

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, APRIL 16, 2012, IN THE COMMISSION ROOM AT 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, Jerry Fleck, Glenn Boyeff. **MEMBERS ABSENT:** None.

OTHERS PRESENT: Kent Jarcik, City Planner, Jessica Kaiser Planner I, Elaine Sinness Assistant Planner, Monte Meiers Engineer, Doug Lalim, Building Official, Jordan Evert, City Attorney

DISPOSITION OF MINUTES:

MOTION BY BROSTUEN, SECOND BY MARISTUEN to approve the March 19, 2012 minutes as presented.
MOTION CARRIED ON VOICE VOTE.

PUBLIC HEARINGS

1. Proposed Amendment to the Future Land Use from Agriculture to Agriculture/Rural Residential; Zone Change from A: Agriculture to R-1E: Rural Estate; Preliminary Plat for Lazy E Subdivision for property located in N1/2NE1/4, Section 18 and the S1/2SE1/4SE1/4, Section 7, T155N R100W, Stony Creek Township - Scott Ellis

Boyeff opened the public hearing. Kaiser presented request. The applicant would like to plat approximately 100 acres into 38 lots to develop a Rural Estate Subdivision. The applicant would like to use Rural Water without annexation, but the lots could be provided with on-site water wells. If water wells are used, annexation would not be required but the City would require a non-protest annexation agreement be signed. The applicant proposes to use individual septic systems. Ad hoc committee met and discussed drainage easements. Engineering had concerns with drain fields on steep slopes. The issue of mines in the vicinity was discussed. There was discussion about the landfill located next to the proposed subdivision, as well as the truck route being proposed that would run adjacent to the property. The applicant plans to plant a tree buffer on the east side of the property, along the road. The ad hoc committee recommended approval of the amendment to the Future Land Use classification from Agriculture to Agriculture/Rural Residential; the zone change from A:Agriculture to R-1E: Rural Estate and the preliminary plat for Lazy E Subdivision contingent on clarification on the mines in the area and if they can get water to the area, buffering, non-protest future annexation agreement and a development agreement.

Steve Slocum, a neighbor was present and questioned whether there would be restrictive covenants; water and landscaping. The applicant responded that there would be restrictive covenants and there is a possible water line to be run to the landfill. Williams Rural Water line wouldn't be big enough - the development won't happen if there is no water available. Grandview Drive would be a public road. Commissioner Boyeff stated he would like to see a disclaimer on the plat regarding abandoned mines in the area.

Stony Creek Township commented that they would not be responsible for maintenance or construction of roads.

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 FLECK, SECOND BY AAFEDT to recommend to the City Commission approval of amendment to the Future Land Use map from Agriculture to Agriculture/Rural Residential for N1/2 NE1/4, Section 18 and S1/2SE1/4SE1/4, Section 7, T155N R100 W, Stony Creek Township. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYS: None. ABSTAIN: Haugen. MOTION CARRIED.

MOTION BY BROSTUEN, SECOND BY AAFEDT to recommend to the City Commission approval of zone change from A: Agriculture to R-1E: Rural Estate for N1/2NE1/4 Section 18 and S1/2 SE1/4SE1/4 Section 7, T155N R100W Stony Creek Township. AYES: Maristuen, Long, Brostuen, Fleck, Aafedt, Boyeff. NAYS: None. ABSTAIN: Haugen. MOTION CARRIED.

MOTION BY MARISTUEN, SECOND BY FLECK to recommend to the City Commission approval of preliminary plat for Lazy E Subdivision located in the N1/2NE1/4 Section 18 and S1/2SE1/4SE1/4, Section 7, T155N R100W Stony Creek Township, contingent on disclaimer on abandoned mines, roads will be the responsibility of the Homeowners Association, must be able to get water to the area, buffer, non-protest future annexation agreement and a development agreement. AYES: Long, Brostuen, Fleck, Aafedt, Maristuen, Boyeff. NAYS: None. ABSTAIN: Haugen. MOTION CARRIED.

2. Proposed Amendment to the Future Land Use from Residential to Industrial and Zone Change from A: Agriculture to M-2: Heavy Industrial and Preliminary Plat for Sublot 12 located in NW1/4SE1/4, Section 34, T155 R101 Missouri Ridge Township-Oasis Petroleum/Kjorstad

Boyeff opened the public hearing. Kaiser presented request. The applicant would like to plat and rezone approximately 40 acres into one lot for workforce housing and a pipe yard. The applicant plans to control drainage/run-off by culverts. The road that was built through their property to the east of their proposal will be continued through this proposed parcel in order to give access. Their proposal for future work force housing is not a mancamp but will be mobile housing for employees and their families. The FLU shows this area as residential, but the area has been developing as industrial so this use would fit in the area. An ad hoc meeting was held on this proposal. Engineering commented that a 40' easement may be needed along the west side of the property and that the easement along the north edge of the proposed platted lot for the road ROW will need to be shown. The applicant had no issues with these recommendations. Ad hoc committee recommended approval of the Future Land Use amendment from Residential to Industrial, the zone change from A:Agriculture to M-2: Heavy Industrial, and the preliminary plat for Sublot 12 contingent on continuing the road through the property to the north and the 40' easement on the west side.

Fabian Kjorstad from Oasis Petroleum was present at the meeting. He stated that they plan to put in a culvert for drainage and would be willing to barricade each side of drainage and separate from their property. They may possibly use a 48" culvert with an area for overflow. They have no problem with the road and 40' easement requirements. Jack Johnson, of Joe's Casing, a neighbor to the south, stated that he is not opposed to the request, but would like a tree row placed to help with aesthetics. The applicant has no problem with this request. Lowell Cutshaw of Interstate Engineering stated the drainage easement has been addressed on the revised plat.

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

MOTION BY LONG, SECOND BY MARISTUEN to recommend to the City Commission approval of Future Land Use amendment from Residential to Industrial for NW1/4SE1/4, Section 34, T155N R101W, Missouri Ridge Township. AYES: Brostuen, Fleck, Haugen, Aafedt, Maristuen, Long, Boyeff. NAYS: None. MOTION CARRIED.

MOTION BY HAUGEN, SECOND BY FLECK to recommend to the City Commission approval of zone change from A:Agriculture to M-2: Heavy Industrial for NW1/4SE1/4, Section 34, T155N R101W, Missouri Ridge Township. AYES: Fleck, Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYS: None. MOTION CARRIED.

MOTION BY BROSTUEN, SECOND BY AAFEDT to recommend approval to the City Commission on preliminary plat for Sublot 12 located in the NW1/4SE1/4, Section 34, T155N R101W, Missouri Ridge Township contingent on continuing the road to the north and a 40' easement to the west and south. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYS: None. MOTION CARRIED.

UNFINISHED BUSINESS:

1.Proposed Zone Change from A: Agriculture to C-3: Restricted Commercial for Sundown Addition - Dakota Parkway Investments/Shaw

Jarcik presented request. The request is to allow for a commercial development including a medical facility. This property has been annexed into the City. This issue was heard in a public hearing at the November 21, 2011 Planning & Zoning meeting. A lengthy discussion took place with regards to the future plans for the intersection and the possible frontage road, future turn lanes, timeline for the intersection (2013), need for dollars, traffic studies becoming obsolete, allowing for commercial development compounding the traffic problems, need for a bridge, stabilization, sewer & water, timelines for the developers. At that time, the Planning & Zoning Commission tabled the request until there is a better idea of how the traffic situation can be resolved at the intersection (11th Street) to accommodate the ingress and egress for the property.

The applicant has been working with the property owners to the south (Reiger's) to develop a plan to construct a frontage road and water crossing that would allow access south across the Sand Creek drainage to use existing access on the Reiger Commercial Subdivision.

Ken Will with Rhavon LLC was present at the meeting and stated they have signed an agreement with the Reiger's and there is a development agreement in place. The intent is to construct a 3 story; 3,000 square foot urgent care medical building and the other 8 lots would be developed into a medical park. The Planning members had concerns about the traffic on 11th Street. The applicant stated that they will build a box culvert and frontage road. Monte Meiers, City Engineer, stated that they would need to have the water crossing approved and constructed before the construction could be started. The applicant's development agreement notes that, once the water crossing structure is completed, access will be via the south, over the water crossing structure.

MOTION BY MARISTUEN, SECOND BY BROSTUEN to recommend to the City Commission approval of zone change from A: Agriculture to C-3: Restricted Commercial for Sundown Addition. AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYS: Aafedt. MOTION CARRIED.

NEW BUSINESS:

1. Proposed application (SPU) for Equipment Sales, Rental & Repair on Lot 1, Block 5, Bakken Industrial Park Subdivision, City of Williston-Insight Investments/Zeiter

The applicant requests that this be tabled.

MOTION BY HAUGEN, SECOND BY FLECK to table this item. MOTION CARRIED ON VOICE VOTE.

2. Proposed Application (SPU) for 120' Cell Tower within Sublot 15, T154N R100W, Stony Creek Township-Verizon Wireless

Sinness presented request. 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. The applicant will need to comply with Ordinance 912 and Section 27(SPU). The property is located in M-1 zoned property and adjoins industrial and agriculture type uses. The proposal would meet the required setbacks. The nearest residence is 1900 feet away. An ad hoc meeting was held on this issue, at which there was discussion regarding the need to have the applicant contact the airport manager being as the tower will be located in the approach zone. The Airport Board met April 2nd and the applicant was notified of the approval of the Airport Board regarding the tower's location pending meeting FAA requirements. Ad Hoc recommendation was approval of the SPU contingent on approval from airport, and compliance with all applicable local and FAA requirements.

The Planning board had several concerns and there was lengthy discussion about the easement for the future truck bypass. Concern was also expressed as to the use of the 5' and 10' easements noted on the plat. The applicant has met all ordinance requirements. They would need to file Form 7460 per the airport.

MOTION BY FLECK, SECOND BY HAUGEN to deny the SPU request due to concerns about the location of the future truck bypass and if this would be a detriment to the by pass.

After more discussion, FLECK withdrew motion to deny, HAUGEN withdrew second.

MOTION BY FLECK, SECOND BY HAUGEN to table the SPU request for Sublot 15, T154N R100 W, Stony Creek Township until the next meeting to research how far to the west the tower could be moved, or if it could be relocated. AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAYS: None. MOTION CARRIED.

3. Final Plat for Rearrangement of Lot 1, Block 7, Bakken Industrial Park Subdivision (Pleasant Valley RV Park) - City of Williston-Haugen/Schneider

Sinness presented request. On March 19, 2012, the Planning Board recommend approval of the preliminary plat to the City Commission subject to a development agreement and allow for the Special Permitted Use for an RV Park in the R-5 District upon final approval of the plat. On March 27, 2012, the City Commission approved the preliminary plat contingent on a development plan. On April 10, 2012, the City Commission reviewed the RV's site plan and development agreement subject to engineer review. The applicant has updated the plat and ordered the Title Opinion which should be available soon. Park Dedication was discussed.

The applicant was present and stated that there would be 709 RV sites and 5 mobile home sites for owners for maintenance. There will be laundry facility and there is a large amount of open space for park area (30-32 acres). There will be a detention pond in the low lying area to the south but it could be used as a park area during dry conditions. The Planning board would like to see a more centralized park/playground area, as opposed to the park area being located on one end of the park or the other. There was also discussion about the roads being gravel vs. paved within the park. The applicant stated that the intent is to turn this back to an industrial use when the need for an RV Park no longer exists. There was discussion on whether there should be a requirement that roads be paved after a certain number of years that the park is in use. Doug Lalim, City Building Official, requested guidance from the Planning Commission on the Park dedication fee.

MOTION BY LONG, SECOND BY HAUGEN to recommend to the City Commission approval of the final plat for rearrangement of Lot 1, Block 7, Bakken Industrial Park Subdivision (Pleasant Valley RV Park) City of Williston, contingent on title opinion, playground being part of the development agreement in lieu of park dedication fee and must be maintained by the park owners. AYES: Long, Brostuen, Haugen, Aafedt. NAYS: Maristuen, Fleck. MOTION CARRIED.

DATE OF NEXT MEETING:

Next meeting will be a Special Meeting on April 30, 2012. Meeting adjourned.

Kent Jarcik, City Planner