

## AND ZONING COMMISSION WAS HELD ON MONDAY, ION ROOM AT CITY HALL IN WILLISTON, NORTH

### DAKOTA

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

**MEMBERS PRESENT:** Chris Brostuen, Cynthia Aafedt, Deeann Long, Jon Maristuen, Nick Haugen, Glenn Boyeff. **MEMBERS ABSENT:** Jerry Fleck

**OTHERS PRESENT:** Kent Jarcik, City Planner, Jessica Kaiser Planner I, Elaine Sinness, Assistant Planner, Monte Meiers, Engineer, Doug Lalim, Building Official, Shawn Wenko, Economic Development, Peter Furuseth, Attorney, Ward Koeser, Tate Cymbulak, and Brad Bekkedahl, City Commissioners.

### **DISPOSTITION OF MINUTES**

MOTION BY BROSTUEN, SECOND BY HAUGEN, to approve the January 23, 2012 minutes as presented. MOTION CARRIED ON VOICE VOTE.

### **PUBLIC HEARINGS:**

#### **1. Proposed Zone Change from Agriculture to C-2 General Commercial; M-2 Heavy Industrial, and R-5 Mobile Home Court for property located in the Bakken Industrial Park and North Bakken Industrial Park, Review Planned Unit Development (PUD) – (700 ac.) –Granite Peak/Leuthold/Metzler.**

Boyeff opened the Public Hearing. Jarcik presented request. The proposal is to allow for approximately 200 acres of the property to be developed as workforce housing with a mix of mobile homes. Approximately 12 acres would be commercial for hotel uses and neighborhood commercial uses. The remaining 500 acres would be for a truck stop and other heavy industrial uses. This property was zoned Industrial in Williams County, but reverted back to Agriculture when annexed into the City. There was discussion at the ad hoc meeting on open man camps being allowed in the R-5 zoning, which there was little to no support of. The ad hoc committee also discussed the PUD allowing for more of a planned development than is proposed. Rick Leuthold of Sanderson Stewart spoke on behalf of the applicant and explained that zoning this as a PUD would have a development plan, which a straight zone change would not, also a PUD is a more flexible tool. They do have a proposed master plan in place for the PUD. Mayor Koeser spoke on the need to RV/Mobile Home Parks within the City.



Ann Kvande of Economic Development spoke on the need for housing in Williston. Rick Leuthold stated that, if separate zoning was approved, they would not use the SPU portion of the Master Plan for the development.

Boyeff called three times for public comment, hearing none, closed the public hearing. He asked the board for action relating to the zone change.

MOTION BY BROSTEUN, SECOND BY LONG to recommend to the City Commission approval of the PUD request contingent on Section B on page 5 of the Master Plan, relating to Multi-family and Workforce housing be stricken for property located in the Bakken Industrial Park and North Bakken Industrial Park, City of Williston. AYES: Aafedt, Long, Brostuen, Boyeff. NAYS: Maristuen, Haugen. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**2. Proposed Amendment to the Future Land Use Classification from Industrial to Residential and Zone Change from Agriculture to R-3, R-4, and C-2 for property located in the S1/2 of Section 21, T154 R101, Williston Township-McGarry/Leuthold.**

Boyeff opened the public hearing. Jarcik presented request. The applicant is requesting a zone change from Agriculture to R-3: Low Rise Multi-family and Townhouse, R-4: High Rise Multi-family and C-2: General Commercial. The ad hoc committee discussed the future of the property to the North of this parcel which is currently designated Industrial on the Future Land Use Map. The applicant stated that they could provide a letter from the property owner that they would not be opposed to a residential classification in the future. The ad hoc committee recommends approval of the zone change and amendment of the Future Land Use Map from Industrial to Residential contingent on the plat. There was comment about a buffer along the west side between the Industrial and Residential.

Boyeff called three times for public comment, hearing none, closed the public hearing. He asked the board for action relating to the zone change.

MOTION BY BROSTEUN, SECOND BY AAEDFT to recommend to the City Commission approval of the zone change from Agriculture to C-2: General Commercial, R-3: Low Rise Multi-family and R-4: High Rise Multi-family and amendment to the Future Land Use map, the S1/2 of Section 21, T154 R101, contingent on plat approval (99acres). AYES: Maristuen, Long, Brostuen, Haugen, Aafedt, Boyeff. NAYS: none. ABSENT NOT VOTING: Fleck. MOTION CARRIED.



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**3. Proposed amendment to the Future Land Use Classification from Industrial to Residential and Zone Change from Agriculture to R-3: Low Rise Multi-family and Townhouse Residential for property located in the SW1/4, Section 2, T154 R101, City of Williston-Branson/Roseland LLC**

Boyeff explained that the Amendment was approved in January for the entire 110 acres' therefore; only the zone change is to be heard. He opened the public hearing. Sinness presented request. The applicant is proposing a rezone of 70 acres from Agriculture to R-3: Low Rise Multi-family and Townhouse Residential. These 70 acres were included in a 110 acre parcel which was amended (FLU) from Industrial to Residential. The purpose of the rezone is to allow future multi-family residential. There is currently a cement plant located on Sublot 14, which will be moving west of town. The applicant is currently working on obtaining right of way along the 1/4 line from 42nd street. The issues regarding water, sewer, traffic study, airport issues, access points for 16th Ave and 42nd Street and a development agreement will be addressed at the time of a future plat. The ad hoc committee recommendation was for approval contingent on replatting the entire 110 acres. The neighbor will allow the applicant to acquire easement to put a street in.

Boyeff called for public comments three times, hearing none, closed the public hearing. He asked the board for action relating to the zone change.

MOTION BY HAUGEN, SECOND BY BROSTEUN, to recommend to the City Commission approval of the zone change (70 acres) from Agriculture to R-3: Low Rise Multi-family and Townhouse Residential for property located in the SW1/4, Section 2, T154 R101, City of Williston. AYES: Long, Brostuen, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**4. Proposed amendment to the Future Land Use Classification from Commercial to Industrial and zone change from Agriculture to M-2 Heavy Industrial for property located in the SW1/4SW1/4 Section 35, T155 R101, Missouri Ridge Township-Gray/Crosby.**

Boyeff opened the public hearing. Kaiser presented request. The applicant is requesting a zone change from Agriculture to M-2 Heavy Industrial for industrial uses similar to those surrounding/adjacent to the property. The ad hoc committee recommended approval of the zone change and amendment to the future land use classification.



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(4)

Planning and Zoning

Ray Kimball represented the applicant, stated that there is a pipe yard to the north of the property and a trucking company to the east. This zone change fits with the area. There will be three accesses, 2 will be off County Road 7 and the other off 58th Street.

Boyeff called for public comment three times, hearing none, closed the public hearing. He asked the board for action relating to the zone change.

MOTION BY LONG, SECOND BY HAUGEN, to approve the zone change from Agriculture to M-2: Heavy Industrial and amendment to the Future Land Use Classification from Commercial to Industrial for property located in the SW1/4SW1/4, Section 35, T155 R101, Missouri Ridge Township. AYES: Brostuen, Haugen, Aafedt, Maristuen, Long, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**5. Application for Special Permitted Use for Workforce Housing on Lot 2 Sundby Subdivision, City of Williston-Weatherford-Sundby/Howard**

Boyeff opened the public hearing. Kaiser presented the request. The applicant would like to place approximately 13-19 modular units for an estimated 200-550 employees to be housed on site in the M-2: Heavy Industrial zoning district. The units would be used until permanent housing becomes available. The ad hoc committee discussed that the Ordinance( No. 925) does not cover temporary housing for construction workers or other non-Weatherford employees. The applicant will work on providing other means of housing for construction workers. The applicant foresees a need for more employees as they are expanding their facility and adding a new business to their operations. The ad hoc committee discussed the need to place a number on the amount of modular units for the employees and a time frame for review during the Planning & Zoning meeting. Larry Howard who represented the applicant, stated that they would like to house the employees on site as there would be less traffic and impact on town. Mark Barstad, a neighbor and member of the Williams County Planning Commission spoke on the County man camp moratorium and stated that emergency services are overwhelmed, as is the infrastructure. He expressed concerns about traffic on 1804. Mr. Howard responded that they are extending water/sewer to the site and will have fire protection on site; they will also be re-surfacing the road.

Boyeff called three times for public comment, hearing none, closed the public hearing.



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MOTION BY HAUGEN, SECOND BY AAEFDT to deny the request. AYES: Haugen. NAYS: Aafedt, Maristuen, Long, Brostuen, Boyeff. MOTION DEFEATED. MOTION BY BROSTEUN, SECOND BY LONG to recommend to the City Commission approval of employee housing only for 500 beds with a cap on the initial 200 beds of 18 months and a review in one year, contingent on meeting all emergency service requirements for workforce housing on Lot 2, Sundby Subdivision, City of Williston. AYES: Aafedt, Maristuen, Long, Brostuen, Boyeff. ABSENT NOT VOTING: Fleck. NAYS: Haugen. MOTION CARRIED.

**6. Preliminary Plat for 1st International Bank Plaza Subdivision, City of Williston-MMC Ventures/First Int'l Bank & Trust-Little**

Boyeff opened the public hearing. Kaiser presented the request. The applicant would like to plat 11.6 acres into 6 lots for commercial uses including a bank, restaurant, CCRC building, etc. The ad hoc committee questioned why the roads are private and not public. It was explained that the roads are to be private in order to keep the design/layout of the streets as they do not meet the minimum City standards. The building department commented that Lot 6 and part of Lot 4 would need to be tied into Lot 1 to meet the parking requirements of 227 spaces. The ad hoc committee recommended approval of the preliminary plat. Clint Little represented the applicant and stated that they agree to all of the ad hoc committee's recommendations. Also, that there will be a parking agreement between Lots 1, 4, and 6 for shared parking.

Boyeff called for public comment three times, hearing none, closed the public hearing. He asked the board for action relating to the preliminary plat approval.

MOTION BY LONG, SECOND BY HAUGEN to recommend to the City Commission approval of the preliminary plat for 1st International Bank Plaza Subdivision, contingent on development agreement and property owners document and shared parking agreement between Lots 1, 4, and 6. AYES: Maristuen, Long, Brostuen, Haugen, Aafedt, Boyeff. NAYES: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**7. Preliminary Plat for Rearrangement of Lot 3 Block 6, Bakken Industrial Park Subdivision, City of Williston-Granite Peak.**

Boyeff opened the public hearing. Kaiser presented the request. The applicant would like to rearrange Lot 3 of Block 6 (5.69 acres) into one lot and provide an 80' Public ROW, known as "Derrick Avenue" which will be an extension to the north. The ad hoc committee recommended approval of the plat and the 80' ROW dedication.

Boyer called three times for public comment, hearing none, closed public hearing. He asked the board for action relating to the preliminary plat.

MOTION BY AAFEDT, SECOND BY BROSTUEN to recommend to the City Commission approval of the preliminary plat for rearrangement of Lot 3, Block 6, Bakken Industrial Park subdivision. AYES: Long, Brostuen, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

### **8. Preliminary plat for North Bakken Industrial Subdivision, City of Williston - Granite Peak.**

Boyeff opened the public hearing. Sinness presented the request. This plat contains approximately 86 acres and will be part of the PUD for 700 acres to be rezoned to M-2: Heavy Industrial. A portion of this plat, containing approximately 15 acres (Lot 2) is being planned for the future Love's Truck Stops & Country Stores, Inc. The ad hoc committee discussed concerns about right of way for the future highway off ramp, location of existing oil well, section line to the south to the Bakken Industrial Park Subdivision, Department of Transportation's concerns and a need for a development plan. David Johnson, from AE2S represented the applicant stated that this is an extension of the Bakken Industrial Park Subdivision, and is off County Road 6. The applicant has been in contact with SRF and the DOT regarding the future interchange and that they may need to vacate the section line. Lot 2 needs to have access approved by the County. There is a traffic study being done by KLJ, there may be additional turn lanes and they will build up the road for additional truck traffic.

Boyeff called three times for public comment, hearing none, closed the public hearing. He asked the board for action related to the preliminary plat application.

MOTION BY BROSTUEN, SECOND BY LONG, to recommend to the City Commission approval of the preliminary plat for the North Bakken Industrial Park Subdivision, City of Williston, contingent on the City's approval of the PUD and a development plan being submitted. AYES: Brostuen, Haugen, Aafedt, Maristuen, Long, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

### **9. Preliminary plat for Tofte-Bean Subdivision, City of Williston-City/Pirtz**

Boyeff opened the public hearing. Monte Meiers presented the request. The City is currently in the design process to provide the Streets and Utilities for the Tofte-Bean subdivision located in southeast Williston. The improvements would be funded through a Special Assessment District of approximately 22 predominately un-platted parcels with 10 separate owners.



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Planning and Zoning

The Tofte-Bean Subdivision plat has been submitted to provide the dedicated public right of way required for the project and to subdivide the larger parcels at the request of several property owners. Tim Pirtz of Sanderson Stewart represented the applicant. There were concern about road maintenance costs and the commission would like the plat boundary lines to be revised to take in the storage plaza.

Boyeff called three times for public comments, hearing none, closed the public hearing. He asked the board for action regarding to the preliminary plat application.

MOTION BY LONG, SECOND BY HAUGEN to recommend to the City Commission approval of preliminary plat for Tofte-Bean Subdivision, City of Williston. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

#### **10. Preliminary plat for Reiger Subdivision, City of Williston-Reiger/Bauer**

Boyeff opened the public hearing. David Bauer, representing the applicant, said the request is to create a total of 11 commercial lots; one of which will be owned by the City of Williston for a regional sanitary sewer lift station. The proposal is a replatting of Outlots 1, 2, 3 and Lot 1, Block 1, V.O. Subdivision containing approximately 25.1 acres in the S1/2 of Section 22, T154 R101 in Williston Township. The property was recently annexed into the City and the water system will be extended to serve this development from the Sundown Addition to the north. Sanitary sewer will be installed within the limits of the plat with provisions to extend to the proposed Sand Creek Development and Sundown Addition. A rezone request was approved for the property at the January 23, 2011 City Commission meeting which re-zoned the property to C-2: General Commercial, contingent on a preliminary plat approval. The ad hoc committee discussed utilities, frontage road extension to the proposed Sundown Addition adjacent to this development, access to Highway 2/85, right of way location and width of 27th Avenue and water/sewer. There was discussion of the need of an additional 40' right of way (for a total of 120 feet) for 27th Avenue. In addition, temporary turn-around cul de sac will be provided where the proposed streets terminate at the plat boundaries.

Boyeff called three times for public comment, hearing none, closed public hearing. He asked the board for action relating to the preliminary plat application.



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MOTION BY BROSTUEN, SECOND BY MARISTUEN to recommend to the City Commission approval of the preliminary plat for Reiger Subdivision, City of Williston, contingent on an additional 40 feet of right of way to the west side of 27th Avenue; extend frontage road to proposed Sundown Addition; provide temporary turn around cul de sacs; final plat requirements; title opinion; and development agreement. AYES: Aafedt, Maristuen, Long, Brostuen, Haugen, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**UNFINISHED BUSINESS:**

MOTION BY MARISTUEN, SECOND BY AAFEDT to table the zone change from Agriculture to C-3 Restricted Commercial for Sundown Addition to the next meeting. AYES: Aafedt, Maristuen, Long, Brostuen, Haugen, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**NEW BUSINESS:**

**1. Final Plat, Sublot 17-Falk/Cymbaluk**

Sinness presented. The preliminary plat for Sublot 17 was approved by the City Commission at their January 24, 2012 meeting. All corrections have been made to the plat. The title opinion has been submitted approved by Attorney Furuseth. No park dedication is necessary.

MOTION BY LONG, SECOND BY HAUGEN to approve final plat for Sublot No. 17. AYES: Maristuen, Long, Brostuen, Haugen, Aafedt, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**2. Application for Special Permitted Use for Storage of Hazardous Materials on Lot 1 Rearrangement of Sublot 1, City of Williston-Schlumberger/Culek-Davis**

Sinness presented the request. The applicant proposes storage of radioactive (sealed) Sources. The storage location will be within the existing Schlumberger facility (445' x 100') located on approximately 67 acres. The property is zoned Heavy Industrial and is located west and north of both commercial and industrial uses. There is agricultural property to the east. The property has been annexed to the City. The applicant has provided both the US Nuclear Regulatory Commission and ND Department of Health licenses. The ad hoc committee determined that the use would not have any detrimental affect. Adjoining property owners were notified. No formal protest has been filed. The building will be sprinkled. There are no Tier 2 requirements. The property will be fenced and have a security camera.





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MOTION BY MARISTUEN, SECOND BY HAUGEN to approve Special Permitted Use for Storage of Hazardous Materials on Lot 1, Rearrangement of Sublot 1, City of Williston. AYES: Long, Brostuen, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**3. Application for Special Permitted Use for Storage of Hazardous Materials on Lot 6, Blk 2 Bakken Industrial Subdivision-Pioneer Wireline/Pankota-Schmidt**

Sinness presented the request. The applicant proposes storage of Oilfield Explosives (50 lbs.) and Radioactive Materials within the existing Pankota Wireline Services (250'x70') located on approximately 7 acres along 56th Street NW. The property was zoned to Industrial by Williams County and is in the process of being rezoned to M-2 since the property has been annexed into the City. The surrounding area is agricultural and industrial. The company has provided copies of the ND Radioactive Material License # and the Department of Treasury ATF permit. The building will be sprinkled and storage will be within facility in locked Explosive Magazines and a 10' 6" Radioactive pit. The ad hoc committee determined the use will have no detrimental affect provided the required guidelines are met. Adjoining property owners were notified. No formal protest has been filed.

MOTION BY MARISTUEN, SECOND BY AAFEDT to approve Special Permitted Use request for storage of hazardous materials on Lot 6, Block 2, Bakken Industrial Subdivision. AYES: Brostuen, Haugen, Aafedt, Maristuen, Long, Boyeff. NAYS: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**4. Application for Special Permitted Use for Oversized Signs - Love's Travel Stops/Country Stores - VanDyke.**

Jarcik presented the request. The applicant proposes a Hi-Rise sign focused on the highway traffic and a street sign near the entrance. The travel stop is not adjacent to the highway and the Hi-Rise sign would be located 691 feet east of the center line of US 2/85. The street sign would be located on the east side of their entrance and 123 feet south of County Road 6. The adjoining property owners have been notified and no formal complaint has been filed. The ad hoc committee had discussion about the ordinance's clarity in considering increases to sign area. There was also discussion on allowance for total height and the committee felt it was clear they could not consider the total height of the sign above 100 feet per the ordinance but they were not opposed to the total height of up to 100 feet proposed for the Hi-Rise sign.



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This request is for two SPU's - Hi-Rise Sign (closest to US 2/85) 114 feet high and 1,211 square feet (oversized); and a 25 feet tall sign (street sign at entrance) and 218 square feet. Kym VanDyke represented the applicant, stated that they will have a different height when the interchange is constructed. Southbound visibility will be an issue due to the hill and presents a safety issue for trucks to have enough time to see the sign, change lanes, slow down and make the turn into the facility. The Planning and Zoning Board felt that they are restricted by the ordinance height regulation of 100 feet.

MOTION BY LONG, SECOND BY AAFEDT to reject the Special Permitted Use request for oversized signs and have the applicant request the City Commission review this application. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYES: None. ABSENT NOT VOTING: Fleck. MOTION CARRIED.

**5. Application Timelines.**

For informational purposes, in order to meet deadlines, City Planner Kent Jarcik would like to move the deadline for applications to 3 weeks prior to the Planning Commission meeting and move the ad hoc committee meeting to the first Monday of the month.

**DATE OF NEXT MEETING:**

Next meeting is set for March 19, 2012. Meeting adjourned.

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Kent Jarcik, City Planner