these lots may not be possible. Evaluate traffic generated by development in relation to the proposed future straightening of the 90-degree curves on 16<sup>th</sup> Avenue West near this property, and whether there will be adequate access for development this development.

Airport Manager requested to please ask developer to complete a 7460 form prior to construction start.

The Building Department noted that permits are required prior to any construction

Mr. Kress commented that the ad hoc committee recommended approval for the preliminary plat and zone change from R-1A to R-3 for approximately 13.35 acres located SE1/4NE1/2 Section 3, T154N, R101W, City of Williston, contingent upon staff comments being addressed, standard development agreement, and non-protest agreement for future street improvements.

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

MOTION BY LONG, SECOND BY BROSTUEN, to recommend approval to the City Commission the approval for the Preliminary Plat for Grey Wolf Subdivision (containing 13.4 acres) – Grey Wolf Holdings, LLC.

AYES: Brostuen, Fleck, Haugen, Maristuen, Long, Boyeff. NAYS: None.

ABSTAINED:None. ABSENT NOT VOTING: Aafedt.

MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY LONG, SECOND BY BROSTUEN, to recommend approval to the City Commission the approval for the Proposed Zone Change from R-1A: Rural Residential to R-3: Lowrise, Multifamily Residential for property in the SE1/4 NE1/4, Section 3, T154N,R101W, City of Williston

AYES: Fleck, Haugen, Maristuen, Long, Brostuen, Boyeff. NAYS: None.

ABSTAINED: None. ABSENT NOT VOTING: Aafedt.

MOTION CARRIED ON ROLL CALL VOTE

**4. Proposed Preliminary Plat for Erickson Subdivision,  
Rearrangement of Sublot(s) 10&11, SE1/4, Section  
21,T154N R101W, City of Williston – KML Properties, LLP**

Boyeff opened the public hearing and asked Ressler to present.

Ressler stated that this application requests to plat 65 acres in the SE1/4, Section 21, T154N R101W, City of Williston, North Dakota into 3 Blocks. This area is a mix of land zoned light industrial, commercial, and agricultural. Currently, Bob Erickson's trucking company is utilizing part of the property. However, in the future, after that business is no longer in operation, KML properties would like to use this area as a continuation of the retail development to the north. No specifics have been discussed, and they would need to return to the commission to discuss any future zone changes.

In addition, they are expecting to perhaps re-subdivide the largest lot at a point in the future. The smallest block, block 3, serves the purpose of allowing 3<sup>rd</sup> St W to be continued to the east and access to 32<sup>nd</sup> to be created.

At the ad hoc meeting the discussion included, enlarging lot 3, of Block 1 due to the concerns about access to the lot. And it was deemed that the northern lot line, in which is that southernmost lot on the plat would need to be moved to the north to provide adequate space for stacking for any traffic attempting to access that lot. The discussion also included that they need to vacate the section line based on the location of 32<sup>nd</sup> avenue and where it's already been platted and put in. There are a couple of existing easements that need to be addressed on the plat. Comments were mostly limited to drainage easements that need to provide for the coulee that runs east of the subdivision. And zoning will eventually need to be clarified, based on boundaries.

Kent Reiersen was present as the applicant's representative.

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

Discussion from the board. Mr. Fleck commented on the drainage issue and wanted to know how it could get fixed. Drainage issue from the coulee had been taken care of. All the drainage

from the new development above has been put into the sewer systems and culverts on 32<sup>nd</sup>. Mr., Meiers assured the Commissioners all those issues were already taken care of. The only new drainage issue they would need to worry about was from the new subdivision.

MOTION BY MARISTUEN, SECOND BY HAUGEN, to recommend to the City Commission the approval for the Preliminary Plat for Erickson Subdivision, Rearrangement of Sublot(s) 10&11, SE1/4, Section 21, T154NR101W, City of Williston

AYES: Haugen, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYS: None.  
ABSTAINED: None. ABSENT NOT VOTING: Aafedt.  
MOTION CARRIED ON ROLL CALL VOTE.

### **New Business:**

#### **1. Special Permitted Use Cell Tower, NE1/4, Section 26, T155, R101W, and City of Williston - Verizon Wireless**

Boyeff asked Ressler to present.

Version wireless is requesting to place a tower just south of 56<sup>th</sup> Street and northwest of Highway 2 and 85. Due to the new annexation this area is now in the city limits. Verizon will be using a road that has already been installed to access the tower. The applicant has provided all the necessary information out of the ordinance, and all that information has been found acceptable, with the exception of staff didn't think landscaping would be required. However at ad hoc staff discussed that they would like to see some site screening on that location, based on that it's an undeveloped property because in the future there may be development in that area. Ressler stated that the ad hoc recommendation was to approve the request for the Special Permitted Use presented in the site plan attached with addition of some side screening that would be approve by the planning department before installation of the tower.

Chairman Boyeff asked a question about a well site, and REC Substation. Ms. Ressler stated that they were to the west of this site plan. He also asked if Ms. Ressler wanted Verizon to site screen the entire site plan, or just the location of the cell tower fence? Ms. Ressler stated just the cell tower fence.

Applicant was present; he had no problem with site screening the fence and the building.

Boyeff asked for board action.

MOTION BY MARISTUEN, SECOND BY HAUGEN, to approve Special Permitted Use Cell Tower, NE1/4, Section 26, T155, R101W, City of Williston - Verizon Wireless contingent upon engineering agreement, landscaping agreement, and staff comments and that staff handles those contingences.

AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYS: None.  
ABSTAINED: None. ABSENT NOT VOTING: Aafedt.  
MOTION CARRIED ON ROLL CALL VOTE

#### **2. Special Permitted Use for Oversized Sign, Lot 3, Block 2, North Bakken Industrial Park Subdivision – Truck Wash Express**

Boyeff asked Ressler to present. Ressler stated that this was a Special Use Permit for an oversize sign for Truck Wash Express which is in the C-2 Zoning out in the North Bakken Industrial Park, just past Love's. Ressler stated that the application request is to place a sign that is 210 feet square and 50ft high at that location. The C-2 Zoning only allows 120 square sign face with a height of 40ft. Ressler states that the applicant has requested this oversize sign permit so that his business might be seen from Highways 2&85. Analysis indicates that even a sign of this height will not be visible from the highway due to locations of other buildings. As well of where the truck wash is, it's almost a mile of the main highway. Staff is also concerned about beginning a sign war out in that area, and everyone having competing sign heights. Ressler said that staff recommendation at ad hoc was to deny the request, and suggest the applicant work with Love's in order to add indicator signs with their oversized sign and height which was approved prior to the city ordinance. Ressler commented that at ad hoc they discussed what type of sign they would need, in order to be seen.

Mr. Chris Storm is the president of Truck Wash Express. Mr. Storm was present to speak on the oversize request. Mr. Storm's thoughts for the oversized sign were that his company needs it to be larger than the ordinance allowed for advertisement reasons. Mr. Storm said he had driven from the north and looked off to where his business is setting, and he noticed that if his sign is shorter than truck drivers will not be able to see it. His business is based on the right advertisement, so to promote more business. Truck drivers need to know where truck washes are, because of safety and weight reasons. Commissioner Fleck asked Mr. Storm, if they could look into advertising on the Love's sign. Mr. Storm didn't think that Love's would because the two businesses do not have any affiliation with one another. Chairman Boyeff asked how truckers know where and when to turn for truck washes. He asked if there was always a wash near a gas station. Mr. Storm stated that it usually seemed that way due to better business. Mr. Storm stated it wasn't an impulse to wash a truck, they like to know where a wash is, so its convent for the truckers.

Discussion by the Board of Commissioners was that they just adopted this ordinance about six months ago. The board didn't want to go back on the ordinance and its guide lines.

Boyeff asked for board action.

MOTION BY HAUGEN, SECOND BY BROSTUEN, to deny the Special Permitted Use for Oversized Sign, Lot 3, Block 2, North Bakken Industrial, Park Subdivision – Truck Wash Express.

AYES: Long, Brostuen, Haugen, Boyeff. NAYS: Maristuen, Fleck.

ABSTAINED: None. ABSENT NOT VOTING: Aafedt.

MOTION DENIED ON ROLL CALL VOTE

### **3. Final Plat for Skyline Subdivision - Granite Peak Development/Hagan**

Boyeff asked Ressler to present. Ressler stated this is a final plat, and it's west of 32<sup>nd</sup> Ave and south of 7<sup>th</sup> & 11<sup>th</sup> Street. The application which approved the preliminary plat, that was approved at the March 26, 2013 requests to plat 85.68 acres in the NE1/4 of Section 21 into 3 blocks. The blocks consist of one 44.64 acre parcel, one 35.00 acre parcels, and one 6.04 acre parcel. The two larger blocks have been zoned R-4: High Density Multifamily Residential, contingent on this plat being approved and the smaller block has been re-zoned C-2: General Commercial, also contingent on this plat being approved. The R-4 and C-2 uses are consistent with the future land use plan. The Planning Commission and the City Commission required

updates to several of the right of way dedication, as well as sewer easements that required sewer across all three lots. North-south connectivity along blocks 1&2 would need to be established prior to any development on those blocks, Lot 1 of Block 3 would need access to Public Street, and then all of the changes have been made on the final plat. Engineering commented that easements should be provided to protect the creek that runs on the southwest side of the platted property. Ressler stated that staff would recommend that be made contingent, before approval.

In addition to the standard requirements, the Planning Commission and City Commission required the following updates:

- 50-foot right of way dedication for the extension of the existing 11th Street along the northern boundary of the Block 2;
- 66-foot right of way dedication for the extension of the existing 7th Street between Block 1 and Block 2/Block3;
- 33-foot right of way dedication along the northern boundary of Block 1 west of the edge of Block 2;
- Sewer easement to allow sewer to be extended across all three lots; and
- North-south connectivity within and along Blocks 1 and 2 must be established prior to any development on those blocks.
- Lot 1 of Block 3 must have access to a public street—currently shown is a 20' emergency access easement from 7<sup>th</sup> Street south to Lot 1. This should be widened to 40' in order to serve as an actual access to the lot.

These changes have been made in this final plat.

Ressler commented the ad hoc committee recommend to the City Commission approval of the final plat for Skyline Subdivision contingent on addressing staff comments and a development agreement.

Boyeff asked for board action.

MOTION BY MARISTUEN, SECOND BY HAUGEN, to recommend approval to the City Commission for the Final Plat for Skyline Subdivision - Granite Peak Development/Hagan contingent upon staff comments, development agreement, and park dedication.

AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYS: None.

ABSTAINED: None. ABSENT NOT VOTING: Aafedt.

MOTION CARRIED ON ROLL CALL VOTE

**DATE OF NEXT MEETING**  
**( June 17, 2013 )**

**MEETING ADJOURNED**

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