

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON JULY 15, 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:** Aafedt, Long, Brostuen, Fleck, Haugen, Maristuen, Boyeff.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Staff Planner; Elaine Sinness, Assistant Planner; Nick Vasuthasawat, Code Compliance Coordinator; Monte Meiers, City Engineer; Bill Tracy, Building Official.

**DISPOSITION OF MINUTES:**

1. Minutes were approved for June 17, 2013 meeting as presented. MOTION BY BROSTUEN , SECOND BY HAUGEN . MOTION CARRIED ON VOICE VOTE.

**PUBLIC HEARING:**

1. **Proposed Zone Change from A: Agricultural to R-3: Lowrise, Multifamily Residential for Sublot No.4, City of Williston.** NIK Management,Inc./Snyder

Boyeff indicated there are a number of public hearings this evening. He opened the public hearing for a zone change from A: Agricultural to R-3: Lowrise, Multifamily Residential for Sublot No.4. He asked Kress to present. Kress said the applicant, Neal Krzyzaniak, would like to attend via conference call but was not available. Kress pointed out the location of the proposed zone change south of 26<sup>th</sup> Street and Statoil oil site. This property has been annexed. He said the request is a zone change from Agricultural to R-3: Lowrise Multifamily and Townhouse Residential for 10.7 Acres located in Sublot 4. The project site will take access from 32<sup>nd</sup> Avenue West. No development of apartments can take place on this site until 32<sup>nd</sup> Avenue West is paved, connecting with either 26<sup>th</sup> Street West or US Highway 2/85. An ad hoc meeting was held. Discussion at the meeting included the need for: (1) Scheduled bidding and probable pace of development of 32<sup>nd</sup> Avenue West. (2) Access to this property is currently only from 32<sup>nd</sup> Avenue West unless the developer makes an arrangement with the neighboring property to the east. (3) Developer to acknowledge that the paving being done for 32<sup>nd</sup> Avenue West is the initial paving assessment, though there will be no cost assessed at this time. Kress then referenced the engineer comments in the facts sheet. (That the Development Agreement contains words to the effect that this property is exempt from the initial assessments to be levied for the paving of 32nd Avenue West. The City is planning to pave 32nd Avenue West this year without a special assessment district. The developer recognizes that this year's paving satisfies the intent of this wording.10 or 20 years from now city may want to create an assessment district for the purposes of overlaying or reconstructing this pavement and do not want the owners claiming that this future assessment would be the initial assessment called out in the Development Agreement.)

Kress further commented the ad hoc recommended approval for zone change from A: Agricultural to R-3: Lowrise Multifamily and Townhouse Residential for 10.7 Acres located in Sublot 4 of, Section 15, T154N, R101W, City of Williston, contingent upon (1) paving of 32<sup>nd</sup> Avenue West being under contract by the time this zone change is before the City Commission (Bid opening to be August 23th); (2) addressing all staff comments; and,(3) the developer's understanding of how the assessments for the paving of 32<sup>nd</sup> Avenue West will be structured as described in the City Engineer's comments.

Kress tried a second time to make contact with applicant by phone but was unsuccessful. The owner, Suzanne Snyder, asked if the zone change is dependent on the sale of the property and asked if the re-zoning would affect her taxes. Mr. Kress said there are no conditions on the zone change and that the property would still allow for a single family home in the R-3 District and that taxes are based on the use of the property not on zoning.

Ms. Snyder further indicated that the sale was contingent on the right of way being taken care of by the city. Kress commented that no cost would be assessed to the owner regarding the paving of 32<sup>nd</sup> Avenue. Boyeff called for public comment, hearing none, he asked for board action.

MOTION BY HAUGEN, SECOND BY BROSTUEN, to recommend approval to the City Commission for the proposed zone change from A: Agricultural to R-3: Lowrise Multifamily and Townhouse Residential for Sublot 4, Section 15, T154N,R101W,(south of 26<sup>th</sup> street & east of 32<sup>nd</sup> Avenue West) contingent on development agreement and staff comments. (regarding paving & assessments) AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

2. Proposed Zone Change from A: Agricultural to M-2: Heavy Industrial for various unplatted lot(s) in Section 35, T155N, R101W, City of Williston -Staff

(474.08 X 563.37 TR IN NE 1/4SE1/4 SW1/4; TRACT IN N1/2 SE1/4 SW1/4; 702.4 X 1240.64 IN N1/2 NE1/4 SW1/4; PT OF S1/2 SE1/4 SW1/4; N1/2 NE1/4 SW1/4 EX DD PTS; TR IN N1/2 N1/2 S1/2 NW1/4 SW1/4 and N1/2 NW1/4 SW1/4 and S1/2 S1/2 S1/2 SW1/4 NW1/4; 570.08 X 1256.56 IN SW1/4 NW1/4, Section 35, T155N, R101W, B1, Cherrey Subdivision)

Boyeff said the next three public hearings are all tied together for the various properties being re-zoned, which resulted from the Northern Annexation as initiated by the City of Williston. He opened the first public hearing for the zone change from A: Agricultural to M-2: Heavy Industrial for various unplatted lots in Section 35, T155N, R101W, City of Williston. He asked Kress to present. Kress said he will be providing a general overview of the areas being considered for re-zoning as a result of the annexation. He pointed out the areas on the maps as provided by SRF consulting who have representatives in attendance this evening. The properties are located just west of Hwy 2 & 85 and north & south of 70th Street. The properties are mostly in Lake Park Subdivision; Hi-Land Heights 1st, 2nd, 3rd; L&G Subdivision, and in Sections 24 35 and 36 of Missouri Ridge Township. Parts of the Hi-Land Subdivision are not being included with this phase of the zoning but will be dealt with at a later date. He pointed out areas that were previously annexed and rezoned, (The Meadows). The colored maps, provided by SRF, depict the three different zoning types being considered this evening. He noted that once an annexation takes place the property automatically reverts to Agricultural zoning; therefore, a study was done of the area to determine the best type of zoning for the uses within a specific area based on existing lot sizes and current uses. He said some of the lots are nonconforming with different uses but common sense had to be considered when annexing existing property. The one thing that will not be tolerated would be poor property maintenance or inappropriate uses of the property such as junk on lots and/or other violations. Kress then introduced Michael Maddox with SRF Consulting. Mr. Maddox explained they did the fieldwork to identify what zoning would fit based on the existing uses and mapped all the land uses on individual lots in the annexed area. The City Planning Department staff followed up on this work with their own fieldwork and review of the properties. He went on to explain the uses appeared to conform into three different zoning districts which are the M-2 Heavy Industrial, R-1: Single-Family Residential & R-1A: Rural Residential, as shown on the color coded map. A short discussion took place regarding the industrial uses within the one-mile jurisdiction along County Road C7 & 137th Avenue NW.

Kress indicated a second phase will take place in August for the re-zoning of properties along Hwy 2&85, as well as other areas not identified with this evenings zone change. He said a lot of the area will remain agricultural. Another meeting will be taking place with property owners tomorrow before all the properties that were part of the annexation are re-zoned. Boyeff asked three times for public comments regarding the rezoning of the properties identified in Section 35 which is to be zoned M-2: Heavy Industrial, hearing none, asked for board action.

MOTION BY BROSTUEN, SECOND BY MARISTUEN, to recommend approval to the City Commission for the zone change from A: Agricultural to M-2: Heavy Industrial for various unplatted lots in Section 35, T155N, R101W, City of Williston. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

3. Proposed Zone Change from A: Agricultural to R-1: Single Family Residential for various unplatted Lot(s) & Block(s) in Lake Park Subdivision. –Staff  
(Lots 5-33, Block 1; Lots 1-8, Block 2; Lots 1-8, Block 3; Lots 1-23, Block 4; Lots 1-23, Block 5; Lots 1-9, Block 6; Lots 1-10, Block 7; Lots 1-6, Block 8, Lake Park Subdivision)

Boyeff opened the second public hearing for lots in the Lake Park Subdivision for the R-1 Zoning. He asked for public comments. A resident asked whether property owners will be notified of zoning violations, such as more than one dog, chickens, etc. Kress said for any major violations the city would work with those property owners and will be establishing a code compliance program to handle any nonconformities or violations. Another question was about size of lots and covenants. Mr. Maddox said they checked with the county which is updating their GIS files. SRF found a lot are double parceled which will just need to be shown until further adjustments are finalized. Kress commented that private covenants are not enforced by the city. He said those covenants will need to be dealt with between property owners and possible lawyers. Discussion took place regarding allowing of pole barns, renting of single family for man camps, businesses in residential and other uses that was never enforced by the county. Kress reiterated that a code compliance program is being established through the planning office. Boyeff called two more times for public comment, hearing none, asked the board to take action.

MOTION BY FLECK, SECOND BY HAUGEN, to recommend approval to the City Commission for the Proposed Zone Change from A: Agricultural to R-1: Single Family Residential for various unplatted Lot(s) & Block(s) in Lake Park Subdivision. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Proposed Zone Change from A: Agricultural to R-1A: Rural Residential for various unplatted Lot(s) & Block(s) in Hi-Land Heights 1st, 2nd & 3rd Subdivisions and Lot 2, L&G Subdivision & unplatted Lot in Section 25, T155N,R101 W, City of Williston. – Staff  
(Lots 3-7, R1-R3 (Rearrangement of Lots 8, 9 Block 1), Lots R4-R-11 (Rearrangement of Lots 12, 13, 17, 18 Block 1 & W 30 L 12, B 3), 10, 11,14, 15, 16,18, Block 1; Lots 2-7, Block 2; Lots 7- 11, L 12 EX W 30' & DD PT, Block 3, Hi-Land Heights 1<sup>st</sup> Subdivision Lots 4, 5, Block 1; Lots 1-6, Block 2; Lots 1-3, Block 3; Lots 1-6 and 12-14, Block 4, Hi-Land Heights 2<sup>nd</sup> Subdivision Lots 3-21, Block 1; Lots 1-5, Block 2; Lots 1-8, Block 3; Lot 2, 4 Block 4, Hi-Land Heights 3<sup>rd</sup> Subdivision Lot 2, L&G Subdivision 330 X 630 in S1/2 N1/2 SW1/4, Section 25, T155N, R101W)

Boyeff said the final hearing is for Zone Change from Agricultural to Rural Residential for various lots in Hi-Land Heights 1st, 2nd & 3rd Subdivisions, L&G Subdivision & unplatted Lot in Section 25. He opening the public hearing and asked for public comment.

A resident asked what the difference between R-1 and R-1A zoning as well as enforcement. Kress explained the minimum lot area is larger in the R1A versus R-1. The enforcement would be the same for each district. Another residence asked about allowing of mobile homes. A lengthy discussion took place regarding covenants prohibiting mobile homes, commercial ventures, too many people in homes, building permits starting with county regulations prior to annexation, multifamily uses, pole barns, Quonsets, county rules versus city, problem with enforcement and timeframe of the covenants.

Another resident was concerned about the roads which resulted in another discussion regarding age of the roads, townships responsibilities, reconstruction heavy truck traffic, pot holes, re-paving of the roads, and assessment costs. Engineer Meiers stated that any rebuilding would be done as part of a special assessment district that should include sewer and water. Boyeff said the roads are a real concern but the issue this evening is the zoning and would like to deal with the issue regarding mobile homes.

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

MOTION BY MARISTUEN, SECOND BY HAUGEN, to recommend approval to the City Commission for the Proposed Zone Change from A: Agricultural to R-1A: Rural Residential for various unplatted Lot(s) & Block(s) in Hi-Land Heights 1st, 2nd & 3rd Subdivisions and Lot 2, L&G Subdivision & unplatted Lot in Section 25, T155N,R101W, contingent on staff and city attorney drafting the necessary documents relating to mobile homes. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

5. Proposed Zone Change M-1: Light Industrial to C-2: General Commercial for various lot(s) and Block(s) in Wittmeier Rearrangement, Ledosquet Addition Smith & Tatem Rearrangement and Glacier Park First Addition.

Boyeff indicated that next public hearing is from M-1 to C-2 for various lots south of 2<sup>nd</sup> Street West, initiated by the City of Williston. He opened the public hearing and asked Ressler to present. Ressler indicated that the fact sheet has listed Lot 1 & 2, Glacier Park First Addition; however, lot 2 will not be part of the zone change. She went on to say the application is for a rezone from M-1: Light Industrial to C-2: General Commercial along the south side of 2<sup>nd</sup> St W between 2<sup>nd</sup> Ave W and 9<sup>th</sup> Ave W. She further stated the Comprehensive Plan for the City of Williston indicates that a commercial corridor should be created along the 1804 corridor west of the downtown, along 2<sup>nd</sup> Street West. The Planning Department examined the area and determined that the majority of businesses currently located along the corridor are conforming within the C-2: General Commercial Zone.

Ressler went on to say the Planning Department notified all owners in this area that was under consideration for re-zoning; two other properties contacted the office to add extra lots to this study area and deemed those acceptable to the zone change. MDU and Aquí-Gem Incorporated were both contacted outside the usual mail procedure, as well, and had no concerns regarding the change.

Ressler went on to say Jeff Zaring of DAWA Solutions contacted the Planning Department regarding his property. He was initially in opposition to the change, but later chose to withdraw his protest. Each of the properties proposed is conforming within the C-2 zone. To the west, the businesses are light industrial in nature, and the properties contain warehouses and other industrial uses.

Ressler further indicated that Horizon Resource's property is also not proposed for change, as their property fronting 2<sup>nd</sup> Street West is also used for light industrial activities. Ressler said at the ad hoc the recommendation was to forward approval to the City Commission for specified lots in the Ledosquet Addition, Wittmeier Addition, Wittmeier Rearrangement of Block 10, Smith & Tatem Rearrangement and Glacier Park First Addition as listed in attached fact sheets. Boyeff called for public comments. A resident asked if the property being rezoned includes any residential along 2<sup>nd</sup> Street. She was informed that only the property to the south of 2<sup>nd</sup> are being considered in the rezone. Boyeff called two more times for public comments, 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 M-1: Light Industrial to C-2: General Commercial for various lots and blocks as listed in the fact sheet located in the Ledosquet Addition, Smith & Tatem Rearrangement, Wittmeier Addition, Wittmeier Rearrangement of Block 10, and Lot 1, Glacier Park First Addition. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

6. Proposed Amendment to Ordinance No. 613, amending Section 12 and Section 31, regarding twinhomes & duplex, renaming R-2 District, intent statement & standards for twinhomes. – Staff.

Boyeff opened the sixth public hearing for a proposed zoning amendment to Section 12 and 31. He asked Kress to present. Kress explained that a twinhome is a popular housing product in Williston's market.

Under the current zone a developer wanting more affordable homes the R-3 zoning was necessary. A twinhome is a single building situated on two lots essentially creating two single-family homes, one on each lot, with an adjoining wall on the property line. This proposal would prohibit twinhomes to line both sides of a street facing each other because there would be no street parking creating too busy a street. The definition for duplex is a single building on a single lot where a twinhome is two single-family dwelling units on individual lots. He said most of the R-2 zone regulations remain unchanged. Kress stated that ad hoc recommended that the garages be set back 25 feet from the street to accommodate large vehicles. The amendments are limited to the R-2 Zone. Ad hoc recommends to forward for approval to the City Commission which will require a second hearing and two readings.

Commissioner Haugen asked about height for electrical substations, accessory buildings, discussion was had on setbacks, maximum height of building, side yard overhang, garage access from alley, lot lines and accessory buildings.

Kress went on to explain twinhomes can't be double loaded but can be back to back as in Harvest Hills and that if this had been in place at the time of the Jonathan's Landing Subdivision, that subdivision would not have needed the R-3 zoning. He explained the amendments are limited to the R-2 Zone and that future revisions are expected to take place in the fall of 2014 with the upcoming Unified Development Code and that twinhomes may be expanded in other zones. Boyeff called two more times for public comment, hearing none, asked the board to take action.

MOTION BY FLECK, SECOND BY BROSTUEN, to recommend approval of the proposed Ordinance 968 to the City Commission for the proposed amendments to Section 12:R-2: Single- and Two-Family Residential District and Section 31: Definitions of the Williston zoning ordinance. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

#### **NEW BUSINESS:**

1. Review Mobile Home Site Plan, Lot 1, Block 7, Bakken Industrial Park Subdivision, (Oil Avenue) City of Williston – GeoMap, LLC

Boyeff stated first item is to review a Mobile Home Site Plan he asked Kress to explain. Kress said that this plan requests the creation of a new mobile home court of 138 spaces on 17 acres located on Lot 1R, Block 7, Bakken Industrial Park along Oil Avenue and Energy Street zoned R-5. Each mobile home space will have an area of 5,000 square feet. The density will be 8.3 units per acre. 40' paved right of way is being proposed. He indicated discussion at the ad hoc meeting included proposed size and configuration of the streets would prohibit these streets from ever becoming public streets, location of hydrants and a required maintenance plan for the hydrants (as they will be privately owned), relationship between driveway widths, street widths, and on-street parking. Size, location, and access of playgrounds, appropriateness of a mobile home park in this location, type of product on this site and pedestrian connectivity(i.e.) sidewalks, lighting and landscaping. Staff made several comments (included in fact sheet) and emphasize that the streets need to be more that a 24' width along with sidewalks on one side.

Kress said ad hoc committee recommended approval contingent upon; revision of the site plan depicting pedestrian connectivity (sidewalks); 40-foot street right of way with 34 feet of paving for two lanes of traffic and one lane of parking, plus a sidewalk on one side (paved); depiction of playgrounds, lighting, landscaping, addressing all staff comments; and need for development agreement with special provisions providing financial assurance for completion of required improvements. Landscape and parking plan was provided. The board makes a recommendation to the City Commission. He said engineer Kyle Brock and owner Vern Haugen are in attendance.

Project engineer Mr. Brock of GeoMap stated that as of now this land is set as an RV park, their intent is to convert this section to a mobile home site while south of there is a 400+ space RV park that is at 70% occupancy. Will be building playgrounds (north&south) on the site and provide pavement as required. There is a heavy request for mobile homes rather than RV's. Fleck commented on the driving lane, which will be 34' for a 13' driving lane. Aafedt said the RV park was developed because of the city needing a space for them.

Haugen asked about the shower facility which is under construction according to Mr. Brock. Haugen did not feel this is the area for a trailer court, the only reason he agreed earlier on the RV in the M-2 area was get them off the city streets. Vernon Haugen, said they are at 70% occupancy but people want mobile homes. Developer is willing to pave the streets.

Much discussion was had as to intent of R-5 zoning in this area, intent of initial RV park permit, what has been allowed, saleable lots in the future through an R-7 zoning which is not desirable, playground, required paving, not a location for single family dwellings, the adjoining R-4 zoning, ordinance requirements, special conditions that have been allowed with the RV park (not paved) and whether this area is proper at all for a mobile home park site. Boyeff called for public comment, hearing none, asked the board to take action.

**MOTION BY HAUGEN, SECOND BY FLECK, to recommend to deny Mobile Home Site Plan, Lot 1, Block 7 Bakken Industrial Park Subdivision (Oil Avenue), City of Williston. Discussion took place regarding this not being an ideal location but there is not a better area and that the special use permit's intent was the RV park being only temporary. Issue of the property being zoned R-5 gives owner the right to provide a mobile home. Adjacent zoning being R-4 and agricultural. Paving exclusion allowed. Meeting the intent of the mobile home zoning outlined in ordinance.(R-5.N.4) Question about types of mobile homes, standard size. AYES: Fleck, Haugen. NAYS: Brostuen, Long, Aafedt, Maristuen, Boyeff. ABSTAINED: None. MOTION FAILED.**

Boyeff asked if the board would consider another motion being five commissioners are opposing the denial. Brostuen said he respects the motion to deny and understands the location is not ideal but the property is properly zoned and the site plan presented does meet the ordinance. Fleck said R-5 sits in the middle of M-2 but the RV park maybe should have been considered temporary at that time not knowing how long it would be required. Haugen added that being the paving was not required he felt the intent was temporary and the use would be going away. Aafedt said when that zone change took place it allowed for a mobile home court district which means everything that property could be used for a year ago as well as in the future can be allowed. Boyeff mentioned he thought the RV park was to be turned into mobile homes once the need was no longer an issue.

**AMENDED MOTION BY BROSTUEN, SECOND BY LONG, to recommend approval of Mobile Home Site Plan, Lot 1, Block 7 , Bakken Industrial Park Subdivision (Oil Avenue), City of Williston, with the contingencies noted by staff in the facts sheet. AYES: Fleck, Brostuen, Long, Aafedt, Maristuen, Boyeff. NAYS: Haugen ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.**

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

Boyeff said there are three final plats to review, the first is for Grey Wolf Subdivision. Kress indicated that all issues have not been resolved with Grey Wolf and ask that item be tabled.

**MOTION BY AAFEDT, SECOND BY HAUGEN, to recommend tabling action. MOTION CARRIED ON VOICE VOTE.**

### **2. Final Plat for Rearrangement of Block(s) 1&3 & Sublot No. 4 Meadows Subdivision – The Meadows Development, LLC**

Boyeff said the next is for the Rearrangement of Meadows Subdivision. Kress pointed out the location south of 70<sup>th</sup> Street in the Hi-Land Heights area. He explained the continued concern for this project is drainage/detention for lots that may eventually default to the City's responsibility. Developer proposes to create a home owners association (HOA) for the operation and maintenance of the storm water detention ponds. In response to a concern expressed by the City Commissioners regarding what would become of the items maintained by the HOA should the HOA fail or fall apart, the city attorney reviewed the documents creating the HOA provided by the developer's attorney and reviewed the law. The city attorney believes that the City's general powers to assess real property will be adequate to cover use if the HOA fails. He recommends no changes to the HOA documents at this time. Kress stated the standard development agreement, with project-specific special provisions regarding the HOA, screening of detention basins, water and sewer oversizing requirements, and statement in the deeds for property that does not front on a public street stating that fact is required for this project. Kress also discussed there are three "unbuildable" lots in this plat that will need to be eliminated and combined with adjoining lots.

Kress continued with the ad hoc recommendation to the City Commission to approve the final plat subject to combination of certain lots described by staff; staff approval of all required documents; final staff review; development agreement with special provisions noted; and any necessary plat corrections. He indicated that the Project Engineer, DJ Clark is available for questions.

Kress explained the original development agreement and the new provisions for this rearrangement. Fleck expressed his concern regarding there only being one ingress/egress coming into the development and did not recall being discussed with the preliminary plat. There was earlier discussion regarding that matter but that the city commission still approved the development.

MOTION BY BROSUTEN, SECOND BY MARISTUEN, to recommend approval to the City Commission for the final plat for the rearrangements of Blocks 1 & 3 in Sublot 4 of Meadows Subdivision, contingent upon revision of final plat to include the combined lots as discussed, staff approval of all required documents, final staff review, development agreement with special provisions as noted in the Fact Sheet and any necessary plat corrections. AYES: Long, Brostuen, Haugen, Aafedt, Boyeff. NAYS: Fleck. ABSTAINED: None. ABSENT NOT VOTING: None. MOTION CARRIED ON ROLL CALL VOTE.

### **3. Final Plat for Rearrangement of Lot 3, Block 4, Bakken Industrial Park Subdivision- NP Industrial, LLC/Ilkay**

Boyeff said the last plat is for the Rearrangement of Lot 3, Block 4, Bakken Industrial Park. He asked Kress to present. Kress pointed out the location and stated this is a fairly straight forward subdivision situated on the corner of Oil Avenue and Well Street, with lots facing and directly accessed by the main streets. Subdivision provided two 3.05 acre lots and two 2.5 acre lots all zoned M-2 with no proposed zone change. Sites have access to public sewer and water. A development agreement is not required for this project, however a non-protest agreement of future street improvements will be required.

Kress states the ad hoc recommendation to forward to the City Commission to approve the final plat for a subdivision of four lots on approximately 11.1 acres located within Lot 3, Block 4 of the Bakken Industrial Park, Williston, contingent on: approval of all required documents; non-protest agreement for future improvements of Oil Avenue and Well Street; and, any necessary plat corrections. He said the developer's representative, Mr. Hiatt, is available for questions.

MOTION BY LONG, SECOND BY AAFEDT, to recommend approval to the City Commission for the final plat for the subdivision of 4 lots, located in Lot 3, Block 4 of the Bakken Industrial Park, contingent upon approval of all required documents, non-protest agreement for future improvements of Oil Avenue and Well Street, and any necessary plat corrections. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

**4. Review Proposed Vacation of Street Right of Way between Lot 1, Block 22 & Lot 2, Block 12, Harvest Hills Subdivision City of Williston - Staff.**

Boyeff indicated the board needs to review a request to vacate a portion of street right-of-way. He asked Kress to present. Kress stated this is a City initiated vacation of approximately 90 foot by 60 foot section of street right-of-way of Sleepy Ridge Avenue between Lot 1, Block 22 and Lot 2, Block 12 Harvest Hills Subdivision. He said this street currently dead-ends into an apartment lot in Harvest Hills Phase II. There is not an entrance to the apartment lot at this point. The lot on the west side of the street is owned by Halliburton; the lot on the east side of the street is owned by The Peterson Group and both lots are vacant.

Kress went on to say after the vacation is approved, the developer will remove the pavement, install curb and gutter consistent with the curb on 32<sup>nd</sup> Street West, and plant the right of way with grass - at the developer's expense to the satisfaction of the City Engineering and Planning Departments. An easement in favor of the city for sewer will be reserved through the vacated area. The east and west adjoining property owners will have a 90 foot by 30 foot strip of property added to their lots by the Williams County Assessor, however this increase in square footage will not change the zoning designation of these lots nor will it allow any structures beyond what is allowed by the current zoning on these lots. Kress stated the vacation is being advertised to have a public hearing before the City Commission on August 13, 2013. Boyeff asked if the street is there. Kress said yes and the developer will be responsible to remove. Engineer Meiers asked that the easement be identified on the exhibit

MOTION BY MARISTUEN, SECOND BROSTUEN, to recommend to the City Commission approval of the proposed vacation of street right-of-way of Sleepy Ridge Avenue between Lot 1, Block 22 and Lot 2, Block 12 Harvest Hills Subdivision. AYES: Brostuen, Long, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYS: None. ABSTAIN: None. MOTION CARRIED ON ROLL CALL VOTE.

**DATE OF NEXT MEETING:** August 19, 2013

**MEETING ADJOURNED.**

  
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Kent Jarcik, Williston Planning Director