

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON AUGUST 19, 2013 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

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

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

MEMBERS ABSENT: Aafedt.

OTHERS PRESENT: Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Staff Planner; Elaine Sinness, Assistant Planner; Nick Vasuthasawat, Code Compliance Coordinator; Christine Edwards (Administrative Assistant); Bill Tracy, Building Official; David Tuan and Scott Molstead, Public Works.

DISPOSITION OF MINUTES:

1. Minutes were approved for July 15, 2013 meeting as presented. MOTION BY BROSTUEN, SECOND BY MARISTUEN. MOTION CARRIED ON VOICE VOTE.

PUBLIC HEARING:

Boyeff began by stating that there had been an SPU application for Concordia Lutheran Church to house homeless persons on a temporary basis and that after the ad hoc meeting it was decided to remove that item from this evening's agenda. Boyeff asked Kent Jarcik to address this.

Jarcik stated that the request was to allow overnight housing of individuals at Concordia. He further stated that is in an R1 residential zoning and this would not be a permitted use therefore would require a SPU. After the application and other items were received the need was felt to do a site visit following the ad hoc meeting on August 5, 2013. The Fire Chief, a building official and staff planner Rachel Ressler made the site visit and looked at the facilities and the program that was taking place there and presented their findings at the Ad Hoc meeting. The Fire Chief commented that Concordia has no sprinkler system and according to R-1 fire code classification, a minimum of a sprinkler system is required for all habitable spaces. Fire Chief did call other jurisdictions on how shelters were treated and ultimately confirmed this decision. Other fire code considerations were where people were sleeping, specific areas deemed as sleeping spaces and building codes addressed a lack of sanitary facilities for housing people. Staff deemed this an incomplete application and commented that the applicant would need to work with an architect to put together a complete application showing how the facility can meet fire code, building code issues based on what they propose. Jarcik concluded that without that information a decision cannot be made thus the ruling that this was an incomplete application.

Boyeff stated that Jarcik's presentation answered the reason that the Concordia SPU was removed from the agenda but stated that the applicant can resubmit the application once the requested criteria had been met, to which Jarcik agreed. Boyeff stated for any citizens that were at the meeting specifically for this issue that the board could not act on that this evening.

Pastor Reinke of Concordia Church asked if the board would take any public comment. Boyeff told him that they cannot allow public comment at this time because this item was not a public hearing issue this evening. Reinke secondly asked if there was any means of appeal, Boyeff

told him there was not at this time because no ruling or action has been taken on the application.

Boyeff stated that they now would move onto public hearings.

1. Proposed Zone Change from C-2: General Commercial to M-1: Light Industrial for an unplatted parcel in the NE1/4 of SE1/4 of Section 22, T154N,R101W - City of Williston (containing 1.7 acres) – Magrum Motors

Boyeff read the purpose of public hearing no. 1 (as above) and asked staff planner Ressler to present this matter. Ressler stated that the request of the applicant was to put a water depot on this land, which is currently the land that Magrum Motors is on. Ressler stated that a meeting with the applicant prior to the application submittal that the staff was unable to support this application for three reasons: (a) The Comprehensive Plan for the City of Williston indicates that a commercial corridor should be created along the Highway 1804 corridor west of the downtown, along 2nd Street West. Rezoning a commercial property to an industrial property along this corridor contradicts the Comprehensive Plan; (b) The property size is 1.7 acres. It is also not contiguous with any M-1: Light Industrial or even M-2: Heavy Industrial property. It therefore does not meet the zoning code requirement of industrial districts of at least 20 acres minimum size, and; (c) It is illegal to drill and sell water from private wells in the city. The applicant maintains that the property uses sandpoints. The City Engineer has clarified that sandpoints are considered wells under the ordinance and the plan for the property would constitute an illegal use of the property. The applicant chose to submit the application regardless of Planning Department advice.

At ad hoc, committee members discussed the three above reasons that the property should not be rezoned. In addition, the committee discussed the need for new access points if the property is turned into a water depot. Those access points would not be permitted or approved by the city or the North Dakota DOT, as the city does not want any more access points onto 2nd St W and the DOT does not allow accesses onto highway on-ramps. Ad hoc recommend to the City Commission denial of the zone change request from C-2: General Commercial to M-1: Light Industrial for the unplatted parcel in the NE1/4SE1/4 Section 22, T154N R101 W, City of Williston (northwest of Gate Ave and 2nd St. West – 1.7 acres)

Boyeff asked if the applicant was present, no appearance. Boyeff asked twice if there was any public comment. Mark Cheney was present and asked if this affected him or his property. Ressler assured him it did not. Mr. Cheney received a letter only as required to surrounding property owners when the SPU application was made. Boyeff asked a third time for public comment, hearing none he called for the recommendation from the board.

MOTION BY LONG, SECOND BY MARISTUEN, to recommend a denial to the City Commission for the proposed zone change from C-2: General Commercial to M-1: Light Industrial for an unplatted parcel in the NE1/4 of SE1/4 of Section 22, T154N,R101W - City of Williston (containing 1.7 acres) AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: AAFEDT. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

2. Proposed Zone Change from A: Agricultural to M-2: Heavy Industrial for an unplatted parcel in the SE1/4 of Section 13, T155N,R101W - City of Williston (containing 46.5 acres) – Granite Peak

Boyeff read the purpose of public hearing no. 2 (as above) and asked principal planner Kress to present this matter.

At August 5, 2013 ad hoc meeting there was discussion on the proposal as presented by staff. Discussion at the ad hoc meeting included the requirement property must be platted, at least as a subplot. Kress stated that the property owner has indicated that they will likely go the subplot route. Prior to final approval of the zone change the property must be platted.

The ad hoc committee recommended approval for zone change zone change A: Agricultural to M-2: Heavy Industrial for 46.5 acres located in the SE1/4 of Section 13, T.155 N., R.101 W.. contingent upon (1) property being platted prior to final approval of the zone change (2) addressing all staff comments.

Boyeff asked if the applicant had any comment, none made. Boyeff asked if there were any public comment. Commissioner Haugen questioned access to this area and Kress stated that the property will take access from 135th Avenue Northwest. The North Dakota Department of Transportation is not allowing direct access to County Highway 6 at this time. Boyeff asked for any public input and after 3 requests for public comment and hearing none he ended this public hearing and asked for the wishes of the board.

MOTION BY HAUGEN, SECOND BY BROSTUEN, to recommend approval to the City Commission for the zone change from A: Agricultural to M-2: Heavy Industrial for an unplatted parcel in the SE1/4 of Section 13, T155N,R101W (Bakken Corner)- City of Williston (containing 46.5 acres), contingent upon the property being platted prior to final approval of the zone change and addressing all staff comments. AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

Boyeff stated that the next four items are connected but will be handled and voted on individually.

3. **Proposed Zone Change from A: Agricultural to C-2: General Commercial for various Lot(s) and Block(s) in Lake Park, Hi-Land Heights 2nd and 3rd Subdivisions, Kringen Subdivision, Outlot (s) 2-7, SE1/4SE1/4, Unplatted 240'x258' lot in E1/2SE1/4 in Section 26, T155NR101W, and unplatted 165'x367' tract in N1/2 in Section 25, T155N, R101W, City of Williston.- Staff**

Boyeff said that the next four public hearing items were attached but that each item would be voted on separately. Boyeff opened the public hearing for this item stating this is part of the northern annexation and asked principal planner Kress to present.

Kress reminded the committee that this land was annexed to the City in January, 2013 and that much of that land was in the county jurisdiction at the time of the annexation and was zoned in compliance with the Williams County Zoning Ordinance. When this area was annexed into the city, the zoning became A: Agricultural, pursuant to Section 5(5) of the Williston Zoning Ordinance. Kress stated that this is a "holding zone" until an appropriate zone can be established. City Planning Dept. has been working with SRF Consulting to identify existing land uses on all the properties in the annexed area. At the July 15, 2013 P&Z meeting we introduced Phase I of the annexation including Hi-Land Heights, Lake Park and some industrial properties and applied the City zone that was most appropriate to each, this presentation addresses Phase II. Kress pointed out on four distinct maps what area each zone change would address and on

an overall map how each area correlates to one another. Kress asked Michael Maddox of SRF to give a brief discussion on the research that was done to decide the appropriate zoning. Mr. Maddox stated that considerable time was spent going through the newly annexed properties looking at what the existing uses are, lot sizes, what they were zoned in the county vs. what they will become under the Williston Zoning Ordinance. Addressing the commercial portions, Maddox states that they are mostly along Hwy. 2 and compatible with future use plans to make that corridor commercial use. Most of the businesses already in place fit into the proposed C-2 zoning. States that no junk will be allowed to be stored on these properties and violations will be addressed. Kress reiterates to the board that these zone changes have nothing to do with they used to be but what they ought to be now and turns this public hearing over to the commissioners for discussion and decision.

Boyeff stated that this was a public hearing and asked for any comment on the proposed zone change A to C-2. Brief discussion was initiated by a citizen about the noise in those areas from equipment back up alarms. Boyeff called twice more for public comment, hearing none, asked the board to take action.

MOTION BY BROSTUEN, SECOND BY FLECK, to recommend approval to the City Commission for the Proposed Zone Change from A: Agricultural to C-2: General Commercial for the various Lots and Blocks listed under agenda item E3. (Lots 1, 2, 3, 4 Block 1 Lake Park Subdivision; Lots 1, 2 Block 1 Hi-Land Heights 2nd Subdivision; Lots 1 and 3 Block 4, Lot 2 Block 1, Lot 1 EX DD PT, Block 1, TR in L 1 Hi-Land Heights 3rd Subdivision; Lot 2 Block 1 Kringen Subdivision; Outlots 2, 3, 4, 5, 6, and 7 SE1/4 SE1/4 Sec. 26 T155N R101W; 240' X 258' E1/2 E1/2 SE1/4 Sec. 26 T155N R101W; 165' X 367' TRACT IN N1/2 NW1/4 NW1/4 SW1/4, Sec. 25 T155N R101W) AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Proposed Zone Change from A: Agricultural to P: Parks and Open Space for Sublot 5 and Sublot 1 in Section 36, T154N, R101W, Unplatted 215'x 202.6' Tract in N1/2 in Section 26, T155N, R101W, Lot 1 in Section 1, T154,101W, and unplatted parcel in the SW, Section 36, T155,R101W, City of Williston.- Staff

Boyeff opened the public hearing for this item (as outlined above) and asked principal planner Kress to present. Kress states that the same summary of information as in the previous public hearing applies here. He points out the areas that are proposed as parks and open spaces on the map(s), and specifically showing the Corps of Engineers property, which was mistakenly left off the exhibits, and Spring Lake Park. Kress states that on this, the staff has no further comment. Boyeff asked if there any questions of the commission, none were presented. Boyeff opened the hearing to public comment. After three questions for public input and hearing none he closed the public hearing and asked for the wishes of the board.

MOTION BY FLECK, SECOND BY BROSTUEN, to recommend approval to the City Commission for the Proposed Zone Change from A: Agricultural to P: Parks and Open Space for Sublot 5 and Sublot 1 in Section 36, T154N, R101W, Unplatted 215'x 202.6' Tract in N1/2 in Section 26, T155N, R101W, Lot 1 in Section 1, T154,101W, and unplatted parcel in the SW, Section 36, T155,R101W, City of Williston. AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

5. Proposed Zone Change from A: Agricultural to R-1: Single Family Residential for Lot(s) 1, 1R, 2, 2R, 3, 4, 6, 7, 8, 9, Miller Subdivision, Section 1, T155,R101W, City of Williston.- Staff

Boyeff indicated that next public hearing is a zone change from A to R1 for various lots in the Miller Subdivision, initiated by the City of Williston. He opened the public hearing and asked Kress to present.

Kress points to the Miller Subdivision on the maps and states that this has been residential for some time. He states that the minimum lot size for R1 is 8,000 sq. ft., that the lots in question now are bigger than that but none are a half-acre that would be required for R1A zoning. There are residences there now and Kress speaks about one non-conforming lot belonging to Matt Langdahlen who runs a small business operation there (no residence). Kress states that he has had several discussions about this with Langdahlen and that staff feels that zoning this area anything other than R-1 and accepting this one non-conforming lot would be inconsistent. Langdahlen wonders about after the zoning R1, should he decided to sell that lot in the future, how would that affect the sale. Kress answers that Langdahlen could sell it with the non-conforming use but that the buyer could not expand more than (a certain percentage), the sale could not be sold as a commercial use, but a non-conforming use in an R-1 zone. Haugen asked Langdahlen if he would want to build a house on this lot in the future, Langdahlen said he had no room or intention.

Boyeff called for public comments three times, hearing none closed the public hearing and asked for the wishes of the board.

MOTION BY MARISTUEN, SECOND BY LONG, to recommend approval to the City Commission for the Proposed Zone Change A: Agricultural to R-1: Single Family Residential for Lot(s) 1, 1R, 2, 2R, 3, 4, 6, 7, 8, 9, Miller Subdivision, Section 1, T155,R101W, City of Williston. AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

6. Proposed Zone Change from A: Agricultural to R-1A: Rural Residential for Lot 3, Block 1, Hi-Land Heights 2nd Subdivision, City of Williston.- Staff

Boyeff opened the sixth public hearing for a proposed zone change (as described above). Boyeff opened the public hearing and asked Kress to present. Kress pointed out the parcel in question and asked Mr. Maddox, SRF Consulting, to explain why this single parcel is being addressed. Maddox stated that the reason this parcel was left out of the Phase I zoning is that the owner had a shed on the property that he is running a tool and die shop out of and wanted it zoned commercial. It is close to a commercial use but there is also a residence on the property that the owner resides in so the staff felt it better a R1-A than a C-2. Kress stated that this was a low-intensity business. Commission asked if this then would be a non-conforming use running a business on R1-A and Maddox answered that home-based business is a permitted use in R1-A. Kress questions this as a home-based business and suggested it may be non-conforming use but there is no other zoning that would be appropriate. Either you have a small business running in a residential area or a residence in a commercial zone, staff opted for R1-A. Kress concluded this presentation.

Boyeff called three times for public comment, hearing none, asked the board to take action.

MOTION BY LONG, SECOND BY MARISTUEN to recommend approval of the proposed zone change from A: Agricultural to R-1A: Rural Residential for Lot 3, Block 1, Hi-Land Heights 2nd

Subdivision. AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

Kress states there are still a few lots (indicates on map) that are un-zoned, that they have varied uses and that they will be addressed in a specialized manner at the September 16, 2013 meeting.

7. Proposed Amendment to Ordinance No. 613 also known as “The Zoning Ordinance of the City of Williston, amending Section 20.L: Relating to Requirements for Wall Signs in C-2: General Commercial (Ordinance No. 971) - Staff

Boyeff states that the next item is a proposed Amendment to Ordinance No. 613 (as described above) and asked Ressler to present.

Ressler states that the application is to amend Section 20.L: Sign Limitations of Ordinance 613 of the City of Williston, also known as the Zoning Ordinance of the City of Williston, relating to requirements for wall signs in the C-2: General Commercial District. Ressler states that currently, the ordinance reads that wall signage not exceeding 20 % of the façade to which it is attached is allowed, but at least 60 square feet of signage is allowed, up to 200 square feet. This ordinance is not designed to handle signage requests from the types of buildings applying for signs today. In order to update the ordinance, the Planning Department feels that a more proportional ordinance is necessary. She continues to explain that this updated ordinance clarifies that the amount of square feet of signage can be broken up into more than one sign, and does not put a hard limit on wall signage on stores with over 100 feet of building frontage.

Ressler read number 5 of the section as proposed: Wall signs may be erected with a sign face not exceeding 2 square feet per 1 foot of building frontage of the façade to which the sign will be attached. If there is less than 100 feet of building frontage, wall signage not exceeding 20% of the façade to which it is attached is allowed; however, this is not to exceed 200 square feet of wall signage. Signs shall not extend above the top of the wall or façade to which they are attached.

Ad hoc made some clarifications in the wording in the ordinance change and decided to recommend to the City Commission approval of Ordinance 971, Amending Section 20.L: relating to walls signs in the C-2: General Commercial District.

Boyeff called for public input and after three questions, hearing no comment, closed the public hearing and asked for the recommendation of the board.

MOTION BY MARISTUEN, SECOND BY HAUGEN to recommend approval of Ordinance No. 613, also known as “The Zoning Ordinance of the City of Williston, amending Section 20.L: Relating to Requirements for Wall Signs in C-2: General Commercial (Ordinance No. 971) AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

UNFINISHED BUSINESS:

1. Final Plat for Grey Wolf Subdivision – Grey Wolf Holdings, LLC

Boyeff asked Kress to update the board on this item. Kress stated that the Grey Wolf Development team had indicated they are not ready to come forward with the final plat on this subdivision as yet and therefore the staff would recommend tabling this matter for another month.

MOTION BY MARISTUEN, SECOND BY BROSTUEN to recommend the Final Plat for Grey Wolf Subdivision be tabled. AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

NEW BUSINESS:

1. Application for Special Permitted Use for Group Daycare-715 6th Avenue West – Laurie Reigard

Boyeff states that the next item is under new business and is a SPU for a daycare and asked Sinness to present.

Sinness states that the property is located in R-2 zoning and presents the board with photos of the front and back of the house. Sinness states that Laurie Reigard, the applicant, has had a daycare at the Sons of Norway building since 2008 and has recently been informed that building will no longer be available to her. Laurie would like to move her daycare to her home, the daycare would actually be located in the basement which consists of a small kitchen, eating, play and craft room with two bedrooms and egress windows. The yard is completely fenced. The alley provides parking for dropping off and picking up children; however, it is unpaved and the applicant would have to address that. There is a fundraiser planned by the applicant and her daycare parents to help with the cost of that. The building has been looked at by Planning; Building; Fire department; Engineering. Williams County Social Services have approved the building for daycare of up to 13 children. Sinness states that ad hoc would ask the board to recommend approval of the SPU at 715 6th Ave. W., subject to a reasonable time to pave the parking the rear of the building. Haugen asks what a “reasonable amount of time” to allow for completion of the paving. Much discussion was had about the availability of a paving contractor and the time of going into fall. Applicant has already had a paving contractor review the area and is working on a quote. Planning Director Jarcik suggested a date of July 1, 2014 to allow for weather and contracting time. Boyeff called for the wishes of the board.

MOTION BY MARISTUEN, SECOND BY HAUGEN, to recommend Special Permitted Use for Group Daycare-715 6th Avenue West, City of Williston, contingent upon the applicant completing the paving requirement by July 1, 2014. AYES: Fleck, Brostuen, Haugen, Long, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

2. Application for Special Permitted Use for Lodging House – Vision Oil Tools

Boyeff states the second item under new business (as above) and asks Ressler to present.

Ressler states that this application is to allow a lodging house with a Special Permitted Use (SPU) in an R-3: Lowrise Multifamily District for Lot 3, Block 7 of the Sande Subdivision and explains that In October of 2012, this property along with contiguous ones on 1st Avenue West were rezoned from R-1A: Rural Residential to R-3: Lowrise Multifamily and Townhouse Residential for the purpose of allowing the large houses on that lot to come closer to conforming with the current zoning code. When these lots were rezoned, the applicants were informed that they would need to come before the Planning and Zoning Commission in order to obtain an SPU. They were also told they would need to

be working on bringing the houses up to code. The applicant for this special use permit has 14 rooms in the house. As such, they are required to have 14 parking spaces. From their map, they appear to have room for it, though they should be paved and striped. There is water and sewer in the area and the house is connected.

Ad hoc recommendation was to recommend approval of the SPU for Lot 3, Block 7 of the Sande Subdivision contingent upon the building meeting fire and building codes and staff comments. At ad hoc committee members discussed how many people were living in the house at a time. Staff clarified that the applicant has stated that there are around 8 people who live in the house, though only 4 are there at any one time. Ressler stated that the applicant was represented this evening by Pam Plante. Haugen addresses concerns to Plante that he looked at the location and said he did not see any paving and could not see that there would be room for more than 10 vehicles. Plante states that there is a black tar and gravel parking which is re-graveled as needed. Haugen questions the site plan eventually allowing up to 16 rooms and no parking. Plante explains that the workers staying at this house work rotating shifts so there would be no more than 4-5 people at a time in the house/parking areas. Boyeff asked Ressler if there would be requirement to pave that area, Ressler responded that they would be required to pave (either asphalt or concrete) and stripe it. Boyeff clarified that the applicant could meet the requirements once they have identified the area to be paved. Boyeff asked Bill Tracy, building official, if they had what they needed for this issue. Tracy stated that he was unaware of this property and that the applicant would need to schedule an appointment with the building department for an inspection. Discussion was had about sprinkler systems and smoke detectors and requirements that may be made in that regard. Haugen questions that this is on dead-end street and in ability to turn around there. Maristuen states that conversation with Monte Meiers indicates there is a city plan to eventually improve the access of this street, but could be another year or two. Fleck questions how the board could even begin to approve an SPU without the building inspection. Fleck also questioned how there could be any control of the number of people staying in the house when they propose 16 rooms and the applicant states that only 8 people at a time would be living there. Jarcik interjects that there has been some possible miscommunication with this project and suggest tabling this matter until there has been inspection as to whether this meets fire and building codes or the requirements to meet those codes have been met.

MOTION BY FLECK, SECOND BY HAUGEN, to recommend tabling any action regarding the SPU for Vision Oil Tools lodging house until a building inspection can be completed. AYES: Fleck, Brostuen, Haugen, Long, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

3. Final Plat for Williston Kettler Commercial Subdivision.

Boyeff introduces this final plat and asked Kress to present. Kress indicated the location of this property on the map stating that this is the former Lindsey Implement property. Kress states that the subdivision provides four commercial lots, ranging in size from 1.27 acres to 1.99 acres. All lots are current zoned C-2: General Commercial. No zone change is proposed. He explained that the project site will take access from 139th Avenue Northwest, a dedicated public street. Access to the lots internally will be by reciprocal access easements. Similar reciprocal access easements for commercial lots in the Sand Creek Town Center are 34 feet wide (the model used for these instances). This is in compliance with Williston Ordinance Number 948 describes the requirements for reciprocal access easements. Kress states that the plat depicts a 10-foot wide dedication along the northern boundary of the project site for the future improvement of an extension of Chandler Loop South to connect to 139th Avenue NW. Kress stated that an earlier version of this plat had a 40' dedication but that after further review by the

city engineer it was cut back. Kress says that there will be development agreement with this project with project specific amendments.

Kress states that ad hoc recommendation if for the board to recommend approval of this project to the city commission contingent upon a standard development agreement with project-specific amendments including; screening of the detention basins with shrubbery or attractive fencing; design guidelines, as have been applied to recent commercial subdivisions; non-protest agreement for future street improvements of 139th Avenue Northwest; relocation of the access to the project to be approved by the Engineering and Planning Departments; and, addressing all staff comments.

Haugen questions Kress on the change from 40' dedication to a 10" dedication and how that will be made up. Boyeff states that there is a plat on the parcel to the north there is a 60' foot access that parallels this property. "We" have been working with the land owners to the north and the south to come to an agreement to making that right-of-way to extend from 139th to Chandler Loop. Boyeff says there are agreements from all parties on the south and an agreement is in the works for the parties on the north side which would give a 60' access clear through the area. Boyeff asked if there were any other questions, hearing none he asked for the recommendation of the board.

MOTION BY BROSUTEN, SECOND BY MARISTUEN, to recommend approval to the City Commission for the final plat of the Williston Kettler Commercial Subdivision contingent upon a standard development agreement as addressed in the fact sheet, a non-protest agreement for any future improvements of 139th Ave. NW, relocation of the access to the project to be approved by the Engineering and Planning Departments and addressing all staff comments. AYES: Long, Brostuen, Haugen, Fleck, Maristuen, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Final Plat Final for Daybreak Townhomes

Boyeff introduces the last item and asks Ressler to present. Ressler states this is the final plat of the Daybreak Townhomes Subdivision which is a rearrangement of Lot 2R, Block 1, Daybreak Subdivision (on 14th St. west of the Motel 6). Final plat of a split of one lot into six for the purpose of townhomes. These townhomes are currently under construction, as they were originally intended to be condominiums. The lot lines line up with the current shared walls, so the line placement is not an issue. There are sewer and water lines into each lot. Ressler stated that the one concern shared by Planning and Engineering was the driveway configuration. It was determined that a shared cross drive with access points at the eastern and western curb cuts would be best. This would eliminate part of the middle driveway, while ensuring that at least 6 homeowners are responsible for the upkeep of the boulevard area and shared driveway. This would also allow an unbroken green space in front of part of the road frontage. It eliminates cars backing into the street, as well. This will require an easement and maintenance agreement. The easement is shown on the final plat, and the maintenance agreement is being worked on. The Parks Department requests cash in lieu of a park donation.

Ad hoc recommends approval of the final plat of the Daybreak Townhomes Subdivision contingent on a maintenance agreement being filed with the Recorder at the time of recordation, parks fee, landscape and street tree ordinances and any final staff comments. Boyeff asks for questions or comments, hearing none Boyeff asks for a motion.

MOTION BY MARISTUEN, SECOND BY BROSTUEN, to recommend approval to the City Commission for the final plat for Daybreak Townhouse Subdivision contingent upon a

maintenance agreement being filed with the Recorder at the time of recordation, parks fee, landscape and street tree ordinances and any final staff comments. AYES: Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff. NAYS: None ABSENT/NOT VOTING: Aafedt. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

DATE OF NEXT MEETING: September 16, 2013

MEETING ADJOURNED.

Kent Jarcik, Williston Planning Director