

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON DECEMBER 16, 2013 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

President Boyeff called the meeting to order at 5:30pm. Roll Call was taken. A Quorum was present.

MEMBERS PRESENT: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff.

MEMBERS ABSENT:

(Brostuen seat empty, appointed to City Commission).

OTHERS PRESENT: Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Staff Planner; Elaine Sinness, Assistant Planner; Nick Vasuthasawat, Code Compliance Coordinator; Christine Edwards (Administrative Assistant); James Leahy, Building Dept.; Monte Meiers, Engineering; Jordan Evert, Assist. City Attorney; Chris Brostuen, City Commissioner; and, Ward Koeser, President of City Commission.

DISPOSITION OF MINUTES:

1. Minutes were approved for October 21, 2013 regular meeting as presented. MOTION BY AAFEDT, SECOND BY MARISTUEN. MOTION CARRIED ON VOICE VOTE.
2. Minutes were approved for November 4, 2013 special North Star meeting as presented. MOTION BY FLECK, SECOND BY MARISTUEN. MOTION CARRIED ON VOICE VOTE.

COMMUNICATION:

1. Recognition of Elaine Sinness – Mayor Ward Koeser and P&Z Commission Chair, Glenn Boyeff presented Elaine with a plaque commemorating nearly 25 years of service to the City of Williston and wished her well on her retirement.

PUBLIC HEARINGS:

Boyeff began the public hearings by informing the audience that agenda item #4, a rearrangement of Lots 4 & 5, Block 1 of Hi-Land Heights 2nd will be tabled and not heard at this meeting.

1. Preliminary plat, to be known as Hawkeye Village Subdivision; proposed zone change from A: Agricultural to R-1: Single-Family Residential, R-2: Single- and Two-Family Residential and Twinhome, R-4: High-Rise Multi-Family Residential, C-2: General Commercial, and P: Parks and Open Space; and an amendment to the future land use map to allow commercial and high-rise residential land use, located in the SE ¼ of Section 16, T154N, R101W--Bakken Housing Company, LLC /Hagan Family Partnership LLLP and American State Bank

Boyeff introduces the first public hearing (as above) and asks Kress to introduce this item. Kress begins by stating that the applicant, Bakken Housing Company LLC, proposes a 160-acre development in the southeast quarter of Section 16, T154N, R101W. Section 16 was recently

annexed into the city. Kress points out the area in question on a map for informational purposes. The proposed development includes:

- 13.34 acres zoned R-1: Single-Family Residential (39 lots)
- 41.5 acres zoned R-2: Single-Family, Two-Family, and Twinhome Residential (153 lots);
- 11.5 acres zoned R-3: Townhouse and Low-Rise Multifamily Residential (1 lot);
- 13.1 acres zoned R-4: High-Rise Multifamily Residential (1 lot);
- 30.4 acres zoned C-2: General Commercial (7 lots);
- 177.2 acres zone P: Parks and Open Space

Kress says that the project will take access from 32nd Avenue West (currently under construction), 11th Street West, and 26th Street West. Project sewers mains will connect to existing sewer mains in 32nd Avenue West; project water mains will connect to existing water mains in 32nd Avenue West. Kress explains that an amendment to the future land use plan from Low/Medium Density Residential to Commercial for 30.4 acres and from Low/Medium Density Residential to High Density Residential for 13.1 acres is required to accommodate the proposed commercial development and high-rise multifamily development.

Kress talks about the extensive traffic analysis was done on this project, with the applicant's traffic study being reviewed by the Planning and Engineering Departments, the North Dakota Department of Transportation, and SRF, Inc., the city's traffic consultant. Some of the results of that traffic study analysis are: Limiting direct access for lots that face 32nd Avenue West; Requiring the commercial lots to be accessed by reciprocal access easements within the project rather than having the commercial lots directly access 32nd Avenue West or 11th Street West; Future extension of 11th Street West across currently undeveloped property (known as the "Hagan-Slingsby property) to connect to Highway 2/85 west bypass (West Dakota Parkway); and, Streets within the project are configured to connect with future extensions of Bison Drive and 23rd Street West.

Review of this project also included a land use plan for the full Section 16, to insure that this section is developed largely with single-family lots as was intended when this section was annexed. City staff has worked with the property owners and the developer to create this plan, although approval of this plan was not before the Commission at this time.

Kress detailed the issues and discussion of the ad hoc meeting held on December 16, 2014.

- Existing Overhead Powerline: There is an existing overhead powerline that traverses the project site. The area within the powerline easement cannot be platted until the powerline is relocated.
- Greenspace along the major streets: Neither the city nor the Parks Department will accept dedication of narrow greenspace lots along the streets. These lots need to be maintained by a homeowners association (HOA) or, preferably, eliminated.
- Proposed substation adjacent to the project site: A proposed electrical substation adjacent to the west of the project site is in line with the current route of Union Street. The applicant is in discussion with the electrical utility (MDU) to relocate this substation.
- Easement to the proposed substation site: The 50-foot wide access easement from WHERE to the propose substation location must be maintained. The city engineer suggested this be made into a street.
- Water and sewer hookups for the R-4 zoned area: The city engineer stated that water and sewer hookups for this area will be sufficient as the water and sewer within this area are part of a private system.
- Right of way along Bison Drive and 32nd Avenue: In response to a Commissioner's question, the city engineer stated that there was sufficient right of way along Bison Drive and 32nd Avenue to allow for a future signal or roundabout.
- Bike path: The 10-foot wide bike path along 32nd Avenue must be continued with this project.

- Street Identification: Streets to be numbered consistent with the city's street numbering pattern.

Kress states that the ad hoc recommendation was to approve the preliminary plat, the zone change from A: Agricultural to R-1: Single-Family Residential; R-2: Single-Family, Two-Family, and Twinhome Residential; R-3: Townhouse and Low-Rise Multifamily Residential; R-4: High-Rise Multifamily Residential; C-2: General Commercial; P: Parks and Open Space, and the amendment to the future land use plan from plan from Low/Medium Density Residential to Commercial for 30.4 acres and from Low/Medium Density Residential to High Density Residential for 13.1 acres for SE ¼ Sec. 16, T154N, R101W, City of Williston.

Kress introduces John Sessions of Bakken Housing Company, LLC to make a presentation. Sessions begins by stating that the developers and Hagan family thought that an important part of this project, for Williston, was to preserve the coulee for future generation. Between one-quarter and one-third of this land will be set aside then for parks area and for the coulee. Sessions states that the other opportunity they saw in this project was to create a transition from the Sand Creek Development of retail shopping into multi-use and neighborhoods. Sessions indicates that they engaged a marketing firm to help determine what they thought Williston would require in the 7-year build-out of this parcel and believes that the land uses proposed mirror those expectations.

Sessions says that the first part of this proposed development would be the R-4 development of apartment buildings with gradual work into the single and two family housing. Sessions makes a brief explanation of the proposed lay out of the development. The park off of 32nd St. has been planned, with the Williston Parks Department, to be primarily an open field with parking to access the head of a trail system. Sessions indicates that they are against reciprocal easements as they have no real idea what retailers will be attract and feels that until you get that grouping together they would hate to draw those and just come back and have them changed again. Sessions says that the other condition that they would like further discussion on is the requirement that they create a corridor connection of 11th St. to W. Dakota Parkway. Sessions says that the Hagan Family understands the future need of this but they would as that it be studied in detail and have the city propose something. East-west corridor will define the character of several hundred acres therefore they would like enough time taken to do this right from the beginning. Sessions would ask the City to "decouple" these issues knowing that there is discussion still going on between city and Hagans. If the City required this to be adopted, we couldn't build anything in 2014. Traffic study does not require in the seven year build out that the 11th Street corridor be built. Sessions ends his presentation. Boyeff asks if there is anyone in the audience that would like have input on this development. Hearing none he asks Kress back to the podium to discuss this 11th St. connection issue.

Kress explains 11th street is really more something that ties to the future land use amendment and cited comprehensive plan standards 3C, which is how this ends up in the motion. Planning would propose leaving the wording as is but agree to agree—understanding between developer, property owner, and city—when development gets to a point that the roads become over taxed, City have the option to have the 11th corridor. Kress states, "the idea is not to get us a corridor tomorrow, but continue the conversation". It is mentioned in the traffic study as part of the overall connectivity of the Section. Boyeff asked Jarcik about his proposed wording for this matter. Jarcik states that we want to make sure alternative connectivity is provided in future. With the timeline for need being unknown it should be understood/agreed that when intensity of the build out shows that the roads are failing, the City will need new roads. Aafedt voices concern about the format of the agreement and whether or not the City is asking for and easement right away. Kress responds the City doesn't have a format now but recognizes that this ROW will eventually be needed and that although they have not specified that a certain

width of ROW by a certain date, the developer and property owners must understand that this will come up in the future and agree to ongoing discussion toward that end.

Boyeff asks Meier's about any discussion with City engineering about some ROW accesses across the Hagan property. Meier's states that yes they will look at phase 2 of 11th street signal. The City will have to do something with 11th at least through the bridge. The city needs to look at some type of ROW agreement with the Hagan family just like we did for 32nd Avenue and make a development agreement with them. Dr. Hagan interjected that the family would be open to talk about the discussion of extending through to 32nd. They would like to have the city come up with some plans and add that while discussion is open, it is not actively discussing it. Dr. Hagan believed that any agreement would have to be between the city and the Hagan family and not with Bakken Housing and the city as some of the land is in a different section. Sessions adds that they would have a problem with going forward with finance if there is a condition of such magnitude and that they take "umbrage" at any necessity to require ROW after the plat is recorded. Commissioner Haugen questions the access to this development with neither Bison nor 11th St. is not yet built across. Sessions asks their traffic consultant, Scott Israelson to address this. Israelson confirms that 26th St. is currently the only east-west access as of right now. Within the next 7 years of building this will work fine, after full build out however access becomes an issue without an extended Bison Drive and/or 11th St. Boyeff discusses that P&Z is asking, and acknowledges that the Hagan family understands and agrees, that at some point 11th St. and/or Bison Drive will have to be extended to handle the density on the west side. Boyeff questions tying this all together and states that some understanding, maybe through further discussion with the Hagan family, could be made as to if it should this be tied to the preliminary plat or how this would work? Boyeff states the understanding of Dr. Hagan's concern that we need a plan to maintain the integrity of the land—street system going through that valley. How do you tie Bakken Housing to the Hagan family? Staff could work something out with the city commission? Boyeff directs this conversation to City Attorney Evert. Evert states he doesn't know if you could approve it without that condition and leave it for the city commission to see if there could be some form of agreement. From the city's position, we'd like to see some lines drawn on the Hagan property. It's in the city's best interest to see that ROW there. Evert's suggestion is to make the motion without that language in the motion, and then have staff present it at the city commission and in the meantime try to work something out.

Sessions suggests that in addition to encouragement between this meeting and the next City commission that the parties go on record as asking the corridor discussion to be completed before any more of Section 16 is developed. Kress adds that it's the development of this area that's triggering the need to have the connectivity with the rest of the city. Since section 16 has been annexed and the development has been proposed, that's what's triggering the need for this connectivity; it's the developer's proposed development. Kress asked Jarcik for comment. Jarcik would be more comfortable with the city attorney's suggestion. Evert again suggests that the motion exclude the language and work diligently before the next city commission to get an agreement then if we don't then the city commission can make the decision whether to reinstate that conditional language. Suggesting a broad language that an ROW needs to be in place however, the City would not touch that until it was an absolute necessity to have that flow of traffic. Evert suggests that this is the best option to allow this project to continue moving forward. Dr. Hagan stated that he would be open to Evert's suggestion and feels that any extension of these roadways in consideration of Section 15 and Parks and Open spaces will take a significant amount of time. Hagan is concerned whether giving a one month time-line on this matter will be enough time to come up with an appropriate design for 11th St., reminding the commission that there are no set requirements as yet as to required road widths and such.

Meiers states that he likes what attorney Evert suggested and turned his attention to Dr. Hagan. Meiers states that the Planning Department is being proactive rather than being forced into a reactive state down the line. He says he believes that this can be done with a broad framework without having to figure out all the details now; he also believes that this can be done in a month's time. Boyeff interjects that he also likes the broader term, "at the time that traffic fails", the Hagan family will work with the City of Williston will provide that ROW. Dr. Hagan states that the family is ok with the part of Bison Drive that would affect them and are only skeptical of making an agreement now for the possible future of 11th St. as it affects much more of their property than this development but assures that they are open to the discussion.

Boyeff asks for the third time if there is any public input on this matter and closes the public hearing. Kress explains required motions. Boyeff asks for the wishes of the board.

MOTION BY HAUGEN, SECOND BY FLECK, to approve the amendment to the future land use map from of Low/Medium Density Residential to Commercial for 30.4 acres and from Low/Medium Density Residential to High Density Residential for 13.1 acres, contingent on the amendment not becoming effective until the final plat records. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY AAFEDT, SECOND BY LONG, to approve the zone change from A:Agricultural to R-1: Single-Family Residential; R-2: Single-Family, Two-Family, and Twinhome Residential; R-3: Townhouse and Low-Rise Multifamily Residential; R-4: High-Rise Multifamily Residential; C-2: General Commercial; P: Parks and Open Space, contingent on the zone changes not becoming effective until the final plat records. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY AAFEDT, SECOND BY MARISTUEN, to approve the preliminary plat for the southeast quarter of Section 16, T154N, R101W, contingent on a Standard development agreement with project-specific amendments; Elimination of individual greenspace lots along streets; and addressing all staff comments. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

2. Preliminary plat, to be known as Spring Lake Subdivision, Proposed zone change from A: Agricultural to C-2, R-3 and a preliminary plat for a parcel of land located in the NW1/4 SW1/4 and SW1/4 W1/2 of Sec. 1, T154N, R101W and Lots 1 and 2, Wright Subdivision, (east of U.S. Hwy 2/85, between 45th St. and the Fairgrounds Road), City of Williston – CM Arctic Investments, LLC

Boyeff introduced the second public hearing (as above) and asks Kress to present. Kress begins that this matter will still be presented as public hearing but will ultimately be requested to be tabled. Kress explains that at the special ad hoc and traffic study meeting held on December 6, 2013, the applicant was directed to revise the traffic study to support the applicant's position that a signalized intersection at U.S. Hwy 2/85 and 45th St. is warranted, and to provide a geometric design of this intersection and implementation plan for the City and NDDOT. Kress states that the applicant has revised this traffic study but has not been able to get the revised study to the City for review prior to this meeting. Applicant states new traffic study will be provided by Friday, December 20, 2013.

Kress begins, the applicant, CM Arctic Investments LLC, proposes an 82.25-acre development in a portion of Section 1, T154N, R101W. The proposed development includes: 30.25 acres zoned R-3: Townhouse and Low-Rise Multifamily Residential; 37.76 acres zoned C-2: General Commercial; and, 6.9 acres zoned P: Parks and Open Space.

The project will take access from University Avenue (currently under construction), which borders the project site on the east; and from U.S. Highway 2/85. The proposed access is to be 45th Street, which will then be improved, at the developer's expense, along the southerly boundary of the property up to University Avenue. Project sewers mains will connect to sewer mains in University Avenue; project water mains will connect to water mains in University Avenue.

The 6.9 acres of parks are not identified as zoned P: Parks and Open Space, on the current zoning exhibit, but planning staff has recommended that these areas be so zoned. The applicant shall provide documentation from the Williston Parks and Recreation Department verifying that department will accept, own, and maintain any park land proposed to be dedicated.

Extensive traffic analysis was done on this project, with the applicant's traffic study being reviewed by the Planning and Engineering Departments, the North Dakota Department of Transportation, and SRF, Inc., the city's traffic consultant. Kress points out that these are summarized in fact sheet included in the commissioner's packets. Some items discussed at ad hoc were: Senior Housing; Height limit of the R-3 zone; Groundwater; and, Traffic Study/Access.

Kress states that the City is generally in favor of the proposed zoning of this project but question the connectivity and continuity for the benefit of both the City and the applicant. Kress then introduces Rick Leuthold and DJ Clark of Sanderson Stewart for a presentation on this proposal.

Leuthold begins by stating that coming out of the ad hoc meeting, as Kress had stated, the subdivision itself was not in question and pointed out some of the highlights of the subdivision: motel sites; town-homes; commercial and office space; and, the out-lying topographic areas including Chinaman's Coulee and a possible pedestrian/bike path connection to the north. In addressing the traffic flow Leuthold says the main question coming out of the ad hoc meeting was whether this project would generate enough traffic to warrant the need for a traffic control signal from 45th onto Hwy 2/85. The traffic study shows that loading Hwy 2 with more traffic would require some signalization. The issue with the proximity to the traffic signal at 42nd Street depends on whether you look at this as a rural area or an urbanized area, pointing out that the area is quickly becoming urbanized where the addition of a traffic signal at 45th Street is acceptable.

DJ Clark takes the podium to discuss the traffic study. Clark states that along Hwy 2 there is an issue in that there are frontage roads in close proximity to the highway where filtering the frontage road traffic onto the highway causes traffic to back up and the intersection to become congested. Clark says that one of the best ideas is to close at least part of the frontage road and re-route the traffic. Their proposed route was explained to lead traffic off the frontage road, away from the highway and through the subdivision running north and south, re-connecting with the frontage road on the north side of the subdivision. Discussion was had about possible medians and right-in-right-out accesses. Leuthold closes by stating that they are aware of all requirements and recommendations of the City and believes that they can all be accommodated and further expresses some conversation they are in the process of regarding some ROWs and

surrounding property owners. Leuthold adds that they would like to be able to start this project in the spring so would like the commission to consider options to allow this to move forward in light of the traffic issues. Further discussion is had about the traffic study with the engineering department as well as DOT and about the pedestrian trails in connection with the Parks Department master plan.

Mike Zeuther with Power Fuels which operates in the area in question states his concern for adding a traffic light at the 45th Street intersection in that it would be problematic to moving his semi-truck traffic between the 42nd St. light and the one proposed here. He voices concern for turning his trucks on and off the highway with all other truck traffic and having to shut down twice in a short distance. Zeuther feels that this will only cause more congestion on the highway. Secondly, Zeuther lives just to the north of the proposed subdivision on 49th St. and worries that additional traffic above the subdivision would be detrimental to the residential traffic in his neighborhood stating the street is narrow and residents now struggle to get out of their driveways. Meiers states that engineering is aware of the issues on 49th St. and the need to realign the street and make improvements to it. Meiers states that this is addressed in their comments on this project.

Boyeff called three times for public comment, hearing none he closed the public hearing. Kress asks the Commission to table this issue and consider having a special meeting on Monday, January 13, 2014, on this matter if the traffic study is provided, reviewed and accepted by the DOT.

MOTION BY HAUGEN, SECOND BY LONG, to table this matter to a later date. MOTION CARRIED ON ROLL CALL VOTE.

Boyeff then asks for a motion to hear this matter at a special meeting on January 13, 2013. Discussion is had concerning commissioners availability for that date and that if a quorum is not available or the traffic study has not been approved by that time the proposed special meeting will not be held and this matter will be added to the regular meeting agenda January 27, 2014.

MOTION BY AAFEDT, SECOND BY LONG, to hold a special meeting on the Spring Lake Village Subdivision for Monday, January 13, 2014. MOTION CARRIED ON ROLL CALL VOTE.

3. Preliminary plat, to be known as Cottonwood Subdivision, Government Lot 4, Section 2, T154N, R101W (east of 16th Avenue West and north of Springbrook Mobile Home Court), City of Williston – Dennis D. and Kimberly A. Visser

Boyeff introduces the third public hearing (as above) and asks Kress to present.

Kress begins by pointing out the area in question on a map and points out the location of the applicant's house and states that they wish to subdivide the area below the residence. Kress indicates that a large area of this property is on a flood plain. The applicants propose a subdivision of 7.72 acres into two lots. The boundary between two lots runs along the approximate centerline of Chinaman's Coulee. There is an existing single-family residence on Lot 1, which currently takes access from 16th Street West.

An ad hoc meeting was held on December 2, 2013 to discuss the proposal. Discussion at the ad hoc meeting included:

- Access to water and sewer: This project site does not have access to public water and sewer, and none will be available in the immediate future.

- Access for Lot 2: Due to the slope of the land, it is not clear how Lot 2 could take access from 16th Avenue West.
- Character of the site: Planning staff contends that if Lot 2 were created, it would be not able to be developed due to the slope of the land, the extent of the flood plain, and the lack of access to water, sewer and public roads.
- Site topography: The city engineer stated that a more detailed topographic map would allow a more detailed analysis of whether the site could be developed.

Planning Department feels that if the second lot were to be created it would be undevelopable. Kress indicates that the ad hoc felt there were too many issues with this project to be able to make a recommendation; however, planning staff recommends denial of this application.

Boyeff asks if there is a representative present to speak in this, none. Boyeff asked three times for any input from the audience, hearing none he closed the public hearing and asked for the wishes of the board.

MOTION BY LONG, SECOND BY HAUGEN, to recommend to the City Commission denial of the plat submitted by Dennis and Kimberly Visser for Government Lot 4, Section 2, T154N, R101W (east of 16th Avenue West and north of Springbrook Mobile Home Court), City of Williston. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Rearrangement of Lots 4 and 5, Block 1, Highland Heights 2nd Subdivision, City of Williston – Jay Mikolinski

As stated at the beginning of the Public Hearings, this item was tabled and not heard or discussed at this meeting. No action was taken.

MOTION BY MARISTUEN, SECOND BY LONG, to table this item. MOTION CARRIED ON ROLL CALL VOTE

5. Rearrangement of Lots 1R, 2R and 3R, Block 1 and Lots 1-4, Block 2 of Chandler Field Subdivision, City of Williston – North by Northwest Investors

Boyeff introduces public hearing number 5 (as above) and asks Kress to present. Kress depicts the area included in this application on a map. The applicant, North By Northwest Investors, are the original developers of Chandler Field and now proposes a rearrangement of Lots 1R, 2R and 3R, Block 1 and Lots 1-4, Block 2, Chandler Field Subdivision to create 16 lots. The project site is zoned C-2: General Commercial. No zone change is proposed. Kress explains that the lots to the west of Chandler Boulevard will take access from a reciprocal access easement that runs between Chandler Boulevard and Chandler Loop West, with Lot 5 taking access from a reciprocal access easement that runs north through Lot 5. No lots on the west side of Chandler Boulevard will take access directly from Chandler Boulevard, Chandler Loop South, Chandler Loop West, or U.S. Highway 2/85. Kress adds that the lots to the east of Chandler Boulevard will take access from reciprocal access easements that take access from Chandler Boulevard and Chandler Loop South. None of these lots will take direct access from Chandler Boulevard or Chandler Loop South.

Kress states that discussion at the December 2, 2013 ad hoc meeting included;

- Intersection of Chandler Boulevard and the access easement that runs to the west: This intersection is configured to line up with the driveway to the Holiday convenience store on the east side of Chandler Boulevard. The city engineer recommended not relocating the access

easement to off-set this intersection, but noted that the distance from this intersection to the Chandler Boulevard stoplight on Highway 2/85 is short.

- Easement abandonment: There are numerous easements that need to be abandoned. These abandonments must be noted on the plat. In addition, separate easement vacation documents for each easement must be created and recorded.
- Design standards: The Planning Department's standard commercial design criteria will be included in the development agreement.

Ad hoc would recommend approval to the City Commission of the rearrangement of Lots 1R, 2R and 3R, Block 1 and Lots 1-4, Block 2, Chandler Field Subdivision, contingent on: Development agreement with project-specific amendments; Addressing all staff comments; and, any necessary amendments to the existing Chandler Field Subdivision development agreement. Kress clarified that there is an existing development agreement for Chandler Field and that anything new that is brought about by this rearrangement will simply be an amendment to the original DA.

Eric Schmela, representing North by Northwest Investment addressed the Commission, and states that they will encourage any future property owners to make access roads on the west side as they have on one the east side. Discussion is had about access to lots of the highway in absence of a frontage road. The access drive through Chandler Boulevard is pointed out.

Boyeff calls for any public comment, after three calls and hearing no comment the public hearing is closed and Boyeff asks for the wishes of the commission.

MOTION BY FLECK, SECOND BY AAFEDT, to recommend to approval of Rearrangement of Lots 1R, 2R and 3R, Block 1 and Lots 1-4, Block 2 of Chandler Field Subdivision, City of Williston, contingent upon the Development Agreement, addressing all staff comments and any necessary amendments to the existing Chandler Field Subdivision development agreement. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

6. Rearrangement of Lot 1, Block 1, Bakken Industrial Park, City of Williston – Advanced Engineering and Environmental Solutions/Bakken Park, LLC

Boyeff introduces public hearing number 6 (as above) and asks Kress to present. Kress begins by stating that the applicant proposes a subdivision of the existing lot that the Value Place motel is on to create two additional lots on the north side of the motel for commercial development. These lots will not take access directly from Well Street, but from the existing driveway from Well Street into the Value Place motel. There will be an easement created to access these two new lots.

Kress states that the project site is served by city water and sewer. No development agreement is required. However, development on the two new lots must meet all zoning ordinance requirements, including parking, landscaping, and parking lot screening.

Ad hoc held on December 2, 2013 had the following items of discussion:

- How parking will be affected: Staff to verify that the proposed two additional lots do not reduce the area required for parking for the Value Place motel. The area of the proposed lots is not currently used as parking by the Value Place Motel.
- Drainage easement: The city engineer stated the drainage easement on the east side of the project site needs a more accurate description.
- History of this project site: Staff reviewed documentation for this project site (Lot 1, Block 1, Bakken Industrial Park Subdivision) and determined that it had not been previously subdivided.

Recommendation of the ad hoc committee was to approve the application contingent on staff comments. Representative of AE2S, Bill Moonen, was available for questions. Boyeff calls for public input and after three times, hearing no public comment, closes the public hearing and asks for the wishes of the board.

MOTION BY LONG, SECOND BY AAFEDT, to recommend to approval of Rearrangement of Lot 1, Block 1, Bakken Industrial Park, City of Williston, contingent on addressing all staff comments. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

7. Rearrangement of Lot 2, Block 1, Whitlock Industrial Park, City of Williston – Craig Whitlock

Boyeff introduces public hearing number 7 (as above) and asks Ressler to present.

Ressler points out on the map the location of this and explains that this preliminary plat is a re-application. A preliminary plat was brought in earlier this year for this property, but was withdrawn, after approval by the City Commission and Planning and Zoning Commission. This is a re-submittal, with a different lot configuration. Ressler describes the proposal; the current lot configuration consists of 5 lots. Lot 1R contains the existing Landmark Hotel and is 2.76 acres. Lot 2 R is 1.31 acres, Lot 3R is 1.79 acres, Lot 4R is 1.37 acres, and Lot 5R is 1.27 acres. Lots 2 R and 3R have access to 139th Lane, though the only access into the subdivision will be over 300 feet from the intersection of 139th Lane and Hwy 2/85, due to concerns about traffic stacking. Reciprocal access and utility easements have been shown on the plat in order to provide access to the rest of the lots, per City Ordinance 948. These will be private accesses.

Ressler explains that there is a 50' utility easement on the south side of the proposed subdivision that is proposed to be abandoned with this plat. An adjacent 30' along the southern lot lines will be given to a utility easement. There is also a 65' storm water retention pond easement on the eastern edge of the subdivision to address drainage on the site. A 15' utility easement is located along the western edge of the subdivision.

Ressler adds that a development agreement does not appear necessary for this plat, as the water, sewer, and access roads are already installed. All other development standards will be required to be met at the time of building. Ressler states that ad hoc, committee members discussed reiterating a requirement for a restaurant on this location, which was a provision of changing the zoning to C-2 over a year ago. In addition, all fire department needs will need to be met with appropriate hydrant locations and large enough accesses.

Ad hoc recommendation was to approve the preliminary plat for the rearrangement of Lot 2, Block 1, Whitlock Subdivision, contingent on properly abandoning the 50' utility easement proposed to be abandoned, Lot 1R fully containing all parking required by the existing hotel, any separate reciprocal access easements filed following Ordinance 948, and addressing all staff comments.

Discussion is had on the easement locations and widths. Boyeff asks three times for public input, hearing none the closes the public hearing and ask for the wishes of the board.

MOTION BY AAFEDT, SECOND BY FLECK, to recommend to approval of Rearrangement of Lot 2, Block 1, Whitlock Industrial Park, City of Williston, contingent on properly abandoning the

50' utility easement proposed to be abandoned, Lot 1R fully containing all parking required by the existing hotel, any separate reciprocal access easements filed following Ordinance 948, and addressing all staff comments. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

8. Proposed zone change from C-3: Restricted Commercial to R-4: High-Rise Multifamily, Lot 6, Block 7, University Commons Subdivision, City of Williston – University Commons, LLC

Boyeff introduces public hearing number 8 (as above) and asks Ressler to present. Ressler explains this application requests a rezoning of Lot 6, Block 7 of the University Commons Subdivision from C-3: Restricted Commercial to R-4: High-rise Multifamily Residential. This lot is a 2.71 acre lot that was zoned C-3 in the original subdivision and zone change process for the University Commons subdivision. This lot was zoned this way in order to provide a buffer and transition along 34th St from Light Industrial to Residential, as well as to provide a small commercial node in this area. Ressler states that staff does not believe the request to change the zoning to R-4: High Rise Multifamily Residential will to serve the original purpose of the zoning.

Ressler says that ad hoc committee members discussed the appropriateness of changing the intended zoning simply because the property hadn't sold in the last year. The committee felt that such issues do not necessarily compel the Commission to change the intended zoning and purpose of a property. Ressler added that the airport noted in their comments that due to the possibility of a hi-rise, hi-density building they cannot recommend approval of this matter. Ressler says that it is her understanding that the applicant has a letter from the FAA stating they are ok with a 100 foot tall building but Ressler notes that this does not mean the airport board of adjustments has to agree with this and will hold to their recommendation to deny this application.

Ressler says that ad hoc recommended the case be brought forward to the entire Planning and Zoning Commission for a decision but recommends a motion to deny the zone change request. Rick Leuthold is here to speak on behalf of the application but Ressler states that the Planning staff recommendation is to deny this application stating that it is too intense to have R-1 on the south side of the street and R-4 to the north.

Leuthold is offering some professional opinions at the request of Mr. Baird, the applicant. Leuthold states that Mr. Baird has buyers ready to build on this lot under the R-4 zoning which has prompted him to come forward with this application. Mr. Baird has had success with the R-3 zoning but with this particular site he is requesting R-4 because his potential purchaser is talking about some tuck-under garages if he is successful with R-4 and in fact is already building some of those in Williston. Leuthold points out that this lot has a significant grade difference from 34th down to Lorraine (7-8" difference) and there is some confusion as to where that lot would be measured from. With the tuck-under garage, in some instances this grade difference may work and in others it may not, this request is under the premise that it will. With regard to the current C-3 zoning the reasoning for that was compatibility and buffering of the neighboring residential uses and industrial on the west side. The idea with this C-3 was to potentially get a commercial use such as a coffee shop on the main floor with apartments upstairs. Leuthold states that idea has been a hard sell in Williston to this point. Leuthold concludes that there is a buyer builder on-line with the R-4 product, tax income to the City, or keeping current C-3 with no idea when this property may develop and begin to generate any kind of revenue. The height

issue in the area is respected and understood and the applicant would be willing to work with that.

Boyeff asks twice for public input. Mr. Bill Baird, applicant, spoke to the current building and planned expansion on the R-3 zoned lots as well as the C-3 zoning in question. He explains all of the other hopeful commercial uses proposed and reasoning for their not happening. Baird states that he does now have people successful with understructure parking and more high-end product. While the height restriction on R-4 of 100 ft., it is not their intention to use that height and were thinking more along the lines of 60 ft. Discussion was had about the previous zone changes and/or rearrangements of University Commons and increase in density with the change from R-3 to C-3 in relation to the single-family homes in the area. Boyeff and Haugen discussed the debate had on increased density during the last zone change of this property. Baird states an agreement to limitations on density and height. Boyeff is concerned about the density in that area that was originally to be for single family living. Further discussion was had in comparison to motel height near the airport and possible heights of proposed R-4 structure here and relevance to approval by airport board of adjustments.

Boyeff asked for a third time for public input, hearing none he closed the public hearing and asked for the wishes of the board.

MOTION BY HAUGEN, SECOND BY LONG, to recommend denial of the requested zone change from C-3: Restricted Commercial to R-4: High-Rise Multifamily, Lot 6, Block 7, University Commons Subdivision, City of Williston. Discussion is had among the board re: spot zoning, traffic, density and surrounding single family homes. AYES: Long, Aafedt, Haugen, Boyeff. NAYS: Fleck, Maristuen. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

COMMITTEE REPORT:

1. Appointment of nominating committee, for appointment of commission seats to be held on January 27, 2014.

Long and Fleck agreed to be on nominating committee for appointment of commission seats.

UNFINISHED BUSINESS:

1. Proposed zone change, A to C-2 with a special permitted use to allow certain industrial uses, with conditions, in the C-2 zone for 127.63 X 275 TRACT IN E2NENESE (PARCEL #3); 75 X 200 IN N2NENESE (PARCEL #1); 75X 160 IN NESE (PARCEL #2) Northern Annexation, Great Northern Trucking

Boyeff asked Kress to update the board on this item. Kress stated that the proposed solution to the discussion at the December P&Z meeting, applicants need to put a second house on the lot, is to make the zone change for to C-3 on two properties and leave a third property zoned ag thus accommodating the second house. Discussion is had with the applicant about the three parcels and which is the best one to leave zoned Ag, it is agreed that Lot 3 will remained Ag. Kress explains that staff would recommend approval of the zone change from Ag to C-3 for Lots 1 and 2 (as described above) with and SPU to allow certain industrial uses to remain with conditions that the business may operate in its current capacity but may not expand. The business may be sold and operated in its current capacity but may not expand. Should this business cease operation, industrial uses may not be brought back and any new business on Lots 1 and 2 must conform in the C-3 zone.

MOTION BY AAFEDT, SECOND BY MARISTUEN, to recommend to approval of a zone change for a 75' X 200' parcel in the N2NESE (PARCEL #1); and a 75' X 160' parcel in the NESE; (PARCEL #2) of the Northern Annexation, known as Great Northern Express. Contingent upon staff conditions. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY AAFEDT, SECOND BY FLECK, to allow an SPU to allow existing light industrial use in the C-2 zone on a 75' X 200' parcel in the N2NESE (PARCEL #1); and a 75' X 160' parcel in the NESE; (PARCEL #2) of the Northern Annexation, known as Great Northern Express contingent upon approval of the zone change being approved by the City Commission. AYES: Long, Fleck, Aafedt, Maristuen, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

NEW BUSINESS:

1. Special Permitted Use request to allow existing commercial business established prior to annexation to remain as conforming in the A: Agricultural zone on Sublot 9 in the W1/2 NW1/4 Section 36, T154N, R101W/ Darren Schatz, (6713 2nd Ave. W,) City of Williston – Darren Schatz

Boyeff introduces the first item of new business (as above) and asks Kress to present. Kress explains that the applicant, Darren Schatz, has operated a business, D&B Motorsports, on his property at 6713 2nd Avenue West since February of 2012. The property consists of a 10.7 acre lot improved with a single family residence, garage, a small shed, and a larger steel building. Mr. Schatz lives on the property. At the time the business was started, the property was under the jurisdiction of Williams County. Kress reminds the commission that this property was annexed into the city on January 31, 2013, as part of the Northern Annexation. By the time of this annexation, Mr. Schatz's business had been operating for almost a year. The property is zoned A: Agricultural.

Kress says that D&B Motorsports customizes motor vehicles, converting stock automobile chassis to race cars and rebuilding existing race cars. D& B also does powder-coat finishing of these vehicles. Powder coating is a method of finishing metal that does not create volatile organic compounds (VOC's). There is no spray-painting of vehicles.

Kress states that this business did not come to staff's attention during research on the Northern Annexation as part of the rezoning of that area. Kress has visited the site and adds that all Mr. Schatz work is contained within one steel building on the lot. Surrounding uses are single family residences and two commercial uses.

Commercial uses are not a permitted use or a Special Permitted Use in the A: Agricultural zone. In the interest of wanting to keep his business consistent with city of Williston regulations, Mr. Schatz discussed this situation with the Planning Department and proposed a rezone of his property to C-2: General Commercial. Kress' further discussions indicated that all Mr. Schatz wanted to do was to allow his business to keep operating legally; he did not have any intention of developing the property with additional commercial uses. In the interest of treating this business similar to other business that were legally in operation prior to the January 31, 2013 annexation but are now considered non-conforming to city zoning, Planning staff proposed that

Mr. Schatz apply for Special Permitted Use to allow his business to be considered conforming in the A: Agricultural zone. No zone change is being requested.

The ad hoc committee recommended that this property should be dealt with in the same manner as similar properties in the Northern Annexation area that have been rezoned. Kress states that staff would recommend the commission approve the special permitted use to allow D&B Motorsports, a commercial use, to be considered a conforming use in the A: Agricultural zone on Sublot 9 in the W1/2 NW1/4 Section 36, T154N, R101W, subject to the following findings and conditions:

1. The existing use—an automobile customizing business, including powder-coating--can remain in operation and even be sold or transferred. However, if this use ever goes out of business or leaves the property, it cannot be brought back. All new uses must be conforming in the A: Agricultural zone.
2. Pave all driveways and an apron across the east side of the steel building with concrete or hot-mix asphalt. This work would need to be done by July 1, 2014.
3. Provide four paved and striped parking spaces of the standard size stated in the Williston zoning ordinance, adjacent to the steel building.
4. Provide parking lot screening consistent with Ordinance 959—Buffering and Screening, along the east edge of the property along 2nd Avenue West for the length of the steel building.
5. No outdoor storage of vehicles is permitted.
6. No spray painting of vehicles is permitted.
7. No hazardous materials are authorized to be used or stored on this property

Kress states that if approved by the Commission, the findings and conditions will be recorded for the property and adds that if the Commission votes to deny this SPU, the existing business will remain as a non-conforming use in the A: Agricultural zone. Denial of the SPU will not require that the existing business go out of business

MOTION BY LONG, SECOND BY MARISTUEN, to approve a Special Permitted Use to allow D&B Motor Sports, an existing commercial business established prior to annexation, to remain as conforming in the A: Agricultural zone on Sublot 9 in the W1/2 NW1/4 Section 36, T154N, R101W (6713 2nd Ave. W) AYES: Fleck, Aafedt, Long, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Haugen. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

2. Special Permitted Use request to allow a service station in the C-3: Restricted Commercial zone, Lot 6, Block 2, Crouse Subdivision (1301 Bison Drive), City of Williston – Kum & Go, LC (Nick Halfhill)/Three Aces Properties LLC

Boyeff introduces the final item of the night (as above) and asks Ressler to present. Ressler states this application requests a special use permit to operate a gas station on Lot 6, Block 2 of the Crouse Subdivision. Ressler states that a gas station requires a special use permit in a C-3 zone.

Lot 6, Block 2 of the Crouse Subdivision is the current/past site of United Rentals. The site plan attached shows the proposed layout of the site.

Ressler says that while this appears to be an appropriate use for the site, concerns were raised about the new alignment of 18th St. with Bison Drive which will be implemented next summer and the traffic implications. The applicant completed a traffic analysis and provided it for review by the appropriate departments. Despite fairly satisfactory levels of service that were indicated for each intersection, the North Dakota Department of Transportation (NDDOT) and City are still concerned about the implications of the north eastern entrance into the site relative to the new Bison Dr. underpass.

Ressler says the frontage road that runs along the eastern edge of the property will most likely be vacated by the NDDOT at some point in the near future and that the property will be required to be properly buffered and landscaped at the time building permits are applied for.

Ressler said that ad hoc committee members discussed the north eastern entrance and determined that they were uncomfortable with how close it is to the proposed underpass. We also discussed the possibility of semi-truck re-fuelling, and the possibility that trucks may use the western pumps. Commissioner Klug also reminded the applicant that the trash area designated was not of correct orientation for the trash trucks used. The applicant stated that they were aware of that and planned to change it. Ressler stated that the ad hoc recommended approval of the Special Use Permit for a gas station in a C-3: Neighborhood Commercial Zone, on Lot 6, Block 2, Crouse Subdivision, contingent on access issues onto Bison Dr, being resolved to the NDDOT and City satisfaction during the site permitting process.

Applicant representative, Nick Halfhill, spoke to the board. Halfhill states that the site is 2.75 acres and 35% of that will be left as open space given the odd triangular shape of the lot. Halfhill describes the proposed layout and number of pumps and their planned traffic pattern for fueling of larger vehicles. Discussion is had with Halfhill, Ressler and commission members about the inability of semi-truck/trailers to utilize this site. Halfhill states in re: the problem with the trash area, they are working on that rearrangement with the city sanitation department and this will not be an issue. With regard to the traffic study and the entrances, Halfhill shows how they have lined them up with road ways/drive ways in surrounding area. Meier suggests that this project be proposed in this manner and work with NDDOT to make sure the access points will work. Discussion is had as to possible routes, possible set-backs, and arrangements. Halfhill states the importance to the applicant to keep this project moving and to build in 2014. Halfhill assures that is not their intent to cater to semi-traffic and that the applicant is absolutely willing to work with staff on the access point issues.

Boyeff asks if there are any further questions on this matter. Hearing none he asks for the wishes of the board.

MOTION BY FLECK, SECOND BY MARISTUEN , to approve a Special Permitted Use allow a service station in the C-3: Restricted Commercial zone, Lot 6, Block 2, Crouse Subdivision (1301 Bison Drive), for the Kum & Go service station contingent upon on access issues onto Bison Dr, being resolved to the NDDOT and City satisfaction during the site permitting process. AYES: Fleck, Aafedt, Long, Maristuen, Boyeff. NAYS: Haugen ABSENT/NOT VOTING: None ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

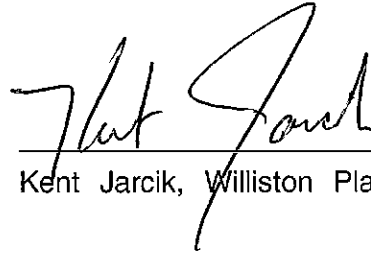
DATE OF NEXT REGULAR MEETING: January 27, 2014

DATE OF (POSSIBLE) SPEICAL MEETING RE: SPRING LAKE SUBDIVISION:

January 13, 2014

** This January 13, 2014, meeting was NOT held

MEETING ADJOURNED.

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

Kent Jarcik, Williston Planning Director

APPENDIX
to the
DECEMBER 16, 2013 PLANNING AND ZONING COMISSION MINUTES

1. Finding for an SPU to allow existing commercial business established prior to annexation to remain as conforming in the A: Agricultural zone on Sublot 9 in the W1/2Nw1/4 Section 36, T154N, R101W (6713 2nd Ave. W.), City of Williston - Darin Schatz

2. Findings for an SPU to allow a Kum & Go service station in the C-3: Restricted Commercial zone, Lot 6, Block 2, Crouse Subdivision (1301 Bison Dr.), City of Williston.

**NOTICE OF
FINDINGS OF THE PLANNING AND ZONING COMMISSION
in approving a
SPECIAL PERMITTED USE**

**To allow existing commercial business established prior to annexation to remain as conforming in the
A: Agricultural District on Sublot 9 in the W1/2 NW1/4 Section 36, T154N, R101W (6713 2nd Ave. W,)**

Section 27 of Ordinance 613, otherwise known as the Williston zoning ordinance, grants the Planning and Zoning Commission the authority to decide such questions as are involved in determining whether special permitted uses should be granted. As commercial use is not identified as a permitted use in Section 8 A: Agricultural District of Ordinance 613, the Planning and Zoning Commission has made the following findings and imposed the following conditions on D&B Motorsports.

Finding specific to the D&B Motorsports:

Whereas:

1. D&B Motorsports was legally in operation under the jurisdiction of Williams County at the time that commercial business was annexed into the City of Williston as part of the Northern Annexation on January 31, 2013; and
2. It was the intent of the Williston City Commission at the time of the Northern Annexation not to impose hardships on uses legally in operation at the time they were annexed;

Therefore,

1. This Special Permitted Use is granted to the D&B Motorsports to allow it to continue in operation as a conforming use in the A: Agricultural zone subject to the conditions below; and
2. This Special Permitted Use is specific to the situation described above and is not to be considered an amendment to Section 8 A: Agricultural zone of Ordinance 613 nor is to be considered to set a precedent for allowing automotive customizing businesses in the A: Agricultural zone.

The Planning and Zoning Commission has made the following findings:

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.* Existing ingress and egress to the property will not be affected by the SPU.
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.* Property owner must provide four paved and striped parking spaces of the standard size stated in the Williston zoning ordinance, adjacent to the steel building.
3. *Refuse and service areas, with particular reference to the items in "1" and "2" above.* No additional refuse or service areas are required for the existing uses.
4. *Utilities, with reference to locations, availability, and compatibility.* No additional water or sewer connections are required for the existing uses.
5. *Screening and buffering with reference to type, dimensions, and character.* All operations of the business are contained in a building.
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.* Signs for the existing uses may remain. Any new signage for existing, new, or additional uses must comply with the sign requirements of the Williston zoning ordinance.

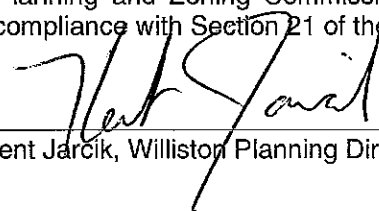
7. *Required yards and other open spaces.* No additional yards or open spaces are required for the existing uses.
8. *General compatibility with adjacent properties and other property in the district.* The SPU will allow an existing business to be considered a conforming use in the A: Agricultural zone on the property until that use ends or leaves. The existing business cannot be expanded on this property. All new uses on this property must be uses permitted in the A: Agricultural zone.
9. *Use shall not impose a hazard to health or property.* The SPU does not authorize any hazardous uses.

Conditions of the SPU:

1. The existing use—an automobile customizing business, including powder-coating--can remain in operation and even be sold or transferred. However, if this use ever goes out of business or leaves the property, it cannot be brought back. All new uses must be conforming in the A: Agricultural zone.
2. Pave all driveways and an apron across the east side of the steel building with concrete or hot-mix asphalt. This work would need to be done by July 1, 2014.
3. Provide four paved and striped parking spaces of the standard size stated in the Williston zoning ordinance, adjacent to the steel building.
4. Provide parking lot screening consistent with Ordinance 959—Buffering and Screening, along the east edge of the property along 2nd Avenue West for the length of the steel building.
5. No outdoor storage of vehicles is permitted.
6. No spray painting of vehicles is permitted.
7. No hazardous materials are authorized to be used or stored on this property.

The Planning and Zoning Commission found the request for this automotive customizing business to be in compliance with Section 21 of the Williston Zoning Ordinance.

By



Kent Jarčik, Williston Planning Director

FINDINGS OF THE PLANNING AND ZONING COMMISSION
in approving a
SPECIAL PERMITTED USE
for
a **GAS STATION** in the **C-3: RESTRICTED COMMERCIAL ZONE** at
LOT 6, BLOCK 2, CROUSE SUBDIVISION

Section 21:C-3: Restricted Commercial District of Ordinance 613 of the City of Williston, otherwise known as the zoning ordinance, states that gasoline and service stations may be considered for a special permitted use, subject to locally adopted Fire Code and State Building code regulations.

The Planning and Zoning Commission has made the following findings:

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.* If the eastern access to Bison Drive is removed, the ingress and egress to the property is approved by the City and North Dakota Department of Transportation (ND DOT).
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.* Use is acceptable, with proper buffering along western edge of property.
3. *Refuse and service areas, with particular reference to the items in "1" and "2" above.* Use is acceptable, with proper buffering along western edge of property.
4. *Utilities, with reference to locations, availability, and compatibility.* Utilities are compatible with use.
5. *Screening and buffering with reference to type, dimensions, and character.* Use is acceptable, with proper buffering along western edge of property.
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.* Any additional signage would need to be approved through the sign permitting process.
7. *Required yards and other open spaces.* Buffering and landscaping requirements per ordinance will need to be put into place.
8. *General compatibility with adjacent properties and other property in the district.* This is a compatible use with other properties to the north and south.
9. *Use shall not impose a hazard to health or property.* All hazards have been approved as acceptable by the Fire Department.

The Planning and Zoning Commission found the request for this gas and service station to be in compliance with Section 21 of the Williston Zoning Ordinance.

By _____

Kent Jarcik, Williston Planning Director