

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, NOVEMBER 19, 2012, IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA

President Glenn Boyeff called the meeting to order at 5:30 PM. Roll call was taken. A quorum was present.

MEMBERS PRESENT: Chris Brostuen, Deeann Long, Nick Haugen, Jerry Fleck, Glenn Boyeff.

MEMBERS ABSENT: Cynthia Aafedt, Jon Maristuen

OTHERS PRESENT: Kent Jarcik, City Planner; Rachel Ressler, Staff Planner; Elaine Sinness, Assistant Planner; Donald Kress, Principal Planner; Monte Meiers, Engineer; Jordan Evert, City Attorney; Ward Koeser, City Commission; Tom Rolfstad, Economic Development.

DISPOSITION OF MINUTES:

MOTION BY HAUGEN, SECOND BY BROSTUEN to approve October 15, 2012 minutes as presented. MOTION CARRIED ON VOICE VOTE.

PUBLIC HEARINGS:

1. Proposed Zone Change from A: Agriculture to R-3: Lowrise Multi-family and Townhouse Residential for unplatted property located in the NW1/4 NE1/4 Section 12, T154N R101W, City of Williston and preliminary plat for Pheasant Crossing-CDP 42nd St Investors

Boyeff opened the public hearing. Kress presented the request. The applicant is requesting a zone change to R-3 and a preliminary plat for 96 residential lots. The proposed development includes single family homes, twin homes and three apartment lots with 144 total apartment units (6 buildings of 24 units) and two detention basin lots. The overall density will be 8.9 dwelling units (du) per acre. The apartment density is 18 du/acre and the single family density is 5.77 du/ac. The project will take access from 42nd Street East to the north and University Avenue to the east, both of which are dedicated public streets. The interior roadways of the project will continue existing numbered streets and will have a 60 foot right of way, dedicated public streets, except the eastward continuation of 38th Avenue East which the preliminary plat depicts as a 30 foot wide right of way. A related entitlement that is being considered a separate project is the vacation of the Mattison Subdivision that is adjacent to the west of the project. The vacation of this subdivision will provide additional right of way that is required for 7th Avenue East, a dedicated street in the project site that provides access to 42nd Street East.

An ad hoc meeting was held and discussed this proposed request. Discussion included how 38th Street will be extended with the full width 60 foot right of way along the southern boundary of the project site-- the subdivider may need to negotiate an additional easement for access with the adjoining property owner to the south; the lots that face 28th Street cannot be developed until that street is developed to full width; how drainage along the southern boundary of the

project site will be addressed when 38th Street is developed to its full width; 42nd Street East may be expanded to a four lane street in the future and an appropriate right of way should be dedicated for this future expansion; the development agreement include a prohibition against building over lot lines, the project must be developed as platted. Any alteration of this plat would require additional review and entitlements.

Ad hoc committee recommendation is approval of proposed zone change and preliminary plat contingent on approval of Mattison Sub vacation; development agreement; addressing staff comments; final plat requirements and title opinion.

Rick Leuthold, of Sanderson Stewart, represented the applicant and was present at the meeting. The developer is addressing drainage for this parcel. They will maintain a 60' right of way along 40th Street dedicating another 30' and 50' of drainage. The Subdivision has access in three locations. 40th Street doesn't allow for good alignment going across University Ave., so they will push 40th Street as far south as possible. There's about 125' in separation. 33' and 50' drainage easements already exist. On the north side, they are dedicating 30' in order to maintain the 60' right of way requested. In the development agreement there will be restrictions on development along lots along 38th Street. They only own ½ the section line, which is difficult because of cost splitting issues with the other owner. They had dialogue on that, and what was proposed was that the developer will install water, sanitary sewer, curb and gutter and sidewalk on their side, and a sufficient amount of asphalt that will maintain adequate traffic flow on 38th Street. The developer to the south will be responsible for the leftover work. An additional 7' of right of way along 42nd Street needs to be given by the developer, per Bob Hanson's (City Engineering) request.

They are looking at a temporary lift station for the sanitary sewer that would be owned and operated by developer, but are waiting for additional permissions from surrounding owners and county.

Fred Douglas was present and expressed concerns over drainage issues that are currently in the area, including surface drainage and storm drainage. Mr. Leuthold pointed out that there are two locations to meeting onsite storm water detention. Sanderson Stewart and the City are working on a large scale project along 42nd Street to address the existing drainage concerns with large storm sewer pipes as well as addressing future concerns from future developments. Some of this will not happen until the area is annexed and street improvements are made.

Maxine Nielson spoke. She owns property on 38th Street abutting University Ave. She was concerned that pipes would be going through her property. Mr. Leuthold stated that her property would not be affected, as the pipes would be in the right of way that is currently there.

Wade Johnson spoke. He asked if the pipes would be able to hold the water coming from the west of University. Mr. Leuthold said that their piping is not entirely finalized and the flow will not necessarily affect the subdivision, saying that they hope it will mitigate some of the drainage issues, but it will not necessarily be addressed by the improvements that go with this subdivision.

Fred Douglas spoke again, questioning if there were plans to annex the 42nd St area and area to the west and asking if they were extending city water and sewer and storm drains.

Brostuen requested clarification from Engineer Meiers about adequacy of drainage plan. Meiers says he still has concerns but says the goal is to minimize the effect on downstream areas. They are working with the developer on other issues. Boyeff comments about the need for park property. Leuthold said there would be cash in lieu of a park dedication. Boyeff called three times for public comment, hearing none, closed the public hearing. He asked the board for action regarding this request.

MOTION BY BROSTUEN, SECOND BY LONG, to recommend to City Commission approval of the Zone Change from A: Agriculture to R-3: Lowrise, Multi-family & Townhouse Residential for property (26.9 acres) in the NW1/4 NE1/4, Section 12, T154N R101W for the Pheasant Crossing Subdivision. AYES: Long, Brostuen, Fleck, Haugen, Boyeff. NAYS: None ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

MOTION BY FLECK, SECOND BY BROSTUEN, to recommend to the City Commission approval of the preliminary plat for Pheasant Crossing Subdivision contingent on staff comments listed in the fact sheet being addressed.

Haugen had concerns about the future need for additional easements along the southern portion (38th Street). Leuthold said there may need to be additional language in the development agreement relating to the drainage issues for the area. AYES: Long, Brostuen, Haugen, Fleck, Boyeff. NAYS: None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED

2. Preliminary plat for rearrangement of Mattison Subdivision, and the vacating of lot lines and public rights of way, NW1/4 NW1/4NE1/4, Section 12, T154N R101W, City of Williston - Kinsey:

Boyeff opened the public hearing. Kress presented the request. The application proposes to partially vacate the Mattison Subdivision, a recorded plat of approximately 4.66 acres. The vacation will include nine of the 13 lots in Block 1, a dedicated street right of way, and a dedicated alley right of way. The alleyway and street rights of way do not have to be vacated separately as they are part of the plat. As per Section 8 of the Williston Subdivision Ordinance, Vacation of a Plat of Record, an application to vacate a plat must meet the following conditions:

1). The plat to be vacated is a legal plat of record 2). Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to adjoining properties or utility services or other improvements; 3) Vacation of the subdivision will not be contrary to the Williston Comprehensive Plan

To address these three points:

1) The Mattison Subdivision is a legal plat of record; 2). Vacation of the subdivision will not interfere with development of nor deny access via public thoroughfare to adjoining properties or

utility services or other improvements. The lots proposed to be vacated have not been developed and are under a single ownership; the dedicated street and alley have not been constructed. The vacated portion of this subdivision will be a single large lot, Lot 1R, which will take access from 7th Avenue East within the adjacent Pheasant Crossing Subdivision project. The remaining lots in the Mattison Subdivision, Lots 1-4 of Block 1, which are developed with residences, take access from University Avenue. Block 2, consisting of one lot, will take access from 7th Avenue East within the adjacent Pheasant Crossing Subdivision project; 3). The vacation will not be contrary to the Williston Comprehensive Plan. The plat vacation simply removes the existing lot lines and does not prevent any future development on this site, though none is proposed at this time.

Kress said though this project is a vacation of a recorded plat, the plat is identified as "Lot 1R Rearrangement of Lots 5-13 and Adjacent Vacated Streets and Alleys, Block 1", at the request of the Williams County Recorder and Auditor, as a way to more accurately track the history of the subdivision. After the vacation of the plat, Lots 1-4 of Block 1, which are not a part of the vacation, will have 10 feet added to the rear of the properties resulting from the vacation of the alley adjacent to the rear of these properties. He stated a related entitlement, being considered as a separate project, is the Pheasant Crossing Subdivision adjacent to the east of this project site. Vacation of the Mattison Subdivision will provide additional right of way that's required for 7th Avenue East, a dedicated street within the Pheasant Crossing Subdivision project site that provides access to 42nd Street East.

Kress went on to say no zone change is proposed on this property; the existing zoning is R-1A: Rural Residential. Any future subdivision of the vacated portion of this proposed plat will have to go through the subdivision process.

An ad hoc committee meeting was held and discussed this request. Discussion included the plat vacation process; how access will be provided to the lots in the Mattison Subdivision after the vacation; the connection between this plat vacation and the Pheasant Crossing Subdivision. Ad hoc committee recommend approval contingent on approval of the Pheasant Crossing Subdivision, addressing staff comments, title opinion, and plat recording requirements.

Rick Leuthold of Sanderson Stewart was present at the meeting. He stated that this plat was done in 1953 and no longer coordinates with the development that is happening in the area. Fleck asked if there were existing easements and none were found other than what is showing on the plat. Kress further indicated that there would be a future recommendation that no direct access onto 42nd Street should development takes place.

Boyeff called three times for public comment, hearing none, closed the public hearing. He asked the board for action regarding this request.

MOTION BY BROSTUEN, SECOND BY HAUGEN to recommend to the City Commission approval for the Preliminary Plat for the Rearrangement/vacating of a portion of Mattison Subdivision contingent on approval of the Pheasant Crossing Subdivision, the vacating of lot lines and public right of ways, dedication of 7 feet of right of way along 42nd Street, title opinion, and meeting plat recording requirements. AYES: Fleck, Brostuen, Haugen, Long, Boyeff. NAYS:

None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

3. Preliminary Plat for Rearrangement of Lot 4, Block 4, Bakken Industrial Park Subdivision, City of Williston - Westmoreland Co. Inc.:

Boyeff opened the public hearing. Ressler presented the request. This application requests a rearrangement of Lot 4, Block 4 of the Bakken Industrial Park Subdivision. The original lot is 11.113 acres and the rearrangement proposes 7 lots. Six of those lots would be .87 acres and one would be 5.91 acres. Proposed uses on the smaller 6 lots include various contractors' shops. The larger lot is a proposed site for a FedEx facility.

An ad hoc meeting was held and discussed this request. Discussion included concerns about possible future splits of the lot. The applicant's representative stated that the use on the larger lot would require the use of the entire lot and that there were no plans to further subdivide the smaller lots. There was also discussion about the applicant's plans to house workers on the smaller lot, and it was made clear that there were no provisions for that in the code. Engineering comments included a need for a water and sewer line, and that the reinforcement fabric that would be displaced by this would need to be replaced. Planning is also asking for a non-protest of any future street improvements is required.

Ad hoc recommended approval of the preliminary plat contingent on addressing staff comments, development agreement, and any other required documents.

Charles Camp represented the applicant and was present at the meeting. They will address drainage, water and sewer installation. There would be a joint detention area for all of the lots. Boyeff called three times for public comment, hearing none, he closed the public hearing. He asked the board for action regarding this request.

MOTION BY HAUGEN, SECOND BY FLECK, to recommend to the City Commission approval of the preliminary plat for the Rearrangement of Lot 4, Block 4, Bakken Industrial Park subdivision, contingent on addressing staff comments as presented. AYES: Haugen, Long, Brostuen, Fleck, Boyeff. NAYS: None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED

4. Amendment to the Future Land Use Plan from Residential to Industrial and Proposed Zone Change from A: Agriculture to M-1: Light Industrial for various lots in Sunset and Whitlock Subdivisions and unplatted property in Section 20, T154N R101W, City of Williston -City:

Boyeff opened the public hearing. Ressler presented the request. This application requests to change 14 lots west of 139th Street and east of Schlumberger from A: Agriculture to M-1: Light Industrial. This change would require an amendment to the future land use plan, from Residential to Industrial, which should be included as part of the public hearing for this zone change. An M-1 zoning for this area is consistent with the original Williams County Zoning. The lots were platted as industrial lots while the future land use plan was being completed in 2010. When annexed in July of 2012, they reverted to an agriculture zoning. The re-zoning would allow the lots to be in compliance with the city's M-1 zoning. All existing uses on the properties

are consistent with this zoning.

An ad hoc meeting was held and discussed this request. Discussion included the need to verify notification of neighbors and owners of the affected areas, and the current land uses on the properties. Ad hoc committee recommendation is approval of the zone change. Staff also requests that a recommendation be made to approve an amendment to the future land use plan from Residential to Industrial.

Fred Douglas, adjoining property owner, requested to know when the annexation was done. He also reminded the commission that when Baker Hughes was built, there were promises that truck traffic would not be going north of the area in question. Now, there is a lot of truck traffic and the road is torn up. Douglas requested signage saying no through traffic. Mayor Koeser and Attorney Evert clarified that the sign issue is not something that can be attached to this zone change.

Patrick Wagner, property owner, requested clarification on why there are three 139th Ave/Lane/Roads. He also wanted to know why the north road that runs east-west does not run down the section line to Herman Oil. Boyeff clarified that at this time there are no plans for that. Mr. Wagner also requested to know what he would be allowed to do in the zone. Staff provided him with the City zoning ordinance.

Mr. Douglas requested again to know who would be able to put signs on the roads. Mayor Koeser clarified that it could be taken to the sign committee. Engineer Meiers said that would be possible, but noted that signs do nothing without enforcement. They also clarified that the discussion was about a township road (East-West), which is outside of the city. In addition, Boyeff clarified that this is not part of the zone change public hearing.

Another neighbor stated that when he bought his property three years ago, it was zoned residential (and is still in the area to be re-zoned to rural residential), but he is concerned both about the industrial lots to the south of him and his property values. He is also concerned about the quality of the road. Mr. Douglas added that he would like to know when road improvements will be done. Meiers said that 50% of the property owners in the area would need to petition the city to have street improvements done.

Jarcik reminded those present that the City is only making the zoning consistent with the uses that are already there, and that the discussion of roads and signage are not what is being discussed at the moment.

Neighbors brought up their concerns again, particularly about past rezoning of the area and concern for future re-zoning and whether or not their properties would be compliant. Staff addressed those concerns, noting that the zone changes were based on existing property uses and the zoning in the county when the area was annexed. Boyeff closed the public hearing. He asked the board for action regarding this request.

MOTION BY FLECK, SECOND BY LONG, to recommend to the City Commission approval of the Future Land Use Amendment from Residential to Industrial for various lots in Sunset and Whitlock Subdivisions in Section 20, T154N R101W, City of Williston. AYES: Fleck, Long,

Brostuen, Haugen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

MOTION BY FLECK, SECOND BY BROSTUEN, to recommend to the City Commission approval of the zone change from Agriculture to M-1: Light Industrial for various lots in Sunset and Whitlock Subdivisions in Section 20, T154N R101W, City of Williston. AYES: Brostuen, Fleck, Haugen, Long, Boyeff. NAYS: None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

5. Proposed Zone Change from A: Agriculture to R-1A: Rural Residential for Lots 1-4, Block 2 and Lot 7 Block 1, Sunset Subdivision, City of Williston - City

Boyeff opened the public hearing. Ressler presented the request. The application requests to change 5 lots west of 139th Street from Agriculture to Rural Residential. This change is consistent with the use of both the original Williams County zoning and the future land use plan. When annexed in July of 2012, the lots reverted to an agriculture zoning. The re-zoning process would allow the lots to be in compliance with the city's zoning. All existing uses on the properties are consistent with this zoning.

An ad hoc meeting was held and discussed this request. Discussion included the need to verify notification of neighbors and owners of the affected areas, and the current land uses on the properties. Ad hoc recommended approval of the zone change.

James Bateman, owner of Lot 7, was present and stated he was opposed to the zoning of Residential, because he bought the lot intending to re-zone it to commercial. His real estate agent told him he would be able to rezone the land. Mr. Bateman expressed his frustration about leaving messages with the City after the lots were annexed, but his calls were never returned. Another neighbor stated that they did not think that the surrounding properties were in compliance with a residential zoning. Ressler clarified that the city would be able to enforce regulations and compliance with this re-zone.

Boyeff closed the public hearing. He asked the board for action regarding the request.

MOTION BY LONG, SECOND BY BROSTUEN to recommend to the City Commission approval of the zone change from Agriculture to R-1A: Rural Residential for Lots 1-4, Block 2 and Lot 7, Block 1, Sunset Subdivision, City of Williston. AYES: Long, Brostuen, Fleck, Haugen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

6. Proposed zone change from A: Agriculture to M-2: Heavy Industrial for various Lot(s) 1-5, Morelli Subdivision and Sublot (s) 5, 7, 8, 9 and 14 and unplatted tract(s) in Section 21, T154N R101W, City of Williston - City

Boyeff opened the public hearing. Ressler presented request. The application requests to change 19 lots west of 139th Street from Agriculture to M-2: Heavy Industrial zoning and the future land use plan. This change is consistent with the use of both the original Williams County zoning and the future land use plan. When annexed in July of 2012, the lots reverted back to Agriculture zoning. The re-zoning process would allow the lots to be in compliance with the city's

M-2: Heavy Industrial. All existing uses on the properties are consistent with this zoning.

An ad hoc meeting was held and discussed this request. Discussion included the need to verify notification of neighbors and owners of the affected areas and the current land uses on the properties.

Robert Hanson, adjoining owner, asked if there were weight restrictions on 139th. Engineer Meiers clarified that there are not at this time. Mr. Hanson expressed his concerns that rezoning this would lead to greater and heavier traffic. Ressler stated that this rezoning will not change the uses on the land, but will only change the process owners need to go through for permits and what can be built there.

Patrick Wagner wanted to know if his taxes would change based on the zoning. Staff explained that the use of the property affect taxes to go up or down, not the zoning. Boyeff closed the public hearing. He asked the board for action on this request.

MOTION BY FLECK, SECOND BY BROSTUEN to recommend to the City Commission .approval of the zone change from Agriculture to M-2: Heavy Industrial for various Lot(s) 1-5, Morelli Subdivision and Sublot(s) 5, 7, 8, 9 and 14 and unplatted tract(s) in Section 21, T154N R101W, City of Williston. AYES: Long, Brostuen, Haugen, Fleck, Boyeff. NAYS: None. ABSENT, NOT VOTING: Aafedt, Maristuen, MOTION PASSED

7. Amendment to Ordinance No. 613, Zoning Ordinance - City of Williston, amending Section 25, G: Signs and Section 31: Definitions.

Boyeff opened the public hearing. Kress presented request. The update of the sign regulations in Section 25G of the zoning ordinance is intended to bring these regulations up to date with the types of signs currently in use. Staff discussion has developed several recommendations and clarifications. Signs painted on building walls fall under either the definition of billboard if they are advertising for an off-premises business, commodity, service or entertainment, or a "wall sign" if they are advertising for an on-premises business, commodity, service or entertainment. Historic signs painted on building walls are signs for which the thing they're advertising is no longer in business or available. Staff recommends these signs either be restored or painted over within some reasonable time frame after this ordinance goes into effect. Existing dynamic messaging signs - staff recommends these be brought into compliance with the regulations on dynamic messaging signs in this proposed ordinance within some reasonable time after this ordinance goes into effect. General 9J should read "No sign attached to a building shall protrude above the point of a building with a flat roof, the eave line of a gambrel, gable, or the hip roof of the deck line of a mansard roof, except for roof signs". Messaging 4 H and K: H should be revised to read "Dynamic messaging signs within 150 feet of a residential zone that face the residential zone shall display a static message between the hours of 9:00 pm and 7:00am and K should be deleted. Land Development Signs 2 D: should read "one-fourth of the buildings". Billboards 4 C: Discussion with Kelly Aberle indicates we should keep these heights. Billboards 4 F: Change the maximum area to 340 square feet - 336 is half the industry standard size.

Ad hoc committee briefly reviewed the draft but did not make a recommendation.

Staff received a letter of comments on the draft ordinance from Randy Warner of Great Plains Outdoor Advertising, who was present at the meeting and stated that a sign too small creates a driving hazard from trying to read the sign.

Boyeff called three times for public comment, hearing none, he closed the public hearing. He asked the board for action regarding this request.

MOTION BY BROSTUEN, SECOND BY FLECK to recommend to the City Commission approval of amendment to Section 25G and 31 and any changes recommended by staff at the meeting. AYES: Long, Brostuen, Fleck, Haugen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

COMMITTEE REPORTS: None.

UNFINISHED BUSINESS:

1. Special Permitted Use for towing impound yard for Lot 1, Sowitch Plat & West of Lot 7, Hillcrest Subdivision - Chaney:

There is no new information on this.

MOTION BY FLECK, SECOND BY LONG to table this item. MOTION CARRIED ON VOICE VOTE.

2. Proposed Zone Change from M-1: Light Industrial to C-2: General Commercial for two (2) unplatted properties located in the SW1/4Sw1/4, Section 1, T154N R101W and Block 1 & 2 Sawvell Subdivision (containing 2+ acres)-Christianson/Bradley:

There is no new information on this.

MOTION BY FLECK, SECOND BY LONG to table this item. MOTION CARRIED ON VOICE VOTE.

NEW BUSINESS:

1. Special Permitted Use to allow a Freestanding Restaurant in the M-1 District for unplatted property in Section 2, T154N R101W, Outlot 1 - City of Williston - Stenson:

Kress presented request. The application requests a special permitted use for a restaurant in the M-1: Light Industrial zone for Lonnie's Roadhouse, to be located on the same property as the Exxon truck stop at 42nd Street West and Highway 2/85. The owner is proposing to relocate the restaurant to a new, separate building on the same lot. The vacated space at the truck stop will be converted to additional convenience store uses. The restaurant will take access from 42nd Street to the south, a dedicated public street. Section 25 (H)(4) of the Williston zoning ordinance requires one parking space per four patron seats or one space per 100 square feet of gross floor area, whichever is greater, plus one space per employee on the largest shift. The site plan depicts 48 parking spaces, which would be sufficient.

An ad hoc committee meeting was held and discussed this request. Discussion included the location and type of garbage facility for the restaurant; all areas of the entire lot that are used for parking or storage of vehicles must be paved with asphalt or concrete; parking spaces for all uses of the convenience store plus truck parking must be designated on the site plan; NDDOT has considered a reconfiguration of the frontage road along Hwy 2/85 to curve to the west through part of the truck stop property, which could impact the location of the fuel pump canopy. Ad hoc recommendation is approval of the proposed SPU contingent on parking and paving plan and addressing staff comments.

Rick Tofte explained the project.

Michael Maddox of NDDOT was present at the meeting and expressed concerns about the location of future diesel pumps as the DOT may reconfigure the frontage road and relocate accesses. Trucks pulling on and off the frontage road limits access, traffic stacking concerns. Possible NDDOT plans may interfere with the plans of Lonnie's. Meiers asked if the parking demands have been properly reviewed. Kress said the site plan was designed by Rick Tofte. Meiers further commented about the signals & the left hand turn. Long asked about garbage. Tofte said a compactor will be installed. There was clarification that entire property parking lot must be paved, not only the required parking for the restaurant.

MOTION BY FLECK, SECOND BY HAUGEN to approve the SPU for a Freestanding Restaurant in the M-1 District for unplatted property in Section 2, T154N R101W, Outlot 1, City of Williston, contingent on approved site plan by staff, follows code for paving and parking requirements for the entire property. AYES: Brostuen, Haugen, Long, Boyeff. NAYS: None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

2. Special Permitted Use Application for Non-Standard Sign(s) located on Lot 1, Block 1, Sloulin Field-Walmart Rearrangement, City of Williston – Cynergy/Walmart:

Ressler presented request. This application requests to permit more signs of a greater area than is allowed in the Williston Zoning Ordinance at the Walmart location off Hwy 2/85. The requested signage is a reduction in square footage and total signs from what are currently on site. Currently there are 21 signs that total 1008.4 square feet. The proposed signage would consist of 10 signs that total 564.93 square feet.

An ad hoc committee meeting was held and discussed this request. Discussion included that because there was no actual permit registered with the city for the original signage; staff felt it should be brought under the review process. Recommendation was to approve the SPU for oversize signs at the Walmart location, Lot 1 EX N 14.5' of E315' and EX N7' of W 905.84' Block 1 Sloulin Field Walmart Rearrangement.

Fleck clarified that the motion should be to approve non-standard signs as presented, rather than simply allowing oversize signs at the location.

MOTION BY BROSTUEN, SECOND BY LONG to approve the SPU for non-standard sign permit(s) for (10) oversized signs totaling 564.93 square feet at the Walmart location, Block 1, Sloulin Field Walmart Rearrangement. AYES: Fleck, Long, Haugen, Brostuen, Boyeff. NAYS:

None. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

3. Request to reduce parking requirements for Ebel Integrators (2407 2nd Avenue West) - Schneider/Ebel:

Kress presented the request. This application requests the reduction in the parking requirement for property at 2407 2nd Avenue West, the expansion (1,550 square feet of office; 1,650 square feet of shop space) will be enlarged to a 12,380 square foot building (6,380 SF of office space; 6,000 SF of shop space). The business takes access from the frontage road to US Hwy 2/85 to the east. Section 25(H) of the zoning ordinance states "if it can be demonstrated by the property owner through market studies or other means that the required off-street parking is excessive and a lesser requirement justifiable, the Planning Commission may consider reducing the number of required spaces". Pursuant to the parking requirements in the zoning ordinance, 45 spaces are required based on the square footage of the building and number of employees of the enlarged building. The applicant is requesting a reduction to 25 spaces, based on the following reasons:

The area on the lot needed to satisfy the parking requirement of 45 spaces will eliminate an area used for outdoor storage; Ebel Integrators will no longer have a retail component; The 25 spaces will provide parking for the 19 full time office employees plus six additional visitor parking spaces. A building permit has been issued for the expansion of the building based on a site plan which depicts all of the required parking accommodated on site (45 spaces).

An ad hoc committee met and discussed this request. Discussion included how parking is calculated for different uses on the property, 2 office trailers on the property will be removed and the employees that have been in these trailers will be moved into the main building; how the area in front of the main building is and will be used for parking; the frontage road is often excessively used for parking; the applicant must supply market studies or other documentation as required by the zoning ordinance to support his request for reduced parking. Ad hoc recommendation was that the request be heard by the full Planning and Zoning Commission including review of the applicant's supporting documentation for the reduced parking request.

The applicant was present at the meeting, as well as Mark Schneider of SBL who represented the applicant and provided documentation of the parking requirements for Minot, Bismarck and Dickinson ordinances. They could meet 36 of the 45 required parking spaces but 5 vehicles would have to park in front of the shop area. Being unable to park in front of the shop would drop the parking spaces to 28. By the 3 other city zoning ordinances requirements, they would be able to meet those - being 26 spaces by the Bismarck ordinance, 20 per the Minot ordinance, and 22 by the Dickinson ordinance. The intent is to have storage in the back, which is needed. Another alternative would be to have 5 parking spaces inside the shop for the company vehicles. However, per Donald Kress, those 5 spaces would not be recognized by the ordinance and therefore, not considered a parking spot, as described by the ordinance as being "dedicated". Planning staff pointed out that the site plan turned into the building department showed 45 spaces on the plan that could be accommodated by using the back lot.

MOTION BY HAUGEN, SECOND BY LONG to deny the request for reduced parking, which

could be appealed to the City Commission or the applicant, can come back with another proposal. AYES: Brostuen Haugen, Long, Boyeff. NAYS: Fleck. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

4. Review Final Plat for Lazy E Subdivision - Ellis:

Kress presented the request. On May 7, 2012, the City Commission approved the Future Land Use Amendment and Zone Change from Agriculture to Rural Estate and preliminary plat contingent on a mines disclaimer, development agreement, water/sewer plan, buffering, title opinion and road agreement relating to Grandview Drive/28th Street NE. A non-protest of future annexation is also required. However, no development agreement will be required as the road standards in the township and buffering were conditions of the process, and city water and sewer are not being extended. Park dedication fee will be required at the time of building permit. At this time, the title opinion has been submitted, a disclaimer regarding the presence of mines is shown on the final plat, the road agreement relating to Grandview Drive, which is necessary to provide access to 28th Street NE within the plat has not been finalized. Recommendation is to forward an approval contingent on non-protest of future annexation, road agreement relating to Grandview Drive, addressing City Engineer's comments, final plat review by staff and any necessary survey corrections.

Scott Ellis was present at the meeting and stated that he is working on the road agreement with the property owner (26th St NE); he had not been informed of the hold harmless agreement until this meeting, they have addressed all staff comments, and said there will be covenants.

There was discussion about an unbuildable lot on Lot 20, and how access to it is necessary. It was determined that it would probably be an open space, with a possible walking path. In addition, staff and commission decided that access needed to be restricted from County Road 9 onto Lot 20.

MOTION BY LONG, SECOND BY FLECK to recommend to the City Commission approval of the final plat for Lazy E Subdivision contingent on staff comments, add plat note that there will be no access from Lot 20 to County Road 9, hold harmless agreement relating to the city landfill, hold harmless agreement relating to any truck route use or improvements required, agreement on Grandview Drive, and non-protest of future annexation agreement. AYES: Brostuen, Long, Fleck, Boyeff. NAYS: None. ABSTAIN: Haugen. ABSENT, NOT VOTING: Aafedt, Maristuen. MOTION PASSED.

DATE OF NEXT MEETING: Next meeting will be on December 17, 2012. Meeting adjourned at 10:00 pm.

Kent Jarcik, City Planner