

11.D ZONING COMMISSION WAS HELD ON MONDAY, MARCH 15, 2022 AT 5:30 PM IN 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, Cynthia Aafedt, Deeann Long, Jon Maristuen, Nick Haugen, Jerry Fleck, Glenn Boyeff. **MEMBERS ABSENT:** None.

OTHERS PRESENT: Kent Jarcik, City Planner, Jessica Kaiser, Planner I, Elaine Sinness, Assistant Planner, Doug Lalim, Building Inspector, Monte Meiers, Engineer, Jordan Evert, City Attorney, Ward Koeser, Tate Cymbaluk, City Commission

DISPOSITION OF MINUTES:

MOTION BY MARSTUEN, SECOND BY HAUGEN to approve minutes as presented. MOTION CARRIED ON VOICE VOTE.

PUBLIC HEARINGS

1. Proposed Ordinance Amending Ordinance No. 574, AKA Subdivision Regulations, City of Williston for Section 11.D.5 in regards to lot access-Leuthold.

Boyeff opened the public hearing. Jarcik presented request. This proposal would allow for access to lots other than a public street by a recorded access and utility easement or reciprocal easement. This would apply to commercial, industrial, and multi-family lots. An ad hoc committee met and discussed the ordinance. There was discussion on how these easements would function. Lots would be provided by easement acting as private roads. Recorded easements would be in place for shared access, construction, maintenance and repair of utilities. There was discussion that the standards of the subdivision ordinance still apply and development standards of the underlying zoning district. Staff concerns include the use of reciprocal easements in multi-family developments; the capability to skirt the subdivision and zoning requirements; limited ability to apply zoning development standards and maintain good connectivity for street and pedestrian access through the City; allows for high density; and the potential for landowner conflicts over parking, maintenance of asphalt, snow removal, landscaping, etc. will be increased. The City engineer would like to see the 30' minimum easement width left in the ordinance. Rick Leuthold of Sanderson Stewart spoke via phone and stated that there would be perpetual or reciprocal easement agreements for lots that don't adjoin public right of ways. The intention is not to supersede the City's zoning regulations and the developments would still be subject to the City's building, zoning, and subdivision ordinances. He also stated that the advantage to the City would be that they would not have to maintain the right of way. The City Building Inspector felt that something is needed to help correct issues that currently exist in the City.

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

MOTION BY HAUGEN, SECOND BY FLECK to recommend to the City Commission to deny the ordinance amending ordinance no. 574 AKA Subdivision Regulations-City of Williston for Section 11.D.5 in regards to access. AYES: Aafedt, Long, Brostuen, Fleck, Haugen. NAYS: Maristuen, Boyeff. MOTION CARRIED.

2. Preliminary Plat for Chandler Field Subdivision, S1/2, Section 21, T154N, R101W, City of Williston (99+ acres)-McGarry/Leuthold

Boyeff opened the public hearing. Sinness presented. On February 27, 2012 the Planning Commission approved Future Land Use Amendment from Industrial to Residential and a zone change from A: Agriculture to C-2: General Commercial, R-3: Low-rise Residential multi-family and townhouse, and R-4: High-rise multi-family residential contingent on a preliminary plat. The hearing before the City Commission was postponed until March 27th awaiting the plat. Discussion at ad hoc committee focused mainly on the proposed amendment to the subdivision ordinance, which will be pertinent to this development and the need for signals on Highway 2/85 and east and west along 1/4 line to adjacent owners. The need for buffering between the industrial and residential uses was also discussed. It was requested that an internal street plan be provided and that Chandler Loop South be reviewed for alignment with future access to the west at 139th St. it is currently anticipated that NDOT will not permit additional signals at the subdivision accesses. Ad hoc committee recommended approval of the preliminary plat subject to adoption of the amendment to the subdivision ordinance; development agreement; necessary survey corrections and meeting final plat requirements. Rick Leuthold was present via phone and stated that the plat could be modified if the subdivision ordinance amendment was not approved, so that it will meet the current subdivision regulations regarding easements. Access is in process and they are working with NDOT on this. Boyeff voiced concerns about utility easements. Jarcik asked if the SE corner of the property would be developed in the future. It was explained that the owners requested that parcel not be developed as they plan to keep it as a residence.

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

MOTION BY MARISTUEN, SECOND BY BARSTUEN to recommend to the City Commission approval of the preliminary plat as presented contingent on development agreement, survey corrections being made and meeting final plat requirements for Chandler Field Subdivision located in S1/2 Section 21, T154N R101W, City of Williston. AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAYS: None. MOTION CARRIED.

3. Proposed Zone Change from A: Agriculture to C-2: General Commercial for property located in the NE1/4, Section 21 & NW1/4, Section 22, T154N R101W, City of Williston and Preliminary Plat for Sand Creek Town Center Subdivision - Leuthold

Boyeff opened the public hearing. Kaiser presented request. The applicant would like to plat approximately 100 acres into 34 lots and is proposing the entire 100 acres be zoned C-2: General Commercial. Ad hoc committee discussed that 4 alternative connections to Highway 2 be submitted to the NDOT and the access road will probably end up being offset. This issue needs to be addressed. Engineering requested that the reciprocal easements (if proposed amendment to subdivision ordinance is passed) be added to the plat in order to show access. It was also discussed that there may be a need for additional accesses to the main street that runs north and south in the plat in order to move traffic from the lots onto the main street. The ad hoc committee recommended approval of the preliminary plat for Sand Creek Town Center Subdivision and zone change from A: Agriculture to C-2: General Commercial contingent on a development agreement and subject to the incremental (TIF) district approval or revision. Rick Leuthold was present via phone and stated that the subdivision would contain retail commercial facilities (small and big box stores, restaurants, and a theater). The property has been annexed into the City, as has the ROW from Highway 2 to 26th Street. They would be willing to change the plat on final review to address right of way if the subdivision amendment is not approved. Jarcik stated that the City staff would be in favor of the amendment to the subdivision ordinance (Agenda Item #1) as it pertains to commercial and industrial lots, but not for multi-family residential lots. Meiers agreed that the subdivision amendment has merits on commercial and industrial uses so that the City would not have to be responsible for maintenance of the right of way. Boyeff stated that there could be a change in the language of the ordinance amendment to address commercial and industrial lots only. Leuthold stated that perpetual right of way easements are recorded documents and that language can be added to the document as to whose responsibility for maintenance and snow removal.

Boyeff called three times for public comment, hearing none, closed the hearing. He asked the board for action regarding the preliminary plat and zone change from Agriculture to General Commercial.

MOTION BY LONG, SECOND BY AAFEDT to approve the zone change from A: Agriculture to C-2: General Commercial for NE1/4 Section 21 and NW1/4 Section 22, T154N R101W City of Williston. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. MOTION CARRIED.

MOTION BY BROSTUEN, SECOND BY MARISTUEN to recommend to the City Commission approval of preliminary plat for Sand Creek Town Center Subdivision contingent on development agreement and incremental district approval or revision and 20' easement for MDU. AYES: Brostuen, Fleck, Haugen, Aafedt, Maristuen, Long, Boyeff. NAYS: None. MOTION CARRIED.

4. Proposed preliminary plat for Highway 7 Subdivision located in the SW1/4SW1/4, Section 35, T155N R101W, Missouri Ridge Township (21 acres) - Gray/Crosby



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Boyeff opened the public hearing. Kaiser presented. The applicant would like to plat 21.2 acres into 1 lot for Industrial purposes. The City Commission approved the zone change from A: Agriculture to M-2: Heavy Industrial at the regular March 13, 2012 meeting. Ad hoc -committee recommended approval of the preliminary plat contingent upon a non-protest future annexation and non-protest future street improvements for 58th Street and Co. Rd 7. Ray Kimball represented the applicant and stated that the plat is a clean-up measure. They have addressed staff concerns. Boyeff questioned the easements on the plat and it was stated that they will be labeled on the plat.

Boyeff called three times for public comments, hearing none, closed the hearing. He asked the board for action relating to the preliminary plat for Highway 7 Subdivision.

MOTION BY MARISTUEN, SECOND BY FLECK to recommend to the City Commission approval of preliminary plat for Highway 7 Subdivision located in the SW1/4SW1/4, Section 35, T155N R101W, Missouri Ridge Township contingent on non-protest of future annexation and non-protest of future street improvements for 58th St and Co Rd 7. AYES: Fleck, Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYS: None. MOTION CARRIED.

5. Preliminary plat for Pleasant Valley RV Subdivision, Rearrangement of Lot 1, Block 7, Bakken Industrial Park Subdivision, City of Williston and SPU for 5 mobile homes and 672 sites-Haugen/Schneider

Boyeff opened public hearing. Kaiser present request. The applicant would like to plat 115.2 acres into 2 lots for an RV Park containing approximately 672 RV sites. The park would also allow for a laundry facility, mini storage and boat/construction trailer storage for residents of the RV Park. Mark Schneider represented the applicant and stated that the total number of proposed RV sites is actually 711 -712. The land will have to be terraced due to topography and that a grading plan is in process. The property has access from Energy Street and Oil Street and will have access from 135th Street once it is improved. The RV spaces being proposed are larger than state requirements. They will hook into City water and sewer, with the lines running along the street between the RV sites, which engineering would like to see on the plat. The internal streets will be private and maintained by the property owner. Concerns by the building department as to how/where the mail will get to residences, would like one central location. The applicant stated that they left 5 spaces for mobile homes along Oil Street for housing for their employees. The roads will not be paved which will make it easier to convert the RV park into another use in the future. The storage will be solely for the use of the RV park residents. The ad hoc committee recommends approval of the preliminary plat for Pleasant Valley RV Park contingent on development agreement; they also recommend approval for the SPU for the RV park contingent on preliminary plat and a development agreement approval and speed limit signs to be part of the agreement. A letter was received from Milton Lindvig(adjoining owner) who expressed concerns about trash blowing onto neighboring properties. It was stated that the trash bins would have lids and be fenced in to eliminate the possibility of trash blowing around. There will be dust control of the gravel roads.

concerns were expressed about security and it was stated that an on-site manager will be living in the park. Each lot will be numbered for emergency services to be able to locate easily.

Boyeff called three times for public comment, hearing none, closed the hearing. He asked the board for action regarding the preliminary plat and the SPU.

MOTION BY MARISTUEN, SECOND BY BROSTUEN to recommend to City Commission approval of the preliminary plat contingent on development agreement to address all issues brought up (dust control, mail issues, manage trash so as not to blow onto neighboring properties, speed limit signs) for the Rearrangement of Lot 1, Block 7 Bakken Industrial Subdivision, City of Williston. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYS: None. MOTION CARRIED.

MOTION BY LONG, SECOND BY MARISTUEN to recommend approval of an SPU for Pleasant Valley RV Park, contingent on plat (Rearrangement of Lot 1, Block 7, Bakken Industrial Subdivision) approval and development agreement which addresses concerns and issues brought up at meeting being approved. Also, if the RV Park should impose a hazard to health or property, the SPU can be subject to review or revocation. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYS: None. MOTION CARRIED.

6. Proposed SPU for Temporary Workforce Housing on Lot 2, Block 3, Bakken Industrial Subdivision - Blackhawk Energy/Young

Boyeff opened the public hearing. Sinness presented. The applicant is requesting approval to place 6 manufactured single wide housing units (14'x60') to provide accommodations for 30 employees. The site will be utilizing about 50% of a 4 acre lot located in the heavy industrial district. The site will be fenced and gated; access will be through a separate driveway. Foot traffic will be allowed between the industrial facility and residential area. Surface will be graveled. Outdoor storage will consist of oilfield drilling related equipment to include drilling rigs layout and maintenance. Water and sewer will be made available to the site. Ad hoc committee discussed the need for an annual review to determine if adequate housing has been made available in the community and that the residents would only be employees of the company.

The applicant's representative, Matt Young, indicated that they would not be allowing non-employees to stay at the facility. He also said that, once the units are no longer needed and are removed, the site would be used for permanent office and shop buildings. The ad hoc felt strongly that an annual review is needed and recommended approval of six manufactured single wide housing units to provide accommodations for 30 Blackhawk Energy employees only, subject to an annual review from the time occupancy is approved by the Building Official.

Boyeff called three times for public comment, hearing none, closed the public hearing. He asked the board for action relating to the SPU request for Temporary Workforce Housing.

MOTION BY BROSTUEN, SECOND BY FLECK to recommend to City Commission approval of the SPU, per Ordinance 925 for 6 manufactured single side housing units for 30 Blackhawk Energy employees subject to an annual review from the occupancy date on Lot 2, Block 3, Bakken Industrial Subdivision, City of Williston. AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAYS: None. MOTION CARRIED.

7.Preliminary Plat for Replat of University Commons Subdivision of Blocks 3,4,5,6 and Vacation of Street Right of Way and Utility Easements , City of Williston - University Commons LLC/Beard

Boyeff opened the public hearing. Sinness presented. In October of 2011, the final plat of University Commons, consisting of 59 acres, and the Zone Change was approved. The applicant is now requesting that 10 acres (60 lots) be replatted to allow for multi-family residential apartments. Along with the replat, the vacating of 31st and 33rd street right of ways (60') and utility easements (10') are being requested. The area is part of a Tax Increment Finance (TIF) District to help with the cost of improvements required for the development. Lonnie Fleck, the surveyor, represented the applicant. The property will be split into two five acre parcels to provide for seven buildings containing 490 apartment units. The developer changed to apartments from 60 individual lots for townhouses or twin homes. Ad hoc committee discussion focused on whether the change will cause more or less density. Also discussed was concerns voiced by neighbors. It was determined that by allowing apartment complexes, the density could be lessened. Water and sewer would be acceptable for the project. An hoc recommended approval of the replat subject to satisfying the engineers concerns and meeting all final plat requirements. Engineering concerns are being addressed. Boyeff called three times for public comments, hearing none, closed the hearing. He asked the board for action relating to preliminary plat for replat of University Commons.

MOTION BY LONG, SECOND BY HAUGEN to recommend to City Commission approval of preliminary plat for replat of Blocks 3-6 and vacation of 31st and 33rd street right of way and 10' utility easements subject to satisfying engineering's concerns and meeting all final plat requirements. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. MOTION CARRIED.

UNFINISHED BUSINESS:

MOTION BY MARISTUEN, SECOND BY AAFEDT to table proposed zone change from Agriculture to C-3: Restricted Commercial for Sundown Addition- Dakota Parkway Investment. MOTION CARRIED ON VOICE VOTE.

NEW BUSINESS:

1. Final Plat for Reiger Commercial Subdivision, City of Williston - Reiger

Sinness presented. On March 13, 2012, the City Commission approved the Preliminary Plat contingent on an additional 40' right of way, extend frontage road, cul de sacs, title opinion and development plan. An updated plat has been submitted. The development plan has been submitted and routed. This is commercial property; park dedication will be paid at the time of the building permit.

MOTION BY FLECK, SECOND BY BROSTUEN to approve the final plat for Regier Commercial Subdivision, City of Williston, contingent on approval of title opinion, development agreement and park dedication fee being paid. AYES: Brostuen, Fleck, Haugen, Aafedt, Maristuen, Long, Boyeff. NAYS: None. MOTION CARRIED.

2. Final Plat for North Bakken Industrial Subdivision, City of Williston - Granite Peak

Sinness presented. On March 13, 2012, the City Commission approved the preliminary plat contingent on approval of the PUD master plan/zoning for the area and a development agreement. The master plan was approved February 28, 2012. The purpose of this plat is to provide for the location of the future Love's Travel Stops & Country Store (Lot 2, Block 1). The updated plat has been routed for review. A title opinion has been ordered and review will be completed as soon as possible. The development plan has been submitted. The commercial areas would require park dedication fees to be paid at the time of building permit.

MOTION BY MARISTUEN, SECOND BY LONG to approve final plat for North Bakken Subdivision, City of Williston, contingent on title opinion, development plan and park dedication fee being paid on the commercial portions. AYES: Fleck, Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYS: None. MOTION CARRIED.

3. Final plat for rearrangement of Lot 3, Block 6 Bakken Industrial Subdivision, City of Williston, - Granite Peak

Sinness presented. On March 13, 2012, the City Commission approved the preliminary plat for this rearrangement which extends Derrick Avenue to the north. An updated plat has been submitted and routed for review. A title opinion has been ordered. This property is all industrial so no park dedication fee is required. This will not connect to the North Bakken Industrial Subdivision. Concerns were discussed about Derrick Avenue being a dead end road. It was stated that Derrick Avenue could be barricaded until such time as development to the north is completed.

MOTION BY BROSTUEN, SECOND BY HAUGEN to approve final plat for Rearrangement of Lot 3, Block 6 Bakken Industrial Subdivision, City of Williston, subject to necessary survey corrections, receipt of title opinion, barricade where Derrick Avenue starts, per engineering recommendation. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYS: None. MOTION CARRIED.

DATE OF NEXT MEETING:

Next meeting is set for April 16, 2012. Meeting adjourned.

Kent Jarcik, City Planner