

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, JUNE 20, 2011 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.**

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

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Kent Jarcik, City Planner, Peter Furusest, City Attorney, Elaine Sinness, Assistant City Planner, Jessica Kaiser, Planner I, Monte Meiers, City Engineer, Doug Lalim, Building Official, Ward Koeser, City Commissioner.

**DISPOSITION OF MINUTES:**

MOTION BY FLECK, SECOND BY HAUGEN, to approve the April 18, 2011 minutes as presented. MOTION CARRIED ON VOICE VOTE.

MOTION BY AAFEDT, SECOND BY LONG, to approve the May 16, 2011 minutes as presented. MOTION CARRIED ON VOICE VOTE.

Boyeff introduced and welcomed Jessica Kaiser who is the City's new Planner I. He then indicated that there are five public hearing this evening.

**PUBLIC HEARING:**

**1. Proposed Zone Change from R1A: Rural Residential to R-3: Lowrise, Multi-Family and Townhouse Residential for a portion of Sande Subdivision and unplatted tracts in Section 1, City of Williston- Miller/Code- WITHDRAWN.**

Boyeff indicated this item has been withdrawn by the applicant but opened to the public hearing, should anyone in the audience wish to make comments. Hearing none, he closed the public hearing. Boyeff indicated there was an adhoc meeting where discussion took place regarding the purpose for the request. He said the applicant determined the change would not be necessary at this time.

**2. Proposed Zone Change from A:Agricultural to R1A: Rural Residential for Sublot 4, SE1/4, Section 12, T154N, R101W, Williston Township- Gilbertson.**

Boyeff indicated the 2<sup>nd</sup> hearing is to rezone Agricultural to Rural Residential for Sublot No.4, Section 12, Williston Township requested by Gary and Rebecca Gilbertson. He opened the public hearing and asked Jarcik to introduce.

Jarcik indicated the property is located between the Schatz trailer park and the cemetery along 26<sup>th</sup> Street. He said the purpose of the zone change is to allow for the property (4 acres) to be split for an additional residence. Boyeff called for public comments three times, hearing none, closed the public hearing and asked for the wished of the board.

MOTION BY BROSTUEN, SECOND BY AAFEDT, to recommend approval of the zone change from A:Agricultural to R1A: Rural Residential for Sublot 4, SE 1/4, Section 12, Williston Township. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Kleven, Boyeff. NAYES: None, MOTION CARRIED ON ROLL CALL VOTE.

**3. Proposed Zone Change from A:Agricultural to M-1: Light Industrial for Lot 3R and Sublot 4, NE1/4, Section 3, T154N, R101W, Williston Township- Ironwood Development/Owan.**

Boyeff said the 3<sup>rd</sup> public hearing is to rezone Agricultural to M-1 for Lot 3R & 4, Section 3, Williston Township requested by Ironwood Development for Mark and Sonya Owan's property. He opened the public hearing and asked Jarcik to introduce.

Jarcik said the location of the property is north of the Borsheim Subdivision and east of the proposed Saddle Ridge Subdivision. He said the request is for light industrial zoning to develop thirteen (13) lots ranging from 3+ acres to 10 acres for the seventy (70) acres. Jarcik said a plat will be forthcoming and that the property is outside the city limits and proposes to provide individual water wells and septic systems. He indicated the change is consistent with the future land use plan and that an adhoc did meet.

Jarcik indicated the recommendation from adhoc was to forward approval to the City Commission requesting the rezone from Agricultural to Light Industrial for Lot 3R and Lot 4 in the NE 1/4, Section 3, Williston Township contingent upon an approved subdivision plat . Boyeff called for public comment. Charles Owan, adjoining property owner, said he was not opposed to the zone change but wondered why the zone change is allowed without a plat. Jarcik explained that the applicant wants to have zoning considered before a plat is submitted. Mr. Owan felt if the board does not see the plat, then they don't know what is being considered for the property. Jarcik said nothing can be done to the property without a plat. Boyeff called twice for further public comments, hearing none, closed the public hearing and asked the wished of the board.

MOTION BY HAUGEN, SECOND BY FLECK, to recommend approval of the zone change from A:Agricultural to M-1: Light Industrial for Lot 3R and Sublot 4, NE 1/4, Section 3, T154N, R101W, Williston Township, contingent on submission of a plat. AYES: Maristuen, Long, Brostuen, Fleck, Kleven, Aafedt, Boyeff. NAYES: None, MOTION CARRIED ON ROLL CALL VOTE.

**4. Proposed Zone Change from A:Agricultural to M-1: Light Industrial for unplatted property in SW1/4SE1/4, Section 2, T154N, R101W, City of Williston- Zavanna, LLC/Erickson.**

Boyeff said the 4th hearing is for a zone change from Agricultural to Light Industrial for unplatted property in SW1/4, SE1/4, Section 2, City of Williston requested by Zavanna, LLC for Orville Erickson's property. He opened the public hearing and asked Jarcik to present.

Jarcik pointed out the location of the property (25 acres) being on the north side of 42<sup>nd</sup> street just west of Wal-Mart's property. He said the proposal is to rezone the agricultural property to light industrial to provide for an oilfield office and storage yard. Jarcik explained that the future land use plan shows commercial for the area, even though the area is primarily zoned industrial and developing toward industrial. The property to the west of the ¼ section line is to be light industrial and the properties to the east are more commercial uses across from Wal-Mart. He said the airport manager, along with other staff, prefers the property to remain commercial and that the adhoc did not make a recommendation. Jarcik went on to say the staff recommends that the property stays with the future land use determination which is commercial. Boyeff asked for public comment. Thomas Reid from J&J Sales, indicated that the property Zavanna, LLC is interested in would only be for a portion of the 25 acres currently owned by Orville Erickson. He said a boundary survey completed by KLJ Surveying separated the property into three parts. He said along the west side, approximately four acres, would be the portion Zavanna, LLC would be interested in but that Mr. Erickson decided to request the entire 25 acres. Mr. Reid asked that only the west portion (4 acres) be zoned industrial at this time. Boyeff asked Attorney Furuseth if only a portion could be considered at this time. Attorney Furuseth said no because the application is for the entire 25 acres. Mr. Reed will speak with Mr. Erickson to consider a new application.

Boyeff called two more times for public comments; hearing none, closed the public hearing and asked for the wishes of the board. Discussion took place regarding the future land use plan, airport property, adjoining property to the east, future commercial corridor along 2/85, the commercial uses south of 42<sup>nd</sup>, the recent zone change to the north of Wal-Mart and the future industrial uses for the Vizina property to the east of the acres. Boyeff asked for action from the board.

MOTION BY FLECK, SECOND BY MARISTUEN to table the request from Zavanna, LLC for the rezone of unplatted property (25 acres) in the SW1/4SE1/4, Section 2, T154N, R101W, City of Williston. AYES: Long, Brostuen, Fleck, Kleven, Aafedt, Maristuen, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

**5. Proposed Zone Change from A:Agricultural to M-2: Heavy Industrial for unplatted parcel (2.87acres), SW1/4, NE1/4, Section 2, T154N, R101W, Williston Township and Preliminary Plat for NOV Tuboscope Subdivision – National Oilwell (NOV) / Sorenson.**

Boyeff indicated the 5<sup>th</sup> hearing is for a zone change from Agricultural to Heavy Industrial for an unplatted parcel (2.87 acres), Section 2, T154N, R101W, Williston Township and Preliminary Plat for NOV Tuboscope Subdivision requested by National Oilwell and Don Sorenson. Boyeff opened the public hearing and asked Jarcik to introduce.

Jarcik showed the location of the plat being south of Spec Tech's yard and Connor Sales. He indicated the applicant submitted an application to rezone 28 acres in August, which resulted in approval subject to submission of a plat, working with adjoining property owners to obtain access and to include additional properties with the zone change. He said with the submittal of the plat and zone change for Tuboscope it fulfills the original proposal from Don Sorenson. He indicated there was an adhoc where there was discussion regarding the access from the north through the existing Tuboscope's property to serve the entire property (28 acres) owned by Mr. Sorenson. The need for the 40 feet of right of way along the west property line and south quarter line was also discussed.

Jarcik indicated the recommendation from adhoc was to approve the rezone to M-2: Heavy Industrial for 2.87 acres contingent upon approval of the plat for Tuboscope Subdivision.

Don Sorenson, property owner, indicated that total acres for the plat will be 31 acres. He said he did not feel the 40' of right of way along the south end should be necessary because it's a dead-end into Orville Erickson's property. He is not opposed to the 40' along the west side. He feels everything has been done as requested which will now provide public access from the north through Tuboscope's property. Boyeff explained the need for the extension of a future access to 16<sup>th</sup> Avenue to the west which will run along the south end of the future trailer park. Meiers commented that the right of way is along the quarter line, which has the potential of being developed, so he feels it's necessary an easement.

Boyeff called for comment three times, hearing none, closed the public hearing for the rezoning to heavy industrial and the preliminary plat. A short discussion took place regarding the inclusion of Tuboscope's property.

MOTION BY BROSTUEN, SECOND BY HAUGEN to recommend to the City Commission approval of the rezone from Agricultural to M-2 Heavy Industrial property for 2.87 acres for the existing Tuboscope property in the SW1/4 NE ¼, section 2, T154N, R101W, Williston Township. AYES: Brostuen, Fleck, Haugen, Aafedt, Maristuen, Long, Boyeff. NAYES: None. MOTION CARRIED.

MOTION BY BROSTUEN, SECOND BY LONG to recommend to the City Commission approval of Preliminary Plat for NOV Tuboscope Subdivision (31.0 acres) in the SW ¼ NE ¼, Section 2, T154N, R101W, Williston Township contingent upon providing a 40' wide public access and utility easement along the west and south property line. AYES: Fleck, Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYES: None. MOTION CARRIED.

**NEW BUSINESS:**

**1. Application for Special Permitted Use for Storage of Hazardous Materials (Industrial Explosives) on Lots 1, 2, 3, Block 2, Delaney Subdivision- Pioneer Wireline/O'Neil.**

Boyeff indicated the next item of business is a Special Use Permit application for Storage of Hazardous Materials on Lot(s) 1-3, Block 2, Delaney Subdivision requested by Pioneer Wireline. He asked Jarcik to present. Jarcik pointed out the location of the request is along the south side of Broadway between 10<sup>th</sup> and 12<sup>th</sup> Avenue next to Allied Van Lines. He said the applicant proposes storage of special industrial explosives under 50 pounds.

Martin O'Neil, Pioneer Wireline Services, said they are presently located on the corner of 8<sup>th</sup> Avenue and East Broadway and are planning to move to this new location south of Broadway. Jarcik showed the board a building site plan that shows the location of the future magazines, which will be located along the west side of the building. Mr. O'Neil said the explosives will need to meet ATF regulations. Boyeff indicated an ad hoc did meet and recommended approval. A short discussion took place regarding the need for review by ATF, meeting local codes, vacating of the present location, ATF's inspections and reporting to the fire chief.

MOTION BY FLECK, SECOND BY HAUGEN to approve the application for Storage of Hazardous Material on Lot(s) 1, 2, 3, Block 2, Delaney Subdivision for Pioneer Wireline Service dba Penkota Wireline for 50 pounds or less, contingent upon ATF approval. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYES: None. MOTION CARRIED.

**2. Application for Special Permitted Use for a Carwash and Used Auto Sales for Lot 1R, Sundance Rearrangement- Skalsky.**

Boyeff said the next item is an SPU application for a car wash and used auto sales for Lot 1R, Sundance Rearrangement from David Skalsky. Jarcik showed the location of the proposed use to be located across from Trinity School behind the Kensington (future 11<sup>th</sup> and 24<sup>th</sup> Avenue). He said the applicant is to develop a two (2) bay car wash and car sales for used Avis rental cars. Jarcik said a future TIF district for street improvements has been considered. He said an adhoc met and recommends approval of the car wash and used car sales contingent on approval of the streets and adequate parking as authorized by the building permits.

David Skalsky, property owner, said he plans on constructing a facility for the car wash. He referred to the site plan showing the location of the car wash and parking lot for the auto sales and green space. Boyeff said in adhoc there was discussion about re-locating the carwash to help prevent noise, lighting not reflecting into adjoining properties, dryers (15 or 30 amp blowers), hours of operation (24), buffering, notification to adjoining owners and neighbor's concerns. Criteria was reviewed and the board determined no real concerns except for the need to have proper buffering and how to protect neighbors from noise problems. Aafedt said if in the future there is a problem with noise, the City would have an ordinance to protect the neighborhood.

MOTION BY HAUGEN, SECOND BY FLECK to approve the Special Permitted Use for a Carwash and Used Auto Sales for Lot 1R, Sundance Rearrangement (SE corner of 11<sup>th</sup> Avenue & 24<sup>th</sup> Street) requested by David Skalsky. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. MOTION CARRIED.

**3. Application for Special Permitted Use for Storage Units for manufactured homes and Site Plan review located on unplatted parcel (43.4 acres) S1/2, NW1/4, Section 2 T154N, R101W, Williston Township- Rosa Johnson Development.**

Boyeff said the final item this evening is a SPU application for the storage units for manufactured homes and site plan review for unplatted parcel (43+ acres) in Section 2, Williston Township. He indicated this was the property the board had approved the rezoning for (Mobile Home Court/Erickson Family). He asked Jarcik to explain. He indicated that the City Commission approved the rezone to R-5 contingent on a development agreement. The applicant, Rosa Johnson Development is interested in rearranging the initial site plan to utilize the existing infrastructure

Jarcik said the SPU will allow for private storage for the tenants contingent upon a development agreement being signed by the City Commission along with final approval of the updated site plan as presented.

Scott Johnson, with Rosa Johnson Development, indicated that he has been working with City staff to provide a final site plan that will meet the necessary requirements. He said they plan to utilize the existing infrastructure for sewer and water which has been reviewed by a company that works with municipalities to look at sewer lines. Mr. Johnson said it's in great shape so he hopes to get the trailer park up and running soon. He said they plan to have storage units for each mobile home. The lots will be 50' wide. Boyeff asked if the units would be only for the tenants. Mr. Johnson said yes.

Aafedt said in adhoc it was her understanding the board would be looking at the Special Permit for the storage units only. Boyeff said the site plan is also being reviewed at this time. She did not recall that during adhoc. Jarcik said there is no formal process in the ordinance to review the site plan, but it's necessary to have the updated plan reviewed to accommodate the storage units, which requires an SPU. A short discussion took place regarding what action is to be required from this board. Boyeff asked if there needs to be two motions on this request. Jarcik said yes, one for the updated plan and one for the SPU.

Boyeff asked about utilization of the existing sewer system versus the previous plan that did not allow use of the lagoon. Mr. Johnson said they are planning to be annexed so they will be receiving city services. Boyeff asked staff if the development plan addresses the issue regarding water & sewer. Jarcik said that is correct. Aafedt asked if the applicant was not asking for private storage in the mobile home court, would the board be asked to approve a final site plan. Jarcik said most definitely. Aafedt understood.

Kevin Paulsen, adjoining property owner, asked why those storage units can't be placed along the south side of the property, rather than along 16<sup>th</sup> Avenue. Mr. Johnson said there is current infrastructure along 16<sup>th</sup> and their goal is to remove the skid shacks that are currently near the future entrance to the park. Mr. Paulsen said he is not opposed to the park but does not want to look at storage units. Mr. Johnson said the updated plan will have less housing but will provide better buffering compared to the previous plan. Mr. Paulsen asked what the next step will be. Boyeff said the storage units will be handled by this board but the final site & development plan needs approval by the City Commission.

Aafedt asked what the units would look like. Mr. Johnson said the units would be steel sided with 8'x10' garage doors, along with landscaping to include large type trees & shrubs.

Fleck asked what would be the number of mobile homes. Mr. Johnson said 150 homes. Discussion took place regarding the number of units being proposed, reclaiming the existing lagoon, paving requirement, the units being built at a later date, location of the units being proposed along the north side of the site plan, existing buildings being used by local business, future use of existing buildings and the type of future mobile homes being considered, park entrance, future park area, color of the units (earth tone versus other colors), percentage of temporary units being allowed per the development plan, future site manager (office) to be on location and the need for proper bonding. Maristuen said it appears to him that Mr. Johnson is looking to greatly improve the area over what currently exists. Haugen asked if there is a 40' right of way along the south side of the development. Mr. Johnson said that is being included in the development plan. Mr. Paulsen brought up the location again. Aafedt said maybe the board should consider the issue being tabled so further dialog could take place regarding the SPU but to go ahead with the motion for the site plan approval. A short discussion took place regarding consideration to only approve the storage location along 16<sup>th</sup> Avenue at this time. Boyeff asked for the wishes of the board.

MOTION BY AAFEDT, SECOND BY BROSTUEN to approve the Special Use Permit for private storage units for the Erickson Family Trust mobile home court but to limit the storage units to be located only east of 15<sup>th</sup> Avenue to 16<sup>th</sup> Avenue as shown on the site plan.(north side) AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAY: None. MOTION CARRIED.

Haugen asked if the units are to be used by the owners of the mobile homes. Boyeff said the motion could be amended to include that requirement.

MOTION AMENDED BY AAFEDT, SECOND BY BROSTUEN to restrict the use of the storage uses for the lot residents only. AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAY: None, MOTION CARRIED.

Boyeff said the next motion would be the site plan and the importance of a final development plan needing to be approved by the City Commission.



MOTION BY AFFEDT, SECOND BY HAUGEN recommended to approve the updated site plan for the Erickson Family Trust mobile home court, contingent upon an approved development agreement being signed by the City Commission. AYES: Fleck, Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAY: None, MOTION CARRIED.

Meeting adjourned. Next meeting is set for July 18, 2011.

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Kent Jarcik, City Planner