

ND ZONING COMMISSION WAS HELD ON MONDAY, MAY 21, 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, Deann Long, Nick Haugen, Cynthia Aafedt, Jon Maristuen, Glenn Boyeff. **MEMBERS ABSENT:** Jerry Fleck.

OTHERS PRESENT: Kent Jarcik; City Planner, Jessica Kaiser Planner I; Elaine Sinness; Assistant Planner, Bob Hanson; Assistant Engineer, Doug Lalim; Building Official, Jordan Evert; City Attorney, Ward Koeser; City Commission, Tom Rolfstad; Economic Development.

DISPOSITION OF MINUTES:

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

PUBLIC HEARINGS:

1. Proposed Zone Change from R-1-A: Rural Residential to R-3: Lowrise, Multi-Family & Townhouse Residential for unplatted parcel (.67 acres) in SW1/4SW1/4, Section 1, T154N R101W, City of Williston - Maxwell

Boyeff opened the public hearing. Kaiser presented the request. The applicant is requesting a zone change from R-1A: Rural Residential to R-3: Lowrise, Multi-Family, Townhouse Residential in order to develop a duplex or townhouse on the vacant lot. An ad hoc meeting was held. It was commented that water and sewer are coming through this area and there doesn't seem to be any major issues or opposition to this proposal. Ad hoc committee recommended approval of the zone change.

The applicant, Troy Maxwell was present at the meeting. Boyeff questioned where the access would be located. Applicant stated that it could be on the north side of the property instead of off Main Ave. The proposal is to construct a 4 or 8-plex on the property. They could also have a duplex or townhouse, but the property would have to be split for a townhouse.

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

MOTION BY HAUGEN, SECOND BY BROSTUEN, to recommend to the City Commission approval of the zone change request from R-1A: Rural Residential to R-3: Lowrise, Multi-Family & Townhouse Residential for unplatted parcel (.67acre) in SW1/4SW1/4, Section 1, T154N R101W, City of Williston, contingent on a 2-unit restriction and parking/access on north side of property. AYES: Aafedt, Maristuen, Long, Brostuen, Haugen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Fleck. MOTION PASSED.



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2. Proposed Zone Change from C-1: Neighborhood Commercial to C-2: General Commercial for Lot 15, Block 5, Pheasant Run Subdivision - Forenza/Irvin

Boyeff opened the public hearing. The applicant is requesting a zone change from C-1: Neighborhood Commercial to C-2: General Commercial in order to develop a possible restaurant (with alcohol served) and living units (apartments) on the second floor. An ad hoc meeting was held. The applicants commented that they have had many requests for the lot to put in a restaurant and they have an Italian Restaurant and Brazilian Restaurant interested in the land. They also plan to build one to two bedroom apartments on the second floor which will not be dormitory style. Ad hoc committee commented that parking seems to be lacking. The applicants stated they believe it to be correct parking specs. It was also commented that a masonry wall should be built to separate the use from the adjoining residential. Ad hoc committee discussed putting a restriction on uses allowed on this property as C-2 would allow a bar or hotel which would not be desirable in this location. It was also discussed that a committee be formed to amend the zoning ordinance to allow for restriction on commercial uses in order to avoid undesirable uses where they do not belong. Ad hoc committee recommended tabling the request until a committee meets to possibly amend the zoning ordinance.

Rick Irvin representing the applicant, was present at the meeting. The proposal would be for a family style restaurant. There was concern by the Planning commission that changing the zoning to C-2 would allow such uses as a hotel, which would not be consistent with the area.

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

MOTION BY BROSTUEN, SECOND BY HAUGEN, to table the request per the recommendation of the ad hoc committee so that a committee could be formed to study amending the SPU section of the C-1 zoning district of the zoning ordinance to possibly allow different uses. The committee is to consist of Aafedt, Haugen and Long.

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

3. Proposed Amendment to the Future Land Use from Mixed Use Residential/Commercial to Residential/High Density classification and Zone Change from R-1E: Rural Estate to R-4: Highrise, Multi-Family Residential for property located in Lot 1, Tofte Subdivision and Preliminary Plat for the replat of Lot 1, Tofte Subdivision (7 acres) - JGP Development/Petry

Boyeff opened the public hearing. The applicant would like to plat approximately 7 acres into one lot and rezone to R-4: Highrise, Multi-Family Residential in order to construct approximately 200 apartment units and associated surface and garage parking. An ad hoc meeting was held

Fire commented that there will need to be a hydrant every 500' and no more than 100' for sprinkler connection. Also, there will need to be emergency access to the south (gated) in addition to the public access to the north. Engineering needs to see water/sewer plan and also clarification/proper naming of the easements. Access and utility easement document will need to be recorded with this. The applicant stated that they plan to construct the apartments with parking in-between along the west side of the land and will have garages along the east side. They will need to work with engineering and get a water/sewer plan submitted. Ad hoc committee recommended approval of the amendment to the future land use classification, the zone change, and the preliminary plat contingent on providing a water/sewer plan to engineering, an emergency access being added to the south (gated), clarification/proper naming of the easements and an access and utility easement document to be recorded.

John Havrilesko with JGP Development, was present at the meeting. They will replat to show 60' ROW, access off 26th Street. Parking lots will dead end. Emergency access south to Sand Creek Drive.

Boyeff called three times for public comment, hearing none, closed the public hearing. He asked the board for action regarding the future land use amendment, zone change, and preliminary plat.

MOTION BY BROSTUEN, SECOND BY MARISTUEN to recommend to City Commission approval of the amendment to the future land use from Mixed Use Residential/Commercial to Residential/High Density for Lot 1 Tofte Subdivision.

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

MOTION BY LONG, SECOND BY HAUGEN, to recommend to the City Commission approval of the zone change from R1E: Rural Estate to R-4: Highrise Multi-Family Residential.

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

MOTION BY MARISTUEN, SECOND BY BROSTUEN, to recommend to the City Commission approval of the preliminary plat contingent on water/sewer plan being submitted to engineering, emergency access being added to the South (gated), clarification/proper naming of the easements and an access and utility easement document to be recorded.

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

4. Proposed Zone Change from A:Agriculture to R-1: Single Family Residential for Lot 3 in the W1/2NE1/4 , Section 36, T155N R101W, Missouri Ridge Township and Preliminary plat for Highlands Subdivision (41+ acres) - BW Properties/Martinson

Boyeff opened the public hearing. The proposal is to rezone 41.5 acres from Agriculture to R-1: Single Family Residential for the purposes of creating 108 single family lots. An ad hoc meeting was held and the following was discussed:

1. That the appropriate document will be obtained for the connection of 70th Street to the west point of beginning on Block 3;
2. The McCall property to the north is a large piece of property with future development potential, Highland Drive should be extended to the property line for future access to the north;
3. Evaluate the south end for future phase 2 for additional access. What access points in and out will be available with build out of phase 2?
4. Lot 18, is there a buildable lot there and how will drainage be handled;
5. Clarification on the emergency access and how it will be operated

Ad hoc committee recommendation is approval on the rezone request and preliminary plat contingent on a development agreement and addressing engineering comments.

Rick Leuthold of Sanderson Stewart represented the applicant, stated that they are working on the access issues and topographic issues and other staff concerns. Water will be extended down 70th and sewer will be on the north and west sides of the property. The north end of the lots will drain to lot 18 which is not buildable. The parcels to the south fall off to the natural drainage. The access to the south would be gated for emergency access through the Martinson property to 66th street. The easement on the south side will be shown on the final plat for utility. There will be easement documentation for emergency access to the south to 66th street. There could be possible access to the north through lot 12.

Several neighbors that live on 70th Street expressed concerns about the increased traffic on 70th and it being a safety issue. They would like to see 2 accesses. The neighbors paid to have the road paved and are concerned about the damage that could be caused by the increased traffic. Rick Leuthold responded that there are safety issues at 70th and 2/85 and they are working with NDDOT on this. They are also working with the City on the design of 70th and possible widening and reconstruction of the street. Road maintenance will be done by the City to the highway. Kent Jarcik stated that a majority of the improvements will be at the developer's cost. Rick Leuthold stated that they are working on the funding of the improvements so that no Special Assessment district would be needed. Mayor Koeser stated that the City will be meeting with the DOT regarding traffic issues and will discuss this area. Maristuen encouraged the public to continue to attend meetings and express their concerns.

Boyeff called three times for public comment, hearing none, closed the public hearing. He asked the board for action regarding the Zone Change and Preliminary Plat requests.



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MOTION BY MARISTUEN, SECOND BY BROSTUEN, to recommend to the City Commission approval of the zone change from Agriculture to Single Family Residential for Lot 3 in the W1/2NE1/4, Section 36, T155N R101W, Missouri Ridge Township, contingent on development agreement with the City and addressing City Engineer's concerns.

AYES: Aafedt, Maristuen, Brostuen, Boyeff. NAYS: Long, Haugen. ABESNT, NOT VOTING: Fleck MOTION PASSED.

MOTION BY BROSTUEN, SECOND BY MARISTUEN, to recommend to the City Commission approval of the preliminary plat for Highlands Subdivision contingent on development agreement with the City, complete traffic study, and the City Commission to continue to work with DOT to obtain traffic signaling at the area and discuss traffic concerns in that area.

AYES: Maristuen, Brostuen, Boyeff. NAYS: Aafedt, Long, Haugen. ABSENT, NOT VOTING: Fleck. TIE VOTE, NO RECOMMENDATION TO CITY COMMISSION.

5. Proposed Preliminary plat for Sundown Second Addition - Rhaven LLC/Will

Boyeff opened the public hearing. The proposed preliminary plat is for future medical facilities. The zone change from Agriculture to C-3 took place on May 7, 2012 contingent on final approval of the development agreement and agreement between the developer and Martin Reiger. The proposed plat will contain 9 lots. Lot 1 will be the location of a future medical care clinic. An ad hoc meeting was held. The applicant commented that the plan is to build a 2 story medical care clinic on Lot 1. The future lots will be providing for additional medical facilities/park, starting with the clinic and adding additional medical-type buildings (eye care, dental, rehab, etc.). Discussion included the flood plain area (Lots 7-9), topography issues, two-level parking, intent to use a combination of retaining wall, culverts, stabilization measures (American Engineering to complete), drainage controls, Frontage road issues, need for pressure sewer system. The main topic of concern was the need for approval from City Engineering, as well as the Corp (404 permit) regarding the Sand Creek drainage (culvert-triple box) which will also involve the Reiger property to the south. The ad hoc committee recommended approval of the preliminary plat subject to meeting Engineer and Corp's approval, finalized development agreement and meeting final plat requirements.

John Biggs from Lighttower Johnson Associates, represented the applicant. They are currently working on the development agreement and are in the process of addressing engineering's concerns, as well as flood plain and ingress/egress.

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



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MOTION BY AAFEDT, SECOND BY HAUGEN to recommend to the City Commission approval of preliminary plat for Sundown Subdivision subject to a development agreement, meeting Corps and engineering's approval and final plat requirements.

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

6. Proposed Temporary Housing for work force housing (150) beds - Flying J employees - FJ Mgm't /Eickhof

Boyeff opened the public hearing. The applicant would like to provide temporary housing for 150 employees. An ad hoc meeting was held. The applicant is proposing 150 temporary units. Ad hoc discussed the ownership and employees need to be paid employees of primary operating business. The ad hoc committee recommended approval of the temporary housing request for the employees of FJ Management with one year annual review and contingent upon approval of the traffic study and plat.

The applicant requested that this be tabled so that they can present the request with their plat.

MOTION BY LONG, SECOND BY HAUGEN, to table this item.

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

7. Proposed Temporary Housing for work force housing (50) beds - Love's Travel Stops - VanDyke

Boyeff opened the public hearing. The applicant would like to place 24 apartment units to be housed on site at the Love's Travel Stop in the M-2: Heavy Industrial zoning district. An ad hoc meeting was held. The applicant is proposing 24 apartment units to provide housing for their employees. Love's relies heavily on the international student worker programs and housing is needed on the site, with lack of housing and distance to town. Ad hoc discussed the temporary workforce housing and that recommendations are being made for annual review. Employees need to be employees of the primary Love's ownership. A committee is being formed to discuss enforcement and a review process and exit plan for when the time comes to phase out the temporary workforce housing units. The zoning was also discussed and the potential for other future uses. Ad hoc committee recommended approval of the temporary workforce housing for the employees of Love's Travel Stops with a one year annual review.

Kim VanDyke of Love's Travel Stops was present at the meeting. He stated that this would be a stick built 2 story apartment complex. The use of the structure could be transitioned into another use when the temporary housing is no longer needed. The Planning board expressed concerns about the facility being permanent and living in M-2 zoning district. There were also concerns expressed about the exit strategy and the direction that temporary housing is headed.

City attorney, Evert stated that the ordinance needs to have teeth to enforce if the SPU is removed but the temporary housing facility remains.

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

MOTION BY BROSTUEN, SECOND BY HAUGEN, to recommend to the City Commission approval of 50 May beds for Love's employees, subject to annual review and meeting fire protection requirements and zoning requirements.

AYES: Haugen, Long, Brostuen. NAYS: Aafedt, Maristuen, Boyeff. ABSENT, NOT VOTING: Fleck. TIE VOTE, NO RECOMMENDATION TO CITY COMMISSION.

8. Proposed Temporary Housing for work force housing (80) beds-Oasis Petroleum-Kjorstad

Boyeff opened the public hearing. The applicant would like to place approximately twenty 1,600 sq. ft. manufactured housing units for employees and up to three additional family members for a total of 4 occupants per structure. An ad hoc meeting was held. Ad hoc committee recommended approval of the temporary workforce housing for the employees of Oasis Petroleum and their families, contingent upon a yearly review.

Chris Garner of Oasis Petroleum was present at the meeting. The request is for short term, transitional housing for their employees and their families while they look for permanent housing. The area would be fenced. When no longer needed, the units would be sold. There were concerns expressed about children getting into the pipe yard area that lies between the proposed temporary housing area and Oasis' facility. That area would be fenced as well. Aafedt expressed concerns about this being for families when the temporary housing ordinance states for employees only.

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

MOTION BY HAUGEN, SECOND BY MARISTUEN, to recommend to City Commission approval of the SPU for temporary housing for Oasis Petroleum for 80 beds contingent on fencing the area for the temporary housing.

AYES: Maristuen, Brostuen, Haugen, Boyeff. NAYS: Aafedt, Long. ABSENT, NOT VOTING: Fleck. MOTION PASSED.

MOTION BY HAUGEN, SECOND BY BROSTUEN to amend the original motion to include an annual review.

AYES: Maristuen, Brostuen, Haugen, Boyeff. NAYS: Aafedt, Long. ABSENT, NOT VOTING: Fleck. MOTION PASSED. Commissioner Aafedt left the meeting.



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9. Proposed Temporary Housing for work force housing (70) beds - Sunwell Services - Jeffrey

Boyeff opened the public hearing. The applicant would like to place five 28'x66' double wide manufactured houses for employees of Sunwell. They currently have living units on site that have been in place since before the land was annexed into the City. An ad hoc meeting was held. The ad hoc committee recommended approval of the temporary workforce housing for the employees of Sunwell contingent upon a yearly review.

Kevin Jeffrey of Sunwell Services was present at the meeting. The housing would be for rotational employees. They are currently trying to find apartments for their employees and their families. The company recently acquired 17 more rigs and each rig requires 5 men, all of which are coming from out of town. The units will be removed when no longer needed.

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

MOTION BY LONG, SECOND BY BROSTUEN to recommend to the City Commission approval of the SPU for temporary housing for Sunwell Services for 70 beds contingent on an annual review.

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

Aafedt left the meeting at 8:00 pm.

COMMITTEE REPORTS:

UNFINISHED BUSINESS:

1. Proposed application (SPU) for 120' Cell Tower within Lot 15 T154N R100W, Stony Creek Township - Verizon Wireless:

The applicant proposes the installation of a 120' monopole tower for the installation of personal wireless communications antennas and an unmanned equipment shelter within a 100'x100' secured compound. Applicant will need to comply with Ordinance No. 912 and Section 27 (SPU). A detailed analysis has been submitted to meet the necessary requirements for a cell tower. The property is located in M-1 zoned property and adjoins industrial and agricultural type uses. The proposal would meet required setbacks and that the nearest residence is 1900' away. The applicant has designed the tower to accommodate 2 additional co-locators. An ad hoc meeting was held April 2, 2012. There was discussion regarding the need to have the applicant contact the airport manager being the tower will be located in the approach zone. The Airport Board of Adjustments has met since April 2nd and the applicant was notified by the airport manager of the motion to grant approval of the Verizon Tower's location pending meeting FAA requirements.

An ad hoc committee recommended approval contingent on airport approval and the need to comply with all applicable local and FAA requirements. This issue was tabled at the 4-16-12 meeting pending further information needed.

Pat Hatlestad represented the applicant. Verizon will move the compound to the west of the original proposed location and reduce the size from 100'x100' to 75'x100' to increase the setback. The issue with the airport has been settled and all requirements have been met.

MOTION BY BROSTUEN, SECOND BY HAUGEN to approve the SPU for 120' monopole cell tower. AYES: Long, Brostuen, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Fleck, Aafedt. MOTION PASSED.

1. Application for Special Permitted Use for Semi-Private Fitness Center at 112 W. 42nd St - Zander:

The applicant proposes a semi-private fitness center to be located on the 2nd story of the new office/storage & garage building that is currently under construction. The plan is to provide an exercise and work out facility for Astro-Chem's employees. Facility is to be supervised by the applicant's daughter, who is a certified personal trainer and would be training her clients at the facility. An ad hoc meeting was held where it was determined that the use could have a detrimental effect because the building is not only located in an industrial area, but designed to store oilfield chemicals. It was also felt the use should be for private use only, no public. The ad hoc committee was not in favor of the request due to the building being located in an industrial area.

David Zander was present at the meeting. The building started out as an area for treatment trucks. There will be storage added. There was discussion that if the use were to remain private (employees only) there would be no need for the SPU. If the use becomes a commercial use (daughter training clients) a SPU would be needed. The applicant's daughter would have a maximum of 4 clients. There were concerns by the planning board about a commercial use in a light industrial zone and setting a precedent. Mrs. Zander stated that a SPU allows for commercial/recreational use. Kent Jarcik stated that was intended as an outdoor commercial/recreational use.

MOTION BY LONG, SECOND BY MARISTUEN, to deny the request. AYES: Brostuen, Haugen, Long, Maristuen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Fleck, Aafedt. MOTION PASSED.

2. Application for Special Permitted Use for Oversized Sign on Lot 1, Block 1, Bakken Industrial Park - Nakota Development/Nickell:

The applicant is requesting a freestanding sign with a height of 50' and a face area of 185+ square feet for signage at the Value Place Hotel in the Bakken Industrial Park. The property is zoned C-2: General Commercial. An ad hoc meeting was held; where it was determined the request would be acceptable.

By Clark represented the applicant. The applicant would like to keep these signs consistent with their standard signs. The ordinance allows for 45' height, this would be a 5' variance. The ordinance allows for 125 sq. foot face of a sign. The request is for a 60 sq. foot variance.

MOTION BY HAUGEN, SECOND BY BROSTUEN to approve the request for a 50' high sign with a 185+ square foot face. AYES: Haugen, Maristuen, Long, Brostuen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Fleck, Aafedt. MOTION PASSED.

3. Final Plat for Renaissance Heights Subdivision - Brutger:

On May 7, 2012 the City Commission approved the preliminary plat, contingent on sewer/water plan, traffic study, development agreement, non-protest street improvement agreement, and final plat requirements. The development agreement and other conditions have been submitted for staff review. Final plat corrections have been completed. The plat has been submitted to staff for review. The title opinion has been submitted and sent to attorney for review. Park dedication will be required to be met at the time of building permits.

This will go before the City Commission on June 12th, pending development agreement approval. Haugen questioned if there will be a road on the west side. There is an easement of 35' as engineering stated no road would be needed. They will sign a non-protest agreement for special assessment district (this is included in the development agreement).

MOTION BY BROSTUEN, SECOND BY LONG, to recommend approval to the City Commission for the final plat of Renaissance Heights subject to review, plat corrections, park dedication requirement and development agreement approval.

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

4. Final Plat for Roseland Subdivision - Branson:

On May 7, 2012 the City Commission approved the preliminary plat contingent on adding a ROW between Lots 3 & 4, development agreement and final plat requirements. The development agreement and ROW is being worked on and will require staff review. Final plat corrections have been completed. The plat has been submitted to staff for review. The title opinion has been submitted and sent to attorney for review. Park dedication will be required to be met at the time of building permits.

The development agreement has not been submitted yet and the ROW is being worked on.

MOTION BY LONG, SECOND BY BROSTUEN, to recommend to the City Commission approval of the final plat for Roseland Subdivision subject to development agreement, plat corrections and staff review. AYES: Long, Brostuen, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Fleck, Aafedt. MOTION PASSED.

5. Final Plat for Sublot No. 15 - Oasis Petroleum:

On May 7, 2012 the City Commission approved the zone change from Agriculture to M-2 and the preliminary plat contingent on continuing the road to the north, adding a 40' easement on the west and final plat requirements. Final plat corrections have been completed. The site grading plans have received engineer approval. No sewer/water plan needed. The plat has been submitted to staff for review. The title opinion has been ordered and will be submitted soon. Park dedication will not be required as the May property is zoned industrial. Tree row buffering will be provided. A non-protest future annexation document will be required.

Lowell Cutshaw represented the applicant. This is outside the City limits. They plan to drill a well if not hooked up to Williams Rural Water and have septic.

MOTION BY MARISTUEN, SECOND BY HAUGEN to recommend to the City Commission approval of the final plat for Sublot 15 subject to a title opinion, non-protest of future annexation, final review by staff and necessary plat corrections. AYES: Brostuen, Haugen, Maristuen, Long, Boyeff. NAYS: None. ABSENT, NOT VOTING: Fleck, Aafedt. MOTION PASSED.

6. Final Plat for Lot 1R & Vacating/Relocating Road Easement (80') - Schlumberger:

On January 24, 2012 the City Commission approved the zone change contingent on proper buffering (7' berm) next to residential property to the east (Sunset subdivision) and preliminary plat contingent on development agreement. The development agreement was approved by the City Commission on May 2, 2012. Final plat corrections have been completed and sent to staff for review. The title opinion has been submitted and sent to attorney for review. Park dedication will not be required as the property is zoned industrial.

Boyeff questioned the vacation of the 80' easement being shown separate. Elaine Sinness stated that it is shown in the text of the plat.

MOTION BY BROSTUEN, SECOND BY MARISTUEN, to recommend to the City Commission approval of the final plat for Lot 1R and vacating/relocation of 80' road access.

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

7. Final Plat for 1st International Bank Plaza - MMC Ventures/First Int'l Bank:

On March 13, 2012 the City Commission approved the preliminary plat contingent on a development agreement, a property owner's association document for maintenance and private road repair and final plat requirements. The development agreement documents have been submitted and are being reviewed. Final plat corrections have been completed and sent to staff for review.

The title opinion has been submitted and needs final attorney review. Park dedication will be required to be met at the time of building permits.

John Dunlap the developer, was present at the meeting. Water and sewer have been installed. All development costs have been submitted to the City for review. There will be access easement and internal roads as well. There will be a public access/utility easement over private drives. Haugen expressed concern about a 50' access for 9th and 16th instead of 60'. Engineer Hanson stated that it is 50' on 15th.

MOTION BY HAUGEN, SECOND BY LONG, to recommend to the City Commission approval of the final plat for First International Bank Plaza subject to the development agreement, home owners document, park dedication at time of building permit, final review by staff and necessary plat corrections.

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

8. Final Plat for Chandler Field Subdivision - McGarry/Leuthold:

On March 27, 2012 the City Commission approved the zone change and preliminary plat contingent on amendment to the Subdivision Ordinance (Section 11.D-5) development agreement, survey corrections, and final plat requirements. The amendment is being updated to not include residential properties. The development agreement has been submitted and being reviewed by staff. Final plat corrections have been completed and submitted to staff for review. The title opinion has been ordered and will be submitted soon. Park dedication will be required to be met at the time of building permits.

Rick Leuthold of Sanderson Stewart represented the applicant. All lots will be accessed by a public ROW. Haugen expressed concerns about the drainage on the top part of Block 1 and asked why there is no easement. Leuthold stated that there is east-west access on the other side of the drainage due to topography. 32nd street will extend to 26th and 11th street will be extended. There will be a road parallel to 139th Ave which will tie in on the South side of Baker Hughes facility.

MOTION BY BROSTUEN, SECOND BY MARISTUEN, to recommend to the City Commission approval of the final plat for Chandler Field Subdivision subject to the final development agreement, title opinion, park dedication a time of building permit and final review by staff and necessary plat corrections. AYES: Long, Brostuen, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Fleck, Aafedt. MOTION PASSED.

9. Final Plat for Sand Creek Town Center Subdivision - Leuthold:

On April 10, 2012, the City Commission approved zone change from Agriculture to General Commercial subject to the Tax Incremental District being revised and preliminary plat contingent on amendment to the Subdivision Ordinance (Section 11.D-5), development agreement, survey corrections, and final plat requirements. The amendment (Ord. #948) is being updated for its 2nd reading.



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The development agreement has been submitted and being review by staff. Final plat corrections have been completed and submitted to staff for review.

Rick Leuthold of Sanderson Stewart represented the applicant. Easements are identified on the plat for reciprocal easement. Access - there will be an extension of 11th Street although it is not clear if the easement will follow the drainage or go across the drainage. Haugen questioned why there are no easements on the east and west sides. Leuthold explained that, as the development expands, they would have to vacate the easements. Bob Hanson, City Engineering Department stated that engineering finds the layout acceptable.

MOTION BY LONG, SECOND BY BROSTUEN, to recommend to the City Commission approval of the final plat for Sand Creek Town Center Subdivision subject to the 2nd reading of Ordinance No. 948, final development agreement, title opinion, final review by staff and necessary plat corrections. AYES: Brostuen, Haugen, Long, Maristuen, Boyeff. NAYS: None. ABSENT, NOT VOTING: Fleck, Aafedt. MOTION PASSED.

DATE OF NEXT MEETING:

Next meeting will be on June 18, 2012. Meeting adjourned.

Kent Jarcik, City Planner