

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON JULY 21, 2014 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.**

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

**MEMBERS PRESENT:** Maristuen, Aafedt, Haugen, Long.

**MEMBERS ABSENT:** Fleck, Christensen, Boyeff (Vice President Aafedt chaired)

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Staff Planner; Samantha Neil, Staff Planner; Nick Vasuthasuwat, Code Compliance; Kelsey Vlamis, Code Compliance Intern; Christine Edwards (Administrative Assistant); Bob Hanson, Engineering; Jordon Evert, Assist. City Attorney; Kelly Aberly, Building Dept.

**DISPOSITION OF MINUTES:**

- Minutes were approved for June 16, 2014 regular meeting. MOTION BY MARISTUEN SECOND BY HAUGEN. MOTION CARRIED ON VOICE VOTE.

**COMMUNICATION:**

1. Introduction of Kelsey Vlamis as Code Compliance Intern.
2. Kress reminded the Commission of a cell tower SPU on Mike Wells' property that was before them at the June 16, 2014 Commission meeting. Kress reminded that the Commission approved the SPU contingent upon acknowledgement and agreement of the property owners within the 300 ft. set back requirement. Kress explained that effected property owner Doyle Fishell did not agree to the location of the cell tower and had gotten a petition together with signatures of other property owners in the area to argue against the cell tower placement on Wells' property. Assistant City Attorney Evert led a discussion as to the notice mailing prior to the June 2014 meeting that would warrant a wider range of notice and re-notice of surrounding property owners and suggests that this be brought back a the August meeting as a new item to be re-heard.

MOTION BY MARISTUEN, SECOND BY HAUGEN to reset this SPU request for public hearing at the August 18, 2014 meeting. MOTION CARRIED ON VOICE CALL.

**PUBLIC HEARINGS:**

1. Plat to be known as Erickson Subdivision (dedication to new high school), NW ¼ Except Sublots 1, 2, 5, 6, T154 R101W, City of Williston – Orville Erickson/Bill Moonen, AE2S

Aafedt introduces the first public hearing (as above) and asks Kress to introduce this item. Kress begins by explaining that this property is in the City's extra-territorial jurisdiction, adjacent to the west of Harvest Hills Subdivision between 32<sup>nd</sup> and 37<sup>th</sup> Streets West. Kress states that the total is 142.02 acres, but for this project the applicant is separating out 34.5 acres which is being dedicated to School District #1 for a new Williston High School. Kress states that

surrounding uses to the north, south and west are agriculture and the east is R-3: Lowrise multi-family and Townhouse residential (part of Harvest Hills PUD).

The project site will take access from 37<sup>th</sup> Street West, and a dedication for the extension of the existing 37<sup>th</sup> Street West is included in the plat. However, the development of the school itself cannot proceed until a second means of access has been provided. Kress states that there is a traffic study for this project and it is being revised to address this.

Kress explains that development of the school will require the extension of utilities from the adjacent Harvest Hills Subdivision to this property and the construction of a sewer lift station in the southwest corner of Lot 1.

Kress stated that a meeting on the traffic study was held on July 7, 2014, attended by city staff, the applicant, and the traffic consultant. The traffic consultant responded to staff concerns about access to the project site once the high school develops. The traffic consultant agreed that, while technically the existing single street access for the high school could accommodate the proposed traffic, practicality dictates that a second access, preferably with a direct connection south to 26<sup>th</sup> Street West, be evaluated and required for the high school project to proceed.

Discussion at the July 7, 2014 ad hoc committee included the following:

- Right of way for 37<sup>th</sup> Street: A 60-foot wide right of way dedication for this street is included in this plat.
- Future Connectivity: As part of the development of the school, another means of access than 37<sup>th</sup> Street will be required, such as the proposed 44<sup>th</sup> Avenue on the west side of Lot 1 continuing south to connect with 26<sup>th</sup> Street. Extension of this street past the project boundary will require negotiation with landowners to the south.

Kress states asks Commissioners to review the staff comments presented in their meeting packets and reminds that all comments related to traffic study were addressed in the traffic study meeting previously mentioned. Kress clarifies that this plat is simply to separate out the portion of land being dedicated to the School District #1 as Lot 1, which will come before the City Commission on August 12 as a request for annexation into City limits. The remaining land, Lot 2, will stay in the one-mile extra territorial jurisdiction as the applicant has no plans to develop that land.

Aafedt reminds that this is a public hearing and asks for any input from the audience. DJ Clark of Sanderson Stewart was concerned about the name "Erickson Subdivision" as his firm had recorded a plat of the same name earlier in the year. Kress stated that this plat is proposed "Erickson Family Subdivision" and added that they will be working with the recorder on an acceptable name.

After calling twice more for public input and hearing none Aafedt closes the public hearing and asks for any discussion from or wishes of the Commission. Haugen brings up a staff comment about an easement on the section line on the northern boundary. Kress explains that the plat has not been revised since the ad hoc meeting but confirms with Bill Moonen of AE2S that that will be addressed going forward. City Engineer Hanson says that there is a question right now

for future development of the extension of 42<sup>nd</sup> with a possible turnaround and whether it should cross or follow the southern rim of the coulee but states for now it should be left as it.

MOTION BY LONG, SECOND BY HAUGEN, to recommend to the City Commission approval of the preliminary plat of the Erickson Family Subdivision, located in the NW ¼ of Section 9, T154N, R101W, to create two lots, one of which will be developed as a public high school, contingent on addressing all staff comments. AYES: Maristuen, Aafedt, Haugen, Long. NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

2. Proposed Ordinance 999, Amendment to Section 25(O) of the Williston Zoning Ordinance – “Temporary Uses & Structures” – Staff  
Proposed Resolution 14-031, Amending Resolution 13-002, establishing a fee schedule for Temporary Use Permits – Staff  
Proposed Ordinance 1000, Amendment to Section 31 of the Williston Zoning Ordinance – “Definitions” - Staff

Aafedt introduced the second public hearing (as above) and asks Jarcik to present. Jarcik states that he will present all ordinance proposals in one presentation but that the Commission will have to make a motion and vote on each one individually. Jarcik begins with a brief history of this proposal's development.

- 1/27/14- The Planning Commission approved Ordinance No. 982, prohibiting mobile businesses and Ordinance 985 establishing additional home occupation regulations.
- 2/11/14- The City Commission tabled these ordinances and deferred additional discussion to a Review Committee.
- 7/2/14- The Review Committee held a meeting to discuss the impacts of the various business types in the City and has brought forward three additional ordinances. (Ordinance No. 999- Amendment of Temporary Uses & Structures, Resolution No. 14-031- Temporary Use Permit Fee Schedule, and Ordinance No. 1000- Amendment to Section 31 Definitions)
- 7/14/14- The Review Committee held an additional meeting to incorporate input from local businesses that has shown interest in this topic, such as Bakken Mobile Veterinary Services operated by Dr. Vince Stenson.

Jarcik states that this ordinance amends the existing temporary uses by eliminating temporary agricultural uses and includes seasonal Christmas tree lots, Halloween pumpkin patches, transient/itinerant merchants, and mobile businesses. This ordinance also establishes an application and permitting process which is administered administratively by department staff.

The application and review process requires information from the applicant/business operator, description of business operation, a site plan or drawing of the area occupied, layout of the existing lot, number of parking spaces, type and number of signs displayed, permission from the property owner, and copy of applicable state required licensing (i.e. sales and use tax, and transient merchant licenses).

This ordinance also establishes a fee schedule to be adopted through resolution, provides exemptions for certain uses, and establishes allowable durations for operation. The exemptions not requiring a temporary use permit would include yard/garage sales, merchants or vendors participating in farmers markets, flea markets, fairs, carnivals, and mobile businesses invited to events organized and managed by fair associations, convention bureaus, or other political subdivision approved by the City. Furthermore, a temporary use permit shall be valid for no more than 1 event consisting of 14 days and 3 events within a calendar year, not to exceed 42 days in the year.

Jarcik states that there is one more recommendation staff would make regarding zoning which would restrict itinerant merchants to commercial and/or light industrial zones.

Discussion is had as to whether to allow this in all commercial zones and as example the restraints of area downtown. Evert interjects that the planning dept. would have the authority to review and approve or deny use based on the event, area, parking, access, etc... Clarification in the context of flee-markets, farmer's markets, fairs and other businesses invited to events managed by fair associations, convention bureaus and the like.

Commission agrees to have all three items heard at one time, understanding that each will need a separate motion and vote at the conclusion of the presentation.

Jarcik continues with explanation of Resolution 14-031 and states that it would establish a new fee for temporary use permits at a rate of \$35 per day. He explains this is the same fee that is currently charged but that this resolution would clarify it as part of the zoning ordinance.

Jarcik states that with the creation of the aforementioned ordinances and resolution there is also the creation of new definitions. Proposed ordinance 1000 simply adds and defines those as part of the zoning ordinance.

Aafedt ask twice more for any public input, hearing none she closes the public hearing and asks for the wishes of the commission.

MOTION BY HAUGEN, SECOND BY MARISTUEN, to approve the recommend to the City Commission approval of proposed Ordinance 999 amending Chapter 25, Section O of Williston Zoning Ordinance with the recommendation that temporary use permits should apply to commercial and M-1:Light Industrial lots and a request that the section containing exceptions is better clarified. AYES: Maristuen, Haugen, Long. NAYS: Aafedt ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None. (3 votes to 1)

MOTION BY LONG, SECOND BY MARISTUEN, to recommend to the City Commission approval of proposed Resolution 14-031 amending Resolution 13-002, establishing a fee schedule for Temporary Use Permits pertaining to the cost of processing and regulating the types of temporary uses and structures operating within the City limits and the extraterritorial jurisdictions. AYES: Maristuen, Aafedt, Haugen, Long. NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

(Ordinance motions continued on next page...)

MOTION BY HAUGEN, SECOND BY LONG, to recommend to the City Commission approval of proposed ordinance 1000. AYES: Maristuen, Aafedt, Haugen, Long. NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

3. Zone Change request from R-4: Highrise multi-family to M-2: Heavy Industrial for Lot 4, Block 3 of the Bakken Industrial Park, City of Williston – Leslie Thielen, H& G Investments

Aafedt introduced this public hearing (as above) and asks Ressler to present. Ressler states this property has been proposed for a zone change from R-4: Highrise Multifamily to M-2: Heavy Industrial. The property is one of three R-4 lots in the Bakken Industrial Park. There has been no development or proposed development on any of these properties; the original intention of the residential properties within the Bakken Industrial Park was to provide housing when it was seriously needed for workforce housing. Ressler says that this necessity is no longer as vital as it once was and it seems appropriate to transition this area from high density residential to heavy industrial, in line with the surrounding zoning.

To the north east is the mobile home park inside of the Bakken Industrial Park. This, again, was intended to be an RV park and temporary, so an M-2 use is not necessarily incompatible.

This property is 4 acres, which does meet our minimum district requirement for rezoning.

At ad hoc on July 7, 2014 discussion focused on the appropriateness of this rezoning.

Aafedt calls three times more for public input, hearing none she closes the public hearing and asks for the wishes of the board.

Haugen questions the paving requirement of the zone change. Discussion is had as to what, within the Bakken Industrial Park has been required to pave and what does not. Haugen believes that a requirement to pave at least to the road as has been the requirement of recent lot changes. Concern is that this lot currently does not access a paved road, therefore the requirement has been that only parking is paved and if a lot accesses a paved road the requirement would be to pave the access as well. While currently their access road is not paved, it is intended to be paved in the future. Further discussion is had to the appropriateness of addressing this at this zone change hearing or with the future plat.

MOTION BY HAUGEN, SECOND BY LONG to recommend to City Commission approval of the Zone Change request from R-4: Highrise multi-family to M-2: Heavy Industrial for Lot 4, Block 3 of the Bakken Industrial Park, City of Williston, contingent on addressing all staff comments and a requirement that parking and access to the road be paved. AYES: Maristuen, Aafedt, Haugen, Long. NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Administrative Review plat, Block 2, Skyline Subdivision south of 11 Street West and west of Sand Creek Town Center, City of Williston – Heritage Properties/ Sanderson Stewart

Aafedt introduced this public hearing (as above) and asks Ressler to present. Ressler states that this property has been proposed for a lot split, in order to divide up Block 2 into two lots.

The lot line is directly related to the proposed layout of 12-plex apartment buildings on the property.

The lot would be split into one 14.404 acre parcel, and one 18.393 acre parcel.

Ressler notes that the property is not able to be developed until the subdivision infrastructure is in place. That infrastructure (7<sup>th</sup> ST. is currently under construction)

At ad hoc committee meeting on July 7, 2014 discussion focused on what the development was. Ad hoc had concerns about whether the fire department would be able to access all buildings within the lot.

The Building department commented that each building will need its own water meter. The result of this discussion was that a public access easement would need to be given on all roads inside the development.

**Staff Comments included:**

- No development is allowed on this property until requirements of Skyline development agreement, including the following improvements of 7th Street West: (a) curb, gutter, public utilities and aggregate road being in place, (b) street numbering signs being in place identifying each street, (c) a recorded Final plat, and (d) all erosion control plans and best management practices being in place.
- Any driveways on the north side of the project site must line up with driveways in the Hawkeye Village project, north across 11th Street West.
- It is not clear on this plat that the 50 foot wide dedicated ROW for 11th Street and 33 foot wide dedicated ROW for 7th Street are depicted, if at all. This must be clarified. The applicant's engineer has been contacted to clarify this situation with the City Engineer.

Ressler says that ad hoc did not make a recommendation on this plat but seemed in favor of it if the fire department could access all lots. Ressler states that in communication with the fire chief, he felt there would be adequate room throughout the entire subdivision with exception of one cul-de-sac which will need to be changed on that plat. That is discussed with Hanson and the engineer.

Haugen questions public right-of-way dedication. This is discussed with input from Ressler, Hanson and Kress. It is pointed out that the proposed apartment unit is a cohesive unit and would be served by a public roadway on two sides.

Aafedt calls three times for public input, hearing none he closes the public hearing and calls for the wishes of the board.

**MOTION BY LONG, SECOND BY MARISTUEN** to approve Administrative Review plat, Block 2, Skyline Subdivision south of 11 Street West and west of Sand Creek Town Center, City of Williston, contingent on addressing all staff comments above, proper park dedication, public access easement through all roads in the development, and the development plan being approved through the building permit process. **AYES:** Maristuen, Aafedt, Haugen, Long.

NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None.  
MOTION CARRIED ON ROLL CALL VOTE.

5. Administrative Review, Lots 1 & 2, Fairhills Subdivision along 32<sup>nd</sup> Ave. West, City of Williston – Roers Investments/Civil Science

Aafedt introduces this item public hearing (as above) and asks Kress to present. Kress states that this is a request for a re-arrangement of Lots 1 and 2, Block 6, of the Fairhills Subdivision, to remove the existing lot line between these lots creating a single 8.06 acre lot.

Kress explains that the project site is zoned R-3: Lowrise Multifamily and Townhouse Residential and no zone change is proposed. The lot will take access from 29<sup>th</sup> Street West and 31<sup>st</sup> Avenue West. The lot will not have direct access to 32<sup>nd</sup> Avenue West; Kress reminds this is an arterial street. The building permit to construct two 74-unit apartment buildings is pending. Water and sewer are available in the adjacent streets.

At the July 7, 2014 ad hoc meeting it was suggested that this plat should show that access to the lot provide an easement for public access for emergency and other services. Kress states that there is no park dedication as there is already a trail system within the Fairhills Subdivision.

Aafedt states that this is a public hearing and calls for public input. After calling three times and hearing no comment he closes the public hearing and calls for the wishes of the board. Haugen questions not having a dedicated easement to the north with concern that if the property sells in the future the City may not be able to get an easement if need be in the future. Kress states there was never an intention of dedication of an easement in that area on the original Fairhills plat; the road has always remained as it is now. That discussion is supported by Doug Perkins, engineer with Civil Science and Jarcik.

MOTION BY MARISTUEN, SECOND BY HAUGEN to approve Administrative Review, Replat of Lot 1R, Block 2, Sloulin Field First Addition to be known as Boston Pizza First Addition, contingent on addressing any staff comments. AYES: Maristuen, Aafedt, Haugen, Long. NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None.  
MOTION CARRIED ON ROLL CALL VOTE.

**COMMITTEE REPORT:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. Special Use Permit (SPU) request for a new oil well drill pad site, Sec. 26, 155N, R101W, Missouri Ridge Township, south of 56<sup>th</sup> St. NW and east of Highway 2/85, City of Williston – Statoil Oil & Gas

Aafedt introduces the first item of new business (as above) and asks Kress to introduce. Kress states that the applicant, Statoil, requests to create a new oil well drilling pad in the A: Agricultural zoned located on the south side of 56<sup>th</sup> Street NW approximately 1/4 mile west of Highway 2/85 in Section 66. The proposed pad will be 450 X 450 feet and would contain two wells.

Kress says that staff advised the applicant that the much of Section 23, the section adjacent to the north across 56<sup>th</sup> Street NW, is being developed as a commercial and residential area (known as North Star Center); the area across from the well pad site will be zoned C-2: General Commercial.

Kress explains the future extension of 6<sup>th</sup> Avenue West will pass along the west side of this well pad. There is a distance of 224 feet between the west side of this well pad and the east side of the well pad to the west (addressed at the May 2014 commission meeting) allowing sufficient room for 6<sup>th</sup> Avenue West to pass between the two pads.

At the July 7, 2014 ad hoc discussion, in part, was on:

Piping of fluids: Saltwater, fresh water, oil, and gas will be piped to the pad side to the west.

Access road paving: The access road from 56<sup>th</sup> Street NW to the pad site must be paved with concrete or hot-mix asphalt.

Screening: As has been the discussion with oil pad sites in recent past, screening, including an irrigation system for plants, is required on all four sides of the pad. The Statoil site on 26th Street West/32nd Avenue West is to be the model for the screening requirement. This site includes a fence and evergreen trees.

Kress pointed Commissioners to other staff comments in their packets and refers to required findings.

Maristuen questioned Statoil and possible issues with frost laws on 56<sup>th</sup> St.; Statoil discusses the most probable effect on them would be if they had a work over rig on the site at that time but generally it would not be an issue. Haugen begins discussion on paving and upgraded overlay considering that Statoil would have 5 pads within one-half mile. As 56<sup>th</sup> Street will be run the southern border of North Star subdivision Statoil's responsibility for the extra overlay of the road vs. that of the North Star subdivision, which will be commercially zoned and assumed to have larger truck traffic as well, is discussed by staff, Statoil representatives and commissioners. Statoil assures the Commission that whatever they damage they repair. Statoil agrees that a cost sharing for the upgrading of the road way makes sense the representatives present are not in a position to commit the company to that full cost up front however did state that they could agree to that cost sharing from Hwy 2/85 to the site being discussed here tonight. Commissioners voiced concern that Statoil has oil pads further west as well. Jarcik suggests some form of development agreement be created that Statoil will participate in the cost sharing of the 105.5 overlay to mirror the phases of the North Star Development.

MOTION BY HAUGEN, SECOND BY MARISTUEN, to approve Special Use Permit (SPU) request for a new oil well drill pad site, Sec. 26, 155N, R101W, Missouri Ridge Township, south of 56<sup>th</sup> St. NW and east of Highway 2/85, City of Williston, contingent on Statoil and the City working on and entering into a development agreement concerning the road paving upgrade to 105.5 and cost sharing thereof and addressing staff comments. Maristuen adds his appreciation of Statoil's willingness to discuss and participate in the unique issues brought about by the oil pads in the City limits. AYES: Maristuen, Aafedt, Haugen, Long. NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.



Short discussion is had as to putting together a committee to discuss paving situations such as this of oil wells within the City. It is decided that this committee should include a planning commissioner, a city commissioner, planning, engineering and public works staff. Commissioner Haugen agrees to represent the Planning and Zoning Commission.

Commissioner Maristuen further expresses appreciation of the staff adding finding requirements and staff responses as part of the SPU packets and states that he finds it greatly helpful in being informed and making decisions on the SPUs.

2. Special Use Permit (SPU) request, new cellular communications tower on Sublot 5, Sec. 36, T155N, R101W, City of Williston – Branch Communications

Aafedt introduces this second item of new business (as above) and asks Ressler to introduce. Ressler states this property has been proposed for a 150' telecommunications tower. She explains that current zoning is P: Parks (Williston Historical Society land/Frontier Museum), with C-2: General Commercial to the north, Parks and Open Space to the east and south (Spring Lake Park) and Agriculture to the west. The site is 2443 ft. away from the nearest monopole tower, and 1892 ft. from the nearest self-support tower. Ressler states that the tower does meet the setback requirements required by Ordinance 912. It is 165 ft. from the nearest property line, well over 75% of the tower height, and 463 ft. from the nearest house.

Ressler says the area proposed for the tower is a 60' by 60' fenced area, accessed by a drive that will need to be paved 20' west from the road to the property. The area will also be landscaped as shown in the site plan, or as appropriate to the ordinance.

Branch Communications has no other communications towers inside Williston and Nemont will be backhaul provider and cell provider. There are no other structures or towers that allow the applicant to meet the coverage abilities needed. Ressler adds that the monopole in the southeast has a lower elevation and is not suitable, and the self-support tower to the southwest has no available ground space and is not suitable for the equipment load. Branch Communications has no other plans to build towers within the City limits.

Ressler stated that at the July 7, 2014 ad hoc committee meeting discussion focused on whether the applicant met the requirements of the Ordinance 912, and discussed whether surrounding owners have been notified. Discussion also focused on whether or not the access drive to the location would need to be paved, and it was determined that the applicant would need to pave 20 ft. of the drive access.

Ressler says that the applicant must file a FAA form 7460. Further the Parks District has stated that they have turned down these poles in our parks because they create a mess with the buzzards/birds that land on them, siting the Fire Hall as example. This is next to the Spring Lake Park and the site that would hold possibly the future miniature golf area. This concerns Parks director as it is right across the street and the have land on the south side of this property and the east side. Discussion is had by Commissioners that the buzzards are often in some of their trees and that they have not created any mess or problem for them.

Haugen is concerned about the 20 ft. of paving required for this site and the unfairness of asking others to pave much further; the 20 ft. would not allow mud to be knocked off in this short distance. Ad hoc participants suggested that the ad hoc committee did not even feel there was

a need for paving to this site as there is virtually not traffic to it once the construction is done but they were reminded by staff that the ordinance requires paving; 20 ft. is per ordinance.

MOTION BY MARISTUEN, SECOND BY LONG, to Special Use Permit (SPU) request, new cellular communications tower on Sublot 5, Sec. 36, T155N, R101W, City of Williston, contingent on upon meeting staff comments and all SPU criteria. \*\*DISCUSSION: Haugen asks for consideration of requiring longer paving distance, 50 ft. suggesting that even a house driveway is being required to construct 25 ft. Discussion is that this will be a multiple tenant site and may generate more maintenance traffic in the future than is anticipated. MARISTUEN amends his motion to add that the applicant be required to provide a 40 ft. pavement access to the site. LONG accepts and seconds the amendment. AYES: Maristuen, Aafedt, Haugen, Long. NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

3. Special Use Permit (SPU) request to build a duplex in the R-1 zone, 1418 6<sup>th</sup> Ave. West, Garden Homes Subdivision, City of Williston – Alice Streifel/Geoff Kemp, Greenwood

Aafedt introduces the next item of new business (as above) and asks Ressler to introduce. Ressler states this property has been proposed for a duplex in an R-1 district, which requires a special use permit. The lot is 107.97 ft. by 157.40 ft., (.39 acre) which is about 50% larger than most lots in the area. To the north is a single family home. Across the street to the west is a single family home. To the east is a parsonage to the church on the south side of the proposed duplex lot.

At the July 7, 2014 ad hoc committee meeting, Ressler states that there was a lot of discussion focused on whether a duplex was appropriate for the area as the staff has generally taken the stance that R-1: Single Family Residential should be protected as single family neighborhoods as there are many R:2 and R:3 zones within the City that have been primarily single family neighborhoods and recently have seen several twinhome/duplex units coming in. Ad Hoc was also concerned about setting a precedent in single family neighborhoods and did recommend denial of the request.

Norman Steifel, the applicant, spoke to the Commission and stated that he had visited with his neighbors about his intention for the duplex and showed them the site and design plans. Streifel says that the neighbors were all in support of his proposal and he provided the Commission a page of signatures from the neighbors showing the same. He further points out that there are duplexes and apartments within a short distance which can be seen from this site. Streifel and his wife would intend that this duplex be built (in place of a small single-family home currently on the lot) to allow them to live in one-half and have the other half available as it becomes necessary for caregivers (family) thus allowing privacy for all.

Commissioner Long states that she was at the ad hoc meeting and verifies the concern was not wanting to set a precedent in allowing duplexes being built in R-1 zone and preserving single-family neighborhoods. Aafedt discusses that she thinks that the site plat is nice and agrees that it would be a nice use of the space but with the desire to preserve the single-family neighborhood she wonders what about this plan and site would make it easier for the Commission to approve. Concern is discussed that this unit does not become a rental unit and whether there could be a condition in place requiring it to always be one-half owner occupied; however the City is full of rental houses so that cannot be a factor in this decision. The developer points out that the design of the duplex and its location on the corner of the proposed

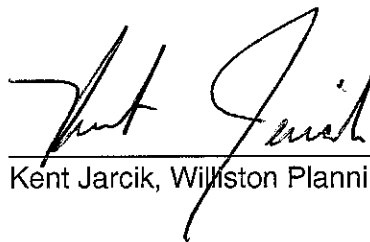
lot is to detract from the look that this is a duplex but rather two single-family homes. Aafedt supports the trend of older adults living in a "family home" where a child lives in one-half of the house as a caregiver.

Assistant City Attorney Evert suggests redirecting focus to considering that there are duplex and apartment units in the surrounding neighborhood, the size of the Streifel lot is 50% larger than others in the neighborhood and the agreement of surrounding property owners. Jarcik suggests that clause in the ordinance allowing a duplex in an R-1 zone seems to have had an original intent of allowing families to build together.

MOTION BY LONG, SECOND BY MARISTUEN, to approve Special Use Permit (SPU) request to build a duplex in the R-1 zone, for the N 35 ft. of the W 157.4 ft, Plot 11, and the SW 72.97 ft. of the W 157.4 ft. of Plot 12, Garden Homes Subdivision, City of Williston, based on the agreement of all surrounding neighbors, that there are other duplexes and apartment buildings in the surrounding neighborhoods and the large size of the lot. AYES: Maristuen, Long, Haugen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Fleck, Christensen, Boyeff. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

**DATE OF NEXT REGULAR MEETING:** August 18, 2014

**MEETING ADJOURNED.**



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Kent Jarcik, Williston Planning Director

**APPENDIX**  
to the  
**July 21, 2014 PLANNING AND ZONING COMMISSION MINUTES**

1. Special Use Permit (SPU) for a new oil well drill pad site, Sec. 26, 155N, R101W, Missouri Ridge Township, south of 56<sup>th</sup> St. NW and east of Highway 2/85, City of Williston – Statoil Oil & Gas
2. Special Use Permit (SPU) for a new cellular communications tower on Sublot 5, Sec. 36, T155N, R101W, (Frontier Museum) City of Williston – Branch Communications
3. Special Use Permit (SPU) to build a duplex in the R-1 zone, for the N 35 ft. of the W 157.4 ft, Plot 11, and the SW 72.97 ft. of the W 157.4 ft. of Plot 12, Garden Homes Subdivision, City of Williston – Norman and Alice Streifel