

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MAY 18, 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 Christensen, Haugen, Boyeff, Aafedt.

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Kent Jarcik, Planning Director, Donald Kress, Rachel Ressler, Senior Planner; Samantha Neill, Staff Planner; Kelsey Vlamis, Planner; Christine Edwards (Administrative Assistant); Bob Hanson, City Engineer; Jordon Evert, Assist. City Attorney; Dave Tuan, Public Works Director; Howard Klug, City Commission President.

**DISPOSITION OF MINUTES:**

- Minutes were approved for April 20, 2015 regular meeting. MOTION BY CHRISTENSEN, SECOND BY HAUGEN. CARRIED ON VOICE CALL.
- Minutes were approved for April 23, 2015 special meeting re: ETJ expansion. MOTION BY MARISTUEN, SECOND BY FLECK. CARRIED ON VOICE CALL.

**COMMUNICATION:** Aafedt told the Commission that just prior to the beginning of this meeting she was approached by Terry Metzler who stated he would like to request a special meeting on the final plat of Westland Subdivision. Aafedt asked Metzler to the podium to address the Commission on his request.

Metzler stated that he believed the final Planning Commission presentation of the Westland Subdivision plat should have been on the agenda for this meeting. He stated that the Planning Commission had made a recommendation of approval of the zone change and preliminary plat for this development on April 20, 2015 and the City Commission made its approval of the requested zoning and the preliminary plat at their regular meeting on May 12, 2015. Aafedt asked the planning staff what the normal progression of a plat and zone change was. Ressler explained that after the first presentation to the Planning Commission the engineer would be provided red-lines, or a list of corrections, and comments to create an updated plat in effort to work toward the end result ready for recording when all approvals had been made. Metzler stated that his engineer had not been provided those red-lines in the month since the preliminary Planning Commission meeting. Ressler apologized that the red-lines and comments, compiled from City staff and County offices, had not come as quickly as (Metzler) had anticipated. Ressler further told the Commissioners that she had met with Mr. Metzler's engineer, Jeff Miller (Red Line Development) earlier on this day and that they were working on getting him the information he needs.

It was decided that planning staff would work with Mr. Metzler and Mr. Miller to get all red-lines and comments to them and that staff would work to arrange a special meeting of the Planning Commission as soon as the applicant felt ready; the goal being that this item be ready to move to the City Commission meeting on May 26, 2015 for final approval.

## **PUBLIC HEARINGS:**

- a. Preliminary Plat to subdivision one lot into 4 lots and Zone Change from M-1: Light Industrial to 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 this first public hearing agenda item (as above) and asked Ressler to present. Ressler explained that this application is for a Subdivision and Zone Change for property that is currently Bekk's Hot Oil and the old drive in theatre consisting of 11.956 acres. Ressler explained the surrounding zoning and current use. The proposed subdivision would have 5 lots. She said that Lot 1 would be a Holiday Store gas station and convenience store. Lot 4 is intended to be truck parking and the other lots would be intended for commercial development. There is a cell phone lot that is leased to a cell tower company, but owned by the same owner as the rest of the property.

Ressler said that the requested zone change would change the entire property to C-2: General Commercial, from M-1: Light Industrial, which is consistent with the goals of the comprehensive plan to transition the Hwy. 2/85 corridor from its current industrial zoning to a commercial corridor.

58<sup>th</sup> St will need to be built to a certain point east of the intersection with Highway 2/85, to be determined by the City Engineer; this would also address the steep grade between 58<sup>th</sup> St and the highway. Ressler said there is also currently a highway frontage road that runs along the west property lines of the proposed subdivision which will need to be re-routed as part of the development of the project. This project was originally applied for in December of 2014. Ressler explained that due to the complicated frontage road configurations, the City contracted 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.

Ressler said that through ad hoc meetings with the developer, consultant, staff, commissioners, and Park District (the property owner to the north), an acceptable alignment of the frontage road on the south side of 58<sup>th</sup> St was found which will be built by the developer at the time of development. She stated that two options on the north side of 58<sup>th</sup> will match up with it and that the preliminary plat reflects that alignment. Ressler added that the study was attached to the fact sheet in the Commission packet and said that the frontage road to the north will be built at a later time by the City, the Highway Department or the State.

Water is available to the property through a 10" rural water line from the north and sewer is available on the west side of Hwy 2/85. The developer will install a temporary lift station at their cost and will pump sewage to the pipe on the west side of Hwy 2/85. The developer intends to connect to a City gravity sewer when it is available, which Ressler stated would probably not be until either 53<sup>rd</sup> St (Fairgrounds Road) is re-developed or until the Wilder property is fully developed.

Ressler said there is a right-in-right-out proposed on 58<sup>th</sup> St. This is not the main entrance to the Holiday store; that will be on the frontage road. The City Engineer will need to approve the entrance and the median between the east and westbound lanes on 58<sup>th</sup> St.; Ressler stated that he is working with the developer to determine an appropriate barrier.

The truck parking is not clearly delineated from the frontage road. This should be appropriately delineated with either a curb or a roll-over curb, or some other method approved by City Planning and the City Engineer.

Street trees will be necessary on 58<sup>th</sup> St and on the frontage road at time of development. This is the responsibility of the developer, and is laid out in both the Development Agreement and the landscaping section of the zoning ordinance.

Ressler said that at the ad hoc meeting on May 4, 2015 the committee discussed extending and paving 58<sup>th</sup> St, and who would be paying for it. The applicant asked if there would be any participation by the City. There was assent to discussing participation, which the mayor indicated would be handled and discussed by a separate committee. The applicant and City Engineer discussed the median in 58<sup>th</sup> St. that would control the right in right out entrance to Holiday, determining that they have several options but did not make a decision. The committee discussed the addition of a crosswalk and pedestrian crossing signs to help ensure safety of people crossing the frontage road between the truck parking and the store. Ressler stated that the store will be gas a station, not a truck stop however they are expecting that local truck traffic will also use the station.

Ressler said that the Parks Department has stated that they are willing to work with the City on the location on the northern bulb-out, but that they would prefer one of the two options that is left (the purple or green option, on page 3 of the SRF study, attached), as neither would come close to the caretaker residence on the property. They do want the vacated portion of the frontage road to be dedicated to the Park District, once the northern bulb-out is constructed. Ressler added that there is a boy-scout house that will need to be moved or removed and the developer is working with the school district and other entities around town to facilitate this.

Ressler said referred the Commissioners to the staff comments in their packets stating the usual plat and development comments were addressed including detention basin screening, landscaping, the development of an HOA and CC&R's.

Ressler concluded her presentation and Aafedt opened the public hearing and asked for any public input.

Lori Lingenfelter, property owner behind the proposed development, stated she had several concerns. She first expressed concern about her ability to get to and from her property. City Engineer Hanson assured her that the developer would have the responsibility to maintain all access points during the entire construction process and that the City has the responsibility to make sure the developer follows through with that. He assured Ms. Lingenfelter that access points to other properties are maintained all the time whenever any construction is being done. Ms. Lingenfelter then said that there is a lot of wildlife in that area since it is just south of Spring Lake Park. She stated she had contacted the Game and Fish services and asked what they thought about the effect on the birds and wildlife with this development; she was told that Game and Fish knew nothing about the proposal but were not happy with what she explained. Finally Ms. Lingenfelter expressed concern about water run-off issues on her property. Hanson said he was well aware of the issues Ms. Lingenfelter had with run-off and acknowledged that is had been an issue for years. Hanson stated that with new development and infrastructure expansion that the time is coming when that will have to be addressed and stated the City would need to contact Ms. Lingenfelter to discuss how that could be approached.

Aafedt made a 2<sup>nd</sup> and 3<sup>rd</sup> call for public comment. City Engineer Hanson stated he had been contacted by a property owner to the north of the site (Baustes) who asked about getting sewer to their property; Hanson replied the only to do that is through this development. Dean Hoover, the project engineer consented to work with Hanson to accomplish that and stated that they were already extending sewer to the north side to Park Department; Hanson stated that would likely take care of the situation.

Aafedt made on last request for public input; hearing none asked for comment from the Commission.

Commissioner Haugen voiced concern about truck fueling having only one way out and how the store would assure that truck parking would not interfere with or block that avenue. John Baregi representing the Holiday Stores said the diesel pumps at this site are meant to serve smaller "in-town" trucks such as fleet pick-ups, straight trucks and the like. He stated however that they quickly learned with their store in the Chandler Field Subdivision that not having appropriate pull through, turning and parking for larger trucks (semi-trucks) creates issues that this site has been designed to hopefully eliminate. Mr. Baregi expressed that it is not their intention that this is a truck stop. He stated that all pumps and parking will be clearly marked for appropriateness and the lots will be monitored by staff. If there is a problem with parking that blocks a truck exiting the pumps the staff will have to go out and address it.

Fleck questions distance of the right-in off the highway to the diesel pumps stating that semi-trucks are going to attempt a right-in off the highway and asked "how are they going to get in off the frontage road"? Mr. Baregi stated that trucks would turn off of the highway onto 58<sup>th</sup> St. and onto the Frontage Road to back of the station and pull to the pumps. He explains that all streets and entrance points are built to the same specs as any other for truck traffic movement throughout the town. Fleck read from the staff report that states a right-in right-out on 58<sup>th</sup> St. and a main entrance from the Frontage Road. Baregi explains that the first access from 58<sup>th</sup> St. is a right-in right-out but trucks that need to access the back pumps will not use that access they will go to the Frontage Road to access the back pumps from there. Ressler explains the realignment of the frontage road and truck traffic routing as dictated by the traffic study. Brief discussion is had with Commissioner Haugen regarding his earlier question; Baregi stated that the templet used to design the truck parking and access (same as the City's Traffic Engineer uses) shows that the distances all work.

Boyeff asked if the new configuration of the Frontage Road will make that become private street or remain public. Ressler and Hanson state that it will remain as a public street, will be dedicated to the City and the City will maintain it.

Fleck said to Mr. Baregi that while they may not want for this site to become a truck stop it will certainly be used by trucks particularly with the design as it is with the truck parking and diesel pumps at the back of the store. Fleck further stated that this felt just like the problem with the truck stop in the Iron Point Subdivision bringing truck traffic into town rather than around it on the bypass. Aafedt replied that there are a number of trucks that have to be in town anyhow, delivery, UPS, FedEx and clarified with the applicant that this is their target business. Baregi said that they have been approached by a business that would like to get rid of their current self-maintained gas pumps and have them contracted as their fleet fuel provider; pick-up trucks pulling a trailer is what they are marketing to in that area. Gas and diesel will be offered at the back pumps.

Haugen stated that he was OK with the proposal as long as it could be in the Commission's motion and in writing that could be no overnight parking of semi-trucks.

Aafedt closed the public hearing and asked for the wishes of the Commission.

MOTION BY MARISTUEN, SECOND BY HAUGEN, to recommend to the City Commission approval for a zone change from M-1: Light Industrial to C-2: General Commercial for two properties in the NW1/4 of Section 1, T154N R101W contingent on recordation of the final plat. AYES: Fleck, Long, Boyeff, Maristuen, Haugen, Christensen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

MOTION BY FLECK, SECOND BY LONG, to recommend to the City Commission approval of a preliminary plat in the NW1/4 of Section 1, T154N R101W, contingent on (the agreement that) a pedestrian crosswalk and pedestrian crossing sign being installed between the gas station and truck parking lot; re-alignment and construction and paving of frontage road on the south side of 58<sup>th</sup> St, 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 development agreement; and addressing all other staff and Commission comments to include a written provision that there will be no overnight parking for semi-trucks. AYES: Fleck, Long, Boyeff, Maristuen, Haugen, Christensen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

- b. Short Plat for Lot 1, Block 1, Orville Erickson Subdivision and Lot 1, Block 3, National Guard Subdivision, City of Williston – Williston School District #1/AE2S, Bill Moonen

Aafedt introduced the second public hearing item (as above) and asked Vlamis to present. Vlamis said this proposed rearrangement includes two properties: Orville Erickson Sub. Lot 1, Block 1 is owned by the Williston Public School District #1; and, the National Guard Sub. Lot 1, Block 3 is owned by the City of Williston. The total acreage is 36.89 and is all zoned Agricultural.

Vlamis explains that the applicant is requesting a rearrangement for the purpose of separating the proposed high school building from the proposed parking lot. The separation of the two is required in order to carry out a special assessment agreement between the City of Williston and the Williston Public School District #1, in which it is stated that the city will construct a public parking lot and other improvements to be utilized by the public when utilizing public school facilities. This will not change any of the water, sewer, or public street access for the high school.

Vlamis stated that the plat provided in the Commission packets depicts two lots but that in order to more clearly delineate the separate ownership of the Orville Erickson Sub. and the National Guard Sub., an alternative rearrangement was considered. Vlamis referred the Commissioners to the revised plat handed out at the start of her presentation. Under this rearrangement, Lot 1R and Lot 2R would be contained within the Orville Erickson Subdivision. Lot 1R would be owned by the School District, Lot 2R would be deeded to the City to carry out the improvements and then deeded back to the School District upon completion of those improvements. National Guard Subdivision Lot 1, Block 3 would become lot 3R and would still be owned by the City.

Discussion at the May 18, 2015 ad hoc included City's ownership of the National Guard Sub. Lot 1, Block 3. Vlamis stated that although the City currently owns the lot it has granted the School District permission to use it for construction of the school. Interest was expressed in

getting an agreement on record that would clarify how the school district will purchase this lot from the City at a future time. Vlamis said that preparation of this agreement has been referred to the city's attorneys and concluded her presentation.

Aafedt called three times for public input; hearing none she closed the public hearing and asked for the wishes of the Commission.

MOTION BY LONG, SECOND BY CHRISTENSEN to approve the short plat for Lot 1, Block 1, Orville Erickson Subdivision and Lot 1, Block 3, National Guard Subdivision, City of Williston, contingent upon getting an agreement on record that would clarify how the school district will purchase this lot from the City and addressing all staff comments and concerns. AYES: Fleck, Haugen, Christensen, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None ABSTAINED: None.

- c. Short Plat for Lot 6, Block 1, Jim Bridger Subdivision, City of Williston – City of Williston Public Works/Alliance Engineering

Aafedt introduced the third public hearing (as above) and asked Vlamis to present. Vlamis explained that this is a proposed rearrangement of the Jim Bridger Subdivision, Lot 6, Block 1 into two lots, lot 6R (3.14 acres) and lot 7R (0.58 acres).

Vlamis said that proposed Lot 6R houses the Building Department temporary office and Lot 7R is vacant. Both proposed lots meet lot size requirements for M-1 with Lot 6R taking access from 8<sup>th</sup> Ave E, and Lot 7R will taking access from 5<sup>th</sup> St E.

Discussion at the May 4, 2015 ad hoc on this project was about the purpose of the lot split. Vlamis stated that the proposed lot is part of a larger land sale transaction that occurred between the City and the buyer of the lot that is being created.

Vlamis concluded staff's presentation. Aafedt opened the public hearing and asked for public input; after a third call and hearing none she closed the public hearing and asked for the wishes of the Commission.

MOTION BY FLECK, SECOND BY CHRISTENSEN, to approve the short plat to create two lots from Lot 6, Block 1, Jim Bridger Subdivision, City of Williston. AYES: Long, Boyeff, Maristuen, Fleck, Haugen, Christensen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

- d. Zone change from C-3:Restricted Commercial to R-3:Townhouse and Low-rise Multifamily, Lot 6, Block 7, University Commons Subdivision, City of Williston, – Bill Baird, University Commons, LLC

Aafedt introduced the forth item on the agenda (as above) and asked Ressler to present. Ressler stated that this item is a proposed zone change from C-3: Restricted Commercial to R-3: Lowrise Multifamily and Townhouse Residential. She explained that the property was zoned C-3 in the original platting process in 2011, and was intended to provide a mixed use component to the University Commons subdivision. The property has not yet been sold, and the owner is looking to rezone the property to R-3: Lowrise Multifamily and Townhouse Residential. The owner previously applied for a rezone from C-3 to R-4: Highrise Multifamily Residential. The Planning Commission recommended denial of that request, based on the height and density

that the project would add to the area, and applicant chose not to move that request forward to the City Commission.

Ressler stated that the R-3: Lowrise Multifamily Residential zoning has a lower height requirement (45 feet) and density requirement (about 18.9 dwelling units per acre) than the R-4: Highrise Multifamily zoning (100 ft. height requirement and about 30 dwelling units per acre).

C-3: Restricted Commercial has a height limitation of 100 feet, and does not have a residential density laid out in the zoning ordinance; however, Ressler said it would probably be about 51 residential units given the size of the property which is comparable to the units that would be allowed on the property at the R-3 density.

Ressler said that at the May 4, 2015 ad hoc meeting there was concern raised that the "vision" discussed with the original proposal of University Commons had not been realized. The commissioners in attendance wanted minutes from previous hearings related to this project (original University Commons Subdivision and the most recent zone change request) to be included with the fact sheet. She noted those attachments.

Ressler added that ad hoc Commissioners also asked the applicant to provide a plan for the property. The applicant's materials are included with the fact sheet. Ressler said that the applicant did not submit a plan, but submitted other material they felt relevant. She concluded her presentation and stated that the applicant was in attendance to answer any question that the Commission might have.

Aafedt opened the public hearing and asked for public input; after calling three times and hearing none she closed the public hearing and asked for comments or motion from the Commission. No comment or discussion by the Commission.

MOTION BY HAUGEN, SECOND BY LONG, to recommend to the City Commission Zone change from C-3:Restricted Commercial to R-3:Townhouse and Low-rise Multifamily, Lot 6, Block 7, University Commons Subdivision, City of Williston, contingent on addressing all staff comments. AYES: Long, Boyeff, Maristuen, Haugen, Christensen. NAYS: Aafedt. ABSENT/NOT VOTING: None. ABSTAINED: Fleck.

Aafedt asked Ressler when this item would be at the City Commission. Ressler explained that a request for public hearing could not be made until the June 9, 2015 City Commission meeting so the soonest it would be presented to the City Commission would be June 23, 2015 and that would also be a public hearing.

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

Aafedt introduced this public hearing item (as above) and asked Neill to present. Neill stated that the applicant requests a short plat for a-rearrangement of lots 15 and the north ½ of 16 and lots 13 and 14. Both of these lots are located in the R-1: Single Family Residential Zoning District. The rearrangement would move the lot line and add 546 square feet (from lot 14) to lot 15. Lots 15 and the north portion of lot 16 (to be combined into one lot, Lot 2R) total 9,616 square feet and lots 13 and 14 (to become Lot 1R) are a total of 11,515 square feet. R-1 lots have a minimum lot requirement of 8,000 square feet, these lots exceed this minimum. Neill

said that the lots meet front yard, side yard and rear yard requirements as well as maximum lot coverage. Each house on the lots is connected to City sewer and water and the lots are accessed from 17<sup>th</sup> Ct. W.

The fence along Lot 14 and 15 was built 8 feet into Lot 14 resulting in 546 square feet of space in between the fence and lot line. The owner of lot 15 and ½ of 16 (Mr. Slaamot) currently has a concrete slab, which acts as a driveway for his vehicles and camper, on his property. If this short plat were to be approved, he would extend that concrete slab to make for a larger driveway for his vehicles.

At the May 4, 2015 ad hoc committee meeting the question was raised about why the proposed lot line is slanted. Ressler explained that when the property was surveyed the surveyor went off of the fence line which was built slanted on the lot. Staff comments were to be sure that the plat meets all R-1 requirements; Neill stated that it does and concluded her presentation.

Aafedt opened the public hearing and asked for public input. Neighboring property owner, Jeremy Bakken asked to see the plat which Neill showed him; he had no comment. Mayor Klug approached the Commission and cited the applicant's statement on the application that (Kris Meduna) was going to sell to (Paul Slaamot) an 8 ft. section, by the length of the lot, of Lot 14. Klug stated that he had attended the ad hoc meeting on May 4, 2015 and said that there was no mention that any money was changing hands between the neighbors; ad hoc believed that this was a matter of one neighbor giving an 8 ft. strip of un-used land to the other.

Aafedt called twice more for public input; hearing none she closed the public hearing and asked for discussion or comment from the Commission. Commissioner Long asked if the item should be tabled until this issue could be cleared up as the applicant was not available at the meeting. Aafedt agreed that motion could be made if that was the wish of the Commission.

**MOTION BY LONG, SECOND BY CHRISTENSEN, to table the Short Plat for Lots 14 and 15, Block 1, Fox Glen Subdivision, (2106 and 2112 17th Ct. W) City of Williston, until staff can clarify the means of the land transfer and whether the applicant may add the 8 foot concrete parking area he desires. CARRIED ON VOICE CALL.**

Discussion was continued among the Commission that along with clarifying the property exchange, the Commissioners would like the staff to look into whether the additional amount of concrete Slaamot proposed would be allowable.

- f. Zone change from R-1:Single Family to C-2:General Commercial for the purpose of conducting an oilfield service business in an R-1 zone on a .5 acre lot located at 110 42nd St. W, City of Williston – Petroleum Oilfield Services

Aafedt introduced the final public hearing item (as above) and asked Ressler to present. Ressler requested that the applicant's representative, Chris Leach, be put on speaker phone; he was called and joined the meeting via phone. After Ressler explained the location of the property being discussed she stated this presentation would be for a proposed zone change from R-1A: Rural Residential to C-2: General Commercial. Surrounding zoning is R-3 to the North, M-1 to the west and south and to the west it is R1-A. Ressler reminded the Commissioners that after approval of Ordinance 1016, properties under 2 acres in a certain district, which include this property, are able to be rezoned to C-2.

Ressler explained that this property is a residential property that shares a property line on the west side with a light industrial business (Holland Auto body) on the Highway 2/85 corridor and



a residential property to the east. Ressler said that when evaluating the commercial corridor, it was determined that Main St. along 42nd St would be a good boundary between commercial and residential properties, given that the properties to the south are zoned light industrial as well as those to the west. The C-2: General Commercial zone would also be more appropriate along a residential property than a light industrial zone. Ressler stated that an office use which maintains the current structure on the property appears to be a lower-impact use than allowing a rural residential use to remain next to a light industrial use.

This property would be used for a surveying company office. Ressler said that the applicant has provided have included a site plan, which needs several updates (including moving the parking along the north side of the lot to a location that does not require entering off of 43<sup>rd</sup> St). These items are noted under "Planning Comments".

At the May 4, 2015 ad hoc meeting, it was brought up that staff should contact the neighbor of the property, Paul Allard, to discuss the zone change with them. Staff contacted on Wednesday, May 13. Mr. Allard and his wife were in attendance at this meeting.

Ressler state that the ad hoc committee discussed the site plan: the eastern driveway will need to be closed, parking will be required to be provided on the site for customers, and any access, drive aisles, and parking spaces must be paved with cement or hot-mix asphalt.

The ad hoc committee also discussed that this property will need to be platted into a subplot, in order to bring it into compliance with City code. Ressler said that all properties within City limits are required to be platted.

Ressler said that the applicant must plant street trees along 42<sup>nd</sup> St. as per landscaping ordinance and will need to work with the Engineering Department to remove the east curb cut from the current circular drive. Engineering comments are that it is possible that the City may extent 43<sup>rd</sup> St. west to the Frontage Road, to serve as a Frontage Road "bulb out" onto 42<sup>nd</sup>; applicants have been made aware of this.

Ressler concluded her presentation and Aafedt opened the public hearing. Mr. and Mrs. Paul Allard spoke from the back of the room (Allard's were not physically able to speak at the podium and recording of their comments were not clear – the following is from meeting notes) Allard's first wanted clarification of the plat, how it lays out with the streets; Ressler approached them with the site plan and plat map to explain. Allard's asked about this zone change effect on their property and Ressler said it would not affect it. Allard's had complaints about drainage, ditch, culvert, a slant created in their driveway by the roadwork that was done by the City; City Engineer Hanson took the Allard's phone number and state that they would be contacted the following day to arrange for him or a member of his staff to come look at their property and see how to address the problems they brought up.

Allard's asked about whether the current structure would continue to be used stating a concern that a large building would be built next to them. Ressler asked Chris Leach for comment on the building. Leach did state that the current building will be retained with interior modifications to make it more suitable for office use but no significant structural changes would be made.

Aafedt called twice more for public hearing and asked for the wished of the Commission.

Christensen asked about access to the parking spaces as shown on the site plan. Ressler explained that is part of rearrangement required in staff comments and that they will ultimately be accessed from 42<sup>nd</sup> St. Boyeff asked about the addition of the four car garage and the access for that. Ressler said that this will also have to be accessed from 42<sup>nd</sup> St. She pointed out that at the time that the applicant applies for a building permit all of these issues will have to be addressed, all access points, parking and paving will have to be approved prior to issuance of a building permit. The Commissioners were reminded that at this time they were only being asked to approve or deny the zone change, platting and building plans would be dealt with appropriately at a later time and approved by City staff.

MOTION BY MARISTUEN, SECOND BY BOYEFF to recommend approval of the zone change from R-1:Single Family to C-2:General Commercial for a parcel of land situated in the SW1/4 SW1/4, Section 1, T154N, R101W, City of Williston, contingent on a plat being recorded. AYES: Fleck, Haugen, Christensen, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None ABSTAINED: None.

**COMMITTEE REPORT: NONE**

**UNFINISHED BUSINESS: NONE**

**NEW BUSINESS: NONE**

**DATE OF NEXT REGULAR MEETING: June 15, 2015**

**MEETING ADJOURNED.**

  
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Kent Jarcik, Williston Planning Director