

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON SEPTEMBER 21, 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:** Maristuen, Christensen, Boyeff, Haugen, Long, Aafedt.

**MEMBERS ABSENT:** (one vacant seat)

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Senior Planner; Samantha Neill, Staff Planner; Josephine Ching, Staff Planner; Christine Edwards Administrative Assistant; David Tuan, Public Works Director; Jordon Evert, Assist. City Attorney.

**DISPOSITION OF MINUTES:**

- Minutes were approved for August 17, 2015 regular meeting. MOTION BY MARISTUEN, SECOND BY CHRISTENSEN. CARRIED ON VOICE CALL.

**COMMUNICATION:**

A. Commission discussion of special permitted use renewals under Ordinance 925.

Aafedt stated that the first item under communication would be presented by assistant city attorney Evert, as a discussion on special permitted uses for man-camps and would require a recommendation to the City Commission.

Attorney Evert explained that he would be asking the Planning Commission make a recommendation to the City Commission as to whether or not to extend certain man-camp permits that were issued by the City Commission within City limits under Ordinance 925. Evert explained that the reason this matter is being brought before the Commission is that the last line of Ord. 925 states "Upon review and recommendation by the Planning and Zoning Commission the city commission will review and give a final decision". Staff intends to take this matter forward to the City Commission for review and decision on September 22, 2015.

Evert reminded the Commission that Ordinance 925 is the enabling ordinance to allow crew housing and directed the Commission to the memo in their commission packets listing the permits at issue. The permits for crew housing were limited to businesses and their employees. The original approvals have all expired; the permits of the facilities approved under Ordinance 925 were extended to December 31, 2015 by City Commission Resolution 13-127, which was adopted on September 10, 2013.

Evert stated that as part of the discussion, Kress prepared a comparison of the number of available motel rooms in Williston in 2008 (607) and the number of available rooms in 2015 (2080). Also provided was a comparison of Apartment units (842) and single family homes (4044) in 2008 and Apartment units (5704 with another 1347 under construction) and single family homes (5257 with 71 under construction) in 2015.

Evert stated that the original intention of Ordinance 925 was to provide temporary housing options for the large influx of workers coming to the area for the oil boom. The question to the

Commission; does the housing crisis exist now to the extent that it did when Ordinance 925 was enacted that would require and justify extension of the crew camp permits previously approved by Planning Commission and City Commission.

Roger Cymbaluk spoke from the audience that he understands this ordinance had a sunset clause of December 31, 2015 but he would encourage the Commission to let it go through the winter to give workers still living in the man-camps time to make other arrangements and added that the operators could not demobilize and remove the housing in the winter months anyhow.

Evert stated that special use permits granted under Ordinance 925 are limited to what is allowed in the City and that at this time he was only addressing six camps that were approved by the Planning and City Commission at the inception of Ord. 925 and that are currently in operation. Kress added that there is a seventh camp, Prairie Packing that was permitted prior to the adoption of Ordinance 925 but did go through a similar permitting process.

City Commission President Klug stated that a focus group was conducted in July 2015 in anticipation of having to make this decision in September 2015. The focus group included hotel and apartment owners and a meeting invitation was extended to crew camp operators for a meeting on September 21, 2015.

Evert made a clarification for the record of Roger Cymbaluk's statement regarding a sunset clause on Ordinance 925. Ordinance 925 itself does not have a sunset clause, the current special permitted use approvals granted under Ordinance 925 would expire, or have a "sunset clause", on December 31, 2015 but the ordinance itself would remain in place as is.

MOTION BY CHRISTENSEN, SECOND BY MARISTUEN, to recommend that the City Commission deny extension that permits for temporary workforce housing facilities approved under Ordinance 925, plus for the Prairie Packing temporary workforce housing facility, not be extended. \*\*DISCUSSION: Commission Haugen asked when the camps would have to be vacated. Evert answered that the permits say they expire on December 31, 2015 so they would have to be out then. Haugen, agreeing with Cymbaluk's suggestion, asked about giving the camp operators a later date, possibly March, to vacate the camps. Kress and Evert stated that would be a decision made the City Commission on September 22, 2015. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

B. Attorney memo regarding interpretation of landscape ordinance.

Ressler explained that the City has had multiple requests to allow artificial turf on city properties. On May 29, Planning staff held an ad hoc meeting regarding artificial turf and several other issues that have been brought to staff attention. At that meeting were Mayor Klug, Commissioner Brostuen, Dave Tuan (Director of Public Works), Planning Commissioners Maristuen and Christensen, Building Director Bill Tracy, and Planning Staff. Staff clarified that the Building and Planning Departments have had several requests to use artificial turf, but have thus far interpreted the ordinance as saying that only live turf is allowed.

During that ad hoc meeting, staff presented some options provided through research into cities that allow artificial turf to be used in landscaping. Ressler stated that it appears that in many cities, the approval process for artificial turf is onerous, and involves drainage plans for both on the proposed site and any neighbor's site, permeability of the proposed artificial turf, solid barrier devices to separate the artificial turf from live turf, appropriate trimming, information and

standards on the heat generation capabilities of the artificial turf, minimum grass pile heights, minimum weights, appropriate infill materials, and information and standards about the appropriate warranties needed for the artificial turf. Ressler added that after the meeting, staff sent an email to the City Attorney, asking for an official interpretation of Ordinance 1007. All communications were provided in Commission packets and Ressler directed the Commissioners to those.

Ressler said that if the City's interpretation against artificial turf is not approved there should be clear ordinance amendment put into place directing how artificial turf is allowed and how the Planning Commission would like to address the application for its use. An application process and inspection process would need to be created to oversee this if the Commission were to not approve the above recommendation.

The ad hoc committee determined that due to 1. the wide variability in quality and lack of ability to control that quality, 2. xeriscape options that are available in the current ordinance, and 3. our climate and growing season being more suitable to maintaining live vegetation than other arid hot regions; artificial turf is not something the City is in a position to examine or adequately address at this time, but would certainly further research at the direction of the Planning Commission.

The City Attorney has prepared an official memorandum on this subject, which is also attached to this fact sheet. This memorandum includes a resolution-style findings document for the Planning and Zoning Commission. He has examined the current ordinance and the comprehensive plan, and has found that there is no reference to anything other than live turf.

He does need an opinion from the Planning and Zoning Commission in order to verify this memo. First, the Planning Commission should decide if they are in agreement that Ordinance 1007 allows for "living ground cover" in Residential Zones and second, the Planning Commission should determine if they interpret the "landscape material" that is referenced in the Commercial sections of Ordinance 1007 as "living landscape material" based on the ordinance, the memo, and the Comprehensive Plan.

At ad hoc, the committee discussed the need for common sense in applying the landscape ordinance; one item of mention was a putting green installed in a backyard. It was maintained that this would be handled in the same manner as which a paver patio, playset, or sandbox would be handled, and would not be affected by the interpretation of the ordinance. The ordinance is intended to apply a standard set of regulations for ground stabilization. The ad hoc committee also clarified that this would not affect sports fields, such as the high school football field.

The ad hoc committee asked that there be findings for the Planning Commission to review. These are included with the City Attorney's memorandum.

The ad hoc committee also asked that if the Planning Commission agrees with the City Attorney's interpretation, then the decision should be sent to all landscapers in town.

Ad hoc committee recommended that this be presented to the full Commission. Ressler stated that with that staff believes there are three decision options that the Commission could make:

- Affirm the attorney memo that the landscape ordinance **does not** have inclusion for artificial turf;
- Affirm the attorney memo **with** further consideration for inclusion of artificial turf; or

- Direct staff to review and develop an ordinance for the use of artificial turf

Aafedt asked what brought this issue around. Ressler stated that both the Planning Department and the Building Department have had several requests to install artificial turf but did not feel that the landscape ordinance allowed for it as staff interpreted the word "turf" to mean live ground cover. After the ad hoc on this subject and asking the City Attorney to review it, his findings and interpretation was the same as the staff's.

Commissioner Christensen asked what would be done about existing artificial turf yards if the Commission affirmed the attorney memo with no inclusion for artificial turf. Ressler stated that they would be considered non-conforming.

Commissioner Long asked if people are asking for artificial turf for a whole yard. Ressler said it has been a request for either a front or back yard. Some people have just installed artificial turf, there are 3-4 front yards known of right now.

Evert addressed the Commission regarding his memo. He said that Ordinance 1007 governs landscaping and screening for commercial, industrial, institutional, government, multi-family, single-family, and two-family residential districts. Evert states that the language does differ for single-family and two-family residential districts and all others:

- Single and two-family – "shall be landscaped with grass, vegetative ground cover, or xeriscape landscaping" (xeriscape: landscaping which the plants require minimal water)
- Other districts – "shall be landscaped with grass, vegetative ground cover, shrubs, trees, or other landscape materials"

Evert said that if the Commission would have to interpret whether "other landscape material" for commercial, industrial, institutional, government, multi-family districts could include artificial turf. He stated that for the single and two-family residential it would be more difficult as that language does not include "other landscape materials" but that it does include xeriscape which is more defined toward areas like the southwest where gravel and low maintenance shrubs are used as ground cover to avoid having to water lawns and preserve water.

Evert added that when reading Ordinance 1007 and the Comprehensive Plan it appears that the City's goals and objectives have referenced some form of living ground cover. Evert stated that his recommendation, in answer to Commissioner Christensen's question, is that since there is some ambiguity in the ordinance that any decision apply from this point forward.

**MOTION BY MARISTUEN, SECOND BY CHRISTENSEN**, to affirm the City Attorney's letter of interpretation to prohibit the use of artificial turf and artificial material as a landscaping material or xeriscape to meet and satisfy the requirements found within Ordinance 1007 and the adoption of that at this meeting. **AYES:** Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. **NAYS:** None **ABSENT/NOT VOTING:** (one vacant seat). **ABSTAINED:** None.

#### **PUBLIC HEARINGS:**

- A. Zone Change from C-2:General Commercial to R-3:Lowrise Multi-family and Townhouse Residential for the north 137 ½ ft. of Lot 11, Hillcrest Subdivision, City of Williston (229 14<sup>th</sup> Ave. W, west side of 14<sup>th</sup> Ave. West between Broadway and 4<sup>th</sup> St.) – Robert and Genny Stockman

Aafedt introduced Item A of Public Hearings and asked Kress to present. Kress first clarified that although the aerial map of the subject property shows it at three lots it is in fact only one lot. He said the owners (Stockman) request a zone change from C-2: General Commercial to R-3: Low Rise Multifamily and Townhouse Residential. This zone change is requested in order to resolve a non-conforming use as the Stockmans' home sits on this lot that is currently zoned C-2. The owners wish to build a detached garage on their property but detached residential dwellings are not allowed in the C-2 zone and would be an expansion of a non-conforming use, which would not be allowed under the zoning ordinance. Single-family and two-family residences, in addition to multi-family residences, are allowed in the R-3 zone.

Kress stated that the Stockman's property is adjacent to R-3 zoning to the north, and the zone change to R-3 is consistent with Planning Department policy for this area. In 2008, the Planning Department proposed to rezone the C-2-zoned lots on this block to R-3, but there was not sufficient support from the property owners at that time.

Access to the property is from 14<sup>th</sup> Avenue West as well as an alley on the west side of the property. The property is served by public water and sewer.

At the September 8 ad hoc meeting discussion included:

**SIDEWALK:** There is no sidewalk in front of the property at this time, and no sidewalk to the north or south. The right-of-way here is narrow. A building permit would trigger the requirement for sidewalk installation. However, the City Engineer stated that he would advise the Building Department that sidewalk was not feasible in this area because of the narrow right-of-way.

Kress said that the ad hoc committee was generally in favor of approving the zone change and concluded his presentation. Aafedt called for public input from the audience.

Commissioner Boyeff questioned the lot being described as the North 137 ½ ft. of Lot 11; it was explained that is how the property was deeded and that is the legal description on record at the county recorder's office.

Genny Stockman, property owner, addressed the Commission to correct Kress' statement about alley access to her property. Mrs. Stockman said there is no alley only an 8 ft. area that is a City right-of-way for an alley that was never built. Further Mrs. Stockman said that contrary to Kress' statement that there is residential to the west, that Ryan Motors is using that area for commercial use. Stockman's are surrounded on three sides by commercial and one side by residential. Kress stated that does not change or affect anything in this matter.

After calling twice more for public input and hearing none Aafedt closed the public hearing and asked for the wishes of the board.

**MOTION BY MARISTUEN, SECOND BY LONG,** to recommend approval of the Zone Change from C-2:General Commercial to R-3:Lowrise Multi-family and Townhouse Residential for the north 137 ½ ft. of Lot 11, Hillcrest Subdivision, City of Williston, contingent on addressing all staff comments. **AYES:** Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. **NAYS:** None **ABSENT/NOT VOTING:** (one vacant seat). **ABSTAINED:** None.

B. Zone Change from R-1A:Rural Residential to M-1:Light Industrial for Lots 2 & 3, Block 1, Borsheim Subdivision, City of Williston – Noble Casing

Aafedt introduced Item B of Public Hearings and asked Neill to present. Neill stated that the applicant requests to rezone lots 2 and 3 of the Borsheim Subdivision from R-1A: Rural Residential to M-1: Light Industrial. This rezone from R-1A to M-1 would accommodate growth plans for Noble Casing, Inc. and them to rebuild the building that which burnt down last November, 2014 on the lot to the west. The applicant is requesting that Lots 2 and 3 be rezoned so they can park equipment, employee vehicles, and their Rathole or Surface Drilling operations on the lot. In the future Noble Casing plans to build a small repair/service facility on the two lots. Neill said that these uses would comply with the uses in M-1 zones. M-1 zones do not have a minimum lot size or maximum lot coverage percentage. The lots will remain vacant until the main building, on Lot 3-6, Block 4 (across ROW 17<sup>th</sup> Ave), is completed.

Neill explained that since the roads in the Borsheim Subdivision are not paved with asphalt the City would not require the applicant to pave their lots. However, they will be required to stabilize the top soil with a dust-free, mud-free surface that is approved by the City Engineer.

The lots would take access from 47<sup>th</sup> Ave W and 17<sup>th</sup> Ave. W.

Neill said that the applicant would be required to buffer the residences to the north of them with landscaping and a metal fence with pilasters. They would also be required to plant street trees along 16<sup>th</sup> Ave.

At the ad hoc meeting held on January 5, 2015 discussion included:

Right-Of-Way 17<sup>th</sup> Ave W: The applicant wanted to vacate the ROW for 17<sup>th</sup> Avenue so they could make one large lot. The City does not want to vacate the ROW at this time due to the future road connectivity plans.

**BUFFERING:** A metal fence with pilasters will have to be installed around the entire property. Landscaping to the north and street trees along 16<sup>th</sup> Ave will also have to be installed. The applicant requested that the installation of landscaping, stabilization, and fencing be tied to the building permit. Staff is ok with this but must be complete before issuance of the certificate occupancy.

**MUD-FREE AND DUST-FREE SURFACE:** Since these lots are being proposed for storage of vehicles and equipment the surface will need to be stabilized. Bob Hanson, City Engineer, will work with the applicant to come up with a stabilization plan. There are a variety of ways to stabilize the topsoil on these lots to avoid a muddy and dusty surface.

**SURFACE WATER ISSUES:** All three of Noble Casing's lots will be re-graded as to avoid surface water issues.

Neill added that the ad hoc committee recommended approval of this zone change and she concluded her presentation.

Aafedt called three times for public input and hearing none she closed the public hearing. Aafedt then asked Neill why full perimeter fencing would be required in this location. Neill said that on the north and east sides of these lots are residential and that 16<sup>th</sup> Ave. W is quite busy and she added that Noble Casing intended the lot for storage of vehicles and equipment so they want the fence for their own security as well.

Jarcik asked Neill to clarify with the applicant that they understood that a metal fence would be required and that they intended that it would be a full perimeter fence. *NOTE: At the October 13, 2015 City Commission meeting this item was presented for zone change approval. At that meeting, Neill said that staff had reviewed the full perimeter screening and decided it was only needed on the north and east side along 16<sup>th</sup> Ave. Neill stated that the applicant was aware and in agreement with that decision. City Commission approved the zone change as presented.*

MOTION BY LONG, SECOND BY BOYEFF, to recommend approval of the Zone Change from R-1A:Rural Residential to M-1:Light Industrial for Lots 2 & 3, Block 1, Borsheim Subdivision, City of Williston, contingent on addressing all staff and ad hoc comments. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

C. Zone Change from R-1:Single Family Residential to C-3:Restricted Commercial for Lot 1, Block 1, Dakota Crossing Subdivision (Mercy Medical Center Campus), City of Williston – Mercy Medical Center/Matt Grimshaw

Aafedt introduced Item C of Public Hearings and asked Neill to present. Neill said that Mercy Medical Center requests a rezone from R-1: Single Family Residential to C-3: Restricted Commercial for Lot 1, Block 1 of the Dakota Crossing Subdivision, the area of the new birthing and out-patient surgery center. Neill explained that this rezone is to accommodate another agenda item (8A) as well as to get the current building up to a more appropriate zone.

Neill stated that the building is already over the maximum allowed height limit for R-1 zone (35 ft.) without the cell antenna addition that will be presented later (Agenda item 8A). The cell antenna would make the building ~66 feet tall. The zone change to C-3: Restricted Commercial would allow the principal building to be a maximum of 100 feet tall. It would also allow the lot to have more signage options. The existing uses on this lot fit into the allowable uses in C-3 zones. This zone change would also fit into the future land use plan.

Access to this lot is from Gate Street.

The City is working with the CEO of Mercy Medical Center, Matt Grimshaw, to create a Planned Unit Development (PUD) for the medical campus. This will only include the existing medical facilities on the campus. The current medical campus does not meet the development standards. Neill said for now, we are just looking at the rezone of Lot 1 to accommodate a proposed cell tower. Neill said the cell tower is necessary due to the lack of cell service on the campus. Verizon wanted to locate on this building so they could cover up shortages in the area. Neill explained that the cell tower will be added on top of the existing building, thus requiring a zone change in order to meet the height restrictions.

Neill said that this was discussed at an ad hoc committee meeting on September 8th, 2015 and the committee did not have any comments on the rezone. Neill concluded her presentation.

Aafedt asked if this zone change was being requested because it is more appropriate or if it is only being requested for the cell tower. Neill stated that the City is working with the hospital administration to rezone the whole Mercy Medical complex to be more appropriately zoned regardless of the cell tower SPU.

MOTION BY BOYEFF, SECOND BY HAUGEN to recommend approval of the Zone Change from R-1:Single Family Residential to C-3:Restricted Commercial for Lot 1, Block 1, Dakota Crossing Subdivision (Mercy Medical Center Campus), City of Williston, contingent on meeting all staff and ad hoc comments. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

- D. Preliminary Plat to rearrange Lots 1-24 and Zone Change, from M-1:Light Industrial to C-2:General Commercial for Lots 13-24, Block 10, Wittmeier Addition to the City of Williston – D&E Rentals, LLC/John Biggs

Aafedt introduced Item D of Public Hearings and asked Kress to present. Kress explained that the proposed plat depicts Block 10 of the Wittmeier Rearrangement with all the existing lot lines removed to create a single lot (24 smaller lots). The applicant also requests a zone change from M-1: Light Industrial to C-2: General Commercial for the southern half of this lot (Lots 13-24). Kress reminded the Commissioners that the zone change will not become effective until the new plat is recorded.

Kress said the lot is occupied by a retail building and part of the Delaney Distributing company. The property owner intends to add a wholesale warehouse to the property and an additional retail building along 2<sup>nd</sup> Street West. The uses that the applicant proposed for this lot are permitted uses in the C-2: General Commercial zone.

The property has access from 2<sup>nd</sup> Street West, 1<sup>st</sup> Street West, 6<sup>th</sup> Avenue West, and 7<sup>th</sup> Avenue West. The property is served by public water and sewer.

Discussion at the September 8, 2015, ad hoc meeting included:

**SITE PLAN; CURB ALONG 7<sup>th</sup> AVENUE WEST; FIRE DEPARTMENT ACCESS; FIRE SPRINKLER FOR WAREHOUSE; PARKING AND ACCESS TO THE PROPOSED BUILDINGS FROM THE PARKING LOTS.**

Kress said that this plat will be handled a little differently from normal in that it will only be presented to the City Commission one time as a preliminary plat and will not go back as a final plat. Commissioner Haugen asked Kress why? Kress said that since the applicant is really only removing the internal lot lines there is really no need to take it to a second City Commission hearing.

Maristuen asked about access as discussed at ad hoc from the parking lot to the building. John Biggs, project engineer, said that there would be no problem with that and added that from a design stand point it may be easier to have two entrances to the building to make the parking more accessible. Biggs stated that he will work that out at the time of the building permit. Maristuen stated that he felt the current curb cuts being right on the corners were not the best idea. Biggs said that considering they will be parking behind the building he is confident that access could be worked out.

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



MOTION BY MARISTUEN, SECOND BY LONG, to recommend approval of the Zone Change from M-1:Light Industrial to C-2:General Commercial for Lots 13-24, Block 10, Wittmeier Addition to the City of Williston, contingent on recordation of the plat. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

MOTION BY MARISTUEN, SECOND BY BOYEFF, to recommend approval of the plat to rearrange Lots 1-24, Block 10, Wittmeier Addition to the City of Williston, contingent on addressing all staff comments and addressing front access with staff. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

E. Short Plat to create 3 lots, Lot 1, Block 1, Sundown 1<sup>st</sup> Addition, City of Williston – Rhavon LLC/City Center LLC/Sean Reid

Aafedt introduced Item E of Public Hearings and asked Ressler to present. Ressler said that the applicant as submitted a short plat for Lot 1, Block 1 of the Sundown 1<sup>st</sup> Addition and is zoned C-3:Restricted Commercial. The current lot, which contains 1.86 acres, is proposed to be split into 3 lots of .75 acres, .44 acres, and .51 acres. The remainder of the lot is intended to be dedicated by separate instrument to the City of Williston for the purpose of expanding the right of way available for 11<sup>th</sup> St W.

Ressler said that the developer is in the process of adding 2 more water and sewer lines. Access to individual lots will be onto the frontage road.

The west and north sides of the property include necessary retaining walls. The applicant has provided a concept for a retaining wall that includes a part natural grass wall.

Ressler stated that at the ad hoc meeting held on September 8, 2015, the committee discussed that an agreement, similar to a development agreement, should be in place to maintain the concept approved for the retaining wall; to ensure that water lines are placed into the future lots 2R and 3R; and to clarify that the existing development agreement for the Sundown 1<sup>st</sup> Addition still applies to the three created lots. Staff will work with the City Attorney and the City Engineer to create this agreement.

The committee also discussed the necessary dedication for 11<sup>th</sup> St to the City which will be presented by Planning Staff to the City Commission.

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

Commissioner Boyeff questioned the retaining on the west side and whether it had already been approved. Ressler stated that the north retaining wall it built and approved but the west wall will go down into the creek so will not be seen from the highway. It is not built and the applicant is in the process of working with the City Engineer for approval. Frank Keogh, representing the Hagan family commented from the audience that the west retaining wall needs significant, durable strength to hold the roadway and development back.

Aafedt called twice more for public input and hearing none closed the public hearing and asked for the wishes of the Commission.

MOTION BY HAUGEN, SECOND BY CHRISTENSEN, to approve Short Plat to create 3 lots, Lot 1, Block 1, Sundown 1<sup>st</sup> Addition, City of Williston, contingent on addressing all staff comments and City Engineer approval of the west retaining wall. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

- F. Short plat to rearrange Lots 5 & 6, Block 5, Creekside Subdivision, City of Williston (1544 Creekside Dr. W) – Terry Tofte/Westrums Land Surveying, Inc.

Aafedt introduced Item F of Public Hearings and asked Neill to present. Neill stated that the applicant requests a Short Plat for the rearrangement of Lots 5 and 6, Block 5 of the Creekside Ridge Subdivision. Both lots are zoned R-1: Single Family Residential. Lot 6 is currently 0.22 acres and the owner is requesting the short plat to gain another 0.02 acres from the adjacent lot 5. The approval of this short plat will create two lots that are both 0.24 acres.

Neill said that if this short plat is approved both of these lots will continue to meet all of the R-1 zoning development standards that they currently do.

This subdivision has CC&R's (codes, covenants, and restrictions), that the City does not enforce, however the Creekside Ridge Subdivision Board approves this lot line adjustment. Neill pointed out that a letter from the board is attached in the Planning and Zoning Commission packets. Further, staff has received a letter from both owners agreeing to the lot line adjustment.

Neill said that this item was presented at the ad hoc meeting held on September 8th, 2015, and that the committee had no comment and was in favor of approving this short plat. Neill concluded her presentation.

Aafedt opened the public hearing and asked for public input. After calling for input three times and hearing none she closed the public hearing and asked for the wishes of the Commission.

MOTION BY MARISTUEN, SECOND BY LONG to approve the short plat to rearrange Lots 5 & 6, Block 5, Creekside Subdivision, City of Williston, contingent on addressing all staff comments. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

- G. Preliminary Plat for 67.67 total acres and Zone Change from Agriculture to C-2:General Commercial for 26.25 acres and from Agriculture to M-1:Light Industrial for 27.85 acres. To be known as Iron Point subdivision located in the SW1/4, Sec. 20, T154N, R101W, City of Williston – Iron Point West/CSC General Contractors, Inc.

Aafedt introduced Item G of Public Hearings and asked Ressler to present. Ressler stated that this application is for a zone change and subdivision of Iron Point Park Subdivision. Ressler reminded the Commission that this property has been through the preliminary plat and zone change process previously. However, though the City had previously approved a proposed traffic signal to be placed at the Schlumberger entrance on the east side of the property, the NDDOT was given final approval of that placement. During the summer of 2015, meetings were held with the developer, the City, Williams County, Williston Township, and the NDDOT. It was agreed at the August 19, 2015, meeting that all parties were in agreement to support a signal placed at 140<sup>th</sup> St. At that same meeting, it was agreed that improvement and maintenance costs associated with 140<sup>th</sup> would be worked out through further discussions among the City, County, and Township (this is still in progress).

The signal would be placed at 140<sup>th</sup> at such time as warrants for a signal are met. Ressler said that the preliminary plat and areas to be zone changed are different than previous plats in order to accommodate the agreed upon change to the traffic signal location. An entrance to the plat remains at the Schlumberger entrance, and that road, which will be 60<sup>th</sup> Ave W, continues to the north side of the plat. 60<sup>th</sup> Ave NW will need to be paved. There is a road which connects the gravel road behind Schlumberger to 140<sup>th</sup>. This will need to be paved and connected to the gravel road. Iron Point Avenue runs from 60<sup>th</sup> Ave W to 140<sup>th</sup> Ave NW on the south side of the plat. This will need to be paved as well.

The Developer will provide water and sewer to the entire plat.

Ressler stated that access from individual lots onto 140<sup>th</sup> Ave NW would be as follows: Lots 2-5 of Block 2 will access 140<sup>th</sup> directly. Lots 1 and 6 of Block 2 will access Iron Point Ave and 4<sup>th</sup> St W, respectively. If those two lots need to access 140<sup>th</sup>, they would do so through a shared access agreement with Lot 2 and Lot 5.

Detention for the site will be through Lot 4, Block 1, which is an existing wetland. This site will need to be appropriately landscaped and maintained, as well any additional ponds, which is to be worked out with the City Engineer.

Road widths throughout the subdivision are as follows:

80' Right of Ways will be provided for Iron Point Ave, 4<sup>th</sup> St W, and 60<sup>th</sup> Ave W.

60<sup>th</sup> Ave W through the northern side of the intersection with Iron Point Ave, and Iron Point Ave will be constructed with a 42' wide back of curb street. 60<sup>th</sup> Ave W north of Iron Point Ave and 4<sup>th</sup> St W will be constructed to a standard 38' back of curb.

Ressler said that a zone change has been requested to allow the southern properties and western properties to change from A: Agricultural to C-2: General Commercial. The north eastern properties (lots 7-13 of Block 2) are requested to change from A: Agricultural to M-1: Light Industrial. Both of these changes are in line with the comprehensive plan and previous zone change requests associated with this property.

There were several ad hoc meetings held on this property, which included the City, City Commissioners, Williston Township, the NDDOT, and Williams County. The plat and zone change request are a result of those meetings. Although, Ressler pointed out, this item was not discussed at the regular ad hoc on September 7, 2015.

Ressler concluded her presentation and Aafedt opened the public hearing asking for audience input.

Commissioner Haugen stated that as a part of the previously approved plat there had been a zone change request to allow for a Pilot gas station and the Commission was concerned about it bringing semi-trucks into the City rather than using the truck by-pass. Chris Puchalla, the applicant, stated that his company had lost their agreement with Pilot and that they would no longer be building in Iron Point.

Commissioner Boyeff asked about utility easements in the area. Puchalla said that MDU is currently overhead but is working on getting them down and running them underground. Further, Puchalla said there is an overall utility plan worked out with the City Engineer. Boyeff reminded that those need to be shown on the plat.

Aafedt made a third and final call for public input. Bob Horab made a simple statement of support of this project and the improvements it would make to 140<sup>th</sup> St and thanked all who worked to get that in place. Aafedt closed the public hearing and asked for the wishes of the Commission.

MOTION BY LONG, SECOND BY CHRISTENSEN, to recommend approval of the Zone Change from Agriculture to C-2:General Commercial for 26.25 acres and from Agriculture to M-1:Light Industrial for 27.85 acres located in the SW1/4, Sec. 20, T154N, R101W, City of Williston, contingent on plat recordation a Development Agreement and addressing all staff comments. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

MOTION BY CHRISTENSEN, SECOND BY BOYEFF, to recommend approval of the Preliminary Plat for 67.67 total acres to be known as Iron Point subdivision located in the SW1/4, Sec. 20, T154N, R101W, City of Williston, contingent on addressing staff comments and a Development Agreement with project specific provisions. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None

H. Short Plat to rearrange Lots 4 & 5 of the First International Bank Plaza, City of Williston (east of Homestay and south of Outlaws restaurant) – Dr. Robert Howard/Mark Schneider, LJA

Aafedt introduced Item H of Public Hearings and asked Neill to present. Neill stated that the applicant requests a short plat for a lot rearrangement of Lot 4, Block 1 of the First International Bank Plaza. The rearrangement would take 8,244 square feet from Lot 4 and give that to Lot 1, Block 1 of the First International Bank Plaza. The existing lot is vacant except for 20 parking spaces that the Home Place Lodge and Suites uses. Neill said the rearrangement of this lot would give the hotel those existing 20 spaces and separate Lot 4 for the future creation of a parking lot. The hotel (lot 1) is separated from the rest of their parking by an access easement. A medical lab facility is proposed on Lot 5 of the First International Bank Plaza but will need to use Lot 4 for parking since they cannot provide enough on Lot 5. If this short plat is approved, Lot 4 will be .062 acres used for parking.

There is no minimum lot size in C-2: General Commercial. This lot will take access from 13<sup>th</sup> Ave W and 15<sup>th</sup> St. W.

At the ad hoc meeting was held on September 8<sup>th</sup> 2015, discussion included:

EXPLANATION OF THREE PROJECTS:

1. Short Plat: Rearrangement of Lot 4, Block 1 to accommodate parking for the proposed medical building on Lot 5. This short plat will rearrange the parking lot so the hotel can keep the 20 parking spaces for their use and the future medical facility can use the rest of the parking lot for their employees and customers. The hotel (lot 1) is separated from the 20 parking spaces by an access easement.
2. Parking Modification: The Planning and Zoning Commission will have to review the applicant's request to have off-site parking. The medical facility (lot 5) will not have enough parking spaces that are required for that building. If approved, they will be turning Lot 2 into a parking lot to accommodate for the medical facility required parking spaces.

3. SPU for a Parking Lot: Parking lots shall be considered for special permitted uses in C-2 zones.

CURB CUT: Since Outlaws has a parking lot with a curb cut directly to the north there was discussion on if they should use the same entrance or if the proposed parking lot should have a separate curb cut. The City Engineer suggested the applicant have a conversation with Outlaws regarding the sharing of the existing curb cut. Neill said that the applicant has done this and there is an agreement in the works for a shared curb cut.

LOT 5 (Proposed Medical Lab): There was a lot of discussion regarding the access onto Lot 5. Because this plat will not affect Lot 5, this discussion can be continued at the time of the building permit.

Neill made a quick review of staff comments as stated in the Commission packets and concluded her presentation and stated that the engineer, Mark Schneider of LJA, was available for questions. Aafedt opened the public hearing and asked for any input.

Commissioner Long asked about a cross walk from the Lot 4 parking lot to the building on Lot 5 across the main road; would it be signed or just striped. City Commission President Klug answered from the audience that Public Works has been very good about signage and lighting and whatever is warranted in this regard will be taken care of by that department.

After calling three times for public input and hearing none, Aafedt closed the public hearing and asked for the wishes of the Commission.

MOTION BY LONG, SECOND BY CHRISTENSEN, to approve the short plat to rearrange Lots 4 & 5 of the First International Bank Plaza, City of Williston, contingent on addressing all staff comments. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

- I. Ordinance 1025: update to Section 21: C-3: General Commercial and Section 22: M-1: Light Industrial regarding downtown building materials

Aafedt introduced Item B of Public Hearings and asked Ressler to present. Ressler reminded the Commission that the City has had in place a moratorium over the last 18 months which disallows metal building materials and materials inconsistent with the Downtown Plan to be used in construction in the Downtown area. The intent of the moratorium was to prevent new buildings inconsistent with the Downtown Plan from being constructed prior to more permanent design guidelines being put in place with the Unified Development Code. Ressler said that the UDC is still in the final review stages, however, and the most recent version of the moratorium, Ordinance 1004, is about to expire. On the direction of the City Attorney, planning staff has prepared an ordinance update that would apply to the C-3: Restricted Commercial and the M-1: Light Industrial zones within the Downtown Area, as defined by the Downtown Plan. Ressler said that residential zones will not be affected by proposed Ordinance 1025.

The ordinance updates would prohibit industrial metal siding, such as corrugated metal, residential vinyl or metal siding, pole buildings, and buildings with designs inconsistent with the Downtown Plan. Ressler stated that it would allow metals that are used as architectural accents in a manner that meets the goals of the Downtown Plan (provided in Commission packets).

At the September 8, 2015 ad hoc, the committee discussed the need for the ordinance to allow metal accents and a need for clarity in the difference between pole barn style buildings and metal buildings that are in line with the Downtown Plan. Ressler said the committee directed staff to work with the attorney on wording, the outcome of which is what was being presented now. Ressler directed the Commission to proposed Ordinance 1025 in their packets.

Ressler stated that this would only apply to new buildings but existing buildings that apply for a building permit to expand or make substantial updates they would have to comply as well. She stated that there are materials designed to cover existing buildings which is slightly more expensive but there is an option and reminded that the Comprehensive Plan to provide a nicer look in the downtown area and was supported by the community at large.

Aafedt opened the public hearing and asked for any public input.

Roger Cymbaluk brought up a specific building in the downtown area that is metal clad, built after 2010, and asked how that was ok before but would not be allowed under this proposed ordinance. Assistant City Attorney Evert stated that the current Downtown Plan was only adopted in 2014; prior to this the 2010 Comprehensive Plan stated "metal **could** be prohibited except as an accent...". Ressler added that building is considered non-conforming but that should the owners of that building wish to make substantial changes they would then be required to remove or cover the metal exterior.

After a third and final call for public input, Aafedt closed the public hearing and asked for the wishes of the Commission.

Boyeff asked if with the UDC whether the City was looking at rezoning the Downtown district and would that change what is in the packets at this meeting. Ressler said that the City is looking at core downtown district and a supporting district and that they would look to zone those to an appropriate zoning.

Boyeff asked specifically about buildings along the railroad tracks and if they were to expand if they would have to cover all metal all the way around or just the side facing the street. Ressler reminded that an existing structure could remain but that they would be required to cover any metal siding that could be seen from a street. Boyeff asked if Ordinance 1025 were to be adopted if it would be reflected in the UDC or would be re-written; Ressler said that it may be slightly re-worded in the UDC but would otherwise fully be reflected in the UDC.

MOTION BY CHRISTENSEN, SECOND BY MARISTUEN, to recommend to the City Commission approval of Ordinance 1025: update to Section 21: C-3: General Commercial and Section 22: M-1: Light Industrial regarding downtown building materials. **\*\*DISCUSSION:** Commissioner Haugen questioned section E(4)(2) and asked if this ordinance applies only to downtown area and how SPU's for things like junkyards come into play. Ressler explained that section E(4)(2) is already in the ordinance for M-1 zones and that proposed Ordinance 1025 does not affect that. Beyond that Ressler said that if someone applied for an SPU such as a junk yard in an industrial zone in the Downtown area the staff and Commission would just have to review it to decide whether it fit the goals of the Downtown Plan. Jarcik explained that with a development of Downtown core District and Downtown Supporting District the UDC may reflect an M-1 Downtown zone, and also a C-4 and C-4A but that the staff is not at that point yet. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

**COMMITTEE REPORT: NONE**

**UNFINISHED BUSINESS:**

- A. Short plat for rearrangement of an 11.91 acre parcel in the SW1/4NW1/4 of Section 22, T154N, R101W, into two sublots, north of Hwy 2/85 and east of 27th Ave W and a zone change for the entire property from A: Agricultural to C-2: General Commercial - Martin Reiger/Jeff Ames

Kress stated that staff would ask that item 7A remain tabled at the request of the applicant. MOTION BY LONG, SECOND BY HAUGEN, to table Item A of Unfinished business. CARRIED ON VOICE CALL.

- B. Short plat for rearrangement of Lots 1 and 4 of the Gilmore Inlots Subdivision and Lots 1, 2, and 3 of the LeDosquet Addition Subdivision, located between 2nd St W and Broadway, on 2nd Ave W, containing about .96 acres - William Rudolph, Opportunity Foundation, John Andelin/Westrum's Land Surveying

Aafedt introduced Item B of Public Hearings and asked Kress to present. Kress first noted that a version of this plat was tabled at the July and August Planning Commission meetings while staff attempted to contact and gain written consent from a third property owner, John Andelin. That could not happen so the plat has been revised to remove Lots 2 and 3 of the Gilmore Inlots addition from the plat as these lots, belonging to John Andelin, are not being changed by the plat.

The plat proposes a re-arrangement of Lots 1, 2 and 3, Block 8, LeDosquet Addition; Lots 1 and 4, Gilmore Inlots. Only Lots 1 and 4 of the Gilmore Inlots will change; they are depicted on the plat as Lots 1R and 2R. Both of these lots are owned by William Rudolph.

The entire area of the plat is zoned C-2: General Commercial. No zone change is proposed.

Kress explains that this plat corrects what the City Engineer described as "a multiplicity of things in here that are not right" including rights of way along West Broadway and 2<sup>nd</sup> Avenue West and a current gap of 10 feet between the property lines of Gilmore Inlots Lot 4 (Lot 2R of this plat) and Le Dosquet Addition Lot 3.

No access from public streets or access to water or sewer will change. The alley depicted in Block 8 of the Le Dosquet Addition did not carry through to 2<sup>nd</sup> Avenue West in the original plat, recorded in 1908. Kress said that the terminus of the alley shown on the current plat is the one shown on the original.

A dedication of right of way along West Broadway was accepted by the City Commission at their meeting of July 14, 2015. This dedication dedicates approximately 831 square feet that is currently sidewalk and boulevard along West Broadway that had not been previously dedicated. Kress stated that reference to this dedication document will appear on the final version of this plat.

Kress told the Commission that this item was originally discussed at the ad hoc meeting held on July 6, 2015 and the ad hoc committee did not have any comment. He added that City Engineer Hanson has approved the plat as presented and concluded his presentation.

Although this matter appeared under unfinished business, a public hearing was never officially held therefore it was opened up for public input. After calling three times for public input and hearing none, Aafedt closed the public hearing and asked for the wishes of the Commission.

MOTION BY MARISTUEN, SECOND BY LONG, to approve the short plat for a rearrangement of Lots 1 and 4 of the Gilmore Inlots Subdivision and Lots 1, 2, and 3, Block 8 of the LeDosquet Addition Subdivision, City of Williston, contingent on addressing all staff comments. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

- C. Special Permitted Use - Jarold 1 and 2 site, for the expansion of an existing well pad to accommodate three addition wells and associated standard equipment on the Jarold 1 and 2 site, south side of 84<sup>th</sup> Street, east of Highway 2/85 - StatOil, applicant/Kathleen F. Smith, property owner

Aafedt introduced Item C of unfinished business and asked Kress to present. Kress stated that the applicant requests a special permitted use (SPU) for the expansion of an existing well pad to accommodate three addition wells and associated standard equipment. Further he said that the next item, Item D of unfinished business, is a nearly identical special permitted use permit request but for a separate pad. Kress will present both of these requests together but reminded the Commission that they will need two separate motions.

These sites are known as the Jarrold 1 and 2 and Jarrold 3 and 4 sites, the requests are to add three wells to each pad. Kress said that access to the sites is existing and is provided by two gravel driveways, each approximately 230 feet long, providing access from 84<sup>th</sup> Street West. At this time, 84<sup>th</sup> Street West is a gravel road but it is the City's intent to improve this road in 2015.

Gas is piped from the facility; no flaring is expected unless a situation arises of the gas pipe being temporarily at capacity. Once the well is establish, the applicant expects there to be minimal daily traffic, as oil, water, are also piped.

Kress said that this item was discussed by the ad hoc committee at the meeting held on May 4, 2015; discussion included:

#### STATOIL'S COST PARTICIPATION IN IMPROVEMENT OF 84<sup>th</sup> STREET

The committee discussed whether StatOil, though not a surface owner, would need to participate in the cost of the paving (that is, not including water and sewer) 84<sup>th</sup> Street.

Kress said that the committee directed that, once the City Engineer had some definite cost estimates for the paving of 84<sup>th</sup> Street, staff and City Commission representatives would meet with StatOil and discuss cost participation.

At the September 8, 2015 City Commission meeting, that Commission discussed a proposal by Commissioner Bekkadahl that the City set up a permit fee application process as part of the SPU that the Planning Commission can review and in that language the oil company would pay either a \$10,000 per well contribution to the road damage or a \$50,000 per spacing unit permit fee regardless of number of wells placed in that unit. This is only within the City limits, not the ETJ and only involving permanent road structures. The City Commission voted to direct the City Attorney to research and review this proposal. This would be a Road Damage Agreement.



Kress stated that if the Commission would vote to approve this SPU, the approval would be contingent on the applicant paying the required fee that results from the City Commission decision, expected on September 22, 2015.

MOTION BY HAUGEN, SECOND BY MARISTUEN, to approve the Special Permitted Use request for the expansion of an existing well pad to accommodate three addition wells and associated standard equipment on the Jarold 1 and 2 site located south side of 84<sup>th</sup> Street, east of Highway 2/85, City of Williston, contingent on addressing all staff and ad hoc comments and StatOil's participation in cost sharing for paving a portion of 84<sup>th</sup> St. W. as will be decided on by the City Commission on September 22, 2015. AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

\*\*Boyeff asked about StatOil's willingness and agreement to the cost sharing for the roadway stating that in the past an SPU has been granted with this contingency and it became an issue. Evert stated that it was his understanding that StatOil has been working with and in agreement with City Commissioner Bekkadahl to participate in a Road Damages Agreement tentatively described as: either a \$10,000 per well contribution to the road damage or a \$50,000 per spacing unit permit fee regardless of number of wells placed in that unit. Evert stated that this would be presented and voted on at the City Commission meeting on September 22, 2015.

City Commission President Klug added that land owner's would be assessed special assessment fees for water and sewer, the roadway improvement costs will be assisted by the Road Damage Agreement fees and by oil and gas taxes.

- D. Special Permitted Use - Jarold 3 and 4 site, for the expansion of an existing well pad to accommodate three addition wells and associated standard equipment on the Jarold 3 and 4 site, south side of 84<sup>th</sup> Street, east of Highway 2/85 - StatOil, applicant/Kathleen F. Smith, property owner

Kress presented this request in conjunction with Item C of unfinished business above.

MOTION BY MARISTUEN, SECOND BY HAUGEN, to approve the Special Permitted Use request for the expansion of an existing well pad to accommodate three addition wells and associated standard equipment on the Jarold 3 and 4 site located south side of 84<sup>th</sup> Street, east of Highway 2/85, City of Williston, contingent on addressing all staff comments and StatOil's participation in cost sharing for paving a portion of 84<sup>th</sup> St. W. as will be decided on by the City Commission on September 22, 2015 AYES: Haugen, Maristuen, Christensen, Boyeff, Long, Aafedt. NAYS: None ABSENT/NOT VOTING: (one vacant seat). ABSTAINED: None.

#### **NEW BUSINESS:**

- A. Special Permitted Use request for a cellular antenna and radio shelter addition to Mercy Medical Center, City of Williston – Buell Consulting/Brandon St. Michael

Aafedt introduced Item A of new business (as above) and asked Neill to present. Neill stated that the applicant requests a special permitted use for a cellular tower on top of an existing building as well as a ground unit.

Verizon is proposing a cellular antenna and radio shelter addition to the building on Lot 1, Block 1 of the Dakota Crossing Subdivision. This cellular antenna will be enclosed by material as to not be visible from the outside of the building. The material has to be able to receive radio waves so it will not be made of brick, but a brick-looking material to match the existing façade on the building. Neill said that the addition of this antenna will put the building's total height at about 66 feet.

The ground unit will sit on the north side of the building, south of the helicopter pad. The ground unit will be surrounded by a vinyl fence as well as landscaping on the north and west side. Neill said that staff has received an email agreement from the life flight helicopter pilots that neither the additional height from the antenna or the ground unit will affect their flight pattern. It was requested however that the ground unit be well lit to accommodate the pilots navigation.

This item was presented at the ad hoc meeting held on September 8th, 2015. It was explained that this would be what is called an array tower. Neill said there is a drop zone on the Mercy Medical Campus; this is a compromise between Mercy and Verizon so the drop zone is covered as well as the surrounding area. Verizon couldn't put up a freestanding cell tower in this area due to the helicopter paths so this antenna on the building is a compromise for the two parties.

Commissioner Haugen questioned whether or not cell phones were to be used in the hospital. Hospital administrator, Matt Grimshaw, said that with few exceptions (Critical care units, OR) cell service is actually needed in the hospital. He stated that much of their internal communications need cell service and that either they add a tower like the one proposed or they have then entire building wired for cell service.

MOTION BY LONG, SECOND BY MARISTUEN, to approve the Special Permitted Use request for a cellular antenna and radio shelter addition to Mercy Medical Center, City of Williston, contingent on addressing all staff comments and having the ground unit as well lit as possible. AYES: Haugen, Maristuen, Christensen, Boyeff, Aafedt. NAYS: None ABSENT/NOT VOTING: None (one vacant seat). ABSTAINED: None.

- B. Request to use remote parking lot to fulfill required parking spots for proposed new building, Lot 4, First International Bank Plaza – Dr. Robert Howard / Mike Schneider, LJA

Maristuen introduced Item B of new business (as above) and asked Neill to present. Neill said the applicant requests a parking modification to use parking on a remote lot to fulfill parking requirements. The proposed parking lot would be located on Lot 4, Block 1 of the First International Bank Plaza. The proposed building, to be located on Lot 5, is 8,000 square feet and would need 32 parking spaces based on the 1 space per 250 square foot ratio. Ordinance 963 of the City of Williston states that parking on a remote parking lot may be granted by the Planning and Zoning Commission to accommodate for a portion of the required parking consistent with findings listed in the Commission packets.

This parking lot would be for the employees and customers of the future medical lab facility on Lot 5. The medical lab facility will not be able to fit all of their required parking on Lot 5 so Lot 4 will be designated as a parking lot to accommodate the lack of parking.

Neill added that the proposed medical lab facility would have enough parking on Lot 5 with the building but allowing the remote parking will assure that should the medical lab facility ever become another commercial use that parking will be available to accommodate those needs.

The parking lot will be accessed from 13<sup>th</sup> Ave W and 15<sup>th</sup> St W. The applicant would have to follow the Landscaping Ordinance 1007 by providing landscaping inside the lot as well as parking lot screening and street trees.

\*\*Commissioner Aafedt had to leave the remainder of the meeting, Commissioner Maristuen as vice-president chaired the last items on the agenda.

MOTION BY BOYEFF, SECOND BY CHRISTENSEN, to approve the parking modification request to use remote parking to fulfill required parking requirements for proposed new building, future Lot 2R, First International Bank Plaza, City of Williston, contingent on addressing all staff and ad hoc comments and that Lot 5 and future Lot 2R are tied together so as to not be able to be sold individually in the future. AYES: Haugen, Christensen, Boyeff, Long and Maristuen. NAYS: None ABSENT/NOT VOTING: Aafedt and (one vacant seat). ABSTAINED: None.

- C. Special Permitted Use request for a parking lot in the C-2:General Commercial zone, future Lot 2R, First International Bank Plaza – Dr. Robert Howard / Mike Schneider, LJA

Aafedt introduced Item C of new business (as above) and asked Neill to present. Neill stated that the applicant requests a special permitted use for a parking lot on Lot 4, Block 1 of the First International Bank Plaza. In the Zoning Ordinance a parking lot can be considered by the Planning and Zoning Commission as an acceptable use in a C-2 zone with a special use permit. Neill said that this parking lot would be for the employees and customers of the future medical lab facility on Lot 5. The medical lab facility will not be able to fit all of their required parking on Lot 5 so Lot 4 will be designated as a parking lot to accommodate the lack of parking.

The parking lot will be accessed from 13<sup>th</sup> Ave W and 15<sup>th</sup> St W. The parking lot will have to follow the Landscaping Ordinance 1007 by providing landscaping inside the lot as well as parking lot screening and street trees.

MOTION BY HAUGEN, SECOND BY BOYEFF to approve the Special Permitted Use request for a parking lot in the C-2:General Commercial zone, future Lot 2R, First International Bank Plaza, City of Williston, contingent on addressing all staff comments and recordation of the plat. AYES: AYES: Haugen, Christensen, Boyeff, Long and Maristuen. NAYS: None ABSENT/NOT VOTING: Aafedt and (one vacant seat). ABSTAINED: None.

- D. Payment in lieu request by First National Bank for 101 E Broadway.

Aafedt introduced Item D of new business (as above) and asked Ressler to present. Ressler said that this application utilizes Ordinance 998, which changes the parking requirements downtown and allows an option for a downtown development to pay cash in lieu of providing required parking spaces, provided that they can show a good faith effort to provide as much of the required parking as possible on site. That ordinance is attached to this fact sheet.

The project needs 10 spaces to meet the parking requirement for the building. First National Bank requested of the Parking Authority and Planning Commission to pay in lieu of providing 5 spaces in their new project at the corner of Broadway and 1<sup>st</sup> Ave W. The Parking Authority approved a request for 5 spaces at their August 12, 2015 meeting. The Planning and Zoning Commission approved a request for 5 spaces at their August 17, 2015 meeting.

Ressler reminded the Commission that they approved the first request for payment in lieu contingent on the applicant obtaining an easement from the property to the east to allow enough space to back a car out of the easternmost space. The applicant worked with the property owner to the east but could not come to an agreement on an easement. The applicant therefore returned to the Parking Authority at a special meeting on September 15, 2015, and requested to pay in lieu of one more space (6 spaces in total), in order to use what could have been a 5<sup>th</sup> space as an area for turning around in the parking lot. Ressler said that the Parking Authority approved this request and recommended to the Planning Commission approval of said request. Under the ordinance, as a new development, the developer would pay \$15,000 per un-provided space. The total for this project is \$90,000 which would be paid at time of building permit and would go toward the parking authority budget.

MOTION BY LONG, SECOND BY CHISTENSEN to approve the request to pay in lieu of providing 6 spaces from First National Bank Trust for a building to be located on the NE corner of Broadway and 1<sup>st</sup> Ave. E, with \$90,000 payable to the Parking Authority due at the time of building permit issuance. AYES: AYES: Haugen, Christensen, Boyeff, Long and Maristuen. NAYS: None ABSENT/NOT VOTING: Aafedt and (one vacant seat). ABSTAINED: None.

**DATE OF NEXT REGULAR MEETING:** October 19, 2015

**MEETING ADJOURNED.**

  
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Kent Jarcik, Williston Planning Director

**APPENDIX**  
to the  
**September 21, 2015 PLANNING AND ZONING COMMISSION MINUTES**

- A. Special Permitted Use - Jarold 1 and 2 site, for the expansion of an existing well pad to accommodate three addition wells and associated standard equipment on the Jarold 1 and 2 site, south side of 84<sup>th</sup> Street, east of Highway 2/85 - StatOil, applicant/Kathleen F. Smith, property owner
- B. Special Permitted Use - Jarold 3 and 4 site, for the expansion of an existing well pad to accommodate three addition wells and associated standard equipment on the Jarold 3 and 4 site, south side of 84th Street, east of Highway 2/85 - StatOil, applicant/Kathleen F. Smith, property owner
- C. Special Permitted Use request for a cellular antenna and radio shelter addition to Mercy Medical Center, City of Williston – Buell Consulting/Brandon St. Michael
- D. Special Permitted Use request for a parking lot in the C-2:General Commercial zone, future Lot 2R, First International Bank Plaza – Dr. Robert Howard / Mike Schneider, LJA