

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON JUNE 15, 2015 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.**

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

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

**MEMBERS ABSENT:** Christensen

**OTHERS PRESENT:** Donald Kress, Rachel Ressler, Senior Planner; Samantha Neill, Staff Planner; Christine Edwards (Administrative Assistant); Bob Hanson, City Engineer; Building Official, Bill Tracy; Jordon Evert, Assist. City Attorney; Howard Klug, City Commission President.

**DISPOSITION OF MINUTES:**

- Minutes were approved for May 18, 2015 regular meeting. MOTION BY HAUGEN, SECOND BY MARISTUEN. CARRIED ON VOICE CALL.
- Minutes were approved for May 20, 2015 special meeting re: ETJ expansion. MOTION BY BOYEFF, SECOND BY FLECK. CARRIED ON VOICE CALL.

**COMMUNICATION:**

- Planning staff stated that Cynthia Aafedt was re-appointed by City Commission on May 26, 2015, to serve another five year term as a Planning and Zoning Commissioner. Her new term will run May, 2015 through May, 2020.
- Planning staff also confirmed that Deeann Long was re-appointed by City Commission on June 9, 2015, to serve another five-year term as a Planning and Zoning Commissioner. Her new term will run June, 2015 through June, 2020.
- Recognition of Jerry Fleck was done at the close of the meeting with presentation of a plaque of acknowledgement presented by Chairman Aafedt and words of thanks from Commissioner's Maristuen, Haugen and Boyeff.

**PUBLIC HEARINGS:**

- a. Ordinance amendment to the Williston Comprehensive Plan identifying the Long Range Projected Growth Area within the city's one-mile extraterritorial jurisdiction (ETJ), and describing how development in the Long Term Projected Growth Area and other areas of the ETJ will be evaluated – Staff

Aafedt introduced this first public hearing agenda item (as above) and asked Kress to present. Kress said that the proposed amendment to the Williston Comprehensive Plan would be identifying the Long Range Projected Growth Area within the City's one-mile extraterritorial jurisdiction (ETJ), and establishing policy for how development in the Long Term Projected Growth Area and other areas of the ETJ will be evaluated. A map was provided to Commissioners with colored sections and boundary lines for the following explanations.

Tier I Growth Area:

Kress explained that this is the area designated for annexation and priority city expansion. This area is within the city's priority water and sewer service area. This are is also contiguous with

the developing area and adjacent to or in line with city utilities (water, sewer lines, and street extensions).

#### Area 1: Long Range Projected Growth Area (ETJ):

This area is not promoted for immediate City expansion or annexation, but is intended for long term City Growth and expansion.

The zoning in this area is Agriculture. The primary uses for this area will be uses permitted in the Agriculture zone or Special Permitted Uses listed in the Agriculture zone that go through the designated review process and receive approval.

Uses beyond what is permissible in the Agriculture zoning district are not promoted by the City at this time.

#### Area 2: Southwest ETJ

- North of Hwy 2/85 (Williston Township Section 19):

This is the existing/developing Industrial area along the truck route and west of 140th. Requests for rezones and platting of lots would be evaluated based on the surrounding development pattern and compatibility with adjacent uses.

- South of Hwy 2/85:

This area is not in the long range projected growth area and is substantially built. Requests for rezones and platting of lots would be evaluated based on the surrounding development pattern and compatibility with adjacent uses.

Kress stated that lots adjacent to the frontage road on the south side of the highway corridor have been developing more toward highway commercial uses and less industrial in nature. Early input and review on the update of the comprehensive land use plan is to consider this area along the highway for a transition of industrial intensive uses to more commercial/ highway commercial oriented uses.

- Zoning: This frontage primarily has a zoning of Industrial under County zoning. Kress sat that the intent is to approach it in a similar manner as was done in the North Annexation and the corridor leading north out of town. The frontage road properties will be proposed to be rezoned C-2: General Commercial with individual Special Permitted Use consideration for those legally existing businesses that are not commercial. This would allow the existing use to remain in a conforming status. The business can be transferred, and the property with the business on it can be transferred. However, the use cannot be expanded; any added or new uses on the property must be a permitted use in the C-2 zone.

- Development standards: Commercial development standards will be applied for building permits that are submitted prior to the rezoning being completed. The commercial development standards would be most consistent with the intent of the corridor. Applying the Commercial development standards should not create any hardship and in some instances such as signs will allow some additional flexibility.

#### Area 3: Southeast ETJ

Kress said this area is not in the long range projected growth area. Requests for zone changes and platting of lots would be evaluated based on the surrounding development pattern and compatibility with adjacent uses. The area at large would be suited to large lot residential due to service limitations. The 1804 corridor east of 133<sup>rd</sup>, and the approved industrial rail yards, has

not been evaluated or intended for industrial or commercial uses. Existing permitted commercial uses would be considered legal existing. Future uses would be considered based on the compatibility of surrounding properties, natural limitations and public utility service limitations.

Area 4: East ETJ (along County Road 9 from County Road 6 South to the North Side of the Williston Rail Industrial park)

This area is not in the long range projected growth area. Kress stated that the current long range land use plan indicated rural large lot residential. Rural large lot residential will continue to be promoted along this corridor. The commercial/industrial uses that have been permitted will remain per the requirements of their legal permitted status. Kress noted that the area immediately surrounding the landfill needs to be closely evaluated for any residential use proposals to minimize conflicts between future residential owners and the existing landfill use.

Kress concluded his presentation and told the Commission that their recommendation would do to the City Commission on June 23, 2015 as it had been pre-advertised. Aafedt opened the public hearing and asked for public input.

A representative from Stropiq spoke on behalf of the Williston Crossing project north of City Limits. Stropiq was concerned that their project had already been zoned and permitted within County regulations. The proposed City ETJ and Growth Map does not allow the Williston Crossing project as presented so Stropiq asked, rather than having to apply for another amendment or SPU that the City acknowledge their existence. Stropiq suggested wording in the proposed Amendment to accept and allow existing special permitted uses, uses, conditional use permits and so on.

Mayor Klug addressed Stropiq's concerns and assured them and the Commission that all entitlements currently granted by the County would remain in effect under the City's extra-territorial jurisdiction. He stated that he as personally made that clear both in the press and in City Commission meetings; those statements are recorded in official minutes.

Kress added, "What is there stays there". Commissioner Aafedt asked if a general statement that existing County entitlements will remain in effect could be added into the proposed amendment by way of adding that condition into any motion made by the P&Z Commission. City attorney Evert stated that all uses are and will continue to remain but if the Planning Commission felt that clarification needed to be made they could add it to their recommendation.

Upon a final call for public input, Bob Horab asked how the City will address the special permitted use process for industrial uses in what will become general commercial zoned areas. Kress stated that the City would initiate those SPU requests and notify property owners. Mr. Horab, who owns McCody Concrete, was assured there was nothing he needed to do for his location south of 2/85 west. Horab asked about signage now for this location; he was told that he should go to the City Building Department now for signage. Kress added that County zoning will remain until the City re-zones accordingly.

Aafedt closed the public hearing and asked for any discussion from the Commission. Aafedt, Long, Fleck and Boyeff all joined in a discussion about whether the wording in the proposed amendment was clear in allowing existing entitlements to remain.

**MOTION BY FLECK, SECOND BY MARISTUEN, to recommend to the City Commission approval of the ordinance amendment to the Williston Comprehensive Plan identifying the Long Range Projected Growth Area within the city's one-mile extraterritorial jurisdiction (ETJ), and**

describing how development in the Long Term Projected Growth Area and other areas of the ETJ will be evaluated, taking into consideration that existing uses allowed by the County are to remain in a conforming status. AYES: Fleck, Long, Boyeff, Maristuen, Haugen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen. ABSTAINED: None.

Attorney Evert stated that he would be sure that all wording was cleaned up and clear on this point before presentation to the City Commission.

- b. Zone change request from R-3:Lowrise Multi-family and Townhouse Residential to R-4: Highrise Multi-family Residential for Lots 8R and 9R, Block 1, Chandler Field Subdivision; and, zone change from R-4 to R-3 for Lots 2, 3 and 4, Block 3, Chandler Field Subdivision, City of Williston – North by Northwest Investors, LLC / R&R Engineers – Surveyors, Inc.

Aafedt introduced the second public hearing item (as above) and asked Kress to present. Kress stated that the applicant requests a rezoning of certain lots in the Chandler Field Subdivision. This proposed rezoning has been referred to as a zoning “swap” to redistribute the multi-family density originally approved for the Chandler Field Subdivision in 2012. The lots proposed for the swap have not been developed, though are served by water, sewer, and paved public streets. No change in the platting or lot lines is proposed. The applicant's intent with the swap is to create what he believes will be more effectively marketable parcels while not increasing the overall project density.

Kress explained that Lots 2, 3, and 4, Block 3, are currently zoned R-4. Based on their acreage, the maximum density would be 415 units total. Lots 8R and 9R, Block 1 are currently zoned R-3. Based on their acreage, the maximum density would be 319 units total.

The development's owner states that there will be a 3.48 acre storm water detention facility on Lot 9R that reduces the total buildable acreage of these two lots from 16.85 acres to 13.37 acres. The reduced acreage would allow a total of 253 units on these two lots. Thus, the total dwelling units under the current zoning for Lots 2, 3, and 4, Block 3 and Lots 8R, and 9R, Block 1 (using reduced acreage calculation for Lots 8R and 9R) is 668 dwelling units.

Kress stated that under the swapped zoning, the total dwelling units for Lots 2, 3, and 4, Block 3 and Lots 8R, and 9R, Block 1 (using reduced acreage calculation for Lots 8R and 9R) would be 664, actually four fewer units than the density the current zoning would allow.

Kress said that at the ad hoc committee meeting held on June 1, 2015, discussion included:

- DENSITY IN THIS AREA IS MAXIMIZED
- HOW IS THE DETENTION FACILITY ON LOT 9R UNIQUE TO THIS SUBDIVISION?  
The applicant stated that the large drainage facility on Lot 9R was created based on discussion of storm water management with the previous City Engineer (Monte Meiers) and this occurred after the development had been approved. The original concept was for each lot to have its own detention basin.
- CONNECTIVITY: The committee reviewed the applicant's connectivity exhibit and directed that the connectivity depicted in the exhibit be formalized by adding at least an easement along the property line between the north and south tiers of lots on Block 3, and on the north side of Lots 8R and 9R in Block 1. These easements could be added without having to replat the property. North-south connectivity would be included by individual lot developers in their building plans. The road access and connections exhibit is attached.

Planning staff further notes that:

- It is the developer's responsibility to manage connectivity per the concept.
- We have a better understanding of access easements now than we did at the time of this plat (2012). Currently, plats that would propose the "super-block" concept as in Chandler Field would be required to depict easements for connectivity within the super-block and record those easements with the final plan in order to make the super-block concept work.

**ALTERNATE DRAINAGE PLAN:** The City Engineer discussed his concept of a more regional drainage plan for the area north of Highway 2/85 between 32nd Avenue and Chandler Field that would eliminate the need for a separate drainage basin on the Chandler Field property (Lot 9R). However, there is no time frame for this project and the applicant indicated he was not interested in waiting possibly several years for such a project to be developed.

**DEVELOPMENT OF ADJACENT "FARMSTEAD":** In response to the committee's question about the status of development of the adjacent farmstead, the developer stated that this property is not part of the Chandler Field Subdivision and his negotiations to purchase that property have not been successful.

**LOTS TO BE REZONED TO R-3:** In response to the committee's question of why Block 3 couldn't be divided north and south, with the northerly three lots becoming R-3 and the southerly three lots remaining R-4, the developer stated that the two lots on the northwest side of Block 3 are already under contract at the R-4 density.

Kress said that staff comments are that if the applicant is going to request a plan shift and zone swap we need a plan of how this area will be managed or built out and how individual developments will tie in with each other for pedestrian and vehicle access as this original proposal was on a super block concept with access easements tying the properties together. Without adding new public streets to this super block concept how are the properties going to tie together for vehicle and pedestrian access. The developments need to be designed for long term sustainable multi-family neighborhoods using best planning practices and not to meet to the short term demand for housing.

Aafedt opened the public hearing and asked for input from the audience. Applicant Eric Schmela addressed the Commission and stated that the swap was not his initial proposal but was necessary to get to this point. He stated concerns about easements being placed as discussed as two of these lots are under contract and he cannot now place those kinds of restrictions on those lots. While he agreed that connectivity is an important discussion he felt that it was an issue better addressed at the permitting stage rather than during this zoning process. City Engineer Hanson and Building Official Tracy agreed that connectivity would be better served by the Fire Chief's review during permitting than at this Planning Commission meeting. Schmela further stated that there is an existing (underground) storm water access easement that could allow surface access to a central road if need be.

After a second and third call for public input and hearing none, Aafedt closed the public hearing and asked for discussion or a motion from the Commission.

**MOTION BY BOYEFF, SECOND BY LONG** to recommend the zone change request from R-3:Lowrise Multi-family and Townhouse Residential to R-4: Highrise Multi-family Residential for

Lots 8R and 9R, Block 1, Chandler Field Subdivision; and, zone change from R-4 to R-3 for Lots 2, 3 and 4, Block 3, Chandler Field Subdivision, City of Williston in the zoning swap format described and discussed. AYES: Fleck, Haugen, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen. ABSTAINED: None.

Kress stated this zone change request would be heard by the City Commission during the first meeting in July, 2015.

- c. Short Plat for a rearrangement of Lot 5, Block 4, Bakken Industrial Subdivision, City of Williston, into 3 lots – Energy Commerce Center 1, LLC / Land Shark, LLC

Aafedt introduced the third public hearing (as above) and asked Neill to present. Neill explained that this short plat is for the addition of lot lines, creating 3 lots, from the existing Lot 5, Block 4, Bakken Industrial Subdivision. Neill stated that the rearrangement would create 3 lots approximately 3.1 acres each. There is no minimum lot size in an M-2: Heavy Industrial zone. Each proposed lot will take access off of Energy St. This lot is connected to City water and sewer.

At the June 1, 2015 ad hoc committee meeting, there was a concern of whether or not the existing drainage easement on this lot would be affected. Neill stated that it would not be. Neill said that staff technical comments will be sent to the applicant for revision and correction prior to finalizing the plat.

Neill said that the ad hoc committee recommended approval of this short plat and concluded her presentation. Aafedt opened the public hearing. After calling three times for public input and hearing none, Aafedt closed the public hearing and asked for the wishes of the Commission.

MOTION BY LONG, SECOND BY FLECK, to approve the short plat for a rearrangement of Lot 5, Block 4, Bakken Industrial Subdivision, City of Williston. AYES: Long, Boyeff, Maristuen, Fleck, Haugen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen. ABSTAINED: None.

- d. Short Plat to subdivide an unplatted 83 acre parcel in the W1/2 SE1/4 and part of the E1/2 E1/2 E1/2 SW1/4, Section 35, T155N, R101W (600 58th St. NW), to be known as Williston Fire Station Subdivision – City of Williston/ Alliance Consulting

Aafedt introduced the forth item on the agenda (as above) and asked Neill to present. Neill said this is a request for a lot rearrangement in the W1/2, SE1/4, and part of the E1/2, E 1/2, E1/2, and SW 1/4 of section 35. The parcel is currently zoned Agriculture; zoning to the North is Agriculture, to the east is M-1: Light Industrial and to the south and west is M-2: Heavy Industrial. The current lot has a residence and other agricultural buildings. Neill stated that the creation of two lots would create lot 1 which will be 72.88 acres (the residence and agricultural buildings will stay on this lot) and lot 2 which would house the new fire station will be 9.00 acres. While the Agricultural zoning district has a lot minimum of 10 acres; Neill stated that since lot 2 is being created for the City of Williston Fire Station, it would be considered an essential public service building and would be able to exist on this lot. Lot 1 would take access from 58<sup>th</sup> St NW and Lot 2 will take entrance off of 6<sup>th</sup> Ave and exit onto 58<sup>th</sup> St NW. The Fire Department on Lot 2 will be a full emergency service complex.

Discussion at the ad hoc meeting held on June 1, 2015 included:

Ingress and Egress:

Ingress will be in off of 6<sup>th</sup> Street. 6<sup>th</sup> street is being paved and will be paved to hold the weight of the fire trucks. 6<sup>th</sup> St. will extend up to the north of the property. Egress will be onto 58<sup>th</sup> Street. There is no concern from Public Works on the extra-large driveway to accommodate the fire trucks. Parking on the property (public and for staff) will be paved.

The intersection of 58<sup>th</sup> St. and Highway 2/85 will be equipped with emergency Opti-con signals. Eventually the DOT plans to rebuild the intersection to include turn lanes.

Buildings on the lot:

The property owners are fully aware of this proposed full-service fire department. This will be a 24-hour facility. A duty crew for the helicopter will also be present in the facility. There will be 8 personnel on a 24 hour shift. The site is big enough to handle expansion of the facility if necessary. Parking for the public will be located on the south side of the lot and Fire Department parking will be on the north side. Completion time for this facility will be around March of 2016. This location for the facility will create a 5 minute response time. (This is a second fire station intended to allow faster response to the north and west parts of town; the current fire station would continue to respond to the south and east parts)

Landscaping:

The Fire Department is going to buffer their lot with trees and a fence. Because of visibility issues they will not be able to provide all of the required street trees.

Aafedt made three calls for public input and heard none. She closed the public hearing and asked for the wishes of the Commission.

MOTION BY MARISTUEN, SECOND BY HAUGEN, to approve the short plat to subdivide an unplatted 83 acre parcel in the W1/2 SE1/4 and part of the E1/2 E1/2 E1/2 SW1/4, Section 35, T155N, R101W (600 58th St. NW), to create the Williston Fire Station Subdivision, contingent on addressing all staff comments. AYES: Long, Boyeff, Maristuen, Fleck, Haugen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen. ABSTAINED: None.

**COMMITTEE REPORT: NONE**

**UNFINISHED BUSINESS:**

- a. Short Plat for Lots 14 and 15, Block 1, Fox Glen Subdivision, (2106 and 2112 17<sup>th</sup> Ct. W) City of Williston – Paul Slaamot/Bakken Survey Consultants

Aafedt introduced this single item of unfinished business (as above) and asked Neill to present. Neill reminded the Commission that this project was heard by the Planning and Zoning Commission meeting on May 18<sup>th</sup>, 2015 but was tabled and staff was directed to clarify the purpose of this rearrangement. At the Ad Hoc meeting there was no mention of adding more concrete onto applicant Slaamot's existing driveway for the storage of vehicles. On the application it also stated that Slaamot is buying approximately 8 feet (546 square feet) of Lot 14 from co-applicant Meduna which was not mentioned at ad hoc. Before moving forward the Commissioners requested clarification on the purpose of the addition al 546 square feet.

Neill reminded the Commission that the applicant requests a short plat for a rearrangement of Lot 15 and the north one-half of Lot 16 and Lots 13 and 14. The rearrangement would move

the lot line between Lots 14 and 15 and add 546 square feet to lot 15. Lots 15 and the north portion of lot 16 total 9,616 square feet and lots 13 and 14 are a total of 11,515 square feet (These calculations take into account the proposed 546 sq. ft. exchange). R-1 lots have a minimum lot requirement of 8,000 square feet, these lots exceed this minimum. The lots also meet front, side and rear yard requirements, maximum lot coverage. Neill said that each house is connected to City sewer and water; the lots are accessed from 17<sup>th</sup> Ct. W.

The fence between Lots 14 and 15 was built 8 feet onto Lot 14 resulting in 546 square feet of space in between the fence and the lot line. The owner of lot 15 (Mr. Slaamot) currently has a concrete slab, which acts as a driveway for his vehicles and camper, on his property. Neill stated that if this short plat were to be approved, Slaamot would extend his concrete slab to make for a larger driveway for his vehicles. The slab will not extend the entire length of his lot; it would only extend 45 feet (in length) back from the sidewalk and eventually Mr. Slaamot would move his existing fence to include the additional 546 square feet.

Also at the May 18, 2015, Planning Commission meeting, concern was raised about whether or not the additional concrete proposed by Slaamot was acceptable. Neill stated that there is no impervious surface maximum in the code so this would not be an issue. Neill concluded her presentation.

As this was not a public hearing item, Aafedt asked for the wishes of the Commission.

MOTION BY HAUGEN, SECOND BY LONG, to approve the Short Plat for Lots 13, 14, 15 and north half of Lot 16, Block 1, Fox Glen Subdivision, City of Williston, contingent on addressing all staff comments. AYES: Long, Boyeff, Maristuen, Fleck, Haugen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen. ABSTAINED: None.

#### **NEW BUSINESS:**

- a. Non-enumerated Special Permitted Use request for RV campground in an M-2 zone located at 325 Depot Lane, Bakken Industrial Subdivision, City of Williston – Mobile Motel, LLC

Aafedt introduced the first item of new business (as above) and asked Kress to present. Kress explained the location of this proposal was the Mobil Motel in the Bakken Industrial Park. He said that there are two parts to their property; the Mobile Motel that is zoned C-2: General Commercial and an adjacent parking lot are that is zoned M-2: Heavy Industrial. The applicant requests a special permitted use (SPU) for a campground on the M-2: Heavy Industrial Zoned parking area for recreational vehicles. Kress explained that "campground" is not specified as a permitted or special permitted use in any zone in the zoning ordinance, so this is a non-enumerated SPU. At this time, there is no facility in Williston for short-stay RV's.

Kress said that when the applicant came to the Planning staff with this idea, staff advised the applicant the following conditions must be met:

- The campground would need to comply with all state regulations including having a state license.
- The campground must truly be a short-stay campground—suggested 2-week maximum.



- Applicant to submit a site plan showing where the RV campground / RV spaces were going to be located. The site plan must show compliance with all the requirements of the state regulations.
- Applicant to submit a written plan of how the campground would operate and how the short stay time limit would be managed.

Kress referred the Commissioners to the applicant's site plan and written plan in their Commission packets to see how the applicants written proposal. The applicant proposes to reserve a maximum of 25 parking spaces for the use of recreational vehicles (RV's) in a campground format. This facility would have to meet the requirements for campgrounds in North Dakota Century Code and North Dakota Administrative Code.

Kress said that discussion at the June 1, 2015 ad hoc meeting included:

- CHECK-IN PROCEDURE
- GRAYWATER/BLACKWATER AND DUMP STATION ACCESS
- HAZARDOUS MATERIALS TRUCKS
- ENFORCEMENT OF RULES IS THE RESPONSIBILITY OF THE MANAGEMENT, NOT THE CITY: The committee made it clear to the applicant that it was the Mobile Motel management's responsibility, not the City's, to enforce the campground rules. Particularly, local law enforcement cannot participate in any eviction from the campground without a court order. Eviction of campers who break the rules, including staying past their contracted time, is a civil matter between the Mobile Motel management and the campers.
- FACILITY NOT TO BE A CREW CAMP: The committee made it clear that this is intended to be a general RV campground with short-term stays and not a crew camp for people working a two week on/two week off schedule. The committee emphasized that a short stay did not mean that a camper could just move to another space in the campground for another two weeks; the camper actually had to leave the facility.
- NUMBER OF PEOPLE ALLOWED PER CAMPER; and
- LOCATION

Kress stated that the ad hoc committee did not make a recommendation on this SPU but rather suggested it be brought before the entire committee. Kress concluded staff's presentation and stated that the owner of the Mobile Motel, JD Pass, and manager, Matt Prysock, were available to answer any questions.

Aafedt asked for clarification that campground is not defined anywhere in the ordinances and how the SPU would work? City Attorney Evert reminded that each zone in the code provides for permitted; special permitted and non-enumerated uses and SPU.

Commissioner Haugen stated that he had concerns with the proposal in the way of safety with semi-trucks pulling in and out of that area for parking; there is no pavement as has been required in other similar places; there are no dumping facilities; no buffering; could family just visit and stay; trucks carrying hazardous material; and finally Haugen pointed out that there is an RV park in the Bakken Industrial Subdivision, just north of this site, with about 100 empty spaces. Building Official Tracy stated he believed that the Bakken Industrial RV Park required a minimum stay of one month.

JD Pass, owner of Mobile Motel, addressed the Commissioner's concerns. He stated that as a "campground" they are a short-term stay facility and not they are not required by the state to provide a dump station; there is one at Love's truck stop w/in 200 ft. of his facility. Pass stated that he is not opposed to investing the money to provide a dump station but did not want to do that until they had an idea of the number of campers staying on a regular basis. Pass stated that the State has been out and inspected the site and proposal, said that there is a fairly stringent set of regulations and requirements and that Mobil Motel had meet all of them. The State is awaiting the decision of the Planning Commission on this SPU application to issue the permit but they are ready to do so. In regard to paving Pass pointed out, that there is also no paving in the Bakken RV Park. Also, that park and others like it require 30 day or longer contracts on RV sites and do not provide utility services; those services have to be purchased individually through respective provider. Pass stated that his intention is to help provide somewhere for short-term RV stay with 24 hour security and access to showers and facilities (vending, Wi-Fi, television, laundry, etc...) and that the 25 designated RV spots are separated from the semi-truck parking. Campers would stay no more than two weeks with a possible one week extension evaluated on a case by case basis. As an example: a contractor in town for a two-week job, rain delays the job and they need an extra few days to complete. City events (Band Day, Fair, etc...) people need someplace to stay for a couple of days. Pass states he does not want this to be and RV park; an RV park requires waste dump, water/sewer connection and a campground does not.

Commissioner Maristuen asked Pass about winter months and whether he expected people to stay there where they would not be allowed to run gas heat and so on and would not winterize their camper for short-term. Pass said that in the past few years that they have been open they have seen that people living in campers are largely only in the area for the summer months and start to leave in October/November. Pass stated that they suggest that people who do intend to stay move to a long-term site but added that there has been some issue with people moving to one of the long-term RV parks because they only allow campers that are year 2000 or newer which pushes people out into the County or to leave the area until spring. Pass said that they have also had people put their campers into storage during the winter months and stay in the motel.

Pass stated that they would have the name, address, phone number, vehicle information on file for each person that stays with them.

Aafedt asked about hook-ups for services and Pass said that there are electrical hook-ups to each site but nothing more.

Commissioner Long asked how any SPU conditions would be enforced as the SPU goes with the land. What if the business is sold? Pass suggested a condition that the SPU can be revoked if the campground becomes non-compliant.

Aafedt asked Mayor Klug if he was aware that there are no short term RV sites. Klug stated he believed there were some available in the County, in some parks and State parks. Klug also said that the City had purposely transitioned out short-term RV parking within a 20 mile radius.

Attorney Evert stated that his main concern was that this would or could actually serve as a crew camp and suggested that this matter could be taken to the City Commission for some insight before the Planning Commission took action on it.

Maristuen said he was part of the ad hoc committee that heard this proposal and commended Mr. Prysock and Mr. Pass on their diligent work and respectable business but said that there was very little support for this at ad hoc.

MOTION BY HAUGEN, SECOND BY FLECK, to deny the Special Permitted Use request for RV campground in an M-2 zone located at 325 Depot Lane, Bakken Industrial Subdivision, City of Williston. AYES: Long, Maristuen, Fleck, Haugen, Aafedt. NAYS: Boyeff ABSENT/NOT VOTING: Christensen. ABSTAINED: None.

Aafedt asked if there was an appeal process available to the applicant on this. City Attorney Evert said that the applicant could file a request, through the Planning Department, to have this matter heard by the Board of Appeals; Aafedt added that the Board of Appeals is the City Commission.

- b. Final plat for SERKA Subdivision, rearrangement of Out Lots 3 and 4 of the SE1/4 SE1/4 and a parcel of land in the SE1/4 in the SE1/4 of Sec. 26, and the Heen Parcel being 2.24 acres in the SE1/14 SE1/4, Sec. 26, T155, R101W, 5th P.M., City of Williston – SRK Hospitality, LLC / Marcin Engineering, LLC

Aafedt introduced the second item of new business (as above) and asked Kress to present. Kress stated that the applicant, owners of the Brooks Hotel and Fuddruckers currently on this property, purchased an additional 2.24 acres adjacent to the west of their property. In order to create that 2.24 acre property as a lot, it is necessary to plat it which is what is before the Commission now. Kress said that the applicant had also requested the zoning for that additional Lot be changed from Agriculture to C-2: General Commercial. The zone change was granted by the City commission during the preliminary plat hearing.

The existing two lots that the Brooks Hotel and Fuddruckers are on are being rearranged into Lot 1, 2, 3, and 5 of this plat, with the 2.24 acres becoming part of Lot 3. Lot 4 is the remaining portion of the Heen property from which the 2.24 acres was cut out. No development is proposed for Lot 4 at this time.

Kress referred the Commission to the comments section of their packet for this matter and briefly pointed out some special provisions of the Development Agreement:

- Provide a 30-foot wide access and utility easement from the west side of Lot 4, Block 1 to Lot 3, Block 1, to enable Lot 3, Block 1 to connect to the future 6<sup>th</sup> Avenue West that will be along the west side of this subdivision. *(This is depicted on the plat)*
- As the required 30-foot access easement runs across Lot 5, Block 1, the developer must install the storm water storage system underground. Plans for the size and installation of this underground storm water storage system must be approved by the City Engineer.
- Applicant to provide CC&R's prior to recordation that account for ownership, maintenance, and property tax payments for Lot 5, the detention basin.

Kress said that the CC&R's, Development Agreement and General Performance Lien would need to be prepared before final plat hearing at City Commission and all would have to be approved and signed for recordation along with the plat. Kress stated that staff recommendation was to recommend approval to the City Commission and concluded his presentation.

MOTION BY MARISTUEN, SECOND BY BOYEFF, to recommend to the City Commission approval of the final plat for SERKA Subdivision, to create five lots on approximately 20.12 acres, contingent on development agreement with project-specific special provisions, CC&Rs for ownership and maintenance of underground detention basin, and contingent on addressing all staff comments AYES: Long, Maristuen, Fleck, Haugen, Boyeff, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen. ABSTAINED: None.

- c. Final Plat to subdivision one lot into 4 lots in C-2: General Commercial for a 3 acre parcel located in the NW1/4, Sec. 1, T154N, R101W, to be called the Holiday – Wright Subdivision – Cass Oil Co., d/b/a Holiday Station Stores/Dean Hoover, Morris Ritchie Assoc., Inc.

Aafedt introduced the final item of new business (as above) and asked Ressler to present. Ressler reminded the Commission that this plat for the Holiday- Wright Subdivision of 11.956 acres was presented to them for preliminary approval on May 18, 2015 and stated that the City Commission approved the preliminary plat and zone change, from Agriculture to C-2, on May 26, 2015.

Ressler said that the subdivision will create five lots; Lot 1 will be the Holiday store and Lot 4 is intended to be truck parking. The other lots will be intended for commercial development

The developer will be required to build 58<sup>th</sup> St to a certain point east of the intersection with Highway 2/85, to be determined by the City Engineer. The mayor has indicated that discussions are in progress regarding potential cooperation on the cost of this road. There is also currently a highway frontage road that runs along the west property lines of the proposed subdivision. This frontage road will need to be re-routed as part of the development of the project.

Ressler stated that staff has communicated with SRF, the City's traffic consultants, to examine the proposal, potential impact of trucks on the intersection at Hwy 2/85 and 58<sup>th</sup> St, and potential alignments of the frontage road in order to create the appropriate bulb-outs on both the north and south side of the road.

Water is available to the property through a 10" rural water line from the north. Sewer is available on the west side of Hwy 2/85 The developer will need to install a temporary lift station, at their cost, to pump sewage to the pipe on the west side of Hwy 2/85.

Ressler concluded her presentation stating that the City Commission had approved this preliminary plat and there were no additional comments therefore staff's recommendation would be to forward to this final plat to the City Commission with a recommendation to approve.

Commissioner Boyeff asked if there is an alley on the east side of the proposed development. Hoover said he thought there was an old water/sewer easement; City Engineer Hanson stated he did not believe there was.

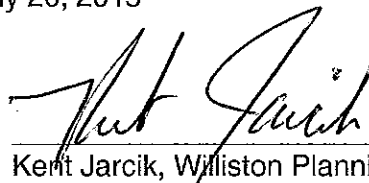
Commissioner Fleck asked if 58<sup>th</sup> St. East was intended to be extended through at some point; Hanson said it was the hope and plan of the City that it will but easements still need to be obtained. Fleck asked if the City was going to participate in the financial aspect of the developer's requirement to build 58<sup>th</sup> St. East to a certain point; Hanson and Mayor Klug stated that discussions between the developer and the City for such an agreement have already begun. Fleck asked for clarification that parking lots were to be paved; Ressler stated that all parking would be required to be paved.

Aafedt asked for any further discussion or a motion from the Commission.

MOTION BY FLECK, SECOND BY HAUGEN, to recommend to the City Commission approval of the final plat in the NW1/4 of Section 1, T154N R101W, contingent on a pedestrian crosswalk and pedestrian crossing sign being installed between the gas station and truck parking lot, re-alignment, construction and paving of frontage road on the south side of 58<sup>th</sup> St, a roll-curb to distinguish truck parking from the frontage road, construction of 58<sup>th</sup> St to a point east of the Holiday store, with details of participation and construction to be worked out with the City Commission and City Engineering, a temporary lift station being installed to City specifications, the right in right out access being approved by the City Engineer, a no-overnight parking policy for semi-trucks, a development agreement, and addressing all other staff comments. AYES: Long, Maristuen, Fleck, Haugen, Boyeff, Aafedt. NAYS: None. ABSENT/NOT VOTING: Christensen. ABSTAINED: None.

**DATE OF NEXT REGULAR MEETING:** July 20, 2015

**MEETING ADJOURNED.**

A handwritten signature in black ink, appearing to read "Kent Jarcik", written over a horizontal line.

Kent Jarcik, Williston Planning Director