

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON FEBRUARY 17, 2015 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

Vice-Chair Maristuen called the meeting to order at 5:30pm. Roll Call was taken. A Quorum was present.

MEMBERS PRESENT: Christensen, Maristuen, Fleck, Boyeff, Haugen.

MEMBERS ABSENT: Aafedt, Long.

OTHERS PRESENT: Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Staff Planner; Samantha Neill, Staff Planner; Kelsey Vlamis, Planner/Code Compliance; Christine Edwards (Administrative Assistant); Bob Hanson, City Engineer; Jordon Evert, Assist. City Attorney; Kelly Aberle, Building Dept.

DISPOSITION OF MINUTES:

- Minutes were approved for January 20, 2015 regular meeting. MOTION BY BOYEFF SECOND BY HAUGEN. MOTION CARRIED ON VOICE VOTE.

COMMUNICATION:

PUBLIC HEARINGS:

- Administrative Review plat, a rearrangement of Lots 5, 6, 7 and 9, Roseland 2nd Addition and Sublot 14 located in the S1/2 SW1/4, Section 2, T154N, R101W, City of Williston – George Gaukler/Ulteig Engineers**

Maristuen opened the public hearing for this first agenda item and asked Neill to present. Neill stated that is item is an administrative review for lot line adjustments of four existing lots located in the R-3: Low Rise Multifamily Residential zone. Neill said that currently lots 5 and 9 have multi-family buildings on them and lots 6 and 7 are vacant and adds that the existing buildings will meet the requirements of minimum size, lot coverage, and impervious surface. Lots 9, 7, and 6 have access onto 42nd St. Lot 5 has access onto 45th St.

Neill states that the reason for this lot line rearrangement is to allow for the future development of 13th Avenue, which runs north and south between lot 6 and the Strata Corporation. The Strata Corporation will be dedicating 40 feet and the applicant will be dedicating 40 feet for 13th Ave. This will allow 80 feet for the build out of 13th Ave W. Neill explained that the Strata Corporation's lot line to the west is being adjusted but does not affect minimum lot requirement.

No zone change is required for the applicant's properties therefore the Strata Corporation (lot 5) will remain zoned A: Agricultural.

Discussion at the February 3, 2015, ad hoc included the right-of-way dedication from Strata and the applicant (40 feet from each party). Discussion ensued on whether or not the parties needed to dedicate a total of 80 feet or change it to 60 feet. Since 13th Ave. will eventually connect to 26th Street so it was staff suggestion to make the ROW 80 ft. and remain consistent from Roseland Subdivision down to 26th Street with future development.

Neill concluded her presentation and asked if there were any questions from the Commission. Haugen asked for clarification of Sublot 14. It was explained that Sublot 14 would be brought into the subdivision with this plat.

Maristuen called three times for public input and hearing none closed the public hearing and asked for the wishes of the Commission.

MOTION BY BOYEFF, SECOND BY CHRISTENSEN, to approve a rearrangement of Lots 5, 6, 7 and 9, Roseland 2nd Addition and Sublot 14 located in the S1/2 SW1/4, Section 2, T154N, R101W, City of Williston, contingent on addressing all staff comments and City Commission acceptance of right-of-way dedications for 13th Ave. W. AYES: Fleck, Haugen, Christensen, Boyeff, Maristuen. NAYS: None. ABSENT/NOT VOTING: Aafedt, Long. ABSTAINED: None.

b. Administrative Review plat, a rearrangement of Block3, Harvest Hills Subdivision, City of Williston – Jeff Koch/Civil Science

Maristuen opened the public hearing for this second public hearing agenda item, and asked Kress to present. Kress said that this item an administrative review plat for a rearrangement of Block 3, Harvest Hills Subdivision (approximately two acres) to create one lot out of the existing four lots by removing the lot lines. Kress stated that Jeff Koch of Roer's Investments, the property owners, has a commercial development on this block that is currently under construction and has been approved by the City. Kress clarifies that this request is just to remove all interior lot lines and create on large lot.

The property is zoned C-3: Restricted Commercial and is part of the Harvest Hills PUD. No zone change or amendment to the PUD is proposed. Access to the property does not change.

Kress stated that at the February 3, 2015, ad hoc the committee had no questions or comments Kress concluded his presentation.

Haugen questioned how the current building happening on the lot has been allowed without having this administrative review plat already done since "they" are building across lot lines. Kress stated that he did not believe there was any prohibition against building across lot lines as long all lots were owned by one person and added that this plat would just make things cleaner. Further discussion on building across lot lines was had with the Commission, staff and Terry Metzler of Granite Peak Development; Kress stated he would follow up on the matter and would clarify for all. (Later in the meeting, Kelly Aberle of the Building Department was able to answer the question: Per Century Code/Building and Tax Codes, it is acceptable to build across lot lines as long as all lots belong to one owner. The change that occurs at that point is that instead of each individual lot being taxed the properties joined by the building are held and taxed as one large parcel.)

Maristuen called three times for public input and hearing none he closed the public hearing and asked for the wishes of the board.

MOTION BY CHRISTENSEN, SECOND BY HAUGEN, to approve rearrangement of Block3, Harvest Hills Subdivision, City of Williston. AYES: Fleck, Boyeff, Haugen, Christensen, Maristuen. NAYS: None. ABSENT/NOT VOTING: Aafedt, Long. ABSTAINED: None.

c. Administrative Review plat, a rearrangement of Lot 3, Sunset Subdivision, creating two lots located at 13941 Sunset Blvd., City of Williston – Terri Anderson/Westrum Land Survey

Maristuen opened the public hearing for the third public hearing agenda item and asked Ressler to present. Ressler stated the is to divide the property into two lots. Zoning is R1-A: Rural Residential therefore each lot would be required to be at least 0.5 acre. Ressler said that proposed Lot 1R is 2.01 acres and proposed Lot 2R is 2.13 acres. Both lots have access to city water and sewer. Lot 1R is proposed for a new single family home. Lot 2R would retain the current house which is serviced now by City sewer. Both lots would take access off of Sunset Blvd.

At the ad hoc committee meeting on February 3, 2015, Ressler said the only real discussion focused on where the drain field is to the septic. The lot is actually on sewer so that is not a concern.

After calling three times for public input and hearing none, Maristuen closed the public hearing and asked for the wishes of the board.

MOTION BY HAUGEN, SECOND BY CHRISTENSEN, to approve the rearrangement of Lot 3, Sunset Subdivision, creating two lots located at 13941 Sunset Blvd., City of Williston, contingent on addressing all staff comments. AYES: Fleck, Boyeff, Haugen, Christensen, Maristuen. NAYS: None. ABSENT/NOT VOTING: Aafedt, Long. ABSTAINED: None.

d. Administrative Review plat, a rearrangement of Lot 1, Block 4 Wright Subdivision, into Lots 1R and 2R, 120 53th St. NW (corner of Fairgrounds Rd. and the frontage road east side of Hwy 25/85) City of Williston - Karissa Teske/Neil Slaaen

Maristuen introduced this item and asked Neill to present. Neil requested that this matter be tabled to later in the meeting and explained there is a simultaneous SPU application regarding this matter that staff would like to present before this administrative review. Commission agreed to temporarily table this item.

e. Proposed Ordinance 1015 amending and adding language to Sections 11.A.14 and 14.A.3.C. of Ordinance 574, otherwise known as the Subdivision Ordinance of the City of Williston, in order to create standards for sidewalks adjacent to roads in association with the trails plan within the City - Staff

Maristuen opened the public hearing for this proposed ordinance asked Ressler to present. Ressler explained that in January, the City Commission and Williston Park Board approved a trails map for the City, which outlines a future network of trails and pedestrian/bike paths throughout the City. The majority of these follow streets or proposed streets.

In the case of undeveloped property along one of those rights of way, the property would, under current development standards, be required to install a 5 foot sidewalk. Ordinance 1015 proposes to change that requirement for sidewalks where there is a trail indicated on the approved trails map (adopted by Resolution 15-002). This ordinance proposes that where a trail is indicated on the approved trails map, the sidewalk along that right of way shall be built to a minimum of 8 feet, which is a standard trail width. Ressler cited for an example the south side 42nd St. and said it is not developed yet but the City would ask that when it is developed that an 8 ft. right of way be included.

Ressler said that the ordinance would read:

Section 11.A.14 (1): Sidewalks adjacent to roads in association with the trails plan: a minimum of 8 ft., where indicated by trails map approved by City Commission and Parks District.

Sidewalks adjacent to roads in association with the trails plan should be installed at the time of subdivision infrastructure improvements and street installation, or at time of development of the property, in cases where subdivision infrastructure improvements were made prior to this ordinance.

Ressler clarified that this would only affect sidewalks/trails that are adjacent to roads.

Boyeff stated that at the February 3, 2015, ad hoc meeting the committee questioned bringing this matter forward separate from the upcoming UDC (unified development code) and asked for the staff's reasoning in bringing it forward now. Ressler stated that this ordinance does not change the right of way width with ordinance but only sidewalk/trail widths. She stated that a 66 ft. right of way width might make it difficult to put in an 8 foot sidewalk so in the UDC adjusting right of way widths may be addressed if it cannot be accommodated. Boyeff asked how it was imagined that would be handled if there were not enough space, Ressler answered that it may not be developer that would have to give any additional right of way but that the City might have to give some of it in the boulevard. Ressler stated it would have to be worked out among the Parks Department and City.

Fleck stated that he understood this ordinance would pertain to sidewalks/trails adjacent to streets but asked if this ordinance would also require those to become 8 foot; Ressler said it would not affect those. Boyeff asked about developments that are already existing; Ressler stated that staff has discussed this with many developers and are/will be working with them to get this requirement into place and stated as an example that the west side of Harvest Hills, the City and the Developer to get this wider sidewalk installed.

Discussion is had as the width of trails not adjacent to streets. Ressler stated that this ordinance will not address that rather that the Parks Department will address that. The idea she said is that sidewalks can be pedestrian and bike trails thus the reason the City staff is addressing them along City streets. Boyeff asks again if this cannot be tied into the UDC, concerned that the Commission would be doing something now that would/could be changed in the UDC. Kress interjected and stated that the work of preparing the UDC has been a very detailed and lengthy process and since there is no time "set in stone" at this point as to when the UDC might be put in place, this ordinance, as a few other in recent past, is being proposed in preparation of the spring building season to assure that what is needed will be available when the UDC is ready. Jarcik later explained that the process of the UDC, the public hearings required when the staff is ready to publicize it, corrections and approvals and stated that in all honesty he believed it would be the toward the end of this year before it was finalized.

Maristuen asked if there was anyone in the audience that would like to speak to this proposed ordinance. Terry Metzler, Granite Peak Development, asked City Engineer Hanson if this was already figured into and easement being discussed with the City on 44th St. Hanson replied using Harvest Hills again as an example, "there is a 66 ft. right of way, a 45 ft. wide street, 11 ft. in which to fit an 8 ft. sidewalk". Metzler stated in reference to trails that are shown on the

Parks Department trails map that are not adjacent to a street, he is aware of several private land owners whose land a proposed trail is shown on and he suggested that some discussion ahead of time was in order.

Hanson stated that he is concerned that with the sidewalks not needing to be installed until the time of development there would be gaps in the trail system and that if the City and developers did not work closely together those connections might fail. Also he pointed out that currently industrial and commercial zoned properties are not required to install sidewalks and that this ordinance could now require them.

Discussion was had to clarify installation of the sidewalks upon development of a parcel or of a subdivision. It would be the intention that sidewalks are installed as development of subdivisions giving some flexibility to require it done per parcel depending on development phasing.

Further discussion was had about putting this ordinance in place ahead of the UDC and would this be productive and proactive for the development of the UDC. Ressler explained that the City has had the opportunity to apply for a grant concerning the trail system and some of that required something to back up the needs in the application. Again it was discussed that this needed to be addressed prior to the 2015 building season so that connectivity would be available and cohesive under the UDC come the 2016 building season. Boyeff asked when in a development a sidewalk was required to be installed, for example, when the street, curb and gutter is in and sewer and water are stubbed in? Aberle said that sidewalk is expected as part of the building permit unless the development agreement says something different which generally would address collector streets and arterial streets differently.

Fleck asked about the statement in the ordinance stating that it is a minimum 8 ft. wording and wondered if that would open the conversation in the future that the City would require a sidewalk wider than 8 ft. Ressler explained that with the grants that are being applied for, and with other types of funding there are different requirements and the 8 ft. that has been chosen by the City and needs to be written in the ordinance; the City is not saying it would ask for wider sidewalks but that it must have a consistent minimum.

With no other audience input or discussion from the Commission Maristuen asked for the direction of the Commission.

MOTION BY BOYEFF, SECOND BY CHRISTENSEN, to recommend approval of Proposed Ordinance 1015 amending and adding language to Sections 11.A.14 and 14.A.3.C. of Ordinance 574, otherwise known as the Subdivision Ordinance of the City of Williston, in order to create standards for sidewalks adjacent to roads in association with the trails plan within the City. AYES: Fleck, Boyeff, Haugen, Christensen, Maristuen. NAYS: None. ABSENT/NOT VOTING: Aafedt, Long. ABSTAINED: None.

- f. Proposed Ordinance 1016 modifying required districts size in transition area, modifying section 20(b), Minimum Dimensional Requirements for the C-2: General Commercial District, of Ordinance 613, otherwise known as the Zoning Ordinance of the City of Williston, to allow smaller district sizes where transition areas are indicated by the City of Williston Comprehensive Plan – Staff**

Maristuen introduced this item (as above) and asked Ressler to present. Ressler said this ordinance is proposed to clarify an issue regarding the Comprehensive Plan direction for a commercial corridor along Hwy 2/85. Specifically, the future land use map marks much of the area from 26th St north to 58th St as a transition area from industrial to commercial, and the area left has been designated as commercial. This corridor currently has a mix of industrial and commercial businesses. In a survey of businesses located on that corridor in early 2013 most of the properties on this corridor are zoned M-1, and in that early 2013 study, indicated to the City that the property owners would not be interested in rezoning to C-2: General Commercial as many of those properties were smaller than the required 2 acres for the C-2 zone and rezoning would make their uses non-conforming.

Ressler stated that over the past several years, the Planning Department has received requests to rezone property along this corridor to C-2, for specific purposes. While this is in keeping with the Comprehensive Plan goals and the future land use plan, it is not allowed in the zoning ordinance because of the smaller property sizes. Ressler said that essentially it was impossible due to the Code to meet the future Comprehensive Plan goals. Ressler explained that this proposed amendment would allow those properties smaller than two acres within the outlined area on the attached map to rezone to C-2: General Commercial, in order to accomplish that goal.

The February 3, 2015, ad hoc committee was generally in favor of the ordinance, but asked for clarification about whether this ordinance would force existing businesses to rezone to C-2: General Commercial or would create non-conformities for an existing business or property. Ressler assured the Commission that this amendment does not require property owners to rezone or actively affect any properties. She stated it simply provides an option for smaller properties to re-zone to C-2: General Commercial.

Ressler reminded the Commission that this ordinance would need to be heard at the City Commission in a public hearing and a second reading before final approval.

Maristuen asked for any public input on this item; after calling three times and hearing no input he closed the public hearing and asked for any discussion or direction from the Commission.

MOTION BY CHRISTENSEN, SECOND BY BOYEFF, to recommend approval of Proposed Ordinance 1016 modifying required districts size in transition area, modifying section 20(b), Minimum Dimensional Requirements for the C-2: General Commercial District, of Ordinance 613, otherwise known as the Zoning Ordinance of the City of Williston Comprehensive Plan. AYES: Fleck, Boyeff, Haugen, Christensen, Maristuen. NAYS: None. ABSENT/NOT VOTING: Aafedt, Long. ABSTAINED: None.

COMMITTEE REPORT:

UNFINISHED BUSINESS:

- **Special Use Permit (SPU) request to allow a contractor yard in the A: Agricultural zone located at the corner of 54th St. W and 16th Ave. W, City of Williston – Zack Lebsack/Spyder Oilfield Services**

Kress stated that is the applicant's request that this item remained tabled. Maristuen asked if there was a motion from the Commission: MOTION BY CHRISTENSEN, SECOND BY FLECK to table this SPU request. Carried on voice call.

- **Special Permitted Use for daycare in the R-2 zone, 2013 23rd St. W, City of Williston - Debbie Lientz**

Neill requested this item remain tabled stating that the applicant had still not completed her required fire inspection. Maristuen asked if there was a motion from the Commission: MOTION BY CHRISTENSEN, SECOND BY FLECK to table this SPU request. Carried on voice call.

NEW BUSINESS:

- **Special Permitted Use for a restaurant in an M-1:Light Industrial zone, Lot 1, Block 4, Wright Subdivision, 120 53rd St. NW, City of Williston - Karissa Teske/Neil Slaaen**

Maristuen introduced this item of new business (as above) and asked Neill to present. Neill reminded that this item was first presented to the Commission in December 2014 as an Administrative Review to put in a lot line. It has been discussed that possibly a Special Use Permit allowing multiple uses on one lot could be done. Neill stated that the applicant has provided an updated site plan that would provide access off of the frontage road and exit onto 53rd Street versus using the alley as originally proposed and denied in December 2014. The applicant's building would be 10 feet wide and 20 feet long with a 4 foot deck on the west side of the building. The width of the drive-thru would be 14 feet wide and continue to be 14 feet wide all the way out to 53rd St.

Contingent on approval of the SPU, the applicant would be required to pave the required parking, drive-aisle, and aisle out to 53rd Street. The U-Haul business also on the lot would also be required to clean up their lot and remove the existing building on the west side of the lot in order for the applicant to exit onto 53rd St.

Discussion at the ad hoc committee meeting on February 3, 2015, included:

CAR STACKING: The commissioners had a concern with stacking at the window of the restaurant. They did not want cars spilling out onto the Frontage Road. We do not have anything in our code that addresses this concern except in Ordinance 958 (Mobile Food and Coffee Kiosks) that requires vendors to have enough room for 3 cars to be lined up. Applicant does have enough room for 3 cars to be lined up behind the window plus one extra car.

SEWER/SEPTIC: Upper Missouri District Health Unit (UMDHU) and the engineering department believe that the current septic situation (septic tank and drain field) will suffice for the type of restaurant the applicant is applying for. If the applicant does not want to use the existing septic tank and drain field she can convert it into a holding tank. The underground holding tank would go on applicant's portion of the lot. The City Engineer states that the applicant would have to connect to sewer when the line comes within 200 feet to the property.

INGRESS/EGRESS: The alley currently acts as a buffer from industrial operations to residential operations. The engineer suggests a physical barrier between her lot and the alley. Erection of a fence was discussed and would have to be put up on the applicant's property so as to not cut in to the alley width as required by the fire chief.

LOT DESIGN: Proper signage would be required in order to designate traffic flow patterns. Staff wants the drive aisles to be delineated due to the fact that the two businesses are very different uses.

Haugen stated his concern that since an SPU "goes with the property" there would be nothing to prevent the owner to changing the remaining use of the lot to a commercial use such as expanding the restaurant and eliminating the U-Haul business. It was clarified that the SPU would specify the reason, use and area and that the approved site-plan would be recorded with the SPU findings as an exhibit.

Fleck opens discussion about flipping the proposed site plan around to enter from 53rd Street and exit onto the Frontage Road, move the building to the south of the drive-isle to put the drive-thru window on the driver's side and move the building further to the west which would allow for more stacking. A reversed traffic flow may eliminate the need for a fence as there would no longer be an egress issue but possibly just a pole and cable type delineation - also suggested to keep the drive isle separated from the U-Haul lot.

Further discussion is had as to signage, directional signing, and paving of the entire "restaurant" portion of this lot. Applicant, Karissa Teske, agrees with all suggestions and actually feels the proposed change of lay-out would actually be more useful to her in the way of water and sewer.

MOTION BY FLECK, SECOND BY HAUGEN, to approve the Special Permitted Use for a restaurant in an M-1:Light Industrial zone, Lot 1, Block 4, Wright Subdivision, 120 53rd St. NW, City of Williston, contingent on the revisions of the site plan to enter from 53rd Street and exit onto the Frontage road as discussed, directional signage being installed per direction of staff, installation an open type fencing along the alley and between the U-Haul restaurant areas, the U-Haul business to clean up and maintain the cleanliness of the lot and understanding that this SPU applies only to the area designated on the final site plan. AYES: Fleck, Maristuen, Haugen, Boyeff, Christensen NAYS: None. ABSENT/NOT VOTING: Long, Aafedt. ABSTAINED: None.

It is agreed by the Commission that the City staff may oversee the revisions without needing to bring it back to the Commission.

After approval of the SPU, the applicant, Karissa Teske, made a formal request to the Commission to withdraw her application for and administrative review of the same property. (Public Hearing item d)

- **Special Use Permit (SPU) request for an industrial building in a C-2: General Commercial Zone, located at 5022 139th Ave. NW, west side of Chandler Loop West, north of Hwy 2/85, City of Williston – J.D. Elzner/Epic Engineering**

Maristuen introduced the second item of new business (as above) and asked Ressler to present. Ressler stated that this property has been proposed for a special use permit to maintain and expand an existing oilfield service business on the property. The property was rezoned to C-2: General Commercial in 2012, as part of an effort to create a commercial corridor along Hwy 2/85. The property owner at the time was notified of that change. They are proposing a special use permit which would allow the business to expand but would also require some development standards to be put into place. These standards include paving required

parking, fencing the property, and placing street trees. The owners will also need to sign several documents provided by the City Attorney in order to straighten a right of way on the south of the property. There may also be unsigned documents on the east side of the property that will need to be signed. The City Attorney is working to clarify but has requested that this be listed as a contingency of the SPU.

The applicant had originally requested that the property be rezoned, but at the original January 2015 ad hoc, discussion focused on whether the property should be rezoned or not; the conclusion was that an SPU was the appropriate response.

*Discussion on storage containers: Haugen said there were simply too many on the property and was concerned that it could not be arranged and organized and cleaned up with as things are now. Ray Pacheco, representing the applicant, stated that the applicant had other industrial land available to store containers on and would only keep on the property in question the number that would fit as designated on the site plan in review.

*Discussion on Paving: Haugen asked if the entire lot was to be paved. Ressler stated that only the required parking area, ingress, egress and drive aisle would be required to be paved.

*Discussion on fencing: Pacheco asked if the property could be entirely fenced to match what currently exists. Because of the different surrounding zonings the fencing requirements differ. Existing fence on the north is acceptable; a vinyl fence will be required on the east to buffer from the residential zone there and required on the south to buffer the commercial zone there. Fencing height and buffering will need to meet buffering standards.

Hanson clarified with Pacheco that water line plans will be submitted at the time of the building permit for building expansion. He also added that he believed there should be a non-protest agreement in place that the applicant would hook to City water and sewer when it became available and Boyeff and Evert stated that as well as right of way documents are in process.

MOTION BY FLECK, SECOND BY HAUGEN, to approve the Special Permitted Use for an industrial building in a C-2: General Commercial Zone, located at 5022 139th Ave. NW, west side of Chandler Loop West, north of Hwy 2/85, City of Williston, contingent on all necessary right of way documents being signed and recorded and the property being built to the standards on the site plan approved at this meeting. ** Discussion from Haugen to address the number of skid shack storage containers. There are 25 spaces allotted for on the site plan being approved therefore; Fleck amended his motion to include that only 25 storage containers, neatly stacked, would be allowed, second by Haugen. AYES: Fleck, Haugen, Christensen, Boyeff, Maristuen. NAYS: None. ABSENT/NOT VOTING: Long, Aafedt, Haugen. ABSTAINED: None.

- **Special Permitted Use for daycare in an R-1:Single Family Residential zone, 1204 13th Ave. W, City of Williston – Diane Miller**

Maristuen introduced the third item of new business (as above) and asked Neill to present. Neill stated the applicant requests a special permitted use for a group child care center in an existing residence located in the R-1: Single Family Residential zone. Neill stated the facility would accommodate up to 28 children and she is licensed to take care of up to 28 children. The daycare would be open Monday through Friday during normal business hours, 8 a.m to 5 p.m.

Neill explained that the daycare would be in the applicant's residence and the applicant would remain living in the residence. There would be one other employee who lives down the street and would walk to work every day, not taking up any required parking spaces.

Neill said that the applicant's residence has been approved by both the Fire and Building Inspectors. License and inspection from Social Services has also been completed. The applicant's backyard is fenced and backs up to an alley (with exception of one section connecting to the house near the drive-way which is in the process of being enclosed, this was noted by Commissioner Haugen)

Access for parking and drop-off will be from the same side of the street as the house is on. The applicant has a contract that all parents must sign stating the safety rules associated with picking-up and dropping-off of children. The applicant has plans to stagger the pick-up and drop-off times, so the street will not be cluttered around certain times of the day. Parents will be required to bring their children to the door, signing them in and out of the daycare.

Haugen asked if surrounding owners had been notified; he was informed that they had and all certified mail certificates were in the file in the Planning Department.

MOTION BY BOYEFF, SECOND BY CHRISTENSEN, to approve the Special Permitted Use for daycare in an R-1: Single Family Residential zone, 1204 13th Ave. W, City of Williston, contingent upon addressing all staff, ad hoc and Commission concerns. AYES: Fleck, Haugen, Boyeff, Christensen, Maristuen. NAYS: None. ABSENT/NOT VOTING: Long, Aafedt. ABSTAINED: None.

Over-sized Sign Permit requested for Williston Home & Lumber located at 320 26th St. E, City of Williston – Farmer's Union Lumber Company

Maristuen introduced this final item of new business (as above) and asked Neill to present. Neill explained that this application requests an SPU for an oversized sign located on a C-2: General Commercial lot. The lot is currently occupied by Williston Home and Lumber.

Neill explained the applicant wants to add signage to an existing sign on the property. Currently Minute Lube is the only business that has advertisements on the pole sign. The existing sign has 108 square feet of signage. With the addition of the Home and Lumber sign it would put it at 192 square feet. Nine square footage of current sign is being removed so the proposed sign would have 183 square feet of signage. Neil said the maximum signage in this zoning district is 125 square feet and this proposed Williston Home and Lumber would fill the space in the Minute Lube cabinet exceeding the maximum allowed by code by 58 square feet.

Minute Lube would be removing the dynamic messaging part of the existing sign (located at the bottom of the existing pole sign). They will be keeping the "Amsoil" sign because it is a part of their franchise requirement.

Neill said that at the February 3, 2015, ad hoc meeting, members had a hard time making a recommendation because a proposed sign was not presented however members did believe that an oversized sign would make sense for this building at this location since it has no street frontage.

Neill stated that if the Commission chose to approve this Over-sized Sign Permit it be contingent on no other pole sign be permitted for either property. Neill then concluded her presentation.

MOTION BY BOYEFF, SECOND BY HAUGEN, to approve, as presented, the Over-sized Sign Permit request for Williston Home & Lumber located at 320 26th St. E, City of Williston, contingent on addressing all staff comments, proper building permits being obtained and no other pole signs being allowed for either property in the future. AYES: Fleck, Haugen, Boyeff, Christensen, Maristuen. NAYS: None. ABSENT/NOT VOTING: Long, Aafedt. ABSTAINED: None.

DATE OF NEXT REGULAR MEETING: March 16, 2015

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director

APPENDIX
to the
FEBRUARY 17, 2015 PLANNING AND ZONING COMMISSION MINUTES

- Special Permitted Use for a restaurant in an M-1:Light Industrial zone, Lot 1, Block 4, Wright Subdivision, 120 53rd St. NW, City of Williston - Karissa Teske
- Special Use Permit (SPU) request for an industrial building in a C-2: General Commercial Zone, located at 5022 139th Ave. NW, west side of Chandler Loop West, north of Hwy 2/85, City of Williston - J.D. Elzner
- Special Permitted Use for daycare in an R-1:Single Family Residential zone, 1204 13th Ave. W, City of Williston – Diane Miller
- Over-sized Sign Permit requested for Williston Home & Lumber located at 320 26th St. E, City of Williston – Farmer’s Union Lumber Company