

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MARCH 16, 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, Boyeff, Aafedt.

MEMBERS ABSENT: Christensen, Haugen

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

DISPOSITION OF MINUTES:

- Minutes were approved for February 17, 2015 regular meeting contingent on correcting two motions noted by Commissioner Fleck. MOTION BY FLECK SECOND BY MARISTUEN. MOTION CARRIED ON VOICE CALL.
- Minutes were approved for February 24, 2015 special meeting. MOTION BY BOYEFF SECOND BY FLECK. MOTION CARRIED ON VOICE CALL.

COMMUNICATION:

PUBLIC HEARINGS:

- a. Administrative Review plat, a rearrangement of Plots 10, 11 and 12, Garden Homes Subdivision, 506 14th Street, City of Williston – Liberty Evangelical Free Church/Sanderson Stewart

Aafedt introduced this first public hearing agenda item (as above) and asked Neill to present. Neill stated that this application is for administrative Review for a rearrangement of plots 10, 11, and 12 into two lots located in the R-1: Single Family Residential Zoning District. The lot is currently occupied by the Liberty Free Evangelical Church and parsonage on the northern portion of the lot. Lot 11-R, where the parsonage is located, will be just over 10,000 square feet. R-1 lots have a minimum lot requirement of 8,000 square feet. The lot must also meet front yard, side yard and rear yard setbacks and the church is aware of this and Neill explained that the lot with the parsonage (11-R) DOES NOT exceed the lot coverage requirement.

Neil said that the parsonage on lot 11-R does not share water or sewer with the church. The utilities that service the church come in off of 14th St and the utilities that service the parsonage come in off of 5th Avenue

At the March 2, 2015 ad hoc committee meeting, staff discussed R-1 zoning requirements that the applicant would have to meet. Neill stated that the applicant is aware of all requirements and is able to meet them.

Utilities were also discussed at ad hoc. The City prefers utilities not cross lot lines; the applicant can connect the parsonage on 5th Ave. Neill explained that each use (house and church) will have separate utilities.

After Neill concluded her presentation, City Engineer Hanson pointed to an easement on the south side of the church lot and stated he would like to see if the church would dedicate that to the City stating that if not it will not mess anything up but it would be easier if the City could get the dedication. Staff agreed to discuss this with the applicant who was not in attendance at the meeting.

Aafedt called three times for public input and hearing none closed the public hearing and asked for the wishes of the Commission. Discussion is had as to the handling of any dedication documents for the easement as discussed; Kress tells the Commission that would be handled between the applicant and the staff prior to recordation of the plat.

MOTION BY BOYEFF, SECOND BY FLECK, to approve the administrative review plat, a rearrangement of Plots 10, 11 and 12, Garden Homes Subdivision, 506 14th Street, City of Williston, contingent on addressing all staff comments and R-1: zoning requirements. AYES: Fleck, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Haugen, Christensen. ABSTAINED: None.

- b. Administrative Review plat, a rearrangement of Sublot 15, located in the W1/2 NW1/4 NW1/4, Section 20, T154N, R100W, City of Williston – Montana Dakota Utilities/Brosz Engineering

Aafedt introduces the second public hearing item (as above) and asked Neill to present. Neill stated the applicant requests a lot split of an existing lot located in the M-2: Heavy Industrial Zoning District. The applicant is proposing a substation on Sublot 21 in the southwest corner of the existing lot. Neill explained that Sublot 21, where a proposed substation would go, would occupy 0.25 acres, and Sublot 22 would occupy 16.71 acres. There is no minimum lot size and no setbacks in an M-2 zone. Neill said that this property is not in City limits but it is in the extra-territorial jurisdiction. The Stony Creek Township chairman has been notified of this application; the City has received no comments from the Township.

The substation will meet the development standards for the M-2 zone. The fence surrounding the substation will be chain link and include barbed wire. There will also be warning signs on the fence to alert people to the high voltage.

At the March 2, 2015 ad hoc meeting discussion was had on the following:

- This property has never been platted and is not a part of the East Side Industrial Subdivision.
- There are not any setbacks in this zone.
- The substation cannot protrude encroach into any easements. That being said, the fence has to stay out of the easements as well. The applicant is aware of this and will not be placing any part of the substation in any easements on the property.

- The easements need to be shown on the plat.
- Screening and buffering will meet industrial standards; chain link fence and barbed wire. Signage will be industry standard as well.

Neill said that the applicant has been made aware of all discussion matters and staff comments and is prepared to comply. Neill concluded her presentation.

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

MOTION BY MARISTUEN, SECOND BY LONG, to approve the Administrative Review plat, a rearrangement of Sublot 15, located in the W1/2 NW1/4 NW1/4, Section 20, T154N, R100W, City of Williston, contingent on addressing all staff comments and on meeting all M-2: Heavy Industrial requirements. **DISCUSSION: Boyeff asks for clarification of presentation having stated Sublots 21 and 22 but the legal description being Sublot 15. Kress explains that the current Sublot is Sublot 15 but with the proposed split the parcel will become Sublots 21 and 22 which will dissolve and replace Sublot 15. Further discussion was had as to the clarity of this in the motion and the recordation of the plat. The explanation was accepted; Aafedt called for the vote. AYES: Fleck, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Haugen, Christensen. ABSTAINED: None.

- c. Subdivision of an unplatted parcel in the NE1/4 SE1/4 SE1/4, Section 24, R155N, R101W, City of Williston containing approximately 10 acres and Zone change from Agriculture to R-5: Mobile Home Court District for 4 acres and from Agriculture to M-2: Heavy Industrial for 6 acres – Jay Mikolinski/Alwin & Associates

Aafedt opened the public hearing for the third public hearing agenda item and asked Kress to present. Kress stated that the applicant had requested that this item be tabled until April. Since this application had been advertised for public hearing, Aafedt called for any public input; hearing none she closed the public hearing and asked for a motion by the board.

Kress clarified that this item would appear under unfinished business at the April Planning Commission meeting and not as a public hearing. City Attorney Evert agreed.

MOTION BY MARISTUEN, SECOND BY LONG, to table Public Hearing Item c. CARRIED ON VOICE CALL

- d. Zone change for several properties lying along 70th Street, east of Hwy 2/85 that were annexed into the City of Williston on March 27, 2012, but have not been rezoned to be compatible under the City Zoning Ordinance – City Staff

Aafedt introduced this item and asked Vlamis to present. Vlamis explained that the city is requesting a rezone of 16 lots totaling 24.57 acres in the Hi-Land Heights subdivision from A: Agricultural to R-1A: Rural Residential. Vlamis pointed out the affected properties on the overhead map.

Vlomis explained that properties included in this rezone are part of the Hi-Land Heights subdivision and were annexed into the city in 2012, prior to the annexation of the rest of Hi-Land Heights in order to accommodate for the improvements to 70th St E and the development of the Meadows subdivision. When annexed into the City the properties were automatically zoned agricultural.

The proposed R-1A zoning was selected after staff surveyed the properties for size and use. Vlomis stated that most of the lots currently contain single family homes and accessory structure which is consistent with the R-1A district. The lots range in size from 0.52-4.27 acres, meeting lot size requirements for R-1A and almost all of the surrounding lots are zoned R-1A. Vlomis said that the R-1A zoning is most compatible to the present uses, to the surrounding area, to what was in existence under county ordinance prior to annexation, and due to the lot sizes.

Vlomis stated that mailings were sent to property owners to inform them of the proposed rezone and added that staff did not hear from anyone regarding questions or concerns.

Discussion at the March 2, 2015, ad hoc included:

- Concern over whether or not the zone change would put some properties in violation. *Vlomis explained that staff reviewed the properties and concluded that they all seem to meet R-1A requirements, so as far as we can tell everything complies. However, if there did turn out to be existing uses that do not match R-1A zoning, they would be considered nonconforming and would therefore be allowed to continue. All new uses introduced after the zone change will need to meet the standards of R-1A.*

Vlomis stated that if this Commission should approve this zone change it would appear in front of the City Commission on April 14, 2015, and concluded in her presentation.

Aafedt called three times for public input and hearing one closed the public hearing and asked for the wishes of the Commission.

MOTION BY FLECK, SECOND BY MARISTUEN, to recommend approval of zone change for the 16 properties as selected lying along 70th Street, east of Hwy 2/85 that were annexed into the City of Williston on March 27, 2012. AYES: Fleck, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Haugen, Christensen. ABSTAINED: None.

COMMITTEE REPORT:

UNFINISHED BUSINESS:

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

Kress stated that is request of the applicant, Zack Lebsock, that this item be removed from this and any further agenda. Aafedt asked if there was a motion from the Commission: MOTION BY CHRISTENSEN, SECOND BY FLECK to table this SPU request. Carried on voice call.

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

Neill requested this item be removed from any further agenda. The applicant has failed to complete required inspections and has not communicated with the Planning Department staff in two months. Boyeff asked if this item is removed from the agenda and the applicant came back wanting to move forward, would she have to go through the entire process and pay the SPU fee again. It was discussed that this item was advertised months ago but never presented to the Commission and has remained only under unfinished business. Kress stated the that staff may consider allowing this application to go forward if the applicant came back in a reasonable amount of time otherwise it is likely that she would have to submit a new application and fee. Aafedt asked if there was a motion from the Commission: **MOTION BY CHRISTENSEN, SECOND BY FLECK** to table this SPU request. Carried on voice call.

NEW BUSINESS:

- **NONE**

DATE OF NEXT REGULAR MEETING: April 20, 2015

MEETING ADJOURNED.



Kent Garcik, Williston Planning Director