

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON JULY 15TH, 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:** Bondy, Bauer, Hansen, Eynon, Christensen, Aafedt

**MEMBERS ABSENT:** Gjovig

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Jeremy Miller, Staff Planner; Bob Hanson, City Engineering; Mark Schneider, Development Services Director; Jordon Evert, City Attorney; Kelly Soto, Planning & Zoning Administrative Assistant

**DISPOSITION OF MINUTES:**

A. Approval of minutes of the June 17<sup>th</sup>, 2019, Planning Commission Meeting

**MOTION BY CHRISTENSEN, SECOND BY HANSEN** to approve the June 17<sup>th</sup>, 2019 minutes, as presented. **CARRIED ON VOICE CALL.**

**COMMUNICATIONS:**

A. Planning Article of the Month

Rachel Laqua explained instead of a Planning article this month, she provided information about upcoming conferences that are occurring this fall. The first one is the North Dakota Planning Association Conference that will be held on September 19<sup>th</sup>, 2019 in Bismarck, ND. She stated that they generally send people to attend every year and it is a good way to connect with the other Planning Departments in the state. Commissioners are always encouraged to attend as well.

She explained that this year we will be running a "How To" for Planning Commissioners. She stated that if a Commissioner would like to brush up on anything Planning Commissioner related, they are more than welcome to attend. There is not a specific agenda or schedule for that session yet.

The next conference is for the 2019 Western Planner. The American Planning Association breaks out the country into different regions, this is for the entire western region. That conference is held in Santa Fe, New Mexico from September 8<sup>th</sup>-September 11<sup>th</sup>, 2019 and she will be in attendance.

B. Clarification of Development Services items

Rachel Laqua explained there were a couple of issues that came up during the last Planning and Zoning Commission and wanted to clarify them for the Commission. The Staff received a question regarding the use of Special Use Permits (SPU). Attached is a

report from Vogel Law Firm from 2012 which clarified what an SPU is and what it can be used for. Special Use Permits are not intended to be used in place of variances. They can be used to allow specific uses which are similar to permitted uses but which require additional oversight and mitigation to be compatible with the surrounding area.

Essentially, it came up at the last Planning and Zoning Commission with the AE2S item that was on the agenda. For things such as commercial storage, this is something that could be considered with an SPU but would need to be something that fits with the use and surrounding zoning. AE2S was looking for commercial storage, which could be considered as a non-enumerated use in coordination with the office use. This is something that could have been considered with the motion to allow AE2S to sublease their office space. However, it is not something that would be required to be granted, as it is not a permitted use.

A question was raised about when it is allowable for a Commission member to abstain from a vote. After review with the City Attorney, abstaining from a vote may only be used in the case of potential financial impact by a Commission member.

A question was received after the July Development Review Committee meeting regarding open meetings. Staff and attorney have discussed and clarified. All meetings of public officials and staff, including Development Review Committee, are considered open to the public. However, any visitors may not speak and may be asked to leave if they become disruptive to the meeting. While we do not need to publicly advertise non-quorum meetings, we do need to post them on our website and in the physical office. From now on, we will be posting the Development Review Commission Meeting notices on our department door and on the City website. We do already post the Planning and Zoning agenda online but will resume posting on our department door.

**PUBLIC HEARING:**

- A. Proposed Subdivision and Zone Change Permit located at W 396' in SWNE of Section 22, T154N, R101W- MSR, LLC

This application is for a 12-acre property owned by MSR, LLC, located north of Reiger Drive to the west of Culvers. The full 12-acre property is being subdivided as it currently has a metes and bounds description. Our subdivision process requires a full plat process for previously unplatted property.

The property will be split into two lots. Lot 1, located on the south side of the property, is also requesting to be rezoned to C-2: General Commercial. In the final plat version, there may be a change to do three lots, splitting Lot 1 into two lots.

At this time, Lot 2 will need to remain Agricultural as there is no good access to the north of this lot. There is intended to be access at a future point, however. A requirement of this subdivision should be that a Development Agreement and deed restriction be signed noting that Lot 2 may not be developed or rezoned until access to the west is determined. A non-protest agreement must also be signed, waiving the right to protest future improvements to the west or south.

The road where 27<sup>th</sup> avenue is does not line up where the lots are. There are about 10 ft between where the road would line up and where the Reiger property starts. This property takes access from Reiger Drive to the south. Lot 1 will have access off Reiger Drive. An easement must be signed benefiting Lot 2 as well. There is no access to Lot 2 other than from Reiger Drive at this point. There is intended to be a north continuation of 27<sup>th</sup> Ave W, but it will be slightly to the west of the west lot line of Lot 2.

Chairman Aafedt asked for clarification of when it needed for a motion to approve Lot 2 to be rezoned. Rachel Laqua stated there will need a motion to approve Lot 2 to be rezoned at a future point when there is a development plan and access.

Changing the zoning of Lot 1 to C-2: General Commercial is compatible with the surrounding zoning of Commercial to the east and south. Reiger Drive is zoned for commercial use to the west as well. This property is shown on the future land use plan as commercial.

Water and sewer are available to the south of the property along Reiger Drive. City Engineering has requested that each individual commercial unit in the building intended to be built has its own water and sewer lines. Easement agreements will need to be signed for maintenance and access of these lines, as well as the parking area. The applicant is working with City Engineering to finalize stormwater requirements. The Development Services Department will review any building and site plans as they come forward for development.

The owner will need to pay in lieu of providing park land, as described in the ordinance. There are minor plat corrections and redlines to be fixed prior to the final plat.

Completion/Recordation Requirements:

1. Public Hearing and Review of Zone Change and Plat at City Commission
2. Final Plat review at Planning and Zoning Commission and City Commission
3. Development Agreement
4. Deed Restriction
5. Easement and Access Agreements
6. Waiver of protest of future improvements to the west and south

At the July 1<sup>st</sup>, 2019 Development Review Committee recommendation was to recommend approval of the preliminary plat and zone change for the Reiger 2<sup>nd</sup> Subdivision, contingent on the completion and recordation requirements as listed above.

A Development Review Committee meeting was held on July 1<sup>st</sup>, 2019, attended by:  
City Staff: Kent Jarcik, Bob Hanson, Rachel Laqua, Jeremy Miller, Jordon Evert, and Mark Schneider  
Planning and Zoning Commissioners: Cindy Aafedt, Kevin Christensen, and Kaylyn Bondy  
City Commissioners: Howard Klug  
Applicant: Sheila Reiger

Chairman asked for questions or comments. Bob Hanson asked Rachel Laqua to repeat the information regarding the water and sewer lines. She stated, if there is a building built on their property and it does have multiple tenants, then they would need to have individual water

and sewer lines into each tenant. Bob Hanson said, if the intention of the owner is to subdivide that and sell as individual units through third parties, then they would need separate water and sewer lines. If not, one would suffice. Rachel Laqua said, generally with a multiunit building, we recommend they set it up for future subdivision because it seems like more people end up doing that.

Chairman Aafedt called the first opened the public hearing and asked for any comment. There was none. After calling twice more for public input and hearing none, Chairman Aafedt closed the public hearing and called for discussion or motion from the Commission.

**MOTION BY CRISTENSEN, SECOND BY HANSEN**, to approve the preliminary plat and zone change for the Reiger 2<sup>nd</sup> Subdivision, contingent on the completion and recordation requirements as listed above.

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

**NAYS:** None.

**ABSENT/NOT VOTING:** Gjovig

**ABSTAINED:** None

**CARRIES:** 6-0

**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. However, they have notified Rachel Laqua that they should be coming back in August with a continuation of this proposal.

**MOTION BY EYNON, SECOND BY CHRISTENSEN**, 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. However, they have notified Rachel Laqua that they should be coming back in August with a continuation of this proposal.

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

**NEW BUSINESS:**

- A. Proposed Special Use Permit located at Block 1 Eckert Gardens Subdivision, 9.053 ac in SESE of Section 13, Block 3 of the Triangle Eckert Addition Rearr. of Block 4, T154, R101W- Eckert Youth Homes

Rachel Laqua explained the applicant, Eckert Youth Foundation, requests an enumerated Special Permitted Use (SPU) to allow for a family treatment center in R-3: Lowrise Multifamily and Townhouse Residential on Block 3, Block 1, Eckert Gardens Subdivision, 9.052 Acres in the SESE Section 13, Rearrangement of Block 4, Triangle Eckert Addition. The physical address of this location is 1102 7<sup>th</sup> Avenue East.

Eckert Foundation currently uses both homes on the property as residential child care facilities. Each home has four rooms which can house two people per room, with one bathroom per room. There's also an apartment and office in each home for staff and night staff.

There is a current SPU on the property for quasi-institutional: residential child care. However, the designation of "residential child care facility" is a term which is used at a federal level to describe a certain type of facility. With the Federal Family First Act, those definitions have changed, and so all residential child care facilities will need to transition. Eckert Youth Foundation intends to transition one of the homes to a similar designation, which does not require a change to the current SPU.

They would like to transition the other home to a Family Treatment Facility. Family Treatment centers allow for treatment of parents and allows children to stay with the parents during that treatment. Eckert representatives explained at Development Review Committee that this is a main tenant of the Federal Family First Act – families that can stay together should stay together, vs. placing children in foster care.

The treatment abilities at Eckert would only extend to low and medium risk families, as they will not be licensed for high risk individuals at either the adult or child level. They are not licensed for the higher level of care now required for residential foster care, which is what some facilities in the state such as the Boys and Girls Ranches are transitioning to.

Development Review Committee had several questions for Eckert, including asking if they handle addiction treatment now. Rachel Laqua stated the sentence, "Eckert does handle addiction treatment within their current set up" in her fact sheet is not accurate. They do not provide addiction treatment on the grounds, but they do provide care for youth with addiction issues. They participate in treatment at Northwest Services or another addiction treatment provider.

The Development Review Committee also clarified several items:

1. All adults would be part of the family treatment program, and single adults with no children would not be housed at this facility.

2. There are yearly fire and building inspections done on the premise, and they are in compliance.
3. The DRC committee felt strongly that facilities of this type are needed in the community.

There are no parking changes needed to the current site. This property utilizes both City water and sewer services. No changes are needed.

\*Please note the Special Use Permit Considerations were only listed in the factsheet and was not said aloud. Rachel Laqua stated there were not many changes from their current SPU as the use was very similar.

#### 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 will be no change in ingress and 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.* No additional parking is needed.
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/sewer and trash pick-up services.
5. *Screening and buffering with reference to type, dimensions, and character.* This use does not require additional screening or buffering.
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 signage is needed.
7. *Required yards and other open spaces.* No additional yards or open spaces are required by the zoning ordinance.
8. *General compatibility with adjacent properties and other property in the district.* The use is very similar to the one that has been in place on the property since 1985 when the original use was issued. The surrounding areas are residential.
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 recommend approval of the SPU for a quasi-institutional facility: Family Treatment Center for Eckert Youth Foundation at Block 3, Block 1, Eckert Gardens Subdivision, 9.052 Acres in the SESE Sec 13, Rearrangement of Block 4, Triangle Eckert Addition.

The Development Review Committee meeting was held on July 1<sup>st</sup>, 2019, attended by:  
City Staff: Kent Jarcik, Bob Hanson, Rachel Laqua, Jeremy Miller, Jordon Evert, and Mark Schneider

Planning and Zoning Commissioners: Cindy Aafedt, Kevin Christensen, and Kaylyn Bondy

City Commissioners: Howard Klug

Applicant: Leah Hoffman, Kerri Klein, Jim Sorum, all of Eckert Youth Homes

**MOTION BY CRISTENSEN, SECOND BY HANSEN**, to approve the SPU for a quasi-institutional facility: Family Treatment Center for Eckert Youth Foundation at Block 3, Block 1, Eckert Gardens Subdivision, 9.052 Acres in the SESE Sec 13, Rearrangement of Block 4, Triangle Eckert Addition, contingent on recordation of the suggested findings.

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

**NAYS:** None

**ABSENT/NOT VOTING:** Gjovig

**ABSTAINED:** None

**CARRIES:** 6-0

- B. Proposed Special Use Permit located at Lots 1, 2, & 3 Hoffelt Addition & L3, 4, 5, 6, 7, 8, & Vac. Alley, Block 1 WISE 1<sup>ST</sup> Addition, Block 1 of the Hoffelt Addition, T154N, R101W- Home of Economy

The proposal to store moving equipment at Home of Economy was first discussed at the May 6<sup>th</sup>, 2019 Development Review Committee meeting. The committee wanted to know more information regarding how they would operate, where they would store the equipment, and how much equipment would be at this location. This information would need to be submitted along with an SPU application, if Home of Economy was interested in pursuing this proposal. The committee also wanted to have a requirement associated with this SPU, if they applied and was approved, that the SPU would be reviewed yearly to ensure that this is not causing issues with parking.

The applicant, Wade Pearson, requests a non-enumerated Special Permitted Use (SPU) to allow for the storage of moving equipment in C-2: General Commercial on Lots 1-3, Block 1 of the Hoffelt Addition and Lots 3-8, Block 1 of the Wise 1<sup>st</sup> Addition.

Garret Hoffner, a representative of Penske, is proposing to store 2-3 smaller trucks (12-16'), 1-2 larger trucks (22-26'), and 1-2 automobile transportation towing trailers at any given time on the property. He stated that he would like to have the smaller units located in the main parking area, to serve as advertisement, and the larger units and trailers in the rear of the building by the loading area.

At the July 1<sup>st</sup>, 2019 Development Review Committee meeting, Garret was asked to explain how their pick-up and drop-off will work and how they manage their other stores. Garret explained that they have a team of drivers outside of Bismarck that oversee Williston reservation bills. Depending on the activity in Williston, they will use an inventory system to have trucks available based on reservation demand. They don't intend to have large amounts of equipment just sitting around in Williston. They would be spreading their fleet out among Minot, Bismarck, Grand Forks, and Union Town. He imagines there will only be 2-3 units of local equipment available in Williston to rent right away. If this was rented out, they would backfill.

The Development Review Committee asked how truck rentals would work and what would happen if a truck was dropped off after hours. Garret explained that to rent equipment someone would go into Home of Economy and book a reservation there and, depending on availability, you could take one right then and there. You could also book a reservation on the phone to have one available. Garret explained that there will be designated drop-off areas for the equipment and that would be explained to the customer at the time of pick-up.

The Development Review Committee asked if Penske would have their own employees at Home of Economy to manage moving their equipment or if Home of Economy would. Garret explained that Home of Economy employees would manage the movement of equipment. This would be done during normal business hours.

The Development Review Committee asked about designated areas for parking their equipment. Garret explained how he didn't have specific locations but mentioned he would like smaller units to be located out front and the larger units in the rear by the loading area.

The Development Review Committee designated the parking area by the intersection of 20<sup>th</sup> St W and 1<sup>st</sup> Ave W for the smaller units and the larger units and trailers would be in the rear paved area along 1<sup>st</sup> Ave W.

These areas will need to be signed as parking and drop-off areas for the moving equipment. Attached is a map showing these areas highlighted. This map was sent to Garret Hoffner, Tim Vodden, and Wade Pearson for their input.

The Development Review Committee asked Garret to explain how this operation would be different than the one in Minot. Garret explained that there wouldn't be much of a difference. The real difference is that the Home Depot in Minot has a large parking area and isn't constrained by a parking reduction. The Development Review Committee's concern is that the Penske operation at Home of Economy could turn into the signification operation they run at the Home Depot in Minot.

The committee wanted to place a cap on the number of units allowed, to avoid having a substantial number of units located at Home of Economy. It was determined by the Development Review Committee that, if approved, they would be allowed to have seven units located at Home of Economy.



There was a discussion regarding the street trees and boulevard along both 2<sup>nd</sup> Ave W and 20<sup>th</sup> St W. As part of their approved Parking Reduction, they were to install street trees and ground cover in the boulevard. There are a few trees that appear to have been removed and will need to be replaced. Also, they will need to install ground cover in the boulevard because it is mainly dirt.

This property was granted a parking reduction, from 225 to 130 spaces, at the February 25<sup>th</sup>, 2013 Planning & Zoning Commission meeting. As part of their approved parking reduction, they need to ensure that the unloading of semi-trucks occur at off peak hours (i.e. 9pm) and they were to install parking lot screening and landscaping along the west and south lot lines.

This property takes access from both 2<sup>nd</sup> Ave W and 1<sup>st</sup> Ave W. There are 130 off-street parking spaces provided on the property. This property utilities both City water and sewer services.

\*Please note the Special Use Permit Considerations were only listed in the factsheet and was not said aloud.

#### 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 2<sup>nd</sup> Ave W and 1<sup>st</sup> Ave W. The semi-trucks with the home of Economy's merchandise must arrive at off-peak hours (i.e 9pm), to more easily navigate the new loading dock which will interrupt traffic flow if unloading occurs at peak hours.
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.* Off-street parking is provided by 130 parking spaces. This is the number of parking spaces that was approved as part of a parking reduction granted in February 2013. Loading docks will need to be accommodated as mentioned above.
3. *Refuse and service areas, with particular reference to the items in "1" and "2" above.* There is currently a trash container located in the rear of the building along 1<sup>st</sup> Ave W. 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/sewer and trash pick-up services.
5. *Screening and buffering with reference to type, dimensions, and character.* The proper street trees must to be installed along 20<sup>th</sup> St W and 2<sup>nd</sup> Ave W. Ground cover must be installed in the boulevards.

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.* The designated parking areas for the moving equipment and drop-off areas will need to be properly signed.
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.* The properties along the east side of 2<sup>nd</sup> Ave W are used for commercial businesses.
9. *Use shall not impose a hazard to health or property.* This SPU will not impose and hazards to health or property.

Completion/Recordation Requirements:

1. Recordation of Findings as attached.
2. Installation of approved street trees and ground cover along 20<sup>th</sup> St W and 2<sup>nd</sup> Ave W.

The Development Review Committee recommendation was to present the proposal to the full Planning & Zoning Commission without a recommendation.

The Development Review Committee meeting was held on July 1<sup>st</sup>, 2019, attended by:  
City Staff: Kent Jarcik, Bob Hanson, Rachel Laqua, Jeremy Miller, Jordon Evert, and Mark Schneider

Planning and Zoning Commissioners: Cindy Aafedt, Kevin Christensen, and Kaylyn Bondy

City Commissioners: Howard Klug and Tate Cymbaluk

Applicant: Garret Hoffner and Tim Vodden (via phone)

Chairman Aafedt called for discussion and asked if a representative from Penske Truck Rentals or Home of Economy was present or on the phone. Jeremy Miller stated they were aware of the meeting and the owner of Home of Economy said he would be present on the phone but did not appear so. Chairman Aafedt wanted clarification if notices were mailed out to the surrounding owners and if there were any comments. Jeremy Miller stated there were notices that were sent out and he did not receive any feedback or concerns. There were a couple of calls wanting clarification of why they received the notice but did not voice concerns or questions regarding the SPU for Home of Economy.

Tony Watterud approached the Commission. He is a representative of the First International Bank & Trust and an agent of the owner, Wayne Garaas and Gail Spoons Revocable Trust that owns the building north of Home of Economy. He stated they would have concerns if the Penske Rental Trucks were designated in the northern area of the property. He stated this was the first time he saw the parking exhibit as shown on the overhead screen and did not have an objection if the Penske Rental Trucks were parked on the east side of the property, as shown in the yellow shaded area on the exhibit.

Commissioner Eynon asked if the map was correct, because on the east side of the building is a narrow concrete area that looks like a walkway. The presentation in the packet stated the

larger rental units will be designated in that area. Rachel Laqua stated the designated truck rental area as shown on the map is correct. The east side of their building was part of their original intended parking. The larger units are too long to fit anywhere in their parking lot without taking up multiple parking spaces. This is also the area where they do their loading and unloading so it is capable of fitting larger trucks. She also clarified that area is not a walkway as there is not a sidewalk located there.

Commissioner Eynon voiced a concern that if you were backing trailers into there and trying to drop them off, it would be blocking traffic on the street. Rachel Laqua said it could be possible to use some of the areas in the front of the building to park those larger units. It was discussed in the Development Review Committee meeting, but the Committee was not interested in that since the front area is designated as parking when Home of Economy did their original parking reduction.

Chairman Aafedt stated she has seen larger delivery trucks in that area so the larger rental units should be able to pull in there. She said she recalls from the Development Review Committee meeting that the applicant said there would be one or two larger rental units that could fit back there.

Commissioner Christensen voiced a concern that if Home of Economy is using that area for a loading/unloading zone, would there be enough room for that when the rental trucks are also parked there. Rachel Laqua showed the actual loading dock on the overhead exhibit, showing it should not cause a problem. Bob Hanson said there was another loading dock on the southeast corner of the property.

Rachel Laqua explained that the reason the Commission is looking at this as a Special Permitted Use is because the Development Review Committee felt there is required parking for the property and the commission is looking at additional uses of the building and whether reduced parking for the property would work. This is changing the use and changing what is being placed on to the property. Therefore, an SPU would be needed. It is an option for the Commission to say it would be averse to the property.

Chairman Aafedt stated that at the Development Review Committee meeting, they were not aware of what the surface was in the designated area, whether it was concrete or not.

Commissioner Christensen stated that he felt as long as they follow the guidelines that are highlighted in yellow on the exhibit and park in the southeast corner along the road, he would not have a problem with that. However, he would not approve if they put anything on 2<sup>nd</sup> Avenue or north of the lot.

Commissioner Bauer stated he does not want to restrict business from doing business. Chairman Aafedt said the Commission was accommodating when they granted a 100-space

parking reduction. Commissioner Bauer said it is hard to enforce the rules and the number of rental trucks they would have. He stated that he felt if there was a problem, they could work it out with the party that is complaining. Commissioner Christensen agreed that this could be abused but they need to draw the line somewhere to try to prevent problems.

Jordon Evert asked if they would grant the Special Permitted Use for a year and have them reapply and pay the application fee again or would the Commission only review it after a year. He suggested that because this is a unique circumstance, they should issue the SPU for a year. If it goes smoothly, then they could do an annual review.

Commissioner Eynon asked that since they are reducing parking further, if it will affect the Temporary Use Permit vendors that sell their products in that lot. Rachel Laqua explained the way they operate Temporary Use Permits. Vendors are not able to be in parking that is used on a daily basis, so it does not necessarily have to do with required parking. For example, the Bowling Alley's property can be used for Temporary Use Permit vendors during the day because the Bowling Alley does not have as much need for parking during those hours. If there is an open space, then a Temporary Use Permit is allowed. If a problem would arise, it is something that can easily be fixed because it is a temporary use and not a permanent use.

Commissioner Eynon stated that when the street trees were initially put in, they used mulch for the ground covering and it ended up in the street. He asked if there is a certain requirement for the ground covering. Rachel Laqua stated that at this point, the ordinance states that the ground covering needs to be turf or concrete. Commissioner Bauer mentioned they also need to add concrete on the corner. Commissioner Eynon asked if they knew what their exact plans were for the ground covering. Rachel Laqua said it would either be turf or concrete and they do need to maintain the street trees, so it is easier to do that with turf than concrete.

Bill Glen he had a question regarding safety. Chairman Aafedt allowed it, although it was not a public hearing. Bill Glen asked if Home of Economy had any plans for bollards being placed over the gas meters. If not, he suggested adding that requirement so no one will run into them when they are returning a rental truck.

Chairman Aafedt asked if there were any other questions. Commissioner Eynon stated he has reservations about Home of Economy using the back-east side for the Penske Truck Rentals. He stated he is not sure if this would work and it is also in the view of the Golden Estates. Chairman Aafedt said there is mostly garages facing the eastside of Home of Economy but there will be one unit that will be facing it. Commissioner Eynon stated he is wondering if a year is too long to grant the SPU, as he feels issues may arise before the end of that timeframe.

Bob Hanson asked what the difference are in sizes of the "large" and "small" rental trucks. Jeremy Miller clarified the "small" trucks are 12-16' long and the "large" trucks are 22-26' long.

Commissioner Bauer and Chairman Aafedt stated that they felt that customers will not always use the designated rental parking area and will be dropping the rental trucks off in various places in the parking lot. Commissioner Bauer wanted clarification that once the year has expired, if they will recharge Home of Economy to renew their Special Use Permit. Aafedt asked what the fee was. Rachel Laqua said it is \$250.00. Commissioner Hansen asked how they will be able to gauge if there were any issues during that year review. Chairman Aafedt stated it would be complaint based. Rachel Laqua confirmed, stating they would review issues and complaints through the Code Enforcement department. If customers are returning the rental trucks in areas other than the designated rental area, the responsibility could fall on Home of Economy's employees to park it in the correct place.

Commissioner Bauer stated he felt that Home of Economy would take care of their business. He felt they would make sure there was not an unorganized mess and keep the business looking attractive.

Commissioner Hansen stated she would have felt better if a representative of Home of Economy were there. Commissioner Christensen agreed and said he also had concerns with the snow removal in the winter. Chairman Aafedt stated Home of Economy would have to be adamant about snow removal. Commissioner Eynon asked if the City of Williston removes the snow. Bob Hanson stated they plow it but Home of Economy is responsible for removing the snow. Commissioner Eynon, stated it would be difficult to get to those parking areas on the east side in the winter.

Commissioner Bauer stated that he heard three issues that need to be resolved: protecting the gas meters, snow removal and whether or not the Commission decides to charge Home of Economy to renew the Special Use Permit. They also would like a representative of Home of Economy to be present to answer their questions.

**MOTION BY CHRISTENSEN, SECOND BY HANSON,** to table the SPU to allow Home of Economy the storage of 7-units of moving equipment.

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

**NAYS:** None

**ABSENT/NOT VOTING:** Gjovig

**ABSTAINED:** None

**CARRIES:** 6-0

**MOTION BY CHRISTENSEN, SECONDED BY HANSEN** to make a motion to adjourn  
**UNANIMOUS BY VOICE VOTE**

**DATE OF NEXT REGULAR MEETING:** Monday, August 19<sup>th</sup>, 2019.

A handwritten signature in blue ink, appearing to read "Kent Jarcik", is written over a horizontal dashed line.

Kent Jarcik  
Williston Planning and Zoning Director

# APPENDIX TO THE JULY 15<sup>TH</sup>, 2019, PLANNING AND ZONING COMMISSION MEETING

- A. Proposed Special Use Permit located at Block 1 Eckert Gardens Subdivision, 9.053 ac in SESE of Section 13, Block 3 of the Triangle Eckert Addition Rearr. of Block 4, T154, R101W- Eckert Youth Homes
- B. Proposed Special Use Permit located at Lots 1, 2, & 3 Hoffelt Addition & L3, 4, 5, 6, 7, 8, & Vac. Alley, Block 1 WISE 1<sup>ST</sup> Addition, Block 1 of the Hoffelt Addition, T154N, R101W- Home of Economy