

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON November 21, 2016 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, Christensen, Maristuen

MEMBERS ABSENT: Aafedt, Bauer

OTHERS PRESENT: Kent Jarcik, Planning Director; Josephine Ching, Staff Planner; Christine Edwards, P&Z Office Manager; Bob Hanson, City Engineer

DISPOSITION OF MINUTES:

- Minutes were approved for October 17, 2016 regular meeting.

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

COMMUNICATION:

- NONE

PUBLIC HEARINGS:

- A. Short plat to adjust a lot line between MS 15-0039 and MS 15-1041, in the NENE, Section 8, T154N, R101W, located within the City's extra-territorial jurisdiction – Booher Rental, LLC/Kirby Engineering

Vice-chairman Maristuen introduced this item (as above) and asked Ching to present. Ching explained that the properties are located west of the new Williston High School at the intersection of 53rd. St NW and 139th Ave. NW and stated that the applicant is looking to move the west lot line of MS15-0041 approximately 64 feet west.

Both of the properties are located within the City's one mile extra-territorial jurisdiction and are zoned R-1A: Rural Residential. The properties are served by rural water and septic. Ching said that MS15-0041 takes access from 139th Avenue W. MS15-0039 will take access from 53rd Street NW.

At the November 7, 2016, ad hoc committee meeting discussion included location of shed. The shed that is currently located on MS15-0039 but will be part of MS15-0041 after the approval of this short plat. The applicant explained the shed will be located away from the utility easement. Staff noted that there is a 7.5 feet distance between the utility easement and the rear property line and would meet the required rear setback requirement.

The City Engineer noted that the County approved a 75 feet right-of-way dedication along 139th Avenue NW and 53rd Street NW in the original plat. The City Engineer was concerned that there are encroachments in the ROW. Ching said that Staff had further examined the property after the ad hoc meeting. There are currently two sheds located within the ROW on 139th Avenue NW.

Ching stated that staff does not feel the ROW dedication will interfere with the approval of this short plat.

Further Ching stated that currently there is semi-truck use and parking on the property which the owner says was approved by the County prior to the expansion of the City's ETJ; the City staff however is still waiting on that documentation.

Ching concluded her presentation with the following staff comments:

STAFF COMMENTS:

CITY PLANNING:

1. Plat comments will be sent to the applicant.

CITY ENGINEER:

1. (See above).

TOWNSHIP:

1. Williston Township has been notified and had made no comment.

Maristuen asked for any discussion of the Commission. Commissioner Christensen, as a Williston Township Board member addressed some issues of concern regarding the township. Christensen was concerned that the Township Board may have actually been unaware of this and asked how or with whom contact was made. Ching stated that an email was sent to Dan Kalil as board chairman as City staff had been directed to do. Christensen agreed that Kalil should be the contact point but asked that he be copied in the future to be sure information is received by the board.

With no other discussion at that time from the Commission, Maristuen opened the public hearing and asked for any public input.

Eric Kirby, Kirby Engineering, addressed the Commission on behalf of the property owners, the Booher's. He stated that the Booher's have a nursery on the property, do not do any retail business from this location and park the semi-trucks on the property when not in use as allowed by the county. As far as the sheds, Kirby stated that those can be moved but the owner's would like to wait to move them until the weather and are roads are better. Kirby said that if the Commission had any further questions he was available to answer.

Craig Metcalf, neighboring property owner, stated he was concerned about the purpose of breaking out these lots which used to be two, three-acre parcels. He is concerned about the trailer house on one property and where the drain field would sit after the lot line adjustment and that this business was allowed out there without any notice to surrounding owners. He stated that the county had done a re-survey of these properties and it looked to him on that re-survey that the propane tanks on the Booher property and some of their outbuildings were actually located on Metcalf's property and he would like them moved. He further stated that he thought that breaking the properties into smaller parcels made things look messy and he worried that it would affect property value.

Kirby said that the drain field would be fully located on lot MS15-0041 and that the lot line adjustment was purely to make more room for the house. As far as any issue with items being over the property line, Kirby stated that the applicant has had corner fence posts located and it is Kirby's belief they intend to build a fence so if any such issues are found they would have to be addressed.

After calling for public input a second and third time and hearing none; Maristuen closed the public hearing and asked for the wishes of the Commission.

Commissioner Christensen, again as a Williston Township board member, stated his concern of semi-trucks traveling on the township roads. He said the previous business on that property was a hot-shot crew and the Township shut them down because they did not want that traffic on that road.

Commissioner Boyeff first addressed the sheds in the ROW that existed previous to the expansion of the ETJ and asked for clarification from staff as to whether or not they have any written proof that the County allowed them on the ROW or any agreement that they should be moved upon roadway improvement. Ching answered no. Boyeff then asked if the City had any proof that the County had actually issued a permit allowing the semi-truck parking on the property. Ching stated that the City has received nothing at this time other than the information relayed by the Engineer and Realtor. Boyeff asked if these issues were zoning violations on these properties either in the City or the County. Jarcik stated that if there is any documentation from the County that states these items are allowable then the use can remain, if not then the City will have to enforce compliance with the Zoning Code. Boyeff stated that although these things need addressed they are really zoning issues and not plat issues which is what is actually being presented.

Commissioner Hansen stated she would have felt better about all of this if the Williston Township Board had made some comment. Christensen stated that there was no issue in his mind with the plat itself but with the semi-truck enforcement.

MOTION BY BOYEFF, SECOND BY LONG to approve Short plat to adjust a lot line between MS 15-0039 and MS 15-1041, in the NENE, Section 8, T154N, R101W, continent on the sheds being moved off the ROW at the time of road construction and meeting all staff comments.

COMMITTEE REPORT:

- NONE

UNFINISHED BUSINESS:

- NONE

NEW BUSINESS:

- NONE

DATE OF NEXT REGULAR MEETING: December 19, 2016

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director