

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON JUNE 16, 2014 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: Fleck, Maristuen, Aafedt, Christensen, Haugen, Long, Boyeff.

MEMBERS ABSENT: None

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

DISPOSITION OF MINUTES:

- Minutes were approved for May 19, 2014 regular meeting. MOTION BY HAUGEN SECOND BY MARISTUEN. MOTION CARRIED ON VOICE VOTE.

COMMUNICATION:

- Commissioner Fleck has agreed to continue his representation on the Planning and Zoning Commission for another year. Fleck is a county representative to this Commission and has been approved by the Williams County Commission as such representative to the Williston Planning and Zoning Commission. Staff will request that the Williston City Commission approve and appoint Fleck for one more year as well.

PUBLIC HEARINGS:

1. Plat and Zone Change to be known as Iron Point, commercial and industrial use located in SW1/2 of Section 20, T154N, R101W (NE corner of 140th Ave NW and Highway 2), City of Williston – R&R Engineering

Boyeff introduces the first public hearing (as above) and asks Ressler to introduce this item. Ressler states this is a plat; zone change and future land use amendment for this property has been proposed for a commercial and light industrial development of 71.378 acre subdivision. Development is west of Schlumberger and east of the Township Road 140th Ave NW. Ressler says the concept of the site includes commercial outlots along Hwy 2/85, a larger big-box type commercial lot in the center of the site, and light industrial along the western and northern boundaries of the site. The use is appropriate for the area, which transitions from heavier industrial into more commercial and light industrial uses toward town. Ressler adds the highway commercial component is in direct alignment with the Comprehensive Plan's goals for a commercial gateway district into town.

The property will have its primary access through what is currently the Schlumberger access off of Hwy 2/85. Ressler explains that the current ownership of 140th Ave NW is with the township so there will be no access from the subdivision onto this road. On the north side of the subdivision, a platted 80 foot right of way (noted as B Street on the plat) will connect 140th Ave

NW to the access road that currently runs on the north side of the Schlumberger lot. There is an internal public right of way (noted as A Avenue on the plat), which connects the southern access off of Hwy 2/85 to "B Street". "B Street" will be platted but not constructed from "A Avenue" west to 140th Ave NW. "B Street" will be constructed and connected to the access road behind Schlumberger, which will allow a secondary access into the subdivision.

The site is connected through interior public dedicated roads, from which each lot has access. Further reciprocal access easements could be filed if necessary.

Ressler says that the applicant has provided a full traffic study, which has been reviewed by the North Dakota Department of Transportation (NDDOT) and the City's traffic consultant, SRF. The traffic study recommends signalizing the Hwy 2/85 and "C Avenue" (Schlumberger access), as build-out occurs. Ressler states however that the NDDOT will not allow that signal. The city would potentially advocate for a light, depending on the tenants of the lot and future ownership of 2/85.

There is a rural water line along the south side of the property, which needs to remain in service and the plat should show an easement for this line. Ressler adds that the site can be served by water after connecting into a 16" water line that runs just inside the highway right of way. Future water lines need to run through "B Street" and connect to the east. Sewer lines need to be extended along the highway to 140th Ave NW. Ressler says that the site should be served by on-site detention ponds. Any storm drainage should be directed away from the Schlumberger lot.

Some of the discussion at the June 2, 2014 Ad Hoc meeting focused on the following:

- Access at "C Avenue" and Hwy 2/85 (the Schlumberger access), and whether this access would be signalized. Ressler states again that the North Dakota Department of Transportation will not signalize this intersection, but the city, if it ever controls this road, may be open to that idea.
- Route of right of way dedication for "Avenue C" along the east side of the project site, however it was determined to be acceptable as displayed on plat.
- Sewer line to be extended along the highway ditch to 140th Ave NW.
- Developer will be required to sign a non-protest of special assessments to pay for "B Street" to the intersection of "B Street" and "A Avenue".

Ressler states that there are a number of staff concerns. Dedicate right of way along 140th Ave. NW. A total dedication of 50 feet is required, which would be the 33 feet of section line ROW plus an additional 17 feet. Planning would recommend a 1-foot "No Access" easement be designated along the west sides of the lots along 140th Ave NW to indicate these lots cannot take access directly from that street. Ressler refers the commissioners to the rest of the staff comments in their packets.

Ressler states that Ad Hoc recommendation was to approve the project as presented contingent on the developer addressing all Ad Hoc and staff comments, a development agreement being signed, proper park dedication and City review of all CC&Rs.

Boyeff reminds that this is a public hearing and asks for any comments or questions.

Bob Horab speaks; he has the property to the north west of this development. Horab states that he fully supports this project and feels that is a great fill in for the area. He is concerned about shared maintenance costs on the roads such as 140th Ave. NW. As to the idea of signaling that intersection, he believes it would benefit both sides of the road if there were some options to improve 140th Ave. NW. Kress explains that the City annexation was only to the east side of 140th Ave. NW and therefore has not control or interest of that road.

Becky Hogan of R&R Engineers speaks on behalf of the development. Hogan introduced her partners Daniel Alanzo and Chris Puchalla (Puchalla appeared by phone). She further introduced their traffic engineer, Scott Israelson, and the current property owners, the Arnesons.

Hogan gives a brief history of the annexation of this property and points out requirements made by the City Commission at that time such as 80 ft. accesses which Hogan states have been provided internally in this project. Hogan states also that they have restricted access to 140th due to the city annexation limitations. They are looking at an access point is a shared access with Schlumberger as the NDDOT has restricted access from/to Hwy 2/85.

Hogan states that there are a total of 15 lots in this development and adds that there is a lot of interest by a big box store, hotels and restaurant chains stating that with approval of this commission and the City Commission this project should move along quickly.

Israelson, traffic engineer, explains that the issues surrounding a signalization of Hwy 2/85 and 140th. He states that this project will meet warrants to place a signal; however he states that it isn't always wise with proximity of other lights. He explains how signalization can be coordinated to control traffic and safety at this point. With the truck bypass being only ½ mile from 140th it would cause trouble with slowing, lane changes and so forth. Boyeff states that there is not a way to know what will happen on 2/85 with a possible interchange. Israelson adds that is why they propose the shared access with Schlumberger and believes that it can provide a good flow of traffic going north and west.

Commission Haugen states that he had gone out to the site and tried to find the road and connection north of Schlumberger noted as "B Street" and he could not. Hogan assures him it is there although hard to see. Ressler states that she has also been out there and that there would have to be a lot of site grading and suggests that "B Street" is part of that but states that if you can find it you can drive it. Haugen asks about paving that clear through, it was answered that it would be developed between "A Avenue" and the Schlumberger lot line during this development but that all other internal roads would be paved.

Boyeff calls for public input on this item. City Engineer Hanson discusses his thoughts that the right of way dedication for "Avenue C" should be taken all the way through and connected to "B Street" in the north. Alanzo, R&R Engineers, states that the owners are willing to give up an easement for utilities but would not be interested giving that right of way. Hogan states that the applicant believes they have met the intention of the annexation by providing 80 foot access easements throughout the development and explains that their thought against providing the eastern easement being discussed was a fear that this would essentially create a "race track". The development has been designed to keep speeds down throughout.

Much discussion is had by commissioners, audience, applicant representatives concerning traffic: eventual build out of 11th Street, the by-pass, possible interchange, traffic from the south of Hwy 2/85, drainage, signalization, ownership of the property to the north of this development and ownership of 140th. Comparisons are made to similar issues and decisions made concerning other developments.

Boyeff calls twice more for public input, hearing none he closes the public hearing and asks for the wishes of the board. Boyeff asks first for any motion on the preliminary plat.

MOTION BY LONG, SECOND BY CHRISTENSEN, to recommend to the City Commission approval of the Future Land Use Amendment 27.194 acres from Residential to Light Industrial for the property in SW ¼ of Section 20, T154N R101W. AYES: Fleck, Maristuen, Aafedt, Christensen, Haugen, Long, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY FLECK, SECOND BY HAUGEN to approve Zone Change from A: Agricultural to M-1: Light Industrial for and from A: Agricultural to C-2: General Commercial for 24.62 acres in the SW ¼ of Section 20, T154N R101W, contingent on addressing all ad hoc and staff comments, a development agreement being signed, city review of any CC&Rs for the property, proper park dedication, and final plat recordation. AYES: Fleck, Maristuen, Aafedt, Christensen, Long, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY AAFEDT, SECOND BY CHRISTENSEN, to recommend approval of the preliminary plat of 71.378 acres in the SW ¼ of Section 20, T154N R101W, contingent on addressing all ad and staff comments, a development agreement being signed, city review of any CC&Rs for the property, and proper park dedication. AYES: Fleck, Maristuen, Aafedt, Christensen, Haugen, Boyeff, Long. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

2. Plat and Zone Change to be known as Northern Heights, residential use, located L & G Sub Lot 2 (east of Buffalo Trails Campground), City of Williston – Nick Lippertt

Boyeff introduced the second public hearing (as above) and asks Kress to present. Kress states the applicant, requests a subdivision of Lot 2 of the L&G Subdivision, to create 26 lots and a zone change from the existing R-1A: Rural Residential, with a minimum required lot area of one-half acre, to R-1: Single Family Residential, with a minimum required lot area of 8,000 square feet.

Kress explains that the proposed subdivision proposes 25 single-family lots, ranging in size from approximately 10,000 square feet to approximately 18,000 square feet. This lot size exceeds the minimum 8,000 square feet required in the R-1 zone. Kress adds there will also be one private park/detention basin lot of 16,232 square feet. This park will be owned and maintained by a homeowners association (HOA) as the Williston Parks and Recreation district has stated they will not accept this park as it is too small for them to maintain and operate.

Staff and the ad hoc committee had no objection to the proposed zone change to R-1. This project will transition from the Lake Park Subdivision to the south, with most lots right around 8,000 square feet in area, and the Hi-Land Heights 1st Subdivision to the north, with lots of half an acre (21,280 square feet) or greater.

Kress states that the project site will take access from the south through a street access easement on the south side of the project site connecting to 66th Street East. Access from the north will be provided by an extension of 4th Avenue East. Kress says all streets within the project site will be paved, dedicated public streets with a 60-foot wide right of way accommodating a 38-foot back of curb to back of curb street with a 6-foot wide boulevard and a 5-foot wide sidewalk.

Two of the proposed streets end in cul-de-sacs. Kress explains that though the city discourages cul-de-sacs, the two roads that end in cul-de-sacs on this plat would not be able to extend northward due to the pattern of development so it was decided that this is acceptable. Cul-de-sacs must be of a configuration satisfactory to the City Engineer and Fire Chief both of which have approved the configuration proposed.

Kress says that public sewer is available along the east side of the project site. Public water can be made available by running a water line from 2nd Avenue West along 66th Street and into the project site. This will require tearing up and rebuilding 66th Street, which is the applicant's responsibility as the proposed development is what is requiring this water line.

Kress states that this matter was discussed at the June 2, 2014 Ad Hoc meeting and referred the Commissioner's to the items denoted in their packets and mentioned drainage, access to water as explained above. Additional work on 66th Street was also mentioned. Kress states the City Engineer made that point that, as long as the applicant is required to do work along 66th Street East, the City should take the opportunity to install a new sewer line underneath 66th and rebuild that street to an urban road section with curb and gutter. This is beyond the scope of the applicant's project; he does not need that sewer line. The committee suggested some sort of cost sharing agreement between the applicant and the City could be considered, which would have to be a decision of the City Commission; the Planning Department is not involved in creating financing agreements such as recapture agreements, special assessments, or TIF districts.

Kress reminds that this is a plat and a zone change and would require two motions. He further explains that the park in this development that this would be a privately owned park that would be solely maintained by the subdivision HOA.

Boyeff states that this is a public hearing and opens to comment.

Nick Lippert, representative of the applicant, Geraldine Lippert. He gives a brief history of this land leading to this development and opens himself to any questions. Haugen asks about the water service and whether it was acceptable to Lippert who confirms that had been their intention from the beginning.

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

MOTION BY MARISTUEN, SECOND BY AAFEDT, to approve the preliminary plat to create a 26 lot residential subdivision to be known as Northern Heights located on Lot 2 of the L&G Subdivision, City of Williston, contingent upon the developer making the adjustments discussed at the ad hoc meeting (drainage, access to water, additional work on 66th Street) and addressing all staff comments. DISCUSSION: Fleck questions whether the road within the

subdivision will be private, Kress answers that they are all dedicated public right of ways. Fleck further questions seeing two different right of way dimensions on the plat in reference to the cul-de-sacs. Lippert explains the difference between right of way width and curb to curb widths. AYES: Fleck, Maristuen, Long; Christensen, Aafedt, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY MARISTUEN, SECOND BY AAFEDT, to approve the zone change from R-1A: Rural Residential to R-1: Single Family Residential for Lot 2 of the L&G Subdivision, City of Williston, contingent upon recording of final plat. AYES: Fleck, Maristuen, Long; Christensen, Aafedt, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

3. Plat and Zone Change to be known as East Side Industrial Subdivision Phase II located in the SW1/4, Sec. 17 and the NW1/4 of Sec. 20, T154N, R100W (east of County 9 and south of the landfill , City of Williston – Ames Engineering

Boyeff introduced this public hearing (as above) and asks Ressler to present. Ressler states part of the property is currently zoned M-2: Heavy Industrial, and part is zoned A: Agriculture therefore the applicant is requesting a zone change to make the entire property M-2. Ressler explains that this property has been proposed for a heavy industrial development of 86.84 acres, consisting of 9 lots. The property is located on top of filled, abandoned mines and a salt pit. There is a disclaimer on the plat, as well as an exhibit showing the known locations of those mines which has been reviewed by the City Attorney in the past but will be re-reviewed. City Engineer Hanson adds that the mines map has not been updated since the 1980's. Ressler says in the past it has been noted on the plat that there are abandoned, filled mines in the area and beyond that the City takes no responsibility.

The largest lot is 26.98 acres. A large amount of this lot is unbuildable due to terrain, which should be shown on the plat. The other lots range from 7 to 1.85 acres.

Ressler explains that access to lots is through what is noted on the plat as "28th Avenue". This is proposed to be a private street, which connects on the south side to Halliburton drive. "28th Avenue" currently dead-ends at the northern plat line which needs to be changed to a turn around that is approved by Engineering and the Fire Department. Ressler says that 28th Avenue will be an easement across the lot; lot owners will be responsible for maintenance.

Ressler says that the applicant has determined they would like to use the Western Area Water Supply (WAWS) has a planned project to provide a high pressure water line near this plat, but the location of the pipeline is not known yet and will need a service annexation to allow access to that system. The applicant will have to make that application prior to any final plat

At the June 2, 2014 ad hoc meeting discussion focused on the following:

- The effectively unbuildable area of Lot 1 that cannot be graded; it was determined that this unbuildable area should be so noted on the plat.
- Access through the "triangle" at the southwest corner of the project site.
- Confirmation of the water source.
- Depict locations of salt pit and mines.
- City Attorney to review disclaimer note regarding filled mines in the area.

Ressler states that the ad hoc recommendation was approval of the preliminary plat and the zone change from A: Agriculture to M-2: Heavy Industrial.

Boyeff states that this is a public hearing and asks for any input from the audience or staff. Jeff Ames, Ames Engineering, as representative of the applicant states that they agree with all ad hoc comments and although the turn around on 28th Ave. was not known to them prior to this meeting he states that had been thought about in the planning stages of the plat so there would be no problem with that. Ames further states that there are some easements on the lots that will be cleaned up as part of this plat.

Fleck asks that if the City is not responsible for the abandon mines as Ressler indicated then whose responsibility it is. Assistant City Attorney Kalil states that as a general principle of law the property owners are responsible for anything on the property. Ressler states again that will be noted on the plat and in a disclosure statement reviewed and approved by the City Attorney. Kalil would like to also record the disclaimer with the title to each lot. Fleck states his concern is just that the City be protected.

Boyeff calls twice more for public input, hearing none he closes the public hearing and asks for the wishes of the board.

MOTION BY LONG, SECOND BY CHRISTENSEN, to recommend approval of the preliminary plat for East Side Industrial Subdivision in the SW1/4, Sec. 17 and the NW1/4 of Sec. 20, T154, R101 to divide an unplatted parcel of land in the W2SE4 of Sec. 12, T154N, R101W, City of Williston, contingent on addressing all staff comments, a development agreement being signed an HOA being formed for the care of 28th Avenue” and city review of CC&Rs for the property. AYES: Fleck, Maristuen, Christensen, Long, Aafedt, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY AAFEDT, SECOND BY FLECK to recommend approval of a zone change from A: Agricultural to M-2: Heavy Industrial for 86.84 acres in the SW1/4, Sec. 17 and the NW1/4 of Sec. 20, T154, R101W, City of Williston, contingent on addressing all staff comments, a development agreement being signed an HOA being formed for the care of 28th Avenue” and city review of CC&Rs for the property and recordation of the final plat. AYES: Fleck, Maristuen, Christensen, Long, Aafedt, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Ordinance 998: to modify Section 25 (H), changing required parking amounts downtown and creating the 2014 Downtown Parking District.

Boyeff introduced this public hearing (as above) and asks Ressler to present. Ressler reminds that she had recently presented them with information on downtown parking requirements and how this disincentivizes development in the downtown area. Ordinance 998, is a follow up to that and lowers parking requirements for the Downtown, defines the 2014 Downtown Parking District, and removes Parking Lot District No. 5 from the Zoning Ordinance, leaving Parking Lot District No. 5 solely as an assessment district through the Auditor’s office.

Ressler states that after the Downtown Plan was finalized in March of 2014, the City Commission appointed a Parking Committee to start implementation on one aspect of the Plan,

which was to create a parking solution to our parking concerns. The Parking Committee has been working on several key projects, including implementing timed parking and enforcement of timed parking, hiring a consultant to do a parking study, including looking at the possibility of a parking garage, and creating an ordinance that creates parking requirements that incentivize development downtown. Ressler says this ordinance is the result of that work.

Ressler explains the ordinance parking requirements for downtown are as follows:

1 space per 500 sq. feet of office space
0 spaces for retail

1 space for 1 bedroom, efficiency, and studio apartments
1.5 spaces for 2 bedroom apartments
2 spaces for 3 bedroom apartments

In addition, Ressler states it creates an option and process for development projects to pay in lieu of providing spaces for a project. That process involves an application received by the Planning Department, which brings the application to the Parking Authority, which makes a recommendation to the Planning and Zoning Commission, which makes the final decision on the project's ability to pay in lieu. Ressler says applicants are required to show:

A good faith effort to provide on-site parking;
that lot size and shape prevent a project from being built with all required parking;
the planned parking location of all tenants within the building;
lack of project feasibility without reduction in parking requirements.

These monies would be collected by the Building Department at the time of the building permit and would go to the Parking Authority, to be used for maintenance of public parking and creation of new public parking. The fee would be collected by the Building Department at the time of the Building permit issue, as are Park Dedication fees.

Ressler then discusses the fees are set by a separate fee resolution in order to allow those fees to change over time, as conditions downtown change. Currently, for a redevelopment project, those fees are set at \$3,000 per space, and for a new-build project, at \$15,000 per space.

Ressler discussed maps provided in commission packets in regard to the Downtown District as defined by the downtown plan, the potential zoning districts within the downtown, the 2014 Downtown Parking District (which mostly covers only the potential downtown and downtown support zoning districts), an aerial of these districts, and a final map showing only the 2014 Downtown Parking District.

Ad hoc did not have the opportunity to review this ordinance at the June 2, 2014 meeting, as the meeting ran long. However, Ressler states that the ordinance does come to the Planning and Zoning Commission with recommendation of approval by the Parking Committee and the Parking Authority.

Aafedt, "if I have a retail business, I don't have to provide even one parking spot?" Ressler states that is correct. Aafedt wonders how this works. Ressler states while the streets may have a shortage of parking, there are many lots that are not being used. She adds that there is a parking study being proposed to look into, shared parking, timed parking, parking lot availability (public and private) and the feasibility of a parking garage.

Long asks for clarification of the fees or payment in lieu. As example she asks that if she is required to provide 10 spots and can only provide five, she would pay the fee for only the five that cannot be provided. Ressler confirms that is correct.

Fleck expresses his continued concern about the thought of getting employees or consumers to use spaces further from the central district. Ressler again states that there are several private lots that are primarily empty during the day that would require only a short walk. In concurrence with a statement by Aafedt, this proposal would initially require employers to tell their employees that they have to park further away so to leave street or other specific parking available for customers. Again Ressler mentions timed parking on Main and Broadway forcing employees into lots. Ressler adds that even with the reduced parking requirements, the proposed Ordinance 998 still provides more than most of North Dakota and Montana.

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

MOTION BY, CHRISTENSEN, SECOND BY LONG to approve Ordinance 998: to modify Section 25.H, changing required parking amounts downtown and creating the 2014 Downtown Parking District. DISCUSSION: Aafedt states that while she understands the need to incentivize downtown development she totally disagrees with the idea that 2 parking spaces is adequate for a 3 bedroom dwelling unit stating there will certainly be more than the expected number of tenants and way more than 2 vehicles. That was answered with direction to parking lots and code compliance control of the number of allowable tenants. Question was called for - AYES: Maristuen, Christensen, Long, Aafedt, Boyeff. NAYS: Fleck, Haugen. ABSENT/NOT VOTING: None ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

5. Administrative Review, Replat of Lot 1R, Block 2, Sloulin Field First Addition (former plant nursery north of Airport Int'l Inn) to be known as Boston Pizza First Addition, City of Williston – Jim Shaw

Boyeff introduces this item public hearing (as above) and asks Kress to present. Kress states the applicant, Jim Shaw requests a re-arrangement of Lot 1R, Block 2, Sloulin Field First Addition, to create Lot 1 (2.71 acres) and 2 (1.66 acres) of the Boston Pizza First Addition.

The project site is zoned C-2: General Commercial. No zone change is proposed. Lot 1 would be able to take access from 4th Avenue West on the west side and 38th Street West on the north side. Lot 2 would be able to take access from the Highway 2/85 frontage road on the east or 38th Street West on the north side. Driveway access points for Lot 2 will not be allowed closer than 150 feet from the northeast lot corner.

A 2" water line and a 6" sewer line have been stubbed into proposed Lot 2; the developer will have to provide water and sewer service to proposed Lot 1 at his expense. The developer will also have to provide on-site storm-water detention.

The applicant proposes commercial development consistent with the C-2 zone.

The ad hoc committee had no objection to the administrative review plat when discussed at the June 2, 2012 meeting.

Boyeff clarified with City Engineer Hanson that there is not water or sewer connection for Lot 2 however it has be determined that those services could be provided to this lot through 4th Ave. at the developer's expense.

Boyeff 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.

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

6. Administrative Review and Zone Change from A: Agricultural to R-5: Mobile home court, Spring Brook Mobile Home Court, SW4NW4, Sec. 2, T154R, R101W surrounded by the Spring Brook Mobile Home Park (east of 16th Ave West and north of 50th Street West), City of Williston - Midway Holdings/Morrison Maierle (Krause)

Boyeff introduced this public hearing (as above) and asks Ressler to present. Ressler states this property is not "in" the Spring Brook Mobile Home Park but rather is surrounded by it. Ressler reminds that at the May 2014 Planning Commission meeting they approved an administrative review and zone change for an identical piece with identical legal description to allow it to become part of the mobile home park; this is the second piece. This property has been proposed for a mobile home park, consisting of 16 mobile homes along a street that will run north from 50th St and join an interior road inside the Springbrook Mobile Home Park. The property is a 2 acre parcel, entirely contained by the Springbrook Mobile Home Park, which is zoned R-5. The administrative review and zone change are similar to a 2 acre parcel which has been before the Planning and Zoning Commission three times, for a zone change, administrative review, and mobile home site plan review. That parcel is also inside the Springbrook Mobile Home Park.

Changing the zoning of this parcel from A: Agriculture to R-5: Mobile Home Park would continue the zoning of the surrounding area.

The administrative review of this property re-aligns 50th St through what is shown as public access and utility easement. Engineering has noted that this should actually be a right of way. Currently, all of 50th St W along the Springbrook Mobile Home Court is a public access and utility easement. However, for future purposes, the 5 feet of 50th St inside this parcel should be dedicated as a right of way.

The ad hoc committee, on June 2, 2014, discussed an updated site plan and the new ownership of the property. As hoc recommendation was to approve this plat and zone change.

Boyeff opened the public hearing and asked for any input or questions. Nick Krause of Morrison and Maierle, representing the applicant introduces himself and assures that that there are no problems on the applicant's side with any staff or ad hoc comments. Boyeff calls twice more for public input, hearing none he closes the public hearing and asks for the wishes of the board.

MOTION BY LONG, SECOND BY AAFEDT, to approve Administrative Review, Spring Brook Mobile Home Court, SW4NW4, Sec. 2, T154R, R101W, City of Williston, contingent on addressing all ad hoc and staff comments, proper park dedication and on the approval of the zone change and mobile home site plan review. AYES: Fleck, Maristuen, Christensen, Long, Aafedt, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY HAUGEN, SECOND BY FLECK, to recommend to the City Commission approval of a zone change from A: Agricultural to R-5: Mobile Home Court, for 2 acres in the Spring Brook Mobile Home Court, SW4NW4, Sec. 2, T154R, R101W, City of Williston, contingent addressing all ad hoc and staff comments, proper park dedication, approval the mobile home site plan review and recordation of the final plat. AYES: Fleck, Maristuen, Christensen, Long, Aafedt, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

COMMITTEE REPORT:

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Mobile Home Park Site Plan Review for two (2) sections of Spring Brook Mobile Home Court, located in the SW4NW4, Sec. 2, T154R, R101W surrounded by the Spring Brook Mobile Home Park (east of 16th Ave West and north of 50th Street West), City of Williston - Midway Holdings/Morrison Maierle (Nicholas Krause)

Boyeff introduces the first item of new business (as above) and asks Ressler to introduce. Ressler states that this is a mobile home park site plan review for two (2), two acre parcels, within the Spring Brook Mobile Home Park, eastern parcel was approved at the May 2014 planning commission meeting and the other just discussed prior to this item. These properties have been proposed for a mobile home park, each consisting of 16 mobile homes along a street that will run north from 50th St and join an interior road inside the Springbrook Mobile Home Park.

Ressler says the proposed mobile home site plan connects the property to the surrounding mobile home park, which seems appropriate. The private road that runs through the property will be 27' wide, and needs to be paved with concrete or hot mix asphalt. Landscaping plans to be turned in at time of building permit must meet ordinance requirements, and mobile homes must be at least 15 feet from each other and from lot lines.

The City Engineer recommended 1" water service lines; a single Master Water Meter placed in a vault will be required and that individual water meters in each trailer home will not be allowed. Ressler adds that as an alternative the water system could be connected to the existing trailer park's water system.

Ressler states that ad hoc had no objection to this project at the June 2, 2014 meeting. Finally Ressler reminds the commission that two motions will be required, one for each 2-acre parcel, even though they have the same legal description.

Boyeff clarifies with Krause where sewer and water connections are proposed to happen. Krause states that sewer would tie into the public sewer already in 50th Street and believed that they would tie into the existing Springbrook system behind the existing water meter. Hanson agrees that is fine with the City. Fire Hydrant plan still has to be approved by the Fire Department.

Boyeff asks for administrative purposes, what the City is required to do in the way of this site plan. Kress explains it will be handled just as any other plat would be and will be recorded. Christensen question on street parking and the ability of fire trucks to access the area, Ressler says that will be discussed with the Fire Chief, may bring a requirement that on street parking be restricted. Further discussion was had concerning street width, parking pad area (20 X 25) and what generally is in the mobile home park now.

Boyeff asks for any action by the Commission and reminds there will be an East and West parcel, all agree they may be identified as such.

MOTION BY CHRISTENSEN, SECOND BY HAUGEN, to approve the Mobile Home Park Site Plan for the west parcel in the SW4NW4, Sec. 2, T154R, R101W surrounded by the Spring Brook Mobile Home Park (east of 16th Ave West and north of 50th Street West), City of Williston, contingent on addressing all ad hoc and staff comments, Fire Chief approval of fire lanes and fire hydrants, and recordation of final plan. AYES: Maristuen, Fleck, Haugen, Christensen, Aafedt, Long, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY LONG, SECOND BY CHRISTENSEN, to approve the Mobile Home Park Site Plan for the east parcel located in the SW4NW4, Sec. 2, T154R, R101W surrounded by the Spring Brook Mobile Home Park (east of 16th Ave West and north of 50th Street West), City of Williston, contingent on addressing all ad hoc and staff comments, Fire Chief approval of fire lanes and fire hydrants, and recordation of final plan. AYES: Maristuen, Fleck, Haugen, Christensen, Aafedt, Long, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE

2. Special Use Permit (SPU) Request, Farley's Market, for an SPU to use a warehouse located in an M-2 zone for the purpose of distributing delivery items pre-ordered items from Costco. Glacier Park Second Add., Block C, Lot L 7 (corner of 1st Street East and 7th Ave. East), City of Williston – John Livermore

Boyeff introduces this second item of new business (as above) and asks Ressler to introduce. Ressler states the property in question is a warehouse located in a heavy industrial zone. The applicant, Farley's Market, are requesting a special use permit for to use this warehouse for a delivery grocery service – customers would order their (Costco) items online, those items would be delivered to this site, and on Saturday mornings, customers would stop, drive through a pick-up line, and receive their items. At this time, pick up is proposed to be only on Saturdays.

The property takes access from 1st St E. The street is paved, but the proposed lot is not.

Ressler says that warehousing seems to be an appropriate use for the area this warehouse is owned by Conlin's and was previously used for a pick up location as well. Ressler states that Bountiful Baskets operates in the same manner however, Bountiful Baskets pick up sites are on

lots that have extra parking. This location needs extra stacking distance. That stacking distance also must be paved.

Ad hoc discussion focused on the need for pavement of stacking distance/driving loop. Ad hoc recommended approval of this special permitted use request. Commission wondered about the applicant's understanding and acceptance of the conditions being proposed. Staff said that the applicant has not responded to emails or had any other contact. Aafedt expressed concern that the applicant didn't know about the requirements, especially the paving of road and stacking area.

Further discussion among the commission was traffic in the area with this pick up and Bountiful Baskets being on the same day and in the same area; Ressler says the difference would be that Bountiful Baskets is picked only within a certain time period and Farley's would be an all-day pick up spreading out the traffic. Farley's Market has only requested this use for a period of three months therefor should the applicant be forced to pave for that short use and how could the length of use be controlled through the SPU. It was ultimately decided that since the applicant was not present and had not been in contact with the planning department this matter should be tabled until he is available to represent his application.

MOTION BY HAUGEN, SECOND BY FLECK, to table the request from Farley's Market, for an SPU to use a warehouse located in an M-2 zone for the purpose of distributing delivery of pre-ordered items from Costco. Glacier Park Second Add., Block C, Lot L 7 (corner of 1st Street East and 7th Ave. East), City of Williston, until the applicant has made himself available to answer Commission questions. AYES: Fleck, Maristuen, Long, Christensen, Aafedt, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

3. Special Use Permit (SPU) Request for a cell tower to be located in the W1/2S1/4, Sec. 12, T154N, R101W (Mike Wells property east of University Avenue), City of Williston – Verizon/Mike Bieniek

Boyeff introduces the next item of new business (as above) and asks Kress to introduce. Kress states the applicant, Verizon Wireless, requests a special permitted use to erect 95' tall monopole wireless telecommunications tower with a 5' lightning rod (total height 100 feet) located on the Mike Wells property east of University Avenue and west of 9th Avenue East. Kress explains this is a monopole tower; no guy wires are necessary.

In an e-mail dated June 4, 2014, the applicant stated "The proposed tower is designed to offload some of the capacity from the existing network in and around the City of Williston. With the population boom being experienced in this portion of North Dakota, wireless telecommunications has become all the more important. The network is taxed and needs the site to allow it to function correctly."

Kress states that Ordinance 912—Wireless Telecommunications Towers and Antennas, an amendment to Section 27 of the Williston Zoning Ordinance, regulates cell towers in Williston.

Section 6(b) (4) of Ordinance 912 requires that a tower must be set back at least 75 percent of the height of the tower from any adjoining lot line. Seventy-five percent of the height of the proposed tower is 75 feet. At the May 19, 2014 Planning and Zoning Commission, your Commission approved an administrative review plat that would create two lots out of a single

existing lot. The existing lot is the property on which this tower is proposed. If the approved plat is recorded, it will create a lot line. The applicant must document that the tower will be at least 75 feet from the proposed lot line.

Kress explains that Table 1 in Section 6(b) (5) of Ordinance 912 requires that telecommunications towers be separated from single-family residences by 200 feet or 300% of the height of the tower, whichever is greater. For the proposed 100 foot tower, the required separation distance from single family residences is 300 feet. The applicant has stated that the proposed tower is located approximately 226' from the nearest residence to the east and approximately 214' from the nearest residence to the south. Thus, the proposed tower does not meet the separation requirement.

However, Section 6(b) (5) also states "the Planning Commission may reduce the standard separation requirements if the goals of the ordinance would be better served thereby." The applicant asks the Commission to consider the following points to support this request to reduce the standard separation requirements (these points provided by the applicant):

- There is an existing tree line that will all but shield the tower from view for the residents to the east.
- The house to the south is owned by Mike Well's son.
- The tower has been located at its proposed location in order to not interrupt Mr. Well's operations [Joe's Digging Service, also on this property]. If the tower location is moved to the north on the wells property, it would interfere with Wells' day-to-day operations.
- A tower of this height would have a fall zone radius closer to around 33' (one-third the tower height); therefore there is little need to have a 300' setback.

Kress states that discussion at the June 2, 2014 ad hoc meeting focused mainly on the setbacks and added that the ad hoc committee recommended approval of the SPU for the proposed wireless telecommunications tower.

Kress explains that there are two sets of finding required for cell towers, the first in compliance with Section 27 of the Williston Zoning Ordinance and the second in compliance with Section 32 of the Williston Zoning Ordinance. Kress gave a quick explanation of the items required for each set of findings.

Discussion is had as to the property owners that sit within the 300 ft. set-back, specifically the neighbor who is not Mike Wells' son, Doyle Fishell. There was concern among the commission that this gentleman did not know that he was within the required set back. SBA representative (SBA is the company that will construct and maintain the cell tower) did explain that ultimately the cell tower is engineered to collapse within itself and should only have a fall radius of 33' as mentioned by Kress assuring that the property owners and residences would be safe.

Further discussion was had about whether or not SBA had received final approval of this tower and location from the Sloulin Field airport manager. It was confirmed by the SBA representative that they had indeed received that after agreeing to a minor shift in original location; a constant light beacon would be required.

Boyeff asked if the commission was ready to entertain a motion on this SPU. Discussion was had regarding setting this tower in a residential area. Kress states that Well's property use is light industrial, zoned Agricultural (where his industrial use is) and R1-A: Residential Agricultural

(where the tower would be) and happens to be surrounded by residential. Haugen suggest that placing this in "his backyard" would upset him and he worries that the constituents he represents would be upset as well. Commissioners discuss placing a condition on this SPU that the properties within the 300 feet sign something similar to a non-protest agreement for this. Aafedt suggests she would feel comfortable with a certified mail signature card showing that these residents were informed. Kress asks that this matter be tabled momentarily while he collected the file to see who received notification. Commission agreed to allow Ressler to present her next item and come back to this item afterwards.

Kress re-addresses the commission and explains that apparently the affected resident in question, Doyle Fishell, did not receive notification. The process to determine notification through the GIS system was explained; notification is sent to owners within 200 feet of the project site. Kress explains that out GIS information is tied to county records. Kress then suggests adding the contingency that the affected land owners provide an acknowledgement of project. Aafedt states, "it would be nice if we could make it so that it could be handled without having to come back to the commission".

MOTION BY FLECK, SECOND BY MARISTUEN, to approve Special Use Permit (SPU) request for a 100-foot high monopole wireless telecommunications tower to be located in the W1/2S1/4, Sec. 12, T154N, R101W (Mike Wells property east of University Avenue), City of Williston, contingent upon verification of notice to the 2 parcels with in the required 300 foot setback and their signed acknowledgement and agreement thereto; and verification of Sloulin Field approval of this cell tower location. Boyeff clarifies that this approval, should contingencies be met, also approves the shortened set-back distance for the two affect locations; Commission agrees. AYES: Fleck, Maristuen, Long, Christensen, Aafedt, Boyeff. NAYS: Haugen. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Special Use Permit (SPU) Request for a drilling mud plat in the M-2 zone, located at 13310 50th Rd. NW - T154 R100 Sec. 20 Sublot 7 (Rich Vestal's property), City of Williston – NOV Fluid Control/Cody Cowan

Boyeff introduces this item (as above) and asks Ressler to present. Ressler states this property is an industrial property southwest of town that has several industrial uses on it. The operation requested, a liquid mud facility, would involve: twenty-two 12 foot diameter tanks, one 9'x9' silo, one 55'x11' blimp, and one 58'x11' pre-mix tank. There is also an existing building located near the gravel access road (50th Rd NW). This operation provides drilling mud to well sites, on an as needed basis.

Ressler states that the use appears to be appropriate to the area, which is populated with heavy industrial uses. There is a concern regarding truck traffic and usage of 50th Rd NW to 1804. A memo from the applicant's engineers to staff indicated that they were expecting around 15 trucks per month.

At the June 2, 2014 ad hoc meeting there was discussion concerning on whether the traffic generated by the operation would require any changes to be made to Hwy 1804. Ressler indicates that the city's traffic consultant has stated that, if truck traffic per day is around 50 trucks, it may require a west bound left turn lane from 1804 onto 50th Rd NW. The applicant will need to provide a more accurate description of expected truck traffic per day, showing that expected traffic is less than 50 trucks per day.

Representative for NOV verified that the estimated 15 trucks per month indicated the aforementioned memo was actually correct explaining that once an initial load of "mud" (used in oil field fracturing) leaves the plant it can be reused by oil field drillers for years with just some re-mixing of additives such as diesel fuel; it is not a business that has a lot of return business.

MOTION BY MARISUTEN, SECOND BY FLECK, to approve Special Use Permit (SPU) Request for a drilling mud plat in the M-2 zone, located at 13310 50th Rd. NW - T154 R100 Sec. 20, Sublot 7 (Rich Vestal's property), City of Williston, contingent on addressing all staff comments. AYES: Long, Maristuen, Fleck, Haugen, Aafedt, Christensen, Boyeff. NAYS: None ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

5. Special Use Permit (SPU) Request for new oil well drilling pad in the M-2 Zone, located in the Glacier Park First Add., Block 4, Lot 1, excluding approximately the north 85 ft. (former city lot south of BNSF tracks), City of Williston - Oasis Petroleum/Tom Lenihan

Boyeff introduces this item of new business (as above) and asks Kress to present. Kress states that the applicant, Oasis Petroleum, requests to create a new oil well drilling pad in the M-2: Heavy Industrial zone located on the south side of the BNSF main line on Block 4, Lot 1, ex. approx. North 85 feet, Glacier Park First Addition. Kress says that in addition to a privately-owned property (the McCormick property); the applicant is negotiating with the City to purchase an adjacent city-owned lot that was once a water reservoir. The drilling will be done on the McCormick property; the former City lot will provide water, which the applicant can use for their own use but cannot sell. This purchase will include an access route from East Dakota Parkway, west along the BNSF mainline, south around the police shooting range, (applicant has gotten approval from the Police Chief for this) and then to the City-owned lot. Purchase of this City lot by Oasis is pending. Staff recommends that the SPU be contingent on completion of this purchase, as this purchase will provide access to the site from the east.

Kress adds that this site, "Harrier", is two miles east of "Kestrel", another drill pad owned by Oasis Petroleum. The applicant has stated that the proposed site will have pipelines connecting to Kestrel for transfer of salt water, oil, and gas. These pipelines will run along the north side of Riverside Drive. The applicant stated that the pipeline easements have all been acquired, and that the intent is to have the pipelines installed prior to drilling the four new wells. These pipes will be flow lines, as there will be no separator at the Harrier site; there is a separator at Kestrel.

Kress says that there are single-family residences in the Agricultural-zoned area to the west of the project site and states that any drilling must be located at least 500 feet away from these residences. The applicant has provided a graphic showing that the nearest residence is approximately 800 feet away from the proposed well and proposed, required buffering and landscaping.

Discussion at the June 2, 2014 ad hoc included:

- Access agreement with the city
- Pipelines to existing Kestrel site: The City Engineer directed the applicant to work any new pipelines in the gravel road around city water and sewer piping.
- Flaring: The applicant stated there would be no flaring as all gas would be piped to the existing Kestrel site. Staff noted that, as the gas piping can occasionally not handle the

APPENDIX
to the
June 16, 2014 PLANNING AND ZONING COMMISSION MINUTES

1. Special Use Permit (SPU) Request for a cell tower to be located in the W1/2S1/4, Sec. 12, T154N, R101W (Mike Wells property east of University Avenue), City of Williston – Verizon/Mike Bieniek
- Special Use Permit (SPU) Request for a drilling mud plat in the M-2 zone, located at 13310 50th Rd. NW - T154 R100 Sec. 20 Sublot 7 (Rich Vestal's property), City of Williston – NOV Fluid Control/Cody Cowan
- Special Use Permit (SPU) Request for new oil well drilling pad in the M-2 Zone, located in the Glacier Park First Add., Block 4, Lot 1, excluding approximately the north 85 ft. (former city lot south of BNSF tracks), City of Williston - Oasis Petroleum/Tom Lenihan

gas from the well, and that gas needs to be flared, a flare shield like the one at the Kestrel site must be installed.

- Buffering/Screening: Staff stated that additional screening would be required per the Landscape Ordinance for industrial sites.

Kress noted that since the ad hoc meeting Fire Chief Jason Catrambone inspected the project site on June 10 and found the proposed site design and fire protection plan satisfactory.

Findings per Section 27 of the Williston Zoning Ordinance were explained by Kress.

Haugen questioned water use from the old City water treatment plant. Oasis states it can be piped to the Kestrel site and will be pressurized for the City Fire Department to install hydrants and water will be used to "frac". Oasis added that their decision to take access from the east was based on the fact that the small bridge on the access route from the west will not take the weight of the trucks necessary for constructing this drilling site; they will make improvement to that bridge themselves, "we will basically be giving (City) a new bridge". Oasis understands that the City must approve any plans to improve the bridge.

Oasis will take pictures of the roadway, as it is gravel, before beginning and after completing the project and will take responsibility for any damage to the road. Fleck adds a concern that the site itself has a sufficient enough berm around it to protect it from any flooding. Oasis states it is their intention to build the site up two feet higher than anything around it and add a three foot berm creating an additional 5 foot protection. Oasis adds that they will have a detention pond on site along with the berm to keep any on site spill from escaping.

Christensen asks about a water system on the double row of trees proposed as part of the buffering/landscaping, Oasis says they can do that with the water being right there.

Boyeff asks for any other comments, none were made, Boyeff asked for a motion.

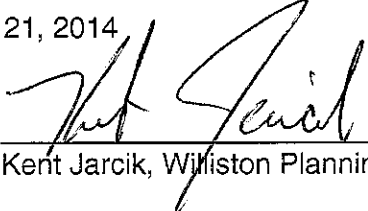
MOTION BY MARISTUEN, SECOND BY AAFEDT, to approve the Special Use Permit (SPU) Request for new oil well drilling pad in the M-2 Zone, located in the Glacier Park First Add., Block 4, Lot 1, excluding approximately the north 85 ft. (former city lot south of BNSF tracks), City of Williston, contingent upon addressing all staff and ad hoc comments and of finalization of Oasis' purchase of the City property (old City water treatment site). AYES: Fleck, Christensen, Maristuen, Aafedt, Long, Haugen, Boyeff. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. MOTION CARRIED ON ROLL CALL VOTE.

6. Spring Lake Part final plat update

Kress states that a final plat has been submitted however there have been some plat changes that will create the need to obtain some other right of way easements; this will come back but will be a couple of months still.

DATE OF NEXT REGULAR MEETING: July 21, 2014

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director